

2504-3

1. Considered 1-22, 1976
2. Name of Applicant SHIRLEY G. TREEBY
3. Post Office Address HECLA
4. Amount of water claimed 2.00
5. Source of water supply GROUND WATER (80' DEEPWELL)
6. Water to be used for IRRIGATION
- Acres to be irrigated 140
7. Water to be diverted and used in BROWN county
about 3E miles of HECLA
8. Proof of Publication Received 1-16-76
Not received _____
Approved _____
Subject to _____
Not Approved _____
Action deferred _____
9. Application
10. Remarks:

Map No. 1876-3 Water Division No. 3 JAMES RIVER District
 (Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

11/4/23

To appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Shinley & Treedy
 Post-office address Hecala, S. D. State S. Dakota
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct labor
 3. Name of diversion work Shinley & Treedy Unit No. 2
 4. Amount of water claimed (cubic feet per second) 2.0
 5. Source of water supply ground water
 6. Location of point of diversion A POINT IN THE NE¹SW⁴, SECTION 24-T128N, R4W

- County Brown
 7. Annual period or periods during which water is to be used April - October
 8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
 9. For irrigation use, Total number of acres to be irrigated 140 acres

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>D. W. 24-128-61</u>	<u>140</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 2 years.
 11. Choice of newspaper for Notice of Intent to appropriate Water publication Aberdeen American News
Aberdeen, S. Dakota
 12. Principal Features of the Proposed Water Supply System.

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

Bowl Pump

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

Main Line

C. Works proposed to apply water to beneficial use.

Center PivotEstimated Total Cost \$ —

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

STATE OF SOUTH DAKOTA)
 County of Brown) ss.

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

Signed Shinley & TreedySubscribed and sworn to before me this 11 day of November 1923

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2504-3

SHIRLEY G. TREEBY
(Applicant)

Box 45, HECLA
(Post Office Address)

SOUTH DAKOTA 57446 With the following modifications:
(State)

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells or, in irrigation wells having prior water rights.

Date of first receipt of application DECEMBER 24, 1975

Date of return to applicant for correction, amendments or changes required _____, 19____

Date of receipt of corrected application _____, 19____

Approved JANUARY 23, 1976, Recorded in Book 14 Page 259

WATER RIGHT PERMIT NO. 2504.3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2504.3 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 DECEMBER 24, 1975
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 23, 1978
3. The whole of said work is to be completed on or before JANUARY 23, 1981
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 23, 1983
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 2.0 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 use 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 JANUARY 23, 1983; said water to be used during the following described annual period: APRIL - OCTOBER

Witness my hand this 2ND day of February, 1976

WATER RIGHTS COMMISSION

By: John H. H. H.
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

PAGE NO.

Lloyd Peterson
FOREMAN Jr.

Jt No	DEPTH	TIME	Unit # 1 (3)	REMARKS	DESCRIPTION
1	20		Yellow Clay		N.W. 24-128-61
2	35		Blue Clay @ 10		Brown County
3	50		20-35 Blue Clay		
4	65		Blue Clay		
5	80		65-80 10 ft. Gravel 5 ft. Coarse Sand		
6	95	93 TD	80-95 Blue Clay		*3
7	110		Shale @ 105		
			40 ft. Slotted 4" PVC		
			53 ft. Blank 4" PVC		
			2500# Concrete Sand		
			Pumped 25 GPM		
			Water Head 6 ft.		

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

(1) Drill Hole, Diameter _____, Depth _____

(2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type _____, Diameter _____, Length: _____

(4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

(1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout. *Log will be furnished by driller*

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property 0 rds. On property owned by others 200 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

X Shelly M. Treety
Signature of Applicant

DEC 1975
RECEIVED
South Dakota
State Conservation
Commission

Dear Mr. Trevelyan:

[illegible]

I am writing to you because I am interested in your work and in the progress of the movement. I am sure that you are doing a great deal of good and that your work is very important. I am sure that you are doing a great deal of good and that your work is very important. I am sure that you are doing a great deal of good and that your work is very important.

Mr. Treeby
December 19, 1975
Page 2

above 5 1/2 or 6 feet, I would say you should not irrigate under any conditions. I am not familiar with what the water table static position is at the present time, but any rise in water table to a point of 3 or 4 feet below the ground surface, would be ample opportunity for salt to rise into the root zone. The rise of water table of 1 foot usually requires only a half inch to an inch of water once the soil is up to field capacity. Thus, the difference between capillary water and free water is very small, sometimes even less than 5% on the volume basis.

