

2884-3

1. Considered 9-29, 1976
2. Name of Applicant DON W. MILES
3. Post Office Address TURTON
4. Amount of water claimed .57
5. Source of water supply RUN OFF (58 AC FT STORAGE)
6. Water to be used for IRRIGATION
Acres to be irrigated 40
7. Water to be diverted and used in SPINK County
about 56.1E miles of TURTON
8. Proof of Publication Received 9-14-76
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 2884-3Map No. 2217-3 Water Division No. 3 JAMES RIVER
(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 Don W. Miles
 Postoffice address Tuxton State S. D. 57477
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Employment of others
3. Name of diversion work Water Storage Dam
4. Amount of water claimed (cubic feet per second) 58 Acres Feet
5. Source of water supply Runoff
6. Location of point of diversion SW 1/4 NE 1/4 32-118-60

- County SPINK
7. Annual period or periods during which water is to be used June 15 Sept 15
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 40

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>W 1/2, W 1/2 NE 32-118-60</u>	<u>20</u>		
<u>E 1/2, W 1/2 NE 32-118-60</u>	<u>20</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use 1 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Dakota Times Record
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source. Water Storage DamB. Works proposed to transport water to place of use. Pump & pipelineC. Works proposed to apply water to beneficial use. Sprinkler IrrigationEstimated Total Cost \$ 9,000Attachments: 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 SPINK)I, DON W. MILES 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 Don W. Miles
 Subscribed and sworn to before me this 4th day of August 1976
[Signature]
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approve Water Right Application No. 2884-3

DON W. MILES

(Applicant)

TURTON

(Post Office Address)

SOUTH DAKOTA 57477

(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 58 ACRE FEET OF WATER ANNUALLY.

Date of first receipt of application AUGUST 5, 19 76

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

Date of receipt of corrected application —, 19 —

Approved SEPTEMBER 29, 19 76, Recorded in Book 16 Page 23

WATER RIGHT PERMIT NO. 2884-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2884-3 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 a applicant may claim right is AUGUST 5, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 29, 19 77
3. The whole of said work is to be completed on or before SEPTEMBER 29, 19 77
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 29, 19 78
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 .57 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 SEPTEMBER 29, 19 78; said water to be used during the following described annual period:

Witness my hand this 23RD day of NOVEMBER, 19 76

WATER RIGHTS COMMISSION

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19 —

Water License Issued —, 19 —

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type _____, Diameter _____, Length _____
- (4) Gravel Pack. Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

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

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

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

On same owner's property _____ rds. On property owned by others _____ rds.

G. Water Storage Dams.

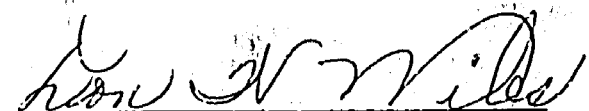
If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map. See Map

11' Dam

9' Water

13 Area Water

58 Acre-Feet Water Storage


Signature of Applicant

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Spink) ss.

I, Don W. Miles hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the The Spink Record

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

State of South Dakota

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

Sept 9, 1976
Sept 16, 1976

Don W. Miles
(Signature)

Publisher of the Spink Record
(Title)

Sept 10, 1976
(Date Signed)

Notice

DEPARTMENT OF NATURAL
RESOURCES DEVELOPMENT

NOTICE OF INTENT TO
APPROPRIATE WATER
No. 2884-3

Publish first publication on
or before September 16, 1976.

NOTICE OF
INTENTION TO
APPROPRIATE WATER

Pierre, South Dakota 57501
August 25, 1976

Notice is hereby given that
Don W. Miles whose post of-
fice address is Turton, South
Dakota, has made an ap-
plication in accordance with the
provisions of the water laws
of South Dakota for a permit
to appropriate for beneficial
use 57 cubic feet of water
per second of time from local
runoff through the Miles Dam,
the point of diversion of which
is to be located in the

SW 1/4 NE 1/4
of Section 32, Twp. 118N,
Range 60W, S. 1 water to
be used for the purpose of pro-
viding irrigation. Portions
of the following described land:
W 1/2 NE 1/4, Section 32,
T118N, R60W, S. 1

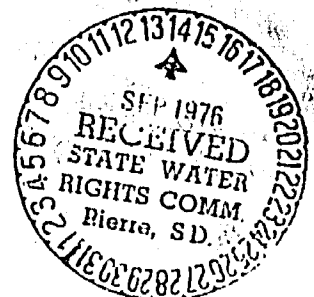
This application No. 2884-3
will be considered by the Water
Rights Commission at their of-
fice at Pierre upon the 29th
day of September, 1976,
at 10:00 A. M. All inter-
ested persons may appear and
be heard.

WATER RIGHTS COMMISSION
BY:
Burton F. Jones

Water Rights Specialist
BFG/bw

cc:
Don W. Miles, Turton, S.
D. 57477

Publish first publication, on
or before September 16, 1976.



