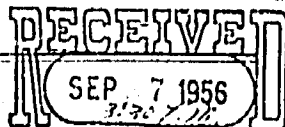


1. Considered Nov 13, 1956  
2. Name of Applicant William Brugel # 284-3  
3. Post Office Address Hamden, Conn  
4. Amount of water claimed 3.83 cfs  
5. Source of water supply Hamden River  
6. Water to be used for irrigation  
7. Acres to be irrigated 2.65  
8. Water to be diverted and used in Hamden County about  
2 miles NE of Hamden.  
9. Proof of Publication Received ☒  
Not Received ☐  
9. Application Approved ☒  
Subject to \_\_\_\_\_  
Not Approved ☐  
Action deferred ☐  
10. Remarks:



Water Division No. 284-5  
(Blanks to be Filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM.  
PIERRE, SOUTH DAKOTA

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

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

1. Name of applicant James Eugene BENTON BOYER  
Postoffice address Hawarden, County (Lives in Union Co. S. Dak.), State Iowa

- I. If a corporation \_\_\_\_\_
- (a) Name of same \_\_\_\_\_
- (b) Date and place of incorporation \_\_\_\_\_
- (c) Amount of capital stock \_\_\_\_\_
- (d) Amount paid in \_\_\_\_\_
- (e) Names and addresses of directors \_\_\_\_\_

(NOTE—A certified copy of articles of incorporation must accompany the application.)

- II. Method of accomplishing the work and financial resources of the applicant:
- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)  
Pump and pipe purchased and paid for by applicant.
- (b) Cash on hand, \$ \_\_\_\_\_ (c) Treasury stock, \$ \_\_\_\_\_
- (d) Bonds to be issued, \$ \_\_\_\_\_ (e) Other resources, \$ \_\_\_\_\_

2. Name of diversion work \_\_\_\_\_

3. Amount of water claimed 1000 gals per min cubic feet per second \_\_\_\_\_

4. Source of water supply Sioux River \_\_\_\_\_

5. Location of point of diversion at three points along Sioux River on Lots 1 and 4 Section 14, Township 24, Range 48 on Northwest bank Union County Texas

6. Annual period or periods during which water is to be used during growing season

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? (1) sprinkler

(a) Number of acres to be irrigated 210 acres 1, 2, 3

(b) Legal subdivisions to be irrigated SE 1/4 East of RR of 10-95-48, SW 1/4 NW 1/4 & LOTS 4, 5 & 6 of 11-95-48, Lot 1 of 14-95-48, NW 1/4 of 11-95-48

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) no domestic use

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use none  
Name any of the above uses claimed \_\_\_\_\_

(b) Amount of power to be generated none horse power.

Amount claimed for engine cooling none

(c) Location of plant none

(d) Method of developing power none

(e) Point where water will be returned to stream none

Map No. 207-3

## 8. Estimated cost of work:

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

(b) Pumping plant, \$ 1452.00

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

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

Rock, \$-----

(e) Other structures pipe and sprinklers \$ 5471.00

Total, \$-----

## 9. Description of diversion works.

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

pump

## II. Dimensions of works:

(a) Dam: Height none feet; length at bottom ----- feet; length at top -----

feet; thickness at bottom ----- feet; thickness at top -----

feet; slope at front water face -----; slope at back face -----

material used in construction -----

(b) Reservoir: Capacity when filled none acre feet. Surface area at highwater mark ----- acres.

| DEPTH AT<br>OUTLET-Feet | SURFACE AREA AT EACH<br>DEPTH AT OUTLET--ACRES | FEET | ACRE-Feet<br>CAPACITY |
|-------------------------|------------------------------------------------|------|-----------------------|
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |

(c) Head gate: Width none feet; height ----- feet;

Material -----

(d) Canal: Total length none miles.

| LOCATION BELOW<br>HEADGATE | DEPTH      | BOTTOM<br>WIDTH | WIDTH AT<br>WATER-LINE | GRADE<br>PER MILE |
|----------------------------|------------|-----------------|------------------------|-------------------|
| At ----- Mile              | ----- feet | ----- feet      | ----- feet             | ----- feet        |
| At ----- Mile              | ----- feet | ----- feet      | ----- feet             | ----- feet        |
| At ----- Mile              | ----- feet | ----- feet      | ----- feet             | ----- feet        |
| At ----- Mile              | ----- feet | ----- feet      | ----- feet             | ----- feet        |
| At ----- Mile              | ----- feet | ----- feet      | ----- feet             | ----- feet        |
| At ----- Mile              | ----- feet | ----- feet      | ----- feet             | ----- feet        |

