

Permit No. 2327-A was issued to Joe Kim, plating
on September 10, 1975, for 9.1 C.F.S. from
the Missouri River
in Buffalo County.

Present owner (s) was (were) contacted and indicated this system,
Jim Dungan and Conrad Clement
system not constructed 1/5

NOT CANCELLED

Cancelled: _____

Form 2 Application for Permit to Appropriate Water Original (Includes Approval and Permit)
No. 2327-3A

Map No. 1708-3 Water Division No. 3 Missouri River District
(Blank) to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

Part of Joe Knippling & Sons, Inc., Transferred to John Dougan & Conrad Clement
To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

- Name of Applicant: John B. Dougan and Conrad Clement (a partnership)
Postoffice address: John B. Dougan, Rt. 1, Mason City, Ia. 50401
Conrad Clement, Minn. Impl. Co., Hwy 16 W State
Grand Meadow, Minn. 55936
- Method of accomplishing work (contract, employment of others, or by direct labor): Contract
- Name of diversion work: Knippling Project No. 1
- Amount of water claimed (cubic feet per second): 9.1
- Source of water supply: Missouri River
- Location of point of diversion: 1056 ft. South of the SW Corner of Sec. 13, T107N, R71E
Buffalo Co.
- Annual period or periods during which water is to be used: During Irrigation Season
- Use to be made of water: (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
- For irrigation use, Total number of acres to be irrigated: 640

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
Sec. 13, T107N, R72E	640		

Attach sheet if more space is needed

- Time required to complete construction of water supply system: 5 years. Additional time required to complete application of water to the proposed beneficial use: 4 years.
- Choice of newspaper for Notice of Intent to Appropriate Water publication: Chamberlain Register
- Principal Features of the Proposed Water Supply System.

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

Pumps

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

Pipe

C. Works proposed to apply water to beneficial use.

Center Pivots and Flood

Estimated Total Cost \$ 200,000.00

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

STATE OF SOUTH DAKOTA)

County of Hughes) ss.

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

Signed s/ Joe Knippling

Subscribed and sworn to before me this 31st day of July, 19 75

s/ Thomas A. Farus
Notary Public (not to be printed)

My Commission Expires 2/15/81
SEAL

WATER RIGHT APPLICATION APPROVAL

2327-3A

The Water Rights Commission hereby approves Water Right Application No. _____

John B. Dougan, Rt. 1, Mason City, IA and Conrad Clement, Minn. Impl. Co. Hwy 16 W,

(Applicant)

50401

(Post Office Address)

Grand Meadow, MN
55936

(State)

With the following modifications

Part of water right No. 2327-3 in Joe Knippling and Sons, Inc., Gann Valley, SD was transferred to the above owners.

Date of first receipt of application _____ August 15, 19 75
Date of return to applicant for correction, amendments or changes required _____, 19 ____
Date of receipt of corrected application _____, 19 ____
Approved _____ September 10, 19 75, Recorded in Book _____ 14 _____ Page _____ 41A

WATER RIGHT PERMIT NO. 2327-3A

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2327-3A authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is _____ August 15, 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____ March 10, 19 78
3. The whole of said work is to be completed on or before _____ September 10, 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is _____ September 10, 19 84
5. The water appropriated shall be used for the purpose of _____ irrigation

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

7. The amount of the appropriation herein granted shall not exceed _____ 9.1 _____ cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before _____ September 10, 19 84; said water to be used during the following described annual period: _____ April thru October

Witness my hand this _____ 16th _____ September, 19 75
day of _____

WATER RIGHTS COMMISSION

s/ John Hatch

By:

Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

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

No. 2327-3A

Joe Foss Building
Pierre, South Dakota 57501

Water Rights, Water Management Division
(605) 773-3352

March 31, 1980

John B. Dougan

RR #1

Mason City, IA 50401

Dear Mr. Dougan:

This is to inform you that the Water Management Board at their regular meeting, on March 26, 1980, took no action regarding the cancellation consideration on your Water Permit No. 2327-3A, as the time limit on the completion of works has not been reached.

In accordance with SDCL 46-5-21 the construction shall be completed, not to exceed five years from the date of approval. The time limit for completion of your Water Permit is Sept. 10, 1980.

If your irrigation project has not been completed by this date it will be re-scheduled for cancellation.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights, WMD

JH:bt

cc: Conrad Clement
Minn. Impl. Co.
Hwy 16W
Grand Meadow, MN 55936

Equal Opportunity Employer

January 22, 1980

John B. Dougan
RR #1
Hason City, IA 50401

Dear Mr. Dougan:

During a field investigation it was observed that Water Permit No. 2327-3A authorizing 9.1 cubic feet per second of water to irrigate 640 acres from the Missouri River has not been constructed.

South Dakota Water Law Section 46-5-25 provides that one-fifth of the work must be completed within two and one-half years after the water permit has been approved. The expiration date for the one-fifth completion date on Water Permit No. 2327-3A was March 10, 1978.