No. 2884-3Publish first publication, on or before September 16, 1976NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

August 25, 1976

Notice is hereby given that Don W. Miles
whose post office address is Turton, 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
.57 cubic feet of water per second of time from the local runoff through the
Miles Dam, the point of diversion of which is to be located in the _____

SW 1/4 NE 1/4

of Section 32, Twp. 118N, Range 60W. Said water to be used for the purpose
of providing irrigation on ^{portions of} the following described land:

W 1/2 NE 1/4, Section 32, T118N, R60W

This application No. 2884-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 29th day of September, 1976, at 10:00 A. M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

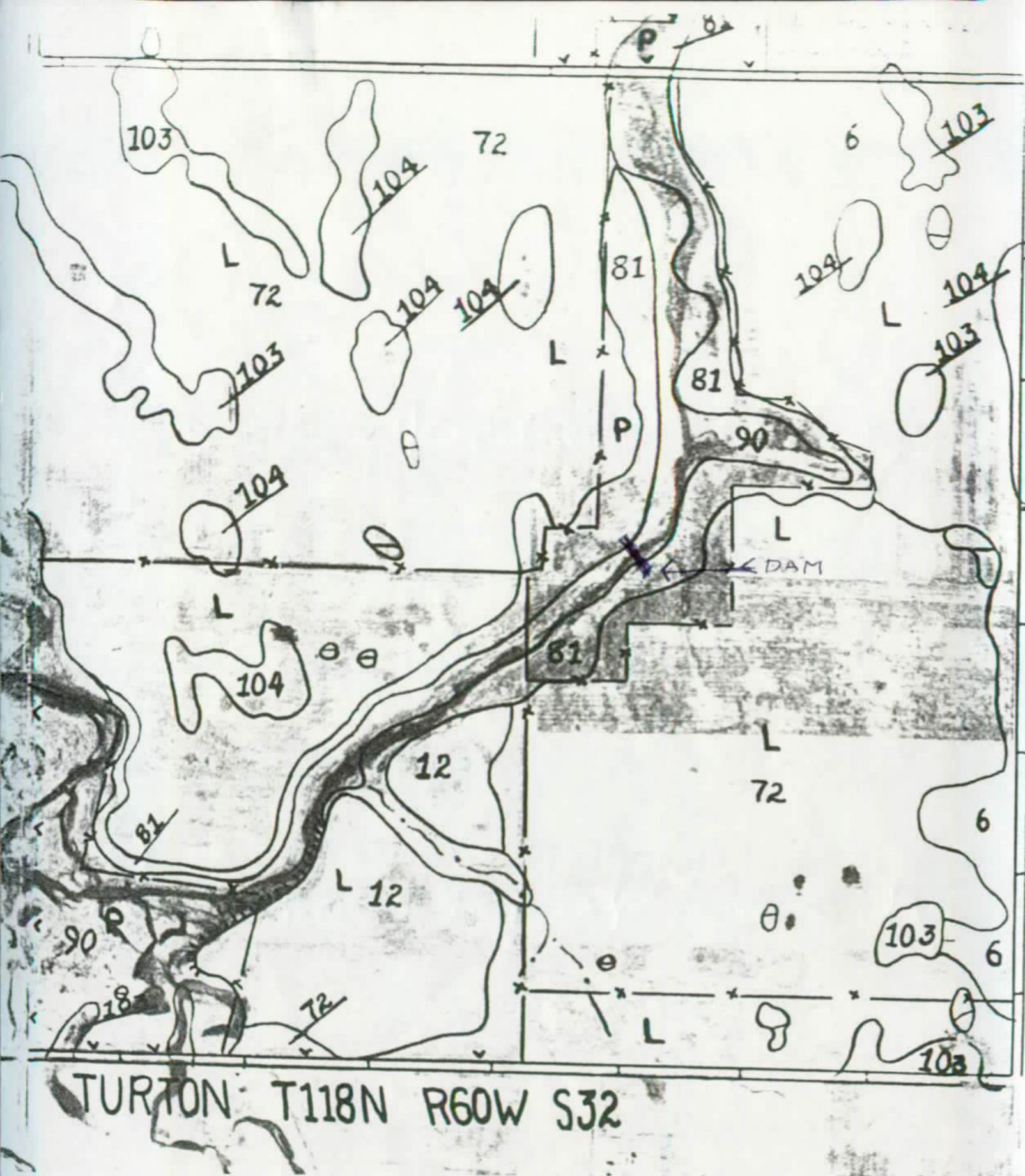
By:

BURTON F. JONES
Water Rights Specialist

BFJ/LW

cc:

Don W. Miles, Turton, S.D. 57477



Obsolete Information

USDA - SCS

Elmer M. Ward
District Conservationist



MAP NO. 2217-3 APP. NO. 2584-3

TURTON T118N R60W S32

NOT TO SCALE

2884

118-60

156.7

21.0

17.7

63.9

← 660 ft →

20

40

20

1,750 ft

13.6 ac

8.0

32

58.5

679-81R

5.5

48.6

146.6

Ron Duvall

Water Resources Eng.

10/2/84

NC

118-60

James River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Don W. Miles
 of Box 96, Turton, SD 57477 holder of
 Permit No. 2884-3, bearing the priority of August 5, 19 76 authorizing
 the diversion of .57 cu. ft. per second of the waters of a dry draw
 for irrigation purposes, in Spink County.

