

1. Considered 3-17, 19 76 2538.3
2. Name of Applicant DAN HALL
3. Post Office Address HARROLD
4. Amount of water claimed 12.54
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
- Acres to be irrigated 878
7. Water to be diverted and used in HUGHES county
about 24E, 15S miles of PIERRE
8. Proof of Publication Received 3-12-76
 Not Received
9. Application Approved
 Subject to
 Not Approved
 Action deferred
10. Remarks:

No. 2538-3

Map No. 1909-3 Water Division No. 3 MISSOURI 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

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

1. Name of Applicant Dan Hall
Postoffice address Harrold, State South Dakota
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) employment & Direct labor
3. Name of diversion work Hall Project No. 1
4. Amount of water claimed (cubic feet per second) 12.54
5. Source of water supply Missouri River
1000 ft. West of East quarter
6. Location of point of diversion line, Sec. 19, T108N, R75W and 700 feet due west of center of Sec. 13, T108N, R75W and all intermediate points
County Hughes
7. Annual period or periods during which water is to be used irrigation season
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 878

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.
NW $\frac{1}{4}$ 21-108N-75W	160	SE $\frac{1}{4}$ 18-108N-75W	160
N $\frac{1}{2}$ 20-108N-75W	320		
NE $\frac{1}{4}$ 19-108N-75W	78		
W $\frac{1}{2}$ 18-108N-75W	160		

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 4 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Pierre Capital Journal
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.
Pump & motors

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

C. Works proposed to apply water to beneficial use.
Big gun

Estimated 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 X HUGHES) ss.

I, X Daniel D. Hall 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 X Daniel D. Hall

Subscribed and sworn to before me this X 11 day of X February 19 76

X Royal Toussley
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2538-3DAN HALL

(Applicant)

HARROLD

(Post Office Address)

SOUTH DAKOTA 57536

(State)

With the following modifications:

IN CONSIDERING WATER RIGHT APPLICATIONS ON INDIAN LANDS THAT MAY BE CLAIMED ON INDIAN TREATY BASIS, IT IS THE POLICY OF THE COMMISSION THAT THIS PERMIT IS APPROVED IN ADDITION TO ANY WATER RIGHTS WHICH MAY ACCRUE ON INDIAN LAND.

Date of first receipt of application FEBRUARY 11, 19 76Date of return to applicant for correction, amendments or changes required —, 19 —Date of receipt of corrected application —, 19 —Approved MARCH 17, 19 76, Recorded in Book 14 Page 320WATER RIGHT PERMIT NO. 2538-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2538-3 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 FEBRUARY 11, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 17, 19 78
3. The whole of said work is to be completed on or before MARCH 17, 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 17, 19 85
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 12.54 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is

actually and beneficially applied for irrigation on or before MARCH 17, 19 85; said water to be used during the following described annual period: IRRIGATION SEASON

Witness my hand this 22ND day of MARCH, 19 76

WATER RIGHTS COMMISSION

By:

John K. H. H.
Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19 —Water License Issued —, 19 —

No. 2538-3Publish first publication, on or before March 4, 1976NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 17,, 1976

Notice is hereby given that Dan Hall
whose post office address is Harrold, 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
12.54 cubic feet of water per second of time from the Missouri River through the
Hall Project #1, the point of diversion of which is to be located in the

Between points in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, T108N, R76W and in the SE $\frac{1}{4}$ NE $\frac{1}{4}$

of Section 19, Twp. 108N, Range 75W. Said water to be used for the purpose
of providing irrigation ^{all or portions of} on the following described land:

NW $\frac{1}{4}$, Section 21; NE $\frac{1}{4}$, Section 20; NE $\frac{1}{4}$, Section 19; W $\frac{1}{2}$ and SE $\frac{1}{4}$, Section 18,
all in T108N, R75W

This application No. 2538-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 17th day of March, 1976, at 1:00 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Dan Hall, Harrold, S.D. 57536

No. 2538-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hughes) ss.