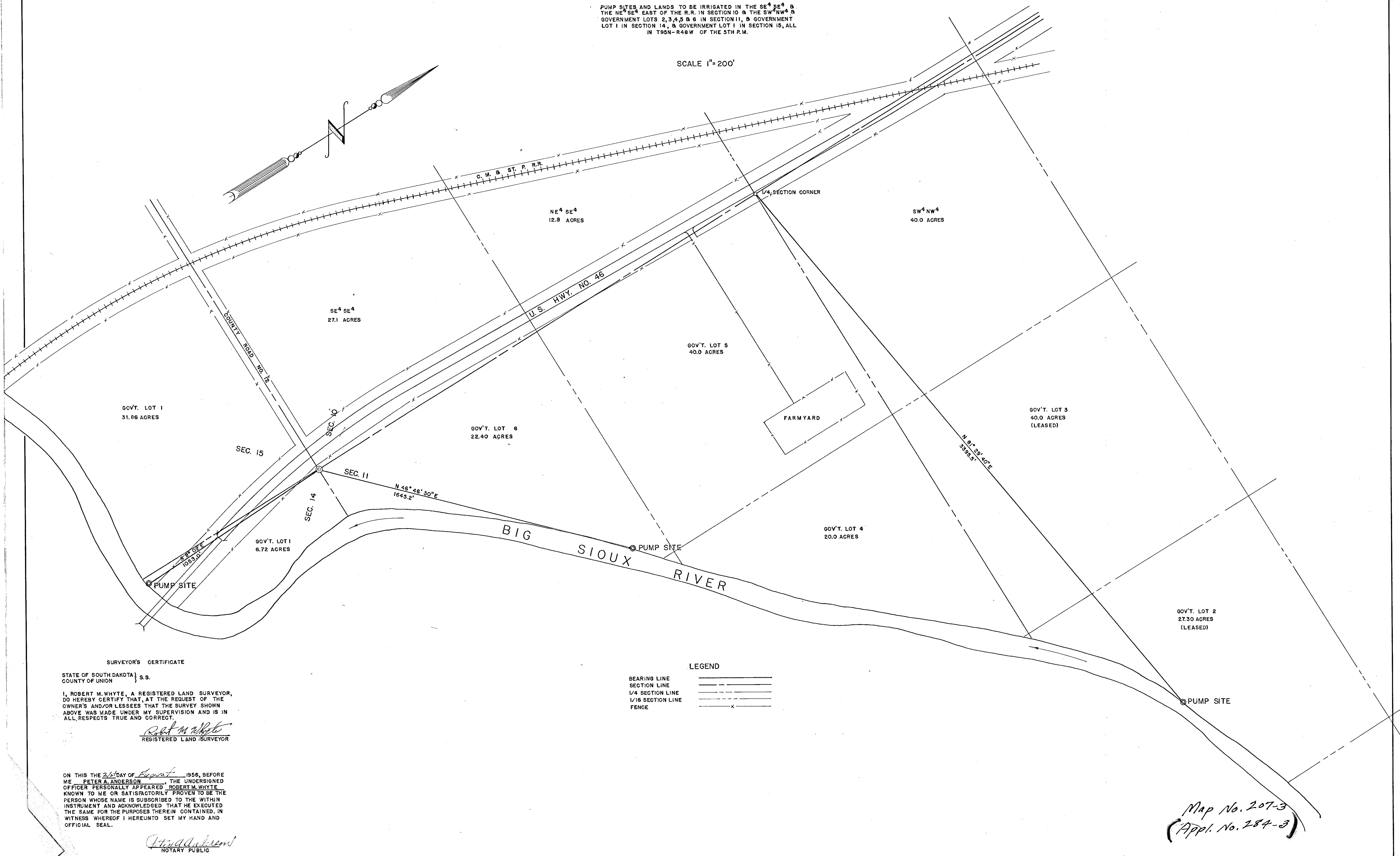
(Give dimensions where reductions in size are made.)

10. Time required for completion of work 2 days years.11. Time required for complete application of water to the proposed beneficial use indefinite years.12. Choice of newspaper for publication of notice of intention to appropriate -----  
Leader-Occurier, Elk Point, S. Dak.STATE OF ~~SOUTH DAKOTA~~ Iowa } ss.  
County of SicouI, Norman Bruget, being first duly sworn  
on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have  
read the above foregoing statement, examined the map accompanying the same, and that I know of my own  
personal knowledge that the matters therein stated and shown are true.Signed N. Norman BrugetSubscribed and sworn to before me this 14th day of August 19 56Emmerson M.  
Notary Public (or other qualified officer.)

# PLAT SHOWING

PUMP SITES AND LANDS TO BE IRRIGATED IN THE SE<sup>4</sup> SE<sup>4</sup> & THE NE<sup>4</sup> SE<sup>4</sup> EAST OF THE R.R. IN SECTION 10 & THE SW<sup>4</sup> NW<sup>4</sup> & GOVERNMENT LOTS 2, 3, 4, 5 & 6 IN SECTION 11, & GOVERNMENT LOT 1 IN SECTION 14, & GOVERNMENT LOT 1 IN SECTION 15, ALL IN T95N-R49W OF THE 5TH P.M.

SCALE 1"=200'



## SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA } S.S.  
COUNTY OF UNION

I, ROBERT M. WHYTE, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT, AT THE REQUEST OF THE OWNER'S AND/OR LESSEES THAT THE SURVEY SHOWN ABOVE WAS MADE UNDER MY SUPERVISION AND IS IN ALL RESPECTS TRUE AND CORRECT.

