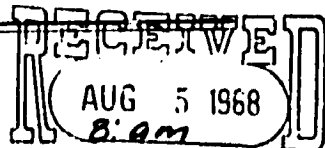


1605.3

1. Considered 9-24, 1968
2. Name of Applicant FRED ASSAM
3. Post Office Address SIOUX FALLS
4. Amount of water claimed 15.6 AC. FT. ANNUALLY
5. Source of water supply DRY DRAW
6. Water to be used for FISH POND  
Acres to be irrigated \_\_\_\_\_
7. Water to be diverted and used in MINNEHAHA county  
about 4 miles E of SIOUX FALLS
8. Proof of Publication Received 1<sup>st</sup>  
Not Received \_\_\_\_\_
9. Application Approved \_\_\_\_\_  
Subject to \_\_\_\_\_  
Not Approved \_\_\_\_\_  
Action deferred \_\_\_\_\_
10. Remarks:

No. 1605-3

Water Division No. 3 BIG SIOUX RIVER District  
(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 Fred Assam 500 S. Cleveland Ave  
Postoffice address Sioux Falls, S D 57103 Minnehaha County, State So. Dak.

## 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, Employment of Others & Direct Labor

- (b) Cash on hand, \$ Adequate
- (c) Treasury stock, \$
- (d) Bonds to be issued, \$
- (e) Other resources, \$

- 2. Name of diversion work Fred Assam Fish Pond #1
- 3. Amount of water claimed 15.46 cfs, minimum cubic feet per second
- 4. Source of water supply Dry Draw
- 5. Location of point of diversion 1070' East & 370' North of SW Corner of SE 1/4 of  
Section 17-101-48 on West bank Minnehaha County.
- 6. Annual period or periods during which water is to be used yearly
- 7. To be used for:
  - 1. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?
    - (a) Number of acres to be irrigated \_\_\_\_\_ acres.
    - (b) Legal subdivisions to be irrigated \_\_\_\_\_

(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 Fish Pond  
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 No 1157-3

8. Estimated cost of work:
- (a) Head Gates, \$.....  
(c) Fluming, \$.....  
(e) Other structures (Dam & Spillway).....\$4,000....

(b) Pumping plant, \$-- .....  
Rock, \$-.....  
Total, \$-.....

9. Description of diversion works:

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

Dam & Reservoir

II. Dimensions of works.

- (a) Dam: Height 27 feet; length at bottom 20<sup>±</sup> feet; length at top 275 feet; thickness at bottom 160<sup>±</sup> feet; thickness at top 14 feet; slope at front water face 3:1-4:1; slope at back face 2:1  
material used in construction Earth Fill 41.0  
(b) Reservoir: Capacity when filled .....acre feet. Surface area at highwater mark 5.2 acres.

| DEPTH AT<br>OUTLET- FEET | SURFACE AREA AT EACH<br>DEPTH AT OUTLET-ACRES | FEET | ACRE- FEET<br>CAPACITY |
|--------------------------|-----------------------------------------------|------|------------------------|
|                          |                                               |      |                        |
|                          |                                               |      |                        |
|                          |                                               |      |                        |
|                          |                                               |      |                        |
|                          |                                               |      |                        |
|                          |                                               |      |                        |
|                          |                                               |      |                        |
|                          |                                               |      |                        |
|                          |                                               |      |                        |

- (c)\* Head gate: Width.....feet; height .....feet;  
Material .....  
(d) Canal: Total length .....miles.

| LOCATION BELOW<br>HEADGATE | DEPTH      | BOTTOM<br>WIDTH | WIDTH AT<br>WATER-LINE | GRADE<br>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 .....2.....years.  
11. Time required for complete application of water to the proposed beneficial use .....2.....years.  
12. Choice of newspaper for publication of notice of intention to appropriate Argus Leader