Therefore, cancellation of Water Permit No. 2327-3A will be considered by the Water Management Board at 9:00 a.m. on March 26, 1980 at the SDEA Auditorium 411 E Capitol, Pierre, SD.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights, WMD

JH/gy

cc: Conrad Clement, Minn. Impl. Co. Hwy 16W, Grand Meadow, MN 55936



Department of Water & Natural Resources

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

April 15, 1985

John B. Dougan
RR 1
Mason City IA 50401

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s). 2327-3A. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 2327-3A to require the Irrigation Water Use Questionnaire to be submitted each year;

2. Postpone any action;

3. Take no action.

The hearing(s) 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.

Sincerely,

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

NOTE: If the questionnaire(s) is received in this office before the May 15th hearing date, your name will be deleted from the agenda for the hearings.



Department of Water & Natural Resources

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

June 12, 1985

Notice of Amendment to Water Permit(s)

To: John B. Dougan
RR #1
Mason City, IA 50401

FROM: John Hatch, Chief Engineer
Water Rights Division 773-3352 *John Hatch*

SUBJECT: Amendment to Water Permit No(s). 2327-3A.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 2327-3A to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required Irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

South Dakota Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3101

Attachment to Water Permit No(s). 2327-3A

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 2327-3A to add the following qualification:

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



Department of Water & Natural Resources

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

March 26, 1986

NOTICE

John B. Dougan
RR 1
Mason City, IA 50401

Re: Violation of Water Permit No(s). 2327-3 A

Our records indicate that the 1985 Irrigation Questionnaire has not been received for Water Permit No(s). 2327-3 A. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 2327-3 A qualification:

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

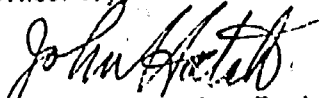
The hearing(s) will be at 2:00 p.m., May 14, 1986, Joe Foss Building, Room 216, Pierre, South Dakota. The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 2327-3 A until either the 1985 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.

Sincerely,


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

Note: If the questionnaire(s) is received in this office before the May 14 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3161

May 16, 1986

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: John B Dougan
RR 1
Mason City IA 50401

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

*John Hatch
by Del Broz*

SUBJECT: One Year Suspension of Water Permit No(s). 2327-3A
If the 1985 Irrigation Questionnaire Is Not Received By
June 1, 1986

Pursuant to the provisions of the notice dated March 26, 1986 and following the Hearing May 14, 1986, the Water Management Board ordered:

That Water Permit No(s). 2327-3A be suspended until December 31, 1986, unless the required 1985 Irrigation Water Use Questionnaire is received by June 1, 1986.

Suspension of a permit means water may not be pumped during the 1986 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

Equal Opportunity Employer

Water Rights Division - DWR
Conversation or File Documentation

File No. 2327-31

NAME OF PERSON OR FILE: John Dwyer

ADDRESS: _____ COUNTY Buffalo

DATE: 7/18/86 TELEPHONE _____

RE: Suspended Permit

COMMENTS:

Two permits could be seen on the land but not
irrigating, corn ~ 3-4 ft high. Consulting Registrar of
Deeds in Buffalo Co. was found out that the land
now belongs to US interest for Crow Creek Tribe!

PERMIT IS NOT SUSPENDED-LANDS NOW TRIBAL OWNED, FUTURE IRRIGATION QUESTIONNAIRES
WILL NOT BE SENT

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.

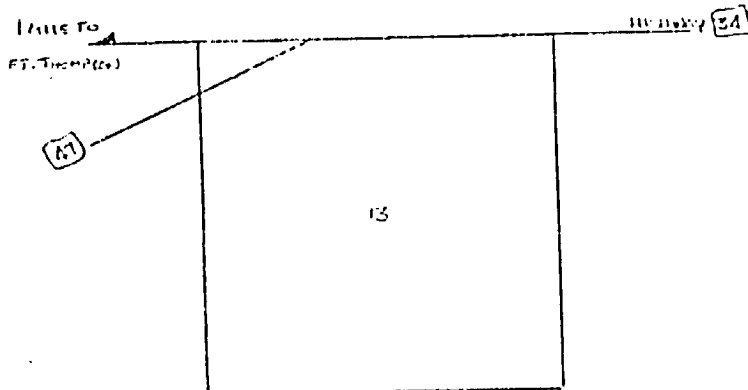
NAME: WRA

HUFFALO

CHICKASAW RIVER

9.1 (c) 1040 ACRES

COMPLETION DATE - 10 SEPTEMBER 1980



NOT LICENSED

I KNOW THIS IS DEVELOPED -
 NEED TO CHECK TO SEE IF TRIBE NOW OWNS THIS - OR WINT
 THIS WAS SPLIT FROM 2327-3 AND OTHER GUY REPORTED IN 1984 -

Land New Orleans, La.