*Robert M. Whyte*  
REGISTERED LAND SURVEYOR

ON THIS THE 26th DAY OF August, 1956, BEFORE ME, PETER A. ANDERSON, THE UNDERSIGNED OFFICER PERSONALLY APPEARED ROBERT M. WHYTE, KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED, IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

*Peter A. Anderson*  
NOTARY PUBLIC

## LEGEND

BEARING LINE  
SECTION LINE  
1/4 SECTION LINE  
1/16 SECTION LINE  
FENCE

Map No. 207-3  
(Appl. No. 284-3)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

September 25, 1956

This is to certify that the foregoing application was received by the Commission at 3:30 o'clock

9 a.m. upon the 7 day of September, 1956

State Water Resources Commission

By:

J. H. Brinner

Chief Engineer, Executive Officer

Number of permit 284-3

Date of first receipt of application September 7, 1956

Date of return to applicant for correction, amendments or changes required as follows: September 14, 1956

Date of receipt of corrected application October 1, 1956

Date from which applicant may claim right September 7, 1956

Approved November 14, 1956, Recorded In Book 3 Page 242

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

May 14, 1957

2nd. The whole of said work is to be completed on or before November 14, 1957

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

November 14, 1958

4th. The water appropriated shall be used for the purpose of irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 3.83 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before November 14, 1958; said water to be used during described annual period:

April to October inclusive

Witness my hand this 28 day of December, 1956

State Water Resources Commission

By:

J. H. Brinner

Chief Engineer, Executive Officer

Certificate of Construction Issued DECEMBER 15, 1970

Water License Issued DECEMBER 15, 1970

Attached sheet to Application, Form 2, of Norman Bruget, Hawarden, Iowa.

The points of diversion shown on the Application, Form 2 as originally filed are not correct, but those on the map are correct, there being three points of diversion, with the locations to be Lot 1, Section 14 and Lots 2 and 6, Section 11, as shown on the map.

The land to be irrigated is incorrectly shown on the Application and is correctly shown on the map, with the acreages as shown on the map totalling 255.38 acres to be irrigated. The description of the land to be irrigated is as follows, as shown on the map:

218.18  
Lot 1, Sec. 15; Lot 1, Sec. 14; 35 $\frac{1}{2}$  East of RR,  
Sec. 10; SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and Lots 2, 3, 4, 5 and 6, Sec.  
11, all in T. 25N, R. 48W.

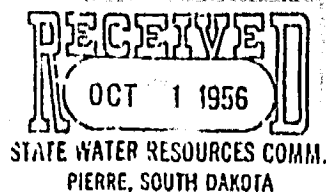
It is the intention of the applicant that his Applications be corrected to conform to the diversion points and acreages to be irrigated as set forth on this page, which are the same as those shown on the map.

Norman Bruget

STATE OF IOWA }  
SIOUX COUNTY } ss

Subscribed and sworn to before me by Norman Bruget this 28th day of September, 1956, at Hawarden, Iowa.

Emilie J. J.  
Notary Public, Sioux County, Iowa  
My commission expires July 4, 1957.



Form 15.

Permit No. 284-3

Water Diversion No. 3 BIG SIOUX RIVER Water District

**CERTIFICATE OF CONSTRUCTION**

This is to Certify, That Benton Boyer

\_\_\_\_\_ the holder \_\_\_\_\_ of  
Permit No. 284-3, issued upon Application No. 8 284-3, bearing date of priority of September 7,  
1956 authorizing the diversion of 3.83 cu. ft. per second of the waters of the  
Big Sioux River County of \_\_\_\_\_, State of South Dakota at  
n between a point 1053 feet, South 2° 02' East of the NW Corner, Section 14,  
and a point 3395.5 feet, North 81° 29' East of the W½ Corner, Section 11, all  
in T95N, R48W, for irrigation

purposes, has <sup>6</sup>\_\_\_\_\_ complied with the provisions of the laws of the State of South Dakota relating to proc<sup>o</sup> 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 2.68 cu. ft. per second of water.

Date December 15, 1970

WATER RESOURCES COMMISSION

By:

J.W. CRINES, Executive Officer

## STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 284-3

(1) WHEREAS, On the 7th day of September A. D. 19 56  
Norman Bruget

made Water Right Application No. 284-3 for a permit to use 3.83 cubic feet per second of the waters  
of the Big Sioux River

County of Union, State of South Dakota, for irrigation  
purposes, and

(2) WHEREAS, On the 28th day of December A. D. 19 56  
Permit No. 284-3, with a date of priority of September 7, 1956

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water  
supply system therein described on or before the 14th day of November A. D. 19 57 and for the  
application to beneficial use of said water on or before the 14th day of November A. D. 19 58,

and WHEREAS, on the 9th day of December, 1970, the Permit was  
transferred to Benton Boyer

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 2.68 cubic feet  
per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota  
relating to the application of water to beneficial use of the following extent,

for irrigating the following land in T95N, R46W

|            |                                   |           |
|------------|-----------------------------------|-----------|
| Section 10 | SE $\frac{1}{4}$ SE $\frac{1}{4}$ | 27 acres  |
|            | NE $\frac{1}{4}$ SE $\frac{1}{4}$ | 13 acres  |
|            | Lot 6                             | 22 acres  |
|            | Lot 5                             | 40 acres  |
|            | Lot 4                             | 20 acres  |
|            | SW $\frac{1}{4}$ NW $\frac{1}{4}$ | 40 acres  |
|            | Lot 3                             | 40 acres  |
|            | Lot 2                             | 6 acres   |
| Section 15 | lot 1                             | 32 acres  |
| Total      |                                   | 240 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 Penton Boyer

\_\_\_\_\_ of Hawarden, Town

the holder \_\_\_\_\_ and owner \_\_\_\_\_ of said permit No. 284-3 a water right, \_\_\_\_\_ from September 7, 1956

\_\_\_\_\_ to use of 2.68 cubic feet per second of the waters

of the Big Sioux River

in the County of Union and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinafter mentioned, to be diverted between a point 1053 feet, South 2° 02' East of the

NW Corner, Section 14, and a point 3395.5 feet, North 81° 29' East of the W½

Corner, Section 14, T95N, R48W

\_\_\_\_\_ portions of Sections 10 and 15, T95N, R48W, described on the

and conduct to and upon \_\_\_\_\_

face of this License.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

for the purpose of irrigation

\_\_\_\_\_

Subject to any limitations listed in Water Right Permit No. 284-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 15th day of December A. D.

Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

(First Publication before October 12, 1956)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., October 6, 1956

Notice is hereby given that Norman Bruget whose postoffice address is Hewarden, Iowa ~~has~~ has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.83 cubic feet of water per second of time from the Big Sioux River through the sprinkler system the point of diversion of which is to be located on the westerly bank of said stream between a point in Lot 2, Sec. 11, and a point in Lot 1 of Sec. 14 of the ~~section~~ Twp. 95N. Range 48W. Said water to be used for the purpose of providing irrigation on the following described land:

Sec. 11 and Lot 1, Sec. 14 north and west of the river;

Lot 1, Sec. 15 and SE $\frac{1}{4}$ , Sec. 10, north of the river and east

track of the C.M. & ST. P. Rwy. ~~purpose.~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 13th day of November, 1956, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

**J. W. Grimes,** Chief Engineer, Executive Officer

cc: **W. J. Ryan,** Publisher  
**The Leader-Courier**  
**Elk Point, South Dakota**

## PROOF OF PUBLICATION

RECEIVED  
NOV 5 1956STATE OF SOUTH DAKOTA }  
County Union } ss.STATE WATER RESOURCES COMM.  
PIERRE, SOUTH DAKOTA

## APPROPRIATION OF WATER

Office of State Water Resources Commission, Pierre, S. Dak., October 6, 1956.

Notice is hereby given that Norman Bruget whose postoffice address is Hawarden, Iowa, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.83 cubic feet of water per second of time from the Big Sioux River through the sprinkler system the point of diversion of which is to be located on the westerly bank of said stream between a point in Lot 2, Sec. 11, and a point in Lot 1 of Sect. 14 Twp. 95N Range. 48W. Said water to be used for the purpose of providing irrigation on the following described land:

Sec. 11 and Lot 1, Sec. 14 north and west of the river; Lot 1, Sec. 16 and SE 1/4, Sec. 10, north of the river and east of the C. M. & St. P. Rwy.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of November, 1956, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By: J. W. Grimes,

Chief Engineer, Executive Officer

(Pub. O. t. 11-18-25, Nov. 1)

----- Wm. J. Ryan ----- being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the -----

----- Leader Courier ----- a newspaper which during the whole time of publication of said notice hereafter stated, has been and is printed and published in the

----- City ----- of ----- Elk Point ----- County of ----- Union -----

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

October 11, 1956

October 18, 1956

October 25, 1956

November 1, 1956

in each and every issue of the full number thereof, the first publication being made on the 11th day of October 1956 and the last publication on the 1st day of

November 1956, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Manager ~~the printer~~ and publisher of the said newspaper.

Subscribed and sworn to before me this 15 day of October A. D. 1956

Notary Public Union County, S. D.

REPORT OF INVESTIGATION

Unlicensed Water Permits Authorized before January 1, 1964

Water Permit No. 2841-3 Approval Date Nov 14, 1956

This Permit authorized the diversion of 5.85 cubic feet  
per second of water from Sioux River to irrigate

268.18 acres in Section 11/4/14, Township 95N.  
Range 48W., County Union.

Name and Address shown on Permit Norman Bruehl  
Hawarden, Iowa

Name and Address of present owner of land Repton Byer  
Hawarden, Iowa

WATER PERMITS NOT CONSTRUCTED WITHIN THE FIVE YEAR PERIOD ARE  
SUBJECT TO CANCELLATION BY ACTION OF THE WATER RESOURCES COMMISSION

Indicate the following:

1. The irrigation system was never started nor was not completed.  
The present landowner has been informed that cancellation of  
Water Permit No. \_\_\_\_\_ will be considered by the Water  
Resources Commission and he will be notified of the date, time  
and place of such consideration. \_\_\_\_\_
2. Some questions exists and further consideration is advisable.  
\_\_\_\_\_
3. ☒ The irrigation system was completed within the five year period  
and is being used. A final inspection should be scheduled.  
\_\_\_\_\_

REMARKS: Ready for Final Ins. tion -  
Contact Date 7-31-69

Signature Wm G Elliott Jr.

## NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Resources Commission  
 State Office Building No. 2  
 Pierre, South Dakota 57501

Date October 27, 19

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

SW $\frac{1}{4}$ , Section 11, west of Big Sioux River. S $\frac{1}{2}$  NW $\frac{1}{4}$  and lot 2, Section 11,

Lot 1, Section 14; Lot 1, Section 15. SE $\frac{1}{4}$  Section 10, 1 $\frac{1}{2}$  mi. east

of C.M. & St. Paul R.R., all in T95N, R48W

formerly owned by Norman Bruget, Hawarden, Iowa

has been transferred to Benton Boyer, Hawarden, Iowa

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 284-3 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

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

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA

County of \_\_\_\_\_

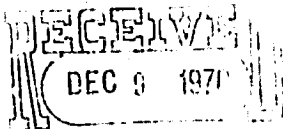
) ss.

I, Benton B Boyer 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.