STATE OF SOUTH DAKOTA

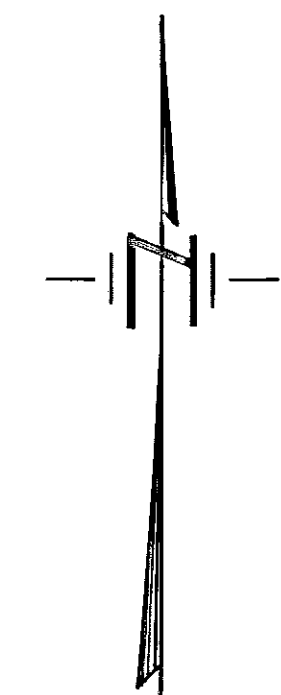
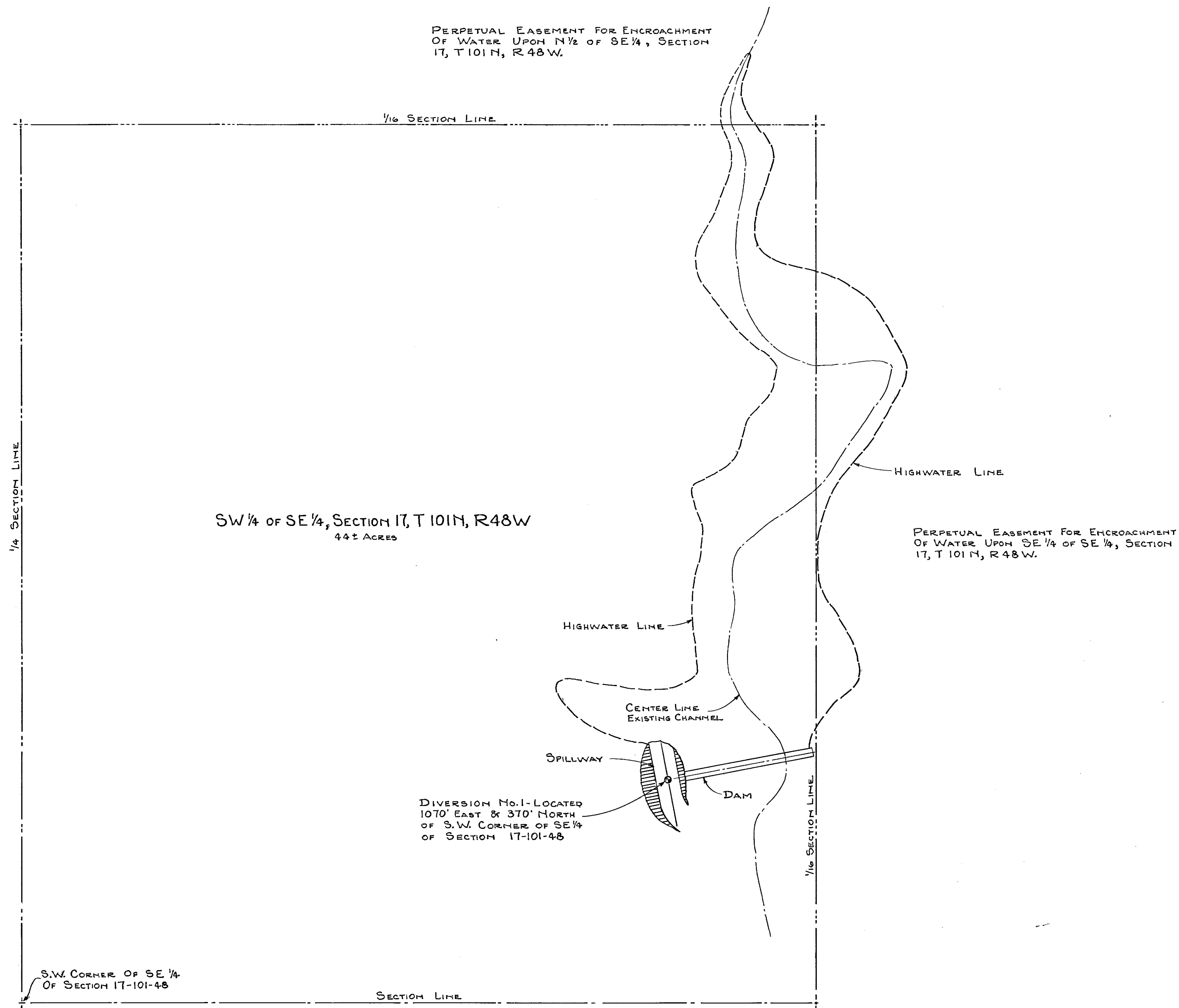
County of Minnehaha } ss.

I, Fred M. ..., 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.

