

1. Considered MAY 20, 1976 2619-3
2. Name of Applicant CABLE LAND & CATTLE CO.
3. Post Office Address PUKWANA
4. Amount of water claimed 3.77
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
- Acres to be irrigated 264
7. Water to be diverted and used in BUFFALO county
about 14 N miles of CHAMBERLAIN
8. Proof of Publication Received 5-14-76
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 21619-3
 Map No. 1986-3 Water Division No. 3 MISSOURI RIVER District 1
 (Blank 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) Tri State Ag
% Allen Fossen

1. Name of Applicant Cable Land and Cattle Company Jeplin Mt 59531
 Postoffice address Fukwana, State South Dakota
 If a corporation show date and place of incorporation 5 SEPT 60 FORT RICE S D
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Cable Irrigation Project #3
4. Amount of water claimed (cubic feet per second) 3.77 CFS
5. Source of water supply Missouri River
6. Location of point of diversion 1900' NNW of the Center of Section 10
T106N - R21W
 County Buffalo
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 264

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.
E $\frac{1}{2}$, NW $\frac{1}{4}$ Sec. 3, T106-R21	74		
W $\frac{1}{2}$, NE $\frac{1}{4}$ Sec. 3, T106-R21	80		
W $\frac{1}{2}$, SE $\frac{1}{4}$ Sec. 3, T106-R21	80		
NW $\frac{1}{2}$, NE $\frac{1}{4}$ Sec. 10, T106-R21	30		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system five years. Additional time required to complete application of water to the proposed beneficial use four years.
11. Choice of newspaper for Notice of Intent to Appropriately Water publication Chamberlain Register
12. Principal Features of the Proposed Water Supply System.

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

Centrifugal Pumps

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

Buried Steel and PVC Pipe Lines

C. Works proposed to apply water to beneficial use

Sprinkler Irrigation

Estimated Total Cost \$ 20,000.00

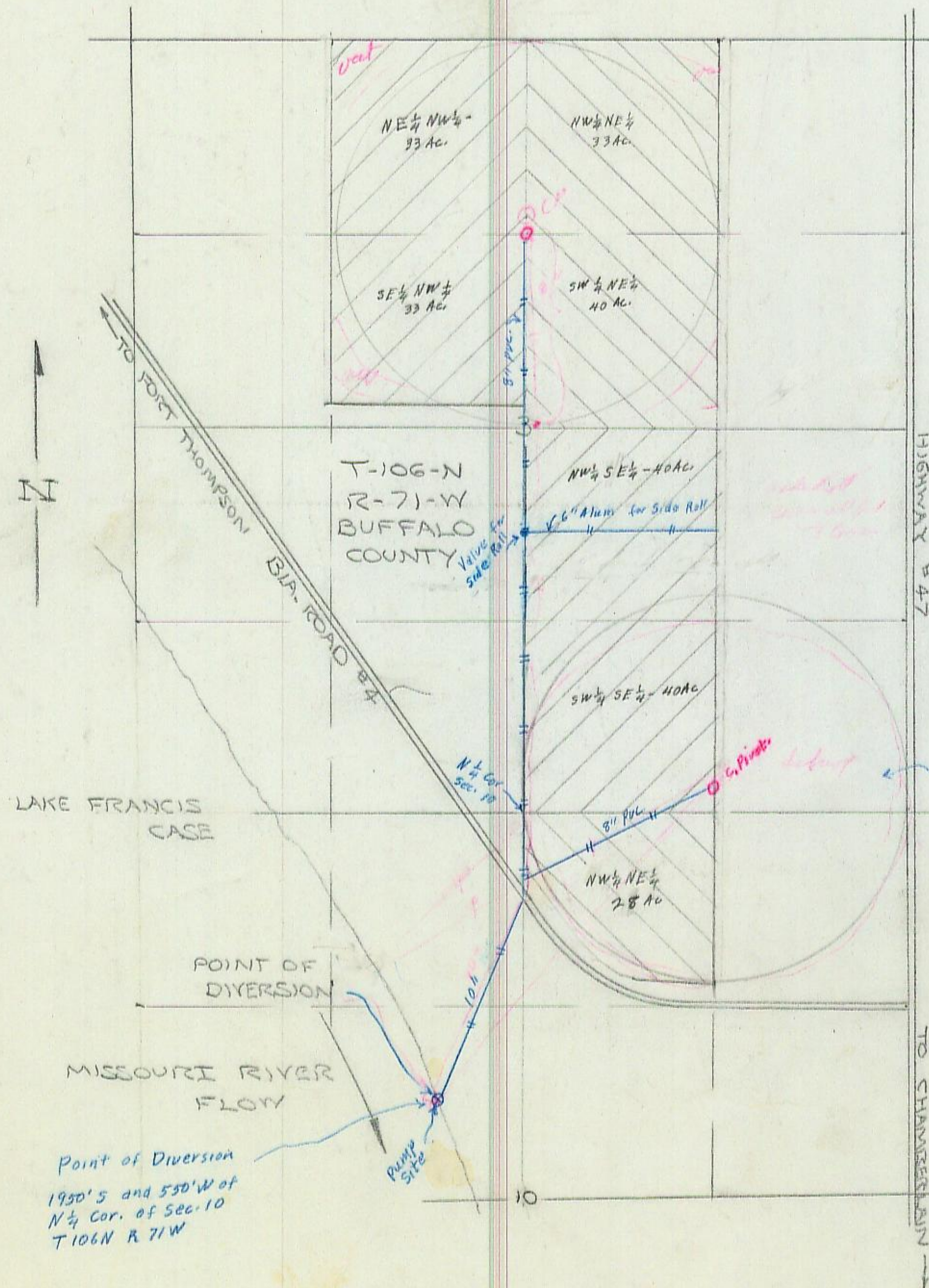
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)
) ss.
 County of Hughes)

I, Frank Cable 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 by Frank Cable
 8th day of March 1976

Mary Lou Evans
 Notary Public (or other qualified officer)



LAND TO BE IRRIGATED		
CABLE LAND AND CATTLE COMPANY		OWNER
DESCRIPTION		ACRES
E 1/2, NW 1/4 SEC. 3 106-71		74
W 1/2, NE 1/4 SEC. 3 106-71		80
W 1/2, SE 1/4 SEC. 3 106-71		80
NW 1/4, NE 1/4 SEC. 10 106-71		30
TOTAL		264

C.P. Makes Complete Circle and covers land under Permit # 2573-3 (Isburg)

SURVEYOR'S CERTIFICATE

I, R. V. Summerside, Registered Land Surveyor, State of South Dakota, do hereby certify that, at the direction of Cable Land & Cattle Company, I have surveyed the tract of land as shown, and that the above drawn Plat is a reasonably accurate description of the land of the proposed irrigation project. In witness whereof I have set my hand and seal this 8th day of March, 1976, A.D.

R. V. Summerside
REGISTERED LAND SURVEYOR

WATER APPROPRIATION MAP

SCALE: 1" = 1 MILE	APPROVED BY:	DRAWN BY: JK
DATE: 8 MARCH 76		REVISED:
CABLE LAND AND CATTLE COMPANY		DRAWING NUMBER
PUKWANA, SOUTH DAKOTA		

MAP NO 1986-3 (APPL NO 2619-3)

Tri State Ag.
6 Allen Foster
Joplin Mt 59531

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2619-3
GARRELAND & CATTLE CO. POKINAWA
(Applicant) (Post Office Address)
SOUTH DAKOTA 57370 With the following modifications:
(State)

Date of first receipt of application MARCH 8 1976
Date of return to applicant for correction, amendments or changes required _____ 19____
Date of receipt of corrected application _____ 19____
Approved MAY 20 1976, Recorded in Book 15 Page 91

WATER RIGHT PERMIT NO. 2619-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2619-3 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 MARCH 8 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 20 1978
3. The whole of said work is to be completed on or before MAY 20 1981
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 20 1985
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 3.77 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 MAY 20 1985; said water to be used during the following described annual period: DURING IRRIGATION SEASON

Witness my hand this 24TH day of MAY 1976

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued MAY 9 1980

Water License Issued MAY 9 1980

Permit No. 2619-3

Water Diversion No. 3 Missouri River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Cable Land and Cattle Co.