I have to report on the conditions of the same as follows:

- A. Works used to divert the water:
 pump: PTO drive Berkeley, imp. 10 7/16 in.
S.N. 7735419
M.N. B3ERBL ccw
4 in. intake
- B. Works used to transport water to place of use:
 pipeline: size - 8 in.
type - Aluminum
length - 1440 ft
- C. Works used to apply water to beneficial use:
Water Winch - ww-45-M
make - Ag-Rain Inc. capacity - 900 gpm
S.N. - 1752 hose size - 4 1/2 in
nozzle - 1.4 in. hose length - 660 ft

The system is in the following condition good**Dam information**

height to crest 12 ft.
 height to spillway 11 ft.
 crest width 9 ft.
 crest length 240 ft.
 spillway length 300 ft.
 spillway width 30 ft.
 approx. storage 58 ac-ft

Outlet tube thru fill ± 27 ft
 diam. - 2 ft
 type - culvert
 valved - no

The point of diversion is located storage dam : 1750 ft. N and 660 ft. E from the
center of sec. 32 - T118N-R60W

The works are capable of diverting and conveying to the place of use 2.00

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:

	Acre
<u>NW 1/4 NE 1/4 sec 32 - T118N-R60W</u>	<u>24.2</u>
<u>SW 1/4 NE 1/4 "</u>	<u>12.4</u>

comprising a total of 36.6 acres of land and the license should be issued for .52 cfs

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: _____ Date Oct 2, 1984

Ron Duvall
 (signature)

LICENSE FOR PERMIT NUMBER 2884-3

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____

b) model _____ b) model no. _____

c) size _____ c) horsepower rating _____

d) capacity _____ GPM d) motor efficiency rating _____

e) turbine pump _____

no. of stages _____

3. Distribution lines:

a) size of lines 8 in

b) type Aluminum

c) length 1440 Ft.

4. Dam information:

a) height to crest 12 Ft

b) height to spillway 11 Ft

c) crest width 9 Ft

d) crest length 240 Ft

e) spillway length 300 Ft

f) spillway width 30 Ft

g) approx. storage 58 ac - Ft.

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

i) Outlet tubes: culvert thru fill ± 27 Ft.

1) diameter 2 Ft

2) type culvert

3) valued (Y/N) no

4) valve type _____

5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

5. System Type: c) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

g) Gun Water Winch WW-45-M

- 1) make Ag - Rain Inc.
- 2) serial number 1752
- 3) nozzle size 1.4 in.
- 4) capacity (GPM) 900
- 5) PSI _____
- 6) hose size 4 1/2 in.
- 7) hose length 660 ft

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES NO Check Items

- | | | |
|-------|-------|---|
| _____ | _____ | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit. |
| _____ | _____ | 2. Special Qualifications to permit being abided by. |
| _____ | _____ | 3. All Structures, wells and lands on map. |

REMARKS:

pump: PTO driven Berkeley

S.N. 7735419

M.N. B3ERBL CCW

imp. 10 7/16 in.

4 in. intake



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 2884-3

January 10, 1985

Don W. Miles
Turton, South Dakota 57477

Dear Mr. Miles:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 2884-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

SECOND NOTICE

March 20, 1985

Permit No. 2884-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Don W. Miles
Turton, South Dakota 57477

Dear Mr. Miles:

January 10, 1985 you were notified the final inspection fee of \$50.00 is due before Water License No. 2884-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

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

ES08.WR

PS Form 3811, Dec. 1980

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space
on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☒ Show to whom and date delivered —¢
☐ Show to whom, date, and address of delivery.. —¢
 2. ☐ **RESTRICTED DELIVERY** —¢
 (The restricted delivery fee is charged in addition to
the return receipt fee.)

TOTAL \$

3. ARTICLE ADDRESSED TO:

Don W. Miles
Turton SD 57477

- | | |
|--|----------------------|
| 4. TYPE OF SERVICE: | ARTICLE NUMBER |
| ☐ REGISTERED ☐ INSURED | <i>P 404 786 638</i> |
| ☐ CERTIFIED ☐ COD | |
| ☐ EXPRESS MAIL | |

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Don Miles

5. DATE OF DELIVERY

6. ADDRESSEE'S ADDRESS (Only if requested)

POSTMARK
MAR 22 1985

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

S.H.

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

July 8, 1985

Third Notice
Permit No. 2884-3

NOTICE OF ORDER TO STOP DIVERTING WATER
UNDER PERMIT NO. 2884-3 FOR FAILURE
TO SUBMIT WATER LICENSE INSPECTION FEE

Don W Miles
Turton SD 57477

Dear Mr. Miles:

January 10, 1985 and March 20, 1985 you were notified the final inspection fee of \$50.00 is due before Water License No. 2884-3 can be issued. To date, the fee has not been received.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Pursuant to SDCL 46-2-17 and 46-2-18, you are ordered to stop diverting any water authorized by Permit No. 2884-3 until the \$50.00 fee is paid.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

Equal Opportunity Employer

PS Form 3811, Dec. 1980

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space
on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

☒ Show to whom and date delivered —¢

☐ Show to whom, date, and address of delivery.. —¢

2. ☐ **RESTRICTED DELIVERY** —¢

(The restricted delivery fee is charged in addition to
the return receipt fee.)