The use of a center pivot system is extremely hazardous with this low quality water from the standpoint of the amount of water that is normally applied each irrigation. There is a great temptation to apply only 1, 1 1/2, or 2 inches of water at a time. This allows the most opportune situation for salt to accumulate in the upper part of the soil profile and thus to endanger crop production. If you proceed with this development, I suggest very strongly that you irrigate on the basis of minimal application of 2 1/2 or 3 inches, preferably more, and that you do your irrigations as infrequently as possible, certainly not more than 3 times in any one growing season, especially if you see any evidence of water table rise or salt increase in the surface.

We have had practically no experience or experimental work with waters of this poor quality on coarse soils such as yours. We know without fail that on fine textured soils this water would be disastrous. I'm sorry we are not able to give you more definite information, but that is the present status of our knowledge concerning these waters on this type of soil.

As indicated above, all the application materials are now being forwarded to the State Conservation Commission.

Sincerely yours,

L. O. Fine
L. O. Fine
Water Quality Lab

LOF:ckb
Enclosures
cc: State Conservation Commission
D. Pahl
Marvin Delloogh, County Extension Agent



STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: 11/1/75

Disapproved: _____

NAME: Shirley A Treeby Box 45
ADDRESS: Hecla, S.D. Dakota 57746
COUNTY: Brown

LEGAL DESCRIPTION

1. WELL LOCATION: S.W. 24-128-61
2. AREA TO BE IRRIGATED: 140 acres

TYPE OF IRRIGATION

3. GRAVITY _____ SPRINKLER (Indicate Type): Pivot
4. CROPS TO BE IRRIGATED: Corn, alfalfa, small grain

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: attached sheet
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Class II III 80% H.L. - Heavy, loam, 0.6% clay; about 20% with fine sand; 5% to 10% coarse sand; 5% to 10% gravel

WATER QUALITY (To Be Completed by Commission)

7. SAMPLE NO: 75-1072
8. SALINITY: EC = 2012 μ mhos/cm (high)
9. SODIUM: Sodium Absorption ratio = 11.3 (High)

Residual Sodium Carbonate = 2.15 me/L !!



I do hereby certify that a chemical analysis of the ground water to be required for irrigation from South Dakota State University and: the land capability for irrigation information has been acquired from

Soil Scientist (SES)

and:

that the legal description for the location of the well and land to be irrigated is true and correct.

Robert Ray - 4 - Treaty

Subscribed and sworn before me this

1st day of November 1957.

James W. [Signature]
James W. [Signature]

(Title)

2-36



- 48 - Tanager - H. H. Co. fine sand 0-3%
- 50 - H. H. Co. fine sand 0-6%
- 82 - U. H. fine sand 0-3%
- 83 - Calcium compound, saline

OPERATOR

OWNER

FARM NO. NAME AND ADDRESS FARMLAND CROPLAND

47-007-- 41- 097

Tract No. 356

Farm No. _____

Operator _____

Owner _____

Legal Description

24-128-61

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57006

Submitted by: Shirley Freedy
 Address: Hoola, SD
cc: Huron Drilling, Inc.
P.O. Box 1422
Huron, SD 57350

Date Rec'd: November 14, 1975
 Sample No.: 75-1072
 Identification: 911-
S.H. Sec. 34, T. 128N, R. 61E

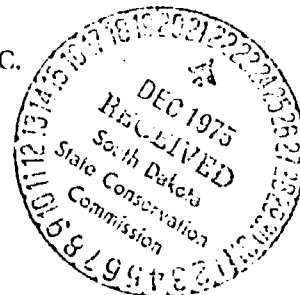
WATER ANALYSIS

Calcium (Ca)	55	ppm*	2.75	me/l**
Magnesium (Mg)	30	ppm	2.46	me/l
Sodium (Na)	420	ppm	18.27	me/l
Potassium (K)	14	ppm	0.39	me/l
Sulfate (SO ₄)	200	ppm	4.36	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	280	ppm	7.84	me/l
Bicarbonate (HCO ₃)	439	ppm	7.20	me/l
Carbonate (CO ₃)	?	ppm	0.16	me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	360	ppm (as CaCO ₃)		
Alkalinity (Penolphthalein)	8	ppm (as CaCO ₃)		
Electrical Conductivity	2012	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	11.32			
Sodium	76.66	% of cations		
Residual sodium carbonate	2.15	me/l		
pH	7.94			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