_____ the holder _____ of
Permit No. 2619-3, issued upon Application No. 2619-3, bearing date of priority of _____
March 8, 1976 authorizing the diversion of 0.77 cu. ft. per second of the waters of _____
the Missouri River County of Buffalo, State of South Dakota at _____
a point 1250 ft. S and 550 ft. W of the NE corner of Section 10,
T10&N, R71W
_____, for irrigation

_____ purposes, have complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 4.56 cu. ft. per second of water.

Date May 9, 1980


JOHN HATCH, Chief Engineer
Water Rights, WND

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2619-3

(1) WHEREAS, On the 8th day of March A. D. 19 76
Cable Land and Cattle Co.

made Water Right Application No. 2619-3 for a permit to use 3.77 cubic feet per second of the waters
of the Missouri River

County of Buffalo, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 20th day of May A. D. 19 76

Permit No. 2619-3, with a date of priority of March 8, 1976

was issued to said applicant 8 for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 20th day of May A. D. 19 81 and for the
application to beneficial use of said water on or before the 20th day of May A. D. 19 85

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 3.53 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 lands all in T106N, R71W:

Section 3 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 33 acres

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 33 "

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

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 "

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 "

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 "

Section 10 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 28 "

Total 247 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 Cable Land and Cattle Co.
of Pukwana, SD
the holder S and owner S of said permit No. 261P-3 a water right, dating from March 8, 1976
to use of 3.53 cubic feet per second of the waters
of the Missouri River
in the County of Buffalo and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 1950' S and 550' W of the NE
corner of Section 10, T106N, R71W
and conducted and upon portions of land in Section 3 and 10, T106N, R71W more
fully described on the face of this License
for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 261P-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 9th day of May A. D.
Nineteen Hundred and Eighty
Board of Water Management

By:

John Hatch
Chief Engineer

JOHN HATCH

2619-3

Publish first publication, on or before May 6, 19 76NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 9, 19 76

Notice is hereby given that Cable Land and Cattle Company
whose post office address is Pukwana, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
3.77 cubic feet of water per second of time from the Missouri River through the
Cable Irrigation Project #3, the point of diversion of which is to be located in the _____

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

of Section 10, Twp. 106N, Range 71W. Said water to be used for the purpose

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

E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 3; NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, T106N,

R71W

This application No. 2619-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 20th day of May, 19 76, at 1:00 P. M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc:

Frank Cable, Cable Land and Cattle Company, Pukwana, S.D. 57370

Two R

No. 2619-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Beadle) ss.

I, E. B. Buckingham, Jr. hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Beadle County Register

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 Chamberlain

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

May 6, 1976

May 13, 1976

E. B. Buckingham, Jr.
(Signature)

Public
(Title)

May 13, 1976
(Date Signed)

NOTICE
INTENT TO
APPROPRIATE WATER

Pierre, South Dakota 57501

April 9, 1976

Notice is hereby given that
Cable Land and Cattle Company
whose post office address is
Pukwana, South Dakota, has
made an application in
accordance with the provisions
of the water laws of South Dakota
for a permit to appropriate for
beneficial use 3.77 cubic feet of
water per second of time from
the Missouri River through the
Cable Irrigation Project #3, the
point of diversion of which is to
be located in the NE 1/4 NW 1/4
of Section 10, Twp. 106N, Range
71W. Said water to be used for
the purpose of providing
irrigation on portions of the
following described land:

E 1/2 NW 1/4, W 1/2 NE 1/4,
W 1/2 SE 1/4, Section 3, NW 1/4
NE 1/4, Section 10, T106N,
R71W.

This application No. 2619-3
will be considered by the Water
Rights Commission at their
office at Pierre upon the 20th
day of May, 1976, at 1:00 p.m.
All interested persons may
appear and be heard.

WATER RIGHTS COMMISSION

By: Burton F. Jones

Water Rights Specialist

(May 6 - 13)





United States Department of the Interior
OFFICE OF THE SOLICITOR

ROOM 211 - FEDERAL BUILDING
P.O. BOX 549
ABERDEEN, SOUTH DAKOTA 57101

May 19, 1976



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

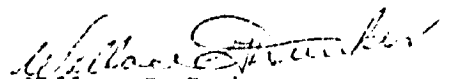
Dear Mr. Jones:

The Area Director, Bureau of Indian Affairs, has advised that on May 20, 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 the Cable Land and Cattle Company, Pukwana, South Dakota, for a permit to appropriate for beneficial use 3.77 cubic feet of water per second of time from the Missouri River through the Cable Irrigation Project # 3, the point of diversion being in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 10, T. 106 N., R. 71 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 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 " 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, 131 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, Ft. Thompson, SD 57339
Mr. Parnell Hagen, Area Soil Conservationist, B.I.A.
Frank Cable, Cable Land and Cattle Company, Pukwana. SD 57370



DEPARTMENT OF THE ARMY
OMAHA DISTRICT CORPS OF ENGINEERS
6014 U.S. POST OFFICE AND COURTHOUSE
OMAHA, NEBRASKA 68102

MROOP-N
SD 2SB OXT 3 001029
Cable Land and Cattle Company
Intake/Riprap/Fill
Missouri River Mile 980.00L (1960 Mileage)

21 April 1977

NOTICE OF PERMIT PENDING

The application of Cable Land and Cattle Company, Pukawan, South Dakota 57370 for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Engineer District, Omaha, Nebraska.

The applicant requests permission to place permanent fill in the Missouri River at mile 980.00 in conjunction with the installation of an intake structure in Section 14, Township 106 North, Range 7 West, Buffalo County, South Dakota.

If permitted, the applicant proposes to accomplish the work below the ordinary high water line during the autumn draw down of Lake Francis Case. The proposed activity will consist of placing granular fill material, rock bedding, pouring a concrete base, installing three intake pipes, and constructing a retaining wall and pumphouse to accommodate a proposed pumping facility and future expansion. A trench approximately 20 feet by 50 feet will be excavated to an elevation (elev.) of 1339 Mean Sea Level (M.S.L.) to accommodate the three intakes in a rock structure. The landward end of the trench will be excavated to elev. 1636 M.S.L. for a 6-foot by 16-foot by 6-inch concrete support pad. The estimated 800 cubic yards (cu. yds.) of material will be stockpiled and used for backfill. The support pad will be poured in place and three vertical 30-inch by 27-foot intake pipes installed. A plank retaining wall will be constructed out of treated wood planks starting at the elev. of 1337 M.S.L. and concluded at the elev. of 1363 M.S.L. The retaining wall will be anchored to a deadman with seven, 3/4-inch cables. Approximately 2 feet of rock bedding will be placed in the riverward trench to an elev. of 1342 M.S.L. and sloped to the elev. of 1340 M.S.L. at the retaining wall. Three intake pipes 60 feet long and 30 inches in diameter, with three equally spaced 4-foot, 1/4-inch continuous wire screens, will be placed on the bedding material and backfilled with approximately 335 cu. yds. of 3-inch to 9-inch rock. An estimated 75 cu. yds. of gravel will be placed around the perimeter of the rock as filter. The area will be backfilled to an elev. of 1364 M.S.L., and a 22-foot by 14-foot by 6-inch concrete pad poured to mount two, 3,700 gallon per minute pumps, each powered by 200 horsepower electric motors. The facility will be housed by a 20-foot by 12-foot steel building. The purpose of the project is to irrigate approximately 1,150 acres of farmland.



