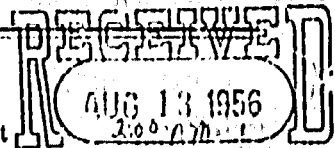


1. Considered Sept 17, 1956
2. Name of Applicant J. J. Oliver & Sons 237-3
3. Post Office Address Elk Point, S. Dak.
4. Amount of water claimed 7.28 cfs
5. Source of water supply WPI
- Water to be used for irrigation
- Acres to be irrigated 160
7. ^{See Sec 18, 17 of N.E. 40th} Water to be diverted and used in Union County about 2 miles East of Elk Point.
8. Proof of Publication Received ☒ Not Received ☐
9. Application Approved ☒ Subject to ☐ Not approved ☐ Action deferred ☐

10. Remarks:

No. 2-37-3Water Division No. 3 Big Sister River District
(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.)

1. Name of applicant J. J. Curry & SonsPostoffice address #125, Elk Point, County Union, State S. Dak.

I. If a corporation

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Contract(b) Cash on hand, \$ \$4000. (c) Treasury stock, \$ —(d) Bonds to be issued, \$ — (e) Other resources, \$ —

2. Name of diversion work

3. Amount of water claimed 2.28 cubic feet per second4. Source of water supply Dug Well5. Location of point of diversion 1/2 mi. N. of Elk Point on Union bank Union County.

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

7. To be used for:

1. Irrigation ~~or other use~~ Gravity, overhead, ~~underground~~ underground or combination system Farm Crops & Seed Corn(a) Number of acres to be irrigated 160 acres.(b) Legal subdivisions to be irrigated Whofse 1 and Whofse 2 Sec. 18, T91 R9 49

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.)

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

(a) Nature of use — Name any of the above uses claimed(b) Amount of power to be generated — horse power.Amount claimed for engine cooling —

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

Map No. 127-3

8 Estimated cost of work:

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

9. Description of diversion works:

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

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-FOOT 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 2 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
 The Leader Courier, Elk Point, S. Dak.

STATE OF SOUTH DAKOTA

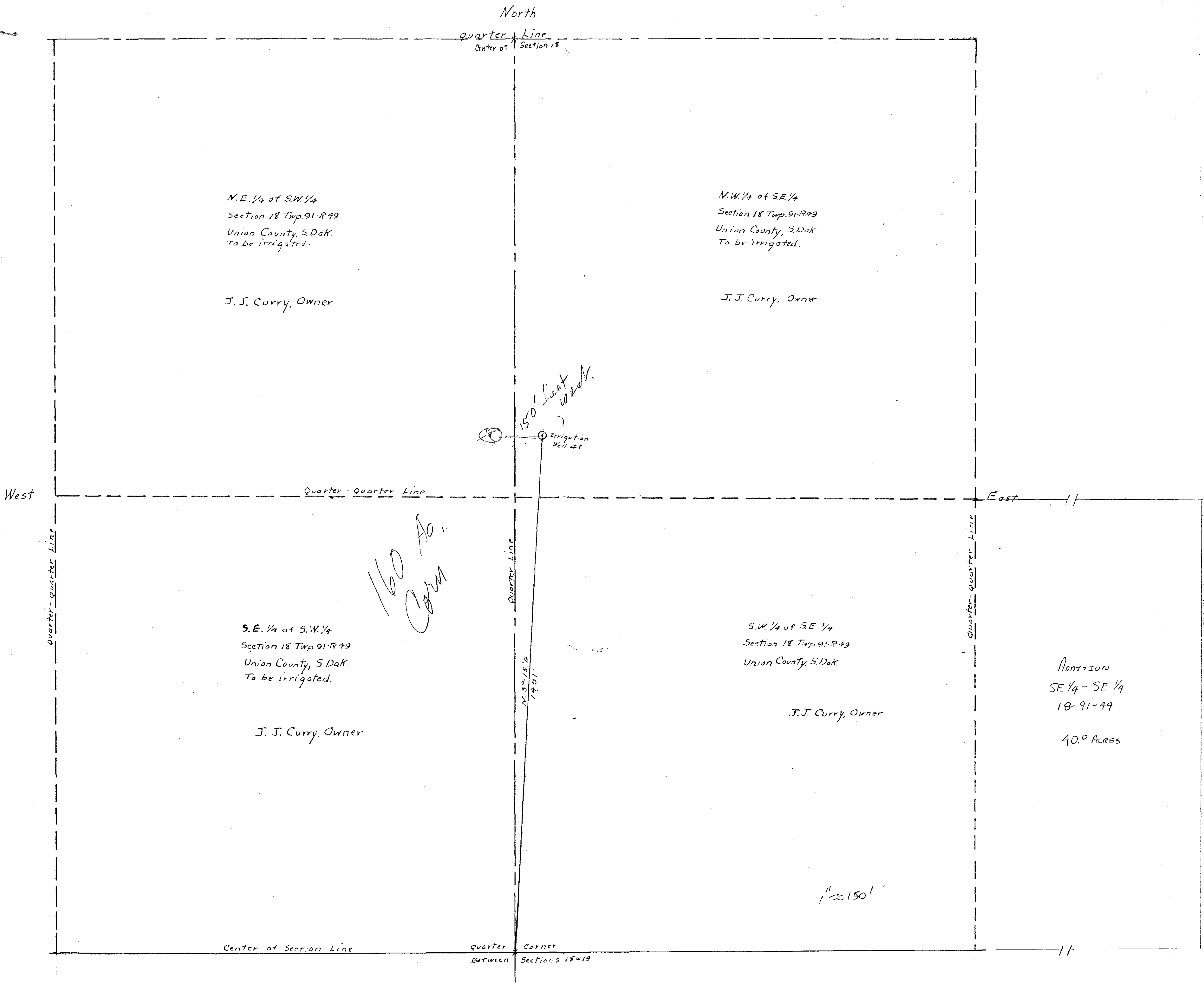
County of ss.

