

Water Right Number 4293-3

1. Considered July 26, 1978 19
2. Name of Applicant Harold Downes
3. Post Office Address Pierre, D.
4. Amount of water claimed 2.14 Sec. 23-108-75
5. Source of water supply Missouri River
6. Water to be used for Irrigation

Acres to be irrigated 150.00

7. Water to be diverted and used in Hughes County
about 28E 16S Miles of PIERRE

8. Proof of Publication Received 7-6-78

Not received

9. Application Approved

Subject to

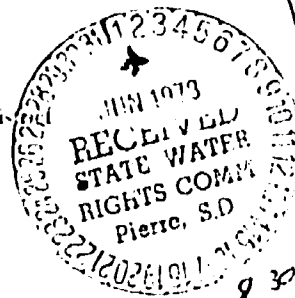
Not approved

Action deferred

10. Remarks:

No. 4293-2Map No. 3505-3 Water Division No. 3 MISSOURI RIVER Dis.

(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 Harold Downes
 Postoffice address 716 W. Pleasant Dr., Pierre, State SD 57501
 If a corporation, show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) _____

3. Name of diversion work Harold Downes #5

4. Amount of water claimed (cubic feet per second) 2.14

5. Source of water supply Missouri River

6. Location of point of diversion from NW corner of Section 23-T108N-R75W due South, 218 rods,
on the north

County Hughes

7. Annual period or periods during which water is to be used May 1 through November 1

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 150

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.
NE $\frac{1}{4}$ Sec. 22-108-75	150		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 6 months ~~more~~ Additional time required to complete application of water to the proposed beneficial use _____ years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication Capitol Journal, Pierre, SD

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Pump

B. Works proposed to transport water to place of use.

Pipe

C. Works proposed to apply water to beneficial use.

Gated pipe

Estimated Total Cost \$ _____

Attachments. 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)

) ss.

County of Hughes)

I, Harold Downes, 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 Harold Downes

Subscribed and sworn to before me this 5th day of June, 1978

John J. Westlund
 Notary Public (or other qualified officer)

Water Rights Administrator

NOT TO SCALE Hirsch.

Permit # 2705-3

114-R

131

Regulating
Reservoir

Pump Site

Gated Pipe

Permit # 2105-3

NW 1/4 Sec 3

40ac

Gated Pipe

SW 1/4 Sec 3
38ac

Permit # 1002-3

108-75

131

SW 1/4 Sec 3
38ac

NE 1/4 Sec 3
40ac

Permit # 2105-2

135.9

20

20.4

Permit # 4293-3

108-75

Hirsch Pump Site

Downes Pump Site
for 4293-3

NOT TO SCALE

10053-1/2

115-L

EXHIBIT
COPIED AT THE EXPENSE OF
THE DOCUMENT

Permit # 1032-3

Permit # 1657-3

22.0

120
Gravel

108-75

Permit # 1001-3

Permit # 1000-3

108-75

115-L

24

Pump Site

Pump Site for
Permit # 1032-3
1657-3
2105-3

Harrold Dunes

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4293-3

HAROLD DOWNS
RR 2
Harold SD 57536

716 W PLEASANT DRIVE
(Post Office Address)

with the following modifications:

~~3250 RALSTON AVE~~

~~HILLSBOROUGH, CA~~
~~94040~~

Date of first receipt of application JUNE 1, 19 78
Date of return to applicant for correction, amendments or changes required _____, 19 ____
Date of receipt of corrected application _____, 19 ____
Approved JULY 26, 19 78, Recorded in Book 20 Page 55

WATER RIGHT PERMIT NO. 4293-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4293-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is JUNE 1, 19 78.
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before OCTOBER 26, 19 78.
3. The whole of said work is to be completed on or before JANUARY 26, 19 79.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 26, 1979.
5. The water appropriated shall be used for the purpose of IRRIGATION.
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 2.14 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 2 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 JANUARY 26, 19 79; said water to be used during the following described annual period: MAY 1 TO NOVEMBER 1

Witness my hand this 1ST day of AUGUST, 19 78

WATER RIGHTS COMMISSION

By:

John H. H. H.
Chief Engineer, Executive Officer

Certificate of Construction issued May 30, 19 82

Water License issued May 20, 19 80

CONSERVATION COMMISSION

FORM #1

6711

SOIL/WATER COMPATIBILITY APPLICATION FORM

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

IMPORTANT: Read Instructions Before Proceeding!!!

NAME Harold Dornes

ADDRESS 716 W. Pleasant Dr., Pierre, SD 57501

COUNTY Hughes

In accordance with State law (Section 1, 82-58), if a water right is granted conditional permit (SD) Water compatibility), a copy of such conditional permit with the County Register of Deeds.

This action must be taken by the holder of a water right within 6 months of receipt of such water right.