The State of South Dakota has waived its right to certify compliance with applicable water quality standards required under the provisions of Section 401 of the Federal Water Pollution Control Act Amendments of 1972. Accordingly, certification that the proposed project will not violate applicable water quality standards has been requested from the Regional Administrator, Environmental Protection Agency, Region VIII, Denver, Colorado.

A preliminary determination has been made that neither singularly nor cumulatively would this project have a significant effect on the quality of the human environment within the meaning of the National Environmental Policy Act and, therefore, an Environmental Impact Statement will not be required. An environmental assessment is currently being prepared which will consider in its preparation, comments received in response to this public notice.

In compliance with the National Environmental Policy Act of 1969 and Section 106 of the National Historic Preservation Act of 1966, the National Register of Historic Places and monthly supplements thereto have been consulted and no properties included therein will be affected by this activity. However, presently unknown archeological, scientific, prehistoric, or historic data may be lost or destroyed by work to be accomplished under the requested permit.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, and in general the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Federal Water Pollution Control Act. No permit will be granted unless its issuance is found to be in the public interest.

Any person who may have an interest in the proposed work described herein may request a public hearing. The request must be submitted in writing to the District Engineer within 30 days of the date of this public notice. The request must state the specific reasons for holding the public hearing.

Any interested party (particularly officials of any town, city, county, state, federal agency, or local association) is invited to submit to this office written facts, arguments or objections on or before 23 May 1977.

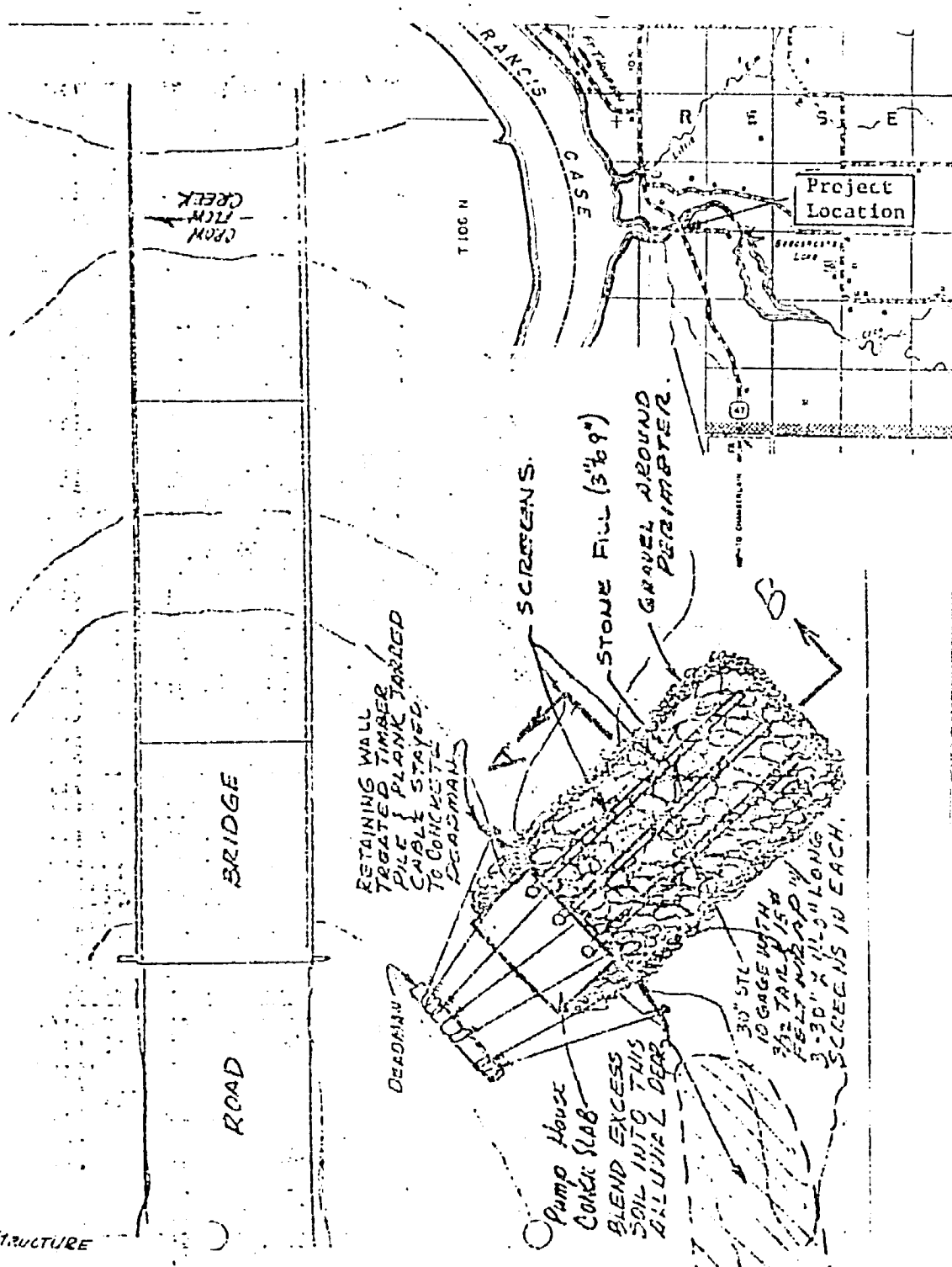
A permit, if granted, will be under Section 10 of the River and Harbor Act of 3 March 1899 (30 Stat. 1151; 33 U.S.C. 403) and under the provisions of Section 404 of the Federal Water Pollution Control Act (86 Stat. 816, P.L. 92-500).

Drawings showing the location and extent of the work are attached to this notice.

FOR THE DISTRICT ENGINEER:

