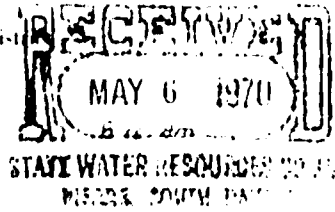


Water Right Number R 967-3 1752-3

1. Considered July 22, 19 70
2. Name of Applicant The Geyerman Corp
3. Post Office Address Mitchell, S.D.
4. Amount of water claimed no additional
5. Source of water supply James River
6. Water to be used for irrigation
Acres to be irrigated 160
7. Water to be diverted and used in Davison County
about _____ Miles _____ of _____
8. Proof of Publication
Received June 25, 1970
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks: This application proposes a change in lands to be irrigated under permit No. 1357-3, with the NE $\frac{1}{4}$, Section 30, T106N, R59W to be transferred to the SE $\frac{1}{4}$, Section 31, T106N, R59W

Map No. 967-3 Water Division No. 3 JAMES RIVER
 (Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant The Geverman Corp.
 Postoffice address Mitchell State South Dakota
 If a corporation show date and place of incorporation February 1947, Mitchell, S. Dak.
2. Method of accomplishing work (contract, employment of others, or by direct labor) contract & direct labor
3. Name of diversion work Geverman River Project #3
4. Amount of water claimed (cubic feet per second) no additional
5. Source of water supply James River
6. Location of point of diversion between points 860' N and the SW corner, Section 36,
T 106N, R 60 W
- County Davison
7. Annual period or periods during which water is to be used April through October
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use, Total number of acres to be irrigated 160

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
SE ⁴ , Section 31			
T106N, R59W	160		
4			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Daily Republic, Mitchell
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

This application proposes a change in lands to be irrigated under permit no. 1357-3, with the NE⁴, section 30, T106N, R59W to be transferred to the SE⁴, section 31, T106N, R59W.

B. Works proposed to transport water to place of use.

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ _____

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)
) ss.
 County of Davison)

I, William C. Heiam the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction

Signed William C. Heiam Pres.Subscribed and sworn to before me this 5th day of May 1970

Glenn P. Pritchard
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL **1752-3**

J.M. REC-Aa, Inc.

The Water Resources Commission hereby approves Water Right Application No. ~~92222~~~~THE GUYERMAN CORP.~~

(Applicant)

~~MITCHELL~~

(Post Office Address)

SOUTH DAKOTA

(State)

With the following modifications:

This permit does not authorize diversion of water from the James River after August 10th of each calendar year, nor at any time when the river flow is obviously low, unless written orders have been so issued by the State Water Resources Commission, or its legally appointed representative. Diversions under this permit shall be in accordance with any written orders issued by the Commission or its representative.

THIS PERMIT IS APPROVED AS A TRANSFER OF LANDS TO BE IRRIGATED FROM PERMIT NO 1357-3

Date of first receipt of application MAY 6 19 70Date of return to applicant for correction, amendments or changes required — 19 —Date of receipt of corrected application — 19 —Approved JULY 22 19 70 Recorded in Book 11 Page 161WATER RIGHT PERMIT NO. **1752-3**

The Water Resources Commission hereby grants and issues this Water Right Permit No. **1752-3** authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is FEBRUARY 10 19 67
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 22 19 73
3. The whole of said work is to be completed on or before JULY 22 19 75
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 22 19 79
5. The water appropriated shall be used for the purpose of IRRIGATION

6. 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.

7. The amount of the appropriation herein granted shall not exceed 2.28 * cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and 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 JULY 22 19 79; said water to be used during the following described annual period: APRIL THREE OCTOBER

*** 2.28 CFS AND 160 ACRES HAVE BEEN DEDUCTED FROM PERMIT NO 1357-3**

Witness my hand this 28TH day of JULY 19 70

WATER RESOURCES COMMISSION

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued — 19 —Water License Issued — 19 —

1752-3

Publish first publication, on or before June 25, 1970

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota, 57501

May 26, 1970

Notice is hereby given that the Geyerman Corporation

whose post office address is Mitchell, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to ~~appropriate for beneficial use~~

~~2000 feet of water per acre of this tract~~ ~~3110000000~~

~~the point of diversion of which is located in the~~
to transfer lands to be irrigated from the NE $\frac{1}{4}$, Section 30 to the SE $\frac{1}{4}$, Section 31,
T106N, R59W, and to appropriate no additional water than previously granted under
water permit No. 1357-3

~~of Section xxxxxxxxxx, Twp xxxxxxxxxx, Range xxxxxxxxxx, Saline water to be used for the purpose~~
~~of providing water for the following description~~

This application No. 1752-3 will be considered by the Water Resources Commission at their office at
Pierre upon the 22nd day of July, 1970, at 2:00 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

cc: William C. Heism
The Geyerman Corp.
801 South Sanborn
Mitchell, S.D.

