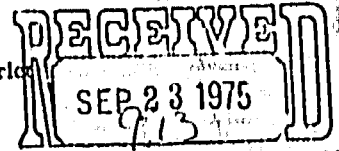


Water Right Number 2385-3

1. Considered November 12, 19 75
2. Name of Applicant Clinton Bauer
3. Post Office Address Freeman, SD 57029
4. Amount of water claimed 1.40
5. Source of water supply James River
6. Water to be used for Irrigation
Acres to be irrigated 100
7. Water to be diverted and used in Hutchinson County
about 9W Miles 1ST of FREEMAN
8. Proof of Publication
Received 1ST
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

No. 2385-3

Water Division No. 3 JAMES RIVER District _____
(Blanks to be Filled by the Engineer for the W. R. C.)



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

STATE WATER RIGHTS COMM.
SOUTH DAKOTA

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

1. Name of applicant C. Linton BAUER
Postoffice address _____, County Hutchinson, 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 _____, or by direct labor)

(b) Cash on hand, \$ 2500.00 (c) Treasury stock, \$ _____
(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____ possible Fed-
ERAL COST SHARE

- 2. Name of diversion work IRRIGATION OF cropland
- 3. Amount of water claimed 1.4' cubic feet per second
- 4. Source of water supply James River
- 5. Location of point of diversion roads west and roads south of
Section 6-91-57 on East bank Hutchinson County.
- 6. Annual period or periods during which water is to be used when available
- 7. To be used for:

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

(a) Number of acres to be irrigated 100 acres. SE 1/4 NE 1/4 of 6, SE 1/4 of SE 1/4 of 31 (part of
James River (west of road), part of NW 1/4 of NE 1/4 of 6 (east of river) - 98-57 part of SW 1/4 of NW 1/4
of 31 (west of road) - 19-57 part of SW 1/4 of NE 1/4 of 6 (east of river) - 98-57

(b) Legal subdivisions to be irrigated 56-19-57 (part of road) - 98-57
(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. 1764-3

8. Estimated cost of work:

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

(b) Pumping plant, \$4,000.00

(c) Fluming, \$-----

(d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures land leveling \$6,000.00

Total, \$10,000.00

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 SURFACE	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 25 years.

11. Time required for complete application of water to the proposed beneficial use 24 years.

12. Choice of newspaper for publication of notice of Intent to appropriate FREEMAN COURIER

STATE OF SOUTH DAKOTA

County of South Dakota

Clinton Bauer

I, Clinton Bauer, 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

Clinton Bauer

Subscribed and sworn to before me this

22nd

day of

September

1975

Notary Public (or other qualified officer.)

Remarks by State Water Resources Commission:

This permit does not authorize diversion of water from the James River after August 10th of each calendar year, nor at any time when the river flow is obviously low, unless written orders have been so issued by the State Water 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.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, DECEMBER 2, 1975

This is to certify that the foregoing application was received by the Commission at 9:13 o'clock
9 a.m. upon the 23RD day of SEPTEMBER, 1975.

State Water Resources Commission

By:

Burton Brown
for Chief Engineer, Executive Officer

Number of permit 2385-3

Date of first receipt of application SEPTEMBER 23, 1975

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 SEPTEMBER 23, 1975

Approved NOVEMBER 13, 1975 Recorded in Book 14 Page 165

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 or at least one-fifth of the work above specified is to be completed on or before _____

MAY 13, 1978

2nd. The whole of said work is to be completed on or before NOVEMBER 13, 1980

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

NOVEMBER 13, 1984

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 14 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 NOVEMBER 13, 1984, said water to be used during the following described annual period:

APRIL THRU AUGUST 10

Witness my hand this 2ND day of DECEMBER, 1975.

State Water Resources Commission

By:

John H. Stott
Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 15, 1977

Water License Issued SEPTEMBER 15, 1977

Form 16.

Permit No. 2385-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Clinton Bauer

_____ the holder _____ of
Permit No. 2385-3, issued upon Application No. 2385-3, bearing date of priority of September 23,
1975 authorizing the diversion of 1.4 cu. ft. per second of the waters of
the James River County of Hutchinson, State of South Dakota at
a point 80 rods W and 5 rods S of the NE corner, Section 6,
T28N, R57W
_____, for irrigation

_____ purposes, has _____ 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 1.7 cu. ft. per second of water.

Date September 15, 1977

~~STATE ENGINEER~~
WATER RIGHTS COMMISSION

By:

John Hatch

JOHN HATCH, Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2385-3

(1) WHEREAS, On the 23rd day of September A. D. 19 75
Clinton Bauer

made Water Right Application No. 2385-3 for a permit to use 1.4 cubic feet per second of the waters
of the James River
County of Hutchinson, State of South Dakota, for irrigation

_____ purposes; and
(2) WHEREAS, On the 13th day of November A. D. 19 75
Permit No. 2385-3, with a date of priority of September 1975
was issued to said applicant _____ for the diversion of said water, and for the completion of construction of the water
supply system therein described on or before the 13th day of November, A. D. 19 80 and for the
application to beneficial use of said water on or before the 13th day of November A. D. 19 84