***g.p.g.=grains per gallon



COMMENTS: Total cations 25.83 me/l
 Total anions 19.35 me/l

By: Shirley Freedy

Service Performed	Amount Due
Irrigation analysis	\$6.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 75-1072

Amount Enclosed \$

Signed

No. 2504-3

Publish first publication, on or before January 6, 1976

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

January 2, 1976

Notice is hereby given that Shirley G. Treeby
whose post office address is Hecle, 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
2.0 cubic feet of water per second of time from the ground water through the
Trachy Unit No. 2, the point of diversion of which is to be located in the _____

NE 1/4 SW 1/4
of Section 24, Twp. 128N, Range 61E. Said water to be used for the purpose
of providing irrigation on ^{portions of} the following described land:

SW 1/4, Section 24, T128N, R61W

This application No. 2504-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 22nd day of January, 1976, at 2:30P M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw
cc: Shirley G. Treeby

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

No. 2504-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brown) ss.

I, Dianna Brenden hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Aberdeen American News

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 Aberdeen of Brown

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

January 9, 1976

January 15, 1976

Dianna Brenden
(Signature)

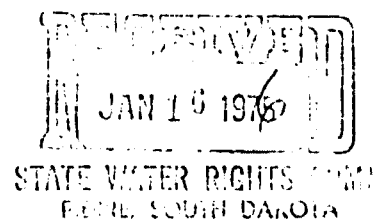
Principal Clerk
(Title)

January 15, 1976
(Date Signed)

(No. 28 — Jan. 8, 15 — 27)
NOTICE
INTENT TO APPROPRIATE WATER
Notice is hereby given that Shirley G. Treeby whose post office address is Hecla, 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 2.0 cubic feet of water per second of time from the ground water through the Treeby Unit No. 2, the point of diversion of which is to be located in the NE 1/4 SW 1/4 of Section 24, Twp. 128N., Range 61W. Said water to be used for the purpose of providing irrigation on portions of the following described land: SW 1/4, Section 24, T128N, R61W.
This application No. 2504-3 will be considered by the Water Rights Commission at their office at Pierre upon the 2nd day of January, 1976, at 2:30 P.M. All interested persons may appear and be heard.
By: Burton F. Jones, Water Rights Specialist

No. 2504-3

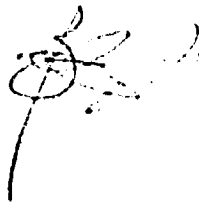
Water Rights Commission
State Office Building, No. 2
Pierre, South Dakota 57501



2504-3

1 15-76

ROY BUSHBY FROM HECLA
CALLED TO EXPRESS HIS
CONCERN ABOUT TREEBY'S
PROPOSED WELL - IT WILL BE
LOCATED ABOUT 1/2 MILE FROM
HIS EXISTING WELL - NOT
APPROVED TO THE IRRIGATION
BUT IS CONCERNED WITH
POTENTIAL INTERFERENCE
WITH HIS WELL. WE INDICATED
THAT IF APPROVED, THE PERMIT
WOULD INCLUDE THE WELL
INTERFERENCE CLAUSE -
WANTED TO BE ON RECORD WITH
HIS CONCERN

A handwritten signature, possibly reading "J. R. Bushby", is written in ink below the text.

Mr. Burton F. Jones
Water Rights Specialist
Water Rights Commission Office
Pierre, South Dakota

Legal Notice

(No. 28 - Jan. 8 1976 - 27)

NOTICE

INTENT TO APPROPRIATE WATER

Notice is hereby given that Shirley G. Treeby whose post office address is Hecla, South Dakota, has made an application in accordance with the provisions of the laws of South Dakota for a permit to appropriate for beneficial use 20 cubic feet of water per second of time from the ground water through the Treeby Unit No. 3, the point of diversion of which is to be located in the NE 1/4 SW 1/4 of Section 24, Twp. 128N, Range 61W. Said water to be used for the purpose of providing irrigation on portions of the following described land: SW 1/4, Section 24, T128N, R61W.

