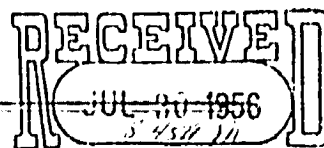


1. Considered September 17, 1956
2. Name of Applicant J. W. Donahoe, H.E. Donahoe 230-3
3. Post Office Address Yankton, S.Dak.
4. Amount of water claimed 3.2 cfs
5. Source of water supply James River
6. Water to be used for irrigation
- Acres to be irrigated 224
7. Water to be diverted and used in Yankton County about 8 miles East of Yankton.
8. Proof of Publication Received ☒ Not Received ☒
9. Application Approved ☒ Subject to _____
Not approved ☐
Action deferred ☐
10. Remarks:



~~SECRET~~ 100-1956

54528 111

No. 273

Water Division No. 3 James River District
(Blanks to be Filled by the Engineer for the W. R. C.)

(Blanks to be Filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM.

PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

P.J. Lyons

1. Name of applicant ~~L. L. Benson~~ ; Hubert H. Benson ; Walter H. Benson
-347- Green St. RR #4, Box 175
 Postoffice address Yankton, County Yankton, State South Dakota

1. 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)

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

2. Name of diversion work James River
3. Amount of water claimed 1,000 gal. per min. cubic feet per second 3.2
4. Source of water supply James River
5. Location of point of diversion Description on line 7a
- Line approximately 2500 ft. long on West bank Yankton County
6. Annual period or periods during which water is to be used April through October
7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Sprinkling & Flooding

- (a) Number of acres to be irrigated ----- 224 ----- acres.
NE 1/4 of NE 1/4 of Sec. 12, Twp 93
SE 1/4 of NE 1/4 of Sec. 1, Twp 55
- (b) Legal subdivisions to be irrigated ----- 12 -----
List of lands to be irrigated, giving each subdivision and acreage thereof, should be written here, & 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 -----

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$..750.00
(c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
(e) Other structures Springline system.....\$5400.00 Total, \$.....

9. Description of diversion works:

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

Pumping plant.....

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 filledacre feet. Surface area at highwater mark.....acres.

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

(c)* Head gate: Width.....feet; heightfeet;
Material
(d) Canal: Total lengthmiles.

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.
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
Yankton Public Opinion.....

STATE OF SOUTH DAKOTA
County of Yankton..... } ss.

I, J. H. Donohue....., 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 J. H. Donohue.....

Subscribed and sworn to before me this 22nd day of June..... 1956.

Olivia M. Kerner.....
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

NOT TO SCALE

1390 ft.

230 ft.

33.5

33.4

36



250

36

50.4

52.0

740 ft.

670 ft.



36.3

N

NOT TO SCALE

250

26.8

Don Russell
Natural Resources Eng.
6/5/85

License No. 230-3

Map No. 181-3

[illegible]

RECEIVED
JUN 21 1957
STATE WATER RESOURCES COMM
SIOUX FALLS, SOUTH DAKOTA

Ellis V. Nelson, Civil Engineer
Sioux Falls, South Dakota

Map No. 168-3
App'l. No. 230-3
\$ 378-3

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

August 10

1956

This is to certify that the foregoing application was received by the Commission at 8:45 o'clock

a.m. upon the 30 day of July, 1956

State Water Resources Commission

By:

John Hines

Chief Engineer, Executive Officer

Number of permit 230-3

Date of first receipt of application July 30, 1956

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 July 30, 1956

Approved September 27, 1956, Recorded in Book 3 Page 207

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 27, 1957

2nd. The whole of said work is to be completed on or before September 27, 1958

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

September 27, 1959

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 3.20 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 September 27, 1959; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this 28 day of November, 1956

State Water Resources Commission

By:

John Hines

Chief Engineer, Executive Officer

Certificate of Construction Issued July 15, 1959

Water License Issued July 15, 1959

8. Estimated cost of work:

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

(b) Pumping plant, \$..750.00.

(c) Fluming, \$..... (d) Canal-earth, \$.....

Rock, \$.....

(e) Other structures Sprinkling system.....\$3400.00

Total, \$.....

9. Description of diversion works:

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

Pumping plant.....

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 Two.....years.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 Yankton Public Opinion.....

STATE OF SOUTH DAKOTA

County of Yankton.....

I, J. H. Donohue....., 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 J. H. Donohue.....Subscribed and sworn to before me this 22nd day of June 1956.

