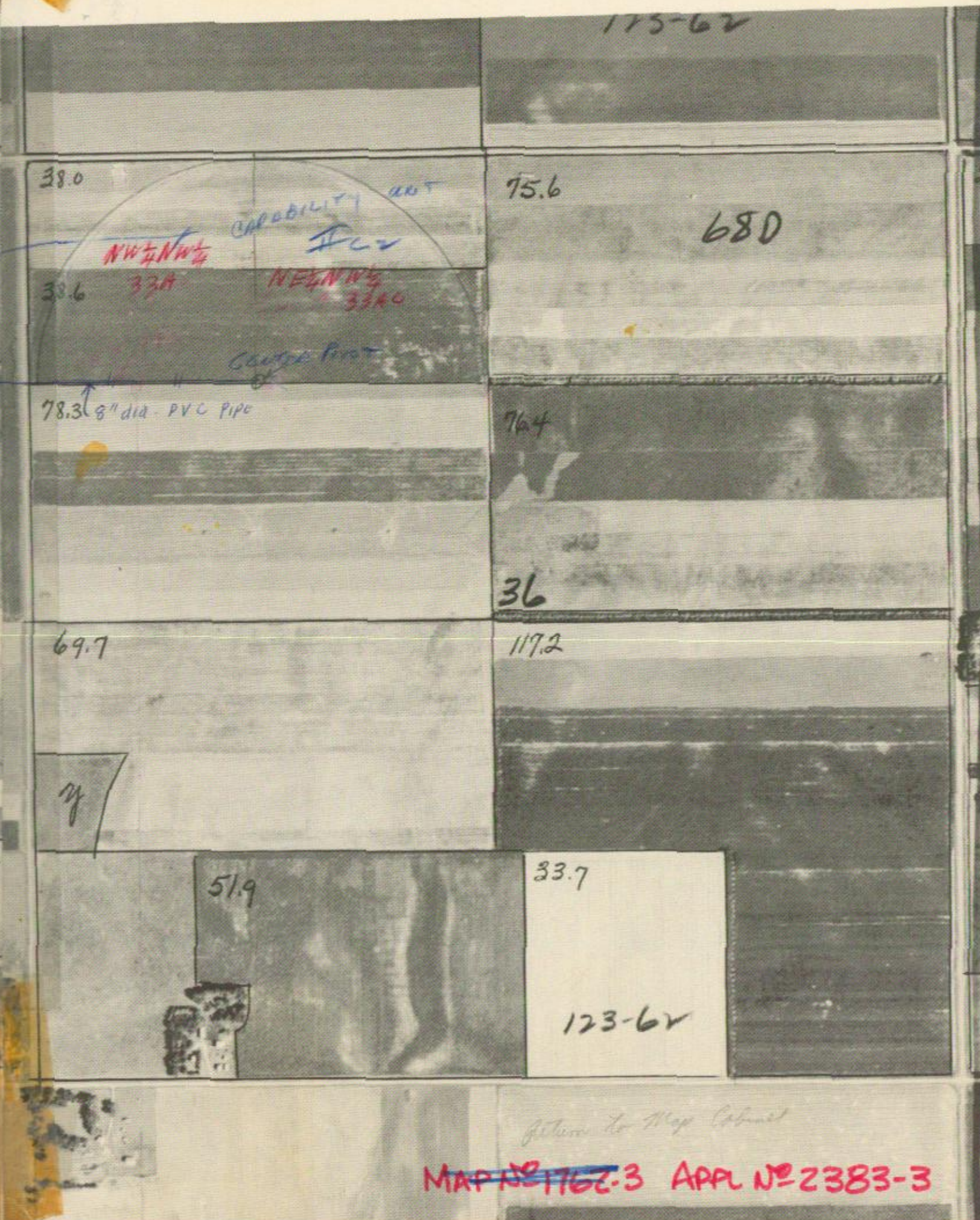