LEGAL DESCRIPTION: August 1st

1. WELL LOCATION OR DIVERSION POINT NW corner of Sec. 23-T108N-R75W due South, 218 rods on the North
2. LOCATION OF AREA TO BE IRRIGATED NE 1/4 Sec 22-108-75

TYPE OF IRRIGATION:

3. GRAVITY xxx TOWLINE _____ CENTER PIVOT _____ GUN _____

OTHER (SPECIFY) _____

4. CROPS TO BE IRRIGATED Corn

WATER QUALITY: (To be completed by SDSD Water Quality Lab)

5. SAMPLE NUMBER _____
6. SALINITY (EC X 10³) _____
7. SODIUM (SAR) _____
8. RESIDUAL SODIUM CARBONATE (mg/l.) _____

I do hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from Hughes County Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

SUBSCRIBED AND SWORN BEFORE ME THIS
/ DAY OF /, 1978.

(TITLE OR SEAL)

APPLICANT'S SIGNATURE

Approved

Disapproved

Conditionally Approved

(GIVE THIS SECTION OF REVERSE SIDE)

122-35477-001
6/77

Approved- Surface

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

(RECOMMENDED MANAGEMENT)



NAME OF APPLICANT Harold Dumes, Pierre

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than 1, 2, 3, 4, 5, times during the irrigation season. 1/2
2. Each uninterrupted application (one rotation of center pivot) should be of at least 1, 2, 3, 4, inches of water. 1/2
3. ☒ Yes ☐ No Surface drainage suggested - See below
4. ☐ Yes ☐ No Subsurface drainage suggested
5. ☐ Yes ☐ No Specific land areas that should be avoided

-
-
6. ☐ Deep tillage (For the purpose of aiding movement of water through dense subsoils)

7. ☐ Heavy fall application of irrigation water

Soil-water capatibility is good.

Any area that tends to pond water should be surface drained or graded out for good crop production, areation of soils, etc.

Follow SCS recommendations on length of run, direction of irrigaiton and general layout procedures.

Copy to Applicant - 1
Copy to Water Rights - 2
Copy to File - 1

Permit No. 4293-3

Water Diversion No. 3 Missouri River Water District

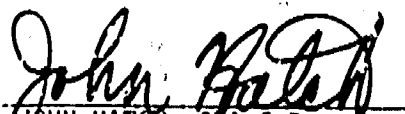
CERTIFICATE OF CONSTRUCTION

This is to Certify, That Harold Downes

_____ the holder _____ of
Permit No. 4293-3, issued upon Application No. 4293-3, bearing date of priority of June 1, 1978
_____ authorizing the diversion of 2.14 cu. ft. per second of the waters of the
Missouri River County of Hughes, State of South Dakota at _____
a point 3550 ft. south and 50 ft. east of the NW Corner, Section 22, T108N, R75W
_____, for Irrigation

_____ purposes, has _____ 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 3.33 cu. ft. per second of water.

Date May 20, 1980


JOHN HATCH, Chief Engineer
Water Rights, WMD

STATE OF SOUTH DAKOTA

WATER LICENSE NO. . . . 4293-3

(1) WHEREAS, On the 1st day of June A. D. 19 78

Harold Downs

made Water Right Application No. 4293-3 for a permit to use 2.14 cubic feet per second of the waters of the Missouri River

County of Hughes State of South Dakota, for Irrigation

purposes; and

(2) WHEREAS, On the 26th day of July A. D. 19 78

Permit No. 4293-3, with a date of priority of June 1, 1978

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 26th day of January A. D. 19 79 and for the application to beneficial use of said water on or before the 26th day of January, A. D. 19 79

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 2.09 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,

to irrigate the following lands all in Section 22 - T108N - R75W

	ACRES
<u>NW$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>36</u>
<u>NE$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>40</u>
<u>SW$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>30</u>
<u>SE$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>40</u>
<u>14$\frac{1}{2}$ Total</u>	

(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 Harold Downs

_____ of Hillsborough, California

the holder _____ and owner _____ of said permit No. 4293-3 a water right, dating from June 1, 1978

_____ to use of 2.09 cubic feet per second of the waters

of the Missouri River

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

purposes hereinbelow mentioned, to be diverted at a point 3550 ft. south and 50 ft. east

of the NW corner, Section 22, T108N - R75W

_____ and conducted ^{ed} to and upon portions of land in NE 1/4, Section 22 - T108N - R75W, more fully described
on the face of this License.