I, James D. Perry, 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

10 day of August 1916
J. J. Perry & Sons
James D. Perry
A. B. [Signature]
 Notary Public (or other qualified officer.)



Curry Irrigation Project #2
in Section 18 Township 91-Range 49
Union County, South Dakota.

I, Ellis V. Nelson, a licensed engineer hereby certify that I have made a survey of the E. 1/2 of S.W. 1/4 Section 18 and the W. 1/2 of S.E. 1/4 of Section 18, all in Township 91-Range 49, Union County, South Dakota and located irrigation well #1 as indicated on the above plat.

Dated at Sioux Falls, South Dakota, April 5-1956.

Ellis V. Nelson
Licensed Engineer

Ellis V. Nelson, Civil Engineer
Sioux Falls, S. Dakota April '56

State of South Dakota } ss
County of Minnehaha

On this 5th day of April, 1956 before me, the undersigned officer personally appeared Ellis V. Nelson known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purpose therein contained.

In witness whereof I hereunto set my hand and official seal.

Notary Public, Minnehaha
County, South Dakota.

Map # 187-3
App'l. # 237-3

Map No. 187-3
App'l. No. 237-3

Map # 187-3

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

August 14, 1956

This is to certify that the foregoing application was received by the Commission at 2:00 o'clock

P.M. upon the 13 day of August, 1956

State Water Resources Commission

By:

J. W. Grimmer

Chief Engineer, Executive Officer

Number of permit 237-3

Date of first receipt of application August 13, 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 August 13, 1956

Approved September 17, 1956, Recorded in Book 4 Page 15

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 17, 1957

2nd. The whole of said work is to be completed on or before September 17, 1958

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

September 17, 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 2.28 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 17, 1959, said water to be used during the following described annual period:

April to October inclusive

Witness my hand this 22 day of March, 1957

State Water Resources Commission

By:

J. W. Grimmer

Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

STATE OF SOUTH DAKOTA

WATER LICENSE No. 237-3

WHEREAS, On the 13th day of August 1956
L. J. Curry and Sons

of Elk Point County of Union and State of South Dakota
 duly made application (No. 237-3) to us for a permit to use 2.28
 cubic feet per second of the waters of ground water
 County of Union, State of South Dakota, for irrigation
 purposes; and

WHEREAS, On the 22nd day of March A. D. 1957
 Permit No. 237-3 was issued to said applicant S for the diversion of said water, and providing for the
 completion of the works of diversion therein described on or before the 17th day of
September A. D. 1958 and for the application to beneficial use of said
 water on or before the 17th day of September A. D. 1959
 and,

WHEREAS, On the 21st day of November A. D. 1957
 the holder SS of said permit duly made proof of the completion of adequate works for the diversion of 2.28
 cubic feet per second of said waters, as evidenced by our Certificate No. 237-3
 dated January 28, 1958 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 2.28 cubic feet per second of water, with date of
 priority of August 13, 1956 and,

WHEREAS, On the 21st day of November A. D. 1957
 proof was duly made of the application to beneficial use of 2.28 cubic feet per second of said water;
on 160 acres located in the W-SE $\frac{1}{4}$ and E-SW $\frac{1}{4}$, Sec. 18,
T 91 N, R 49 W