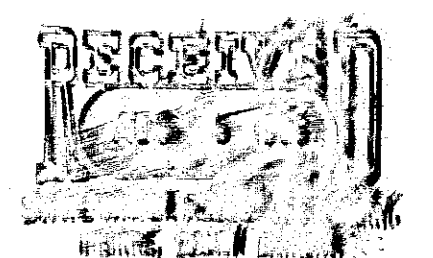
Signed [Signature]

Subscribed and sworn to before me this 2nd day of August 1911

Notary Public (or other qualified officer.)



SCALE: 1" = 100'



#### SURVEYORS CERTIFICATE

I, D.V. SCHMITZ, REGISTERED LAND SURVEYOR OF THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE, ON AND BEFORE MAY 25, 1968, MAPPED THE AREA AS SHOWN ABOVE FOR THE PURPOSE OF WATER APPROPRIATION.

D.V. Schmitz  
D.V. SCHMITZ, REG. LAND SURVEYOR

STATE OF SOUTH DAKOTA  
COUNTY OF MINNEHAHA

ON THIS 25 DAY OF MAY, 1968, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, APPEARED D.V. SCHMITZ, WELL KNOWN TO ME TO BE THE PERSON DESCRIBED ABOVE AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE FOREGOING CERTIFICATE.

September 1, 1975  
MY COMMISSION EXPIRES

Quella E. McCormick  
NOTARY PUBLIC

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA

County of Hughes } ss.

Pierre, South Dakota, November 15, 1968

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock  
2 m. upon the 5<sup>TH</sup> day of August, 1968

State Water Resources Commission

By:

Auston Jones  
Chief Engineer, Executive Officer

Number of permit 1605-3

Date of first receipt of application AUGUST 5, 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 AUGUST 5, 1968

Approved September 24, 1968 Recorded in Book 10 Page 271

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 24, 1969

2nd. The whole of said work is to be completed on or before SEPTEMBER 24, 1970

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

SEPTEMBER 24, 1972

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

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 15.6 acre feet annually, ~~either 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 growing of the best husbandry, and further, said appropriation must be limited to not more than one acre-foot of water per second of time for each acre of land to~~ which water is actually  
**USED FOR FISH POND OPERATION**

and beneficially ~~applied for irrigation~~ <sup>used</sup> on or before SEPTEMBER 24, 1972; said water to be used during the following described annual period:

**CONTINUOUSLY**

Witness my hand this 15<sup>TH</sup> day of NOVEMBER, 1968.

State Water Resources Commission

By:

Auston Jones  
Chief Engineer, Executive Officer

Certificate of Construction Issued DECEMBER 17, 1970

Water License Issued DECEMBER 17, 1970

Permit No. 1605-3

Water Diversion No. 3 BIG SIOUX RIVER Water District

**CERTIFICATE OF CONSTRUCTION**

This is to Certify, That Fred Assam

\_\_\_\_\_ the holder \_\_\_\_\_ of  
Permit No. 1605-3, issued upon Application No. 1605-3, bearing date of priority of August 5,  
1968 authorizing the diversion of 15.6 acre feet annually  
a dry draw of the waters of \_\_\_\_\_  
County of Minnehaha, State of South Dakota at \_\_\_\_\_  
a point 370 feet North and 1070 feet East of the S $\frac{1}{2}$  Corner, Section 17,  
T101N. R48W  
\_\_\_\_\_, for fish culture and wildlife production

\_\_\_\_\_ 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 15.6 acre feet annually  
\_\_\_\_\_ of water.

Date December 17, 1970

WATER RESOURCES COMMISSION

By:

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

## STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 1605-3

(1) WHEREAS, On the 5th day of August A. D. 19 68

Fred Assam

made Water Right Application No. 1605-3 for a permit to use 15.6 acre feet annually of the waters of a dry draw

County of Minnehaha, State of South Dakota, for fish culture and wildlife production

purposes; and

(2) WHEREAS, On the 15th day of November A. D. 19 68

Permit No. 1605-3 with a date of priority of August 5, 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 24th day of September A. D. 19 70 and for the

application to beneficial use of said water on or before the 24th day of September A. D. 19 72

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 15.6 acre feet annually 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.

water is stored in place for use in fish and wildlife production

(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 Fred Assam

\_\_\_\_\_ of Sioux Falls, South Dakota

the holder \_\_\_\_\_ and owner \_\_\_\_\_ of said permit No. 1605-3 a water right, dating from August 3, 1968