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 1.3 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 land:

T98N, R57W Section 5 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 2 acres

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 11 "

Section 6 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 38 "

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 33 "

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 4 "

T99N, R57W Section 31 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 4 "

TOTAL 92 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 Clinton Bauer

_____ of Freeman
the holder _____ and owner _____ of said permit No. 2385-3 a water right, dating from September 23, 1975
_____ to use of 1.3 cubic feet per second of the waters
of the James River
in the County of Hutchinson and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at _____
a point 80 rods W and 5 rods S of the NE corner, Section 6,
T98N, R57W

and conduct to and upon portions of Sections 5 & 6 T98N, R57W, and Section 31
T99, R57W, described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 2385-2 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 September A. D.
Nineteen Hundred and seventy-seven

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

2385-3

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

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

October 17, 19 75

Clinton Bauer

Notice is hereby given that

whose post office address is Freeman, 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

1.4 cubic feet of water per second of time from the James River through the Bauer Irrigation Project, the point of diversion of which is to be located in the

N7½ NE¼

of Section 6, Twp. 08N, Range 57W. Said water to be used for the purpose

Portions of
of providing irrigation on the following described land:

8½ SE¼, Section 31, T09N, R57W; W¼ SW¼, Section 5,; SE¼, Section 6,
T09N, R57W

This application No. 2385-3 will 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:

MURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Clinton Bauer, Freeman, S.D. 57020

No. 2385 - 3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Hutchinson) ss.

I, Allen Leroy hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Freeman 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

City of Freeman

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

October 30 and
November 6, 1975

Allen Leroy
(Signature)

Publisher
(Title)

November 24, 1975
(Date Signed)

NOTICE INTENT TO
APPROPRIATE WATER

October 17, 1975
Notice is hereby given that
Clinton Bauer, whose post office
address is Freeman, South
Dakota, has made an applica-
tion in accordance with the
provisions of the water laws of
South Dakota for a permit to
appropriate for beneficial use
1.4 cubic feet of water per
second of time from the James
River through the Rees Irriga-
tion Project, the point of
diversion of which is to be
located in the NE 1/4 of
Section 6, Twp. 50N, Range
57W. Said water to be used for
the purpose of providing irriga-
tion on portions of following
described land: S1/2, S1/4, Sec-
tion 31, T99N, R57W, W4
SW1/4, Section 3, SE 1/4, Section
6, T99N, R57W, W4 SW1/4.
This application No. 2385-3
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 in-
terested persons may appear
and be heard.

WATER RESOURCES
COMMISSION
Burton F. Jones
Water Rights Specialist

RECEIVED
DEC 1 1975

STATE WATER RIGHTS
PIERRE, SOUTH DAKOTA

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

Post Office PIERRE SDDate JUNE 11

TO: PIERRE, SOUTH DAKOTA 57501
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. 2385-3.

Water Right Permit No. 2385-3 states that the diversion system is to be constructed by april 1, 1976 and that the water is to be put to beneficial use by july 1, 1976.

The diversion system was completed on MAY 31, 1976. Applying the water to beneficial use was completed on JUNE 13, 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.

Lester Bauer
(Signature)



Permit No. 2385-3Water 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 Clinton
Bauer of Freeman, South Dakota 57027 holder
of Permit No. 2385-3, bearing date of priority of September 23, 1975
authorizing the diversion of 1.4 cu. ft. per second of the waters of James River
for Irrigation purposes, in Hutchinson 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: Pump - Berkeley, Model B3 ZPL,
Serial # 7678266, RPM 3450, HP. 50.
Motor - Century, Part # 6-323-58-01, HP 50, RPM 3540
- B. Works used to transport water to place of use,
Underground Pipeline - PVC Pipe, 8" dia - 1630 ft long.
- C. Works used to apply water to beneficial use.
Lockwood Center Pivot Model, 2288-10 T
Serial # 718876

The system is in the following condition: GoodThe point of diversion is located from the NE corner of Sec. 6, T98N R57W
80 rods west and 5 rods south.The works are capable of diverting and conveying to the place of use 1.7
cu. 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: in NW 1/4 NW 1/4 Sec 5 - T98N R57W
2 Ac.; in SW 1/4 NW 1/4 Sec 5 T98N R57W - 11 Ac.; in NE 1/4 of 6 T98N R57W - 38 Ac.
in SE 1/4 NE 1/4 Sec. 6 - 31 Ac.; in SW 1/4 NE 1/4 Sec 6 - 2 Ac.; in NW 1/4 NE 1/4 Sec 6 -
4 Ac.; in SE 1/4 SE 1/4 Sec 31 T98N R57W 4 Ac.

comprising a total of 92 acres of land.

Date August 27, 1976
Leroy J. McManis
(Signature)



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501
Phone 605/224-3151

September 28, 1977

Clinton Bauer
Freeman, SD 57029

Dear Mr. Bauer:

Enclosed herewith are, Water License No. 2225-2 and Certificate of Construction.