By:

BURTON F. JONES, Water Rights Specialist

No. _____

STATE OF SOUTH DAKOTA)
) ss.
County Davison)

(Date Signed)

**WATER RESOURCES
COMMISSION
BURTON F. JONES,
Water Rights Specialist**

BURTON F. JONES,
Water Rights Specialist

RECEIVED
JUN 25 1970

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

COMMISSION

John M. Garhart, Specialist
 Lester Brue, Parker
 Carl Cronin, Gettysburg
 Warren A. Davis, Belle Fourche
 Milton E. Fischer, Milsank
 Richard Lommen, Harrisburg
 Clarence D. Mortenson, Hayes
 Dick Fisher, Creston

South Dakota

WATER RESOURCES COMMISSION

State Office Building #2

PIERRE, SOUTH DAKOTA 57501

J.W. GRIMES

Chief Engineer
 and
 Executive Officer

PHONE
 224-3514
 Area Code 605

August 7, 1970

Mr. W.C. Hailem
 The Gayrman Corp.
 801 S. Hanborn
 Mitchell, South Dakota

Dear Mr. Hailem:

The South Dakota Water Laws provide "That the use of water for domestic purposes is the highest use of water; and takes precedence over all appropriative rights." and "That the right of a municipality to acquire and hold rights to the use of water should be protected to the fullest extent necessary for existing and future uses, ---".

The South Dakota water laws provide also, "The full control of all waters in the definite streams of this State is vested in the Commission. The Commission shall regulate and control the development, conservation and allotment of waters of the State according to the principles of beneficial use and priority of appropriation established by this Act." The Commission referred to is the Water Resources Commission.

Because of the existing deficient supply of water in the James River to satisfy all authorized uses of the waters of this stream, the Water Resources Commission hereby orders that all withdrawals of water from the James River for irrigation purposes between the north boundary of Spink County and the south boundary of Hanson County shall cease effective 6:00 P.M., August 10, 1970, and until January 1, 1971, or until further notice.

This order is necessary in order to maintain domestic use, including stock-water, and municipal water supplies to the extent possible under the scanty runoff yield of water to the James River.

1752-3; 464-3;

Please govern your use of irrigation water under your Water Right No. 6 1357-3 in accordance with this order. You will be notified if water supplies in this section of the James River become sufficient to permit irrigation water withdrawals again during 1970. Aerial inspections of this section of the James River will be made by the Staff of the Water Resources Commission.

Sincerely,

J.W. Grimes
 J.W. GRIMES

JWG/DD/bw

P.S. The Water Permits of almost every water right holder receiving this letter contains the August 10th irrigation stoppage qualification or a low flow qualification which prohibits the diversion of water from the existing low flows of the James River, even if this special order were not issued.

Form 20.

464-3, 1357-3 & 1752-3

NOTICE OF TRANSFER OF WATER PERMIT

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

Date March 1, 1973

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

All of Section 36, except Lots A, C & D, Township 104, N, Range 60, W, Davison County,
South Dakota, the W $\frac{1}{2}$ and NE $\frac{1}{4}$ of Section 30, and the W $\frac{1}{2}$ and SE $\frac{1}{4}$ of Section 31,
Township 104, N, Range 59, W, Hanson County, South Dakota

formerly owned by The Geyerman Corporation

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

P.O. Box 936

Mitchell, South Dakota 57301

together with any rights to the beneficial use of water thereon as evidenced by Water Right Perm. No. 464-3, 1357-3, & 1752-3
as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

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

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
County of Davison) ss.

I, Dan J. Koupal, Secy. being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

By [Signature] Secy.
(Signed)

Suscribed and sworn to before me this 5-24 day of March, 19 73

[Signature]
(Notary Public)

RECEIVED
MAR 30 1973

STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

Dear Sir: -

Aug. 14

If the Leyman, Inc
isnt stopped their
irrigating from the James
River, there isnt going
to be any water left for
the rest of us down stream
for livestock & etc.