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 J. J. Curry and Sons
of Elk Point, South Dakota the holder S and owner A of said permit No. 237-3
a water right, dating from August 13, 1956 to the use of 2.28
cubic feet per second of the waters of ground water
in the County of Union and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at 1491 feet, N 3° 15'E of the
St Cor., Sec. 18, T 91 N, R 49 W
and conducted to and upon The NE 1/4 and E 1/4 SW 1/4, Sec. 18, T 91 N, R 49 W

for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 28th day of January A. D. Nineteen
Hundred and Fifty-eight

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 237-3

Big Sioux

Water Division No. 3 River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That J. J. Grier & Sons

of Elk Point, County of Union, and State of South Dakota, the holder S of Permit No. 237-3, issued upon Application No. 237-3, bearing date of priority of August 12, 1956, authorizing the diversion of 2.28 cu. ft. per second of the waters of ground water County of Union, State of South Dakota, at 1491 feet N 30°15'E of the S½ Cor., Sec. 18, T 91 N, R 49 W

for irrigation purposes, has fully 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 2.28 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: W½SE¼, Sec. 18, T 91 N, R 49 W-----80 acres

E½SW¼, Sec. 18, T 91 N, R 49 W-----80 acres

160 acres

Witness my hand this 28th day of January A. D. 1958

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 36" , Depth 100'
Type of casing Concrete
(wood, concrete, steel, etc.)
Size of casing 18" , Thickness of casing 4 1/2"
Length of casing 4' If collection gallery, length, size and depth of
gallery

(b) Screens

Type of perforated screen Fine
Size of perforated screen 18" , 4'
(diameter) (length)
Thickness of gravel pack 9" , length of gravel pack 100'

(c) Water Bearing Materials

Distance to water 12' Character of water bearing materials
Sand, gravel and loose rock and gravel
.....
.....
Thickness of water bearing material 50' (See Attached log)

(d) Pump and Motor

Type of pump Turbine
(centrifugal, propeller, mixed flow, etc.)
Name of pump Western Land Roller , size 8"
Kind of motor Diesel
(gasoline, electric, diesel, etc.)
Horsepower 36 BHP , Name of Motor J. Deere

(e) Complete well

Capacity 1000 est. at drawdown of 12' Estimated cost \$2000.

(f) Owner of land upon which well is located J.J. Curry
Name
Project #2 Elk Point, S. Dak.
Address

(g) Distance to nearest existing wells

On same owner's property 400 rods. On property owned by others 450 rods

(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. J. Curry and Sons whose postoffice address is Box #125, Elk Point S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.23 cubic feet of water per second of time from XX ground water through the irrigation system, the point of diversion of which is to be located XXXX 1421 feet N 30° 15' E of the South 1/4 Corner XXXX of the XXXXXXXXXXXXXXX of the XXXXXXXXXXXXXXX of Section 18 Twp. 91N Range 49W Said water to be used for the purpose of providing irrigation on the following described land:

S. 1, Sec. 18, T 91N, R 49W

XXXX and for XXXX purpose XXXX

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: W. J. Ryan, Publisher
The Leader-Courier
Elk Point, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss.
 County Union

Wm. J. Ryan being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

Leader Courier a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the Leader Courier of Elk Point, S. D. County of

Union and State of South Dakota; that the said notice was published in said newspaper on the following dates:

August 23, 1956

August 30, 1956

September 6, 1956

September 13, 1956

In each and every issue of the full number thereof, the first publication being made on the 23rd day of August

1956 and the last publication on the 13th day of

August 1956, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was Manager the printer and publisher of the said newspaper.

Subscribed and sworn to before me this 14th day of Sept. A. D. 1956

RECEIVED
 SEP 17 1956

STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

Notary Public Union County, S. D.

APPROPRIATION OF WATER

Office of State Water Resources Commission
 Pierre, S. D.

August 14, 1956

Notice is hereby given that J. J. Curry and Sons whose postoffice address is Box No. 125, Elk Point, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.28 cubic feet of water per second of time from ground water through the irrigation system, the point of diversion of which is to be located 1491 feet N 3 degrees 15 minutes E of the South 1/4 Corner of Section 18, Twp. 91N, Range 49W. Said water to be used for the purpose of providing irrigation on the following described land:

1/2, Sec. 18, T. 91N, R. 49W.