I, John H. Hipple hereby

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

Water was taken from the Daily Capital Journal

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 Pierre

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

March 4, 1976 and

March 11, 1976:

John H. Hipple
(Signature)

Business Manager
(Title)

March 11, 1976
(Date Signed)

No. 3304 - 2t dly Mar. 4-11

No. 2538-3

NOTICE

INTENT TO

APPROPRIATE WATER

Notice is hereby given that Dan Hall whose post office address is Harrold, 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 12.54 cubic feet of water per second of time from the Missouri River through the Hall Project No. 1, the point of diversion of which is to be located between points in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, T108N, R76W and in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Twp. 108N, Range 75W. Said water to be used for the purpose of providing irrigation on all or portions of the following described land:

NW $\frac{1}{4}$, Section 21; N $\frac{1}{2}$, Section 20; NE $\frac{1}{4}$, Section 19; W $\frac{1}{2}$ and SE $\frac{1}{4}$, Section 18, all in T108N, R75W.

This application No. 2538-3 will be considered by the Water Rights Commission at their office at Pierre upon the 17th day of March, 1976, at 1:00 P.M. All interested persons may appear and be heard.

WATER RESOURCES
COMMISSION

By: BURTON F. JONES
Water Rights Specialist





United States Department of the Interior
OFFICE OF THE SOLICITOR

ROOM 211 - FEDERAL BUILDING
P.O. BOX 549
ABERDEEN, SOUTH DAKOTA 57401

March 18, 1976

RECEIVED

MAR 19 1976

DEPT. OF INTERIOR
RESOURCE DEVELOPMENT

Mr. Burton F. Jones
Water Rights Specialist
Water Rights Commission
Pierre, South Dakota 57501

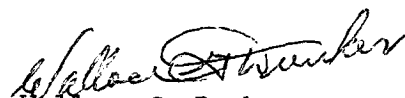
Dear Mr. Jones:

The Area Director, Bureau of Indian Affairs, has advised that on March 17, 1976, a Hearing will be held at 1 p.m. by the Water Rights Commission at their office at Pierre, South Dakota, on the application of Dan Hall, of Harrold, South Dakota, for a permit to appropriate for beneficial use 12.54 cubic feet of water per second of time from the Missouri River through the Hall Project # 1, the point of diversion being in between points in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 13, T. 108 N., R. 76 W. and in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 19, T. 108 N., R. 75 W. for the purpose of irrigation.

This letter will serve as our written objection to such application for a permit to appropriate ground water from within the boundaries of the Crow Creek Indian Reservation. The issuance of such permit would be contrary to established law, which declares that the State lacks jurisdiction with respect to the adjudication of the waters of, or the lands within, the exterior boundaries of an Indian Reservation. See 25 U.S.C.A. Sec 381; Winters v. United States, 207 U.S. 564, 28 S. Ct. 207; United States v. Powers, 94 F. 2d 783; United States v. McIntire, 101 F. 2d 650; and United States v. Alexander, 313 F. 2d 359.

In filing this objection to the issuance of such proposed permit and in writing this letter to you, we do not waive our right to challenge the State's jurisdiction by legal action or otherwise and merely intend to call the State's attention to the fact that the State lacks jurisdiction in this matter.

Very truly yours,


Wallace G. Dunker
Field Solicitor

cc: Area Director
Superintendent, Crow Creek Agency
Mr. Parnell Hagen, Area Soil Conservationist, B.I.A.
Mr. Dan Hall, Harrold, SD 57536



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Office Building Number 2, Pierre, South Dakota 57501

Phone 605/224-3151

~~REK~~ March 23, 1976

Dan Hall
Harrold
South Dakota 57536

Dear Mr. Hall:

Enclosed herewith is your Water Right Permit No. 2538-3 as approved by the Water Rights Commission, authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 2538-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Water Rights Commission when you have completed the system and/or have put the water to beneficial use. The Commission can then schedule an inspection so that your Certificate of Construction and/or your Water License may be issued to you, thus completing your acquisition of a Water Right.

