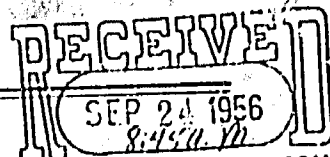


1. Considered Nov-13, 19 56
2. Name of Applicant Curry Bros. # 306-3
3. Post Office Address Box 1, Paint, S. Dak.
4. Amount of water claimed 3.43 cfs
5. Source of water supply ground water
6. Water to be used for irrigation
7. Water to be diverted and used in Union County about
3 miles NE of Paint.
Acres to be irrigated 2401
8. Proof of Publication Received /
Not Received
9. Application Approved /
Subject to
Not Approved
Action deferred
10. Remarks:

No. 316-3Water Division No. 3 Big Pine River District
(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 Curry Prothers
Postoffice address #245, Elk Point, County Union, State S.

- I. If a corporation No
- (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)

Contract(b) Cash on hand, \$ \$2000.

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ _____

2. Name of diversion work _____
3. Amount of water claimed 3.43 cubic feet per second
4. Source of water supply Dug Well
5. Location of point of diversion See Enclosed Map

- _____ on _____ bank _____ County.
6. Annual period or periods during which water is to be used Spring, summer and fall
7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

(a) Number of acres to be irrigated 240 acres.(b) Legal subdivisions to be irrigated E 1/4 of NW 1/4, SW 1/4 of NE 1/4, W 1/4 of SW 1/4 all in Sec. 8 and the NW 1/4 of NW 1/4 of Sec. 17 T91 R49

(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.) _____

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

- (a) Nature of use _____
Name any of the above uses claimed
- (b) Amount of power to be generated _____ horse power.
Amount claimed for engine cooling _____
- (c) Location of plant _____
- (d) Method of developing power _____
- (e) Point where water will be returned to stream _____

Map No. 225-3

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-----
 (c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----
 (e) Other structures ----- \$----- Total, \$-----

9. Description of diversion works:

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

II. Dimensions of works:

(a) Dam: Height ----- 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 ----- acre feet. Surface area at highwater mark ----- acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-FEET CAPACITY

(c)* Head gate: Width ----- feet; height ----- feet;
 Material -----
 (d) Canal: Total length ----- miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE 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 ----- Two ----- years.
 11. Time required for complete application of water to the proposed beneficial use ----- Three ----- years.
 12. Choice of newspaper for publication of notice of intention to appropriate -----
Leader-Courier, Elk Point, S. Dak.

STATE OF SOUTH DAKOTA

County of Lincoln } ss.

I, John W. Perry, 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.

