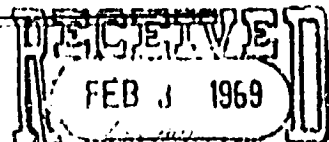


1657-3

1. Considered 3-26, 1969
2. Name of Applicant HAROLD DOWNES
3. Post Office Address PACIFIC PALISADES, CALIF.
4. Amount of water claimed 1.14
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 80
7. Water to be diverted and used in HUGHES county
about 25E 14S miles of PIERRE
8. Proof of Publication Received ✓
Not received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 1657-3

Water Division No. 3 MISSOURI RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)



SOUTH DAKOTA WATER RESOURCES COMMISSION
SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

Harold Downes

1. Name of applicant 660 Toyopa Drive RR3 Harold SD 57536
Postoffice address Pacific Palisades, County California, State 90212

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

(b) Cash on hand, \$ adequate

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Downes #3

3. Amount of water claimed 1.14 cubic feet per second

4. Source of water supply Missouri River

5. Location of point of diversion S 20°W, 210 rods from the SE Corner, Sec. 14, T108N, R75W

on left bank Hughes County.

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

7. To be used for:

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

(a) Number of acres to be irrigated 80 acres.

(b) Legal subdivisions to be irrigated W 1/2 SE 1/4, Sec. 14, T108N, R75W

(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 No 1189-3

8. Estimated cost of work:

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

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

(c) Plumbing, \$-----

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

Rock, \$-----

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

Total, \$-----

9. Description of diversion works:

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

Pumping Plant, Mainline and sprinkler system -----

II. Dimensions of works.

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top -----

----- feet; thickness at bottom ----- feet; thickness at top -----

feet; slope at front water face -----; slope at back face -----

material used in construction -----

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

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

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

Material -----

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

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

(Give dimensions where reductions in size are made.)

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

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

12. Choice of newspaper for publication of notice of intention to appropriate -----
Capital Journal, Pierre, S.D. -----

STATE OF SOUTH DAKOTA

Hughes

County of ----- ss.

Harold Downes

I, -----, 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.

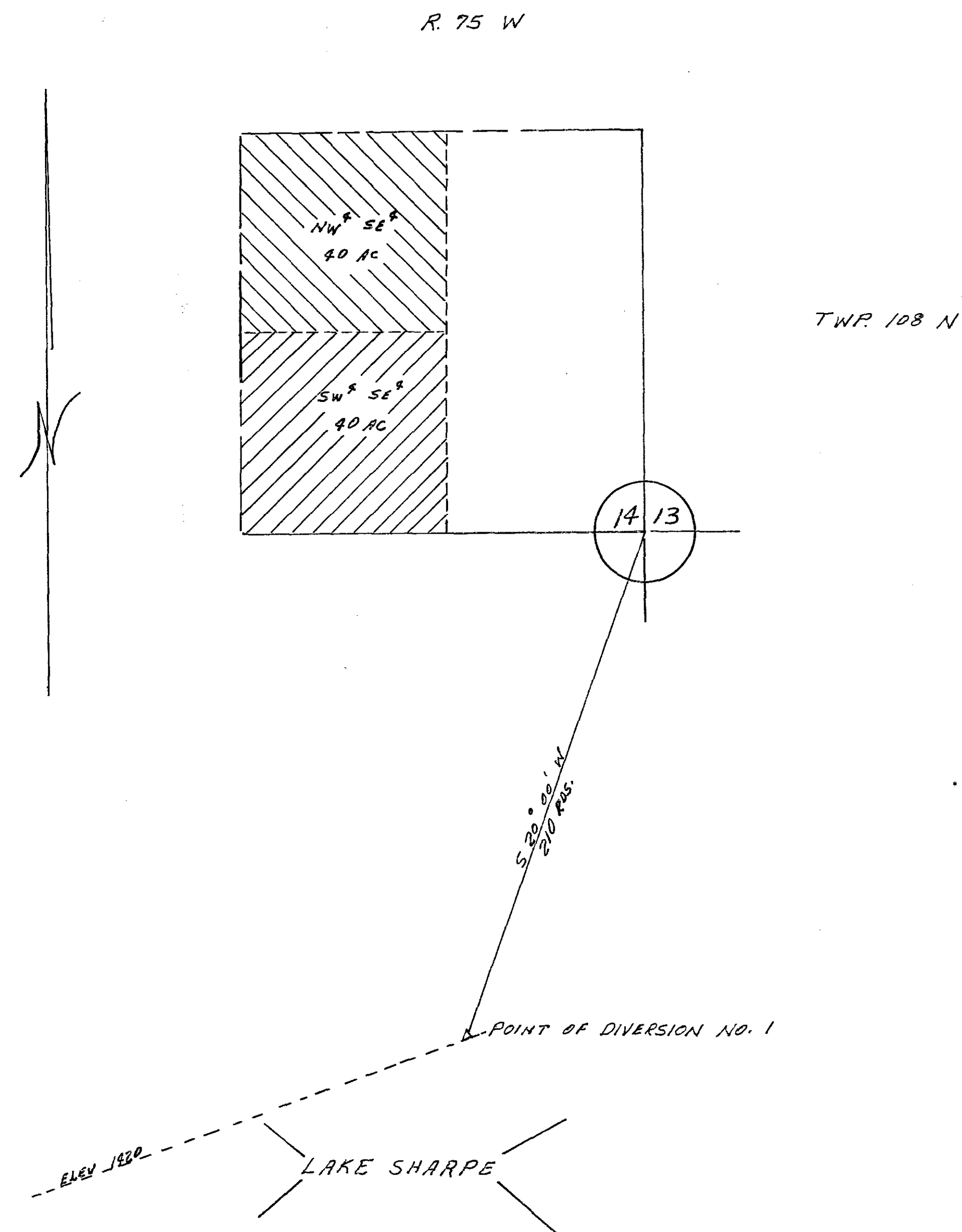
Signed -----

Subscribed and sworn to before me this ----- 3 ----- day of ----- February ----- 19.69

Notary Public (or other qualified officer.)