\_\_\_\_\_ to use of 15.6 acre-feet annually ~~at various times~~ of the waters of a dry draw

in the County of Minnehaha and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 370 feet North and 1070 feet East of the 8<sup>1</sup>/<sub>4</sub> Corner, Section 17, T101N, R48W

and ~~various times~~ stored in place

for the purpose of fish and wildlife production

Subject to any limitations listed in Water Right Permit No. 1605-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota  
this 17th day of December A. D.  
Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

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

# PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }  
 County Minnehaha } ss.

W. T. HAGGAR being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the \_\_\_\_\_

SIoux FALLS ARGUS LEADER 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 of SIoux FALLS County of MINNEHAHA and State of South Dakota; that the said notice was published in said newspaper on the following dates:

August 16, 1968

August 23, 1968

August 30, 1968

September 6, 1968

in each and every issue of the full number thereof, the first publication being made on the 16th day of August

1968 and the last publication on the 6th day of

September 1968, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Comptroller ~~proprietor and publisher~~ of the said newspaper.

Subscribed and sworn to before me this 6th day of September A. D. 1968

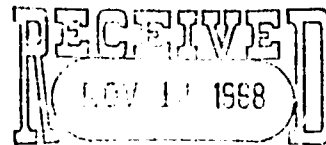
Notary Public Minnehaha County, S. D.

Elmer Tague  
 My Commission Expires  
 June 30, 1974

## APPROPRIATION OF WATER

Office of State Water Resources Commission  
 Pierre, S. Dak., August 12, 1968  
 Notice is hereby given that Fred Assam, whose postoffice address is Sioux Falls, 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 15.6 acre feet of water annually from a dry draw through the Assam Fish Pond No. 1, the point of diversion of which is to be located on either bank of said stream in the SW 1/4 of the SE 1/4 of Section 17 Twp. 101N Range 48W. Said water to be used for a fish pond.  
 This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 24th day of September, 1968, at 2:00 P.M. All interested persons may appear & 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 Rights Specialist  
 cc: Fred Assam, Sioux Falls, S.D.  
 Aug. 15, 22, 30 & Sept. 6, 1968



STATE WATER RESOURCES COMMISSION  
 PIERRE, SOUTH DAKOTA

on or before  
(First Publication ..... **August 29** .., 19**68** ..)

## APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., ..... **August 12** .., 19**68** ..

Notice is hereby given that **Fred Ansam** ..... whose postoffice address is **Sioux Falls** ..... 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 **15.6** acre feet annually ~~XXXXXX~~ cubic feet of water ~~XXXXXXXXXX~~ from the **a dry draw** ..... through the **Ansam Fish Pond No. 1** ..... the point of diversion of which is to be located on ~~the~~ either bank of said stream in the **SW**  $\frac{1}{4}$  of the **SE**  $\frac{1}{4}$  of Section **17** Twp. **101N** Range **48W** .. Said water to be used for ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ ~~XXXXXXXXXXXX~~ **a fish pond** ..

~~and~~ .. ~~XXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the **24th** day of **September**, 19**68**, 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: **Fred Ansam, Sioux Falls, S.D.**

By:

~~Chief Engineer, Executive Officer~~  
**BURTON F. JONES**  
**Water Rights Specialist**

EASEMENT

WHEREAS, FRED ASSAM as the owner of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Seventeen (17), Township One Hundred One (101), Range Forty-eight(48) in Minnehaha County, South Dakota plans to construct a dam thereon which it is contemplated will cause water to encroach upon the property of the undersigned described as the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Seventeen(17), Township One Hundred One (101), Range Forty-eight(48), NOW, THEREFORE,

The undersigned does hereby grant to Fred Assam, his successors and assigns the right to construct and maintain said dam with the water therefrom encroaching upon the foregoing property of the undersigned and does forever release and discharge the said Fred Assam, and his successors and assigns from all liability for any damage because of said encroachment and does hereby create a perpetual easement on the property of the undersigned for the encroachment of water occasioned by a dam upon the property of Fred Assam.