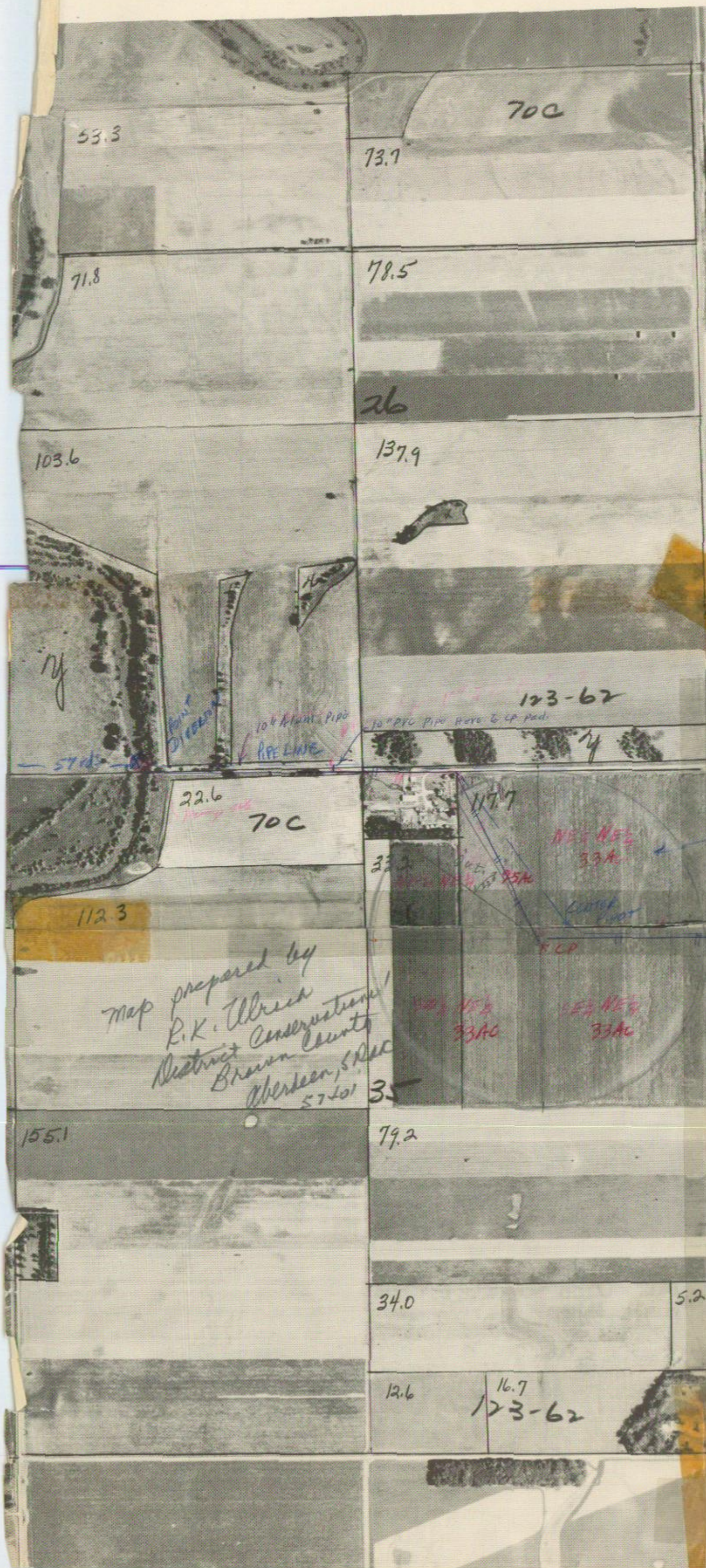