Water License No. 2225-2 is the final water right document completing your process of obtaining 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 COMMISSION

JH:jj

Enclosures

NOTE: Your pump capacity is 1.7 cfs (763 gpm). Based upon the acreage actually irrigated you are entitled to only divert 1.3 cfs (584 gpm). Any diversion in excess of 1.3 cfs would be a violation of your water right.

COOPERATIVE EXTENSION SERVICE

File 2385-3

AGRICULTURAL ENGINEERING
DEPARTMENT
Ag. Engineering and Mechanized Ag.
Phone (605) 688-5141
South Dakota State University
Brookings, S D 57005

January 23, 1978

Mr. John Hatch, Chief Engineer
Water Rights Division
Department of Natural Resources
Joe Foss Building
Pierre, SD 57501

Dear John:

Mr. Clinton Bauer, Freeman, has asked me to confirm that his irrigation pump will stay within the gallons per minute limit set by his irrigation permit.

On October 25, 1976, I did some water management work with Clinton and as a part of that checked the discharge of the pump. At that time he could pump 480 gpm through his system. I have not checked the discharge since that time.

The pump curves indicate he should have more water. While he is within the suction limits of the pump my feeling is that his suction lift is limiting discharge. He must maintain a high suction lift due to flooding of the river.

He indicated to me that your staff would be welcome to check the discharge at any time if you felt it was more than 480 gpm.

Sincerely,

LeRoy W. Cluever

LeRoy W. Cluever, Extension
Agricultural Engineer

LWC/klb

Enclosure

cc: Clinton Bauer



College of Agriculture and Biological Sciences

South Dakota State University and U.S. Department of Agriculture cooperating

Water Rights Division - DWR
Conversation or File Documentation

File No. 2385-3

NAME OF PERSON OR FILE: Clinton Bauer

ADDRESS: Freeman SD 57029 COUNTY Hutchinson

DATE: 2/6/86 TELEPHONE _____

RE: Spoke to Clinton

COMMENTS:

License No. 2385-3 was inspected on May 27, 1985, for the purpose of updating records regarding James River diversions. No changes have occurred since the last inspection in August of 1976. However, the water license has an error regarding the land description of the irrigated acreage. The NE $\frac{1}{4}$ NE $\frac{1}{4}$ of sec 6 - T98N-R57W was omitted, plus the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ list an incorrect number of acres. The land description should be listed as follows:

	Acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ sec 5 - T98N-R57W	2.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$ "	11.0
NW $\frac{1}{4}$ NE $\frac{1}{4}$ sec 6 - T98N-R57W	4.0
NE $\frac{1}{4}$ NE $\frac{1}{4}$ "	38.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$ "	2.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$ "	31.0
SE $\frac{1}{4}$ SE $\frac{1}{4}$ sec 31 - T99N-R57W	4.0
	92.0

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: Ron Duval

State of South Dakota

REISSUANCE OF Water License No. 2385-3

(1) Clinton Bauer
of Freeman, South Dakota was issued Water License No. 2385-3
made Application No. _____, September 15, 1977 right
1.3 cubic feet per second of water from the James River
Hutchinson County, South Dakota for irrigation purposes.
Water License
Permit No. 2385-3, with a priority date of September 23, 1975
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 License No. 2385-3 dated September 15, 1977 authorized diversion of 1.3 cfs from the James River to irrigate 92 acres. A May 27, 1985 inspection of the water use systems found no changes had occurred since the August 1976 inspection. However a review of the license issued September 15, 1977 found acres irrigated in the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 6, T98N, R57W were listed incorrectly and land irrigated in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6 had been omitted. The license is being reissued to correct these errors.

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 1.3 cubic feet per second of water for beneficial use. The location of the diversion point(s) is 80 rods West and 5 Rods South of the NE Corner of Section 6, T98N, R57W.

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

Section 5-T98N-R57W	NW $\frac{1}{4}$ NW $\frac{1}{4}$	2.0 Acres	(BB)
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	11.0 Acres	(BC)
Section 6-T98N-R57W	NW $\frac{1}{4}$ NE $\frac{1}{4}$	4.0 Acres	(AB)
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	38.0 Acres	(AA)
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	2.0 Acres	(AC)
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	31.0 Acres	(AD)
Section 31-T99N-R57W	SE $\frac{1}{4}$ SE $\frac{1}{4}$	4.0 Acres	(DD)
TOTAL		92.0 ACRES	

(4) Pursuant to §46-5-30.1 Clinton Bauer
of Rural Route 1, Box 111, Freeman, South Dakota 57029
Right
the holder(s) and/or owner(s) of Water, Permit No. 2385-3 is issued a license to appropriate water, the right to use
1.2 cubic feet per second of water from the James River with a priority date
of September 23, 1975 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. 2385-3 and subject
to South Dakota State Law.


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

JOHN HATCH

NOV 26 1986

 **Department of
Water & Natural Resources**

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

Water Rights Division
605 773-3352

2385-3

NOV 26 1985

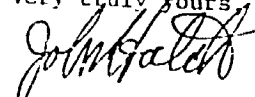
Clinton Lauer
RR 1, Box 111
Freeman, South Dakota 57029

Dear Mr. Bauer:

Enclosed is your Water Right License No. 2385-3. The water license has been reissued to the extent of what is actually being used. The relicense is based on a May 27, 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

JH:MS

enclosure

 **Department of
Water & Natural Resources**

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

March 23, 1987

CLINTON BAUER
RT 1 BOX 111
FREEMAN, SD 57029

NOTICE

Re: Violation of Water Permit(s). 4945-3 and 1986 Irrigation
Questionnaire Requirements.

