

2746-3

1. Considered MAY 20, 1976
2. Name of Applicant CLINTON BAUER
3. Post Office Address FREEMAN
4. Amount of water claimed 2.64
5. Source of water supply DRY DRAW (250 AC FT)
6. Water to be used for IRRIGATION

Acres to be irrigated 185

7. Water to be diverted and used in HUTCHINSON county
about 6 W miles of FREEMAN

8. Proof of Publication Received 5-21-76

Not received _____

9. Application Approved _____

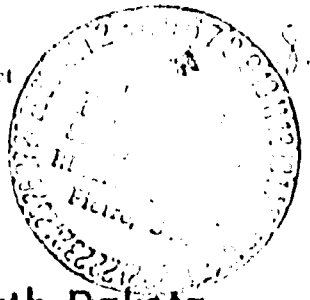
Subject to _____

Not Approved _____

Action deferred _____

ABOUT 1 1/2 MILES N OF
APPEL OF MENDEL
THIS TRAIL COMES IN
BELOW MENDEL TRAIL
LOW FLOW - DOM.

10. Remarks:

No. 2746-3Map No. 2124-3 Water Division No. 3 JAMES RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant CLINTON BAUER
Postoffice address FREEMAN, State SO DAK
If a corporation show date and place of incorporation ~~Contract and direct labor~~
2. Method of accomplishing work (contract, employment of others, or by direct labor) contract and direct labor
3. Name of diversion work construct irrigation reservoir to be pumped in adjacent fields
4. Amount of water claimed (cubic feet per second) not applicable
5. Source of water supply Runoff water collected in irrigation reservoir
6. Location of point of diversion Location of reservoir 1150 ft. west and 1750 ft. south of NE corner of section 33-99-51
(Wolf Creek Township) County Hutchinson
7. Annual period or periods during which water is to be used June through August
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 185

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>S² SE⁴ 33-99-51</u>	<u>15</u>		
<u>NE⁴ SE⁴ 33-99-51</u>	<u>31</u>		
<u>SE Part of SE⁴ NE⁴ 33-99-51</u>	<u>13</u>		
<u>South 60 acres of W² NE⁴ 34-99-51</u>	<u>60</u>		