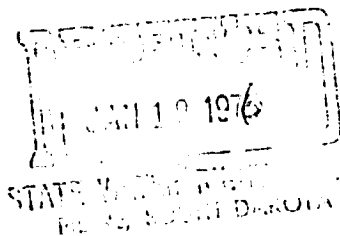
This application No. 25042 will be considered by the Water Rights Commission at their office at Pierre upon the 22nd day of January, 1976, at 2:30 P.M. All interested persons may appear and be heard.

By: Burton F. Jones, Water Rights Specialist

Attn: Mr. Jones

We would like to be on record as opposing application # 25042-3 for appropriation, as we have land adjoining this section, and there is also irrigation on this land right across the road. We oppose this in the event that it could affect our dugout & wells. This land is used for cattle & sheep pasture.

Sincerely,
Joseph H. and
Betty Ann Duncan



2504-3

July 14, 1977

Shirley Treeby
Hedra, SD 57446

Dear Mr. Treeby:

This will confirm the conversation between Gale Selken of this office and your son at 7:15 a.m. July 14, 1977. At that time, Mr. Selken informed your son that in accordance with your permit No. 2504-3, you must reduce your pumping in order to protect a nearby irrigation well which has a priority senior to your well authorized by Water Right No. 2504-3.

At this time, pumping is to be reduced to 12 hours per day with pumping to begin at 7:00 p.m. and turnoff at 7:00 a.m. If this reduced pumping does not result in sufficient water for the Bushby Irrigation well, then a complete shut off will be necessary in accordance with your permit.

The Water Rights Commission will be meeting in Brookings July 27 and 28, 1977 at the Statrolite Inn. If you wish to appeal this action to the Commission you may do so at that time.

You should be aware that the penalties for violating provisions of a permit can be a fine of up to \$500 per day and/or suspension of the permit for a period of up to one year.

Please advise if you have any questions on this matter.

Yours Very truly,

John Hatch, Chief Engineer
WATER RIGHTS COMMISSION

JH/gg

2504-3

August 4, 1980

Call from Ross Treeby (994-2308) of Hecla. Said his well on Permit 2504-3 was losing pressure and thought he was being interfered with by Roy Bushby's well on Permit 2984-3. Treeby thought his well was 100 feet deep with the pump set at the top of a 12 foot screen.

August 5, 1980

Called Treeby and informed him that there was no way of telling who was interfering with whom without running a controlled pump test. It was suggested to him to work out an agreement with Bushby. Treeby asked the writer to talk to Bushby about such an agreement.

Called Roy Bushby (994-2144). He said that he has had his systems turned off periodically (2984-3, 2173-3, and 3147-3). The system for 2173-3 had been down for repairs from July 31 - August 4. He said that he would be willing to work things out with Treeby for the remainder of the irrigation season (both anticipated about 2 more weeks of pumping).

Treeby called to see what the situation was and informed this office that he would contact Bushby to arrange some kind of pumping schedule.

Jeanne Goodman
Water Resources Engineer

2504-3

August 12, 1980

Stopped to visit with Roy Bushby of Hecla. He said that he and Ross Treeby had worked out an agreement to alternate pumping. Bushby waters one quarter on Permit No. 2984-3 and then Treeby waters his quarter under Permit No. 2504-3. Bushby told the writer that he has cut the pressure on the system under Permit No. 2173-3 from 80 psi to 60 psi. This arrangement is satisfactory to Bushby.

The writer also talked with Ross Treeby. Treeby is satisfied with this arrangement but is concerned with the possibility of such a situation occurring earlier in the growing season. The writer informed that a pump test should be run to determine the possible effects of the pumping of the production wells.

JEANNE GOODMAN

2504-3

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

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

NOTICE

September 13, 1983

TO: S.G. Treeby
Rt 1, Box 125
Hecia, South Dakota 57446

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

John Hatch

Re: Violation of Permit No(s). 2640-3, 4667-3 and 4898-3
by Failure to Submit Required 1982 Irrigation Questionnaire

The Water Management Board has directed that hearing(s) be held to determine what action the Board should take for violation of the Water Permit No(s). 2640-3, 4667-3 and 4898-3 qualification that requires the Irrigation Water Use Questionnaire to be submitted each year.

The hearing(s) will also be to determine if Permit No(s). 2504-3, 2990-3, 3006-3, 3043-3, 3121-3, and 4351-3 should be amended to require the Questionnaire to be submitted each year.

