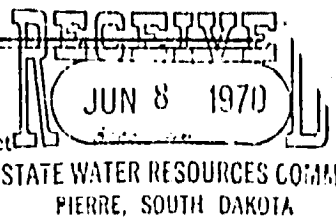


Water Right Number 1757-3

1. Considered March 15, 19
2. Name of Applicant Allen D. Kettering
3. Post Office Address Mellette, S.D.
4. Amount of water claimed .45
5. Source of water supply James River
6. Water to be used for irrigation
Acres to be irrigated 31.90
7. Water to be diverted and used in Spink County
about 4 miles East and 1 Miles South of Mellette
8. Proof of Publication
Received 1st
Not received
9. Application
Approved
Subject to
Not approved
Action deferred
10. Remarks:

No. 1757-3

Water Division No. 3 JAMES RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

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

1. Name of applicant ~~XXXXXXXX~~ ~~XXXXXXXXXXXX~~ Allen D Kettering
Postoffice address ~~XXXXXXXX~~ WELLESLEY, County SPINK, State SOUTH DAKOTA

1. If a corporation ~~NOT APPLICABLE~~

(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 AND DIRECT LABOR BY APPLICANT

(b) Cash on hand, \$ SUFFICIENT

(c) Treasury stock, \$ N.A.

(d) Bonds to be issued, \$ N.A.

(e) Other resources, \$ N.A.

2. Name of diversion work PUMPING FROM RIVER TO DISTRIBUTION SYSTEM (GRAVITY)

3. Amount of water claimed 96 ACRE-FT/YR cubic feet per second 0.456 CFS (205 GPM)

4. Source of water supply JAMES RIVER IN SPINK COUNTY, SOUTH DAKOTA

5. Location of point of diversion SEE SITE MAP LOCATION IN THE SE 1/4 SECTION 9,
1850' N & 355' W OF THE SE CORNER, SEC 9, T119N, R63W.
T119N, R63W on EAST bank SPINK County.

6. Annual period or periods during which water is to be used MAY THROUGH OCTOBER

7. To be used for:

1. Irrigation or domestic use Gravity, overhead sprinkling or combination system? GRAVITY

(a) Number of acres to be irrigated 31.9 acres.

(b) Legal subdivisions to be irrigated SE 1/4 SECTION 9, T119N, R63W, SPINK COUNTY

(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.) NONE

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use NONE NOT APPLICABLE

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 1280-3

8. Estimated cost of work:

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

(b) Pumping plant, \$ 1000.00

(c) Fluming, \$ N. A.

(d) Canal-earth, \$ N. A.

Rock, \$ N. A.

(e) Other structures TRANSMISSION & DISTRIBUTION

Total, \$ 5000.00

9. Description of diversion works LINE = 3500.00

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

PUMPING PLANT WITH TRANSMISSION AND DISTRIBUTION LINES

II. Dimensions of works.

(a) Dam: Height N. A. 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 N. A. 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 N. A. feet; height feet; Material

(d) Canal: Total length N. A. 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 TWO years.

AS REQUIRED FOR ANNUAL CROP DRAIN. 6 MTHS/YR

11. Time required for complete application of water to the proposed beneficial use 3 years.

12. Choice of newspaper for publication of notice of intention to appropriate REDFIELD, PRESS, REDFIELD, SOUTH DAKOTA

STATE OF SOUTH DAKOTA

County of } ss.