Dated this 23rd day of July, 1968. B.F. Scollon

STATE OF SOUTH DAKOTA )  
: ss.  
COUNTY OF MINNEHAHA )

On this the 23rd day of July, 1968, before me, <sup>Donna Thoms</sup> ~~John J. McGeehan~~  
the undersigned officer, personally appeared B.F. Scollon  
\_\_\_\_\_ known to me or satisfactorily proven to be the person whose  
name subscribed to the within instrument and acknowledged that he  
executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.  
My commission expires <sup>July 10, 1973</sup> ~~July 10, 1973~~  
Donna Thoms ~~John J. McGeehan~~ Notary Public  
South Dakota

EASEMENT

WHEREAS, FRED ASSAM as the owner of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Seventeen (17), Township One Hundred One (101), Range Forty-eight(48) in Minnehaha County, South Dakota plans to construct a dam thereon which it is contemplated will cause water to encroach upon the property of the undersigned described as the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Seventeen(17), Township One Hundred One (101), Range Forty-eight(48), NOW, THEREFORE,

The undersigned does hereby grant to Fred Assam, his successors and assigns the right to construct and maintain said dam with the water therefrom encroaching upon the foregoing property of the undersigned and does forever release and discharge the said Fred Assam, and his successors and assigns from all liability for any damage because of said encroachment and does hereby create a perpetual easement on the property of the undersigned for the encroachment of water occasioned by a dam upon the property of Fred Assam.

Dated this 23rd day of July, 1968.

B.F. Scollon

STATE OF SOUTH DAKOTA )

ss.

COUNTY OF MINNEHAHA )

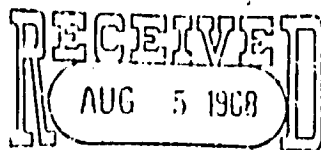
On this the 23rd day of July, 1968, before me, <sup>Donna Thomas</sup> ~~John F. Scollon~~  
the undersigned officer, personally appeared B.F. Scollon

\_\_\_\_\_ known to me or satisfactorily proven to be the person whose name subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My commission expires <sup>July 16, 1973</sup> ~~May 15, 1973~~

Donna Thomas  
~~John F. Scollon~~ Notary Public  
Donna Thomas South Dakota



EASEMENT

STATE WATER RESOURCES COMM  
PIERRE, SOUTH DAKOTA

WHEREAS, FRED ASSAM as the owner of the Southwest Quarter  
(1/4) of the Southeast Quarter (1/4) of Section Seventeen (17), Township  
One Hundred One (101), Range Forty-eight (48) in Minnehaha County,  
South Dakota plans to construct a dam thereon which it is contemplated  
will cause water to encroach upon the property of the undersigned  
described as the North One-half (1/2) of the Southeast Quarter (1/4) of  
Section Seventeen (17), Township One Hundred One (101), Range Forty-  
eight (48), NOW, THEREFORE,

The undersigned do hereby grant to Fred Assam, his successors  
and assigns the right to construct and maintain said dam with the water  
thereon encroaching upon the foregoing property of the undersigned and  
do forever release and discharge the said Fred Assam, and his successors  
and assigns from all liability for any damage because of said encroachment  
and do hereby create a perpetual easement on the property of the  
undersigned for the encroachment of water occasioned by a dam upon the  
property of Fred Assam.

Dated this 5<sup>th</sup> day of July, 1968.

Lee Lager  
Emily Lager

STATE OF SOUTH DAKOTA )

:ss.

COUNTY OF MINNEHAHA )

On this the 5 day of July, 1968, before me, Donna Thoms

the undersigned officer, personally appeared Lee Lager and

Emily Lager

known to me or satisfactorily proven to be the persons whose names subscribed  
to the within instrument and acknowledged that they executed the same for the  
purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My commission expires Jul 16, 1973

Donna Thoms  
Notary Public  
South Dakota

## EASEMENT

WHEREAS, FRED ASSAM as the owner of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Seventeen (17), Township One Hundred One (101), Range Forty-eight (48) in Minnehaha County, South Dakota plans to construct a dam thereon which it is contemplated will cause water to encroach upon the property of the undersigned described as the North One-half (1/2) of the Southeast Quarter (1/4) of Section Seventeen (17), Township One Hundred One (101), Range Forty-eight (48), NOW, THEREFORE,

The undersigned do hereby grant to Fred Assam, his successors and assigns the right to construct and maintain said dam with the water therefrom encroaching upon the foregoing property of the undersigned and do forever release and discharge the said Fred Assam, and his successors and assigns from all liability for any damage because of said encroachment and do hereby create a perpetual easement on the property of the undersigned for the encroachment of water occasioned by a dam upon the property of Fred Assam.