The hearing(s) will be at 2:30 p.m., October 5, 1983, Civil Defense Room, Basement, State Capitol Building, Pierre, South Dakota. Water Rights Division records do not show that the 1982 Irrigation Questionnaire for Permit No(s). 2640-3, 4667-3 and 4898-3 has been received. The questionnaire was requested on the following dates:

1. September 1982 Initial request
2. December 1982 follow-up request
3. March 22, 1983 Notice that submittal of questionnaire is a qualification to water permit.
4. August 1983 Notice that Board had directed owners of permits not in compliance with the Irrigation Questionnaire qualification be given until August 30, 1983 to submit the 1982 questionnaire with any permit owner in violation after August 30 to be given notice for hearing before the Board.

Equal Opportunity Employer

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 1-20.

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

1. Suspend Permit No(s). 2640-3, 4667-3 and 4898-3 until either the 1982 Questionnaire is submitted or for a period of up to one year;
2. Amend Permits No(s). 2504-3, 2990-3, 3006-3, 3043-3, 3121-3, and 4351-3 also held by S.G. Treeby to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

These hearing(s) are 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.

Water Rights Division
605 773-3352

September 21, 1983

2640-3
4667-3
4898-3

S.G. Treeby
RR 1, Box 125
Haskell SD 57446

Dear Mr. Treeby:

This letter will acknowledge receipt of and thank you for the return of your 1982 Irrigation Questionnaires. A notice was sent to you September 13, 1983 regarding the Irrigation Questionnaire submittal violation of Permits No. 2640-3, 4667-3 and 4898-3 and the date hearings are to be held before the Water Management Board to determine any action to be taken concerning the violation. Our records now show that you have returned the 1982 Irrigation Questionnaires and no longer are in violation of your permits.

Please disregard the notice sent to you dated September 13, 1983. 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

JH:ks



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

May 18, 1984

NOTICE OF PERMIT SUSPENSION AND AMENDMENTS

TO: S.G. Treeby, Hecla SD 57446

FROM: John Hatch, Chief Engineer, Water Rights Division *John Hatch*

SUBJECT: Suspension of Water Permit Nos. 2640-3 and 4898-3 for 1984
Irrigation Season and Amendment of Permit No. 2504-3, 2990-3,
3006-3, 3043-3, 3121-3 and 4351-3

Notices were sent to you during November 1983, December 1983, and March 1984 to return your 1983 Irrigation Water Use Questionnaires for Permit Nos. 2504-3, 2640-3, 2990-3, 3006-3, 3043-3, 3121-3, 4351-3 and 4898-3. We have not received Irrigation Questionnaires for any of your permits.

Irrigation Questionnaire Qualification - Permit Nos. 2640-3 and 4898-3

Water Permit Nos. 2640-3 and 4898-3 have the following qualification:

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

At a Special Water Management Board Meeting May 14, 1984, the Board passed the following motion:

"That Water Permit Nos. 2640-3 and 4898-3 be **SUSPENDED** for the 1984 irrigation season, unless the required 1983 Irrigation Water Use Questionnaires are submitted by June 1, 1984."

Amendment of Irrigation Questionnaire Qualification to Permit Nos. 2504-3, 2990-3, 3006-3, 3043-3, 3121-3 and 4351-3

The Water Management Board has delayed taking any action on Water Permit Nos. 2504-3, 2990-3, 3006-3, 3043-3, 3121-3 and 4351-3 until the July 11-12, 1984 meeting. At the July hearing those Permits for which the 1983 Irrigation Questionnaires have not been received will be subject to disciplinary action. Action taken by the Board July 11, 1984 can include amendment to those Permits for which the 1983 Questionnaire has not been received by June 1, 1984 with the following qualification:

"This Permit as amended July 11, 1984 is subject to the Irrigation Questionnaire being submitted each year."

Equal Opportunity Employer

May 18, 1984
S.G. Treeby
Page 2

Amendment of a Permit will mean that a Permit can be suspended for up to one year for continued violation of the Irrigation Questionnaire requirement. The amendment may be made pursuant to SDCL 46-1-14.

The hearing before the Water Management Board July 11, 1984 will be at 10:30 am, Room 216, Joe Foss Building, Pierre SD.

Enclosed are additional questionnaires. Please advise if you have any questions, or you do not believe our records are correct.