Olivia M. Kumer
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 236-3

(1) WHEREAS, On the 30th day of July A. D. 19 56
J.W., Helen E. and Katharine H. Donohoe

made Water Right Application No. 236-3 for a permit to use 3.2 cubic feet per second of the waters of the James River

County of Yankton, State of South Dakota, for Irrigation purposes; and

(2) WHEREAS, On the 28th day of November A. D. 19 56
 Permit No. 236-3, with a date of priority of July 30 1956

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 27th day of September A. D. 19 58 and for the application to beneficial use of said water on or before the 27th day of September A. D. 19 59

and, whereas on the 9th day of July, 1969, the Permit was transferred to Helen E. and Katharine H. Donohoe,

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 1.67 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,
 for irrigating the following described land:

Section 1, T93N, R55W	lots 7 and 8 and NW 1/4 SE 1/4	109.2 acres
	SE 1/4 SE 1/4	40.6 acres
Section 12, T93N, R55W	NE 1/4 NE 1/4	40.6 acres
Section 16, T93N, R54W	lot 5	12.3 acres
Section 7, T93N, R54W	lot 2	22.5 acres
Total		224.0 acres

(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 Helen E. and Katherine F. Donohoe

_____ of Yankton

the holder S and owner S of said permit No. 230-3 a water right, dating from July 30

1956 to use of 1.67 cubic feet per second of the waters of the James River

in the County of Yankton and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at between points 1345' N. 26° 30' E. of the SW Corner of Lot 1, Section 1, T93N, R55W, and 975' S. 47° 30' E. of the NW Corner of Lot 2, Section 7, T93N, R54W.

and conduct to and upon Portions of Sections 1 and 12, T93N, R55W, and Sections 6 and 7, T93N, R54W.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 230-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 15th day of July A. D.
Nineteen Hundred and Sixty-nine

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer - J.W. GRIFFES

(First Publication before August 24, 1956)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., August 14, 1956

Notice is hereby given that J. W., Helen E., and Katherine E. Donohoe whose postoffice address is 307 Green Street, Yankton S. Dak., ~~has~~ ^{have} made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.2 cubic feet of water per second of time from the Jamez River through the irrigation system, the point of diversion of which is to be located on the southwesterly bank of said stream between a point 1345 feet N 26°30'E of the SW Cor., Lot 7, ~~bank of said stream between a point 1345 feet N 26°30'E of the SW Cor., Lot 7,~~ Sec. 1, T 23N, R 55W and a point 975 feet S 47°30'E of the NW Cor., Lot 2, Sec. 7 Twp. 23N Range 54E. Said water to be used for the purpose of providing irrigation on the following described land:

Sections 1 and 12, T 23N, R 55W and Sections 6 and 7,T 23N, R 54W~~and~~ ~~purpose~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of September, 1956, 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:

J. W. Grimes, Chief Engineer, Executive Officer

cc: Miss Gail Nichols, Publisher
The Yankton Public Opinion
Yankton, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Yankton } ss.RECEIVED
SEP 27 1956STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Laile Nichols being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Yankton Daily Opinions 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 Yankton County of Yankton and State of South Dakota; that the said notice was published in said newspaper on the following dates:

August 23, 1956
August 30, 1956
Sept. 6, 1956
Sept. 12, 1956

in each and every issue of the full number thereof, the first publication being made on the 23 day of August 1956 and the last publication on the 12th day of September 1956, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publications he was owner the printer and publisher of the said newspaper.

APPROPRIATION OF WATER
Office of State Water Resources Commission,

Pierre, S. Dak., August 14, 1956
Notice is hereby given that J. W. Helen E., and Katharine M. Donohoe whose postoffice address is 307 Green Street, Yankton S. Dak. have made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.2 cubic feet of water per second of time from the James River through the irrigation system, the point of diversion of which is to be located on the southwesterly bank of said stream between a point 1345 feet N 26°30'E of the SW Cor., Lot 7, Sec. 1, T 93N, R 55W and a point 075 feet S 47°30'E of the NW Cor., Lot 2, Sec. 7, Twp. 93N Range 54W. Said water to be used for the purpose of providing irrigation on the following described land:

Sections 1 and 12, T 93N, R 55W and Sections 3 and 7, T 93N, R 54W. This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of September, 1956, 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: J. W. Grimes, Chief Engineer
Executive Officer

9-13-4

Subscribed and sworn to before me this 26 day of Sept A. D. 1956

Notary Public Yankton County, S. D.

NOTICE OF TRANSFER OF WATER PERMIT

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

Date July 8, 1968

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

Lots 7 and 8 and NW $\frac{1}{4}$ of Section 1, and NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, all in T93N, R55W,
plus lot 5, Section 6 and Lot 2, Section 7, all in T93N, R54W

formerly owned by J.W. Donohoe, Helen E. Donohoe and Katharine M. Donohoe

has been transferred to Helen E. Donohoe and Katharine^M Donohoe

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 230-3 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.

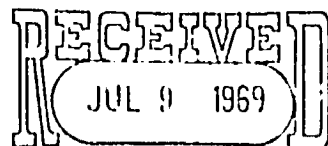
STATE OF SOUTH DAKOTA)
County of Hinkley) ss.

I, Helen E. Donohoe 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.

Helen E. Donohoe
(Signed)

Suscribed and sworn to before me this Eight day of July, 1968.