Louise Seals, Exec. Assistant II
Water Resources Commission

<u>AREAS BY LEGAL SUBDIVISION</u>	<u>ACRES</u>
NW ¹ SE ¹ SEC. 14 TWP. 108 N R. 75 W	40
SW ¹ SE ¹ SEC. 14 TWP. 108 N R. 75 W	40
TOTAL	80



SURVEYORS CERTIFICATE

STATE OF SOUTH DAKOTA SS
COUNTY OF HUGHES

I MAYNARD C SOMMER, REGISTERED LAND SURVEYOR, IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF HAROLD DOWNES, SOLE OWNER, I HAVE SHOWN THE LANDS PROPOSED TO BE IRRIGATED WITHIN HIS OWNERSHIP BOUNDRIES ON JANUARY 1969 FOR WHICH APPLICATION FOR APPROPRIATIVE WATER RIGHT IS MADE AND THAT THIS MAP IS A TRUE REPRESENTATION THEREOF.

WITNESS MY HAND AND SEAL THIS 29th DAY OF JANUARY 1969.

Maynard C Sommer
REG. LAND SURVEYOR

STATE OF SOUTH DAKOTA SS
COUNTY OF HUGHES

ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MAYNARD C SOMMER, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYORS CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

WITNESS MY HAND AND SEAL THIS 29th DAY OF JANUARY 1969.

MY COMMISSION EXPIRES: January 19, 1975

P. B. Schell
NOTARY PUBLIC

SCALE: 8 INCHES = 1 MILE

SHOWING AREA & DIVERSION POINTS WHERE WATERS WILL BE DIVERTED FOR PERMIT TO APPROPRIATE WATER

HAROLD DOWNES OWNER
MAYNARD C SOMMER SURVEYOR

MAP NO. 1189-3 (APR 1657-3)

STATE OF SOUTH DAKOTA
County of HUGHES ss

Pierre, South Dakota, MARCH 27, 1969

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock
a.m. upon the 3RD day of FEBRUARY, 1969.

State Water Resources Commission
By: [Signature]
for Chief Engineer, Executive Officer

Number of permit 1657-3

Date of first receipt of application FEBRUARY 3, 1969

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right FEBRUARY 3, 1969

Approved MARCH 26, 1969 Recorded in Book 10 Page 332

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 26, 1971

2nd. The whole of said work is to be completed on or before MARCH 26, 1974

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

MARCH 26, 1978

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

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

6th. The amount of the appropriation herein granted shall not exceed 1.14 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 MARCH 26, 1978; said water to be used during the following described annual period.

APRIL THRU OCTOBER

Witness my hand this 27 day of MARCH, 1969.

State Water Resources Commission

By: [Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued JUNE 10, 1971

Water License Issued JUNE 10, 1971

Permit No. 1657-3

Water Diversion No. 3 MISSOURI RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Harold J. Downes

_____ the holder _____ of
Permit No. 1657-3, issued upon Application No. 1657-3, bearing date of priority of February 3,
1969 authorizing the diversion of 1.14 cu. ft. per second of the waters of _____
the Missouri River County of Hughes, State of South Dakota at _____
a point 2620' East and 3200' South of the NW-Corner, Section 23, T108N, R75W
_____, 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 3.53 cu. ft. per second of water.

Date June 10, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIBBS, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1657-3

(1) WHEREAS, On the 3rd day of February A. D. 19 69
Harold J. Downes

made Water Right Application No. 1657-3 for a permit to use 1.14 cubic feet per second of the waters
the Missouri River

County of Hughes, State of South Dakota, for irrigation
purposes; and

(2) WHEREAS, On the 27th day of March A. D. 19 69
Permit No. 1657-3 with a date of priority of February 3, 1969

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 26th day of March A. D. 19 74 and for the
application to beneficial use of said water on or before the 26th day of March A. D. 19 78

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 1.14 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 80 acres in the W½ SE¼, Section 14, T108N, R75W

(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 Harold J. Downes

_____ of Pacific Fallsades, California

the holder _____ and owner _____ of said permit No. 1675-3 a water right, dating from February 3, 1969

_____ to use of 1.14 cubic feet per second of the waters

of the Missouri River

in the County of Hughes and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at a point 2620' East and 3200' South of the NW

corner, Section 23, T108N, R75W

and conduct to and upon the W 1/2 SE 1/4, Section 14, T108N, R75W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1657-3 and subject to the laws of the State of South Dakota.

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

this 10th day of June A. D.

Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

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

on or before
(First Publication February 27, 1969.)

APPROPRIATION OF WATER

Office of State Water Resources Commission.

Pierre, S. Dak., February 3, 1962

Notice is hereby given that Harold Downes whose postoffice address is Pacific Palisades, Calif. ~~xxxxxx~~, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.14 cubic feet of water per second of time from the Missouri River through the Downes #3 left the point of diversion of which is to be located on the bank of said stream in the NE 1/4 of the SE 1/4 of Section 23 Twp. 108N Range 75W Said water to be used for the purpose of providing irrigation on the following described land:

W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 14, T108N, R75W.