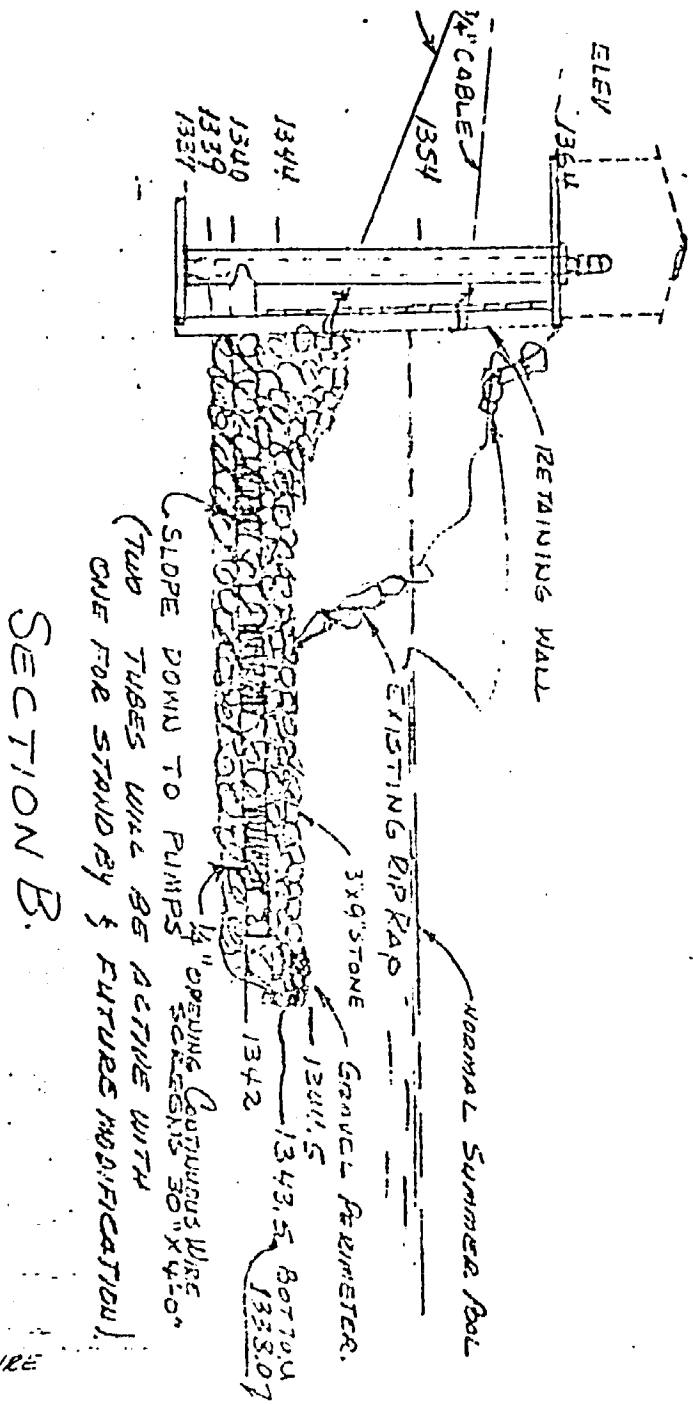
Attachments
As stated


KENNETH J. HAVEMAN
Major, Corps of Engineers
Deputy District Engineer for Civil Works



PURPOSE: INTAKE STRUCTURE
 DATUM 11 SL.
 ADJACENT PROPERTY OWNERS:
 1 U.S. GOVERNMENT
 2 CROW CREEK TRIBE

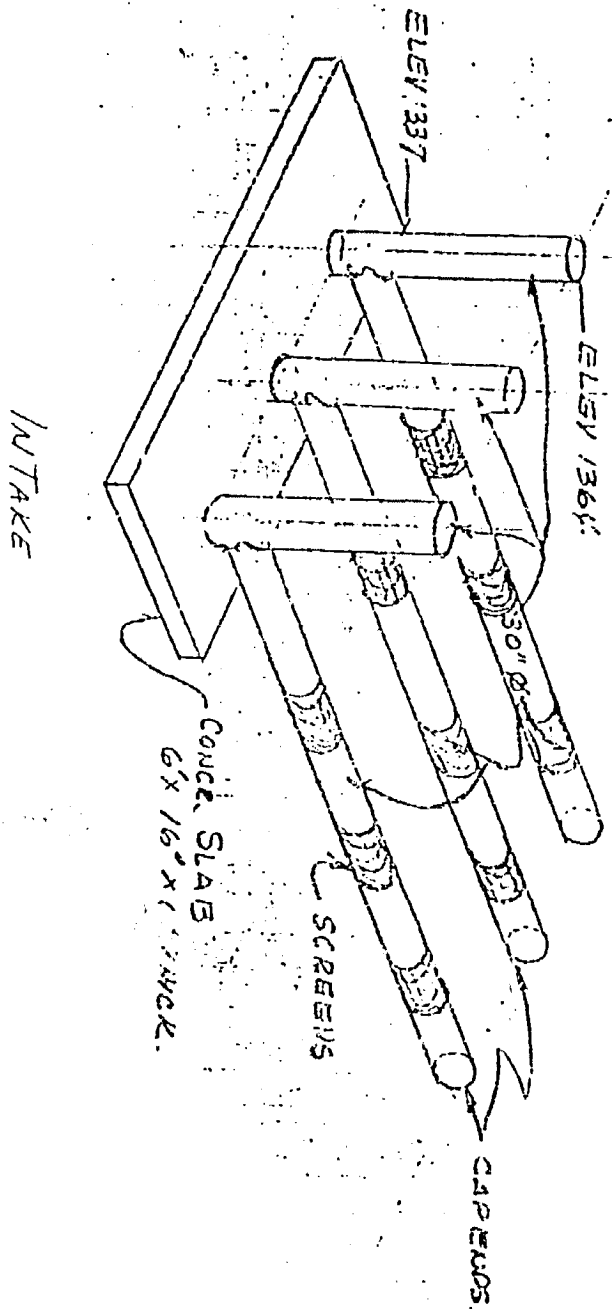
IN MISSOURI RIVER MILE 980.0 L, T106N, R71W, S3
 AT LAKE FRANCIS CASE
 COUNTY OF BUFFALO STATE S.D. DAKOTA
 APPLICATION BY CABLE LAND CATTLE CO.
 SHEET 1 OF 4 DATE



SECTION B.

PURPOSE: INTAKE STRUCTURE
 DATUM: M.S.L.
 ADJACENT PROPERTY OWNERS:
 1 U.S. GOVERNMENT
 2 CROW CREEK TRIBE

IN MISSOURI AILE 9800 L, T 106 N, R 71 N, S 14
 AT LAKE FRANCIS CASE
 COUNTY OF BUFFALO STATE S.D. DAKOTA
 APPLICATION BY CABLE CATTLE CO.
 SHEET 3 OF 4 DATE



PURPOSE: *INTAKE STRUCTURE*
 DRAIN *N.S.L.*
 ADJACENT PROPERTY OWNERS:
 1 *U. S. GOVERNMENT*
 2 *CROW CREEK TRIBE*

IN MISSOURI 1/4 SEC 980.0L, T 106.0N, R 71W, S 14
AT LAKE FRANCIS CASE
 COUNTY OF *BUFFALO* STATE *S.D. DAKOTA*
 APPLICATION BY *CABLE CATTLE CO.*
 SHEET 4 OF 4 DATE:

DEPARTMENT OF THE ARMY
U. S. ARMY ENGINEER DISTRICT, OMAHA
CORPS OF ENGINEERS
6014 U. S. POST OFFICE AND COURTHOUSE
OMAHA, NEBRASKA 68102