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 4293-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 20th day of May A. D.
Nineteen Hundred and Eighty

WATER MANAGEMENT BOARD

By:

Chief Engineer, Executive Office
JOHN HATCH

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6457

PIERRE, June 1, 1978

RECEIVED OF Harold J. Downes, 716 W. Pleasant Dr., Pierre. SD 57501
the following amount in fees for services rendered as provided for by law: Fund 290

Fee for Application for Permit to Appropriate Water No. 4293-3 (examination, processing, recording and filing) -----	275	00
Fee for inspecting Construction, and issuing Cert. of Construction No.-----		
Fee for inspecting Beneficial Use, and issuing Water License No.-----		
Fee for issuing Location Certificate-Dry Draw, No.-----		
Fee for filing -----		
Fee for certified copy of -----		
Fee for Print copy of map -----		
Fee for Certifying -----		
Fee for ----- (any other work as provided by law)		
TOTAL	275	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH pth

Form 6 - Notice of Intent to Appropriate Water
SURFACE WATER

No. 4293-3

Publish first publication, on or before June 30, 1978

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 15, 1978

Notice is hereby given that Harold Downes whose post office address is Pierre, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 2.14 cubic feet of water

per second of time from the Missouri River through the

Harold Downes #5, the point of diversion of which is to be located in the

NW 1/4 SW 1/4

of Section 23, Twp. 108N Range 75W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE 1/4 22-T108N-R75W

This Application No. 4293-3 will be considered by the Water Rights Commission at the Ramada Inn, Sioux Falls, SD upon the 26th day of July, 1978 at 10 AM. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

NOTE: Final Proof of Publication must be received by the hearing date for the Commission to take action.

WATER RIGHTS COMMISSION

BETTY WESTLUND
Water Rights Specialist

cc: Harold Downes, 716 W. Pleasant Drive, Pierre, SD 57501

No. 4293-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hughes) ss.

I, John H. Hipple hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Daily Capital Journal

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 _____ Pierre

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

June 23, 1978 and

June 30, 1978.

John H. Hipple
(Signature)

Business Manager
(Title)

June 30, 1978
(Date Signed)

No. 4286 - 2t dly. June 23-30

No. 4293-3
NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

Notice is hereby given that
Harold Downes whose post office
address is Pierre, South Dakota,
has made an application in
accordance with the provisions of
SDCL 46-1-1 thru 46-1-4; 46-2-9
thru 46-2-11, 46-2-13; 46-5-1 thru
46-5-3, 46-5-10 thru 46-5-22, 46-5-41,
and Commission Rules ARSD
52:01:01:01 thru 52:01:01:13, for a
permit to appropriate for benefi-
cial use 2.14 cubic feet of water
per second of time from the
Missouri River through the
Harold Downes No. 5, the point of
diversion of which is to be located
in the NW¼ SW¼ of Section 23,
Twp. 108N Range 75W. Said
water to be used for the purpose
of providing irrigation on por-
tions of the following described
land:

NE¼ 22-T108N-R75W
This Application No. 4293-3
will be considered by the Water
Rights Commission at the
Ramada Inn, Sioux Falls, SD
upon the 26th day of July, 1978 at
10 A.M. The Commission is
authorized to make a deter-
mination on this application at
the hearing. All interested per-

sons are notified that he was impressed with the
cycle trip that will take him three
the Pierre area a couple of weeks
environmental woes.
it as economical - trim waist, strong
- no parking problems -
operate

MY COMMISSION
EXPIRES MAY 27, 1985



4293-3

December 27, 1978

Harold Downes
3250 Ralston Avenue
Hillsborough, CA 94010

Dear Mr. Downes:

Per your request of December 23, 1978, attached is a list of water right irrigation permits listed in your name and the lands covered under each.

If you have any further questions, please contact this office.

Sincerely,

Genny Young
Staff Assistant

gy

encl

Harold Downes Irrigation Permits

1000-3 (Licensed)

All in T108N, R75W

Section 23	NW $\frac{1}{4}$ NE $\frac{1}{4}$	39.0 acres
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	39.0 acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	12.5 acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	16.5 acres
Section 24	NW $\frac{1}{4}$ NW $\frac{1}{4}$	39.0 acres
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	3.5 acres
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	16.5 acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>1.8 acres</u>
TOTAL		167.8 acres

1032-3 (Licensed)

Section 14, T108N, R75W

NW $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$	14.0 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>39.0 acres</u>
TOTAL	133.0 acres

1657-3 (Licensed)

Section 14, T108N, R75W

W $\frac{1}{2}$ SE $\frac{1}{4}$	80.0 acres
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2105-3

All in T108N, R75W

Section 14	SW $\frac{1}{4}$ SW $\frac{1}{4}$	16.0 acres
Section 22	N $\frac{1}{2}$ NW $\frac{1}{4}$	80.0 acres
Section 15	W $\frac{1}{2}$ SW $\frac{1}{4}$	<u>78.0 acres</u>
TOTAL		174 acres

4293-3

Section 22, T108N, R75W

NE $\frac{1}{4}$	150.0 acres
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Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

November 1978

2105-3 HU-MI
Harold J. Downes
3250 Ralston Ave.
Hillsborough, CA 94010

Dear Sir:

Enclosed is a questionnaire pertaining to your irrigation during the 1978 season. The questionnaire covers the period of April through the season.

The Water Rights Commission would appreciate you filling out this questionnaire and returning it as soon as you can. If you have not kept records of your irrigation applications, estimations will be satisfactory.

Similar information collected in recent years has been most helpful because of the good response by irrigators. Your continued cooperation will be appreciated.

Thank you,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH:kjw

enclosure

12/23/78

Dear Mr Hatch -
With respect to this and a number of other inquiries
you have made on what I believe are other water rights
I hold, would you please make reference to the
locations so that I can answer them intelligently.
If you are unable to use other than the above numbering
system, I could fill out blanks for each location I am
irrigating and then you could fill in whatever number you
wish to put it physically. Sincerely, H J Downes

Permit No. 4293-3Water Division 3 Missouri River Water District

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Harold Downs
3250 Ralston Ave.
of Hillsborough, California 94010 holder
 of Permit No. 4293-3, bearing date of priority of JUNE 1, 1975
 authorizing the diversion of 2-14 cu. ft. per second of the waters of Missouri River
 for Irrigation purposes, in Hughes 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:

Engine - Deutz 6 cyl. Diesel, Ser# 5632367,
 105 HP, @ 2300 RPM,
 Pump - Cornell, Model 5RB6254-3, Ser# E 2447 11 1/2"

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

2900 ft 10" Aluminum Pipe

C. Works used to apply water to beneficial use.

2700 ft of 10" Aluminum Gated Pipe

The system is in the following condition: GoodThe point of diversion is located 355 ft S and 50 ft E of the NW
Cor of Sec. 22, T108N R75W.The works are capable of diverting and conveying to the place of use 3.33
 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: All in Sec. 22, T108N R75W
NW 1/4 NE 1/4 - 36 Ac. NE 1/4 NE 1/4 - 40 Ac. SW 1/4 NE 1/4 - 30 Ac.
SE 1/4 NE 1/4 - 40 Ac.comprising a total of 146 acres of land

146 2/3 2.09 1/2

License fee 2.09 1/2

Date

May 15, 1979
LeRoy J. Merriam
 (Signature)

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7437

PIERRE, April 7, 1980

Harold J. Donnes, 3250 Ralston Ave., Hillsborough CA 94010

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

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for Inspecting Construction, and issuing Cert. of Construction No. 4293-3)	1X	88
Fee for Inspecting Beneficial Use, and issuing Water License No. 4293-3)	50	00
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filling _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH kw



January 16, 2002

NOTICE

4293-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

TO: HAROLD J. DOWNES, 1301 SHOREBIRD LANE, CARLSBAD, CA 92009
FROM: Ren Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaires

Our records indicate that the 2001 Irrigation Questionnaires have not been submitted for Permit Nos. 4949-3 & 5345-3, 1000-3, 1032-3, 1657-3, 2105-3 & 4293-3. The request for the Questionnaires was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1000-3, 1032-3, 1657-3, 2105-3 & 4293-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4949-3 & 5345-3 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), 550 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) 4949-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1000-3, 1032-3, 1657-3, 2105-3 & 4293-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires 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 (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.

4293-3

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ 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.		A. Receiver's by (Please Print Clearly) HAROLD J DOWNES	
		B. Date of Delivery 1-23-02	
		C. Signature X Harold Downes	
		☐ Agent ☐ Addressee	
		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address ☐ No	
1. Article Addressed to: HAROLD J DOWNES 1301 SHOREBIRD LANE CARLSBAD CA 92009		3. Service Type ☒ Certified Mail ☐ Express ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ Signature Required	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article 7001 2510 0004 4797 5774			

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 23, 2002

Harold J Downes
1301 Shorebird Lane
Carlsbad, CA 92009

RE: Water Permit or Right Nos. 1000-3, 1032-3, 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3

Dear Mr. Downes:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Permit or Right Nos. 1000-3, 1032-3, 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3.

I completed questionnaires for you based on our January 23rd telephone conversation. The forms I completed reflect that you did not irrigate in 2001. The systems were turned on briefly at the end of the season to determine if they worked properly.

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

4293-3

Garland Erbele, Chief Engineer Water Rights Program
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol.
Pierre, South Dakota 57501-3182

RECEIVED

OCT 24 2003

WATER RIGHTS
PROGRAM

Dear Sir:

Since we first started irrigating on the Joe Creek Terrace nearly 50 years ago, before Lake Sharpe was formed, we have seen many changes. We have always found the personnel in your department most helpful and cooperative. Relying on the precedents thus set, we are submitting herewith our water rights reports along with notes accurately reporting the facts as we know them. This year catches us in a state of flux or change in that we have found it no longer economically desirable to pursue further the flood and gated pipe way of distributing water on our crops. While the pivot systems are somewhat more capital intensive, they offer the advantages of less water use, more efficient distribution, less labor intensive, less erosion, and less pollution. We took the first steps in switching over by replacing all the diesel operated pump stations with electric systems in 1997 admittedly with more than a little pressure from the Corps of Engineers.

Accordingly, we are progressively changing to pivot systems. We installed our first pivot this year and hope to have four more installed by the end of this year or at least in time for the 2004 crop season. By the 2005 season we hope to have completed the pivotization of all our irrigable holdings on the Joe Creek Terrace. So much for the big picture.

Several of the permits obviously will need amendment. We would like to wait until we have finished the current redevelopment before making those changes. However we need the advice of your department on this point. Would you please ask whoever is charged with the responsibility for reading these reports to cast one eye on this letter and the notes included herewith to better understand what we are trying to do?

We expect to be at Joe Creek from October 25-30. The farm phone is 875-3384 and my cellphone is 760-419-8951.

Sincerely,

Harold & Mary Ann Downes
Harold and Mary Ann Downes

1301 Shorebird Lane
Carlsbad, CA 92009
October 21, 2003

Note to # 5345-3. If this is the 25- acre strip adjacent Lake Sharpe, we lost the lease and don't believe we will recover it under current Corps of Engineers policies. Accordingly this permit may be a candidate for revision or cancellation. It was represented to us by the Corps at the time of non-renewal of our lease that the land was to be used as a wild life preserve. However, it has been farmed and crop has been taken from it in the form of hay in recent years in apparent contradiction of the use used as a basis for non-renewal of our long standing lease arrangement. If the Corps were to change its policies we would want to lease it again and make use of this permit.

If, on the other hand, this pertains to land on Joe Creek Terrace itself, we are currently irrigating it by gravity and gated pipe and are currently in the planning stages of installing additional center pivots on Secs 23 and 24 to replace the gated pipe system which has been employed since the date of permit #1000-3. We hope to have the new systems operational for the 2004 season.

Note to 4949-3: We are currently lessees of the land in Sec 21 but do not currently hold the lease in Sec 16. Accordingly, this permit should be amended to eliminate reference to the land in Sec 16. Also, we are in planning stages of installing a center pivot to replace the gated pipe system which we have always used in Sec 21. When this comes to pass, we would want to change the diversion point shown in this permit to that employed in #2105 for the land in the NW quarter of 22 and the NW quarter of 15 108-75 since the use of center pivots requires less water more efficiently distributed with less erosion than the flood systems. This change is tentatively foreseen for crop year 2005. We would like to withhold amending this permit until some of the things we are planning become fait accompli so as to incorporate all the changes with a single amendment or updating.



4293-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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January 20, 2005

NOTICE

TO: HAROLD J DOWNES, 1301 SHOREBIRD LANE, CARLSBAD, CA 92009

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1000-3, 1032-3, 1657-3, 2105-3 & 4293-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4949-3 & 5345-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 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) 4949-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1000-3, 1032-3, 1657-3, 2105-3 & 4293-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office on/or before February 25, 2005, 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 (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.



4293-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 22, 2005

Harold J Downes
1301 Shorebird Lane
Carlsbad CA 92009

RE: Water Permit/Right Nos. 1000-3, 1032-3, 1657-3, 2105-3, 4293-3, 4949-3 and 5345-3

Dear Mr. Downes:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Permit/Right Nos. 1000-3, 1032-3, 1657-3, 2105-3, 4293-3, 4949-3 and 5345-3.

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
Environmental Scientist
Water Rights Program
(605) 773-3352

1000-3

1032-3

1657-3

2105-3

4293-3

4949-3

5345-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Albert Hattum, 21862 West Bend Rd, Harrold SD

DATE: September 25, 2006

TELEPHONE: 605 875-3248

RE: irrigation questionnaires for former Harold Downes land

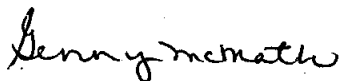
COMMENTS:

Mr. Hattum stopped by the office to complete the 2005 irrigation questionnaires for Water Right Nos. 1000-3, 1032-3, 1657-3, 2105-3, 4293-3 and Water Permit Nos. 4949-3 and 5345-3. He farmed the land for the "Downes". Harold Downes had originally submitted the forms in November, 2005. The information contained on the forms did not appear to be correct and Mr. Hattum was contacted to review the data and make any necessary changes.

Since the updated irrigation questionnaire information for 2005 was received so late, the information did not become part of the permanent record for 2005. The completed questionnaires will still be scanned however the information will not be contained in the yearly report.

September 26, 2006: John Downes (son) and Michele Downes (daughter) to Mary Ann Downes stopped by the office to submit the "Notice of Transfer of Ownership" changes needed to transfer all Harold Downes' water rights to Mary Ann (Harold's wife). Michele Downes requested that the annual irrigation questionnaires be sent directly to her and she would work with Mr. Hattum to get them completed and submitted back to the office. Send the forms to her at:

Michele Downes	phone: 541 464-8902
1682 NW Hopper St	cell: 760 417-5711
Roseburg OR 97470	work: 541 440-1000



Genny McMath
Environmental Scientist

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 26, 2006

RECEIVED OF John Downes, 723 Bay Front Ln, Oak Harbor WA 98277

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>4293-2 4293-3</u>	2	50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

0259A

By

Darland Ebele
Chief Engineer *gm*

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4293-3

Date: 9/12/06

I/We request that Water Right No. 4293-3

formerly owned by: Harold J Downes

be transferred to: (name & address) MARY ANN DOWNES

1301 Shorebird LN.

CARLSBAD, CA 92011

Telephone No. (760) 602-8437

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

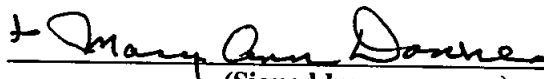
146 acres - NE 1/4 Section 22, T108N, R75W

I/We understand that the validity of Water Right No. 4293-3 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 MARY ANN DOWNES, 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.

RECEIVED

SEP 26 2006

WATER RIGHTS
PROGRAM



4293-3

**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 27, 2006

Mary Ann Downes
1301 Shorebird Ln
Carlsbad CA 92011

RE: Water Right or Permit Nos. 1000-3, 1032-3, 1647-3, 2105-3, 4293-3, 4949-3, 5345-3

Dear Mrs. Downes:

On September 26th, John and Michele Downes stopped by the office with the transfer forms you signed for changing ownership on Water Right Nos. 1000-3, 1032-3, 1647-3, 2105-3, 4293-3 and Water Permit Nos. 4949-3 and 5345-3. The transfers have been completed. The water rights and permits formerly listed in the name of Harold Downes are now listed in your name.

The receipts for the filing fees are being forwarded to John Downes by copy of this letter.

During a review of the water rights, we found the original water license for No. 2105-3 contained an error in the legal description. The error is being corrected and a new copy of the water license will be forwarded to you as soon as it is issued and signed. Also, it came to our attention that the irrigation systems described under Water Right Nos. 1000-3, 1032-3 and 1647-3 were operated interchangeably from the same diversion points. For ease of reporting information on the annual irrigation questionnaires, the water licenses are being combined into one. Nothing is lost during this process and you will retain the original priority dates. A copy of the final license will also be sent to you under separate cover once it is issued and signed by the Chief Engineer.

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

c: John Downes



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

January 23, 2009

NOTICE

TO: JOHN DOWNES, MGR, 723 DAY FRONT, OAK HARBOR, WA 98277

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaires

Our records indicate that the 2008 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1657-3, 2105-3 & 4293-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4949-3 & 5345-3 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 11, 2009** 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) 4949-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1657-3, 2105-3 & 4293-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 6, 2009**, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:
<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

c: MARY ANN DOWNES, 1301 SHOREBIRD LN, CARLSBAD CA 92011

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.

4293.3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 12, 2009

John Downes, Mgr
723 Day Front
Oak Harbor WA 98277

RE: Water Right or Permit Nos. 1657-3, 2105-3, 4293-3 4949-3 and 5345-3

Dear Mr. Downes:

On March 11th, the Water Management Board ordered Water Permit Nos. 4949-3 and 5345-3 be suspended if the 2008 irrigation questionnaires were not received prior to April 11, 2009.

The questionnaire information for your water permits and rights was received on March 11th. Since the irrigation questionnaires are on file, no violations have occurred and no suspensions will take place. You are hereby authorized to irrigate during the 2009 irrigation season.

The Board also moved to amend Water Right Nos. 1657-3, 2105-3 and 4293-3 to include the following qualification:

- **Water Right Nos. 1657-3, 2105-3 and 4293-3 are approved subject to the Irrigation Water Use Questionnaire being submitted each year.**

The action to amend Water Right Nos. 1657-3, 2105-3 and 4293-3 became effective immediately. The amendment means that future violations for failure to return the annual irrigation questionnaire may result in the Water Management Board suspending the water rights.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

c: Albert Hattum, 21862 W Bend Rd, Harrold SD 57536



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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January 22, 2010

NOTICE

TO: JOHN DOWNES, MGR, 723 DAY FRONT, OAK HARBOR, WA 98277

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3 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 10, 2010** 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) 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3 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 5, 2010**, you will no longer be in violation of your permit and your name will be deleted 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: <https://denr.sd.gov/iq.aspx>

c: MARY ANN DOWNES, 1301 SHOREBIRD LN, CARLSBAD CA 92011

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**

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March 3, 2010

John Downes, Mgr
723 Day Front
Oak Harbor WA 98277

RE: Water Right Nos. 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3

Dear Mr. Downes:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3. Mr. Hattum delivered the information to our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

As we discussed through email communication, future irrigation questionnaires will be directed to Mr. Hattum for completion. By copy of this letter, I am sending him a map showing the areas covered for irrigation. This should make completion of the forms easier.

If you have any questions, please contact me.

Sincerely,

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

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

c: Albert Hattum
Mary Ann Downes



4293-3
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 15, 2016

NOTICE

TO: ALBERT HATTUM, RENTER, 21862 W BEND RD, HARROLD, SD 57536

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaires

Our records indicate your 2015 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1994-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** 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) 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1994-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 3, 2016** 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>

c: JOHN C DOWNES, PO BOX 968037, SCHAUMBURG IL 60196

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 57501-3182

denr.sd.gov

January 22, 2016

Albert Hattum
21862 W Bend Rd
Harrold SD 57536

Dear Mr. Hattum:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires for Water Permit or Right Nos. 1657-3, 1994-3, 2105-3, 4293-3, 4949-3 & 5345-3.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for the above listed water permits and water rights. 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

c: John C Downes, PO Box 968037, Schaumburg IL 60196



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 20, 2017

NOTICE

TO: ALBERT HATTUM, RENTER, 21862 W BEND RD, HARROLD, SD 57536

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaires

Our records indicate your 2016 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1994-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** 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) 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1994-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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>

c: JOHN C DOWNES, PO BOX 968037, SCHAUMBURG IL 60196

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 57501-3182

denr.sd.gov

February 1, 2017

Albert Hattum
21862 W Bend Rd
Harrold SD 57536

RE: Water Permit/Right Nos. 1657-3, 1994-3, 2105-3, 4293-3, 4949-3 and 5345-3

Dear Mr. Hattum:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit/Right Nos. 1657-3, 1994-3, 2105-3, 4293-3, 4949-3 and 5345-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Please keep in mind, these forms are due annually on December 1st, not the end of January.
If you have any questions, please contact me.

Sincerely,

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

c: John C Downes



4293-3
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 26, 2018

NOTICE

TO: ALBERT HATTUM, RENTER, 21862 W BEND RD, HARROLD, SD 57536
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaires

Our records indicate your 2017 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1994-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1657-3, 2105-3, 4293-3 & 5345-3 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** 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) 1657-3, 2105-3, 4293-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1994-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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>

c: JOHN C DOWNES, 723 BAY FRONT LN, OAK HARBOR WA 98277

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.

4293-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 5, 2018

Albert Hattum
21862 W Bend Rd
Harrold SD 57536

RE: Water Permit/Right Nos. 1657-3, 1994-3, 2105-3, 4293-3 & 5345-3

Dear Mr. Hattum:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water or Permit Nos. 1657-3, 1994-3, 2105-3, 4293-3 & 5345-3. 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,

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

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

c: John C Downes



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 25, 2019

NOTICE

TO: ALBERT HATTUM, RENTER, 21862 W BEND RD, HARROLD, SD 57536

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaires

Our records indicate your 2018 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1994-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1657-3, 2105-3, 4293-3 & 5345-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** 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) 1657-3, 2105-3, 4293-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1994-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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>

c: JOHN C DOWNES, 723 BAY FRONT LN, OAK HARBOR WA 98277

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 57501-3182
www.denr.sd.gov

February 19, 2019

Albert Hattum
21862 W Bend Rd
Harrold SD 57536

RE: Water Permit/Right Nos. 1657-3, 1994-3, 2105-3, 4293-3 & 5345-3

Dear Mr. Hattum:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Permit or Right Nos. 1657-3, 1994-3, 2105-3, 4293-3 & 5345-3. 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,

A handwritten signature in black ink, appearing to read "Genny McMath".

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

c: John Downes, 1301 Shorebird Ln., Carlsbad, CA 92011



4293 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 23, 2020

NOTICE

TO: ALBERT HATTUM, RENTER, 21862 W BEND RD, HARROLD, SD 57536

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1994-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1657-3, 2105-3, 4293-3 & 5345-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** 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) 1657-3, 2105-3, 4293-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1994-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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: <https://denr.sd.gov/iq> using this password: IPRIJR**

c: JOHN C DOWNES, 723 BAY FRONT LN, OAK HARBOR WA 98277

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.

4293-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 11, 2020

Albert Hattum
21862 W Bend Rd
Harrold SD 57536

RE: Irrigation questionnaires for Water Right/Permit Nos. 1657-3, 1994-3, 2105-3, 4293-3 & 5345-3

Dear Mr. Hattum:

I am writing regarding the 2019 irrigation questionnaires. I obtained the necessary information from Mr. Downes and completed forms for our files.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right or Permit Nos. 1657-3, 1994-3, 2105-3, 4293-3 & 5345-3.

With receipt of the information, everything for 2019 is up to date. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with a large initial 'G'.

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

c: John Downes

4293-3

RECEIVED

JUN 23 2020

WATER RIGHTS
PROGRAM

MAY ADAM

— Since 1881 —

WWW.MAYADAM.NET

June 22, 2020

ROBERT B. ANDERSON
TIMOTHY M. ENGEL
MICHAEL F. SHAW
BRETT KOENECKE
JUSTIN L. BELL
DOUGLAS A. ABRAHAM
TERRA M. FISHER
LAURA C. ROWE

WARREN W. MAY 1920-2018
THOMAS C. ADAM 1935-2019
BRENT A. WILBUR 1949-2006

TELEPHONE
605 224-8803
FAX
605 224-6289

E-MAIL
daa@mayadam.net

PMB 2020
DENR – Water Rights Program
523 E. Capitol Avenue
Pierre, South Dakota 57501

RE: JOHN DALY FILE
Our File: 0016/14152

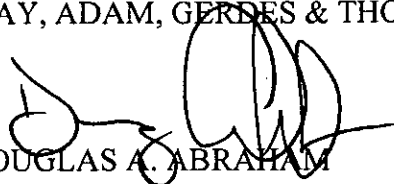
Dear Sir or Madam:

Please find enclosed with this correspondence seven Notices of Transfer of Ownership concerning a number of parcels. If you have questions or concerns regarding the enclosed information, please let me know. I have included a corresponding check in the amount of \$350 for the \$50 fee per transfer as required by SDCL 46-2-13. If you need anything further in relation to this matter, please let me know.

Best regards.

Very truly yours,

MAY, ADAM, GERDES & THOMPSON LLP



DOUGLAS A. ABRAHAM

DAA:mw
Enclosures
cc: John Daly

MAY, ADAM, GERDES & THOMPSON LLP
503 SOUTH PIERRE STREET • P.O. BOX 160
PIERRE, SOUTH DAKOTA 57501-0160

RECEIVED

JUN 23 2020

WATER RIGHTS
PROGRAM

PAID

JUN 23 2020

Ck# 38060

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4293-3

Date: _____

I/We request that Water Right No. 4293-3

formerly owned by: Mary Ann Downes

be transferred to: (name & address) John H Daly, 34662 236th St, Pukwana SD 57370

Telephone No. 605 680-1354

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

146 acres – NE ¼ Section 22, T108N, R75W

I/We understand that the validity of Water Right No. 4293-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We John Daly, 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.

4293-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date June 23, 2020RECEIVED OF May Adam Gerdes & Thompson LLP PO Box 160 Pierre SD 57201-0160

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$
Fee for Filing Transfer Form <u>4293-3</u>	\$50.00
Fee for _____	\$
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	\$50.00

By Eric Gronlund
Chief Engineerme



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

July 1, 2020

Douglas A Abraham
MAY, ADAM, GERDES & THOMPSON LLP
PO Box 160
Pierre SD 57501 0160

RE: John Daly transfers

Dear Mr. Abraham:

The seven transfer forms and filing fees you submitted on behalf of John Daly were received and four were processed. Water Right Nos. 4293-3, 2105-3, 1657-3 and Permit No. 5345-3, formerly held by Harold and/or Mary Ann Downes are now listed under John H Daly.

As we discussed on the phone, the transfers filed for Nos. 1000-3, 4949-3 and 4393-3 are not needed for the following reasons:

- **1000-3** Those acres were incorporated into Water License No. 1657-3 upon licensing, so everything irrigated is within 1657-3 (filing an ownership change for 1657-3 caught all of the acreage under both #'s)
- **4949-3**: SW ¼ Section 16 and E ½ Section 21, T108N, R75W (this one according to the 2017 inspection looks like it can be cancelled) We did not receive word back from the Tribe on any new lease.
- **4393-3** (held by Lyle Wagner) is for land in Union County (SE ¼ Sec 9, T92N, R50W).

The receipts amounting to \$200 for the transfers that were processed are enclosed. The remaining \$150 submitted for Nos. 1000-3, 4949-3 and 4393-3 will be refunded to you. The refund will be processed and sent to you within the next two weeks.

If you have any questions, please let me know.

Sincerely,

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

c: John Daly, 34662 236th St, Pukwana SD 57370