

1. Considered 3-26 19 80
2. Name of Applicant JAMES TOEWS
3. Post Office Address YALE, S.D.
4. Amount of Water Claimed NO ADD'L (2.2. ON 4111-³/₂ CHG OF DIVERSION)
5. Source of Water Supply 54' WELL
6. Water to be used for IRRIGATION
7. Acres to be irrigated NO ADD'L (200) ^{maximum} acre feet
8. Water to be diverted and used in BEADLE County
about 3 1/2 miles EAST of YALE
9. PROOF OF PUBLICATION Received ~~YES~~ 3-24-80
Not Received _____
- APPLICATION Approved 3-26-80
Subject to WT
Not Approved _____
Action deferred _____

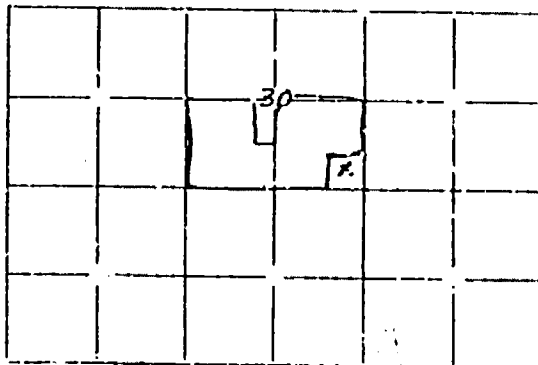
Priority Date
Received 3-6-80 Application Complete yes ☒ no _____ FEE 150.00
Remarks _____

WATER
QUALITY

Date information and/or
file or corrected Application received _____
Period of Annual use April - November
Received ☒ 3/6/80 no _____ APPROVED ☒ CONDITIONAL (Circle one)
WI-1 Description same as application yes _____ no _____ Remarks _____

Disapproved _____

Returned _____



Diversion Point _____
SE⁴ SE⁴ SEC. 30-112N-59W

Lands to be irrigated _____
SW⁴, 1 1/2 SE⁴, SW⁴ SE⁴
30-112-59

WELL
LOG

Remarks _____

Driller Huron Mtl. Licensed ☒ yes _____ no _____Depth 54'

MAP Map No. 3712-3 Map located in Water Right X Map file _____
 Type of Map Drawn Prepared by Fadger & Nelson Inc.

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 3-26-80.
Bjornson
 (Signed)

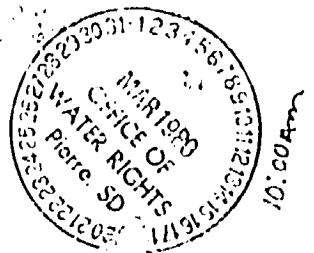
+++++

PROTESTS Letters/Petitions In File - yes _____ no _____ Remarks _____

REMARKS Date
 F.F. & C Final Decision, including F.F. & C of Law were adopted _____
 OF LAW, Date
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision
 DECISIONS was adopted _____
 ETC. Remarks _____

Form 2 - Application for Permit to Appropriate Water-Original (Includes Approval and Permit)

Map No. 3712-3 3345-3 Water Division No. 3 No. 4487-3 JAMES RIVER District
Above for Office Use



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

Check one of the following:

New ☐ Vested Right ☐ Future Use ☐

Change in Diversion ☒ Additional Diversion ☐

Change in Acreage ☐ Additional Acreage ☐

- Name of Applicant James Toews Phone No. 605-599-2983
Post Office Address R.R. #1 Yale State South Dakota 57386
(Street, RR, or Box) (Town) (Zip Code)
If a corporation show date and place of incorporation _____
- Method of accomplishing work (contract, employment of others, or by direct labor) _____
- Name of diversion work TOEWS #1
- Amount of water claimed (cubic feet per second) NO ADD'L (2.2)
- Source of water supply ONE WELL
- Location of point of diversion SEC-30-0-112-59

County Beadle

7. Annual period or periods during which water is to be used APRIL - NOVEMBER

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) _____

9. For irrigation use, Total number of acres to be irrigated NO ADD'L (200)

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.
NW ⁴ SW ⁴	20
SW ⁴ SW ⁴	20
SE ⁴ SW ⁴	40
NE ⁴ SW ⁴	20

Land Description	No. Acres Irr.
NW ⁴ SE ⁴	35
SW ⁴ SE ⁴	35
SE ⁴ SE ⁴	—
NE ⁴ SE ⁴	30

Attach sheet if more space is needed ALL SEC. 30-T112N-R59W

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 2 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water PLAINSMAN, HURON, SD

12. Principal Features of the Proposed Water Supply System.

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

BOWL PUMP

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

MAIN LINE

C. Works proposed to apply water to beneficial use.

GATED PIPE & TOWLINE

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)
County of Beadle) ss.

I, _____ 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 [Signature]
Subscribed and sworn to before me this 28th day of February, 19 80
[Signature]
Notary Public (or other qualified officer)

MY COMMISSION
EXPIRES NOV 4, 1991

WATER RIGHT APPLICATION APPROVAL

The Board of Water Management hereby approves Water Right Application No. 4487-3

JAMES TOEWS

(Applicant)

RR#1, YALE

(Post Office Address)

SOUTH DAKOTA 57350

(State)

With the following qualifications.

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

This permit is approved subject to the irrigation ater use questionnaire being submitted each year.

The applicable portions of Permit No. 4111-3 have been incorporated into this Permit No. 4487-3 and Permit No. 4111-3 has been placed in a cancelled status.

PRIORITY ESTABLISHED UNDER PERMIT NO. 411-3.