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 4945-3. The request for the questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 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). 4945-3 qualification:

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

The hearing will also be to determine if Permit No(s). 2385-3 and 2746-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

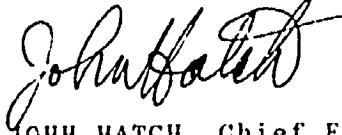
The hearing(s) will be at 2:00 pm, May 6, 1987, in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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 hearings(s), the Water Management Board can:

1. Suspend Permit No(s). 4945-3 until either the 1986 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s). 2385-3 and 2746-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. 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.

A handwritten signature in cursive script, appearing to read "John Hatch", written in dark ink.

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the questionnaire(s) are received in this office before the 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.



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

April 15, 1987

2385-3
2746-3
4945-3

Clinton Bauer
RR #1 Box 111
Freeman, SD 57029

Dear Mr. Bauer:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 2385-3, 2746-3 and 4945-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



Department of Water & Natural Resources

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

April 18, 1988

2385-3

Clinton Bauer
RR 1, Box 111
Freeman, SD 57029

RE: James River Flow Conditions and Future Shut Off Orders

Dear Mr. Bauer:

We have been monitoring James River flows. I am sure that you realize that unless water supply conditions change, there will not be much water for irrigation during 1988. Shutoff of irrigation above Huron is required when the flow drops to 20 cfs at the Huron Third Street Dam. Therefore, we expect to issue orders within the next two to four weeks to shut off James River Irrigation from the Third Street Dam to the ND-SD border. Below Huron to the I-90 bridge near Mitchell, irrigators can also expect a shutoff order within the next few weeks when the flows of the river drop below 20 cfs at the Forestburg Gaging Station. Below the I-90 bridge near Mitchell to the Yankton County line we may need to issue a shutoff order sometime during early summer if the flows at Scotland drop below 20 cfs.

James River flow conditions are as follows:

James River Flow* Record

Date	LaMoore	Ludden	Columbia**	Ashton	huron	Forestburg	Scotland
04/06/88	81.2	(state	15.0	37.7	48.0	105	285
04/11/88	134	line)	12.4	34.3	39.4	60.9	167
04/13/88	150		8.99	21.4	34.3	55.7	122
04/14/88	159	190	21.3	34.3	32.0	50.8	115
04/15/88	142		57.0	45.6	32.0	48.9	112

* Flow in cfs (cubic feet of water per second)

1 cfs = 449 gallons per minute

** Sand Lake Refuge has increased releases due to inflows

The flow in North Dakota at LaMoore, ND is 142 cfs because of releases being made at the Pipestem Dam. However, releases from Pipestem will be reduced after April 15 to 25-50 cfs because of a construction project below the dam. We do not expect significant releases from the Jamestown Reservoir in North Dakota because the water level elevation is below the flood control storage elevation.

Sand Lake Refu²e is at or near full capacity and releases are being made. The quantity released will depend on inflows which are measured near the ND-SD State Line.

We are providing the above information to allow you to have the latest information for the entire James River and to provide you with an indication of what to expect. Unless water supply conditions change, we expect that the James River pumping will be shutoff for much of the irrigation season.

If we may answer any questions, please contact James Winterton, 773-3352.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



Department of Water & Natural Resources

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

June 28, 1988

NOTICE OF SHUTOFF ORDER

2385-3

TO: Clinton Bauer
RR 1, Box 111
Freeman, SD 57029

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

John Hatch
by James Hunter

SUBJECT: Shut Off Order To James River Water Right Holders
Located Between Huron and the Yankton County Line,
Effective 12:00 Noon on July 4, 1988.

I am certain that you are aware that James River Flows are not enough to supply all water rights. Therefore, to protect the domestic uses (livestock watering) on the James River, effective 12:00 noon on July 4, 1988 no pumping of water from the James River is authorized until January 1, 1989 or until further notice.

Unless conditions change, it appears that no pumping will be allowed for the remainder of the 1988 irrigation season from the James River.

Let us know if you have any questions.





Department of Water & Natural Resources

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

July 8, 1988

NOTICE OF RESCISSION OF SHUTOFF ORDER

2385-3

TO: Clinton Bauer
RR 1, Box 111
Freeman, SD 57029

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

SUBJECT: Rescission of James River Shutoff Order effective 12:00
Noon July 11, 1988 for water right holders below I-90
with priority dates before 1976.

The flows at the Scotland Gauging Station are sufficient to allow continued diversions by senior priority water right holders on the James River below I-90. Therefore, the shutoff order to be effective at 12:00 noon, July 11, 1988 is rescinded until further notice to you.

We will continue to monitor the flows to determine whether or not a shutoff will be necessary. If a shutoff is necessary, we will try to give you five days notice.