P.S. This is to inform you that the Office of the Solicitor, United States Department of Interior in a letter dated March 18, 1976 contends that the State of South Dakota lacks jurisdiction with respect to the issuance of permits to use waters within the exterior boundaries of an Indian Reservation.

Respectfully,
WATER RIGHTS COMMISSION

JOHN HATCH
Chief Engineer

JH/BFJ/bw
Encl: As stated

2538-3

Don Hall

5-15-79

CP in NW 1/4 - 21-

Valley Corner system, Model 5971

Ser # 27505 Acres 148 Ac

Diesel Engine. Booster ? 13' H₂O CP

Allis Chalmers # 2800 Mark I

Ser # 2099614 6 cyl. Diesel

Pump. Berkeley Model B 4 J Q B M

Ser # 7739411

NE 1/4 - 20. Valley Corner system 148 Ac.

Model 5971 Ser # 27504

Booster Engine. Allis Chalmers ²⁸⁰⁰ Mark I

^{Cyl 94}
~~Ser # 4024510~~ 6 cyl. Diesel

Pump. Berkeley Mod. B H J Q B M

Ser # 7739421

over

2nd pump
note

NVH 22 Valley County 1900

Model 5711 Lot 5750

Good Pump & Motor

2000 Mark I

Lot # 20 99606 C.P. 1000

Pump & Motor - Mod. 3350 PM

Lot 7739414

2000 Mark I. Valley C.P. Model #971
Lot # 27303 P

Motor Engine AC 2800 Mark I

Lot # 20 99608.

Pump & Motor Mod 3350 PM

Lot # 7739405

Old C.P. 1000

Good Pump & Motor

2000 Mark I

W.C.P. 200 1900

Don Hall

Pumpat Lake.

Allis Chalmers 6 cyl. Diesel

Model 17000 MKL, Ser # 17-04345

Pump = Aurora. No 77-3507,

Type 411-A1 - Size 8 X 17 B.

RPM - 1700, Head 270 ft, RPM 1750

Intake pipe 16" Main from pump. 12"

Department of Water & Natural Resources

Joe Foss Building
5th East Capitol
Pierre, South Dakota 57501-3181
April 12, 1985

Dan Hall
SR 2 Box 27
Harrold SD 57536

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s). 2538-3. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

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

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

1. Amend Permit No(s). 2538-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Sincerely,


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

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

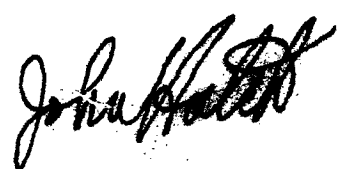
Department of Water & Natural Resources

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

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Dan Hall
SR #2, Box 27
Harrold, SD 57536

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

SUBJECT: Amendment to Water Permit No(s). 2538-3.

Pursuant to the provisions of the notice dated April 15, 1985, and following a Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 2538-3 to add the following qualification:

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

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

**Department of
Water & Natural Resources**

Joe Penn Building
528 East Capitol
Pierre, South Dakota 57501-3181

Attachment to Water Permit No(s). 2538-3

Pursuant to the provisions of the notice dated April 15, 1985, and following Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 2538-3 to add the following qualification:

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

**Department of
Water & Natural Resources**

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

March 23, 1987

DAN HALL
SR 2 BOX 27
HARROLD, SD 57536

NOTICE

Re: Violation of Water Permit No(s). 2538-3

Our records indicate that the 1986 Irrigation Questionnaire has not been received for Permit No(s). 2538-3. 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 hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 2538-3 qualification:

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

The hearing(s) will be at 2:00 pm, May 6, 1987, 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 hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 2538-3 until either the 1986 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.


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

NOTE: If the questionnaire(s) is 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.