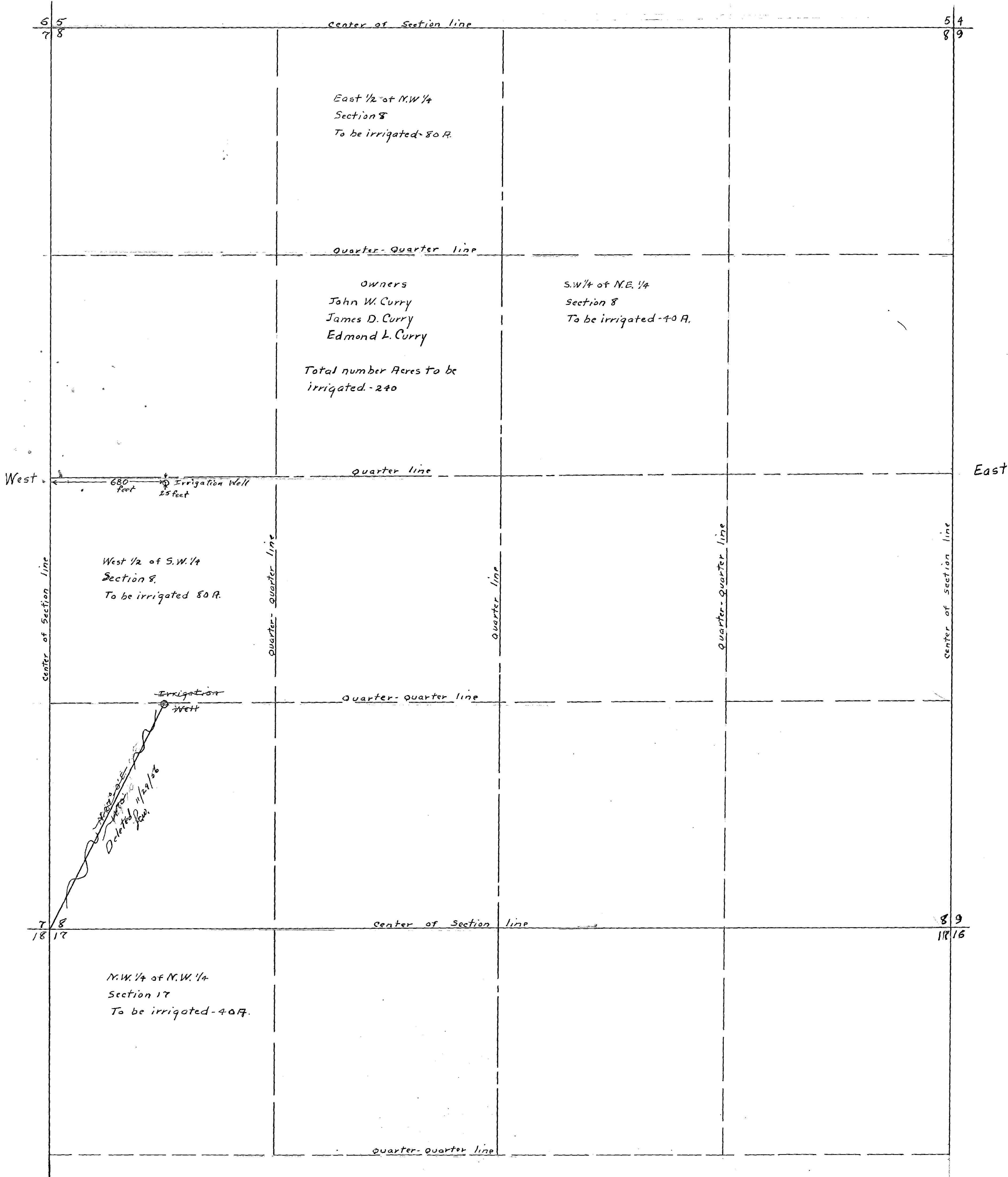
Signed

Subscribed and sworn to before me this 20th day of September, 1906

Lincoln, S. Dak.
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate & measuring device.

North



John, James & Edmond Curry Irrigation Project # I
Part of Sections 8 & 17 Township 91 Range 49, Union
County, South Dakota

I, Ellis V. Nelson, a licensed engineer hereby certify
that I have made a survey of the East 1/2 of the
N.W. 1/4, S.W. 1/4 of N.E. 1/4 and West 1/2 of S.W. 1/4 in Section 8
and N.W. 1/4 of N.W. 1/4 of Section 17 all in Township 91
Range 49, Union County, South Dakota and located
irrigation well # I as indicated on the above plat.
Dated at Sioux Falls, South Dakota, August 16, 1956

Ellis V. Nelson
Licensed Engineer

Ellis V. Nelson, Civil Engineer
Sioux Falls, S. Dakota - August '56

State of South Dakota } ss
County of Minnehaha }

On this 16th day of August, 1956 before me the
undersigned officer, personally appeared Ellis V. Nelson
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
purpose therein contained.

In witness whereof I hereunto set my hand
and official seal.

KATHLEEN M. DONNER
Minnehaha County, South Dakota
Notary Public

Kathleen M. Donner
Notary Public

MAP No. 225-3
App'l. No. 306-3

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Beadle ss.

Pierre, South Dakota, September 24, 1956

This is to certify that the foregoing application was received by the Commission at 8:43 o'clock
A.M. upon the 24 day of September, 1956

State Water Resources Commission

By:

John Rimes

Chief Engineer, Executive Officer

Number of permit 326-3

Date of first receipt of application September 24, 1956

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right September 24, 1956

Approved November 14, 1956, Recorded in Book 57 Page 235

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 _____

November 14, 1957

2nd. The whole of said work is to be completed on or before November 14, 1958

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

November 14, 1959

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 3.42 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, 1959; said water to be used during the following described annual period:

April 15 to October inclusive

Witness my hand this 28 day of December, 1956

State Water Resources Commission

By:

John Rimes

Chief Engineer, Executive Officer

Certificate of Construction Issued January 28, 1958

Water License Issued January 28, 1958

CURRY'S DEPENDABLE HYBRID SEED CORN

DEALER IN HYBRID SEED CORN SINCE 1935

J. J. CURRY & SONS

PHONE 257



ELK POINT, S. DAK.

Log of Test Well

0-18 feet	top soil and clay
18-48 feet	clay and blue clay
48-58 feet	clay and gravel
58-68 feet	gravel and loose rock
68-78 feet	loose rock and gravel
78-- feet	loose rock and gravel

Curry Bros.

Form 2A — Wells (Supplement to Form 2)

9 (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 36" , Depth 100 ft.

Type of casing Concrete
(wood, concrete, steel, etc.)

Size of casing 18" , Thickness of casing 4 1/2"

Length of casing 4 ft. If collection gallery, length, size and depth of
gallery No

(b) Screens

Type of perforated screen Fine

Size of perforated screen 18" 4 ft.
(diameter) (length)

Thickness of gravel pack 9" , length of gravel pack 100 ft.

(c) Water Bearing Materials

Distance to water 12 ft. Character of water bearing materials

Sand, gravel and loose rock and gravel

See Log

Thickness of water bearing material 45 ft.

(d) Pump and Motor

Type of pump Turbine
(centrifugal, propeller, mixed flow, etc.)

Name of pump Western Land Roller , size 8"

Kind of motor Diesel
(gasoline, electric, diesel, etc.)

Horsepower 36 BHP , Name of Motor John Deere

(e) Complete well

Capacity 1000 est. at drawdown of 10 feet Estimated cost \$1929.