Department of Water & Natural Resources

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

April 6, 1990

NOTICE OF SHUTOFF ORDER

2385-3

TO: Bauer, Clinton
RR 1, Box 111
Freeman, SD 57029

FROM: *for* John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Delwin W. Brosz

SUBJECT: Shut Off Order to All James River Irrigation Water Right Holders-Effective Immediately.

The flows in the James River are below 20 cubic feet per second (cfs) at most of the gaging stations. Therefore to protect the City of Huron's prior rights from diversions above Huron and domestic uses (livestock watering) on the river below Huron, effective immediately, no pumping of water from the James River is authorized until January 1, 1991 or until further notice.

Unless flow conditions change, it appears that no pumping will be allowed for the 1990 irrigation season from the James River. If conditions do improve, notices will be issued, based on senior priority dates, to allow pumping by irrigators.

Sand Lake Wildlife Refuge is approximately one foot below the full level. The Refuge is entitled to the flows from North Dakota under a senior water right. The flows from North Dakota are expected to decrease due to the lack of snow pack. The storage levels in the Jamestown and Pipestem Reservoirs are down with no expected releases.

The following is the latest flow (cfs) information on the river:

<u>Date</u>	<u>Ludden</u>	<u>Columbia</u>	<u>Ashton</u>	<u>Huron</u>	<u>Forestburg</u>	<u>Scotland</u>	<u>Yankton</u>
3/28/90	----	----	----	----	----	----	30.2
4/2/90	----	3.5	8.0	0	6.0	15.0	----
4/4/90	51.0	10.0	10.0	0	5.4	22.0	----

If you have any questions, please contact Del Brosz, Division of Water Rights, Joe Foss Building, Pierre, SD 57501, phone (605) 773-3352.

cc: City of Huron, Water Superintendent

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

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

May 30, 1990

RESCISSION OF SHUTOFF ORDER

2385-3

TO: Clinton Bauer
RR 1, Box 111
Freeman, SD 57029

FROM: *for* John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Delvin H. Brosz

SUBJECT: Rescission of April 6, 1990 Shutoff Order to James River Water Right Holders

The flows in the Lower James River have improved considerably. Therefore I am rescinding the April 6, 1990 shutoff order, effective immediately, for the section of the James River downstream from the I-90 bridge near Mitchell. A list of water rights below I-90 to Yankton County line is enclosed for your information.

The following is the latest flow (cfs) information on the river:

<u>Date</u>	<u>Ludden</u>	<u>Columbia</u>	<u>Ashton</u>	<u>Huron</u>	<u>Forestburg</u>	<u>Scotland</u>
5/22/90	----	0.7	11.5	17.65	41.8	61.8
5/25/90	1.3	0.2	13.0	58.2	65.7	77.2
5/29/90	3.5	----	9.4	23.9	50.7	377.9

If the flows of the river should decrease to a level that will again require a shutoff in 1990, water rights with junior priority dates will receive shutoff orders first.

If you have any questions, please contact Del Brosz, Division of Water Rights, 523 East Capitol, Pierre, SD 57501, phone (605) 773-3352.

L



Department of Water & Natural Resources

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

August 8, 1990

NOTICE

2385-3

TO: Clinton Bauer
RR 1, Box 111
Freeman, SD 57029

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

SUBJECT: The August 10 Automatic Shutoff Date For Water
Diversions from the James River

The August 10 automatic shutoff date for water diversions from the James River is still in effect. On some of the older permits this qualification though not listed is still valid and must be followed. Since there are still flows in portions of the James River, continuation of diversions beyond the shutoff date will be considered on a case by case basis. To do this you need to contact Water Rights Division in Pierre.

The following is the latest flow (cfs) information on the river.

<u>DATE</u>	<u>LUDDEN</u>	<u>COLUMBIA</u>	<u>ASHTON</u>	<u>HURON</u>	<u>FORESTBURG</u>	<u>SCOTLAND</u>
8/06/90	0.0	0.0	14.3	128.0	188.0	99.0
8/01/90	0.0	0.0	10.6	108.1	166.5	119.5
8/02/90	0.0	0.0	7.6	99.0	146.2	138.9

If you have any questions, please contact Del Brosz, Division of Water Rights, 523 East Capitol, Pierre, SD 57501. Phone (605) 773-3352

cc: City of Huron, Water Superintendent



Department of Water & Natural Resources

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

August 13, 1990

2385-3

Clinton Bauer
RR 1, Box 111
Freeman, SD 57029

Dear Mr. Bauer:

In response to your request by telephone, you are authorized to continue pumping from the James River under your water right.

The flows in the James River will continue to be monitored. If the flows become so low that use by senior water right holders or domestic users becomes impaired a shutoff order will again be issued.

If there are any questions, please contact this office.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

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



Department of Water & Natural Resources

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

April 2, 1991

2385-3

Clinton Bauer
RR 1, Box 111
Freeman, SD 57029

Dear Mr. Bauer:

I am contacting irrigators and water users on the James River to advise of the low flow conditions in the James River and potential of shut off orders being issued. Due to the continuing drought, the James River basin, in both North Dakota and South Dakota, is supplying the river with below normal runoff.