Water Right Number 2383-3

1. Considered November 21, 1975
2. Name of Applicant Tullis Brothers
3. Post Office Address Groton, SD 57445
4. Amount of water claimed 3.25
5. Source of water supply James River
6. Water to be used for Irrigation
Acres to be irrigated 230
7. Water to be diverted and used in Brown County
about 7W, 2S Miles of GROTON
8. Proof of Publication
Received 11-7-75
Not received _____
Approved _____
Subject to _____
Not approved _____
Action deferred _____
9. Application
10. Remarks:



WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2383-3TULLIS BROS.

(Applicant)

R.R. #1, Box 98, GROTON

(Post Office Address)

SOUTH DAKOTA 57445

(State)

With the following modifications:

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

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

Date of first receipt of application AUGUST 28, 19 75Date of return to applicant for correction, amendments or changes required —, 19 —Date of receipt of corrected application —, 19 —Approved NOVEMBER 13, 19 75, Recorded in Book 14, Page 118WATER RIGHT PERMIT NO. 2383-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2383-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is AUGUST 28, 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 13, 19 76
3. The whole of said work is to be completed on or before NOVEMBER 13, 19 76
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 13, 19 76
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 3.25 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 NOVEMBER 13, 19 76; said water to be used during the following described annual period: APRIL THRU AUGUST 15

Witness my hand this 18TH day of NOVEMBER, 19 75

WATER RIGHTS COMMISSION

By:


 Chief Engineer, Executive Officer
Certificate of Construction Issued January 23, 19 77Water License Issued January 23, 19 77

Permit No. 2383-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Tullis Bros.

_____ the holder _____ of
Permit No. 2383-3, issued upon Application No. 2383-3, bearing date of priority of August 28,
1975 authorizing the diversion of 3.25 cu. ft. per second of the waters of _____
the James River County of Brown, State of South Dakota at _____
a point 57 rods East of the SW Corner of Section 26-T122N-R62W
_____, 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 2.0 cu. ft. per second of water.

Date January 23, 1979

By: WATER RIGHTS COMMISSION
John Hatch
JOHN HATCH, Chief Engineer

WATER LICENSE NO. 2383-3.

(1) WHEREAS, On the 28th day of August A. D. 19 75

Tullis Bros.

made Water Right Application No. 2383-3 for a permit to use 3.25 cubic feet per second of the waters of the James River

County of Brown, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 13th day of November A. D. 19 75

Permit No. 2383-3, with a date of priority of August 28, 1975

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 13th day of November A. D. 19 76 and for the

application to beneficial use of said water on or before the 13th day of November A. D. 19 76

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

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

to irrigate portions of the following lands all in T123N-R62W;

		<u>acres</u>
Section 35	NW $\frac{1}{4}$ NE $\frac{1}{4}$	25
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	33
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	33
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	33
Section 36	NW $\frac{1}{4}$ NW $\frac{1}{4}$	33
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	33
total		190

(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, Tallis Bros.

_____ of Groton, SD

the holder _____ and owner _____ of said permit No. 2383-3 a water right, dating from August 28, 1975

_____ to use of 2.0 cubic feet per second of the waters of the James River

in the County of Brown and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 57 rods East of the SW Corner of
Section 26-T122N-R62W

and conduct to and upon portions of land in Sections 35 and 36 - T123N-R62W, more fully described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 2383-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 23rd day of January A. D.
Nineteen Hundred and Seventy-nine

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Form 6 - Notice of Intent to Appropriate Water

No. 2383-75

Publish first publication, on or before October 30, 19 75

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

~~October 17~~, 19 75

Notice is hereby given that Tullis Bros.

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

3.25 cubic feet of water per second of time from the James River through the

Tullis Bros. #1, the point of diversion of which is to be located in the _____

SW1 SW1

of Section 26, Twp. 123N, Range 62W. Said water to be used for the purpose

of providing irrigation on ^{portions of} the following described land:

NE1, Section 35, N12 NW1, Section 36, T123N, R62W

This application No. 2383-75 be considered by the Water Resources Commission at their office at

Pierre upon the 12th day of November, 19 75, at 2:30 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Tullis Brothers, Route 1, Box 98, Groton, S.D. 57445

Form 8 Proof of Publication - Notice of
Intent to Appropriate Water

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brown) ss.

I, Morris E. Spencer hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Sioux Independent

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

Sioux Independent of Sioux

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

October 22, 1975

October 29, 1975

Morris E. Spencer
(Signature)

Public
(Title)

5 Nov 75
(Date Signed)

NOTICE
INTENT TO
APPROPRIATE WATER

Pierre, South Dakota 57501
October 17, 1975

Notice is hereby given that Tullis Bros. whose post office address is Groton, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.25 cubic feet of water per second of time from the James River through the Tullis Bros. #1, the point of diversion of which is to be located in the SW 1/4 SW 1/4 of Section 26, Twp. 123N, Range 62W. Said water to be used for the purpose of providing irrigation on portions of the following described land: NE 1/4, Section 35, N 1/2 NW 1/4, Section 36, T123N, R62W.