TOTAL \$ _____

3. **ARTICLE ADDRESSED TO:**

Don W Miles
Durton SD 57477

4. **TYPE OF SERVICE:**

☒ **REGISTERED** ☐ **INSURED**

☐ **CERTIFIED** ☐ **COD**

☐ **EXPRESS MAIL**

ARTICLE NUMBER

P404 786 641

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Don Miles

5. **DATE OF DELIVERY**

6. **ADDRESSEE'S ADDRESS** (Only if requested)

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S
INITIALS**

AH

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

TURTON
POSTMARK
JUL
10
1985



Department of Water & Natural Resources

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

March 23, 1987

DON W MILLS
RT 2
TURTON, SD 57477

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

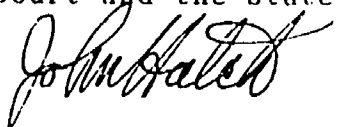
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s) 2884-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given 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). 2884-3 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

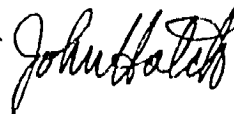
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 13, 1987

NOTICE OF AMENDMENT TO WATER PERMIT(S)

TO: DON W MILES
RT 2
TURTON, SD 57477

FROM: John Hatch, Chief Engineer
Water Rights Division
605 753-3352



SUBJECT: Amendment to Water Permit No(s). 2884-3

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). 2884-3 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. 2884-3

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. 2884-3 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. 2. ☐ Restricted Delivery.

3. Article Addressed to:

DON W. MILES
RT 2
TURTON, SD 57477

4. Article Number
P576 309 728

Type of Service:

☐ Registered ☐ Insured
☐ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature - Addressee
X *Don Miles*

6. Signature - Agent
X *Carroll Fortin*

7. Date of Delivery
5-15-87

B. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-2181

January 29, 1988

DON W MILES
RT 2
TURTON, SD 57477

NOTICE

Re: Violation of Water Permit No(s). (2884-3)

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 2884-3. 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). 2884-3 qualification:

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

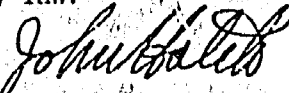
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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). 2884-3 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.

 **Department of
Water & Natural Resources**

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

February 4, 1988

2884-3

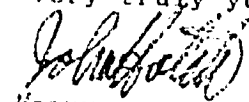
Don W Miles
RR #2 Box 96
Turton, SD 57477

Dear Mr. Miles:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 2824-3 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

MEMO

To: Harold Deering

From: John Hatch

Date: April 26, 1988

Subject: Water Permit No. 2884-3

Permit No. 2884-3 is held by Don Miles, Turton SD. The permit was inspected for final licensing on October 2, 1984. Since then Mr. Miles has been sent three notices requesting the he pay the \$50.00 licensing fee. The third notice also ordered Mr. Miles to stop diverting any water. On April 21, 1988, Division engineer Jim Wendte talked with Mr. Miles concerning the licensing fee. He still refuses to pay the fee.

Would you either send Mr. Miles a letter advising that if the fee is not paid, court action will be initiated to stop any diversion of water or initiate court action. Enclosed are copies of letters, notices and other information. We expect to check for any irrigation.

enclosures

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

STATE CAPITOL
Pierre, South Dakota 57501-5090
Phone (605) 773-3215

ROGER A. TELLINGHUISEN
ATTORNEY GENERAL



June 8, 1988

Mr. Don Miles
Box 96
Turton, South Dakota 57477

Re: Water Right No. 2884-3

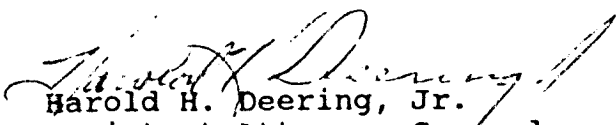
Dear Mr. Miles:

The Division of Water Rights has referred your file to this office for action. It appears from those files that your irrigation works were inspected for final licensing on October 2, 1984, but that you have refused since that time to pay the \$50.00 licensing fee which would entitle you to a license to use the water for irrigation. The \$50.00 fee is required by statute. SDCL 46-2-13(3). Furthermore, SDCL 46-5-30.1 provides that you may not make use of the water until that license fee is paid.

The Chief Engineer for the Division of Water Rights issued you an order dated July 8, 1985 to stop diverting water until the fee was paid. The fee remains unpaid at this time. This is to advise you that if the fee is not paid we will take appropriate action to prevent use of the water, because until the fee is paid you have no legal right to use the water.

I would hope this matter can be resolved without the need for legal proceedings. I would urge you to contact the Division of Water Rights to get the matter taken care of. However, if you do not pay the fee, and continue to use the water, we will have no choice but to proceed.