Olivia M. Kramer
(Notary Public)



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

230-3

Permit No.-----

Water Division No. 3 JAMES RIVER Water District**Certificate of Examination of Works****Report of Examining Engineer**

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that ~~the works herein described are in accordance with the~~-----~~works~~ I have this day made a thorough examination of the diversion works constructed by -----

Helen E. Donohoe and others -----, of ----- Yankton -----

Yankton ----- County, South Dakota, holder of Permit No. 230-3 -----, issuedupon Application No. 230-3 -----, bearing date of priority of ----- July 20 -----, 1956 -----, authorizing thediversion of 3.2 ----- cu. ft. per second of the waters of ----- James River ----- for ----- irrigation -----

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

The diversion works comprise: Gorman Rupp 6" Pump, Mod. 55A-Chrysler Industrial Motor,
Mod. 32, prepare - Two Vermeer Revolving watering booms, Mod. 11-40-80 rds. 8" aluminum
pipe - 1 mile of 5 and 6 inch aluminum pipe

and the system is in the following condition: good -----

The point of diversion is located between a point 1345 ft. N. 26°30' E of the SW corner of
Lot 1, Sec. 1, T93N, R55W and a point 975 ft. S 47°30' E of the NW Corner of Lot 2, Sec. 7,
T93N, R54W

The works are capable of diverting and conveying to the place of use 1.67 ----- cu. ft. per second of water,
 which is to be used for ----- irrigation -----

The legal subdivisions to be irrigated are:	Acres
Lot 7, Lot 8 and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, T93N, R55W	109.2
Lot 5, Sec. 6, T93N, R54W	12.3
SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T93N, R55W	40.
Lot 2, Sec. 7, T93N, R54W	22.5
NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T93N, R55W	40.

----- comprising a total of 224 ----- acres of land.

The domestic use intended comprises -----

The utilization for power, mining, or other beneficial uses comprises: -----

Witness my hand, this 18th day of June ----- A. D. 19 69

--SEAL--

Donald Driscoll

 DONALD DRISCOLL, Deputy Chief Engineer,
 Water Resources Commission

RECEIPT

WATER RIGHTS COMMISSION

No 4 7302

State of South Dakota

PIERRE, February 8, 1930

RECEIVED OF P.J. Lyons, Lyons Farms Inc., RR #4, Box 175, Yankton, SD 57078

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 transfer of water right No. 230-3		50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL		50

WATER RIGHTS COMMISSION

By *John Haych*
Chief Engineer, Executive Officer
JOHN HAYCH (gy)

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 2-7-30

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

PORTIONS OF SECTION 1, T43N, R55W & SECTIONS 6 & 7,
T43N, R54W, DESCRIBED IN PERMIT NO 230-3

formerly owned by HELEN E. DONOHUE

has been transferred to P. J. LYONS, RT 4, Box 175, YANKTON

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 230-3 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 Hughes) ss.

I, P. J. Lyons 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 infor-
mation herein stated is true.

P. J. Lowe
(Signed)

Subscribed and sworn to before me this 7th Day of February, 1980

Baron Wernemann
(Notary Public)

Permit No. 230-3

Water Diversion No. 3 JAMES RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Helen E. and Katharine M. Donohoe

_____ the holder E of
Permit No. 230-3, issued upon Application No. 230-3, bearing date of priority of July 30,
1956 authorizing the diversion of 3.2 cu. ft. per second of the waters of _____
the James River County of Yankton, State of South Dakota at _____
between a point 1345' N 76° 30' E of the SW Corner, lot 1, Section 1, T93N, R55W,
and a point 975' S 47° 30' E of the NW Corner of lot 2, Section 7, T93N, R54W
_____, for irrigation

_____ purposes, have 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 1.67 cu. ft. per second of water.

Date July 15, 1969

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer



DEPARTMENT OF THE ARMY
OMAHA DISTRICT CORPS OF ENGINEERS
6014 U.S. POST OFFICE AND COURTHOUSE
OMAHA, NEBRASKA 68102

REPLY TO
ATTENTION OF

PERMITS BRANCH
PO BOX 5, OMAHA, NE 68101



MROOP-N
SD 2SB OXT 3 002205
P. J. Lyons
Intake Structure/Fill
Missouri River Mile 801.80L

13 March 1980

NOTICE OF PERMIT PENDING

The application of P. J. Lyons, Route 4, Box 175, Yankton, South Dakota 57078, for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Engineer District, Omaha, Nebraska.

The applicant requests permission to construct an irrigation intake structure in the Missouri River at mile 801.80L located in Section 15, Township 93 North, Range 55 West, Yankton County, South Dakota.

The applicant was granted authorization to install his original intake structure by Letter of Permission No. SD 2SB OXT 1 000048. The applicant has redesigned his intake structure and is now applying for a Department of the Army permit. It is anticipated that the new design will satisfy the concerns of the U.S. Fish and Wildlife Service, the South Dakota Department of Fish and Game, and the Environmental Protection Agency, Region VIII.

The new design (see attached drawings) would involve construction of a wetwell type system. Approximately 10 cubic yards of river bank material would be excavated to make room for the proposed structure. A wooden crib measuring 6 feet high, 3 feet wide, and 8 feet long would be constructed in the excavated area. Excavated material will be used to backfill the site, with all excess material spoiled on the bank above the ordinary high-water line. When the crib has been constructed, the end of the intake pipe will be placed in the crib and the crib filled with approximately 6 cubic yards of 1½-inch minimum size fieldstone. The fieldstone will act as the screening device for the pump which will withdraw a maximum of 900 gallons of water per minute from the river.