~~XXXXXXXXXX-----XXXXXXXXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 26th day of March, 1969, 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: Mrs. Beulah Downes
716 W. Pleasant Drive
Pierre, S.D.

By:

BURTON F. JONES
Water Rights Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County HUGHES } ss.

J. H. HIPPLE being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the DAILY CAPITAL JOURNAL 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 PIERRE County of HUGHES and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Feb. 5-12-19-26

in each and every issue of the full number thereof, the first publication being made on the 5 day of Feb. 1969 and the last publication on the 26 day of Feb. 1969 upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Business Mgr. the printer and publisher of the said newspaper.

J. H. Hipple

Subscribed and sworn to before me this 26 day of Feb. A. D. 1969

Notary Commission of
Sarah Gordon
25, 1974

RECEIVED
FEB 27 1969

STATE WATER RESOURCES CO.
PIERRE, SOUTH DAKOTA

No. 999 41 dly Feb. 5-12-19-26

No. 1657-3

APPROPRIATION OF WATER
Office of State Water Resources
Commission

Pierre, S. Dak.
February 3, 1969

Notice is hereby given that Harold Downes, whose postoffice address is 415 Pacific Palisades, Calif., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.14 cubic feet of water per second of time from the Missouri River through the Downes No. 3, the point of diversion of which is to be located on the left bank of said stream in the NE 1/4 of the SE 1/4 of Section 23, Twp. 108N Range 75W. Said water to be used for the purpose of providing irrigation on the following described land: W 1/2 SE 1/4 Section 14, T108N, R75W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 26th day of March, 1969, 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 Rights Specialist

Notary Public HUGHES County, S. D.

Permit No. 1675-3Water Division 3 MISSOURI RIVER Water DistrictREPORT 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 HAROLD J. DOWNES of PACIFIC PALISADES, CALIF. holder of Permit No. 1675-3, bearing date of priority of FEBRUARY 3, 1969, authorizing the diversion of 1.14 cu. ft. per second of the waters of MISSOURI RIVER for IRRIGATION purposes, in HUGHES 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:

CORNELL 8" INLET 10" OUTLET PUMP *
POWERED BY G.M.C. 150 H.P INDUSTRIAL
ENGINE, PROPANE # 702 VIR

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

4800' OF 12" MAINLINE
1600' OF 10" MAINLINE

C. Works used to apply water to beneficial use.

6 - 1/4 MILE 4" TOWLINES W/ RAINBIRD 14600
SPRINKLER HEADS "164

The system is in the following condition: VERY GOODThe point of diversion is located 2620' E AND 3200' S OF THE
NW CORNER, SECTION 23, T108N, R75WThe works are capable of diverting and conveying to the place of use 3.33 *cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN SECTION 14, T108N, R75W

<u>NW 1/4 SE 1/4</u>	<u>40 ACRES</u>
<u>SW 1/4 SE 1/4</u>	<u>40 "</u>

comprising a total of 80 acres of land.

* EQUIPMENT & DIVERSION RATE INCLUDES
THIS PERMIT NO 1675-3 AND PERMIT NO 1032-3

Date APRIL 27, 1971
Auston Jones
(Signature)



January 16, 2002

NOTICE

1657-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-5182
www.state.sd.us/denr

TO: HAROLD J DOWNES, 1301 SHOREBIRD LANE, CARLSBAD, CA 92009
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaires

Our records indicate that the 2001 Irrigation Questionnaires have not been submitted for Permit Nos. 4949-3 & 5345-3, 1000-3, 1032-3, 1657-3, 2105-3 & 4293-3. The request for the Questionnaires was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1000-3, 1032-3, 1657-3, 2105-3 & 4293-3 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) 4949-3 & 5345-3 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 E Capitol Avenue, 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. 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) 4949-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1000-3, 1032-3, 1657-3, 2105-3 & 4293-3 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 March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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.

1657-3

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:

HAROLD J DOWNES
1301 SHOREBIRD LANE
CARLSBAD CA 92009

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) HAROLD DOWNES	B. Date of Delivery 1-25-01
C. Signature X Harold Downes	☐ Agent ☒ Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below	
☒ Yes ☐ No	
3. Service Type ☒ Certified Mail ☐ Registered ☐ Insured Mail ☐ Express Mail ☐ Return Receipt for Merchandise	
4. Restricted Delivery? (Extra Fee) ☐ Yes	

2. Article's **7001 2510 0004 4797 5774**

PS Form 3811, July 1999 Domestic Return Receipt i02595-00-M-0/62



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-1182
www.state.sd.us/denr

January 23, 2002

Harold J Downes
1301 Shorebird Lane
Carlsbad, CA 92009

RE: Water Permit or Right Nos. 1000-3, 1032-3, 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3

Dear Mr. Downes:

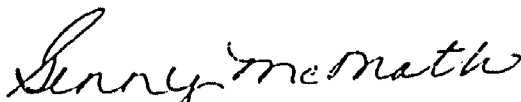
I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Permit or Right Nos. 1000-3, 1032-3, 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3.