Thank You
W. R. Palmer
R #1
Mitchell, S.D.
57301

RECEIVED
AUG 15 1973

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

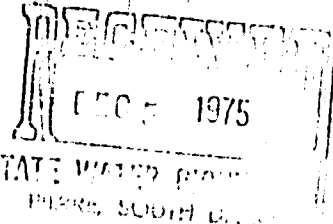


Mitchell Realty Company

Realtors - Developers - Consultants

310 N. Lawler Mitchell, South Dakota 57301 605, 296-6606

December 4, 1975



Burton F. Jones, Water Rights Specialist
Water Resources Commission
Joe Foss Building
Pierre, South Dakota 57501

Jim-Rec-Ag, Inc.
Water License #464-3
Water Permits #1357-3 and 1752-3

Dear Mr. Jones:

I am enclosing irrigation record, 1975. You will recall that I visited with you May 12 regarding the above license and permits as we were about to contract for a new irrigation system as recommended by "Red" Pahl of Brookings. We did install a complete new system consisting of two "Valley" center pivot systems replacing all of our old equipment except three Vermeers. The new equipment was to be in full operation by June 6 but actually did not get into operation until July 7. You may recall that I telephoned you on July 14 requesting an inspection of the new operation and advice regarding conversion of the permits to licenses. The area actually irrigated in 1975 was portions of Section 36, Davison County and portions of Section 31, Hanson County. The portions of Section 31, Hanson County would be under permits 1357-3 and 1752-3.

We were unable to make full use of our equipment in 1975 because of the late date of operation. However, the present system is designed to irrigate approximately 300 acres in Section 36, Davison County and 320 acres in Section 31, Hanson County. We assume that water license #464-3 can be amended to provide for the diversion of not less than 10.00 c.f.s. of water from the James River for the present system. I would certainly appreciate your advice as to proper procedure.

I am also enclosing a tracing showing land owned by Jim-Rec-Ag, Inc. for 1976 and future operations representing approximately 13 quarters. Because of the terrain, there are no roads either east-west or north-south between Sections 25, 36, Davison County and Sections 30 and 31, Hanson County. The changes in irrigation made this past year represent Phase I of Mr. Pahl's recommendations. Phase II of his recommendations covers the extension of our irrigation system to irrigate portions of the east half of Section 25, Davison, and portions of the west half of Section 30, Hanson, to which water permit 1357-3 would apply. I would appreciate your recommendations as to procedure we should follow in planning to implement Phase II as recommended.

Thank you very much for your cooperation.