JH:GM:ks



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

Water Rights Division
605 773-3352

June 4, 1984

S.G. Treeby
Hecia SD 57446

Dear Mr. Treeby:

This letter will acknowledge receipt of your 1983 Irrigation Questionnaire for Permits No. 2504-3, 2640-3, 2990-3, 3006-3, 3043-3, 3121-3, 4351-3 and 4898-3.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMATH".

GENNY MCMATH
Natural Resources Analyst

GM:ks

Equal Opportunity Employer

Water Rights Division - DWR
Conversation or File Documentation

(2504-3)
File No. 2173-3
2984-3

NAME OF PERSON OR FILE: S. Treeby

ADDRESS: Hecla COUNTY Brown

DATE: 31 July 84 TELEPHONE: _____

RE: Complaint on water availability between 2504-3 & 2984-3

COMMENTS:

Received a complaint from S. Treeby. Complaint was that permit 2984-3 was taking needed water from Mr. Treeby's permit 2504-3. This has been an on going complaint between Mr. Busby and Mr. Treeby since 1977. The following is a listing of permit numbers, owner and priority for the area:

1.	2173-3	Busby	02-24-1975
2.	2504-3	Treeby	12-24-1975
3.	2984-3	Busby	08-16-1976
4.	2990-3	Treeby	09-01-1976
5.	3006-3	Treeby	09-03-1976
6.	3043-3	Treeby	09-09-1976
7.	3148-3	Busby	09-29-1976
8.	3147-3	Busby	09-29-1976
9.	3150-3	Busby	09-29-1976
10.	3121-3	Treeby	10-13-1976
11.	2640-3	Treeby	12-09-1976

Six of the observation wells were updated and plotted to the 7-18-84 readings. These plots did not indicate a problem with water levels. The problem is that the aquifer is only 10-15

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: _____

2504-3

2173-3

2984-3

Water Rights Division - DWNR

File No.

Conversation or File Documentation

NAME OF PERSON OR FILE: S. Treeby

ADDRESS: _____ COUNTY _____

DATE: _____ TELEPHONE _____

RE: _____

COMMENTS:

Foot thick with 70 to 90 feet of head pressure.
Any withdrawals causes a fluctuation of the head.
Another problem is the apparent dislike that
Mr. Bushby and Mr Treeby have for each other.

Mr. Treeby said he would call A.M of 1 Aug 84 after
I had a chance to review water rights and observation
well records.

11:10 AM 1 Aug 1984

Mr. Treeby called. Explained priorities of the
permits again and explained water levels. Told
Mr. Treeby that either he and Mr. Bushby work
out a pumping schedule as they have in the past
or I would start shutting off permits by priority
until the problem was resolved. With the priorities
alternating between various permits between Mr. Bushby
and Mr. Treeby this would mean shutting off
most of their systems. Mr. Treeby said they would
try to work something out and that he was only
looking for information.

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:

Gale N. Lelken

4/82

1 Aug 1984

page 2

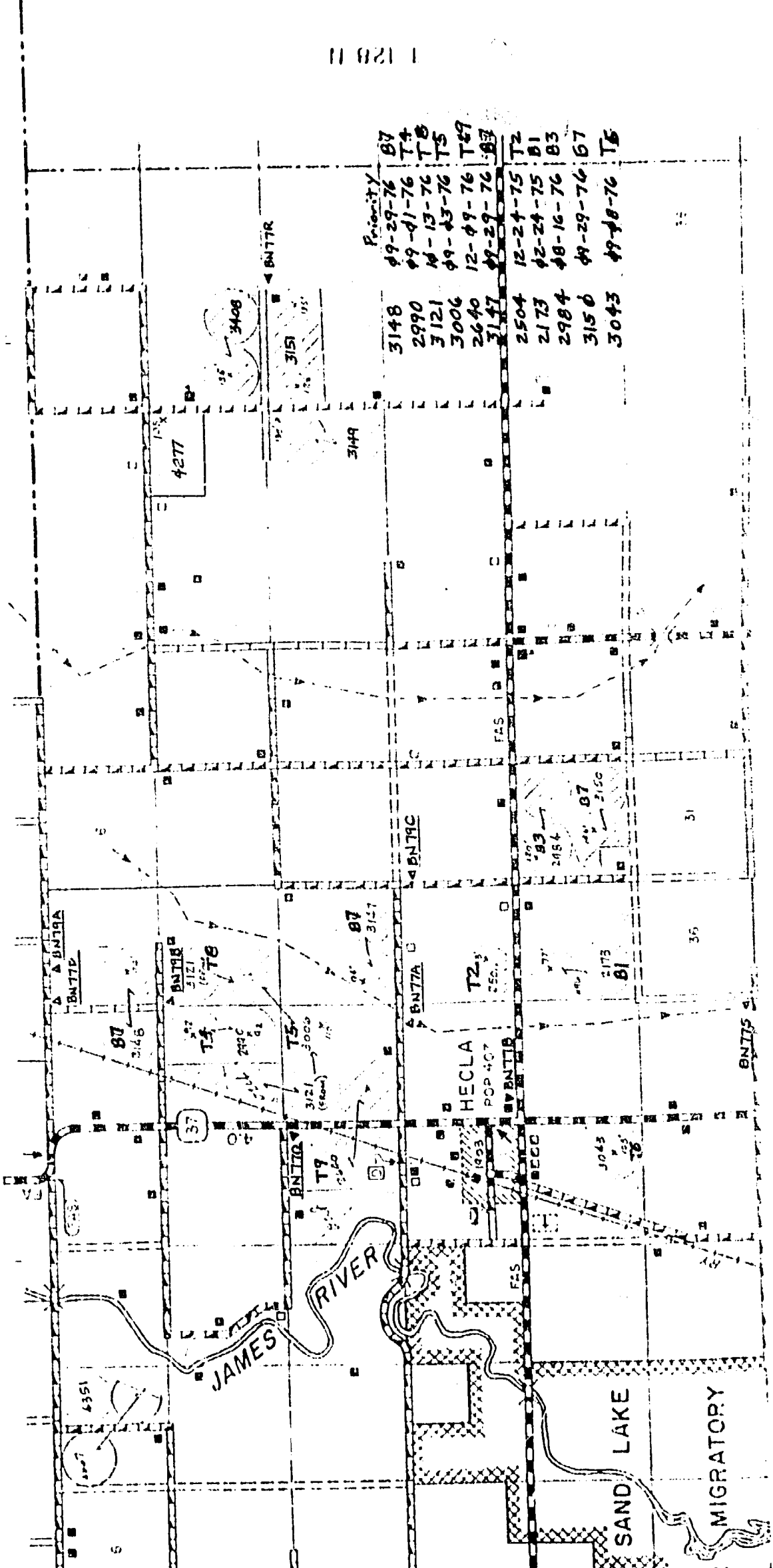
SCALE IN MILES
0 1/4 1/2

98°10'

R 61 W

R 60 W

SARGENT
COUNTY





Department of Water & Natural Resources

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

March 23, 1987

S G TREEBY
RR 1 BOX 125
HECLA, SD 57446

NOTICE

Re: Violation of Water Permit(s). 4898-3, 2640-3, 4667-3 and
1986 Irrigation
Questionnaire Requirements.

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 4898-3, 2640-3, 4667-3. 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). 4898-3, 2640-3, 4667-3 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). 2504-3 and 4351-3 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). 4898-3, 2640-3, 4667-3 until either the 1986 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s). 2504-3 and 4351-3 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".

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.

SOUTH DAKOTA Department of
Water & Natural Resources

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

April 24, 1987

2504-3
2640-3
4351-3
4667-3
4898-3

S G Treeby
RR #1 Box 125
Hecla, SD 57446

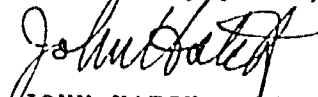
Dear Mr. Treeby:

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. 2504-3, 2640-3, 4351-3, 4667-3 and 4898-3 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

South Dakota

GREAT FACES. GREAT PLACES.

MAY 29 1991

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

2504A-3

Shirley Treeby
RR 1, Box 125
Hecla, SD 57446

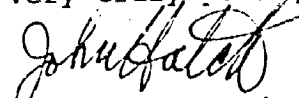
Dear Ms. Treeby:

Enclosed is Water License No. 2504A-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412619 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2504A-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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. If you have any questions, please contact our office.

Very truly yours,



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

enclosures

NOTE: The applicable portions of Water Permit No. 2504-3 are incorporated into this Water License No. 2504A-3.