Attach sheet if more space is needed

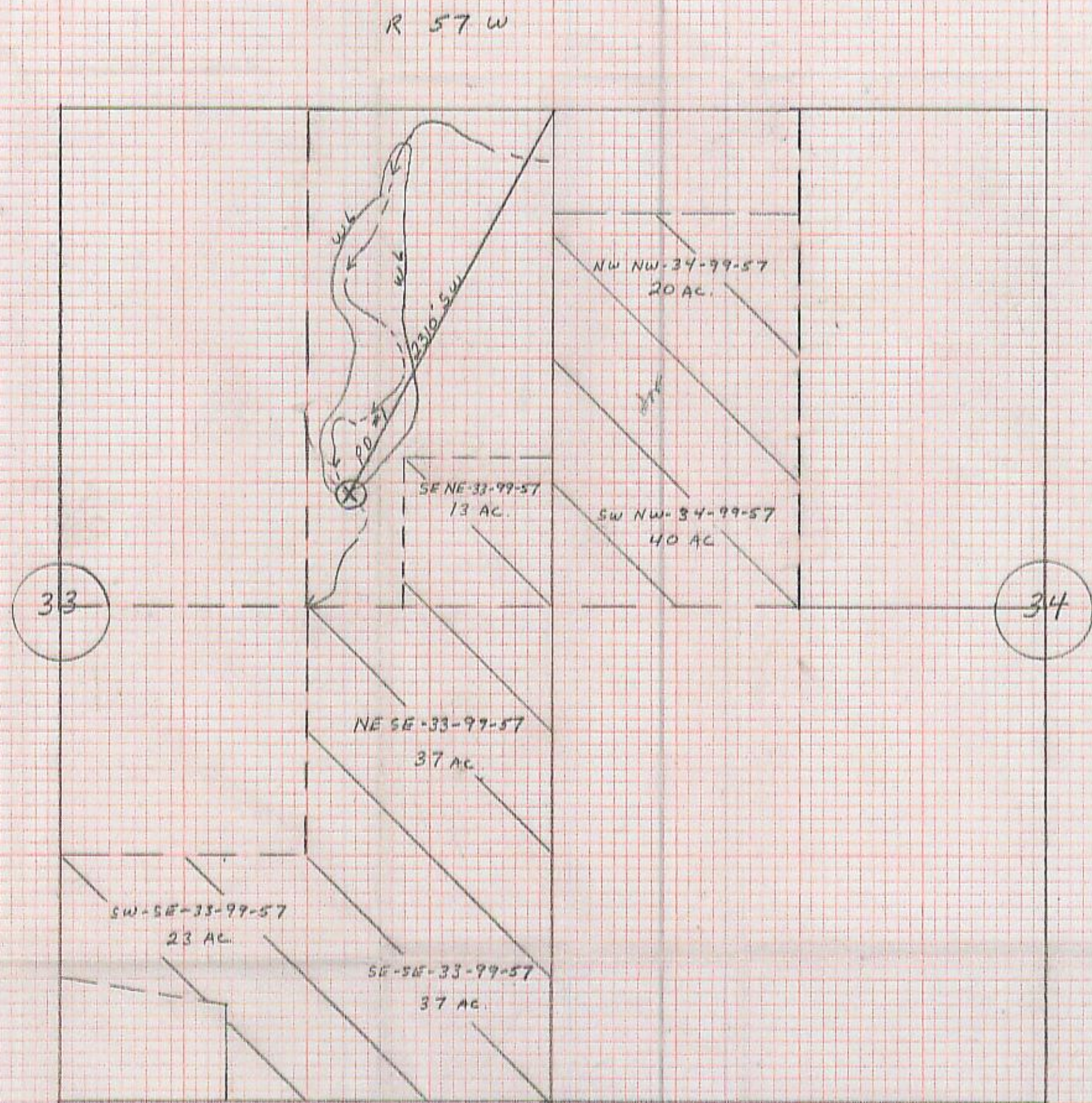
10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 8 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication The Freeman Courier
12. Principal Features of the Proposed Water Supply System
- A. Works proposed to divert water from its natural source.
Irrigation reservoir will be built to store runoff water. This water will be used to irrigate adjacent land including field crops and Alfalfa.
- B. Works proposed to transport water to place of use
Pumping system through irrigation pipeline to tow-line sprinkler system or small center pivot system.
- C. Works proposed to apply water to beneficial use.
Tow-line sprinkler system or small center pivot system.

Estimated Total Cost \$ 35,000Attachments: 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 HutchinsonI, Clinton Bauer, 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 Clinton BauerSubscribed and sworn to before me, this 30th day of April, 1976

Notary Public (or other qualified officer)
JOHN B. WETHER NOTARY PUBLIC
HUTCHINSON COUNTY SO. DAK.
MY COMMISSION EXPIRES 2-27-84



CLINTON BAUER
 PROPOSED IRRIGATION SITE
 ACRES & DAM LOCATION

U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE

Designed.....	Date.....	Approved by.....
Drawn.....		Title.....
Traced.....		Tid.....
Checked.....		Sheet..... Drawing No.....
		No..... of.....