I, ALLEN D. KETTERING, 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

5th day of

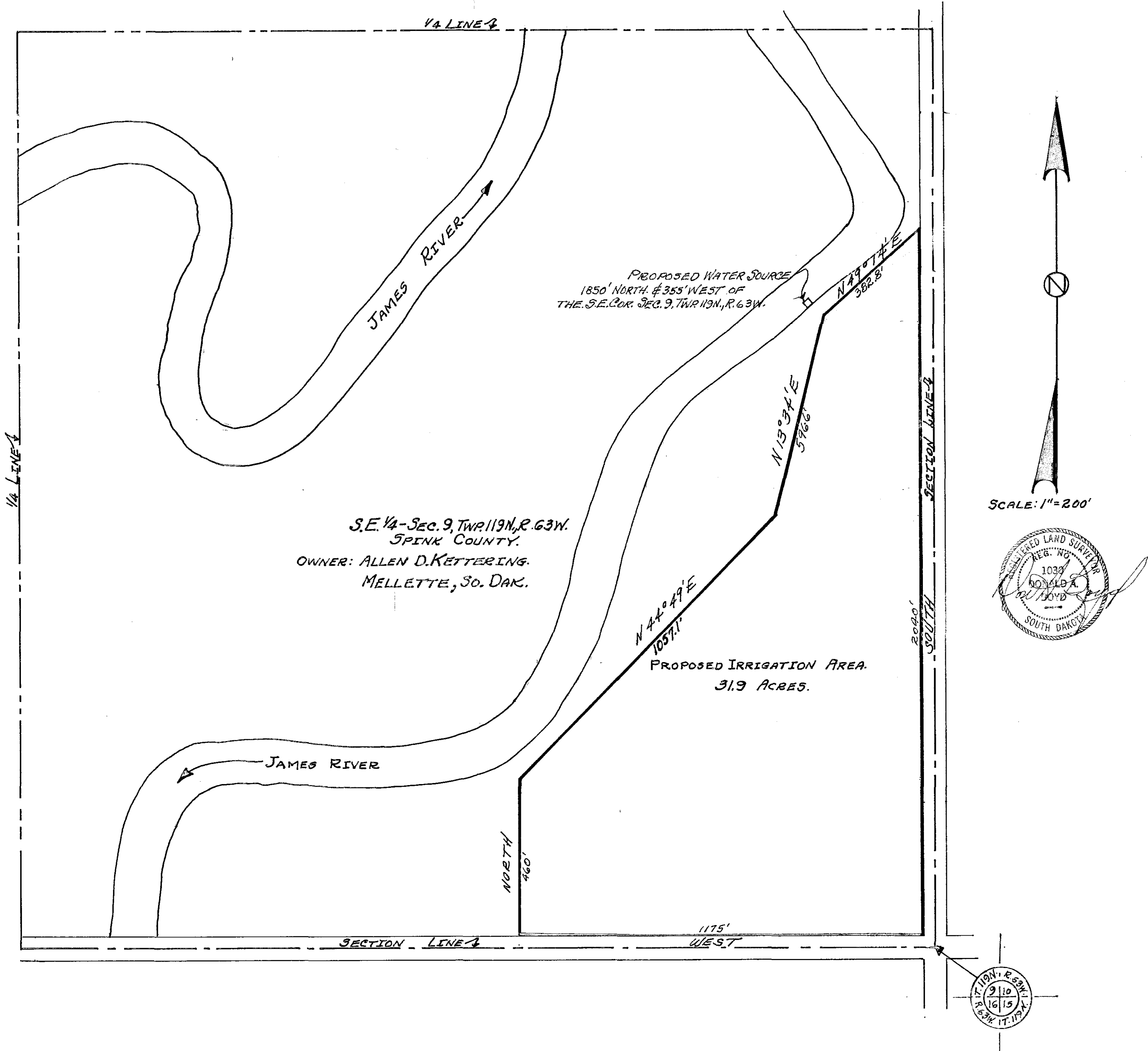
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

25 JUNE 1975

WATER RIGHTS MAP

1970.



SURVEYOR'S CERTIFICATE.

I, DON A. BOYD, A REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, HEREBY CERTIFY THAT THIS MAP PREPARATION WAS COMPLETED BY ME OR UNDER MY DIRECT SUPERVISION AND SAID MAP IS TRUE AND ACCURATE IN EVERY RESPECT.

DATE: 6 MAY 1970

Don A. Boyd
DON A. BOYD
REG. P.E. # L.S., J.D. 1030

ACKNOWLEDGEMENT.

STATE OF SOUTH DAKOTA, } ss.
COUNTY OF BROWN

ON THIS THE 6TH DAY OF MAY, 1970, BEFORE ME A NOTARY PUBLIC, PERSONALLY APPEARED DON A. BOYD, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

MY COMMISSION EXPIRES: 13 Nov. 1976

Robt. W. Owens
ROBT. W. OWENS
NOTARY PUBLIC.

Remarks by State Water Resources Commission:

-- 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.

STATE OF SOUTH DAKOTA

County of

HUGHES

ES.