Dated this 23rd day of July, 1968.

STATE OF SOUTH DAKOTA )  
 ) ss.  
COUNTY OF MINNEHAHA )

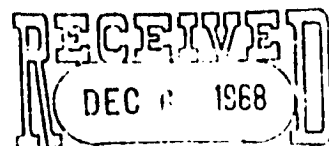
COUNTY OF MINNEHABA )  
 On this the 23 day of July, 1968, before me, Jorma Thoms  
 the undersigned officer, personally appeared: Lee Page and

known to me or satisfactorily proven to be the persons whose names subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My commission expires ~~XXXX~~ <sup>July 16, 1973</sup> ~~XXXX~~.

*Donna Thomas*  
~~John X. McQuinn~~ Notary Public  
 Donna Thomas South Dakota



Permit No. ....

STATE WATER RESOURCES COMMISSION  
PIERRE, SOUTH DAKOTA

Water Division No. .... Water District

## Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) .....

(Date) .....

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the ..... day of .....  
19....., at ..... County of ..... State of South Dakota,  
before ..... proof will be submitted of the application to beneficial use  
(Examining Engineer or Officer)  
of ..... cubic feet per second of the waters of .....  
..... in accordance with the terms and conditions of Permit No. ....  
heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are Fred AssanAssan 500 S. Cleveland Ave Sioux Falls S. Dak. 571032. The use to which said water has been applied is Fish Pond3. The amount applied to beneficial use is 15.6 Hc. E.

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) .....

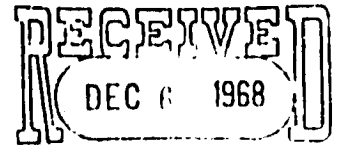
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is .....

6. The right to take the water from such works is based upon permit No. ....

7. The source of supply from which such water is diverted is Dry Creek8. The date of priority which said user is prepared to establish is August 5<sup>th</sup> 1968

8 AM

(Sign) Fred Assan



Permit No. \_\_\_\_\_

Water Division No. \_\_\_\_\_

Water District \_\_\_\_\_

STATE WATER RESOURCES COMMISSION  
PIERRE, SOUTH DAKOTA

## NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) \_\_\_\_\_

(Date) 12-5-68

TO THE STATE WATER RESOURCES COMMISSION  
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 15.44 cfs  
annually cu. ft. per second of the waters of the state from \_\_\_\_\_  
through the De J. River  
for \_\_\_\_\_ purposes  
\_\_\_\_\_ in accordance with the terms and con-  
ditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is Fred Assam
2. The postoffice address of such person or the place of business of such corporation is 500 S. Cleveland Ave. Pierre, S.D.  
County of Minnehaha State of South Dakota
3. The number of such permit is \_\_\_\_\_ and the date set for the completion of such work is \_\_\_\_\_
4. Said water to be used for Fish Pond purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is \_\_\_\_\_ cubic feet per second.
6. The amount of land for which said water is available is \_\_\_\_\_ acres,  
particularly described as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby certify that the facts set forth in the above notice are true.

Fred Assam

(Signature of Owners) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Permit No. 1605-3

Water Division 3 BIG SIOUX RIVER Water District

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

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

I have this day made a thorough examination of the water use system constructed by Fred Assam  
500 S. Cleveland Ave., Sioux Falls, S.D. holder  
 of Permit No. 1605-3, bearing date of priority of August 5, 1968  
 storage 15.6 acre-feet  
 authorizing the diversion of dry draw runoff  
~~to the use of~~  
 for fish pond purposes, in Minnehaha 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:**

Earthen dam constructed in close conformity with Water Right Application 1605-3 and Water Right Map No. 1157-3

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

The pond formed by the pond has a surface area of 5.2 acres, a volume of 41 acre feet and a maximum normal depth of about 19 ft.

C. Works used to apply water to beneficial use.

The pond is used for raising of fish and waterfowl

The system is in the following condition: excellent

The point of diversion is located 370 ft. north and 1070 ft. east of SW Corner of  
Section 17, T101N, R48W

The works are capable of discharging and conveying to the place of use 41 acre-feet

xxxxx: xxxxx of water which is to be used for ~~xxxxxx~~ natural wildlife production

Water has been put to beneficial use to the maximum extent as follows: the dam and spillway has  
been constructed, the water has been impounded and the production of  
wildlife has been accomplished.