The purpose of the project is to allow the applicant to irrigate 320 acres of his land for crop production.

The State of South Dakota has waived its right to certify compliance with applicable water quality standards required under the provisions of Section 401 of the Clean Water Act. Accordingly, certification that the proposed project will not violate applicable water quality standards has been requested from the Regional Administrator, Environmental Protection Agency, Region VIII, Denver, Colorado.

A preliminary assessment of the proposed action indicates that it is minor in nature and will not result in a significant impact on the quality of the human environment. Accordingly, a preliminary determination has been made that this project does not warrant the preparation of an environmental impact statement at this time.

In compliance with the National Environmental Policy Act of 1969 and Section 106 of the National Historic Preservation Act of 1966, as amended, the National Register of Historic Places and current supplements have been consulted. There are no sites included or which have been determined eligible for inclusion therein which will be affected by the proposed project. The proposed project would be located in an area which was the bed of the Missouri River a few years ago.

Executive Order 11988, Floodplain Management, seeks decision that will reduce loss of lives and property caused by flooding and loss of natural floodplain functions caused by unwise floodplain development. By this public notice, we are requesting comments from those individuals or agencies which feel that this project will have an adverse impact upon flooding and the floodplain.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, energy needs, safety, food production, navigation, recreation, water supply, water quality, and in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R., Part 230).

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reason for holding a public hearing. The request must be submitted to the District Engineer, Omaha District, Corps of Engineers, PO Box 5, Omaha, Nebraska 68101.

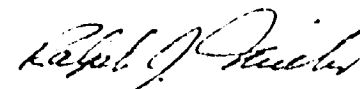
Any interested party (particularly officials of any town, city, county, state, federal agency, or local association whose interests may be affected by the proposed work) is invited to submit to this office written facts, arguments, or objections on or before 12 April 1980. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this permit application.

A permit, if granted, will be under Section 10 of the River and Harbor Act of 3 March 1899 (30 Stat. 1151, 33 USC 403) and under the provisions of Section 404 of the Clean Water Act.

Drawings showing the location and extent of the work are attached to this notice.

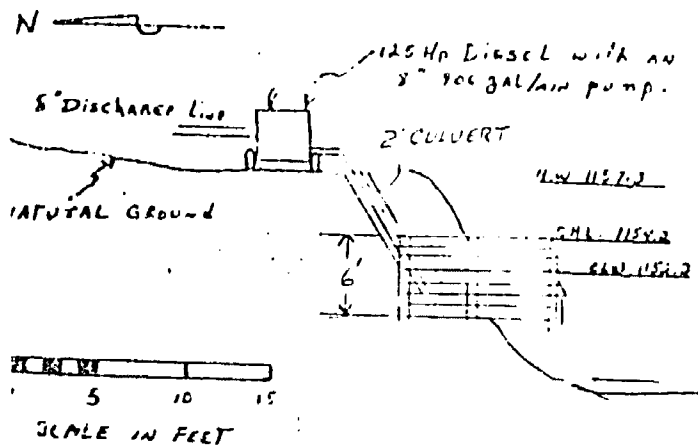
FOR THE DISTRICT ENGINEER:

Attachments
As stated

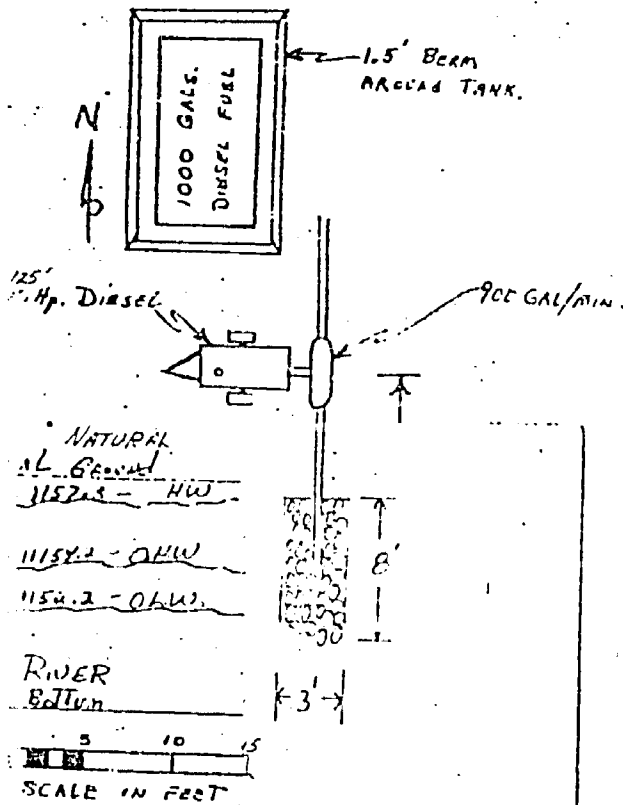
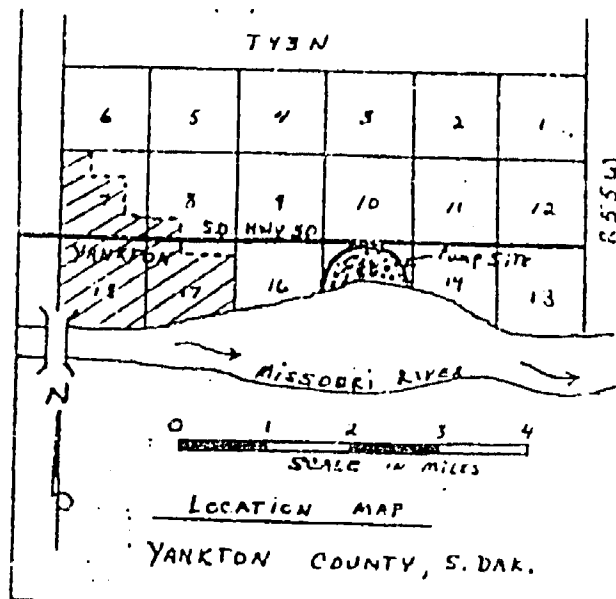