Pierre, South Dakota,

JUNE 30, 1972

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock

a.m. upon the 8TH day of JUNE, 1970

State Water Resources Commission

By:

[Signature]
for Chief Engineer, Executive Officer

Number of permit 1757-3

Date of first receipt of application JUNE 8, 1970

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

Date of receipt of corrected application —, 19—

Date from which applicant may claim right JUNE 8, 1970

Approved MARCH 15, 1972, Recorded in Book 12, Page 116

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

MARCH 15, 1973

2nd. The whole of said work is to be completed on or before MARCH 15, 1974

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

MARCH 15, 1977

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 .45 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 15, 1977; said water to be used during the following described annual period:

MAY THRU OCTOBER

Witness my hand this 30TH day of JUNE, 1972

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued DECEMBER 13, 1972

Water License Issued DECEMBER 15, 1972

Remarks by the Applicant:

WATER CLAIM BASIS

3 ACRE-FT/YR PER ACRE

3 x 31.9 = 96 ACRE-FT/YR

1 CUBIC FT/SEC PER 70 ACRES

$-\frac{32}{70} = 0.456 \text{ CU.FT./SEC} = 205 \text{ GPM}$

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1757-3

1) WHEREAS, On the 8th day of June A. D. 19 70
Jerry Kettering

made Water Right Application No. 1757-3 for a permit to use .45 cubic feet per second of the water,
the James River

County of Spink, State of South Dakota, for irrigation

2) WHEREAS, On the 15th day of March A. D. 19 72
 Permit No. 1757-3, with a date of priority of June 8, 1970

as 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 15th day of March A. D. 19 74 and for the
 application to beneficial use of said water on or before the 15th day of March A. D. 19 77

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 .45 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,

to irrigate 31.9 acres in the E $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, T119N, R63W

(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 Jerry Kestoring

_____ of Mellotte, South Dakota

the holder _____ and owner _____ of said permit No. 1757-3 a water right, dating from June 8, 1970

_____ to use of .45 cubic feet per second of the waters

of the James River

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

purposes hereinbelow mentioned, to be diverted at approximately 800 feet north and 1000 feet west

of the SE corner, Section 9, T110N, R63W

and conduct/ed and upon 31.9 acres in the E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 9, T110N, R63W

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 1757-3 and subject to the laws of the State of South Dakota.

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

this 18th day of December A. D.

Nineteen Hundred and Seventy-Nine

Board of Water Management

By:

John Hatch
Chief Engineer, JOHN HATCH

Permit No. 1757-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Jerry Kettering

_____ the holder _____ of
Permit No. 1757-3, issued upon Application No. 1757-3, bearing date of priority of June 8, 1970
_____ authorizing the diversion of .45 cu. ft. per second of the waters of _____
the James River County of Spink, State of South Dakota at _____
approximately 800 feet north and 1000 feet west of the NE corner,
Section 9, T110N, R63W
_____ for irrigation

_____ purposes, has 8 complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.33 cu. ft. per second of water.

Date December 18, 1971

John Hatch
JOHN HATCH, Chief Engineer
Water Rights, WHD

Form 6 - Notice of Intent to Appropriate Water

1757-3

Publish first publication, on or before February 17, 19 72

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

February 15, 19 72

Notice is hereby given that Allen D. Kettering

whose post office address is Mellott, 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

.45 cubic feet of water per second of time from the Jenne River through the

Kettering Irrigation Project, the point of diversion of which is to be located in the

NE 1/4 SE 1/4

of Section 9, Twp. 119N, Range 63E. Said water to be used for the purpose of providing irrigation on a portion of the following described land:

SE 1/4, Section 9, T119N, R63E

This application No. 1757-3 will be considered by the Water Resources Commission at their office at Pierre upon the 15th day of March, 19 72, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

cc: Mr. Allen D. Kettering, Mellott, S.D. 57461

Affidavit of Publication

STATE OF SOUTH DAKOTA
County of Spink

SS

Harold R. Jones, of said County and State, being first duly sworn on oath, say that the REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as Amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by the SPINK COUNTY PRINTING CO., INC., and has been such newspaper during the time hereinafter

mentioned, and that *Harold R. Jones*, the undersigned am *Editor* of said newspaper in charge of the advertising

department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the legal or official notice entitled:

Notice Intent To Appropriation Water

a printed copy of which is hereto attached, was printed and published in said newspaper in 4 successive issues, to-wit:

The first publication being made on	<i>Feb. 17</i>	19 <i>72</i>
2nd	<i>Feb. 24</i>	19 <i>72</i>
3rd	<i>Mar. 2</i>	19 <i>72</i>
4th	<i>Mar. 9</i>	19 <i>72</i>

that the full amount of the fee charged for publishing the same to-wit: the sum of \$ 13.84, inures to the benefit of the publisher of the REDFIELD PRESS, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

Harold R. Jones
9th

Subscribed and sworn to before me this _____ day

of *March* 19 *72*
Margaret E. Jones
Notary Public, Spink County, South Dakota

(SEAL)