(f) Owner of land upon which well is located John W., James D., and Edmund I.
Name Curry

At 245, Elk Point, S. Dak.
Address

(g) Distance to nearest existing wells

On same owner's property None rods. On property owned by others 120 rods

STATE OF SOUTH DAKOTA

WATER LICENSE No. 306-3

WHEREAS, On the 24th day of September A. D. 1956

Curry Brothers

of Elk Point County of Union and State of
South Dakota duly made application (No. 306-3) to us for a permit to use 3.42
cubic feet per second of the waters of ground water
County of Union, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 28th day of December A. D. 1956
Permit No. 306-3 was issued to said applicant⁸ for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 14th day of
November A. D. 1958 and for the application to beneficial use of said
water on or before the 14th day of November A. D. 1959
and,

WHEREAS, On the 21st day of November A. D. 1957
the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.42
cubic feet per second of said waters, as evidenced by our Certificate No. 306-3
dated January 28, 1958 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 3.42 cubic feet per second of water, with date of
priority of September 24, 1956 and,

WHEREAS, On the 21st day of November A. D. 1957
proof was duly made of the application to beneficial use of 3.42 cubic feet per second of said water;
on 240 acres located in the E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ all in Sec. 8;
NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17; all in T 91 N, R 49 W

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 Curry Brothers
of Elk Point the holder B and owner B of said permit No. 306-3
a water right, dating from September 24, 1956 to the use of 3.42
cubic feet per second of the waters of ground water
In the County of Union and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at 680 feet east and 25
feet south of the W. Cor., Sec. 8, T 91 N, R 49 W
and conducted to and upon the E. 1/4, S. 1/4, W. 1/4 all in Sec. 8; NW 1/4
Sec. 17; all in T 91 N, R 49 W.

for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 28th day of January A. D. Nineteen
Hundred and Fifty-eight

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 306-3.Big Sioux
Water Division No. 3 ~~River~~-Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Curry Brothers

of Elk Point, County of Union, and State of South Dakota, the holder of Permit No. 306-3, issued upon Application No. 306-3, bearing date of priority of September 24, 1956, authorizing the diversion of 3.42 cu. ft. per second of the waters of ground water County of Union, State of South Dakota, at 680 feet east and 25 feet south of the W $\frac{1}{2}$ Cor., Sec. 8, T 91 N, R 49 W for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 3.42 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 8, T 91 N, R 49 W - - - - - 80 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 8, T 91 N, R 49 W - - - - - 40 acres
W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 8, T 91 N, R 49 W - - - - - 80 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, T 91 N, R 49 W - - - - - 40 acres
240 acres

Witness my hand this 28th day of January A. D. 1958.

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer

(First Publication before October 12 1956.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., October 5, 1956.

Notice is hereby given that the Curry Brothers whose postoffice address is Box 245, Elk Point S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.43 cubic feet of water per second of time from the ground water through the dug well, the point of diversion of which is to be located on the bank of said stream in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 8 Twp. 91 N Range 49 W. Said water to be used for the purpose of providing irrigation on the following described land.

Part of the NE $\frac{1}{4}$ and SW $\frac{1}{4}$, Sec. 8 and NW $\frac{1}{4}$, Sec. 17 T. 21 N., R. 49 W

Notice is hereby given

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 2:30 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.

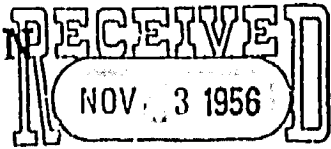
State Water Resources Commission

By:

J. W. Grimes, Chief Engineer, Executive Officer

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

PROOF OF PUBLICATION

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTASTATE OF SOUTH DAKOTA }
County Union } ss.

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 herein after stated, has been and is printed and published in the

City of Elk Point, County ofUnion

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

October 11, 1956October 18, 1956October 25, 1956November 1, 1956in each and every issue of the full number thereof, the first publication being made on the 11th day of October1956 and the last publication on the 1st day ofNovember 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 ~~proprietor~~ and publisher of the said newspaper.

APPROPRIATION OF WATER

Office of State Water Resources Commission, Pierre, S. Dak., October 5, 1956.

Notice is hereby given that the Curry Brothers whose post-office address is Box 245, Elk Point, S. Dak., have made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.43 cubic feet of water per second of time from ground water through the dug well, the point of diversion of which is to be located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 8 Twp. 91N Range 49W. Said water to be used for the purpose of providing irrigation on the following described land:Part of the N $\frac{1}{2}$ and SW $\frac{1}{4}$, Sec. 8 and NW $\frac{1}{4}$, Sec. 17, T 91N, R 49W.

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

(Pub. Oct. 11-18-25, Nov. 1)

Subscribed and sworn to before me this 15 day of October A. D. 1956Notary Public Union County, S. D.

CURRY'S DEPENDABLE HYBRID SEED CORN

DEALER IN HYBRID SEED CORN SINCE 1935

J. J. CURRY & SONS

PHONE 257

ELK POINT, S. DAK.

Oct. 23, 1956

Water Resources Commission
Pierre, S. Dak.