(Signed)

Subscribed and sworn to before me this 27th day of Dec, 1970

(Notary Public)



STATE WATER RESOURCES COMMISSION

Fee letter sent: 10/27/70

to Benton Boyer, Hawarden  
Present owner (with letter  
of Transfer)Permit No. 284-3Water Division 3 SIOUX RIVER Water DistrictREPORT OF EXAMINATION OF WORKS  
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Norman Bruget  
Hawarden, Iowa holder  
 of Permit No. 284-3, hearing date of priority of September 7, 1950  
 authorizing the diversion of 3.83 cu. ft. per second of the waters of the Big Sioux River  
 for irrigation purposes, in Union 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:  
 Marlow Centrifugal pump - 4 inch - mod. 4 EIS  
 Ford Industrial Engine - Gasoline, 292 cu.in. - 92 HP

B. Works used to transport water to place of use,  
 1/2 mile of 6 inch aluminum main line  
 1/2 mile of 5 inch aluminum main line  
 1/4 mile of 4 inch aluminum main line

C. Works used to apply water to beneficial use.

1/4 mile of sprinkler pipe, 4 inch  
 1/4 mile of 4 inch aluminum gated pipe  
 Dikes for flood irrigation

The system is in the following condition: good

The point of diversion is located between a point 1053 feet South 2° 02' East of the NW  
corner of Sec. 14 and a point 3395.5 N. 81° 29' E of W $\frac{1}{2}$  Corner of Section 11,  
all in T95N, R48W

The works are capable of diverting and conveying to the place of use 2.68cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: All in T95N, R48W

|                                                |          |                                                |          |
|------------------------------------------------|----------|------------------------------------------------|----------|
| Lot 1, Section 15                              | 32 acres | Lot 5, Section 10                              | 40 acres |
| SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 10 | 27 acres | Lot 4, Section 10                              | 20 acres |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 10 | 13 acres | SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 10 | 40 acres |
| Lot 6, Section 10                              | 22 acres | Lot 3, Section 10                              | 40 acres |
|                                                |          | Lot 2, Section 10                              | 6 acres  |

comprising a total of 240 acres of land.

This land is now owned by Benton Boyer, Hawarden, Iowa

Date October 21, 1970

Donald Driscoll  
 (Signature)

DONALD DRISCOLL, Deputy Chief Engineer  
Water Resources Commission

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

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

March 23, 1987

BENTON BOYER  
RR #2 BOX 54  
HAWARDEN, IA 51023

**NOTICE**

Re: Violation of Requirement To Submit 1986 Irrigation  
Questionnaire

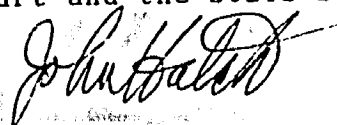
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 284-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of 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 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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). 284-3 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.

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

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

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

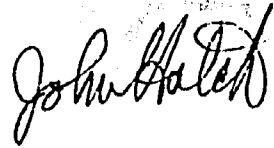
Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

May 13, 1987

**NOTICE OF AMENDMENT TO WATER PERMIT(s)**

**TO:** BENTON BOYER  
RR #2 BOX 54  
HAWARDEN, IA 51023

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



**SUBJECT:** Amendment to Water Permit No(s). 284-3

Pursuant to the provisions of the notice dated March 23, 1987, and following the Hearing May 6, 1987, the Water Management Board has amended Water Permit No(s). 284-3 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.

Attachment to Water Permit No. 284-3

Pursuant to the provisions of the notice dated March 23, 1987 and following the Hearing May 6, 1987, the Water Management Board has amended Water Permit No. 284-3 to add the following qualification:

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

**SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. See 2. ☐ Restricted Delivery.

|                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3. Article Addressed to:<br>Benton Boyer<br>R.R. 2, Box 54<br>Hawarden IA 51023                                                                                                                        | 4. Article Number:<br>P 576 309 701<br>Type of Service:<br><input type="checkbox"/> Registered <input type="checkbox"/> Insured<br><input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD<br><input type="checkbox"/> Express Mail<br>Always obtain signature of addressee or agent and <b>DATE DELIVERED</b> . |
| 5. Signature - Addressee<br><input checked="" type="checkbox"/> <i>[Signature]</i><br>6. Signature - Agent<br><input checked="" type="checkbox"/> <i>[Signature]</i><br>7. Date of Delivery<br>5-15-87 | 8. Addressee's Address (ONLY if requested and fee paid)                                                                                                                                                                                                                                                                             |

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

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

January 29, 1988

BENTON BOYER  
RR #2 BOX 54  
HAWARDEN, IA 51023

**NOTICE**

Re: Violation of Water Permit No(s). 284-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 284-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 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). 284-3 qualification:

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

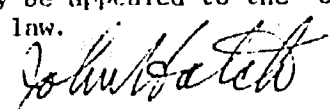
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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). 284-3 until either the 1987 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 March 2 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

February 18, 1988

284-3

Benton Boyer  
RR 2, Box 54  
Hawarden IA 51023

Dear Mr. Boyer:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 284-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,



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



BENTON BOYER  
RR #2 BOX 54  
HAWARDEN IA 51023

NOTICE

RE: Violation of Water Permit No(s) 284-3

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 284-3. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 284-3 qualification:

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

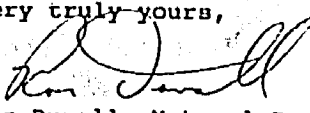
The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 284-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before April 1, 1994, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

  
Ron Duvall, Natural Resources Engineer IV  
Water Rights Division  
605 773-3352

284-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

BENTON BOYER  
RR #2 BOX 54  
HAWARDEN IA 51023

5. Signature (Addressee)

6. Signature (Agent)

284-3

4a. Article Number

P837 692 588

4b. Service Type

- ☐ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

2-18-94

8. Addressee's Address (Only if requested and fee is paid)

I also wish to receive the following services (for an extra fee):

1. ☒ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

Thank you for using Return Receipt Service.