Sincerely,


Harold H. Deering, Jr.
Assistant Attorney General

cc: John Hatch
Division of Water Rights

HHD:mrq

Conversation or File Documentation

NAME OF PERSON OR FILE: Don MilesADDRESS: RR 2, Box 26, Turton, SD 57477 COUNTY SpinkDATE: August 26, 1988 TELEPHONE 382-5828RE: Licensing fee for Water Permit No. 2884-3

COMMENTS:

Mark Rosenberg, Redfield, Spink Co. Extension Ag. 472-2023,
called today to find out about the steps Mr. Miles must take
to irrigate legally. After looking @ the file, it appeared the
only thing left was to pay the \$50 licensing fee. However,
after talking to Jim Wendt, I found out that he had been
out to Mr. Miles's place to see whether or not he had been
irrigating (see Harold Deering's letter of 6/8/88), and found that
Mr. Miles had a new system ready to be used on acreage
east of the permitted acreage and had left application
forms w/ Mr. Miles to complete and submit. He also told
Mr. Miles that 1 license for both the existing permit &
new permit would be issued after obtaining the new
permit. I called both Mr. Miles and Mr. Rosenberg and
told them of the current status. Mr. Miles seemed
quite confused. I sent him an instruction sheet and
asked him to submit his application as soon as he
can.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Amanda A. Bowan

Conversation or File Documentation

NAME OF PERSON OR FILE: Don Miles
ADDRESS: Turton, SD 57477 COUNTY Spink
DATE: 4-21-88 TELEPHONE —
RE: Licensing Fee

COMMENTS:

Mr. Miles permit was inspected in Oct. of 1984. Since then he has been sent 3 notices requesting the \$50.00 fee. The third notice also ordered him to stop diverting any water. On 4-21-88, I stopped and talked with Mr. Miles concerning the situation. He stated that he is not going to give us any more money. Mr. Miles said that when he got his permit in Pierre, they told him that he didn't need a permit but he went ahead and got the permit because he thought it would be a good thing to have. I explained to him that he did need a permit. Mr. Miles said that he doesn't care what we do; he will go ahead and water if he wants. The land was last irrigated in 1985 according to Mr. Miles. However, he reported irrigating 2 days in 1987 on the 1987 Irrigation Questionnaire.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: James L. Wendt

NOT TO SCALE

118-60

156.7
T4614
5

21.0
4

177
3

639
2

Approximate
Diversion
Pt.

NC

B2

8.0
1

Dam

58.5
T4081
3

M-17
679-81R

55
2
52.6

48.6
1

T4066
1

146.6

James L. Wendt
N.R. Engineer
10-11-88

118-60



FORM 2: Application for irrigation (type or print)
in South Dakota

(Instructions)

No. _____ Hydrologic Unit _____
Basin _____
Newspaper _____

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

License

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☒ Add Acreage ☐ Increase diversion rate ☐ Other See Permit No. 2004-3

1. Name of Applicant Don Miles Phone No. 382-5828

Post Office Address RR 2 Box 96 Turton State SD 57477
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s) 2.85 Total acres irrigated 60

3. Source of Water supply Surface Water (Storage Dam)

4. Location of point of diversion NW 1/4 NE 1/4 32-118-60

County Spink

5. Counties where water will be used Spink

6. Annual period during which water is to be used April 1 - Oct. 31

7. 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.
<u>NE 1/4 NE 1/4 32-118-60</u>	<u>40</u>
<u>SE 1/4 NE 1/4 32-118-60</u>	<u>20</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: X Other: _____
(Specify)

9. Crops to be Irrigated: alfalfa, beans

10. Give a description of proposed project. (Attach sheet if more-space is needed)

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Spink)^{ss}

I, Don Miles, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Don Miles

Subscribed and sworn to before me this 26th day of August 1988

Harper Gallup
Notary Public

Commission Expires 1-26-92

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

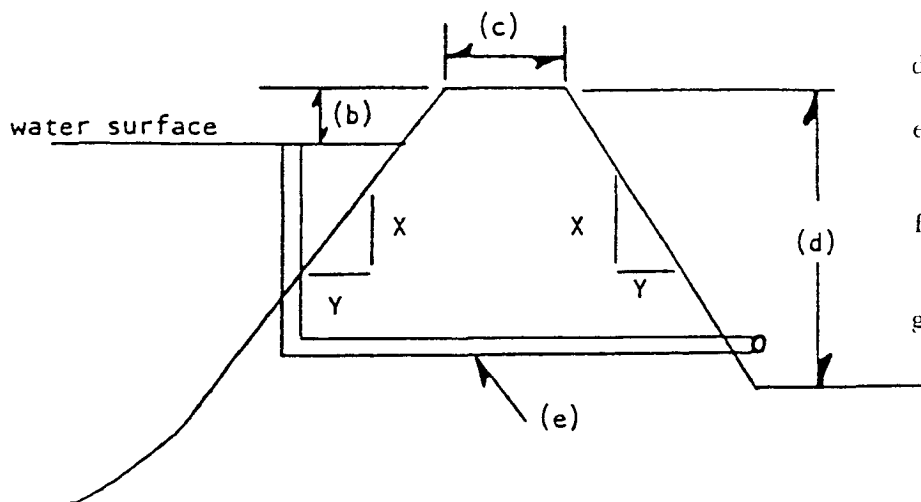
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

Gross
Crocker SD



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If Pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway width _____
- g) X & Y Slope
Upstream _____
Downstream _____
- Surface Area of Impoundment _____
- Storage 57 acre feet
- Drainage area above dam _____

Signature of Applicant _____



Department of Water & Natural Resources

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

October 12, 1988

Don Miles
RR2, Box 96
Turton, SD 57477

Dear Mr. Miles:

This is in response to the water permit application received from you on September 21, 1988.