REC'D
6-26-72

No 74

Notice No. 1757-3
NOTICE INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
February 15, 1972
Notice is hereby given that
Allen D. Kettering, whose post
office address is Mellette, 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 .45 cubic feet of
water per second of time from the
James River through the Kettering
Irrigation Project, the
point of diversion of which is to be
located in the NE 1/4, SE 1/4, of
Section 45, Twp. 119N, Range
63W, said water to be used for the
purpose of providing irrigation on
a portion of the following
described land: *1/4 Sec. 45, Twp. 119N, Range 63W.*
This application No. 1757-3 will
be considered by the Water
Resources Commission in their
office at Pierre upon the 15th day
of March, 1972, at 2:00 P. M. All
interested persons may appear
and be heard.

WATER RESOURCES
COMMISSION

By: *Burton F. Jones*
Water Rights
Specialist
cc: Mr. Allen D. Kettering,
Mellette, S. D. 57461
(Feb. 17, 24; March 2, 9)

January 24, 1972

Mr. Allen D. Kettering
Mallette, South Dakota 57461

Dear Mr. Kettering:

For approximately the past three years applications to divert water from the James River, in that stretch of the river from the North Dakota-South Dakota boundary to the north boundary of Yankton County, have been placed in a deferred status pending a further evaluation of flows and water use from the James River.

The Water Resources Commission has determined that unappropriated water exists from this source for a specified amount of water and has directed the Staff to determine if the applicants having the deferred applications wish to have them processed at this time.

It should be pointed out that the Permit will contain the following qualification:

"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 does not authorize diversions from the James River when water is not by-passing the James River Dam north of Huron, or when less than 20 c.f.s. of water is by-passing the 3rd Street Dam in Huron.

You have pending with the Water Resources Commission Application No. 1757-3 to divert .45 c.f.s. from the James River for irrigating 31.9 acres in Spink County.

Question: Should we proceed with the advertising of your application?

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ/lw

Dec 9-119-65

at Co. of the

we live on it

Sw 1/4

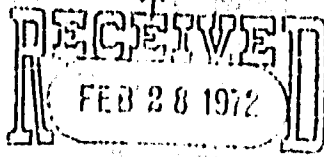
SE 1/4 9-119-65

Mellott, S. Dak.

Mar 24 - 1972

Mr. Burton Jones

Pierre, S. Dak.



STATE WATER RESOURCES COM.
PIERRE, S. DAK.

Dear Sir,

Enc. is clipping from Idaho Press
of Redfield Press with the request for
water by Allan Kettinger.

We happen to also want water from
the James River. we live on section 9-119-65
SW 1/4 of 9-119-65. all west of Pierre. NW 1/4 9-119-65.
we have been flooded out repeatedly by this
dam. we tried to get a permit to use
this water and were unable to locate the
right person. of course we have cattle that
depend on this water so how would we
be assured that there would be water in
the river when we need it. Do cattle rights
con. before irrigation? Please advise.
Mr. Peterson passed away. Don Dale farm this.

(Olga) Mrs Paul Peterson
Mellott

S. Dak. 57461

Permit No. 1757-3Water Division 3 JAMES RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by JERRY
KETTERING of MELLETTTE holder
of Permit No. 1757-3, bearing date of priority of JUNE 8, 1970
authorizing the diversion of .45 cu. ft. per second of the waters of JAMES RIVER
for IRRIGATION purposes, in SPINK County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

BERKELEY DA1PL1 - 4" PUMP - 6" INLET & 6" OUTLET
POWERED BY 60HP ROKK ELECTRIC MOTOR

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

1230' OF 6" MAINLINE

C. Works used to apply water to beneficial use.

HAUSMAN BIG GUN W/ 1 1/2" ORIFICE
660' OF 5" FLEXIBLE RUBBER HOSE

The system is in the following condition: GOOD

The point of diversion is located APPROXIMATELY 800' N & 1000' W OF THE
SE CORNER, SECTION 9, T119N, R63W

The works are capable of diverting and conveying to the place of use 1.33cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows:

FOR IRRIGATING 31.9 ACRES IN THE E2SE¹, SECTION 9,
T119N, R63W

comprising a total of 31.9 acres of land.Date DECEMBER 4, 1979

[Signature]
(Signature)

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7747

PIERRE, October 23, 1900

RECEIVED OF Allen D. Kettering, RR 1, Box 75, Mallette, SD 57461

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

Fee for Application for Permit to appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for transfer of WR# 1757-3 (any other work as provided by law)		2.50
TOTAL		2.50