Dear Mr. Grimes,

RECEIVED
OCT 25 1956

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

We are in receipt of your recent letter requesting clarification of the location of our wells. The letter addressed to Mr. J.J. Curry concerns the well located in Sec. 18, T 91N R49W, this is the one and same well and the only well located in that section by us or any other farmers. It is the well with application No. 237-3. The reason for the change in the location of this well is the recent visit on our farm by a member of the S. Dak. Highway Commission. He indicated that the new super highway would be going through the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 18, and not the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, the adjoining 40 acres. However, the new location is only approximately 35 yards directly west of the location indicated on the map prepared by Mr. Nelson. Therefore, there is only one well concerned and it has the application no. 237-3. Originally, the state highway commission had indicated that this new road would be bisecting the NE $\frac{1}{4}$, SW $\frac{1}{4}$, now it is to bisect the NE $\frac{1}{4}$, SE $\frac{1}{4}$, all in the Sec. 18, 91-49.

In the letter to Mr. John Curry you requested that he submit application for a permit. I believe this is a misunderstanding as that well at that location has been sent in to your office under the name of Curry Bros. of which John is one of the three bros. applying. The others are James Curry and myself, Edmund Curry. This has been given the application no. 306-3 by your office. Again, this is the only well to be located in this section and John Curry is the tenant as well as partial owner of the land and the well. Again, this well location has been altered slightly but is located in the same W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 8, 91-49 as indicated in the map prepared by Mr. Nelson. It will be near the north edge of the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the reason for the change is to get the well further away from the first well we put in last spring, known as Permit No. 179-3. I hope that you can understand my letter and that I have answered your questions. I will enclose a rough sketch of the wells and the locations.

Yours truly,

Edmund L. Curry

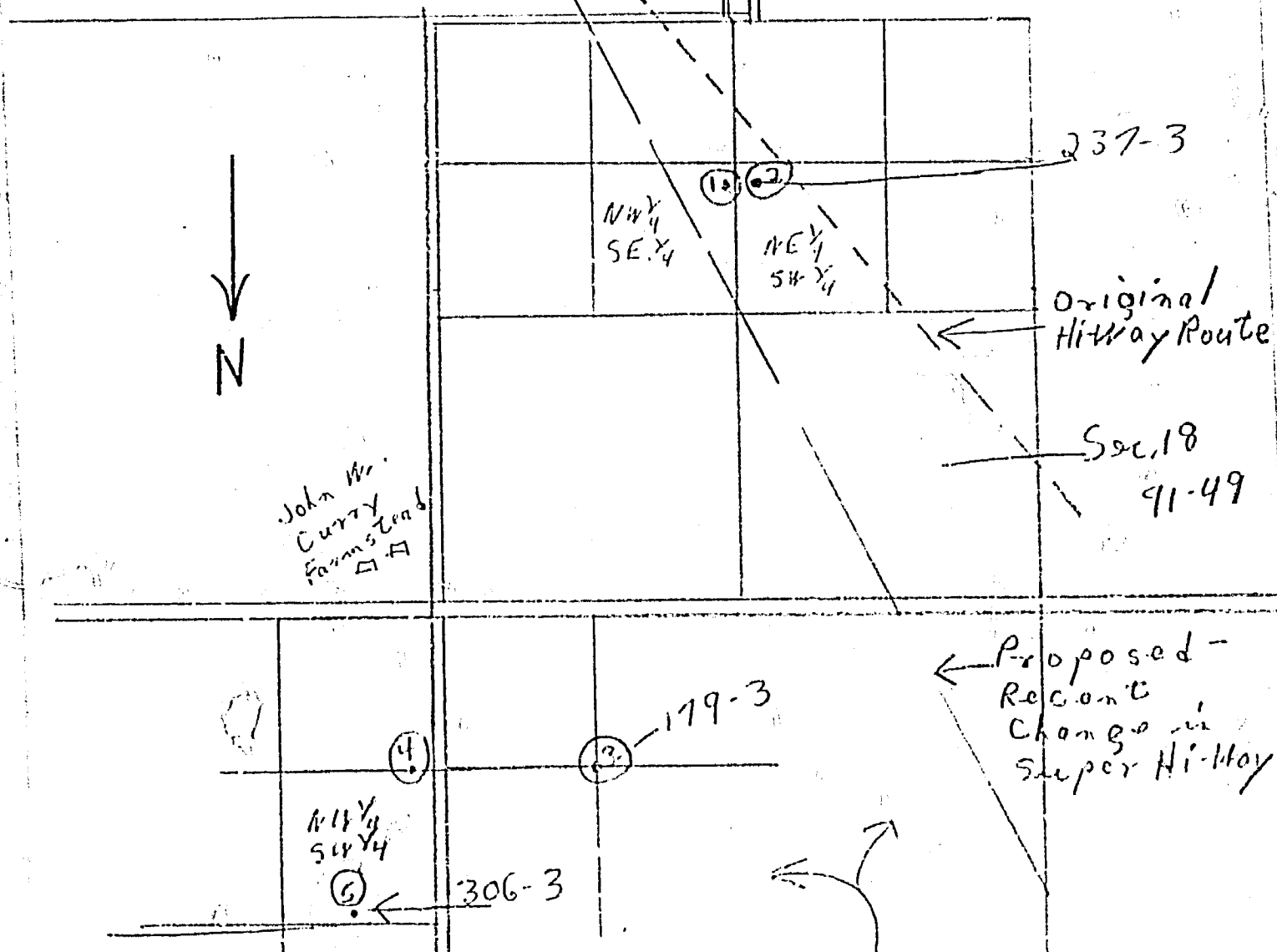
CURRY'S DEPENDABLE HYBRID SEED CORN

DEALER IN HYBRID SEED CORN SINCE 1935

J. J. CURRY & SONS

PHONE 257

ELK POINT, S. DAK.