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300

POSTAGE AND FEE PAID
DEPARTMENT OF THE ARMY
DOD-314



FIRST CLASS

PUBLIC NOTICE

JOHN HATCH, CHIEF ENGINEER
DIVISION OF WATER RIGHTS
DEPT. OF NATURAL RESOURCE DEV.
FOSS BUILDING
PIERRE

SD 57501

NRD FORM
1 JUN 73 0156b

2619-3 Call from 11th

7-12-77 J.A. Hill - Matheson 100 ft

Apr 100 ft - 100 ft

900 ft N. CP. 100 ft. 1265

for 61603372 1255

900 ft N. CP. 100 ft. 1255

100 ft N. CP. 100 ft. 1255

100 ft N. CP. 100 ft. 1255

100 ft N. CP. 100 ft. 1255

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100 ft N. CP. 100 ft. 1255

100 ft N. CP. 100 ft. 1255

100 ft N. CP. 100 ft. 1255

Wald Pump Station. 11-1-1914

No. 36477.0573.1544 W

See # PD 92550-4/11-5

Pump Group 11.01 47675.2

See # PD 92100 C3

Wald Pump Station. 11-1-1914

Model 11.01 47675.2

PD 92550-4/11-7

Pump Group 11.01 47675.2

See # PD 92100 C3

E Pump Group 11.01 47675.2

Model 11.01 47675.2

Pump Station, 11.01 47675.2

See # 7741688. 13 3/4

See # 7741688. 13 3/4

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7355

March 4

90

PIERRE, _____, 19__

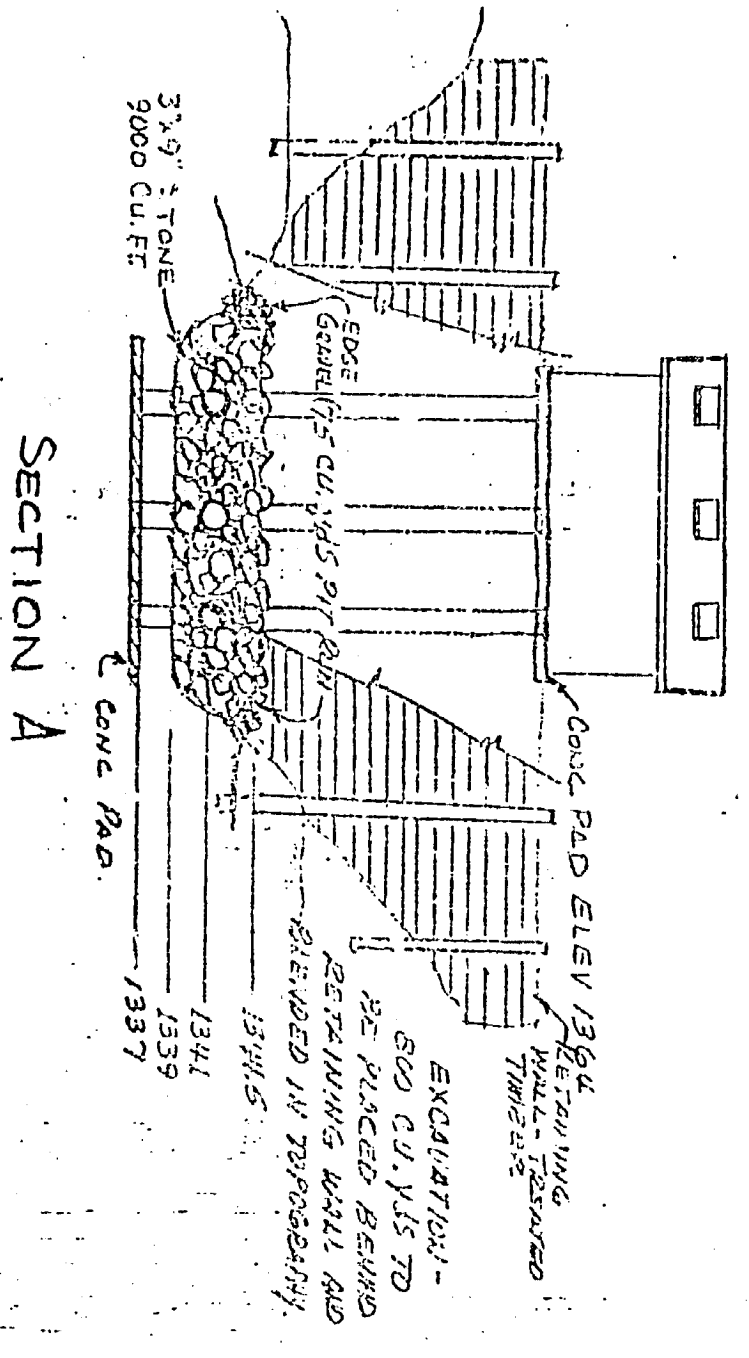
RECEIVED OF Cable Land & Cattle Co., 281, Box 45, Pukwana SD 57370

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
_____ 2619-3)		
Fee for inspecting Construction, and issuing Cert. of Construction No. _____	12	00
_____ 2619-2)		
Fee for inspecting Beneficial Use, and issuing Water License No. _____		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____		
(any other work as provided by law)		
TOTAL	12	00

WATER RIGHTS COMMISSION

By John Hatcher
 Chief Engineer, Executive Officer
 JOHN HATCHER kw



PURPOSE: INTAKE STRUCTURE

DATUM 1A. 52.

ADJACENT PROPERTY OWNERS:

1 U.S. GOVERNMENT

2 CROW CREEK TRIBE

IN MISSOURI MILE 9800L, T106N, R71W, S 14
AT LAKE FRANKS CASE

COUNTY OF BUFFALO

STATE SD. DAKOTA

APPLICATION BY CABLE CATTLE CO.

SHEET 2 OF 4 DATE

Permit No. 2619-1Water Division Missouri River Water District

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

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / ROSS BLICK, PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Cattle Band and Cattle Co. of Pudkwan, South Dakota 57370 holder of Permit No. 2619-1, bearing date of priority of March 8, 1976 authorizing the diversion of 3.77 cu. ft. per second of the waters of Missouri River for Irrigation purposes, in Puffalo 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:

3 pumps and Motors at the river pump into one pipeline. See reverse side for information.

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

2000 ft 8" Pvc. Pipe
1300 ft 6" Alum. Pipe
4000 ft 10" " "

C. Works used to apply water to beneficial use.

North Center Pivot - Electropump Model 2-6ES, Ser. # 676C.3312
South Center Pivot - Pivot Circle Master
Western Side Roll, 1320 ft long. See Reverse Side for Booster Pump Information

The system is in the following condition: Good

The point of diversion is located 1950 ft S and 550 ft W of the N 1/4 Cor. of Sec. 10, T106N R71W

The works are capable of diverting and conveying to the place of use 4.56 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: The following in Sec. 3
T106N R71W, NE 1/4 N 1/4 - 33 Ac, SE 1/4 N 1/4 - 33 Ac
N 1/4 NE 1/4 - 33 Ac, SW 1/4 NE 1/4 - 40 Ac, NW 1/4 SE 1/4 - 40 Ac
SW 1/4 SE 1/4 - 40 Ac.

The following in Sec 10 T106N R71W N 1/4 NE 1/4 - 28 Ac.

comprising a total of 247 acres of land.

Date July 12, 1978
LeRoy J. McNaught
(Signature)

3 pumps at River

West Pump - Motor Marathon, 75 HP, 3550 RPM
Model 364T1D57315AAW Ser # DP92550 - $4\frac{1}{4}$ - 5"
Pump = Cornell Model 48B75-2, Ser # E2161 8 $\frac{3}{4}$ "

Middle Pump = ^{Motor} Marathon, 75 HP 3550 RPM
Model Same as above, Ser # DP-92550 - $4\frac{1}{4}$ - 7"
Pump = Cornell 48B75-2, Ser # E2161 8 $\frac{3}{4}$ "

East Pump = Motor GE, 50 HP 3550 RPM,
Model 5K326BN205,
Pump = Berkeley Model B4 JRM BM C12 Ser # 7741655
13 $\frac{3}{8}$ Imp. Dia. Pumps 250 gpm for Side Bell.

Booster Pumps

North Center Pilot:
Motor = GE - 30 HP, 3540 RPM, Model 5K254 JN1107A
Pump = Cornell, Model 48B30-2, Ser # E2167 6 $\frac{1}{2}$ "

South Center Pilot

Motor GE 40 HP 1770 RPM, Model 5K324BL205
Pump Berkeley, Model B4 JRM BM C12 12 $\frac{3}{8}$ ", Ser # 7741657

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8602

PIERRE, December 21, 1931

RECEIVED OF Tri State Ag, % Allen Fossen, Joplin, MT 59531

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No. XXXXXX		
Fee for inspecting Beneficial Use, and issuing Water License No. XXXXXX		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filling <u>transfer of WR# 2619-3</u>	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH / (cc)

NO. 2619-3

NOTICE OF TRANSFER OF WATER PERMIT RIGHTS



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 12-8-81

This is to notify you that the title to the lands described as follows:

247 acres - E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 3, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 10, T106N, R71W

formerly owned by Cable Land & Cattle Co.