The permit application is incomplete for the following reason(s):

- (1) The application fee needs to be submitted. The correct fee for irrigating 60 acres is \$150.00 (see enclosed instruction sheet).

The Water Management Board cannot consider a water permit application until it is complete. Please submit the required fee to begin processing of your permit application.

Should you have any questions, feel free to call.

Sincerely,

Susan A. Bowar
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosure



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411564

Pierre, _____, December 27, 19 88

RECEIVED OF Don Miles, HC 2, Box 96, Turton SD 57477

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 _____	150	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 _____		
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	150 00

By John H. Hatcher
Chief Engineer KS



Department of Water & Natural Resources

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

December 30, 1988

Don Miles
RR 2, Box 96
Turton SD 57477

Dear Mr. Miles:

This letter is in response to your water permit application received on September 21, 1988. The application fee has been received; however additional information is needed regarding the storage dam located in the W1/2 NE1/4 section 32-T118N-R60W. Pursuant to the Safety of Dams rules which became effective on October 19, 1987, the following information is required regarding the storage dam:

A written preliminary risk assessment of the downstream hazard potential needs to be provided to aid in determining the hazard classification for the dam (see enclosed Safety of Dams Rules Section 74:02:08:05). The hazard classification of the dam (Category 1, 2 or 3) is needed to determine what provisions of the Safety of Dams Rules will apply to your dam.

The downstream hazard potential is to consist of a list of downstream properties (homes, roads and other structures) with the potential affects of a dam failure to these properties. The legal descriptions of these properties need to be included in the assessment.

I have also noticed that the acreage you intend to irrigate in the E1/2 NE1/4 covers approximately 64 acres according to the aerial photo supplied by the ASCS office. The water permit application specifies only 60 acres. If you intend to irrigate more than 60 acres, then the additional acreage needs to be specified on your application. Any acreage in addition to the 60 acres, up to 120 acres, will also require an additional application fee of \$75.00. Please indicate if you intend to increase the acreage on your application or if you intend to irrigate only 60 of the approximately 64 acres.

Please contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.





DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 3, 1991

Don Miles
RR 2, Box 96
Turton SD 57477

Dear Mr. Miles:

On September 21, 1988, you submitted an application (copy enclosed) for a permit to appropriate water for irrigation of the E 1/2 NE 1/4 Section 32-T118N-R60W. You were notified on December 30, 1988 that the application was incomplete and were instructed what additional information is necessary in order to complete the application (copy enclosed). To date, we have not received a response from you.

Obtaining a water permit ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

Please respond by submitting the information requested in the December 30, 1988 letter or contacting me by June 1, 1991.

Sincerely,

Eric Gronlund
Water Rights Division
Phone: (605) 773-3352

enclosure



Linton SD
4-16-91

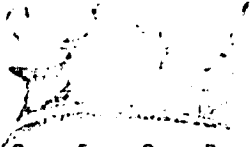
Dear Sir,

I irrigate 170A. on
the east side and 21.0A.
on the west side (circled
in red). I tried irrigating
beans one year farther out
the east side but it took
too much pipe and power.

Sincerely

Don W. Cho^{SR}

South Dakota



GREAT FACES. GREAT PLACES.

February 1, 1991

DON W MILES
RT 2 BOX 96
TURTON SD 57477

DEPARTMENT OF WATER & NATURAL RESOURCES

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

2884-3

NOTICE

RE: Violation of Water Permit No(s) 2884-3

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 2884-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 2884-3 qualification:

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

The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, 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, the Water Management Board can:

1. Suspend Permit No(s) 2884-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
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 is received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

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

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. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)							
3. Article Addressed to: DON W MILES RT 2 BOX 96 TURTON SD 57477	4. Article Number P694057 491 Type of Service: <table border="0"> <tr> <td>☐ Registered</td> <td>☐ Insured</td> </tr> <tr> <td>☒ Certified</td> <td>☐ COD</td> </tr> <tr> <td>☐ Express Mail</td> <td>☐ Return Receipt for Merchandise</td> </tr> </table> Always obtain signature of addressee or agent and DATE DELIVERED.	☐ Registered	☐ Insured	☒ Certified	☐ COD	☐ Express Mail	☐ Return Receipt for Merchandise
☐ Registered	☐ Insured						
☒ Certified	☐ COD						
☐ Express Mail	☐ Return Receipt for Merchandise						
5. Signature — Addressee X <i>Don Miles</i>	8. Addressee's Address (ONLY if requested and fee paid)						
6. Signature — Agent X							
7. Date of Delivery 2/2/91							

PS Form 3811, Apr. 1989

• U.S.G.P.O. 1289-236-815

DOMESTIC RETURN RECEIPT



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 20, 1991

2884-3

Don W Miles
RR #2 Box 96
Turton, SD 57477

Dear Mr. Miles:

I am writing to acknowledge receipt of your 1990 irrigation questionnaire for Water Permit No. 2884-3. You may disregard the February 1, 1991, Notice of Failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaire, your name has been deleted from the February Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

ted on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- 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.