I completed questionnaires for you based on our January 23rd telephone conversation. The forms I completed reflect that you did not irrigate in 2001. The systems were turned on briefly at the end of the season to determine if they worked properly.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,


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

1657-3

Garland Erbele, Chief Engineer Water Rights Program
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol.
Pierre, South Dakota 57501-3182

RECEIVED

OCT 24 2003

WATER RIGHTS
PROGRAM

Dear Sir:

Since we first started irrigating on the Joe Creek Terrace nearly 50 years ago, before Lake Sharpe was formed, we have seen many changes. We have always found the personnel in your department most helpful and cooperative. Relying on the precedents thus set, we are submitting herewith our water rights reports along with notes accurately reporting the facts as we know them. This year catches us in a state of flux or change in that we have found it no longer economically desirable to pursue further the flood and gated pipe way of distributing water on our crops. While the pivot systems are somewhat more capital intensive, they offer the advantages of less water use, more efficient distribution, less labor intensive, less erosion, and less pollution. We took the first steps in switching over by replacing all the diesel operated pump stations with electric systems in 1997 admittedly with more than a little pressure from the Corps of Engineers.

Accordingly, we are progressively changing to pivot systems. We installed our first pivot this year and hope to have four more installed by the end of this year or at least in time for the 2004 crop season. By the 2005 season we hope to have completed the pivotization of all our irrigable holdings on the Joe Creek Terrace. So much for the big picture.

Several of the permits obviously will need amendment. We would like to wait until we have finished the current redevelopment before making those changes. However we need the advice of your department on this point. Would you please ask whoever is charged with the responsibility for reading these reports to cast one eye on this letter and the notes included herewith to better understand what we are trying to do?

We expect to be at Joe Creek from October 25-30. The farm phone is 875-3384 and my cellphone is 760-419-8951.

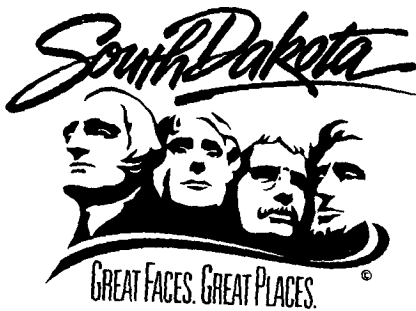
Sincerely,


Harold and Mary Ann Downes
1301 Shorebird Lane
Carlsbad, CA 92009
October 21, 2003

Note to # 5345-3: If this is the 25- acre strip adjacent Lake Sharpe, we lost the lease and don't believe we will recover it under current Corps of Engineers policies. Accordingly this permit may be a candidate for revision or cancellation. It was represented to us by the Corps at the time of non-renewal of our lease that the land was to be used as a wild life preserve. However, it has been farmed and crop has been taken from it in the form of hay in recent years in apparent contradiction of the use used as a basis for non-renewal of our long standing lease arrangement. If the Corps were to change its policies we would want to lease it again and make use of this permit.

If, on the other hand, this pertains to land on Joe Creek Terrace itself, we are currently irrigating it by gravity and gated pipe and are currently in the planning stages of installing additional center pivots on Secs 23 and 24 to replace the gated pipe system which has been employed since the date of permit #1000-3. We hope to have the new systems operational for the 2004 season.

Note to 4949-3: We are currently lessees of the land in Sec 21 but do not currently hold the lease in Sec 16. Accordingly, this permit should be amended to eliminate reference to the land in Sec 16. Also, we are in planning stages of installing a center pivot to replace the gated pipe system which we have always used in Sec 21. When this comes to pass, we would want to change the diversion point shown in this permit to that employed in #2105 for the land in the NW quarter of 22 and the NW quarter of 15 108-75 since the use of center pivots requires less water more efficiently distributed with less erosion than the flood systems. This change is tentatively foreseen for crop year 2005. We would like to withhold amending this permit until some of the things we are planning become fait accompli so as to incorporate all the changes with a single amendment or updating.



1657-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCESPMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 20, 2005

NOTICE

TO: HAROLD J DOWNES, 1301 SHOREBIRD LANE, CARLSBAD, CA 92009
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1000-3, 1032-3, 1657-3, 2105-3 & 4293-3 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) 4949-3 & 5345-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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. 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) 4949-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1000-3, 1032-3, 1657-3, 2105-3 & 4293-3 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 **February 25, 2005**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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.



1657-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 22, 2005

Harold J Downes
1301 Shorebird Lane
Carlsbad CA 92009

RE: Water Permit/Right Nos. 1000-3, 1032-3, 1657-3, 2105-3, 4293-3, 4949-3 and 5345-3

Dear Mr. Downes:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Permit/Right Nos. 1000-3, 1032-3, 1657-3, 2105-3, 4293-3, 4949-3 and 5345-3.

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

1000-3

1032-3

1657-3

2105-3

4293-3

4949-3

5345-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Albert Hattum, 21862 West Bend Rd, Harrold SD

DATE: September 25, 2006

TELEPHONE: 605 875-3248

RE: irrigation questionnaires for former Harold Downes land

COMMENTS:

Mr. Hattum stopped by the office to complete the 2005 irrigation questionnaires for Water Right Nos. 1000-3, 1032-3, 1657-3, 2105-3, 4293-3 and Water Permit Nos. 4949-3 and 5345-3. He farmed the land for the "Downes". Harold Downes had originally submitted the forms in November, 2005. The information contained on the forms did not appear to be correct and Mr. Hattum was contacted to review the data and make any necessary changes.

Since the updated irrigation questionnaire information for 2005 was received so late, the information did not become part of the permanent record for 2005. The completed questionnaires will still be scanned however the information will not be contained in the yearly report.