WATER RIGHTS COMMISSION

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

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7173

PIERRE, December 14, 1909

RECEIVED OF Jerry Kettering, Mallette SD 57461

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

Fee for Application for Permit to appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No. 1757-3)	12	00
Fee for inspecting Beneficial Use, and issuing Water License No. 1757-3)		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	12	00

WATER RIGHTS COMMISSION

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

NO. 1757-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: October 22, 1980

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

31.9 acres in E1 SE1 Sec 9-T119N, R63W

formerly owned by Gerald Kettering, Mellette

has been transferred to ALLEN D. KETTERING, MELLETTE, S.D. (Owner)

together with any rights to the beneficial use of water thereon, as evidenced by KEITH W. KETTERING (Renter) Mellette, S.D.

Water Right Permit No. 1757-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of SPINK) ss.

I, Allen D. Kettering 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.

Allen D. Kettering
(Signed)

Subscribed and sworn to before me this 22 Day of October, 1980.

John T. Collins
(Notary Public)

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

No. 1757-3✓
2641-3
4071-3

December 23, 1980

Mr. Jerry Kettering
Mellette, SD 57461

Dear Mr. Kettering:

As per your request to this office, this letter is to notify you that your Water Right Permits No. 1757-3, 2641-3 and 4071-3 were transferred and sent to Mr. Allen D. Kettering of Mellette, SD.

If you have any questions concerning this matter, please contact this office.

Sincerely,

BARB TEMPLETON
Staff Assistant

Equal Opportunity Employer

Water Rights Division - DWR
Conversation or File Documentation

File No. 1757-3

NAME OF PERSON OR FILE: Keith Ketting

ADDRESS: Star Route, Box 77 COUNTY Spink

DATE: 8/16/82 TELEPHONE _____

RE: Extension of Pumping on the James River

COMMENTS:
Keith Ketting wishes an extension of
pumping for 10 days beyond the July 25, 1982
cutoff on W.R. no. 1757-3.

Also wishes - Extension for construction of works
on Water Right No. 4071-3 and 2641-3 -
Send appl. forms for Extension.

Transfer of ownership - Send Transfer application
form

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: James E. Winters

Water Rights Division
505 773-3352

August 16, 1982

Keith Kettering
Star Rt, Box 77
Mallette SD 57461

Dear Mr. Kettering:

This letter is in response to your telephone request August 16, 1982 for an extension of pumping from the James River under your Permit No. 1757-3 until September 4, 1982. You are authorized to pump until September 4, 1982 provided that the flows at the Ashton gage remain above 20 cubic feet per second (cfs). If the flows at Ashton decline below 20 cfs prior to September 4, we will notify you. Flows August 12 were 62 cfs.

Very truly yours,

JAMES E WINTERTON
Water Resources Engineer

JW:ks

#1757-3

WATER RIGHTS DIVISION (605) 773-3352

September 7, 1982

Kleth Kettering
Star Route, Box 77
Mellette, South Dakota 57461

Dear Mr. Kettering:

This letter is in response to your telephone conversation, September 7, with Jim Winterton to request an extension of pumping under permit 1757-3 from the James River. This letter authorizes you to pump until September 30, 1982. If the flow at the Ashton gauge drops below 20 cfs you will be notified to cease pumping. Flow at the Ashton gauge September 7, 1982 was 78 cfs.

I am also enclosing a request for extension of time for permit 4071-3. Please fill it out and return it to this office. This permit was approved July 24, 1980 with a completion date of July 24, 1983. The statutes allow you to extend this to July 24, 1985. Permit 2641-3 was approved on July 24, 1980 with the statutory limit of 5 years for completion of works. No extension beyond this is permitted.

If you have any questions please contact this office.

Sincerely,

Kevin C. Larson
Water Resources Engineer

KCL:ms
Enc.

No. 4071-3

1757-3

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

APR 24 1985

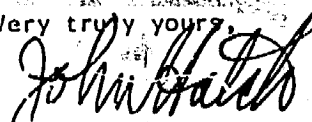
Allen D. Kettering
RR#1, Box 78
Mallette, South Dakota 57461

Dear Mr. Kettering:

Enclosed herewith is, Water License No. 4071-3. This is the final water right document completing your process of obtaining a water right.

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,


JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

Enclosures

The applicable portions of Water Right No. 1757-3 and Water Permit No. 2641-3 are incorporated into this Water License No. 4071-3.

WNR-817 3/83
Transmittal of Water License