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

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

2884-3

4a. Article Number

P 378 080 552

4b. Service Type

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

7. Date of Delivery

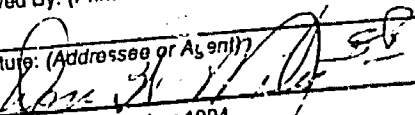
Feb. 6th 1997

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

DON W. MILES
HC 68 BOX 96
TURTON SD 57477

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X 

Is your RETURN

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.



2884-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 4, 1997

NOTICE

TO: DON W MILES, HC 68 BOX 96, TURTON, SD 57477

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s). 2884-3

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 2884-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 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) 2884-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in the Floyd Matthew Training Center, Joe Foss Building, 523 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) 2884-3 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 February 28, 1997, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1997

2884-3

Don Miles
P.O. Box 96
Turton, SD 57477

Dear Mr. Miles:

I am writing to acknowledge receipt of your 1996 irrigation questionnaire. You may disregard the February 4, 1997, Notice of Violation of Water Permit No. 2884-3.

I completed a questionnaire for you based on our February 7th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

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

Sincerely,

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



2884-3
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: DON W MILES, 40662 158TH ST, TURTON, SD 57477
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) 2884-3. 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) 2884-3 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) 2884-3 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.

2884-3

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:

DON W MILES
40662 158TH ST
TURTON SD 57477

A. Received By (Please Print Clearly) B. Date of Delivery

Don Miles 1-17-02

C. Signature

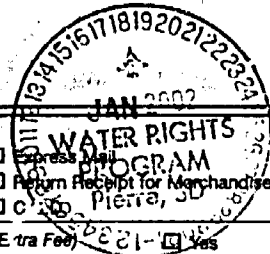
X *Don Miles* ☐ Agent ☐ Addressee

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

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ Signature Required

4. Restricted Delivery? (Extra Fee)



2. 7001 2510 0004 4797 4043

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2002

2884-3
6197-3

Donald Miles, Jr
211 N Montana St
Doland, SD 57436

Dear Mr. Miles:

Thank you for calling with the information for the 2001 irrigation questionnaires for Water Permit Nos. 2884-3 and 6197-3. Based on our conversation, I completed a questionnaire for No. 6197-3 indicating the system had not been constructed and a questionnaire for No. 2884-3 (Don W Miles) indicating the land was not irrigated in 2001.

Please disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Permit Nos. 2884-3 and 6197-3. The information was received in our office prior to the Water Management Board meeting and the matter has been deleted from the agenda.

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with Water Permit No. 2884-3. You may edit the form as needed. Please have your mom sign the form in the presence of a notary and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program. If you have authority to sign for your mom, that is fine too. If you want, you can have the permit listed in both your names.

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

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 30, 2002

2884-3

Anna Miles
40662 158th St
Turton, SD 57477

Dear Ms. Miles:

Thank you for following up on the ownership change for Water Permit No. 2884-3. The transfer has been completed. The water permit formerly listed in the name of Don W Miles is now listed in your name.

Enclosed is your Receipt No. 417069 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 417069

Pierre, January 30, 2002

RECEIVED OF Ann Miles, 40662 - 158th St., Turton, SD 57477

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 2884-3 _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By _____
Chief Engineer

Darlene E. Eide

gr

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2884-3

Date: 1-29-02

I/We request that Water Permit No. 2884-3

formerly owned by: Don W Miles

be transferred to: (name & address) Anna Miles 40662 158th St.
Turton, S.D. 57477 Telephone No. 382-5828

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

40 acres - NE 1/4 Section 32, T118N, R60W

I/We understand that the validity of Water Permit No. 2884-3 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 Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

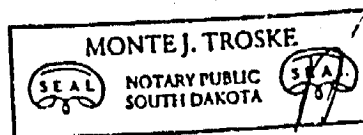
STATE OF SOUTH DAKOTA)

County of SPINK)

I/We ANNA MILES 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 that I know of my own personal knowledge that the information herein stated is true.

x Anna Miles
(Signed by new owner)

Subscribed and sworn to before me this 29th day of JANUARY, 2002



Monte J. Troske
(Notary Public)

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.





December 2, 2004

2884-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

Donald Miles, Jr
211 N Montana St
Doland SD 57436

2884-3
6197-3

Dear Mr. Miles:

Thank you for calling concerning the 2004 irrigation questionnaires and the status of Water Permit Nos. 2884-3 and 6197-3. I completed questionnaires for you based on our conversation and have included a copy for your records.

In regard to Water Permit No. 2884-3 listed in your mom's name, since you no longer plan to irrigate the land, the irrigation portion of the permit can be scheduled for cancellation consideration and the storage dam can be licensed for domestic livestock use.

You indicated in our conversation that you have not decided whether or not you will be developing an irrigation system as authorized under Water Permit No. 6197-3. You have until July 17, 2005 to complete the system and if needed, you can apply for an extension of time. The application process is basically the same as your original application but needs to be filed **prior** to July 17, 2005.

The only things you need to submit are the enclosed application and a \$50.00 fee. We already have the map on file. I have included a copy of your original application and permit to assist you in completing the application for extension of time. The following is an excerpt of the water law dealing with extensions:

- 46-5-26. Extension of time for completion of construction or application to beneficial use. A permit may be amended by extending the time for the completion of construction, or for application to beneficial use, for a reasonable time, but only on account of delays due to physical or engineering difficulties which could not have been reasonably anticipated, due to operation of law beyond the power of the applicant to avoid, or due to other exigent circumstances identified by the water management board.