September 26, 2006: John Downes (son) and Michele Downes (daughter) to Mary Ann Downes stopped by the office to submit the "Notice of Transfer of Ownership" changes needed to transfer all Harold Downes' water rights to Mary Ann (Harold's wife). Michele Downes requested that the annual irrigation questionnaires be sent directly to her and she would work with Mr. Hattum to get them completed and submitted back to the office. Send the forms to her at:

Michele Downes 1682 NW Hopper St Roseburg OR 97470	phone: 541 464-8902 cell: 760 417-5711 work: 541 440-1000
--	---

Genny McMath

Genny McMath
Environmental Scientist

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 26, 2006

RECEIVED OF John Downes, 723 Bay Front Ln, Oak Harbor WA 98277

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	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 Water License No. _____			
Fee for Filing Transfer Form <u>1657-3</u>			
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)	TOTAL		
	2.50		

No.

02596

By

Darland Albrecht

Chief Engineer

gm

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1657-3

Date: 9/12/06

I/We request that Water Right No. 1657-3

formerly owned by: Harold J Downes

be transferred to: (name & address) MARY ANN DOWNES

1301 Shorebird LN

CARLSBAD, CA 92011

Telephone No. (760) 602-8437

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

80 acres - W 1/2 SE 1/4 Section 14, T108n, R75W

I/We understand that the validity of Water Right No. 1657-3 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 MARY ANN DOWNES, the new owner, certify that the above information is true and correct.

+ Mary Ann Downes
(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.

RECEIVED
SEP 26 2006
WATER RIGHTS
PROGRAM



1657-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

September 27, 2006

Mary Ann Downes
1301 Shorebird Ln
Carlsbad CA 92011

RE: Water Right or Permit Nos. 1000-3, 1032-3, 1647-3, 2105-3, 4293-3, 4949-3, 5345-3

Dear Mrs. Downes:

On September 26th, John and Michele Downes stopped by the office with the transfer forms you signed for changing ownership on Water Right Nos. 1000-3, 1032-3, 1647-3, 2105-3, 4293-3 and Water Permit Nos. 4949-3 and 5345-3. The transfers have been completed. The water rights and permits formerly listed in the name of Harold Downes are now listed in your name.

The receipts for the filing fees are being forwarded to John Downes by copy of this letter.

During a review of the water rights, we found the original water license for No. 2105-3 contained an error in the legal description. The error is being corrected and a new copy of the water license will be forwarded to you as soon as it is issued and signed. Also, it came to our attention that the irrigation systems described under Water Right Nos. 1000-3, 1032-3 and 1647-3 were operated interchangeably from the same diversion points. For ease of reporting information on the annual irrigation questionnaires, the water licenses are being combined into one. Nothing is lost during this process and you will retain the original priority dates. A copy of the final license will also be sent to you under separate cover once it is issued and signed by the Chief Engineer.

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

c: John Downes



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

September 28, 2006

Albert Hattum
21862 West Bend Rd
Harrold SD 57536

Dear Albert:

Thank you for stopping by the office this week to go over the irrigation questionnaires for the Downes land.

Enclosed as we discussed is a map showing which permits go with which land. We are in the process of incorporating Nos. 1000-3, 1032-3 and 1657-3 into one license. When Michele sends you the irrigation questionnaires next month, all of the land that used to be described in those three water rights will be listed on one form under No. 1657-3.

When you fill out the form for the land described under the Incorporated License No. 1657-3 do not worry about putting in crops. If it is easier for you to describe things by either the "pivot systems" or flood systems", you can do that. Our goal is to obtain the information on the total amount of acres irrigated and the total amount of water used. How you arrive at those numbers can be done whatever way is easiest for you.

Do not hesitate to call or stop by the office if you have questions. That's what we are here for!

Sincerely,

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

1657-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

NOV 01 2006

1000-3
1032-3
1657-3
2105-3

Mary Ann Downes
1301 Shorebird Lane
Carlsbad CA 92009

Dear Mrs. Downes:

Enclosed are your Reissued Water License Nos. 1657-3 and 2105-3. Water License No. 2105-3 was reissued to correct an error in the legal description of the irrigated acreage. Water License No. 1657-3 was reissued to incorporate the applicable portions of Water Right Nos. 1000-3 and 1032-3. In each case, all original priority dates were retained.

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,

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

enclosures

c: Michele Downes w/copies of licenses

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 1657-3

(1) Harold Downes was issued Water License No. 1657-3, June 10, 1971 for a water right to divert 1.14 cubic feet of water per second (cfs) from the Missouri River, Hughes County, South Dakota for irrigation purposes. Water License No. 1657-3, with a priority date of February 3, 1969 was issued to the permit holder for diversion of water with construction of the described water supply system completed and the application to beneficial use of water completed.

The pivot and flood irrigation system authorized under Water Right Nos. 1000-3, 1032-3 and 1657-3 are operated interchangeably between two diversion points. Either diversion point can supply water to all of the irrigated areas described in the three water rights. The applicable portions of Water Right Nos. 1000-3, 1032-3 are being incorporated into Water Right No. 1657-3 for ease in management and irrigation questionnaire reporting. Incorporating the water rights does not allow for an increase in the number of acres or diversion rate. The priority dates established under each water right will be retained.

On September 26, 2006, Water Right Nos. 1000-3, 1032-3 and 1657-3 were transferred to Mary Ann Downes.