% Allen Fossen, Joplin, MT 59531
has been transferred to Tri State Ag, Chester, MT--59522
(include RR and Box No. if applicable)

together with any rights to the beneficial use of water thereon as evidenced by

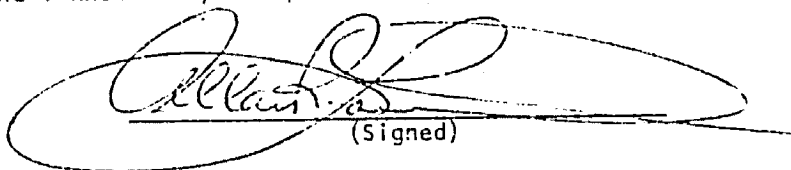
Water Right Permit No. 2619-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights, Water Management Board as evidence of the change of ownership.

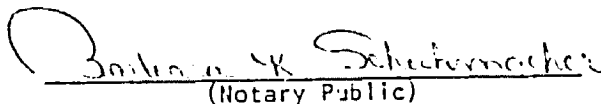
A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Buffalo) ss.

I, Allen R. Fossen being first duly sworn on my oath despose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.


(Signed)

Subscribed and sworn to before me this 8 Day of December, 1981.


(Notary Public)

Water Rights Division
605 773-3352

January 13, 1983

1684-3
2619-3

To whom it may concern:

This is to certify that Tri State Ag is the current holder of certain water rights as follows:

Water License No. 1684-3 calling for the diversion of 1.9 cfs to irrigate 178 acres in the E $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 28, T106N, R70W, bearing the priority date of June 6, 1969.

Water License No. 2619-3 calling for the diversion of 3.53 cfs to irrigate 247 acres in the N $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 3 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, T106N, R71W.

Both of these are considered valid water rights by the Water Management Board.

Inquiry was also made as to availability of water from the Missouri River for irrigation in South Dakota. We anticipate no problem in obtaining permits from this source.

If more data is required, feel free to contact this office.

Sincerely,

BURTON F JONES
Water Rights Specialist

BFJ:ks

Department of Water & Natural Resources

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

April 15, 1985

Tel. State Ag
Allen Fosson
Oppl in MT 59531

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). 1684-3 & 2619-3. 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, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 1684-3 & 2619-3 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.

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

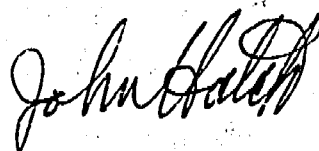
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Tri State Ag
Allen Fossen
Joplin, MT 59531

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



SUBJECT: Amendment to Water Permit No(s). 1684-3 & 2619-3.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 1684-3 & 2619-3 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.

South Dakota
Department of
Water & Natural Resources

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

Attachment to Water Permit No(s). 1684-3 & 2619-3

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 1684-3 & 2619-3 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 26, 1986

NOTICE

Triple U Ranch
c/o Allen Fossen
Joplin, MT 59531

Re: Violation of Water Permit No(s). 2619-3

Our records indicate that the 1985 Irrigation Questionnaire has not been received for Water Permit No(s). 2619-3. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 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). 2619-3 qualification:

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

The hearing(s) will be at 2:00 p.m., May 14, 1986, Joe Foss Building, Room 216, Pierre, South Dakota. 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). 2619-3 until either the 1985 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.

Sincerely,

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

Note: If the questionnaire(s) is received in this office before the May 14 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

May 16, 1986

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: Triple U Ranch
% Allen Fossen
Joplin MT 59531

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

*John Hatch
by Del Brosz*

SUBJECT: One Year Suspension of Water Permit No(s). 2619-3
If the 1985 Irrigation Questionnaire Is Not Received By
June 1, 1986

Pursuant to the provisions of the notice dated March 26, 1986 and following the Hearing May 14, 1986, the Water Management Board ordered:

That Water Permit No(s). 2619-3 be suspended until December 31, 1986, unless the required 1985 Irrigation Water Use Questionnaire is received by June 1, 1986.

Suspension of a permit means water may not be pumped during the 1986 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

Equal Opportunity Employer

2619-3 TRI-STATE NS
(WELLS POSSESS)
Joplin MT. 54531

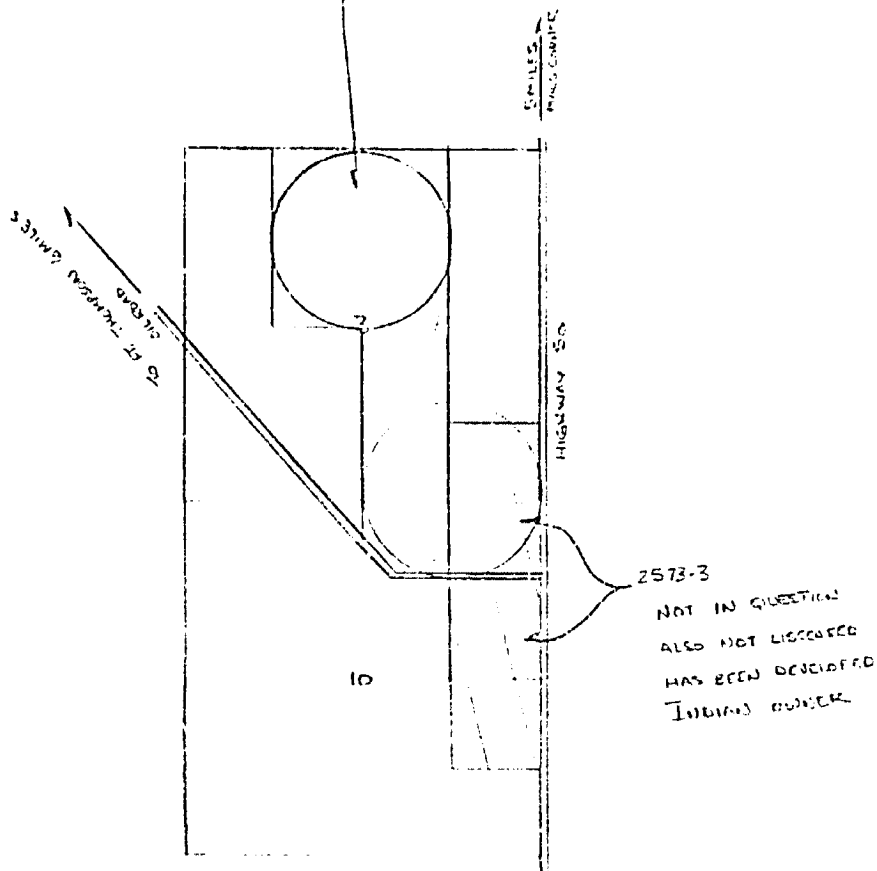
BUFFALO

SURFACE WATER - MISSOURI RIVER

TIDEN R71W SEC 3, 10

COMPLETION DATE 20 MAY 1981

2619-3 253 CFE 247 ACRES



PERMIT IS LICENSED - I KNOW THIS HAS BEEN USED -
FAILED TO REPORT WATER USE FOR 1985 -

THERE IS ANOTHER PERMIT IN AREA (2573-3) - WENDELL F ISBERG -
A SOUTH IRRIGATES PORTIONS OF BOTH PERMITS, I BELIEVE -
LOOKS LIKE ISBERG REPORTED UNDER HIS PERMIT FOR WHOLE AREA.