Yours very truly,

Roger W. Baldwin

RWB:BH

Enc. As stated

10/6/78

DAVIDSON COUNTY
RANGE 10

HANSON COUNTY
RANGE 59

PLANO
ROAD

PLANO
ROAD

DAVIDSON COUNTY
HANSON
LINE

PERRY TWP 104

PLANO TWP 104

SIN PURY
ROAD

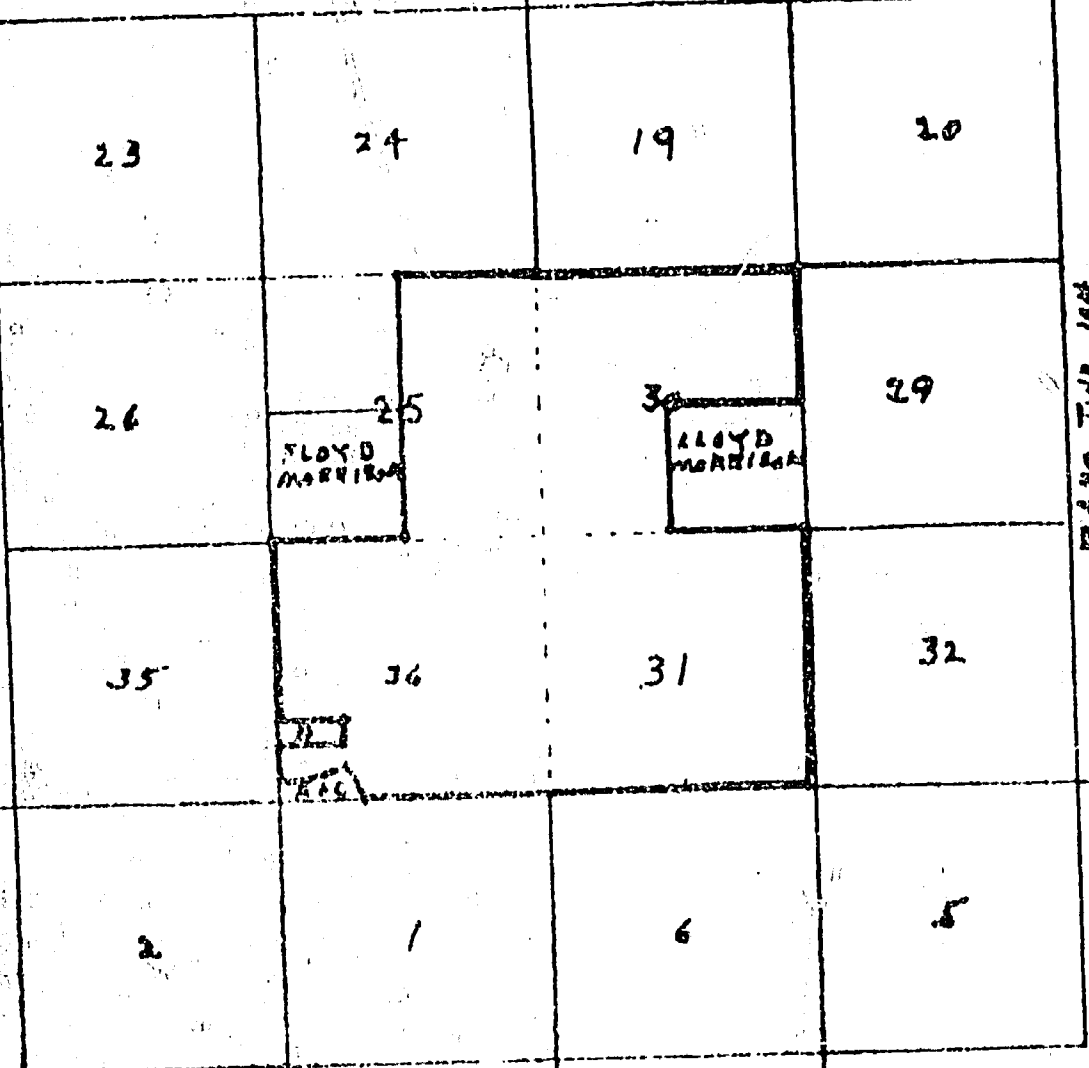
AIRBOR
ROAD

ANTHONY TWP 103

HANSON TWP 103

DAVIDSON COUNTY
HANSON
LINE

HILLSIDE ROAD



DATE RECORDED

**South Dakota Department of
Water & Natural Resources**
Joe Foss Building
Pierre, South Dakota 57501
Water Rights Division
605 773-3352

August 10, 1982

Gary Rowley
318 N Foster
Mitchell SD 57301

Dear Mr. Rowley:

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

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

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

Sincerely,

GENNY YOUNG
Water Rights Specialist

GY:ks

enclosure

1752-3

August 20, 1982

South Dakota Department of
Water and Natural Resources
Joe Foss Building
Pierre, South Dakota 57501

Re: Jim-Rec-Ag Inc.
1752-3, 464-3, 1357-3

Gentlemen:

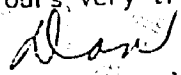
You have been sending information on irrigation to Box 936,
Mitchell, South Dakota.

Please correct your mailing address as follows:

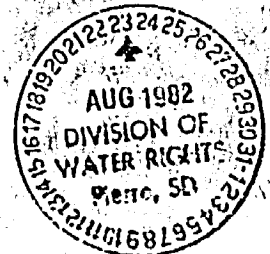
Jim-Rec-Ag Inc.
c/o Dan J. Koupal
Box 670
Mitchell, South Dakota 57301

Thank you.

Yours very truly,


Dan J. Koupal

DJK:meg



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

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

April 18, 1988

1752-3
1357-3
464-3

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

RE: James River Flow Conditions and Future Shut Off Orders

Dear Mr. Koupal:

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

James River flow conditions are as follows:

James River Flow* Record

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

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

1 cfs = 449 gallons per minute

** Sand Lake Refuge has increased releases due to inflows

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

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

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

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch", is written over the typed name.

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



Department of Water & Natural Resources

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

June 28, 1988

NOTICE OF SHUTOFF ORDER

454-3
1752-3
1357-3

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

FROM: John Hatch, Chief Engineer *John Hatch*
Water Rights Division
605 773-3352 *By James Hinkley*

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

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

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

Let us know if you have any questions.

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



SOUTH Dakota Department of
Water & Natural Resources

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

July 28, 1989

NOTICE OF SHUTOFF ORDER

1752-3
1357-3
464-3

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

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

John Hatch

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

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

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

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

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





Department of Water & Natural Resources

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

5207-3

SEP 14 1989

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

Dear Mr. Shanard:

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

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

Very truly yours,

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

enclosures

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