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
 (Pub. Aug. 23-30, Sept. 6-13)

Permit No. 237-3Water Division No. 3 Big Sioux
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 in accordance with your ~~XXXX~~ authorization dated on November 21, 1957~~XXXX~~, I have ~~examined~~ made a thorough examination of the diversion works constructed byJ. J. Curry and Sons, of Elk PointUnion County, South Dakota, holder S of Permit No. 237-3, issuedupon Application No. 237-3, bearing date of priority of August 13, 1956, authorizing thediversion of 2.28 cu. ft. per second of the waters of ground water for irrigation

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

The diversion works comprise: Western Land Roller pump, Head No's 8M-030 and2-12 B-H; U. S. Gear Drive #30-NRR; Ford Ind. Engine Model #223;1½ miles gated pipe; and a pressure gaugeand the system is in the following condition: very goodThe point of diversion is located 1491 feet, N 3° 15'E of the S½ Cor., Sec.18, T 91 N, R 49 W.The works are capable of diverting and conveying to the place of use 2.28 cu. ft. per second of water,
which is to be used for irrigationThe legal sub-divisions to be irrigated are: W½SE¼ and E½SW¼, Sec. 18, T 91 N, R 49 Wcomprising a total of 160 acres of land.

The domestic use intended comprises

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

Witness my hand, this 28th day of January, A. D. 1958

—SEAL—

Les Wyborny,
Les Wyborny,Examining Engineer.

Observations during the Field Inspection on November 21, 1957 at the J.J. Curry and Sons project relative to Application # 237-3.

Ed Curry accompanied me on this inspection and was very cooperative and helpful in aiding me to finish my work.

This project consisted of 160 acres $\pm$, located in the W $\frac{1}{2}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 18, T 91N, R 49W and was all in corn. The well was constructed about 150 feet due west of the proposed location but this would not have any adverse affect on neighboring wells as the closest one still was an estimated 400 rods away. All of the locations corresponded reasonably close to those shown on map # 187-3.

Equipment consisted of a Western Land Roller pump Ser. # 1561260, Head No's 8M-030, and 2-12B-H with an estimated capacity of 1100 gpm. There was also a U.S. Gear Drive Ser # 105833 and Frame #30-NRR, rated at 1760 rpm's for the driver and pump. Power was furnished by a Ford Industrial Engine, 6 cyl. Model No. 223, and Serial # 2849G21CH. They had 1 $\frac{1}{2}$ miles of gated pipe which was used between projects # 179-3, 237-3 and 305-3.

This well was about 100 feet deep w/ the static water level @ 15 feet.

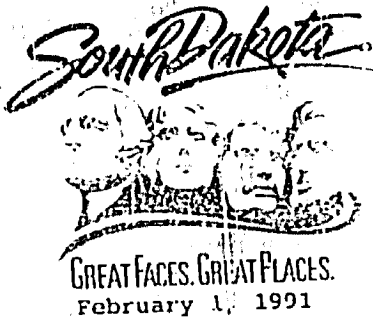
I was not told whether or not this well was test pumped, but in view of characteristics of surrounding wells the well should put out at least 1000-1100 gpm w/o appreciable drawdown.

The system was not in operation at the time of the inspection but there was ample evidence that the field had been irrigated this year.

All of the equipment was either new or in very good condition.

The area irrigated and the capacity of the works to divert and convey water to the place of use met the conditions as set forth in the application and permit.

December 30, 1957



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

JJ Curry and Sons
CURRY SEED CO, OPERATOR
BOX 517
ELK POINT SD 57025

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 1133-3, 1086-3, 306-3, 237-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire 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 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

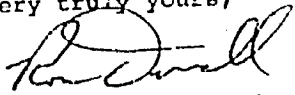
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s) 1133-3, 1086-3, 306-3, 237-3 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.

If the questionnaire(s) is received in this office before the February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,


Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

South Dakota

DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

February 11, 1991

Curry Seed Company
Box 517
Elk Point, SD 57025

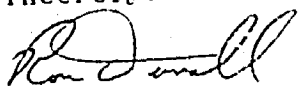
RE: Irrigation Questionnaires and/or Chemical Application Use
Data for Water Permit Nos. (237-3, 306-3, 324-3, 501-3, 1086-3,
1133-3, 1136-3, 1297-3, 1530-3, 2141-3, 2189-3, 2370-3, 2371-3,
2450-3, 2940-3, 3910-3, 4438-3, 4582-3, 4598-3, 5030-3, 5201-3,
and 5254-3

Dear Sir:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires and/or chemical application use data for the above listed Water Permits. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire and the Notice of failure to report chemical use. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,



Ron Duvall, Natural Resources Engineer IV
Water Rights Division

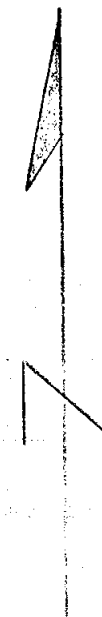
13 18
24 19

PORTION, NW 1/4 19-91-49

44.0 ACRES

U.S. 77

FARMSTEAD



ADDITION
TO
CURRY IRRIGATION PROJECT #2

MAP No. 187-3

APPLICATION No. 237-3

SCALE: 1" = 200'