Sec. 8 91-49

- Notes: Sec. 7 91-49
- #1 - Map location of well #237-3
 - #2 - actual location of well #237-3
 - #3 - Map & actual location of well #179-3
 - #4 - Map location of well #306-3
 - #5 - Change in location of well #306-3
- 11445 to Curry Bros. (John, John & Ed) 11442 - J.J. Curry & Sons

Permit No. 306-3Water Division No. 3 Big Sioux
River Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____
on November 21, 1957~~XXXX~~ I have ~~examined~~ made a thorough examination of the diversion works constructed by _____Curry Brothers, of Elk Point_____ Union County, South Dakota, holder of Permit No. 306-3, Issued
upon Application No. 306-3, bearing date of priority of September 24, 1956, authorizing the
diversion of 3.42 cu. ft. per second of the waters of ground water for irrigation
purposes. I have to report on the condition of the same as follows:The diversion works comprise: Western Land Roller pump Head No's. 8B-030 and
2-12 B-H; W D Allis tractor; 1½ miles of gated pipe; and a pressure
gauge.and the system is in the following condition: Very goodThe point of diversion is located 680 feet east and 25 feet south of the
W. Cor., Sec. 8, T 91 N, R 49 WThe works are capable of diverting and conveying to the place of use 3.42 cu. ft. per second of water,
which is to be used for irrigationThe legal sub-divisions to be irrigated are: E½ of NW¼, SW¼NE¼, W½SW¼ all in Sec.
8; NW¼NW¼, Sec. 17; all in T 91 N, R 49 W._____ comprising a total of 240 acres of land.

The domestic use intended comprises _____

The utilization for power, mining, or other beneficial uses comprises: _____

Witness my hand, this 28th day of January, A. D. 1958

—SEAL—

Les Wyborny,

Examining Engineer.

572-3

CLIFFORD C. ODEN

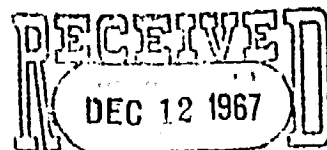
ATTORNEY AT LAW

ELK POINT, S. DAK.

STATE'S ATTORNEY
UNION COUNTY

TELEPHONE
605-356-2129

December 11, 1967



Water Resources Commission
Pierre, South Dakota 57501

STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

Dear Sir:

John W. Curry has applied for a loan to be secured by a mortgage on the following property:

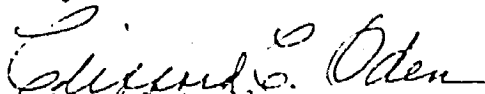
NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 17, 206-3
E $\frac{1}{2}$ of NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of NE $\frac{1}{4}$ 592-2,
and W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section - 206-3
8, all in Township 91 North,
Range 49 West of the 5th P.M.;

and it is necessary to find out whether or not he has been issued a state permit to irrigate any of this property.

Mr. Curry has assured me that he has a permit but that he misplaced it and does not remember the number of his permit.

Please, verify the fact that a permit has been issued to him, or to him and his brothers, as the case may be, covering this land or any part of it. This matter is most urgent and we will appreciate it very much if you can reply by return mail.

Very sincerely yours,


Clifford C. Oden

CCO:m

cc: Wm. DeWulf
P.O. Box 374
809 E. 38th Street
Sioux Falls, S. Dak.

December 12, 1967

Mr. Clifford C. Oden
Attorney-At-Law
Elk Point, S.D. 57025

Dear Mr. Oden:

Reference is made to your letter of December 11th regarding water rights on the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 17, and E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 8, T91N, R49W.

Water License 306-3 was issued to the Curry Brothers on January 28, 1958 covering the above described lands, and is a valid water right.

Please feel free to contact this office if we can be of any further assistance.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ/bw

Observations during the Field Inspection on November 21, 1957, of the Curry Brothers Project relative to Application # 306-3.

Ed Curry accompanied on this inspection and was very cooperative in aiding me in completing my work.

This project consisted of 240 acres [±] located in $W\frac{1}{2} SW\frac{1}{2}$, $E\frac{1}{2} NW\frac{1}{2}$, and $SW\frac{1}{4} NE\frac{1}{4}$ all in Sec. 8; and $NW\frac{1}{4} NW\frac{1}{4}$ Sec 17; all in T 91N, R 49W and divided into 20-80 acre fields of wheat, corn, forage sorghum, and alfalfa. The well was located about midway along the northern edge of the $NW\frac{1}{2} SW\frac{1}{2}$ Sec 8. All locations corresponded quite closely to those shown on Map # 225-3.