PS Form 3811, December 1991 ☆ U.S.G.P.O.: 1992-307-530

**DOMESTIC RETURN RECEIPT**



284-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

February 24, 1994

284-3

Benton Boyer  
RR #2 Box 54  
Hawarden, IA 51023

Dear Mr. Boyer:

I am writing to acknowledge receipt of your 1993 irrigation questionnaire. You may disregard the February 16, 1994, Notice of Violation of Water Permit No. 284-3.

The questionnaire was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath  
Environmental Scientist  
Water Rights Division  
(605) 773-3352



284-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 16, 2002

NOTICE

TO: BENTON BOYER, 29856 SD HWY 46, HAWARDEN, IA 51023 8000  
FROM: Ron Duvall, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 284-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 284-3 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 284-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

284-3

**SENDER COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BENTON BOYER  
29856 SD HWY 46  
HAWARDEN IA 51023 8000

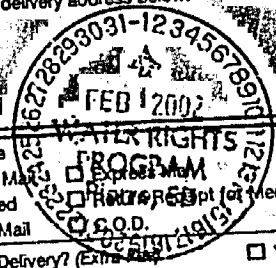
**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) Luke Boyer B. Date of Delivery 1-30-02

C. Signature [Signature] ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☒ Yes ☐ No  
If YES, enter delivery address below:

3. Service Type  
☒ Certified Mail ☐ Registered Mail  
☐ Registered Mail ☐ Insured Mail  
☐ Restricted Delivery (Extra Fee) ☐ Yes



7001 2510 0004 4797 4548

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



284-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3117  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 30, 2002

284-3

Luke Boyer  
403 16<sup>th</sup> St  
Hawarden, IA 51023

Dear Mr. Boyer:

I am writing to acknowledge receipt of the 2001 irrigation questionnaire for Benton Boyer. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right No. 284-3.

I completed a questionnaire for you based on our January 30<sup>th</sup> telephone conversation. The information was received in our office prior to the Water Management Board meeting and has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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

Genny McMath  
Environmental Scientist  
Water Rights Program  
(605) 773-3352



284-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

August 6, 2012

Dear Water Right Holder;

Due to low flows I am advising water right holders on the Big Sioux River of the possibility of shutoff orders in 2012 for the river reach from Watertown through Sioux Falls. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Big Sioux River basin remain well below the historical average. The forecast for improved conditions for the near future is not favorable.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing real-time river flows at 159 stream gauging stations across the state including three gages sites on the Big Sioux River. To access this information go to <http://waterdata.usgs.gov/sd/nwis/rt> and click on the link "Statewide Streamflow Current Conditions Table".

Thank you for your cooperation. If you have any questions, please contact Lynn Beck or Mark Rath at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer  
Water Rights Program

# CERTIFICATION

I hereby certify that on August 6, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated August 6, 2012 regarding shut off warnings on Big Sioux River addressed as stated below:

| permitno                         | fname                           | lname                                       | addrss2                                  | city           | state | zip   |
|----------------------------------|---------------------------------|---------------------------------------------|------------------------------------------|----------------|-------|-------|
| 1696-3                           | DONALD G                        | AHLERS                                      | 22920 SD HWY 13                          | FLANDREAU      | SD    | 57028 |
| 5530-3                           | TERRY & DENISE                  | ANDERSON                                    | 47558 237TH ST<br>26534 N SHORE<br>PLACE | TRENT          | SD    | 57065 |
| 6192-3                           | BERNE B                         | BAHNSON                                     | PO BOX 366                               | HARTFORD       | SD    | 57033 |
| 3806-3                           | BERNARD                         | BERGDALE                                    | 47948 232ND ST                           | ALCESTER       | SD    | 57001 |
| 1175-3                           | HAROLD                          | BOEVER                                      | 4162 BIRCH AVE                           | FLANDREAU      | SD    | 57028 |
| 4895-3                           | BILL B                          | BOYER                                       | 403 16TH ST                              | HAWARDEN       | IA    | 51023 |
| 284-3                            | LUKE                            | BOYER, MGR                                  | 24482 482ND AVE                          | HAWARDEN       | IA    | 51023 |
| 7110-3                           | BRIAN                           | BURKHART                                    | 32650 480TH AVE                          | DELL RAPIDS    | SD    | 57022 |
| 5760-3                           | BRIAN                           | CHICOINE                                    | 29509 488TH AVE                          | ELK POINT      | SD    | 57025 |
| 2255-3                           | JAMES H                         | COLE                                        | 47364 GOLF VIEW<br>DR                    | HUDSON         | SD    | 57034 |
| 6124-3                           |                                 | DELLS ROCKY RUN GOLF COURSE                 |                                          | DELL RAPIDS    | SD    | 57022 |
| 4969-3                           | JOHN GILMAN                     | FRAZIER FARMS                               | BOX 423                                  | PARKSTON       | SD    | 57366 |
| 4969-3                           | JOHN<br>TROY D & SANDY<br>F     | GILMAN                                      | 4162 BIRCH                               | HAWARDEN       | IA    | 51023 |
| 249-3                            | DARREN &<br>ALLISON             | HAHN                                        | 6762 SMITH DR                            | WENTWORTH      | SD    | 57075 |
| 2065-3                           |                                 | HAMILTON                                    | 22615 480TH AVE                          | FLANDREAU      | SD    | 57028 |
| 2952-3, 956-3                    | WAYNE                           | HEADRICK                                    | 47926 SD HWY 32                          | FLANDREAU      | SD    | 57028 |
| 279-3                            | ROBERT                          | JAGER, MGR                                  | 48495 299th ST                           | HAWARDEN       | IA    | 51023 |
| 1350-3,<br>6042-3                | RAYMOND D                       | JENSEN                                      | 24348 478TH AVE                          | HAWARDEN       | IA    | 51023 |
| 1302-3                           | LARRY J                         | JORGENSEN                                   | 24048 477TH AVE                          | DELL RAPIDS    | SD    | 57022 |
| 1500-3, 213-3                    | TED                             | LACEY                                       | 24064 478TH AVE                          | TRENT          | SD    | 57065 |
|                                  | EUGENE                          | MOLLET                                      | 48011 332ND ST                           | TRENT          | SD    | 57065 |
| 3433-3                           | VIRGIL L                        | MOLLET JR                                   | 47991 334TH ST                           | JEFFERSON      | SD    | 57038 |
| 1801-3                           | GAIL                            | MUNK                                        | 803 DAKOTA                               | JEFFERSON      | SD    | 57038 |
| 113-3                            | PATTI                           | NASH                                        | 21660 469TH AVE                          | DELL RAPIDS    | SD    | 57022 |
| 3914-3                           | OMAR F                          | PETTERSON                                   | 48378 276TH ST                           | BROOKINGS      | SD    | 57006 |
| 2350-3                           |                                 | RIVER VALLEY FARMS                          | PO BOX 486                               | CANTON         | SD    | 57013 |
| 1801-3                           | HARVEY<br>JOHN T &<br>MELISSA R | SCHMIDT, OPERATOR                           | 47528 244TH ST                           | ALCESTER       | SD    | 57001 |
| 1454-3                           |                                 | SCHUTTE                                     | 47973 W 5TH ST<br>47844 COUNTY RD<br>1B  | DELL RAPIDS    | SD    | 57022 |
| 5814-3                           | PATRICK V                       | WALSH, OPERATOR                             | 11726 NORWAY ST<br>NW                    | CANTON         | SD    | 57013 |
| 597-3                            | DAN & JUDY                      | WHIPPLE<br>WILLOW RUN MANAGEMENT<br>COMPANY | 8000 E HWY 42                            | ELK POINT      | SD    | 57025 |
| 5055-3                           |                                 | XCEL ENERGY                                 | 7100 E RICE ST                           | COON<br>RAPIDS | MN    | 55448 |
| 519-3A                           |                                 | NORTHERN STATES POWER<br>COMPANY            | 414 NICOLLET MALL                        | SIoux FALLS    | SD    | 57110 |
| 43-3, 519-3<br>5698-3,<br>6210-3 | GREG ANDERSON                   | CITY SIOUX FALLS                            | 224 W 9TH ST                             | SIoux FALLS    | SD    | 57110 |

Gail Jacobson

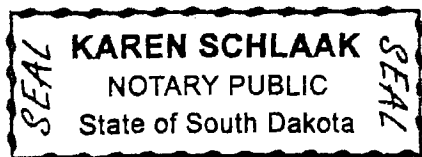
Gail Jacobson  
Secretary/Water Rights

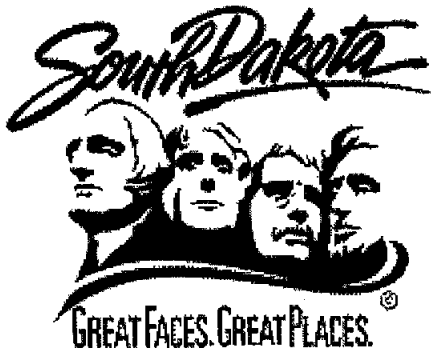
STATE OF SOUTH DAKOTA     )  
                                          ) SS  
COUNTY OF HUGHES         )

Sworn to, before me, this 4<sup>th</sup> day of August, 2012.

Karen Schlaak

Karen Schlaak  
Notary Public  
My Commission expires April 1, 2013





DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

January 31, 2018

284-3

BENTON BOYER  
29856 SD HWY 46  
HAWARDEN IA 51023

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear MR BOYER,

I am writing to inform you of an effort the SD Dept. of Environment and Natural Resources Water Rights Program is undertaking to review and update a number of water right permits authorized to pump water from the Big Sioux River. Since your water right does not have a bypass qualification, we **are not** proposing to amend your permit by adding a bypass qualification. However, I do want to make you aware of what we are proposing for several other junior priority Big Sioux River permits.

When a number of these Big Sioux River permits were issued, they contained a qualification requiring a minimum flow bypass before the user is able to pump water from the river. The bypass qualification was placed on these permits to protect the use of water by downstream senior priority water right holders and domestic water users, which includes livestock watering. The review found, with the passage of time, a number of senior water right permits have been cancelled due to abandonment or forfeiture. Consequently, it may be possible to lower the flow bypass limitation on the remaining permits. In other words, the amount of flow in the river can be lower and pumping will still be allowed. The review also found an inconsistency between permits on where the bypass flow is to be measured. The intent of this effort is to standardize and make consistent the bypass requirements for the remaining water users.