 **Department of
Water & Natural Resources**
Joe Foss Building
625 East Capitol
Pierre, South Dakota 57501-3181

May 14, 1987

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: DAN HALL
SR 2 BOX 27
HARROLD, SD 57536

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

SUBJECT: One Year Suspension Of Water Permit No(s). 2538-3 If
The 1986 Irrigation Questionnaire Is Not Received By
June 1, 1987

Pursuant to the provisions of the Notice dated March 23, 1987,
and following the Hearing May 6, 1987, the Water Management Board
ordered:

That Water Permit No(s). 2538-3 be **SUSPENDED** until December 31,
1987 unless the required 1986 Irrigation Water Use Questionnaire
is received by June 1, 1987.

Suspension of a permit means water may not be pumped during the
1987 Irrigation Season. Decisions of the Board may be appealed
to the Circuit Court and the Supreme Court as provided by law.

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

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

June 2, 1987

NOTICE

TO: Dan Hall
SR 2, Box 27
Harrold SD 57536

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

SUBJECT: 1986 Irrigation Questionnaire

The attached notice was sent certified mail-return receipt requested. The post office has returned the certified mail-return receipt requested envelope to our office marked "unclaimed". The envelope indicated the post office notified you May 15 and May 20, 1987 to pick up and sign for the certified mail.

If you have any questions, please contact us.

CERTIFICATION

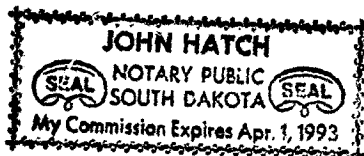
I hereby certify that on June 2, 1987 I have personally deposited with the U.S. Mail, a postage prepaid envelope containing NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT addressed to:

Dan Hall, SR 2, Box 27, Harrold SD 57536

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 2nd day of June, 1987.



John Hatch
Notary Public

Conversation or File Documentation

NAME OF PERSON OR FILE: Dan HallADDRESS: Harrold, SD COUNTY HugesDATE: 7-9-87 TELEPHONE 875-3484RE: Suspension of Water Permit No. 2538-3

COMMENTS:

On 6-29-87, I stopped & talked with Mr. Hall concerning this permit. Mr. Hall leased the land and pivots at one time. However, the last time he leased the land was 6 years ago. The land & pivots are now leased by ~~the~~ Crow Creek Farms which is ~~are~~ associated with the Crow Creek Tribe. Since the tribe is now farming the land, we have no jurisdiction related to their irrigation.