The well was 109' deep w/ the static water level @ 14 feet. I was told that this well was test pumped @ 1100 gpm @ a 6 foot draw down but this is not necessarily the capacity of the well as this was supposedly all the test pump would put out.

The equipment consisted of a Western Land Roller Pump Serial # 1561259, Head No's 8B-030, and 12-12B-H. In this case the estimated capacity would vary between 1350 and 1600 gpm. Power was furnished by a W D Allis Chalmers with an estimated 35-45 Hp and 850-1000 rpms. Proper pulleys were installed on the tractor and pump to give the necessary rpms. They had $1\frac{1}{2}$ miles of gated pipe of adequate capacity which is used between 179-3, 237-3 and 306-3.

The system was not in operation during the inspection but there was ample evidence that the project had been irrigated this year.

All of the equipment was either new or in very good condition.

The area irrigated and the capacity of the works to direct and convey water to the place of use met the conditions as set forth in the application and permit.

W. W. Barnes
December 30, 1957

Conversation or File Documentation

NAME OF PERSON OR FILE: Bill Curry / Curry Seed Co.ADDRESS: _____ COUNTY UnionDATE: June 17, 1988 TELEPHONE _____

RE: _____

COMMENTS:

Bill Curry with Curry Seed Co. called regarding
Water Right No. 306-3 and Permit No. 3854-3. Mr.
Curry wanted to determine if a replacement well could
be drilled for the existing well authorized by License
No. 306-3. I told Mr. Curry that a replacement well
did not require a permit if the new well is located
within 660 feet of the existing well, the new well is
completed into the same aquifer and the abandoned
well is plugged. Mr. Curry agreed to the conditions.

Mr. Curry also wanted to know if an "irrigation system
could be set up as authorized by Permit No. 3854-3.
Mr. Curry stated the well was constructed but had not
been used to irrigate. Mr. Curry want to set up a
pivot to irrigate seed corn. I informed Mr. Curry
the 5 year construction period and time to put the
water to use had expired. I told Mr. Curry it would
be necessary to reapply or ask the Board to grant an
extension of time. Mr. Curry stressed a need to irrigate
immediately. I told Mr. Curry the Board did not meet
until July 27, 1988. Mr. Curry stated he would speak to
his father about how to proceed.

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: Ron Duvall

SOUTH DAKOTA WATER WELL COMPLETION REPORT

306-3

10-85

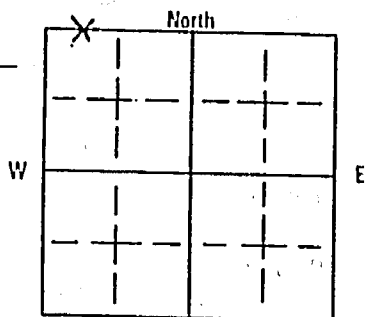
Location Section 17 Twp 71N Rng 48E S12

N LINE

County

UNION

Please mark well location with an "X"



1 mile

Well Completion Date 12-21-88

PROPOSED USE:

- ☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

ROTARY

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>1 1/2" LB/FT</u>	<u>16 IN</u>	<u>0 FT</u>	<u>112 FT</u>	<u>22 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NO

To what depth? 0-20 CEMENT FEET

What is grouting material? NEAT CEMENT

If cement, number of sacks? 12

Describe grouting procedure KENTONITE

PELLOW CEMENT

What was grout weight? 15.5 LB/GAL

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter 16 IN Length 40 FEET

Material PVC SLOTTED

Slot Size 100 Set From 72 Feet To 112 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NO

Explain CHLORINE SOLUTION

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name John Curry, Elk Point S.D.

Address 506 E MAIN

Well Log:

Depth

Formation

From

To

Top soil

0

3

CLAY

3

17

FINE SAND

17

61

COARSE SAND + GRAVEL

61

112

STATIC WATER LEVEL 22 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped

☐ Bailed

Describe: line shaft turbine

☐ Other

Pumping Level Below Land Surface

34 ft. After 2 Hrs. pumped 1400 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:



This well was drilled under license # 341

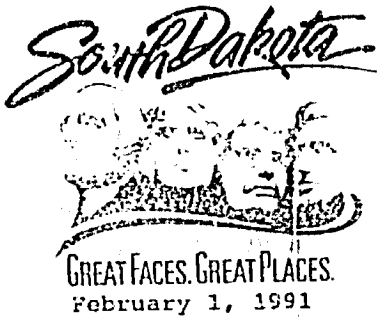
And this report is true and accurate.

Drilling firm Watmore Drilling

Signature of License Representative: James Watmore

Signature of Well Owner: John Curry

Date 12-21-88



DEPARTMENT OF WATER & NATURAL RESOURCES

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

JJ Curry and Sons
CURRY SEED CO, OPERATOR
BOX 517
ELK POINT SD 57025

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 1133-3, 1086-3, 306-3, 237-3. 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 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 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(s), the Water Management Board can:

1. Amend Permit No(s) 1133-3, 1086-3, 306-3, 237-3 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.

If the questionnaire(s) is received in this office before the February 27th hearing date, 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

South Dakota

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

GREAT FACES. GREAT PLACES.