Date December 2, 1970

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 (Signature)

DONALD DRISCOLL, Deputy Chief Engineer, WYKPRK.  
Water Resources Commission

1605-3



February 6, 2006

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

1787-3

Sam Assam  
530 S Phillips Ave  
Sioux Falls SD 57104

Dear Mr. Assam:

I am writing in follow-up to our phone conversation concerning Water Right Nos. 1605-3 and 1787-3. Both water rights are still listed in the name of Fred Assam.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing ownership changes. Please review and complete as needed. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

I have included copies of both water rights for your review. Water Right No. 1605-3 covers the storage dam in Minnehaha County. Water Right No. 1787-3 is for diversion of water from the Missouri River for irrigation purposes. You indicated that the system has changed from what was originally developed under No. 1787-3. Please review the water right to see if changes need to be made.

I have contacted Bob Creasey concerning the 2005 irrigation questionnaire for No. 1787-3. He indicated he still had the records and would complete a questionnaire for last season. Future questionnaires will be sent directly to him until you let us know otherwise.

If I can answer any questions for you please contact me.

Sincerely,

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

enclosures



1605-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

May 12, 2006

1605-3  
1787-3

Sam Assam  
530 S Phillips Ave  
Sioux Falls SD 57104

Dear Mr. Assam:

On February 6<sup>th</sup>, I wrote to you concerning ownership changes needed for Water Right Nos. 1605-3 and 1787-3 (a copy of the letter is attached). Both water rights are still listed in the name of Fred Assam.

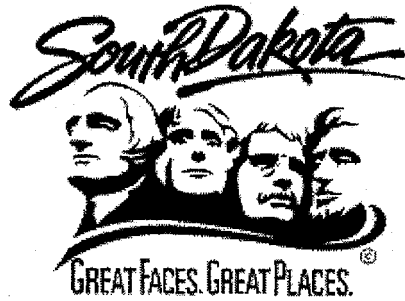
Transfer forms were forwarded to you along with copies of the water rights. To date, I have not received the information back from you and am writing to see if I can assist you in any way with the forms or if you had questions concerning the water rights.

If I can answer any questions for you please contact me.

Sincerely,

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

enclosure



1605-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

May 22, 2007

1605-3  
1787-3

Sam Assam  
530 S Phillips Ave  
Sioux Falls SD 57104

Dear Mr. Assam:

On **February 6<sup>th</sup> and May 12<sup>th</sup>, 2006** I wrote to you concerning ownership changes needed for Water Right Nos. 1605-3 and 1787-3. Both water rights are still listed in the name of Fred Assam. Transfer forms were forwarded to you along with copies of the water rights. To date, I have not received the information back from you and am writing to see if there is a reason that you have not filed the ownership changes?

In the event you no longer have the original forms I sent to you, enclosed is an additional set of partially completed forms. Please complete and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

If you no longer own the land and we should be contacting another party, please let me know.

Sincerely,

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

enclosures

RECEIVED

JUL - 9 2007

WATER RIGHTS  
PROGRAM

## NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1605-3

Date: 7-5-07

I/We request that Water Right No. 1605-3

formerly owned by: Fred Assam

be transferred to: (name & address) Samuel R. Assam, 3200 W. 49th Street,  
Sioux Falls, SD 57106

Telephone No. 334-8040

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

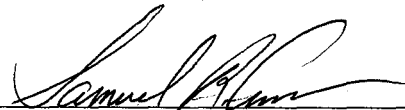
storage dam located in Section 17, T101N, R48W (Minnehaha County)

I/We understand that the validity of Water Right No. 1605-3 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 with the Water Rights Program, as evidence of the change of ownership.

**A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.**

I/We Samuel R. Assam, the new owner, certify that the above information is true and correct.