The following is the latest flow (cfs) information on the river:

Date	Ludden	Columbia	Ashton	Huron	Forestburg	Scotland
3/28/91	79.1	0.0	6.6	2.3	19.2	23.7
3/29/91	79.1	0.0	6.3	13.0	17.9	22.8
4/01/91	79.1	0.0	6.1	11.1	18.5	10.0

Note: The flow at Ludden is from in stream ice melt with little or no runoff occurring.

We will continue to closely monitor the flow in the river. Unless flow conditions improve in the next two to three weeks, shut off orders may have to be issued to all James River water users except for the City of Huron, which has senior water rights.

If you have any questions, feel free to contact Mark Rath or Del Brosz. Phone (605) 773-3352.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

August 5, 1991

NOTICE

2385-3

TO: Clinton Bauer
RR 1, Box 174
Freeman, SD 57029

FROM: *for* JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

Delvin W. Brosz

SUBJECT: The August 10 Automatic Shutoff Date For Water
Diversions from the James River

The August 10 automatic shutoff date for water diversions from the James River is still in effect. Although flows in the James River continue to be good, the gates at the Columbia Road Dam below Sand Lake Refuge were shut on August 1, continued good flows, particularly in the upper river reaches, are questionable. Continuation of diversions beyond the August 10 shutoff date will be considered on a case by case basis. To do this you need to contact the Water Rights Division in Pierre.

The following is the latest flow (cfs) information on the river.

DATE	LUDDEN	COLUMBIA	ASHTON	HURON	FORESTBURG	SCOTLAND
7/31/91	6.7	53	130	139	147	148
8/02/91	17	58	125	134	139	154
8/05/91	0.3	36	101	128	140	166

If you have any questions, please contact Del Brosz or Mark Rath, Division of Water Rights, 523 East Capitol, Pierre, SD 57501. Phone (605) 773-3352

cc: City of Huron, Water Superintendent



Department of Water & Natural Resources

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

July 1, 1988

NOTICE OF EXTENSION OF SHUTOFF ORDER

2385-3

TO: Clinton Bauer
RR 1, Box 111
Freeman, SD 57029

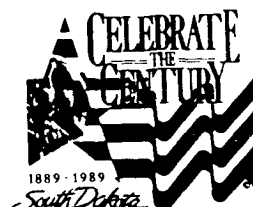
FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

John Hatch
By James Hunter

SUBJECT: Extension of James River Shutoff Order to 12:00 Noon,
July 11, 1988 for water right holders below I-90 with
priority dates before 1976.

The flows at the Scotland Gauging Station have been adjusted based on a recent survey of the gauging station by the USGS. With this adjustment, the Scotland flows are now in excess of 20 cfs. Therefore, the **shutoff order** to be effective at 12:00 noon, July 4, 1988 is **extended to 12:00 noon, July 11, 1988**.

We will continue to monitor the flows to determine whether or not an additional extension may be granted.



Owner Clinton Bauer
Operator Clinton Bauer

UNITED STATES DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE
cooperating with