February 11, 1991

Curry Seed Company
Box 517
Elk Point, SD 57025

RE: Irrigation Questionnaires and/or Chemical Application Use
Data for Water Permit Nos. 237-3, 306-3, 324-3, 501-3, 1086-3,
1133-3, 1136-3, 1297-3, 1530-3, 2141-3, 2189-3, 2370-3, 2371-3,
2450-3, 2940-3, 3910-3, 4438-3, 4582-3, 4598-3, 5030-3, 5201-3,
and 5254-3

Dear Sir:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires and/or chemical application use data for the above listed Water Permits. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire and the Notice of failure to report chemical use. With receipt of the questionnaires, 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

306-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 12, 2018

Scott Hanson
47674 327th St
Elk Point SD 57025

RE: Water Right Nos. 179-3, 1374-3, 2357-3, 2358-3 and Water Permit No. 6878-3

Dear Mr. Hanson:

I am writing to acknowledge receipt of the 2017 irrigation questionnaires for the above listed water rights and water permit.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right Nos. 179-3, 1374-3, 2357-3, 2358-3 and Water Permit No. 6878-3. The information was received in our office prior to the Water Management Board meeting and your name was deleted from the agenda.

With reference to the additional questionnaire you sent in for land in the W ½ SW ¼ Section 8 and NW ¼ NW ¼ Section 17, T91N, R49W, where did the number "0334-3" come from? The land is authorized for irrigation under Water Right No. 306-3 listed in the name of J J Curry & Sons. Curry Seed Company submitted a questionnaire for Water Right No. 306-3 on December 1st. I have included a copy of the form you sent in along with a copy of the form submitted by Curry's. My concern is that the information reported appears to be different. I am hoping to hear back from you or from Mr. Curry as to which information is correct.

Thank you in advance for your help in clarifying the questionnaires.

Sincerely,

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

c: Tom Curry, 32306 477th Ave, Elk Point SD 57025

2017 Water Management Board Irrigation Questionnaire

Please fill out and return before **December 1, 2017**

REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501 3181 ph. (605) 773 3352 or send your form(s) electronically over the internet at <http://denr.sd.gov/iq.aspx>

Permit No. ~~179-3~~ 0334-3

SCOTT HANSON, RENTER
47674 327TH ST
ELK POINT SD 57025

Any address/ownership corrections?

Email _____

Phone _____

1. Did you irrigate in 2017? *yes ☒ **no ☐

*If yes, number of acres irrigated? 92

**If no, check reason(s) for not irrigating acres covered by Permit No. ~~179-3~~ 0334-3

sufficient moisture ☐ no water available ☐

system not constructed ☐ use abandoned ☐

enrolled in CRP ☐, through what year? _____

other ☐, please explain in the Comment Box:

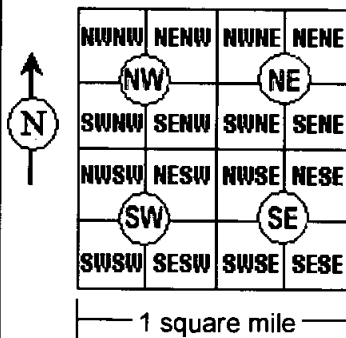
Comment Box

2. If your answer to question No. 1 is "no," you are done!
If you answered "yes," please complete Nos. 3, 4 & 5.

3. Did you apply chemicals or fertilizer through the system in 2017? yes ☐ no ☒

4. If more than one water source is listed below, circle each source used. A. GROUNDWATER

5. Provide your water use on the back of this form.



Office use only

RECEIVED
MAR 07 2018
WATER RIGHTS
PROGRAM

Acreage permitted for irrigation under No. 179-3

(see above section map for help reading legal descriptions)

sec ⁸ ~~23~~-T091N-R49W, W 1/2 SW 1/4 - 68 ^① acres
sec ¹⁷ ~~24~~-T091N-R49W, NW 1/4 NW 1/4 - 24 ^② acres

Please provide your 2017 water use to irrigate the above acreage on the REVERSE side of this form.

Type of system used: center pivot ☒ towline ☐ big gun ☐ flood ☐ sprinklers ☐ other _____

(check all that apply) If center pivot, how many? 2 Please note, pivots need end gun stops to prevent overspray!

If more room is needed, copies of this page may be made or complete blank pages and attach to this form.

MONTH IRRIGATED	CROP TYPE	*NUMBER OF ACRES IRRIGATED	PUMP RATE IN GALLONS PER MINUTE	DAYS PER MONTH WATER WAS APPLIED	AVERAGE HOURS PER DAY
MARCH					
APRIL					
MAY					
JUNE	CORN	68	1000	4	20
JULY	CORN	68	1000	8	19
	SOYBEANS	24	1000	2	20
AUGUST	CORN	68	1000	4	20
	SOYBEANS	24	1000	4	20
SEPTEMBER					
OCTOBER					

*Total number of acres irrigated should be the same as your answer in question No. 1 on reverse side of this form.