Water Rights Division - DENR

237-3

1133-3

Conversation or File Documentation

Name of Person: **J.J. Curry and Sons** File No. **237-3 and 1133-3**
Address: **Box 517, Elk Point, SD 57025** County: **Union**
Date: **Nov. 18, 1999** Telephone: **(605) 356-3366**
RE: **Reissue Water Right Nos. 237-3 and 1133-3.**

Comments:

Water Right 237-3 was licensed for irrigation of 160 acres in the W $\frac{1}{2}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 18, T91N, R49W using 2.28 cfs from one well. Water Right No. 1133-3 was licensed for irrigation of 40 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18 and 44 acres in the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 19 T91N, R49W using 1.13 cfs. These two water rights are owned by J.J. Curry and Sons.

Water Right No. 4438-3 was licensed for irrigation of 33 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$; 33 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$; and 33 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18 using 1.41 cfs. This water right is owned by Kenneth Jolin. All the above lands were originally irrigated using flood irrigation methods.

The lands are now irrigated using a combination of a center pivot and flood irrigation. The portion of the flood irrigated acres use the well authorized by Water Right No. 237-3. The portion of the lands irrigated with the center pivots use the well authorized by Water Right Nos. 4438-3 and 1133-3.

Reissue and incorporate Water Right 237-3 and 1133-3 for the following:

These lands are irrigated using a center pivot:

All in Section 18, T91N, R49W

Acres irrigated by div. pt. #2: 1320' W and 2640' N of the SE corner Section 18, T91N, R49W.

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 33 acres (priority date August 13, 1956)

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 33 acres (priority date August 13, 1956)

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 33 acres (originally authorized by Water Right No. 1133-3 priority date October 13, 1964)

Acres irrigated by div. pt. #1: 2724' W and 1489' N of the SE corner Section 18, T91N, R49W.

These lands are flood irrigated:

All in Section 18, T91N, R49W

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 7 acres (priority date August 13, 1956)

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 7 acres (priority date August 13, 1956)

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 7 acres (originally authorized by Water Right No. 1133-3 priority date October 13, 1964)

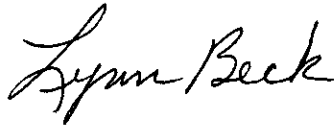
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 8 acres (priority date August 13, 1956)

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 2 acres (priority date August 13, 1956)

For a total of 130 acres and 1.86 cfs. 90 acres at 1.29 cfs and a priority date of August 13, 1956 and 40 acres at 0.57 cfs and a priority date of October 13, 1964.

Need a change in diversion point for the portions of land under the reissued Water Right Nos. 237-3 and 1133-3 that are irrigated by the center pivot from div. pt. #2. Diversion point #3, located in the center of the SE $\frac{1}{4}$ Section 18, T91N, R49W, is a standby well for center pivots under Water Right Nos. 237-3, 1133-3, 1530-3, and 4438-3.

The center pivot on the above lands also irrigates 33 acres in the NE¼ SE¼ which is owned by Kenneth Jolin and authorized by Water Right No. 4438-3. *Well #2* used for the center pivot in the SE¼ is also authorized by 4438-3. This will need to stay separate as it is a different land owner.

A handwritten signature in black ink that reads "Lynn Beck". The script is cursive and fluid, with the first name "Lynn" and last name "Beck" clearly distinguishable.

Lynn Beck
Natural Resources Engineer

Approval of Location Change and/or Additional Diversion Point(s)

NAME: J.J. Curry and Sons**ADDRESS:** Box 517, Elk Point, SD 57025**DATE:** November 22, 1999**COUNTY:** Union**TELEPHONE:** (605) 356-3366**AUTHORITY:**

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

An additional diversion point located 1320' W and 2640' N of the SE corner of Section 18, T91N, R49W in the same water source with no additional water being used.

- **If irrigation, no new land is irrigated**

Irrigated lands covered under Water Right Nos. 237-3 and 1133-3.

- **Review of Existing Diversions**

There are four other diversion points in Section 18 used to irrigate lands owned by Ed Curry or J.J. Curry and Sons. In addition there is a standby well. One of the diversion points and the standby well are also used for Water Right No. 4438-3 owned by Kenny Jolin. The additional diversion point in this report is licensed under Water Right No. 4438-3 and the lands under WR 4438-3 are irrigated by center pivots owned by Ed Curry and J.J. Curry and Sons.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Lynn Beck, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program