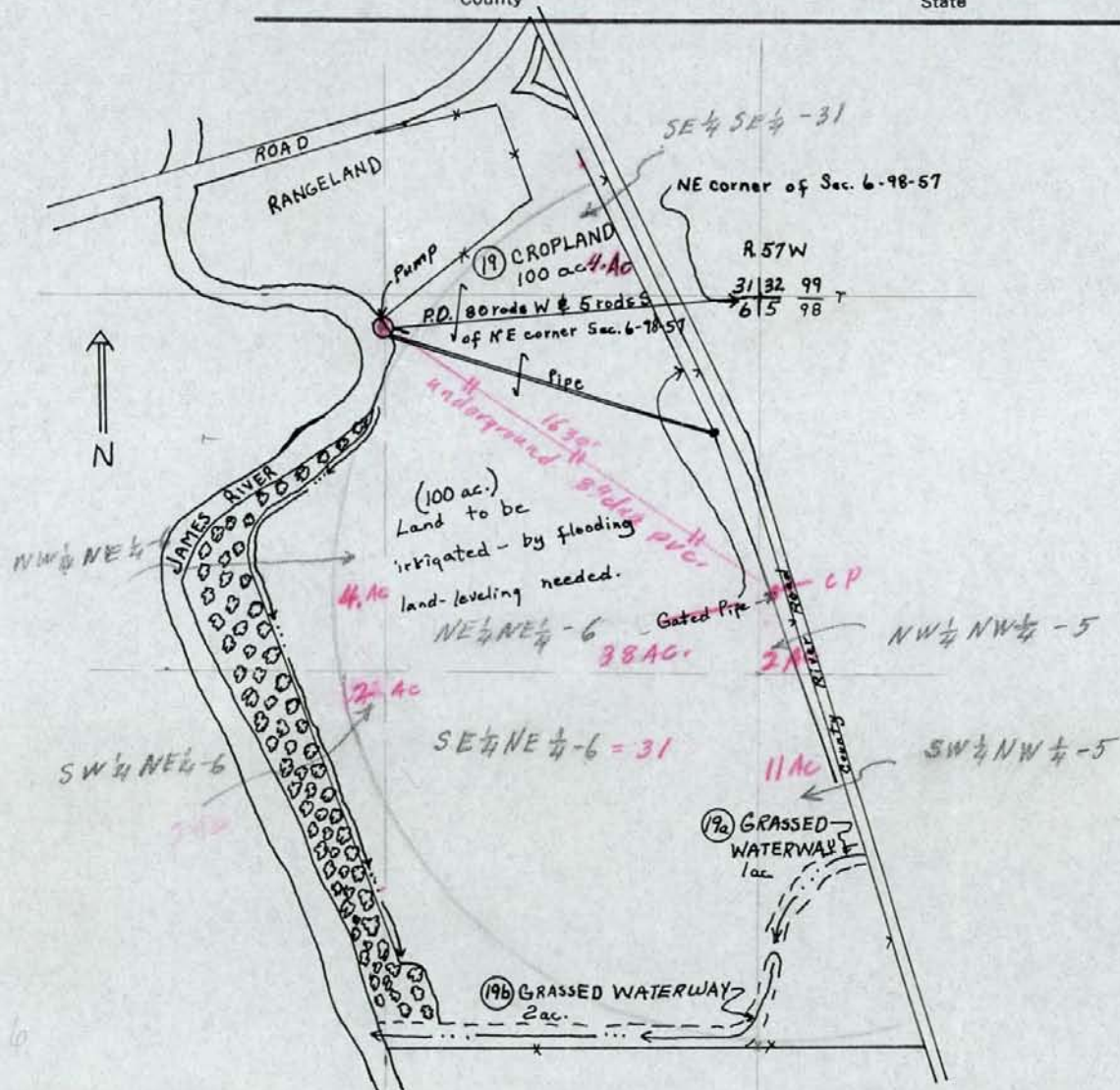
Hutchinson County
Conservation District

Plan No. _____ Date 9-75
Scale 8" = 1 mile Acres Revision
Approximate

Photo No. _____

South Dakota
State

GPO : 1969 O-349-985



MAP No 1764-3
APPL No 2385-3

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~~about~~ 80

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99-57

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274-R

Maped
out on Photo No
275-R

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Maped out
Photo No. 21

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4

Ron Durall
Natural Resources Eng
5/27/85

License No. 2385-3

~~Map No. 1764-3~~



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 1, 2006

NOTICE OF SHUTOFF ORDER

TO: CLINTON BAUER
27825 431 AVE
FREEMAN SD 57029

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: James River Shutoff Order

Shutoff Order for Water Right No(s). 2385-3

To protect domestic use on the James River, the department is issuing shutoff orders to water right holders on the James River from the Yankton-Hutchinson county line north to the North Dakota border. Effective immediately, no diversions of water from the James River will be allowed. Previous to this Order, shutoff orders were issued for water right junior to January 1, 1975 located upstream of Huron.

Flow in the James River continues to decline to the point where domestic use of water, which includes livestock watering from the river, has become a concern. USGS gaging stations over this entire river reach are measuring flow levels at or below 20 cubic feet per second, the required bypass for downstream domestic use. This order will remain in effect until the end of the calendar year.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

If you have any questions, please contact Lynn Beck or Mark Rath with the Water Rights Program at (605) 773-3352. Thank you.



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: CLINTON BAUER, 27825 431ST AVE, FREEMAN, SD 57029
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) 2385-3 & 2740-3 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) 2746A-3, 5191-3 & 5921-3 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) 2746A-3, 5191-3 & 5921-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2385-3 & 2740-3 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.



**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 29, 2010

Clinton Bauer
27825 431st Ave
Freeman SD 57029

RE; 2009 Irrigation Questionnaires for Water Permit or Right Nos. 2385-3, 2740-3, 2746A-3,
5191-3 and 5921-3

Dear Mr. Bauer:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Permit or Right Nos. 2385-3, 2740-3, 2746A-3, 5191-3 and 5921-3

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 black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

August 6, 2012

**JAMES RIVER WATER RIGHT QUALIFICATION REMINDER
WATER RIGHT NO(s). 2385-3**

To: CLINTON BAUER
27825 431 AVE
FREEMAN SD 57029

From: Garland Erbele, Chief Engineer
Water Rights Program, DENR
(605) 773-3352

Subject: James River Qualification Reminder for Permit No(s). 2385-3

Qualifications on your water right indicate that you are not authorized to divert James River water after August 10th. Please, consider this a reminder and cease diversion if you have not already done so. No diversion can take place after August 10th unless under written orders by the Chief Engineer. You may resume diversion on the date stated in the qualifications on your water right.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

Clinton Bauer
27825 431st Ave
Freeman SD 57029

Dear Mr. Bauer,

This letter is in regard to your phone conversation with Garland Erbele, Chief Engineer, on August 31, 2012. You indicated that you were not aware that you could contact the Chief Engineer to inquire about an extension of time beyond the August 10 shut off date. Extensions can be granted depending on the conditions in the river, location of the diversion point, and your priority date.