306-3

Water Rights Program - DENR Conversation File Documentation

NAME OF PERSON OR FILE: Splitting of Water Right No. 306-3

ADDRESS: COUNTY: Union

DATE: July 23, 2018 TELEPHONE:

RE: Supplement to Harold Holoch's July 21, 2018 email regarding the splitting of Water Right No. 306-3.

Water Right No. 306-3

- Appropriates 3.42 cfs (1535 gpm)
- Irrigation of 240 acres

Transfer to 306A-3 and 306B-3 has not yet taken place

Harold Holoch's investigation on well locations

306B-3 – owned by David Curry and operated by Cloverleaf Farms (Bill Curry)

- 2.0 cfs (900 gpm) – best guess
- 99 acres (licensed for 120 acres based on flood irrigation)

306A-3 – owned by Tom Curry and operated by Scott Hanson

- Best guess – 1.78 cfs (800 gpm) for windshield wiper pivot and 1.56 cfs (700 gpm) for small south pivot)
- 93 acres (licensed for 120 acres based on flood irrigation)

Splitting of land should be based on proportionate share of licensed amount which is 120 acres each.

- Each water right would get an appropriation of 1.71 cfs (767 gpm)

Well No. 2 as identified on the Mr. Holoch's map appears to be the well associated with WR No. 306-3. No well log is on file for this well. Based on file correspondence from Ron Duvall with Mr. Curry in 1988 regarding a replacement well, it appears that Well No. 2 is most likely the replacement well for the original well that was the topic of their discussion. This is based largely on its relatively close proximity to the location of the well identified on the license. However, it is not within the 660 feet described in Duvall's file documentation.

Well No. 1 has a well completion report on file indicating it was completed December 21, 1988. It does not currently appear to be authorized anywhere in the administrative record for Water Right No. 306-3..

I contacted Bill Curry (712) 251-9581. He indicated that well No. 2 identified on the map is approximately 120 feet deep. It was drilled prior to the well identified as Well No. 1.

Mr. Curry stated that the north most pivot which makes a $\frac{3}{4}$ rotation is owned by David Curry and is operated by Cloverleaf Farms (Bill Curry). The southern two pivots are owned by Tom Curry and operated by Scott Hanson.

Prior to splitting the water license based on ownership, the additional well should be reviewed to see if can be authorized under SDCL 46-5-13.1.

NAME: Eric Hanson

Gronlund, Eric

From: Holoch, Harold N <Harold.Holoch@usd.edu>
Sent: Saturday, July 21, 2018 11:52 AM
To: Gronlund, Eric
Cc: McMath, Genny
Subject: [EXT] Water Right 306-3 division
Attachments: 306A-3&306B-3.pdf

Eric: Attached is map for division of Water Right 306-3 into 306A-3 and 306B-3. Scott Hanson, operator for 306A-3 indicated that his best guess was 800 gpm for well. Controller sheet for south 40 acre center pivot showed 700 gpm. The well is a turbine shaft pump/motor. Pump is a Western Land Roller and motor is a GE Model 5KE324DTT6005 and 40 hp. 4 tower center pivot is a Valley 8000 installed by Heine Electric & Irrigation dated 12/22/16, machine length 653' with 101' endgun radius. Controller sheet for north 80 acres of 306A-3, dated 6-9-05, shows 900 gpm, is a Lindsay Zimmatic, 7 tower, 1301' machine length w/104' endgun radius. 8" PVC pipe underground from well to both center pivots, 1590' to North CP and 560' to South CP.

Bill Curry, operator for Cloverleaf Farms, best guess was 900 gpm for well drilled in 80's by James Wetmore serving 306B-3. They use a standby portable generator w/500 gal. above ground fuel tank to power the well. The right angle gear drive is a 80 hp Amarillo Model S80A. The pump is a Wellline Model #MA-4632-8.9 by Layne & Bowler. The 10 tower center pivot is a Valley 6000, found a 2-9-84 date, has an approximate machine radius of 1250' w/ 100' endgun radius. 1410' of 8" PVC pipe underground from well to center pivot.

Please call if you have any questions.

Harold Holoch
Staff Engineer
Dept of Environment & Natural Resources
Water Rights Program
Akeley-Lawrence Science Center, Office #406
414 E Clark St
Vermillion, SD 57069
Cell Ph (605)638-0977

FILE DOCUMENTATION FOR 306-3

On May 1, 2018, ownership changes were filed for the land described in the water right. Based on the ownership changes, Water Right No. 306-3 was divided and reissued to reflect separate ownership as follows:

- **No. 306A-3: Thomas W Curry, 32306 477th Ave., Elk Point SD 57025** authorizing diversion of 1.71 cfs from the well located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17 to irrigate 120 acres located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 8 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, all in T91N, R49W;
- **No. 306B-3: David M Curry Trust, 609 N Walnut, Elk Point SD 57025** authorizing diversion of 1.71 cfs from the well located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8 to irrigate 120 acres located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, all in T91N, R49W.