RALPH J. MILLER
Chief, Regulatory Functions Branch
Operations Division

- 576 #12



Elevation View



PLAN VIEW

Notes:

Diversion Point: 801.70 - River Miles

Elevations: Sen Level Datum

Adjacent Property Owners:

U/S W.S. COULESON

D/S 418 PEARL, YANKTON, S. DAK.

GURNEY SEED & NURSERY

YANKTON, S. DAK.

Proposed Water Intake Line

Purpose: Irrigate 300 Acres Private Agr. Land

Time: Annually Apr 1 to Oct. 1

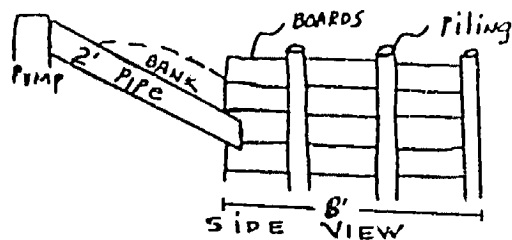
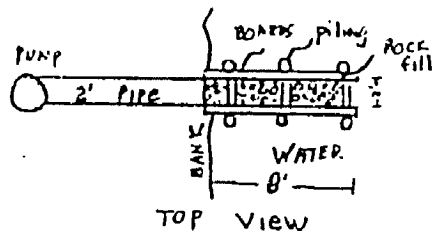
Application: P.J. LYONS

RR 4 Box 175

YANKTON, S. DAK. 57078

Date: FEB 12, 1980

Sheet 1 of 2



- NOTES: 1. INTAKE BOX STRUCTURE TO BE DUG INTO BANK APPROXIMATELY 2 TO 4 FEET.
2. ROCK FILL WILL CONSIST OF FIELD STONE - 1 1/4" MIN TO 1.50 LB. MAX. CLASS.

Proposed Water Intake Line

Purpose: IRRIGATE 320 ACRES
Private Agr. Land.

Time: Annually April to Oct. 1

Application: P. J. LYONS
RR 4 BOX 175
YANKTON, S. DAK. 57501

Date: FEB 12, 1980

Sheet 2 of 2

Conversation or File Documentation

NAME OF PERSON OR FILE: P. J. LYONSADDRESS: RR 4, Box 175, Yankton SD 57078 COUNTY YanktonDATE: 2/21/86 TELEPHONE _____RE: Spoke to Pat Lyons

COMMENTS:

License No. 230-3 was inspected on June 5, 1985, for the purpose of updating records regarding James River diversions. The total acreage being irrigated has been reduced by 35 acres and information regarding the irrigation equipment has been updated. The total acreage being irrigated is 189.0 acres with an allowable diversion rate of 1.55 cfs.

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.

Permit No. 230-3James River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by P. J. Lyons
 of RR4, Box 175, Yankton SD, 57078 holder of
 Permit No. 230-3, bearing the priority of July 30 1956 authorizing
 the diversion of 3.20 cu. ft. per second of the waters of the James River
 for irrigation purposes, in Yankton County.

I have to report on the conditions of the same as follows: motor: 3208 Cat diesel pump: Berkeley, imp. 13 1/4 in.

A. Works used to divert the water:

8 cyl., 125hp.

S.N. 7736274

M.N. B3JRM BM C.W.

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

Pipeline: size - 8 in. & 6 in.type - Aluminumlength ≈ 3640 ft.center pivot: make - Hygromatic (towable)# of towers - 3sprinklers - Rainbird

C. Works used to apply water to beneficial use:

high pressure - 70 psicapacity - 700 gpmThe system is in the following condition good

The point of diversion is located James River: between points 1390 ft S and 2050 ft W from
the NE corner of sec 1-T93N-R55W; 690 ft S and 740 ft E from the NW corner of sec 7-T93N-R59W.