Joel Schneider

4/or Neil Bose

Crow Creek Sioux Tribe

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: James L. Wendt

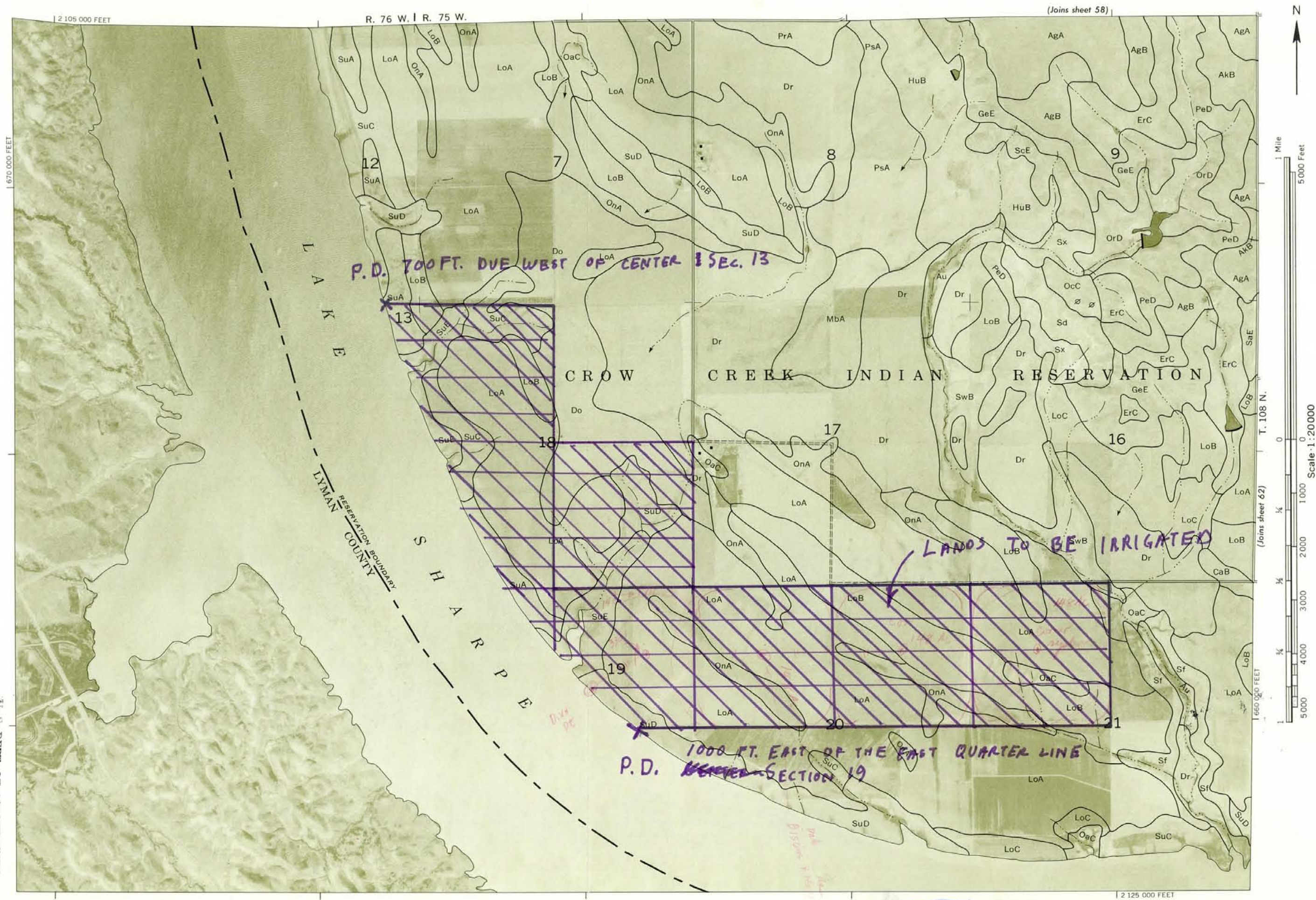
HUGHES COUNTY, SOUTH DAKOTA NO. 61

This is part of a soil survey by the United States Department of Agriculture, Soil Conservation Service, and the South Dakota Agriculture Experiment Station, and The Bureau of Indian Affairs. Photobase from 1971 aerial photography. Position of 5,000-foot grid ticks are approximate and based on the South Dakota coordinate system, South zone. Land division corners are approximately positioned on this map.

U.S. DEPT. OF AGRICULTURE
Soil Conservation Service

Billing Received (Location)
The items billed are as shown on map received except as noted.

Date (Month, Day, Year)
Name and Title



MAP NO. 1909-3 APPL NO. 2538-3

T 765

Q15

T8546

NC

Transferred
to

2

154.0

18

Buffalo Co.