(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 5.43 cubic feet of water per second for beneficial use. The location of the diversion points are between 2,620 feet E and 3,200 feet S of the NW corner of Section 23 and 3,100 feet S and 1,200 feet W of the NE corner of Section 23, T108N, R75W (NE ¼ SW ¼ & NE ¼ SE ¼).

(3) The water holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Priority date: April 5, 1963 (Water Right No. 1032-3) subtotal – 133 acres		Priority date: February 3, 1969 (Water Right No. 1657-3) subtotal 80 acres		Priority date: July 9, 1962 (Water Right 1000-3) subtotal 167.8 acres	
Section 14, T108N, R75W		Section 14, T108N, R75W		Section 23, T108N, R75W	
NW ¼ SW ¼	40 acres	NW ¼ SE ¼	40 acres	NW ¼ NE ¼	39.0 acres
SW ¼ SW ¼	14 acres	SW ¼ SE ¼	40 acres	NE ¼ NE ¼	39.0 acres
NE ¼ SW ¼	40 acres			SW ¼ NE ¼	12.5 acres
SE ¼ SW ¼	39 acres			SE ¼ NE ¼	16.5 acres
				Section 24, T108N, R75W	
				NW ¼ NW ¼	39.0 acres
				NE ¼ NW ¼	3.5 acres
				SW ¼ NW ¼	16.5 acres
				SE ¼ NW ¼	1.8 acres
Total of 380.8 acres					

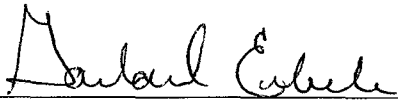
continued

License No. 1657-3

Page 2

(4) Pursuant to South Dakota Water Law 46-5-30.1 Mary Ann Downes, 1301 Shorebird Lane, Carlsbad CA 92009 the holder and/or owner of Reissued Water Right No. 1657-3 is issued a license to appropriate water, the right to use 5.43 cubic feet of water per second from the Missouri River with priority dates of July 9, 1962 (2.39 cfs); April 5, 1963 (1.90 cfs); and February 3, 1969 (1.14 cfs) from the locations specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

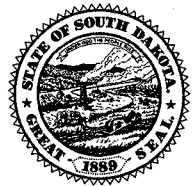
This license is subject to South Dakota Water Law and any limitations or conditions listed in Water Right Nos. 1000-3, 1032-3 and 1657-3.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

NOV 01 2006

date





1657-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 23, 2009

NOTICE

TO: JOHN DOWNES, MGR, 723 DAY FRONT, OAK HARBOR, WA 98277
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaires

Our records indicate that the 2008 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1657-3, 2105-3 & 4293-3 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) 4949-3 & 5345-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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. 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) 4949-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1657-3, 2105-3 & 4293-3 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 questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

c: MARY ANN DOWNES, 1301 SHOREBIRD LN, CARLSBAD CA 92011

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
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 12, 2009

John Downes, Mgr
723 Day Front
Oak Harbor WA 98277

RE: Water Right or Permit Nos. 1657-3, 2105-3, 4293-3 4949-3 and 5345-3

Dear Mr. Downes:

On March 11th, the Water Management Board ordered Water Permit Nos. 4949-3 and 5345-3 be suspended if the 2008 irrigation questionnaires were not received prior to April 11, 2009.

The questionnaire information for your water permits and rights was received on March 11th. Since the irrigation questionnaires are on file, no violations have occurred and no suspensions will take place. You are hereby authorized to irrigate during the 2009 irrigation season.

The Board also moved to amend Water Right Nos. 1657-3, 2105-3 and 4293-3 to include the following qualification:

- **Water Right Nos. 1657-3, 2105-3 and 4293-3 are approved subject to the Irrigation Water Use Questionnaire being submitted each year.**

The action to amend Water Right Nos. 1657-3, 2105-3 and 4293-3 became effective immediately. The amendment means that future violations for failure to return the annual irrigation questionnaire may result in the Water Management Board suspending the water rights.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

c: Albert Hattum, 21862 W Bend Rd, Harrold SD 57536



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 22, 2010

NOTICE

TO: JOHN DOWNES, MGR, 723 DAY FRONT, OAK HARBOR, WA 98277

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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. 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) 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
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 questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

c: MARY ANN DOWNES, 1301 SHOREBIRD LN, CARLSBAD CA 92011

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

March 3, 2010

John Downes, Mgr
723 Day Front
Oak Harbor WA 98277

RE: Water Right Nos. 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3

Dear Mr. Downes:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3. Mr. Hattum delivered the information to our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

As we discussed through email communication, future irrigation questionnaires will be directed to Mr. Hattum for completion. By copy of this letter, I am sending him a map showing the areas covered for irrigation. This should make completion of the forms easier.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

c: Albert Hattum
Mary Ann Downes



1657-3

[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 8726

Service(s): **Signature Confirmation™**Status: **Processed through Sort Facility**

Your item was processed through and left our SAN DIEGO, CA 92186 facility on January 24, 2010. The item is currently in transit to the destination. No further information is available for this item.