The works are capable of diverting and conveying to the place of use 1.55cu. 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:

	Acres		Acres
<u>SW 1/4 NE 1/4 sec 1-T93N-R55W</u>	<u>29.4</u>	<u>SE 1/4 SE 1/4 sec 1-T93N-R55W</u>	<u>38.0</u>
<u>SE 1/4 NE 1/4</u>	<u>1.5</u>	<u>SW 1/4 SW 1/4 sec 6-T93N-R54W</u>	<u>1.8</u>
<u>NW 1/4 SE 1/4</u>	<u>37.8</u>	<u>NW 1/4 NW 1/4 sec 7-T93N-R54W</u>	<u>19.3</u>
<u>NE 1/4 SE 1/4</u>	<u>25.2</u>	<u>NE 1/4 NE 1/4 sec 12-T93N-R55W</u>	<u>36.0</u>

comprising a total of 189.0 acres of land and the license should be issued for 1.55 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date June 5, 1985

Ron Duwall

 SIGNED

LICENSE FOR PERMIT NUMBER 230-3

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____

b) model _____ b) model no. _____

c) size _____ c) horsepower rating _____

d) capacity _____ GPM d) motor efficiency rating _____

e) turbine pump
no. of stages _____

3. Distribution lines:

a) size of lines 8 in + 6 in.

b) type Aluminum

c) length 3640 ft

4. Dam information:

a) height to crest _____

b) height to spillway _____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

i) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

5. System Type: c) center pivot (trowable) d) Gate Pipe

- 1) make Hygramatic
- 2) number of towers 3
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles
Rainbird
- 8) PSI reading while system is
running 70
- 9) GPM 700

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES NO

Check Items

- | | | |
|----------|-------|---|
| <u>✓</u> | _____ | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit. |
| <u>✓</u> | _____ | 2. Special Qualifications to permit being abided by. |
| <u>✓</u> | _____ | 3. All Structures, wells and lands on map. |

REMARKS:

motor: 3208 Cat
diesel
8cyl., 125 hp.

pump: Berkeley, imp. 13 1/4 in.
S.N. 7736274
M.N. B3JRMBM CW

State of South Dakota

REISSUANCE OF Water License No. 230-3

(1) Helen E. and Katharine M. Donohoe
of Yankton, South Dakota was issued Water License No. 230-3
made Application No. _____, July 15, 1969 for a ~~water permit~~ ^{right} to appropriate
1.67 cubic feet per second of water from the James River,
Yankton County, South Dakota for irrigation purposes.
Water License
Permit No. 230-3, with a priority date of July 30, 1956
was ~~approved~~ _____ and issued to applicant(s) for diversion of water with construction of the described
water supply system ~~to be completed on or before~~ _____ and ~~for~~ the application to beneficial use of said
water ~~on or before~~ completed _____.

Water Right No. 230-3 was transferred February 7, 1980 to P. J. Lyons.

Water License No. 230-3 dated July 15, 1969 authorizes diversion of 1.67 cfs from the James River to irrigate 224 acres. Based upon a June 5, 1985 inspection of the water use system, the license is being reissued to reflect what is actually being irrigated.

and

(2) It is certified that the application 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 1.55 cubic feet per second of water for beneficial use. The location of the diversion point(s) is on the James River: between points
1390 ft S and 2050 ft W from the NE Corner of Section 1-T93N-R55W; 690 ft S and
740 ft E. from the NW Corner of Section 7-T93N-R54W.

and

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

T93N-R55W:				T93N-R54W:			
Section 1	SW $\frac{1}{4}$ NE $\frac{1}{4}$	29.4 Acres	(AC)	Section 6	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1.8 Acres	(CC)
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	1.5 Acres	(AD)	Section 7	NW $\frac{1}{4}$ NW $\frac{1}{4}$	19.3 Acres	(BB)
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	37.8 Acres	(DB)	TOTAL		189	ACRES
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	25.2 Acres	(DA)				
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	38.0 Acres	(DD)				
Section 12	NE $\frac{1}{4}$ NE $\frac{1}{4}$	36.0 Acres	(AA)				

(4) Pursuant to §46-5-30.1 P. J. Lyons
of RR#4, Box 175, Yankton, South Dakota 57078
the holder(s) and/or owner(s) of Water ^{Right} ~~Permit~~ No. 230-3 is issued a license to appropriate water, the right to use
1.55 cubic feet per second of water from the James River with a priority date
of July 30, 1956 from the location specified in (2) of this license. The water to be
conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water ^{Right} ~~Permit~~ No. 230-3 and subject
to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

NOV 25 1986



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

NOV 25 1986

P. J. Jones
RR 4, Box 175
Yankton, South Dakota 57078

Dear Mr. Jones:

Enclosed is your Water Right License No. 230-3. The water license has been reissued to the extent of what is actually being used. The relicense is based on a June 5, 1985 inspection of your water use system.

If you have any questions concerning the enclosed Water License, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JHFS

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 14, 2000

NOTICE

TO: P J LYONS, 1704 WILLOWDALE RD, YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire has not been submitted for Permit No(s) 230-3 & 2184-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 1:30 pm, March 1, 2000, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 230-3 & 2184-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



230-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 21, 2000

230-3
2184-3

P J Lyons
1704 Willowdale Rd
Yankton, SD 57078

Dear Mr. Lyons:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit Nos. 230-3 and 2184-3.