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2746-3

CLINTON BAUER
(Applicant)

FREEMAN
(Post Office Address)

SOUTH DAKOTA 57029
(State) With the following modifications:

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING, MUST BE BY-PASSED. APPROVAL OF THIS PERMIT AUTHORIZES STORAGE OF 250 ACRE FEET OF WATER ANNUALLY

Date of first receipt of application MAY 16, 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 194

WATER RIGHT PERMIT NO. 2746-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2746-3 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 MAY 6, 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, 1984
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 2.64 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, 1984; said water to be used during the following described annual period: JUNE THRU AUGUST

Witness my hand this 10TH day of JUNE, 1976

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19—

Water License Issued —, 19—

Form 6 - Notice of Intent to Appropriate Water

No. 2746-3

Publish first publication, on or before May 11, 1976

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501
May 6 1976

Clinton Bauer

Notice is hereby given that _____
whose post office address is Freeman, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
2.64 cubic feet of water per second of time from a dry draw (storage dam) through the
_____, the point of diversion of which is to be located in the _____

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

of Section 33, Twp. 99N, Range 57W. Said water to be used for the purpose
of providing irrigation on ^{portions of} the following described land:

SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33; W $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, T99N,
R57W

This application No. 2746-3 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

BFJ/bw
cc:

Clinton Bauer, Freeman, S.D. 57029

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

No. 2746-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Davison) ss.

I, Gerald H. Putjenter hereby

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

Water was taken from the Daily Republic

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

City of Mitchell

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

May 11, 1976

May 18, 1976

Gerald H. Putjenter
(Signature)

Publisher
(Title)

5-18-76
(Date Signed)

NOTICE INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
May 6, 1976

Notice is hereby given that Clinton Bauer whose post office address is Freeman, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.64 cubic feet of water per second of time from a dry draw (storage dam) through the point of diversion of which is to be located in the SE 1/4 NE 1/4 of Section 33, Twp. 99N, Range 57W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE 1/4 NE 1/4, NE 1/4 SE 1/4, S 1/4 SE 1/4, Section 33, Twp. 99N, Range 57W, Section 34, Twp. 99N, R. 57W

This application No. 2746-3 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



Form 10.

No. 2746-3

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

DIVISION OF WATER RIGHTS

JOE FOSS BUILDING

PIERRE, SOUTH DAKOTA 57501

TO WATER RIGHTS COMMISSION

State Office Building No. 2
Pierre, South Dakota 57501

Post Office FREEMAN, SO. DAK.

Date AUG 7 - 1978

Dear Sirs:

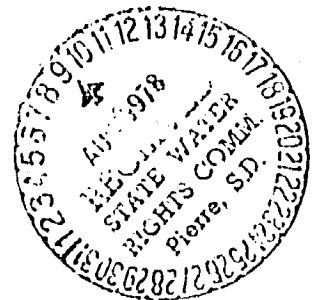
This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 2746-3

Water Right Permit No. 2746-3 states that the diversion system is to be constructed by MAY 20, 1981 and that the water is to be put to beneficial use by MAY 20, 1981.

The diversion system was completed on NOV 10, 1976. Applying the water to beneficial use was completed on JUNE 15, 1978.

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

G. Carter Bauer
(Signature)



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

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

March 23, 1987

CLINTON RAUER
RT 1 BOX 111
FREEMAN, SD 57029

NOTICE

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

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 4945-3. The request for the questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4945-3 qualification:

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

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

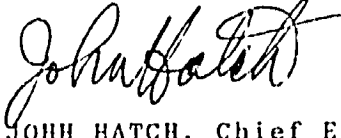
The hearing(s) will be at 2:00 pm, May 6, 1987, in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

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

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

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

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

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

NOTE: If the questionnaire(s) are received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-5181

April 15, 1987

2385-3
2746-3
4945-3

Clinton Bauer
RR #1 Box 111
Freeman, SD 57029

Dear Mr. Bauer:

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

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

If you have any questions, please contact us.

Very truly yours,

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



2746-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOV 14 1994

2746A-3

Clinton Bauer
RR 1, Box 174
Freeman, SD 57029

Dear Mr. Bauer:

Enclosed is Water License No. 2746A-3 and Receipt No. 414293 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 2746A-3 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

gm
enclosures

NOTE: The applicable portions of Water Permit No. 2746-3 have been incorporated into this Water License No. 2746A-3.