Water Rights Division - DWR
Conversation or File Documentation

File No. 2619-3

NAME OF PERSON OR FILE: Tri State Ac.

ADDRESS: _____ COUNTY Buffalo

DATE: 7/8/86 TELEPHONE (401) 282-3395

RE: Suspended Permit

COMMENTS:

There were three ~~permits~~^{perits} on the land regarding
Mr. Allen Fossen, from Tri State Ac. in Joplin
Mo. was contacted and the violation brought up to his
attention, he said that Tri State Ac. didn't own
the land anymore and Federal Land Bank of
Omaha was taking care of the business. He also said
he dealt with the Hudson Branch of the bank but he
didn't remember any names or telephone numbers. He
said it happened approx. two years ago.

It seems that Wendell Isburg (3573-3) who irrigates 192 Ac.
of land just west of 2619-3 was reported to irrigate the whole
(410 Ac.) of land.

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.

South Dakota Department of
Water & Natural Resources

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

(605) 773-3352

January 7, 1988

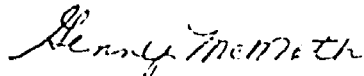
LeRoy Volmer
Box 939
Pierre, SD 57501

Dear Mr. Volmer:

Enclosed are copies of Water Right Nos. 1684-3 and 2619-3. You indicated during our telephone conversation that the land was in the process of being sold. Please inform the "new" owner(s) that they will need to file a "Notice of Transfer" with our office to have the water rights changed over to their name.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst

enclosure



Department of Water & Natural Resources

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

May 27, 1988

2619-3

Stephen M. Heintz
Farm Credit Services
Box 196
Yankton SD 57078-0196

Dear Mr. Heintz:

The "Notice of Transfer of Water Permit" you submitted for use in filing an ownership change on Permit No. 2619-3, was received May 4, 1988. The form was completed properly, however, it can not be filed for record without a required filing fee of \$2.50.

Please remit the \$2.50 filing fee as soon as possible. Upon receipt of this fee, Water Permit No. 2619-3 will be transferred from Cable Land and Cattle Company to the Federal Land Bank of Omaha. In order to complete the transfer, we will also need a mailing address for the Federal Land Bank. Please include this when returning the filing fee.

If you have any questions, please contact me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: May 3, 1988

This is to notify you that the title to the lands described as follows:

E $\frac{1}{2}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$ - Section 3, Township 106, Range 71

NW $\frac{1}{4}$ NE $\frac{1}{4}$ - Section 10, Township 106, Range 71 Buffalo County, South Dakota

formerly owned by Cable Land and Cattle Company

has been transferred to the Federal Land Bank of Omaha, 206 S 19th St., Omaha, NE 68102

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 2619-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Yankton) ss.

I, Stephen M. Heintz 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, and I know of my own personal knowledge that the information herein stated is true.

THE FEDERAL LAND BANK OF OMAHA, By the Federal Land Bank Association of Huron, Its Agent and Attorney-in-fact

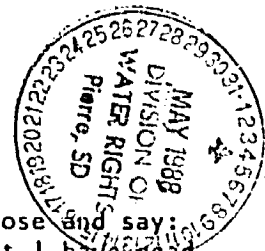
BY: Stephen M. Heintz
Stephen M. Heintz (Signed)
ITS: Assistant Vice President

Subscribed and sworn to before me this 3rd Day of May, 1988.

My commission expires: 8-15-92.

(SEAL)

Dorothea R. Hoebelheinrich
(Notary Public)
Dorothea R. Hoebelheinrich



RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

411286

Pierre, June 16, 1988

RECEIVED OF (Federal Land Bank of Omaha) Farm Credit Services, PO Box 200, Yankton, SD
the following amount in fees for services rendered as provided for by law: 57078-0196

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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 2619-3 _____	
Fee for Filing Extension Request _____	2 50
Fee for Certified Copy of _____	
Fee for Print Copy of Map _____	
Fee for Certifying _____	
Fee for _____	
(Any Other Work Provided by Law)	
Total	2 50

By John Hatch
Chief Engineer JOHN HATCH

gm

No. 2619-3

SOUTH DAKOTA Department of
Water & Natural Resources

Joe Foss Building

Pierre, South Dakota 57501

Water Rights Division

Phone (605) 773-3352

August 6, 1983

Farm Credit Services
(Federal Land Bank of Omaha)
PO Box 196
Yankton, South Dakota 57078-0196

Dear Sir:

Enclosed is receipt No. 411236 in the amount of \$ 2.50 which you

paid for transfer of Water Right No. 2619-3.

Federal Land Bank of Omaha

Our records now show ~~you~~ as the owner of this Water Right.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

WNR-821-7/79

Receipt & Notice of filing of Transfer of Water Right

 **Department of
Water & Natural Resources**

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

November 9, 1988

2619-3

Kathryn Isburg
North Route Box 61
Chamberlain, SD 57325

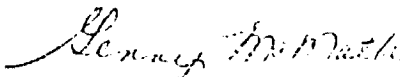
Dear Mr. Isburg:

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 2619-3. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50. The water right will then be transferred to your name.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Also enclosed is a copy of Water Right No. 2619-3 for your review. If you have any questions, please contact us.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

Pierre, November 30, 19 88

RECEIVED OF Kathryn Isburg, North Route, Box 61, Chamberlain, SD 57325
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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 <u>2619-5</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)		
Total	2	50

By John Hatch
Chief Engineer JOHN HATCH (S)

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 11-28-88

This is to notify you that the title to the lands described as follows:

247 acres - E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 3, and NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, T106N, R71W

formerly owned by Federal Land Bank of Omaha

has been transferred to Kathryn Isburg, North Route, Box 61, Chamberlain SD 57325

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 2619-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of BRULE) ss.

I, KATHRYN ISBURG 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, and I know of my own personal knowledge that the information herein stated is true.

Kathryn Isburg
(Signed)

Subscribed and sworn to before me this 28th Day of November, 1988.

Doris J. Anderson
(Notary Public)
Commission expires: 02-26-93

(NOTARIAL SEAL)



SOUTH DAKOTA Department of
Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

November 30, 1988

Kathryn Isburg
North Route, Box 61
Chamberlain, South Dakota 57325

Dear Ms. Isburg:

Enclosed is receipt No. 411516 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 2619-3.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling

Maxine Stirling
Secretary

ms/
Enc.

NW $\frac{1}{4}$ NE $\frac{1}{4}$
33 AC.

SE $\frac{1}{4}$ NW $\frac{1}{4}$
33 AC.

SW $\frac{1}{4}$ NE $\frac{1}{4}$
40 AC.

T-106-N
R-71-W
BUFFALO
COUNTY

NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 40 AC.