2-26-88

1
85.5

2

97.3

108-75

NC

3

29.9

T 765

78.5

4
8.55
41

6

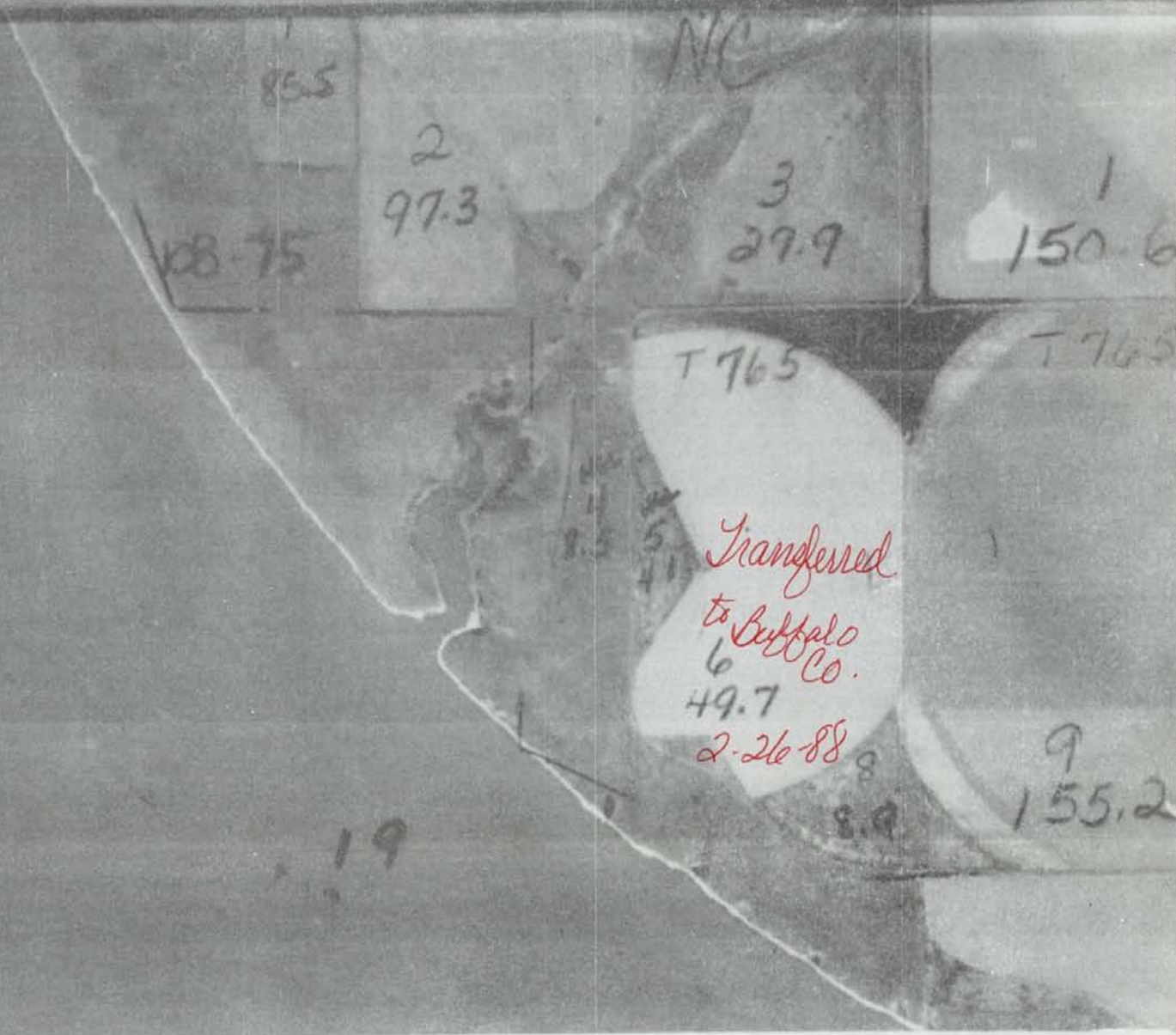
49.7

8

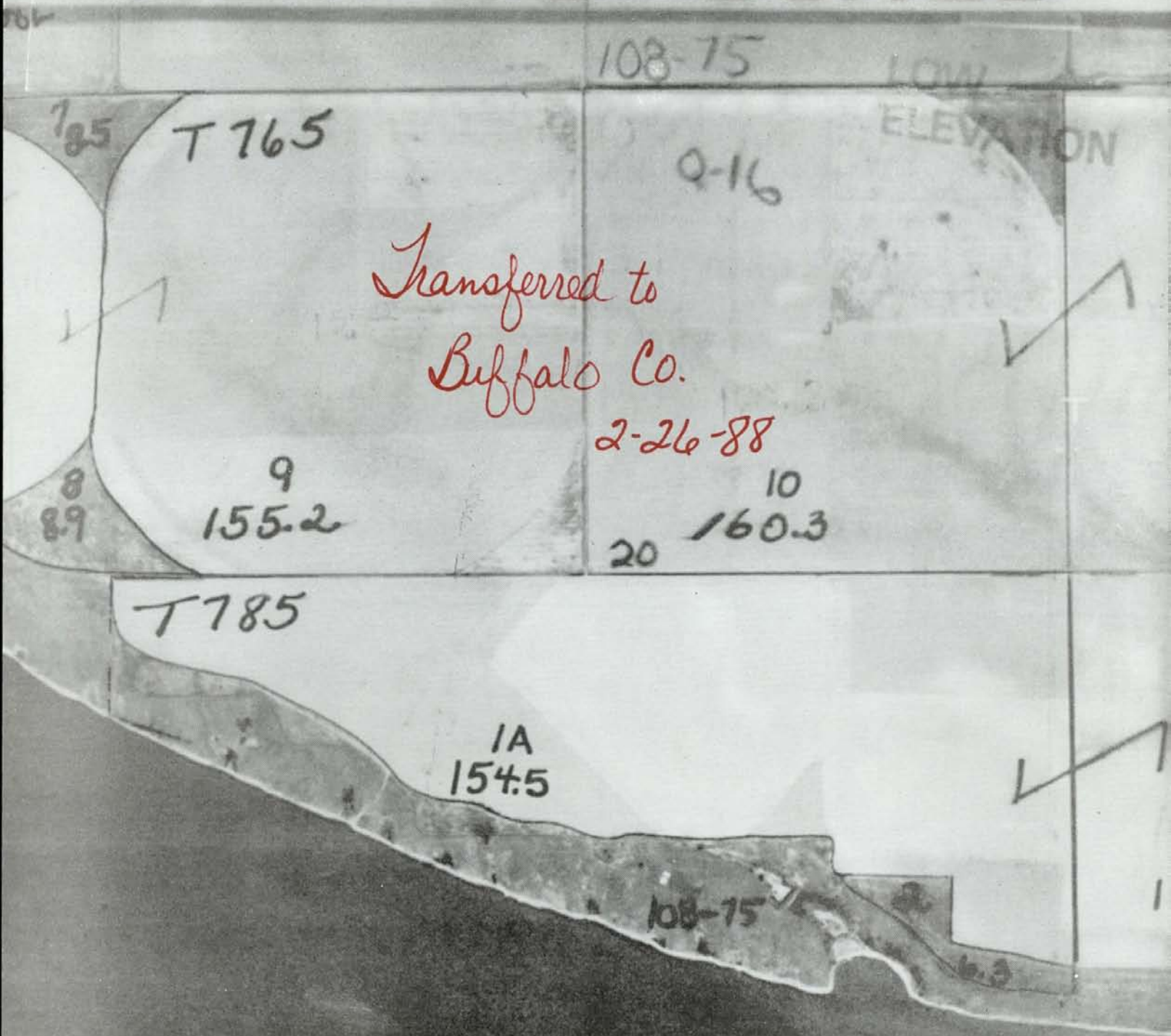
8.9

19

NOT TO SCALE



NOT TO SCALE



NOT TO SCALE

100-75

4000

11A
80

T765

11B
6.0

T525

R-14

T522

Transferred to
Buffalo Co.
2-26-88

11E

129.1

11C
7.611D
7.11
37.0

21

T930

154

2
10741
13

1B

130.8

2
39.1

100-75