In order to amend a qualification on an existing water right permit, formal action by the SD Water Management Board is needed. In the next few weeks, you can expect to receive official notification scheduling a hearing before the Water Management Board. Again this does not pertain to amending your permit, only junior permit holders. If you wish to participate in the hearing you can, but you are not required to. There will be instructions with the notification on how to participate in the hearing if you so choose.

If you have any questions concerning this effort, please contact Mark Rath of the Water Rights Program at phone (605) 773-3352.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeanne Goodman". The signature is fluid and cursive, with a large, stylized "J" and "G".

 Jeanne Goodman, Chief Engineer  
Water Rights Program



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 12, 2018

284-3

Benton Boyer  
29856 SD Hwy 46  
Hawarden IA 51023

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear Mr. Boyer:

The SD Department of Environment and Natural Resources (DENR) has evaluated the minimum flow bypass condition on water rights that pump from the Big Sioux River. The Chief Engineer is recommending amending the bypass qualification on 21 Big Sioux River water rights. The intent is to bring uniformity to the bypass requirement placed on water rights in past years. The water right you own or operate does not have a bypass qualification and will not be amended by the proposed action.

Even though your water right is not being amended, DENR wants to keep you informed of the proposed action since it involves the Big Sioux River. Enclosed is a notice to be published on or before February 15, 2018, in one newspaper from each of the seven counties that the Big Sioux River flows through. Also, the staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Mark Rath at 605 773-3352 or [mark.rath@state.sd.us](mailto:mark.rath@state.sd.us).

A hearing before the Water Management Board is scheduled at 11:30 AM, Wednesday, March 7, 2018 in the Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. The enclosed notice provides information on the hearing and ability to file a petition in either support or opposition to the proposed amendment. The filing of a petition must be postmarked by February 26, 2018. Additionally filing a petition affords you the opportunity to participate in the March 7<sup>th</sup> hearing before the Board if you choose.

Again, this does not pertain to amending your water right, only junior water right holders with existing bypass requirements. If you have questions, please call. DENR is willing to work to answer any questions.

Sincerely,

Eric Gronlund  
Water Rights Program, DENR  
605 773-3352  
[Eric.gronlund@state.sd.us](mailto:Eric.gronlund@state.sd.us)

enclosure



284-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

August 15, 2019

284-3

Luke Boyer  
403 16<sup>th</sup> St  
Hawarden IA 51023

Dear Mr. Boyer:

Thank you for calling me back about the ownership records for Water Right No. 284-3.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. If agreeable to all of you, it is fine to put all five names on the transfer form and then use your address for mailing.

Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the water right in the event you do not have one. The entire administrative record can be found on our website if you would like to review it sometime. Just go to **<https://denr.sd.gov/des/wr/wr.aspx>**

Once you are at the website, go along the left side of the page to "databases" and click on "water rights". From there you can enter in the water right number and review the pdf of the file.

If you have any questions, please let me know.

Sincerely,

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

enclosures

RECEIVED

SEP 09 2019

WATER RIGHTS  
PROGRAM

## NOTICE OF TRANSFER OF OWNERSHIP

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

No. 284-3

Date: \_\_\_\_\_

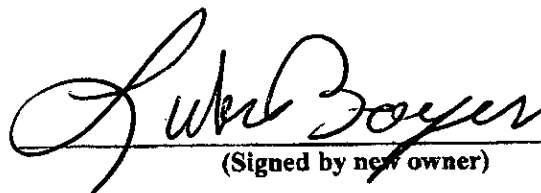
I/We request that Water Right No. 284-3formerly owned by: Benton Boyerbe transferred to: (name & address) Lois Boyer Land LLC  
403- 1651 Hawarden Iowa 51023Telephone No. 712-552-2346 <sup>57100</sup>Title to the following described land(s)/property has been transferred as described above: Cell  
Luke 712 551  
6550240 acres - E 1/4 SE 1/4, Lots 2, 3, 4, 5 & 6, SW 1/4 NW 1/4 Section 10 and Lot 1 Section 15,All in T95N, R48W

I/We understand that the validity of Water Right No. 284-3 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 Lois Boyer Land LLC the new owner, certify that the above information is true and correct.  
Bg Luke Boyer

  
(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 September 20, 2019

RECEIVED OF Benton Boyer Land LLC 403 16th St Hawarden IA 51023

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

|                                                                                                                |       |       |
|----------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use |       |       |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                   |       |       |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                         |       |       |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____            |       |       |
| Fee for Filing Transfer Form <u>284-3</u>                                                                      | 50    | 00    |
| 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. 09209

By

Jeanne Goodman  
Chief Engineer  
JH



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

September 24, 2019

284-3

Luke Boyer  
403 16<sup>th</sup> St  
Hawarden IA 51023

Dear Mr. Boyer:

Thank you for sending in the transfer form and filing fee for updating ownership of Water Right No. 284-3.

The ownership change has been completed. Water Right No. 284-3, formerly held by Benton Boyer, is now listed in the name of Lois Boyer Land LLC.

Enclosed for your records is Receipt No. 09209 in the amount of \$50 which you paid for filing the ownership change. If you have any questions, please let me know.

Sincerely,

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

enclosure