Detailed Results:

- Processed through Sort Facility, January 24, 2010, 12:50 am, SAN DIEGO, CA 92186
- Processed through Sort Facility, January 23, 2010, 1:39 am, SIOUX FALLS, SD 57104

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)[Site Map](#)[Customer Service](#)[Forms](#)[Gov't Services](#)[Careers](#)[Privacy Policy](#)[Terms of Use](#)[Business Customer Gateway](#)

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No FEAR Act EEO Data

FOIA

U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 8726

MARY ANN DOWNES
1301 SHOREBIRD LN
CARLSBAD CA 92011

Waiver of Signature ☐ YES ☐ NOPostmark
Here

POSTAL CUSTOMER:

Keep this receipt. For inquiries:
Access internet web site at
www.usps.com®
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CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail™ Service
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☐ Package Services parcel

PS Form 3837, May 2002

(See Reverse)

forms were delivered to office - no further action necessary. Jeanne

1657-3

[Home](#) | [Help](#) | [Sign In](#)[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 8719

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 2:12 PM on January 25, 2010 in OAK HARBOR, WA 98277. The item was signed for by J DOWNES.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 25, 2010, 2:12 pm, OAK HARBOR, WA 98277
- Out for Delivery or Available at PO Box, January 25, 2010, 9:19 am, OAK HARBOR, WA 98277
- Sorting Complete, January 25, 2010, 8:49 am, OAK HARBOR, WA 98277
- Arrival at Post Office, January 25, 2010, 4:24 am, OAK HARBOR, WA 98277
- Processed through Sort Facility, January 23, 2010, 8:15 pm, FEDERAL WAY, WA 98003
- Processed through Sort Facility, January 23, 2010, 1:39 am, SIOUX FALLS, SD 57104

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

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No FEAR Act EEO Data

FOIA

U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 8719

JOHN DOWNES, MGR
723 DAY FRONT
OAK HARBOR WA 98277

Waiver of Signature ☐ YES ☐ NOPostmark
Here

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
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☐ Package Services parcel

PS Form 153, May 2002

(See Reverse)



1657-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 15, 2016

NOTICE

TO: ALBERT HATTUM, RENTER, 21862 W BEND RD, HARROLD, SD 57536

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaires

Our records indicate your 2015 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1994-3 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) 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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. 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) 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1994-3 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 questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: JOHN C DOWNES, PO BOX 968037, SCHAUMBURG IL 60196

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.



1657-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 22, 2016

Albert Hattum
21862 W Bend Rd
Harrold SD 57536

Dear Mr. Hattum:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires for Water Permit or Right Nos. 1657-3, 1994-3, 2105-3, 4293-3, 4949-3 & 5345-3.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for the above listed water permits and water rights. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

c: John C Downes, PO Box 968037, Schaumburg IL 60196



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 20, 2017

NOTICE

TO: ALBERT HATTUM, RENTER, 21862 W BEND RD, HARROLD, SD 57536

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaires

Our records indicate your 2016 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1994-3 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) 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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. 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) 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1994-3 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 before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: JOHN C DOWNES, PO BOX 968037, SCHAUMBURG IL 60196

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.

1657-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 1, 2017

Albert Hattum
21862 W Bend Rd
Harrold SD 57536

RE: Water Permit/Right Nos. 1657-3, 1994-3, 2105-3, 4293-3, 4949-3 and 5345-3

Dear Mr. Hattum:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit/Right Nos. 1657-3, 1994-3, 2105-3, 4293-3, 4949-3 and 5345-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Please keep in mind, these forms are due annually on December 1st, not the end of January.
If you have any questions, please contact me.

Sincerely,

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

c: John C Downes



1657-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 26, 2018

NOTICE

TO: ALBERT HATTUM, RENTER, 21862 W BEND RD, HARROLD, SD 57536
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaires

Our records indicate your 2017 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1994-3 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) 1657-3, 2105-3, 4293-3 & 5345-3 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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. 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) 1657-3, 2105-3, 4293-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1994-3 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 before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: JOHN C DOWNES, 723 BAY FRONT LN, OAK HARBOR WA 98277

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.

1657-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 5, 2018

Albert Hattum
21862 W Bend Rd
Harrold SD 57536

RE: Water Permit/Right Nos. 1657-3, 1994-3, 2105-3, 4293-3 & 5345-3

Dear Mr. Hattum:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water or Permit Nos. 1657-3, 1994-3, 2105-3, 4293-3 & 5345-3. 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,

A handwritten signature in cursive script that reads "Genny McMath".

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

c: John C Downes



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 25, 2019

NOTICE

TO: ALBERT HATTUM, RENTER, 21862 W BEND RD, HARROLD, SD 57536

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaires

Our records indicate your 2018 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1994-3 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) 1657-3, 2105-3, 4293-3 & 5345-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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. 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) 1657-3, 2105-3, 4293-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1994-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

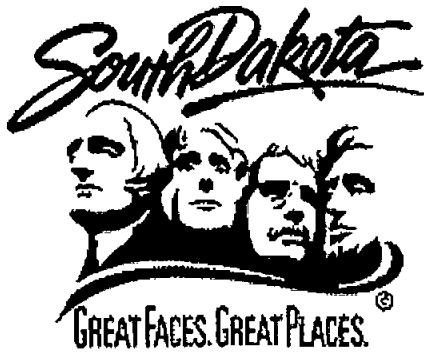
The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by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

If the questionnaires are received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: JOHN C DOWNES, 723 BAY FRONT LN, OAK HARBOR WA 98277

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.

1657-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 19, 2019

Albert Hattum
21862 W Bend Rd
Harrold SD 57536

RE: Water Permit/Right Nos. 1657-3, 1994-3, 2105-3, 4293-3 & 5345-3

Dear Mr. Hattum:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Permit or Right Nos. 1657-3, 1994-3, 2105-3, 4293-3 & 5345-3. 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,

A handwritten signature in black ink, appearing to read "Genny McMath".