Please find enclosed a copy of the letter sent to you August 6, 2012, as a reminder of the August 10th shut off date. The letter contains the qualification found on the third page of Water Right No. 2385-3, also enclosed. I have also enclosed correspondence in 1990 and 1991 concerning the August 10th shut off date. In 1990, in response to your phone call requesting an extension of time, a letter was sent by the Chief Engineer authorizing you to continue to pump.

If you have any questions, please contact me at 605-773-3352.

Sincerely,
Lynn Beck
DENR – Water Rights Program



2385-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 26, 2020

2385-3
2740-3
2746A-3
5921-3

Mark Bauer
27983 431st Ave
Freeman SD 57029

Dear Mr. Bauer:

Thank you for calling concerning the water permits and water rights held by Clinton Bauer.

Enclosed as we discussed are partially completed "Notice of Transfer of Ownership" forms for use in filing ownership changes. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$200). The check or money order for the fee can be made payable to the Water Rights Program.

I checked and I was mistaken about filing of the transfer forms. If Clinton is still the owner, unless you have a power of attorney, the ownership changes will need to wait. I apologize for telling you wrong. You can hold on to the transfer forms until needed. They are a simple filing and are effective the day you send them back to us.

If you have any questions, please let me know.

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

August 16, 2021

Dear James River Water Right Holder:

I am writing to water right holders and operators who either use water from the James River or tributaries under permits with the August 10 shutoff date qualification.

Water rights containing this qualification requires a mandatory compliance and pumping under your permit must cease after August 10th unless you contact the Water Rights Program and receive permission to continue to divert water.

Water Rights staff drove along the James River last week after the August 10 shutoff date to spot-check whether water right holders were complying with this qualification. This spot-check found multiple water right holders diverting water in violation of this qualification.

Again, I remind you, compliance with this shutoff qualification is required unless you request and receive permission from the Water Rights Program to continue pumping. Permission may be granted based upon water availability.

Thank you for your cooperation. If you have any questions, please contact Mark Rath, Blaise Hansen, or Nakaila Steen at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 25, 2026

2385-3, 5921-3
2740-3, 2746A-3

Mark Bauer
27983 431st Ave
Freeman, SD 57029

Dear Mr. Bauer:

We understand that the property's authorized under Water Right Nos. 2740-3, 2764A-3, 2385-3, and Permit No. 5921-3, have all been sold to you. For your convenience I have enclosed partially completed "Transfer of Ownership" forms for you to complete and return in the pre-paid envelope.

Please return the form with a check for \$200.00 (\$50.00 Each) made payable to "SD Water Rights Program" to cover the transfer fees. If you would prefer to pay by card you may call our Fiscal Office at 605.773.5559. These forms will still need to be returned even if you are submitting payment over the phone.

If you have any questions or concerns, please give me a call. My direct number is 605.773.8204

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

enclosures

PAID

MAR 10 2026

Ck# 8760

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2385-3

Date: 3/6/2026

I/We request that Water Right/Permit No. 2385-3 formerly owned by:
Clinton Bauer be transferred to:

New Owner Name: Mark Bauer

Address: 27983 431st AVE mobile: 605-291-3893

City, State, Zip: Freeman SD, 57026 email: ~~markbauer45@aol.com~~
markbauer45@aol.com

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

W1/2 NW1/4, Section 5
Portions of NE1/4 of Section 6, All in T98N-R57W

SE1/4 SE1/4, Section 31-T99N-R57W Total: 92 acres

RECEIVED

MAR 10 2026

OFFICE OF
WATER

☒ I understand that the validity of Water Right/Permit No. 2385-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Mark Bauer, 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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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

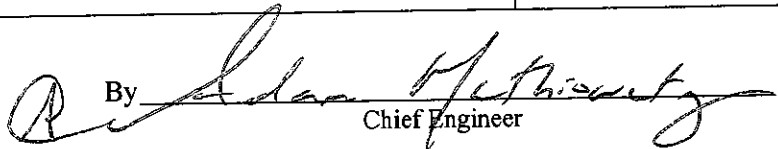
WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

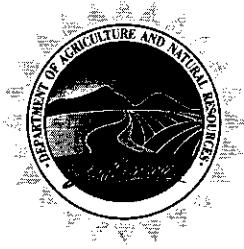
Date March 10, 2026

RECEIVED OF Mark Bauer 27983 431st Ave Freeman, SD 57029

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	\$ _____
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 #2385-3	\$50.00
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL \$ _____

By  Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

March 10, 2026

2385-3, 2740-3, 2746A-3, 5921-3

Mark Bauer
27983 431st Ave
Freeman, SD 57029

Dear Mr. Bauer,

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" forms and the required fees you submitted for Water Permit No. 5921-3, & Water Right Nos. 2385-3, 2740-3 & 2746A-3. Enclosed are the receipts of payment for your records.

Water Permit No. 5921-3 & Water Right Nos. 2385-3, 2740-3, & 2745A-3, previously held by Clinton Bauer, are now listed under your name. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Permit/License's (copies enclosed), State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the Permit/License's will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

NOTE: The validity of Water Permit No. 2821-2, and Water Right Nos. 2385-3, 2740-3, & 2745A-3 have not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosures