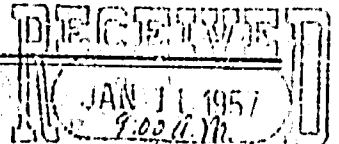


1. Considered March 14, 1957
2. Name of Applicant David Paschke # 386-3
3. Post Office Address Leola, South Dakota
4. Amount of water claimed 2.22
5. Source of water supply ground water
6. Water to be used for Irrigation
Acres to be irrigated 160.9
7. Water to be diverted and used in Hand County about
12 miles 3 1/2 of Redfield.
8. Proof of Publication Received ✓
Not Received ✓
9. Application Approved ✓
Subject to review of Pub. Comm.
Not Approved _____
Action deferred _____

10. Remarks:

No. 386-3Water Division No. 3 James River
(Blanks to be Filled by the Engineer for the W. R. C.)DISTRICT 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 ~~David Paschke~~ JOHN A. CLEMENTS
 Postoffice address Zell, County Haute, State South Dakota

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

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

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
By Contract

(b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ 11,250

2. Name of diversion work Paschke Well
3. Amount of water claimed 2.2 cubic feet per second
4. Source of water supply Well
5. Location of point of diversion 1,593 feet east and 41°37' south of the Northwest Corner of Section 14, T115N, R66W on bank Haute County.
6. Annual period or periods during which water is to be used April 15 to November 15
7. To be used for:

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

(a) Number of acres to be irrigated 160.2 acres.
SW 1/4 Sec. 11, T115N, R66W - 42.1 acres

(b) Legal subdivisions to be irrigated SW 1/4 Sec. 14, T115N, R66W - 118.8 acres
 (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.) None

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

(a) Nature of use None
 Name any of the above uses claimed

(b) Amount of power to be generated _____ 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. 292-3

8. Estimated cost of work:

(a) Head gate, \$ Well - \$1650

(b) Pumping plant, \$ 6200

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

Rock, \$

(e) Other structures Sprinkler System \$ 5400

Total, \$ 11,250

9. Description of diversion works

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

Well

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	ACRE-Feet CAPACITY

(c)* Head gate: Width gate valve _____ feet; height _____ feet; Material Steel

(d) Canal: Total length 0 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 3 years.

11. Time required for complete application of water to the proposed beneficial use 3 years.

12. Choice of newspaper for publication of notice of intention to appropriate Miller Press, Miller, South Dakota

STATE OF SOUTH DAKOTA

County of

Taule

§3.

I,

David Cashke

, 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

David Cashke

Subscribed and sworn to before me this

26

day of

Dec

1956

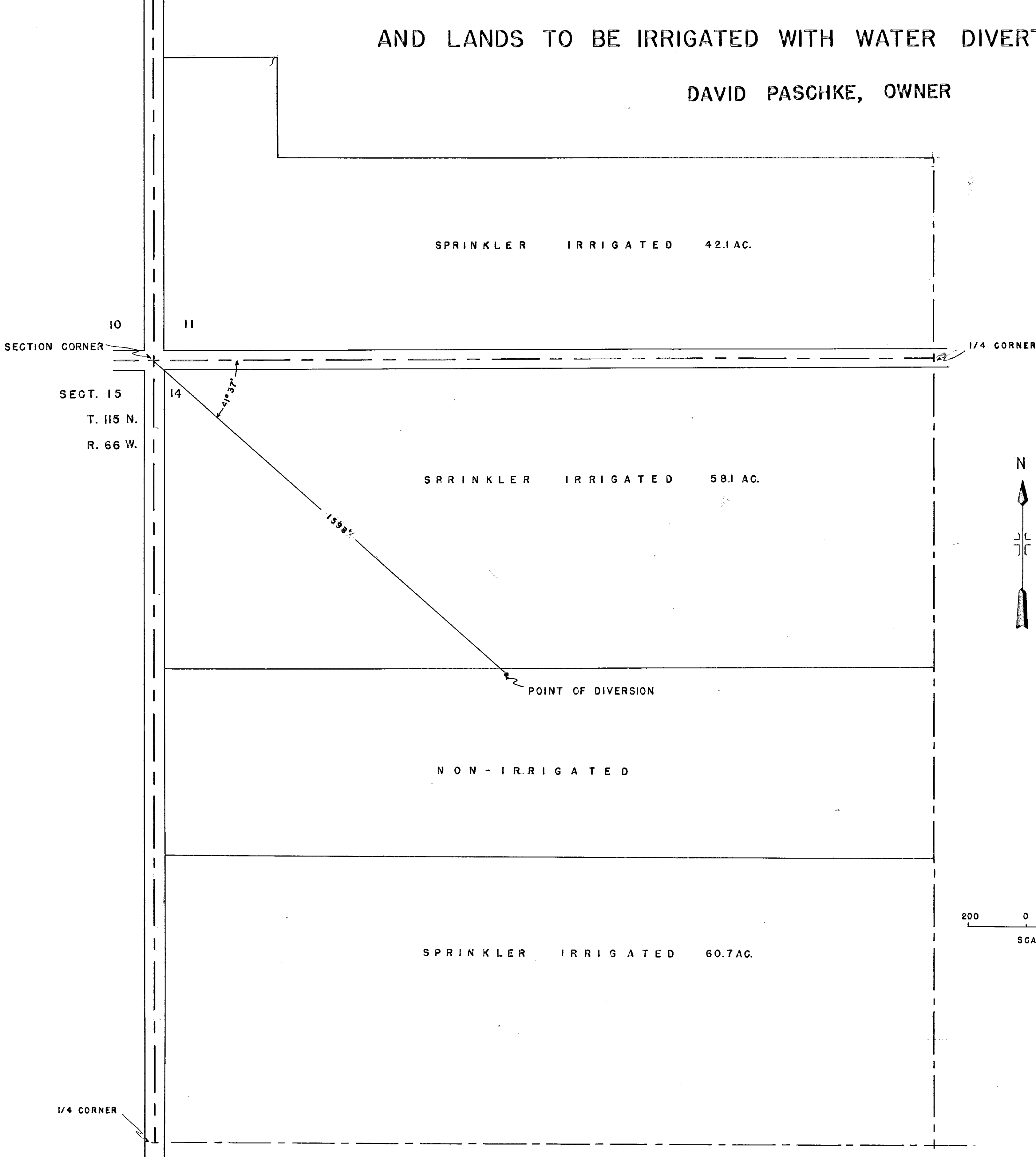
Notary Public (or other qualified officer)

*Each diversion must have a headgate or measuring device.

MAP SHOWING LOCATION OF PASCHKE WELL (POINT OF DIVERSION)

AND LANDS TO BE IRRIGATED WITH WATER DIVERTED FROM THIS WELL

DAVID PASCHKE, OWNER



SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA) ss
COUNTY OF BEADLE)
I, H.M. PIERCE, A REGISTERED ENGINEER AND LAND SURVEYOR IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT, AT THE REQUEST OF DAVID PASCHKE, SOLE OWNER, I SURVEYED THE TRACTS OF IRRIGABLE LAND WITHIN THE OWNERSHIP BOUNDARIES ON MAY 26, 1956 FOR WHICH APPLICATION FOR APPROPRIATIVE WATER RIGHT IS MADE AND THIS MAP IS A TRUE REPRESENTATION THEREOF.

WITNESS MY HAND AND SEAL THIS 6th DAY OF June 1956.

H.M. Pierce
REGISTERED ENGINEER AND LAND SURVEYOR

STATE OF SOUTH DAKOTA) ss
COUNTY OF BEADLE)
ON THIS DAY, BEFORE THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED H.M. PIERCE, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND ACKNOWLEDGED TO ME HE EXECUTED THE SAME.

WITNESS MY HAND AND NOTARY SEAL THIS 6 DAY OF June 1956.

H.M. Pierce
NOTARY PUBLIC

MY COMMISSION EXPIRES 30-1958

LANDS TO BE IRRIGATED:

SW 1/4 OF SECT. 11 T115N R66W - 42.1 AC.
NW 1/4 OF SECT. 14 T115N R66W - 118.8 AC.
TOTAL 160.9 AC.

Map No. 292-3
(Appl. No. 386-3)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, January 11, 1957

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock
9 m. upon the 11 day of January, 1957

State Water Resources Commission

By:

Joe Brinner
Chief Engineer, Executive Officer

Number of permit 386-3

Date of first receipt of application January 11, 1957

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 January 11, 1957

Approved March 13, 1957, Recorded in Book 4 Page 137

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 _____

September 13, 1958

2nd. The whole of said work is to be completed on or before March 13, 1960

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

March 13, 1961

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 2.27 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 March 13, 1961; said water to be used during the following described annual period:

April 1 to November inclusive

Witness my hand this 11 day of September, 1957

State Water Resources Commission

By:

Joe Brinner
Chief Engineer, Executive Officer

Certificate of Construction Issued

OCTOBER 28, 1969

Water License Issued

OCTOBER 28, 1969

Form 2A - Wells (Supplement to Form 2)

9. (continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 32 inches,

Depth 95 feet

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

Size of casing 16 inch, Thickness of casing 10 gage
Length of casing 65 feet If collection gallery,
length, size, and depth of gallery _____.

(b) Screens

Type of perforated screen Punched perforation

Size of perforated screen 16 inch, 30 feet
(diameter) (length)

Thickness of gravel pack 8 inches, length of gravel
pack 95 feet.

(c) Water Bearing Materials

Distance to water at ground surface

Character of water bearing materials Medium to coarse
sands with some lignite

Thickness of water bearing material 7 1/2 feet

(d) Pump and Motor

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

Name of pump Lane and Bowler, size 12 inch

Kind of motor LP Gas
(gasoline, electric, diesel, etc.)

Horsepower 120

Name of motor Chrysler

(e) Complete well

Capacity 1,000 gpm at drawdown of 18 feet

Estimated cost \$1650

(f) Owner of land upon which well is located David
Hame

Paschke, Zell, South Dakota
Address

(g) Distance to nearest existing well:

On same Owner's property 130 rods

On property owned by others 100 rods

Form 15.

Permit No. 386-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

This is to certify, That John A. Clement

_____ the holder _____ of
Permit No. 386-3, issued upon Application No. 386-3, bearing date of priority of January 11,
1957 authorizing the diversion of 2.22 cu. ft. per second of the waters of _____
_____ County of Hand, State of South Dakota at a
point 1598' E., 41° 37' S. of the NW Corner, Section 14, T115N, R66W

_____, for irrigation

_____, has 8 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 intent 2.22 cu. ft. per second of water.

Date October 28, 1969

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

WATER LICENSE NO. 386-3

(1) WHEREAS, On the 11th day of January A. D. 19 57
David Paschke

made Water Right Application No. 386-3 for a permit to use 2.22 cubic feet per second of the waters
of ground water

County of Hand, State of South Dakota, for irrigation
purposes; and

(2) WHEREAS, On the 16th day of September A. D. 19 57
Permit No. 386-3, with a date of priority of January 11, 1957

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 12th day of March A. D. 19 60 and for the
application to beneficial use of said water on or before the 13th day of March A. D. 19 60

and whereas, on the 21st day of October, 1969, the Permit was transferred
to John A. Clement of Zell, South Dakota,

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 2.22 cubic feet
per second of water for beneficial use and,

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

for irrigating the following land in T115N, R66W

Section 11 SW $\frac{1}{4}$ 42.1 acres

Section 14 NW $\frac{1}{4}$ 118.8 Acres

Total 160.9 Acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to John A. Clement

of 7c 11, South Dakota

the holder _____ and owner _____ of said permit No. 386-3 a water right, dating from January 11, 1957
to use of 2.22 cubic feet per second of the waters
of ground water

in the County of Hand and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 1598' E., 41° 37' S. of the NW Corner,
Section 14, T115N, R66W

and conduct to and upon portions of Sections 11 and 14, T115N, R66W, described on the
face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 386-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 26th day of October A. D.
Nineteen Hundred and Sixty-nine

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

(First Publication before February 8, 1957.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., January 11, 1957.

Notice is hereby given that David Paschke whose postoffice address is 2-11 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 2.22 cubic feet of water per second of time from the ground water through the Paschke Well, the point of diversion of which is to be located on the bank of said stream in the 22 $\frac{1}{4}$ of the 111 $\frac{1}{4}$ of Section 14 Twp. 115N Range 46W. Said water to be used for the purpose of providing irrigation on the following described land:

Part of the 22, 31, Sec 11, and 21, Sec 14, all in T. 115N, R. 46W.

and for 2000000 $\frac{1}{2}$ 2000000.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 12th day of March, 1957, at 2:00 PM. 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:

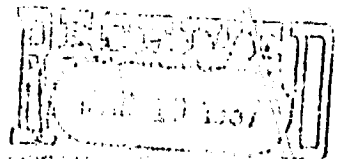
J. W. Grimes, Chief Engineer, Executive Officer

cc - publisher

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Hand } ss.Robert H. McFarlane being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the

Miller Press a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in theCity of Miller County ofHand and State of South Dakota; that the said notice was published in said newspaper on the following dates:January 24, 1957January 31, 1957February 7, 1957February 14, 1957in each and every issue of the full number thereof, the first publication being made on the 24th day of Jan.1957 and the last publication on the 14th day ofFebruary 1957, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication hewas the printer and publisher X of the said newspaper.Robert H. McFarlaneSubscribed and sworn to before me this 14th day of February A. D. 1957Mrs. R. H. McFarlaneNotary Public Hand County, S. D.

APPROPRIATION OF WATER
NO. 286-3
Office of State Water Resources Commission, Pierre, S. Dak., January 17, 1957.

Notice is hereby given that David Paschke, whose postoffice address is Zell, 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 2.22 cubic feet of water per second of time from the ground water through the Paschke Well, the point of diversion of which is to be located in the NW 1/4 of the NW 1/4 of Section 11, T. 115N. R. 80W. Said water is to be used for the purpose of providing irrigation on the following described land: Parts of the SW 1/4, Sec. 11, and NW 1/4, Sec. 11, all in T. 115N. R. 80W.

This application will be taken up by the State Water Resources Commission at their offices at Pierre for consideration upon the 12th day of March, 1957, at 1:00 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
EPNO 15

REPORT OF INVESTIGATION

Unlicensed Water Permits Authorized before January 1, 1964

Water Permit No. 386-5 Approval Date March 13, 1957

This Permit authorized the diversion of 232 cubic feet
per second of water from Well to irrigate

160.9 acres in Section 14411, Township 11.5,
Range 66, County Hand.

Name and Address shown on Permit David Posette
Well 5 D.K.

Name and Address of present owner of land John A. Clement
Well 5 D.K.

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

Indicate the following:

1. The irrigation system was never started nor was not completed.
The present landowner has been informed that cancellation of
Water Permit No. 386 will be considered by the Water
Resources Commission and he will be notified of the date, time
and place of such consideration.
2. Some questions exists and further consideration is advisable.
3. The irrigation system was completed within the five year period
and is being used. A final inspection should be scheduled.

REMARKS:

*Ready for inspection - in Operation. 6-30-67.
Clement purchased land 1965*

Signature

W. H. H. H. H. H.

Permit No. 336-3Water Division 3 JAMES RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by JOHN A. CLEMENT of ZELL holder of Permit No. 336-3, bearing date of priority of JANUARY 11, 1957 authorizing the diversion of 2.22 cu. ft. per second of the waters of GROUND WATER for IRRIGATION purposes, in HAND County.

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

The Water Use System consists of,

A. Works used to divert the water:

95' DEEP WELL W/ 16" STEEL CASING
LAYNE BOWLER VERTILINE 1/2" PUMP - SERIAL N-3184
POWERED BY 60 H.P. U.S. ELECTRIC MOTOR

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

1/2 MILE OF 8" & 6" MAINLINE

C. Works used to apply water to beneficial use.

3 - 1320' TOWNLINES 4"
2 LINES HAVE RAINBIRD 30 SPRINKLER HEAD 1/64
1 LINE HAS RAINBIRD 40 " " 1/64

The system is in the following condition: GOODThe point of diversion is located 1598' E 41° 37' S OF THE NW CORNER SECTION 14, T115N, R66WThe works are capable of diverting and conveying to the place of use 2.22cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN T115N, R66W

<u>SECTION 11</u>	<u>SW⁴</u>	<u>42.1 ACRES</u>
<u>SECTION 14</u>	<u>NW⁴</u>	<u>118.8 "</u>

comprising a total of 160.9 acres of land.

Water Rights Division - DWNR

File No. 386-2

Conversation or File Documentation

NAME OF PERSON OR FILE: John Clement

ADDRESS: Redfield, SD

COUNTY

DATE: June 13, 1985

TELEPHONE 472-3479

RE: ownership of land under water right no. 386-3

COMMENTS:

Mr. Clement informed our office he has sold his land under Water Right No. 386-3

to the following: Land in Section 14: Harold Booze, Redfield

Land in Section 11: Herb Heidepriem, Miller

& Ron Phillips, Redfield

Spoke with Mrs. Harold Booze (472-1540) concerning transfer for portions of the water right which they would now own, she indicated they do not irrigate at all and do not intend too (no transfer necessary)

Spoke with Herb Heidepriem (853-2456) concerning transfer - he indicated the irrigated portion of Section 11 (SW) he purchased and he does irrigate. He further indicated 15 acres of the SW purchased by Ron Phillips was not irrigated property.

Spoke with Alvin Phillips (472-1910) (Son of Ron Phillips), he indicated they had purchased the building site and did not have any irrigated land

Send Mr. Heidepriem a transfer form for transferring Water Right No. 386-3 to his name. Since Mr. Booze and Mr. Phillips do not irrigate any of the land authorized for irrigation under No. 386-3, the water right will not need to be split up.

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:

Jenny McMath



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

June 7, 1985

Harold Booze
RR#1
Redfield, SD 57469

Herb Heidepriem
103 W. 3rd
Miller, SD 57362

Ron Phillips
716 E 7th Avenue
Redfield, SD 57469

Gentlemen:

Regarding Water Right No. 386-3 for John Clement of Redfield, Mr. Clement has informed our office he has sold the land authorized for irrigation under his water right as follows:

NW 1/4 Section 14, T115N, R66W - Harold Booze
SW 1/4 Section 11, T115N, R66W - Herb Heidepriem - Ron Phillips

During telephone conversations with Mrs. Booze, Mr. Heidepriem and Alvin Phillips, it was determined the land purchased by Mr. Heidepriem would be the only acreage irrigated under Water Right No. 386-3. The water right will be transferred to Mr. Heidepriem for the lands he now irrigates. Portions of the land covered by Water Right No. 386-3 now owned by Harold Booze and Ron Phillips are considered abandoned and will be deleted from the water right upon transferring and reissuance of the water license. Those lands will no longer be authorized for irrigation.

If you have any questions concerning the action taken on this water right, please contact use.

Sincerely,

Genny McMath
Natural Resources Analyst

GK:ms
Enc.

LAW OFFICES OF
HEIDEPRIEM & WIDMAYER
103 WEST THIRD STREET
MILLER, SOUTH DAKOTA 57362

HERBERT A. HEIDEPRIEM
RUBEN H. WIDMAYER
SCOTT N. HEIDEPRIEM

605 / 853-2456
P.O. BOX 129

August 8, 1985

Mrs. Genny McMath
Natural Resources Analyst
Dept. of Water & Natural Resources
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Mrs. McMath:

Re: Water Rights No. 386-3

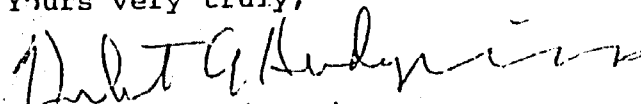
I am enclosing herewith the requested documentation for notice of transfer of the captioned water permit.

I am sorry to be so slow on this, but I was sure that something along this line had been done several years ago.

You will note that I have had this executed also by J. H. Jones who is my partner in this venture. We operate under the name of H & J Partnership.

Along with the notice, I include my check in the amount of \$2.50 for filing fees.

Yours very truly,


Herbert A. Heidepriem

HAH/lf
Enc: 2



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: August 2, 1985

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

SW 1/4 Section 11, T115N, R66W

formerly owned by John Clement
has been transferred to J. H. Jones, 212 N. Broadway, Miller, SD 57362 and
Herb Heidepriem, 103 W. 3rd, Miller, SD 57362
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 386-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of Hand) ss.

We, J. H. Jones & Herb Heidepriem being first duly sworn on my oath despose and say:
That the relation to the above described undertaking is that of Owners that we have read the above foregoing statement, and we know of our own personal knowledge that the information herein stated is true.

[Signature]
My commission expires: 1/2/87

Subscribed and sworn to before me this 5th Day of August, 1985.

[Signature]
Darlene Droz (Notary Public)
My commission expires: 1/2/87.



RECEIPT

Division of Water Rights

No 410144

South Dakota Department of Water and Natural Resources

Pierre, August 6, 1985

RECEIVED OF Herb Heidepriem, H & J Partnership, PO. Box 129, Miller, SD 57362

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form 386-3 _____	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH MS

SOUTH Dakota Department of
Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division

Phone (605) 773-3352

August 7, 1985

Herb Heidepriem
H & J Partnership
PO Box 129
Miller, South Dakota 57362

Dear Sirs:

Enclosed is receipt No. 4 10144 // in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 386-3.

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

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

WNR-821-7/79

Receipt & Notice of filing of Transfer of Water Right

SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 26, 1990

386-3
4167-3

Richard Jackson
RR #1 Box 74
Zell, SD 57483

Dear Mr. Jackson:

Enclosed are copies of Water Right Nos. 386-3 and 4167-3. In response to our telephone conversation of February 23, 1990, I have included your name in the water right files as that of renter. This will cause the yearly irrigation questionnaires (mailed out in October each year) to be mailed directly to you.

If you have any questions concerning these water rights, please contact me.

Sincerely,

Genny McMath

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosures



DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 23, 1991

386-3
4167-3

Galen Gillette, Attorney
PO Box 60
Redfield, SD 57469

Dear Mr. Gillette:

Enclosed, as you requested, are "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 386-3 and 4167-3. The water rights are currently listed in the name of H & J Partnership.

The transfer forms should be completed and then signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$5.00).

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

I have also included a copy of each of the water rights. You may keep them for your records. If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures



386-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 8, 2003
VIA FACSIMILE

Shelia Coss
Hand County Register of Deeds
415 W 1st Ave
Miller SD 57362

Dear Ms. Coss:

I am currently in the process of reviewing two water rights for land in Hand County. Prior to doing anything with them, I need to find out if the ownership records I have are current.

The land in question is as follows:

- SW ¼ Section 11, T115N, R66W
- NW ¼ Section 14, T115N, R66W

Would it be possible for you to supply the name and current mailing addresses of the owners of the above land? I believe that Kraig Jackson is the owner of most of the SW ¼ Section 11 and Harold Booze may own the portion in Section 14.

You may fax the information to me, phone or send by regular mail. Thank you in advance for your help.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
Phone: (605) 773-3352
fax: (605) 773-4068

386-3

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and NATURAL RESOURCES**

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415 W 1st Ave
Miller SD 57362

Dear Ms. Coss:

I am currently in the process of reviewing two water rights for land in Hand County. Prior to doing anything with them, I need to find out if the ownership records I have are current.

The land in question is as follows:

- SW ¼ Section 11, T115N, R66W Kraig R. Jackson
- NW ¼ Section 14, T115N, R66W Opal Joan Booze Living Trust dated 5/1/97
Harold D. & Opal Joan Trustees

Would it be possible for you to supply the name and current mailing addresses of the owners of the above land? I believe that Kraig Jackson is the owner of most of the SW ¼ Section 11 and Harold Booze may own the portion in Section 14.

You may fax the information to me, phone or send by regular mail. Thank you in advance for your help.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
Phone: (605) 773-3352
fax: (605) 773-4068

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Kraig Jackson

ADDRESS: 37134 171st St, Redfield SD 57469

DATE: September 10, 2003

COUNTY: Hand

TELEPHONE: 605 472-2607

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The water source is the Tulare – Western Spink aquifer.

- Water Right No. 386-3 authorizes irrigation of portions of the SW ¼ Section 11 and NW ¼ Section 14, T115N, R66W from a well in the NW ¼ Section 14.
- Water Right No. 4167-3 authorizes irrigation of portions of the SW ¼ Section 11 from a well in the SW ¼ Section 11, T115N, R66W.

Due to separate ownership, No. 386-3 is being divided and reissued. The portion of land in the SW ¼ Section 11 will be incorporated into No. 4167-3. The well in Section 11 authorized under No. 4167-3 will continue to supply the pivot in the SW ¼ Section 11 with no increase in diversion rate or additional water appropriated. The well in the NW ¼ Section 14 authorized under No. 386-3 is no longer used for irrigation.

- **If irrigation, no new land is irrigated**

No additional land is irrigated

- **Review of Existing Diversions**

The nearest other permitted diversion from the Tulare – Western Spink aquifer is Water Right No. 1613-3 located approximately 5 miles to the East. No interference has occurred between these wells and none is expected in the future.

RECOMMENDED ACTION

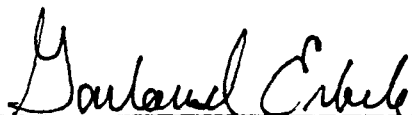
Based on the above criteria, it is recommended that the diversion authorized under No. 386-3 (0.58 cfs with a priority date of January 11, 1957) be changed to the diversion point authorized by No. 4167-3 in the SW¼ Section 11. No increase in the total authorized diversion rate (1.78 cfs) or acres irrigated (132 acres) under No. 4167-3 is authorized by this change in diversion points.



Ron Duvall, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Kraig Jackson, 37134 171st St, Redfield SD 57469

DATE: September 8, 2003

TELEPHONE: 605 472-2607

RE: Water Right Nos. 386-3 and 4167-3

COMMENTS:

Eric Gronlund and I spoke with Mr. Jackson regarding ownership of land described in Water Right No. 386-3 and 4167-3.

- No. 386-3 authorizes irrigation of portions of the SW ¼ Sec 11 and NW ¼ Sec 14, T115N, R66W from a well in the NW ¼ Sec 14 (Tulare-Western Spink Aquifer).
- No. 4167-3 authorizes irrigation of 132 acres in the SW ¼ Section 11, T115N, R66W using a well in the SW ¼ Sec 11 (Tulare-Western Spink Aquifer).

Mr. Jackson said he owned the land in the SW ¼ Section 11 (with the county owning a small piece in the corner) and Harold Booze owned the land in the NW ¼ Section 14. We discussed with Mr. Jackson the method to get the water rights clarified by dividing No. 386-3 into two water rights and incorporating the portion he owned (SW ¼ Section 11) into No. 4167-3. He would be able to retain his old priority date for a portion of the land. He thought his pivot covered about 133 acres.

The staff feels the portion owned by Mr. Booze in Section 14 would be subject to cancellation due to non-use. Mr. Jackson confirmed that the land has not been irrigated but inquired about what would be involved in getting permission to irrigate. Eric told him that new permits in this area would be problematic. The Water Management Board has determined that the aquifer is fully appropriated. Currently, there are a number of water permit applications that have been deferred for a period of 5 years to allow for existing permit holders to construct their systems. If they do not construct a system within the 5 year time frame, those on the deferred list would get an opportunity to have their applications reviewed and possibly approved.

RECOMMENDED ACTION:

Divide 386-3 into 386A-3 and 386B-3 to reflect separate ownership. No. 386A-3 will be incorporated into No. 4167-3 and No. 386B-3 will be scheduled for cancellation consideration due to abandonment and/or forfeiture. Mr. Booze will need to be contacted to confirm the above information. The Hand County Register of Deeds will also be contacted for verification of ownership records.


Eric Gronlund
Natural Resources Engineer


Genny McMath
Environmental Scientist

File No. 386-3
386B-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Harold Booze, 18004 373rd Ave, Redfield SD 57469

DATE: September 10, 2003

RE: Water Right No. 386-3

COMMENTS:

Mr. Booze returned my call regarding irrigation on Section 14 described in Water Right No. 386-3. He confirmed that the land has not been irrigated for several years and he didn't think he would be irrigating. He said the well is still there, but not being used. He has another well in Section 14 closer to his farm place that is used for domestic use.

I explained to him that several years ago I spoke with Mrs. Booze about the water right and irrigation of the land in Section 14. She said (1985) that they did not irrigate and did not wish to maintain a water right. No follow-up occurred and the license was left describing both Sections of land. Currently, we are trying to clear up the license by dividing it and reissuing it based on ownership. He said the only part irrigated would be Jackson's part in the SW 1/4 Section 11. He did mention that some of the land is in CRP right now.

Mr. Booze asked if another water right could be obtained for the land in the future if he or someone else wanted to irrigate. I explained to him that he could file an application at anytime, however WMB has declared the aquifer fully appropriated and his application would be added to the deferred list.

RECOMMENDED ACTION:

Schedule the portion of the water right that is on Mr. Booze's land for cancellation consideration. Mr. Booze seemed agreeable to the cancellation but had some concerns over applying for a new one if this one was lost. I explained that once the matter was scheduled for hearing, he had the right to come before the Board and discuss his concerns and/or explain to them why the land was not irrigated and whether or not he wanted to keep the water right.



Genny McMath
Environmental Scientist

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

Water Right No. 386-3 authorized irrigation of 160.9 acres in portions of the SW ¼ Section 11 and NW ¼ Section 14, T115N, R60W. Due to ownership changes, the water right is being divided and reissued to reflect separate ownership.

- **No. 386A-3 – Kraig Jackson, 37134 171st St, Redfield SD 57469:** authorizing diversion of 0.58 cfs to irrigate 42.1 acres in the SW ¼ Section 11, T115N, R66W**;
- **No. 386B-3 – Harold Booze, 18004 373rd Ave, Redfield SD 57469:** authorizing diversion of 1.64 cfs to irrigate 118.8 acres in the NW ¼ Section 14, T115N, R66W. Issuance of No. 386B-3 is being withheld until a determination is made by the Water Management Board on whether or not the water right has been abandoned and/or forfeited and subject to cancellation.

** The acreage described in Water Right No. 386A-3 is also authorized under No. 4167-3. Water Right No. 386A-3 will be incorporated into No. 4167-3.