Complete Circle
 $E \frac{1}{2}$ under Permit
 # 2573-3 (Isburg)

SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 40AC

NW $\frac{1}{4}$ NE $\frac{1}{4}$
28 AC

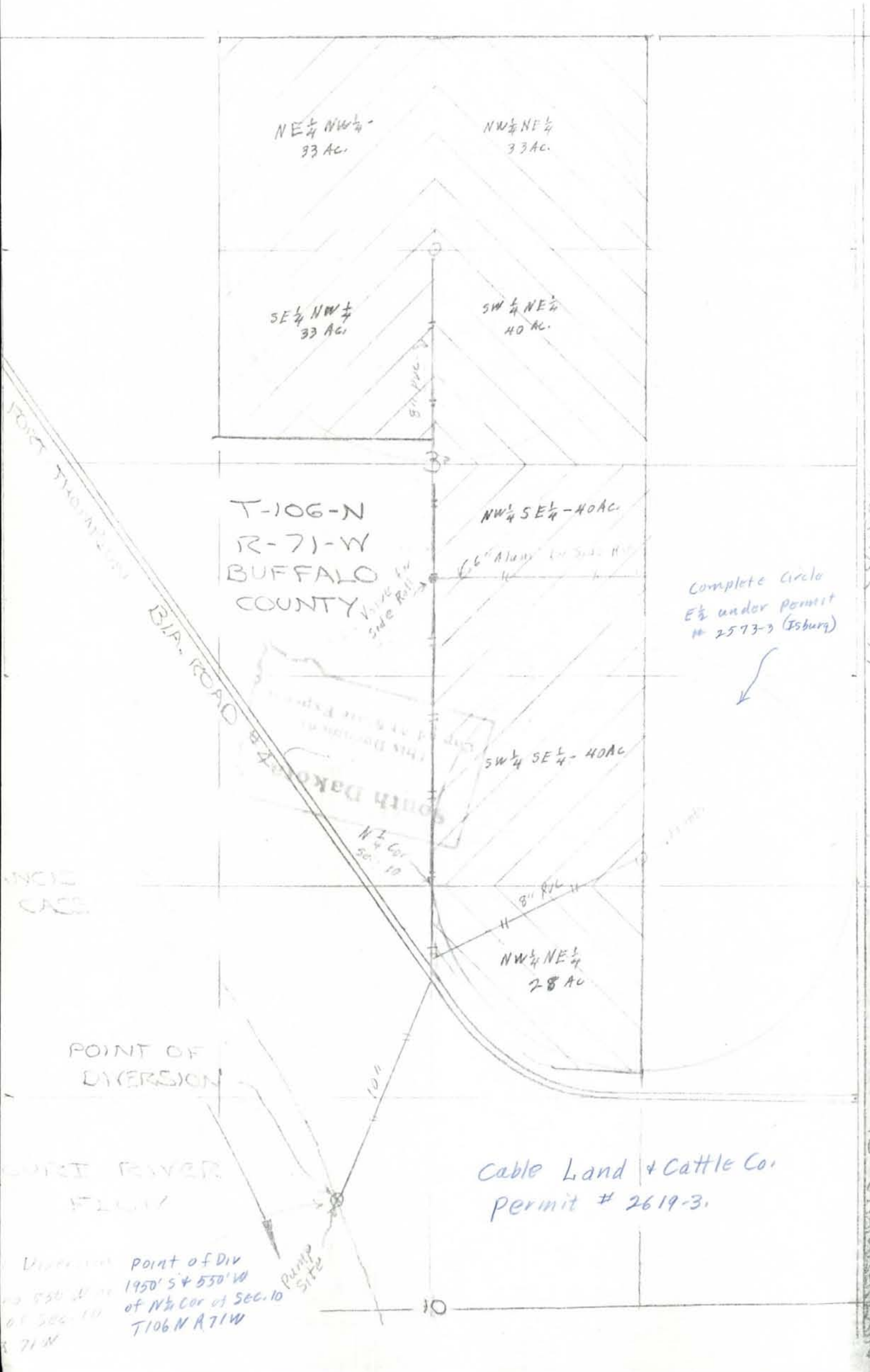
POINT OF DIVERSION

Cable Land & Collte Co.

Permit # 2619-3

MA # ~~1111~~ 19863

Point of Div. "V"
1950' S & 550' W of
N $\frac{1}{4}$ Cor of Sec. 10
T106N R71W





DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



April 8, 2014

2619-3
2573A-3

Steve & Lori Breeding
23825 SD Hwy 50
Chamberlain SD 57325

Dear Mr. & Mrs. Breeding:

I am writing in follow-up to the 2013 irrigation questionnaires you submitted for Water Right Nos. 2619-3 and 2573A-3.

Thank you for the notation about the ownership changes. Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

You had also requested the addition of acreage to the existing water rights. Enclosed are application forms to be used for this purpose. If you are going to be able to use the same diversion point for the additional land, you can put everything on one application.

I have included copies of the existing water rights for your reference. If I can answer any questions, please let me know.

Sincerely,

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

enclosures

McMath, Genny

From: McMath, Genny
Sent: Tuesday, September 02, 2014 3:00 PM
To: 'breedingfarms@dishmail.net'
Subject: transfer of ownership for Isburg Water Rights
Attachments: 2573A-3frm.docx; 2619-3frm.docx

Steve and Lori,

I am just touching base with you regarding two transfer of ownership forms mailed to you back on April 8, 2014. To date, we have not received the ownership changes back from you.

Water Right No. 2573A-3 is listed in the name of Wendell F Isburg and
Water right No. 2619-3 is listed in the name of Kathryn Isburg

I am attaching another copy of the transfer forms for you to use. Once you have them completed, mail them back to us with a \$50 fee for each one. The check or money order can be made payable to the Water Rights Program. The address for mailing is on the top of the transfer forms.

I note from the past correspondence that you wished to add land to the water rights. If you do not have the set of application forms I mailed to you in April, I can send you another set or you can download them from our website at:
<http://denr.sd.gov/des/wr/wr.aspx>

If you have any questions, please give me a call.

Genny McMath
Water Rights Program
605.773.5455

2619-3



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



October 31, 2014

2619-3
2573A-3

Steve & Lori Breeding
23825 SD Hwy 50
Chamberlain SD 57325

Dear Mr. & Mrs. Breeding:

Enclosed are the 2014 irrigation questionnaires for land authorized for irrigation under Water Right Nos. 2619-3 and 2573A-3. Both are still listed in the names of Wendell and Kathryn Isburg. They questionnaires continue to be sent to Kathryn because ownership has not yet been changed.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

The questionnaires are due back in our office by December 1st. If you have any questions concerning the ownership changes or the questionnaires, please give me a call.

Sincerely,

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

enclosures

RECEIVED

NOV 19 2014

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 2619-3

Date: 11/12/14

I/We request that Water Right No. 2619-3

formerly owned by: Kathryn Isburg

be transferred to: (name & address) Steve & Lori Breding, 23825 Hwy 50, Chamberlain SD 57325

Telephone No. _____

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

247 acres – E ½ NW ¼, W ½ NE ¼, W ½ SE ¼ Section 3 and NW ¼ NE ¼ Section 10, T106N, R71W

I/We understand that the validity of Water Right No. 2619-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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 required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Steve Breding
Lori Isburg-Breding, the new owner, certify that the above information is true and correct.

[Signature]
(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 and the water used, the permit becomes a right. A water right may be lost for three 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 Environment and Natural Resources

Date 11/29, 20 14

RECEIVED OF Breeding Farms 23825 Hwy 50 Chamberlain SD 57325

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	50	00
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 <u>2619-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06984**

By Jane Goodman
Chief Engineer

2619-3



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



November 25, 2014

2619-3
2573A-3

Steve & Lori Breeding
23825 SD Hwy 50
Chamberlain SD 57325

Dear Mr. & Mrs. Breeding:

I am writing to acknowledge receipt of the 2014 irrigation questionnaires and also the transfer forms and filing fees for Water Right Nos. 2619-3 and 2573A-3.

The ownership changes have been completed. Water Right Nos. 2573A-3 and 2619-3 formerly held by Wendell and/or Kathryn Isburg are now listed in your names.

Enclosed for your records are Receipt Nos. 06984 and 06985 in the amount of \$50 each. If I can answer any questions for you please let me know.

Sincerely,

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

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