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

HARMELINK & FOX LAW OFFICE
721 DOUGLAS - SUITE 101
P.O. BOX 18
YANKTON, SD 57078



John Harmelink
Licensed in SD and IA
Wanda Howey-Fox
Licensed in SD and NE

TELEPHONE
605-665-1001
FAX
605-665-6781

December 17, 2004

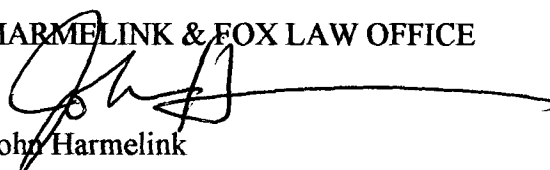
Water Right Program
523 East Capitol
Pierre, SD 57501-3181

Re: 2004 Water Management Board Irrigation Questionnaires

Enclosed please find a completed 2004 Water Management Board Irrigation Questionnaire.

Sincerely,

HARMELINK & FOX LAW OFFICE


John Harmelink

JEH: 

Enclosures

RECEIVED

DEC 20 2004

WATER RIGHTS
PROGRAM



230-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 21, 2004

230-3
6297-3

John Harmelink
Harmelink & Fox Law Office
PO Box 18
Yankton SD 57078-0018

Dear Mr. Harmelink

I am writing in follow-up to our December 20th phone conversation about Water Right No. 230-3 and Water Permit No. 6297-3, currently listed in the name of Patrick Lyons. Enclosed are copies of each which you may keep for your records.

When the sale of the land has been finalized, Nos. 230-3 and 6297-3 should be transferred to reflect new ownership. Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Please review and complete as necessary. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

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

enclosures



230-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 2, 2005

230-3
6297-3

Pat Lyons
1704 Willowdale Rd
Yankton SD 57078

Dear Mr. Lyons:

Thank you for calling concerning the sale of your land and the ownership changes needed for Water Right No. 230-3 and 6297-3.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. The new owner will need to complete and sign the forms. Once they are completed, they need to be returned to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

If 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

enclosures

HARMELINK & FOX LAW OFFICE
721 DOUGLAS - SUITE 101
P.O. BOX 18
YANKTON, SD 57078



John Harmelink
Licensed in SD and IA
Wanda Howey-Fox
Licensed in SD and NE

TELEPHONE
605-665-1001
FAX
605-665-6781

December 13, 2005

Chief Engineer
Water Rights Program, DENR
523 East Capitol
Pierre, SD 57501-3181

Re: Ownership transfers.

Dear Sir:

Enclosed please find two (2) Notices of Transfer of Ownership and Questionnaire. Also enclosed is a check for \$5.00. If any further information is needed, please contact me at your convenience.

Sincerely,

HARMELINK & FOX LAW OFFICE

A handwritten signature in black ink, appearing to read 'John Harmelink', with a long horizontal flourish extending to the right.
John Harmelink

JEH:mjh

Enclosures

RECEIVED
DEC 16 2005
WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 230-3

Date: 12-12-05

I/We request that Water Right No. 230-3

formerly owned by: P J Lyons, 1704 Willowdale Rd, Yankton SD 57078

be transferred to: (name & address) Schupp Family Limited Partnership,
205 Green Street, Yankton, South Dakota 57078
Telephone No. 605, 665-7764

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

189 acres - S 1/2 NE 1/4, N 1/2 SE 1/4 Section 1 & NE 1/4 NE 1/4 Section 12, T93N, R55W

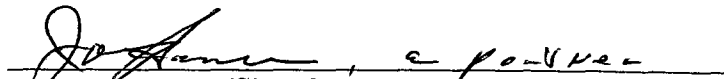
SW 1/4 SW 1/4 Section 6 & NW 1/4 NW 1/4 Section 7, T93N, R54W

I/We understand that the validity of Water Right No. 230-3 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 Schupp Family Limited Partnership 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.

RECEIVED
DEC 16 2005
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 10, 2005

RECEIVED OF Barnellink, Business Account, 701 Douglas Suite 101, Yankton SD 57078

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>220-3</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No. 000008

By

Donald E. Eide
Chief Engineer



230-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 19, 2005

230-3
6297-3

John Harmelink, Partner
Schempp Family Limited Partnership
205 Green St
Yankton SD 57078

Dear Sir:

I am writing to acknowledge receipt of the ownership changes for Water Right No. 230-3 and Water Permit No. 6297-3. The transfers have been completed. Both Nos. 230-3 and 6297-3 are now listed in the name of Schempp Family Limited Partnership.

Enclosed are Receipt Nos. 002078 and 002079 in the amounts of 2.50 which you paid for filing the ownership changes.

Also enclosed are the 2005 irrigation questionnaires. Please complete and return the forms by December 31, 2005. The form you submitted with the transfer forms indicated 189 acres were irrigated but no information was included on how much irrigation took place. You will note on the forms that they cover basically the same land but the source of water is different on each one.

If you have any questions, please contact me.