If this summer you decide that you do not wish to develop the project, let us know and we will go ahead and schedule No. 6197-3 for cancellation. If you have any questions, give us a call.

Thank you,


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

enclosures

Schaal, Tim

From: McMath, Genny

Sent: Thursday, December 02, 2004 3:20 PM

To: Schaal, Tim

Subject: 2884-3

See if you have folder for 2884-3 Donald Miles.....Spink County....its a cluster one because if I remember right, several staff over the years have been out there and it was never licensed. Now only using dam for stockwater. Mr. Miles said part of the dam washed out so it stores less than it used too.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

November 28, 2006

2884-3

Donald Miles Jr
211 Montana St North
Doland SD 57436

Dear Mr. Miles:

Thank you for calling concerning the irrigation questionnaire and the ownership change needed for Water Permit No. 2884-3. I completed a questionnaire for you indicating no irrigation took place in 2006.

Enclosed as we discussed, is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

No. 2884-3

DEC - 1 2006

Date: 11-29-06

WATER RIGHTS
PROGRAM

I/We request that Water Right No. 2884-3

formerly owned by: Anna Miles

be transferred to: (name & address)

Donald Miles JR.

211 Mont. St. N.

Doland, S.D. 57436

Telephone No. 605-635-6585

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

40 acres - NE ¼ Section 32, T118N, R60W

I/We understand that the validity of Water Permit No. 2884-3 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 Two Dollars and Fifty Cents (\$2.50) 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 Donald Miles JR., the new owner, certify that the above information is true and correct.


(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 December 1, 20 06

RECEIVED OF Donald Miles Jr., 211 Montana St N, Doland SD 57436

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	2 50	
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>2884-3</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. _____	2.50	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

02655

By Darland Ebele
Chief Engineer gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

December 4, 2006

2884-3

Donald Miles Jr
211 Montana St North
Doland SD 57436

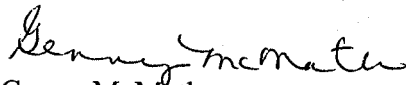
Dear Mr. Miles:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for Water Right No. 2884-3. The transfer has been completed. The water right, formerly listed in the name of Anna Miles is now listed in your name.

Enclosed is your Receipt No. 02655 in the amount of \$2.50. You may keep this for your records.

If I can answer any questions for you, please contact me.

Sincerely,


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

enclosure



2884-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 16, 2015

NOTICE

TO: DONALD MILES, JR, 211 MONTANA ST N, DOLAND, SD 57436
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2884-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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) 2884-3 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 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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) 2884-3 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 before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

January 21, 2015

2884-3

Don Miles Jr
211 Montana St N
Doland SD 57436

Dear Mr. Miles:

Thank you for calling concerning your irrigation questionnaire for 2014. I have completed a form for you based on our conversation. Enclosed is a copy for your records.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Permit No. 2884-3. The information 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 2884-3**

I have this day, November 18, 2025, made a thorough examination of the water use system constructed by Donald Miles, Jr, 211 Montana St N, Doland, SD 57436 of Permit No. 2884-3, bearing the priority of January 10, 1985 authorizing the diversion of 0.57 cu. ft. per second of the waters of the water storage dam for irrigation purposes, in Spink County.

F. Comments or other permit(s) associated with the project:

There is a history here where Mr. Miles in a March 20, 1985, letter was notified of a failure to pay a \$50.00 inspection fee. It is my understanding that the fee has never been paid as of this date, so the Permit is not Licensed.

According to timely submitted Irrigation Questionnaires to DANR, no irrigation has occurred on the property since 2000.



Darrell DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: November 18, 2025

Spoke w/ Don Jr. 6/11/26. He was not aware of this history and very agreeable to payment of the old licensing fee. There is irrigation equipment on site + ready to be used. Ready to proceed with licensing. Amanda 6/12/26

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date June 12, 2026

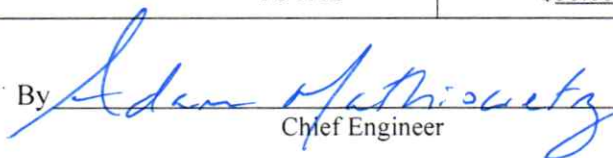
RECEIVED OF Donald W Miles Jr 211 Montana St N Doland SD 57436

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 _____	\$_____
Fee for <u>Licensing/Inspection #2884-3</u>	\$50.00
Fee for Issuing New Well Driller's License No. _____	\$_____
Fee for Renewal of Well Driller's License No. _____	\$_____
Fee for Issuing Well Pump Installer's License No. _____	\$_____
Fee for Renewal of Well Pump Installer's License No. _____	\$_____
(Any Other Work Provided by Law)	TOTAL
	\$ <u>50.00</u>

By




Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

June 15, 2026

2884-3

Donald Miles Jr
211 Montana St N
Doland, SD 57436

Dear Mr. Miles:

The South Dakota Water Rights Program is in receipt of the "Licensing/Inspection" fee you submitted for Water Permit No. 2884-3, enclosed is a \$50.00 receipt of payment for your records.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

enclosures