This application No. 2383-3 will be considered by the Water Resources Commission at their office at Pierre upon the 12th day of November, 1975, at 2:30 P.M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION, By: /s/ Burton F. Jones
BURTON F. JONES, Water Rights Specialist

(2d Oct, 22, 29, 1975)

NOTICE OF COMPLETION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE
DEPARTMENT OF NATURAL RESOURCE DEVELOPMENT

DIVISION OF WATER RIGHTS

JOE FOSS BUILDING

PIERRE, SOUTH DAKOTA 57501

Post Office PierreDate 5-29-76TO: Water Resources Commission
State Office Building No. 2
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 2383-3

Water Right Permit No. 2383-3 states that the diversion system is to be constructed by Nov 13, 1976 and that the water is to be put to beneficial use by Nov. 13., 1976.

The diversion system was completed on 4-15, 1976. Applying the water to beneficial use was completed on 5-1, 1976.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Tullis Bros. by Delvin Tullis
(Signature)



RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

N2 4 6707

PIERRE, January 16, 1977

RECEIVED OF Tullis Brothers, Croton, SD 57445
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. <u>2383-3</u> (examination, processing, recording and filing) -----		
Fee for Inspecting Construction, and Issuing Cert. of Construction No. <u>2383-3</u> -----	12	00
Fee for Inspecting Beneficial Use, and Issuing Water License No. <u>2383-3</u> -----		
Fee for Issuing Location Certificate-Dry Draw, No. -----		
Fee for filing -----		
Fee for certified copy of -----		
Fee for Print copy of map -----		
Fee for Certifying -----		
Fee for ----- (any other work as provided by law)		
TOTAL	12	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH gy

Permit No. 2383-3Water Division 3 James River Water District

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

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

I have this day made a thorough examination of the water use system constructed by Tullis Bros.
 of RR #1, Box 78, Grotton S.Dak. 57445 holder
 of Permit No. 2383-3, bearing date of priority of August 28, 1975
 authorizing the diversion of 3.25 cu. ft. per second of the waters of James River
 for Irrigation purposes, in Brown County.

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

The Water Use System consists of,

A. Works used to divert the water:

Engine - 3208 Caterpillar, V8 Diesel. 150 HP
Ser # 90N5965
Pump. Berkeley Model D4EX-1541.
Pumping 700 gpm.

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

1400 ft 10" dia Aluminum pipe
2350 ft 10" dia PVC Pipe, underground.
2600 ft 8" dia PVC Pipe, underground.

C. Works used to apply water to beneficial use.

Olson Center Pivot, Model 103.The system is in the following condition; Good.

The point of diversion is located 57 Rods East of the SW corner of
Section 26, T122N R62W

The works are capable of diverting and conveying to the place of use 2.0cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: In Section 35, T123N R62W

NW 1/4 NE 1/4 - 25 AC, NE 1/4 NE 1/4 - 33 AC, SW 1/4 NE 1/4 - 33 AC, SE 1/4 NE 1/4 - 33 AC.
In Section 36, T123N R62W, NW 1/4 NW 1/4 - 33 AC, NE 1/4 NW 1/4 - 33 AC.

comprising a total of 190 acres of land.

9-11-1979
5-11-1979

Date January 9, 1979
Leroy J. McLaugh
 (Signature)



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

No. 2639-3

DEC 20 1985

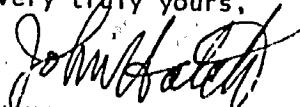
Tullis Brothers
RR#1, Box 98
Groton, South Dakota 57445

Dear Sir:

Enclosed herewith is, Water License No. 2639-3. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

Enclosures

Applicable portions of Water Right No. 2383-3 have been incorporated into this Water License No. 2639-3.

WNR-817 3/85

Transmittal of Water License