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

c: John Downes, 1301 Shorebird Ln., Carlsbad, CA 92011



1657-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 23, 2020

NOTICE

TO: ALBERT HATTUM, RENTER, 21862 W BEND RD, HARROLD, SD 57536

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1994-3 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) 1657-3, 2105-3, 4293-3 & 5345-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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. 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) 1657-3, 2105-3, 4293-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1994-3 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 before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: IPRIJR**

c: JOHN C DOWNES, 723 BAY FRONT LN, OAK HARBOR WA 98277

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.

1657-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 11, 2020

Albert Hattum
21862 W Bend Rd
Harrold SD 57536

RE: Irrigation questionnaires for Water Right/Permit Nos. 1657-3, 1994-3, 2105-3, 4293-3 & 5345-3

Dear Mr. Hattum:

I am writing regarding the 2019 irrigation questionnaires. I obtained the necessary information from Mr. Downes and completed forms for our files.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right or Permit Nos. 1657-3, 1994-3, 2105-3, 4293-3 & 5345-3.

With receipt of the information, everything for 2019 is up to date. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

c: John Downes

1657-3

MAY ADAM

— Since 1881 —

WWW.MAYADAM.NET

June 22, 202

ROBERT B. ANDERSON
TIMOTHY M. ENGEL
MICHAEL F. SHAW
BRETT KOENECKE
JUSTIN L. BELL
DOUGLAS A. ABRAHAM
TERRA M. FISHER
LAURA C. ROWE

RECEIVED

JUN 23 2020

WATER RIGHTS
PROGRAM

WARREN W. MAY 1920-2018
THOMAS C. ADAM 1935-2019
BRENT A. WILBUR 1949-2006

TELEPHONE

605 224-8803

FAX

605 224-6289

E-MAIL

daa@mayadam.net

PMB 2020
DENR – Water Rights Program
523 E. Capitol Avenue
Pierre, South Dakota 57501

RE: JOHN DALY FILE
Our File: 0016/14152

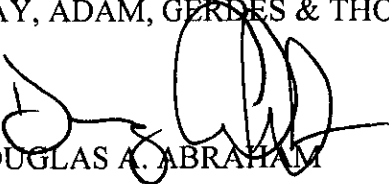
Dear Sir or Madam:

Please find enclosed with this correspondence seven Notices of Transfer of Ownership concerning a number of parcels. If you have questions or concerns regarding the enclosed information, please let me know. I have included a corresponding check in the amount of \$350 for the \$50 fee per transfer as required by SDCL 46-2-13. If you need anything further in relation to this matter, please let me know.

Best regards.

Very truly yours,

MAY, ADAM, GERDES & THOMPSON LLP



DOUGLAS A. ABRAHAM

DAA:mw
Enclosures
cc: John Daly

MAY, ADAM, GERDES & THOMPSON LLP
503 SOUTH PIERRE STREET • P.O. Box 160
PIERRE, SOUTH DAKOTA 57501-0160

RECEIVED

JUN 23 2020

WATER RIGHTS
PROGRAM

PAID

JUN 23 2020

Ck# 38060

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1657-3

Date: _____

I/We request that Water Right No. 1657-3

formerly owned by: Mary Ann Downes

be transferred to: (name & address) John H Daly, 34662 236th St., Pukwana SD 57370

Telephone No. 605 680-1354

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

380.8 acres – SW ¼ and W ½ SE ¼ Section 14; NE ¼ Section 23 and NW ¼ Section 24, all in

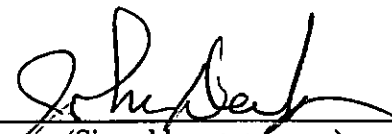
T108N, R75W

I/We understand that the validity of Water Right No. 1657-3 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 Fifty Dollars (\$50.00) 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 John Daly, 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.

1657-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date June 23, 2020RECEIVED OF May Adam Gerdes & Thompson LLP PO Box 160 Pierre SD 57201-0160

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>1657-3</u>	\$50.00
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	\$50.00

By Eric Gronlund
 Chief Engineer vm



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

July 1, 2020

Douglas A Abraham
MAY, ADAM, GERDES & THOMPSON LLP
PO Box 160
Pierre SD 57501 0160

RE: John Daly transfers

Dear Mr. Abraham:

The seven transfer forms and filing fees you submitted on behalf of John Daly were received and four were processed. Water Right Nos. 4293-3, 2105-3, 1657-3 and Permit No. 5345-3, formerly held by Harold and/or Mary Ann Downes are now listed under John H Daly.

As we discussed on the phone, the transfers filed for Nos. 1000-3, 4949-3 and 4393-3 are not needed for the following reasons:

- **1000-3** Those acres were incorporated into Water License No. 1657-3 upon licensing, so everything irrigated is within 1657-3 (filing an ownership change for 1657-3 caught all of the acreage under both #'s)
- **4949-3**: SW ¼ Section 16 and E ¼ Section 21, T108N, R75W (this one according to the 2017 inspection looks like it can be cancelled) We did not receive word back from the Tribe on any new lease.
- **4393-3** (held by Lyle Wagner) is for land in Union County (SE ¼ Sec 9, T92N, R50W).

The receipts amounting to \$200 for the transfers that were processed are enclosed. The remaining \$150 submitted for Nos. 1000-3, 4949-3 and 4393-3 will be refunded to you. The refund will be processed and sent to you within the next two weeks.

If you have any questions, please let me know.

Sincerely,

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

c: John Daly, 34662 236th St, Pukwana SD 57370