(Signed by new owner)

**NOTE:** Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/9/, 20 07

RECEIVED OF SAMUEL R ASSAM 530 S PHILLIPS AVE SIOUX FALLS SD 57105

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

|                                                                                                        |                                           |   |    |
|--------------------------------------------------------------------------------------------------------|-------------------------------------------|---|----|
| Fee for Application for Permit No. _____<br>and to put water to beneficial use                         | _____ to Appropriate Water, to construct  | 2 | 50 |
| 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<br>Water License No. _____ |                                           |   |    |
| Fee for Filing Transfer Form _____                                                                     | 1605-3                                    |   |    |
| Fee for _____                                                                                          |                                           |   |    |
| Fee for Issuing New Well Driller's License No. _____                                                   | _____ for C.Y. _____                      |   |    |
| Fee for Renewal of Well Driller's License No. _____                                                    | _____ for C.Y. _____                      |   |    |
| Fee for Issuing Well Pump Installer's License No. _____                                                | _____ for C.Y. _____                      | 2 | 50 |
| Fee for Renewal of Well Pump Installer's License No. _____                                             | _____ for C.Y. _____                      |   |    |
| (Any Other Work Provided by Law)                                                                       | 1 / TOTAL                                 | 2 |    |

No.

03180

By

Harland Ebbels

Chief Engineer

1605-3



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

July 9, 2007

1605-3  
1787-3

Sam Assam  
3200 W 49<sup>th</sup> St  
Sioux Falls SD 57106

Dear Mr. Assam:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fees you submitted for Water Right Nos. 1605-3 and 1787-3. The ownership changes have been completed.

The water rights formerly held by Fred Assam were transferred as follows:

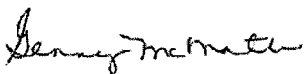
- No. 1605-3 (storage dam in Minnehaha County): Samuel R Assam
- No. 1787-3 (irrigated land in Charles Mix County): Hamad Assam Corporation

The annual irrigation questionnaire for Water Right No. 1787-3 will continue to be directed to Bob Creasey until you notify us otherwise. No annual reporting is necessary for Water Right No. 1605-3 because the use of water is not for irrigation.

Enclosed are your Receipt Nos. 03088 and 03089 in the amounts of \$2.50 each. You may keep these for your records.

If I can answer any questions for you please contact me.

Sincerely,

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

enclosures

## NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

JUL 20 2022

OFFICE OF  
WATER

Mail to: PMB 2020  
DENR - Water Rights Program  
523 E Capitol Ave  
Pierre, SD 57501-3182

Water Right/Permit No. 1605-3Date: 07/19/2022

I. We request that Water Right Permit No. 1605-3 formerly owned by:  
Samuel R. Assam be transferred to:

New Owner Name: Residence Parcel TrustAddress: 530 S Phillips AveCity, State, Zip Sioux Falls SD 57104 Telephone No. 605-351-7674

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

Dam located in the SW1/4 SE1/4 S17-T101N-R48W with water impounded in the  
S1/2 SE1/4 S17-T104N-R48W, and N1/2 SE1/4 S17-T104N-R48W in Minnehaha  
County, State of South Dakota.

☒ I understand that the validity of Water Right/Permit No. 1605-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

**A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.**

I, Samuel R. Assam, Trustee for Residence Parcel Trust, the new owner, certify that the above information is true and correct.

*Residence Parcel Trust*  
By: Samuel R. Assam, Trustee  
(signed by new owner)

**NOTE:** Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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

## WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date August 16, 2022

RECEIVED OF Residence Parcel Trust 530 S Phillips Ave., Sioux Falls SD 57104

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>1605-3</u>                                                                     | <u>\$50.00</u> |
| Fee for _____                                                                                                  | \$ _____       |
| Fee for Issuing New Well Driller's License No. _____                                                           | \$ _____       |
| Fee for Renewal of Well Driller's License No. _____                                                            | \$ _____       |
| Fee for Issuing Well Pump Installer's License No. _____                                                        | \$ _____       |
| Fee for Renewal of Well Pump Installer's License No. _____                                                     | \$ _____       |
| (Any Other Work Provided by Law)                                                                               |                |
| TOTAL                                                                                                          | <u>\$50.00</u> |

By Eric Gronlund  
Chief Engineer  
Em



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 E. CAPITOL AVE  
PIERRE SD 57501-3182  
danr.sd.gov

August 17, 2022

1605-3

Samuel R Assam  
Residence Parcel Trust  
530 S Phillips Ave  
Sioux Falls SD 57104

Dear Mr. Assam:

Thank you for sending in the transfer form and filing fee for the ownership change on Water Right No. 1605-3.

The ownership change has been completed. Water Right No. 1605-3 formerly listed in your name is now listed under Residence Parcel Trust.

Enclosed is your receipt for the filing fee. If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath  
Water Rights Program  
605 773-3352  
Genny.mcmath@state.sd.us