Sincerely,

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

enclosures

230-3

HARMELINK & FOX LAW OFFICE
721 DOUGLAS - SUITE 101
P.O. BOX 18
YANKTON, SD 57078



John Harmelink
Licensed in SD and IA
Wanda Howey-Fox
Licensed in SD and NE

TELEPHONE
605-665-1001
FAX
605-665-6781

December 30, 2005

Water Rights Program
Attn: Genny McMath
523 East Capitol
Pierre, SD 57501-3181

Re: 2005 Irrigation Questionnaires.

Dear Genny:

Enclosed please find irrigation questionnaires for water permits #6297-3 and 230-3. If you need any further information, please contact me at your convenience.

Sincerely,

HARMELINK & FOX LAW OFFICE

A handwritten signature in dark ink, appearing to be 'JH' followed by a flourish.
John Harmelink

JEH:mjh

Enclosures

RECEIVED
JAN - 5 2006
WATER RIGHTS
PROGRAM



230-3

**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: SCHEMPP FAMILY LIMITED PARTNERSHIP, JOHN HARMELINK, 205 GREEN ST,
YANKTON, SD 57078

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) 230-3 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) 6297-3 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) 6297-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 230-3 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/efoms/secure/efoms/E0455V7-IQ.pdf>

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

February 24, 2009

230-3
6297-3

John Harmelink
Schempp Family Limited Partnership
205 Green St
Yankton SD 57078

Dear Mr. Harmelink:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 230-3 and Water Permit No. 6297-3.

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



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: SCHEMPP FAMILY LIMITED PARTNERSHIP, JOHN HARMELINK, 205 GREEN ST,
YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaires

Our records indicate that the 2009 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 230-3 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) 6297-3 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) 6297-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 230-3 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 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>

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.

230-3


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

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0803 0019

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

Your item was delivered at 2:26 PM on February 1, 2010 in CAVE CREEK, AZ 85331. The item was signed for by K HARMELINK.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, February 01, 2010, 2:26 pm, CAVE CREEK, AZ 85331
- Out for Delivery or Available at PO Box, January 23, 2010, 9:26 am, YANKTON, SD 57078
- Sorting Complete, January 23, 2010, 8:56 am, YANKTON, SD 57078
- Arrival at Post Office, January 23, 2010, 7:30 am, YANKTON, SD 57078

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 >](#)

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

Copyright© 2010 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA



U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0803 0019

SCHEMPF FAMILY LIMITED PARTNERSHIP
JOHN HARMELINK
205 GREEN ST
YANKTON SD 57078

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

(See Reverse)

PS Form 153, May 2002



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 22, 2010

230-3
6297-3

John Harmelink
Schempp Family Ltd Partnership
38065 N Cave Creek Rd Villa #45
Cave Creek AZ 85331-8536

Dear Mr. Harmelink:

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 No. 230-3 and Water Permit No. 6297-3.

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



230-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 1, 2016

230-3

Carl J Neitzke
J & J Farming Co LLC
214 Capitol Ste 4
Yankton SD 57078

Dear Mr. Neitzke:

I am writing in regard to ownership of land described in Water Right No. 230-3, listed in the name of Schempp Family Limited Partnership. We were notified through the 2016 irrigation questionnaire that you now own the land.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the water right in the event you do not have one. Please let me know if you have any questions about the water right or completion of the transfer of ownership form.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

NOV - 7 2016

WATER RIGHTS
PROGRAM

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

No. 230-3

Date: 11-4-16

I/We request that Water Right No. 230-3

formerly owned by: Schempp Family Limited Partnership

be transferred to: (name & address) J+J Farming Company LLC

214 Capitol St., Ste 4, Yankton, SD 57078

Telephone No. 605-661-0245

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

189 acres – S ½ NE ¼, N ½ SE ¼, SE ¼ SE 1/4 Section 1 and NE ¼ NE ¼ Section 12, T93N, R55W

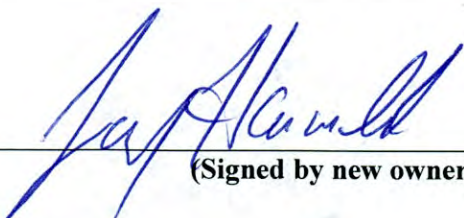
SW ¼ SW ¼ Section 6 and NW ¼ NW ¼ Section 7, T93N, R54W

I/We understand that the validity of Water Right No. 230-3 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.

Jason Harmelink,
I/We partner of J+J Farming, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/7, 20 16

RECEIVED OF J & J farming Co LLC 55365 897th Rd Crofton NE 68730

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	50	00
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>230-3</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **07944**

By J. Anne Goodman Jg
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 8, 2016

230-3

Jason Harmelink, Partner
J & J Farming Co LLC
214 Capitol St., Ste 4
Yankton SD 57078

Dear Mr. Harmelink:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Right No. 230-3.

The ownership change has been completed. Water Right No. 230-3, formerly held by Schempp Family Limited Partnership is now listed in the name of J & J Farming Company LLC.

Enclosed for your records is Receipt No. 07944 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

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

enclosure