Date of first receipt of application MARCH 6, 1980
 Date of return to applicant for correction, amendments or changes required 19
 Date of receipt of corrected application 19
 Approved MARCH 26 1980 Recorded in Book 21 Page 158

WATER RIGHT PERMIT NO. 4487-3

The Board of Water Management hereby grants and issues this Water Right Permit No. 4487-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is SEPTEMBER 2, 1977
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 26, 1982
3. The whole of said work is to be completed on or before MARCH 26, 1985
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 26, 1987
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 2.2 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 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 MARCH 26, 1987; said water to be used during the following described annual period: APRIL - NOVEMBER

Witness my hand this 2ND day of APRIL, 1980

THE BOARD OF WATER MANAGEMENT

By: John K. Kato
 Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

PAGE NO.

SEK-30-112-59

2-26-80

12

Bernard Schleder

JOB NAME

LOCATION

DATE _____

RIG NO.

FOREMAN

[illegible]

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

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

D. Well Information

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

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

F. Fill out for Either a Well or a Dugout

- (1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material _____

Depth to bottom of water bearing material 54'

Depth to water (ground surface to water level) _____

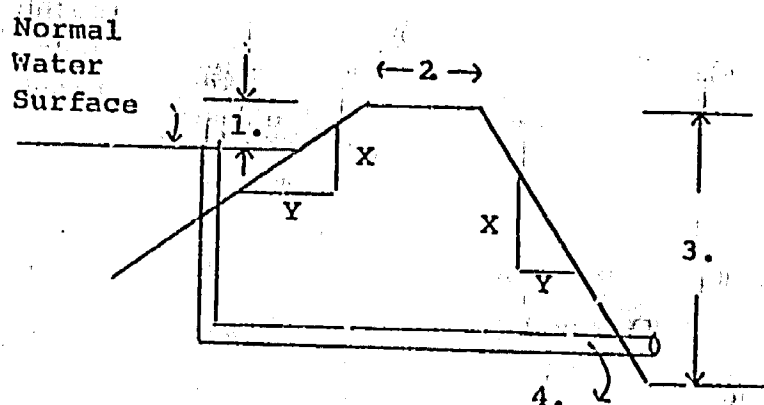
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property _____ rds.

On property owned by others _____ rds.

G. Water Storage Dams

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



1. Freeboard _____
2. Crest width _____
3. Height of Dam _____
4. Outlet dimensions:
Pipe diameter _____
Spillway width _____
- X & Y slope:
Upstream _____
Downstream _____
Surface area of impoundment _____
Drainage area above dam _____

James Fawcett
Signature Applicant

RECEIVED
1/7/78

Conditional

UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF RECLAMATION

NAME OF APPLICANT James Jones, Yale, MO

LAND RESTRICTIONS

THE SOLICITS LISTED BELOW CANNOT BE DELETED

-Unless kept in permanent vegetation:

D&A - Dudley-Stickney (approximately 24 acres in SW 3/4)

-Unless filled or drained to assure surface drainage.

Hv - Hovey - 2 small areas of 2 acres each.

RECOMMENDED LIMITATIONS

1. Water should not be applied more than 4-6 times during the irrigation season.
2. Each interrupted application (condensation of center pivot) should be at least 2-3 inches of water.
3. (x) Yes () No ^{On land shaping} surface drainage suggested on land under gated pipe and where water tends to pond.
4. () Yes () No ^{Subsurface drainage suggested on}
5. (x) Deep filling (for the purpose of adding component of water through device only) OCCASIONAL: Occasional use as per experience.
6. () Heavy fall application of irrigation water.
7. Type of irrigation system recommended for use on this application gravity north side ^{lowline, SW of farmland.}

GENERAL COMMENTS

Management possibilities include, but are not limited to, 1- to surface drain the flat depression area and 2- to treat drain area as a graded waterways with a surface gradient.

Whenever a flat depression is of small size, filling the area tends to eliminate ponding and correct poorly drained conditions.

Copy to applicant
Copy to Water Rights
Copy to File

ONLY THE POINT OF DIVERSION IS BEING CHANGED. LAND TO BE IRRIGATED AND TYPE
OF IRRIGATION REMAINS THE SAME AS LISTED ON FORM W1 THAT WAS SENT IN WITH
WATER SAMPLE # 77-336 PERMIT # 4111-3
STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)

RECEIVED

MAR 06 1980

South Dakota
Division of Conservation

NAME James Toews

ADDRESS R.R.# 1, Yale, South Dakota 57386

COUNTY Beadle

LEGAL DESCRIPTION

1. WELL LOCATION SEA-30-112-59

2. LOCATION OF AREA TO BE IRRIGATED Same as listed for sample # 77-336

5 1/2 Sec 30-112-59

TYPE OF IRRIGATION

3. GRAVITY gated pipe on TOWLINE center pivot center pivot

GUN

4. CROPS TO BE IRRIGATED Corn, Alfalfa, Small Grain

WATER QUALITY

5. SAMPLE NUMBER 80-098

6. SALINITY (EC X 10⁶) 866

7. SODIUM (SAR) 1.9

1.9 x 8.12 = 15.428
15.428 / 4.5 = 3.43
3.43 (0.7) = 3.15

8. RESIDUAL SODIUM CARBONATE (meq/l.)

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

James Toews
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
28 DAY OF February 19 80.

Harold P. Hansen
(TITLE OR SEAL)

MY COMMISSION
EXPIRES NOV. 4, 1981 (SOILS INFORMATION ON REVERSE SIDE)

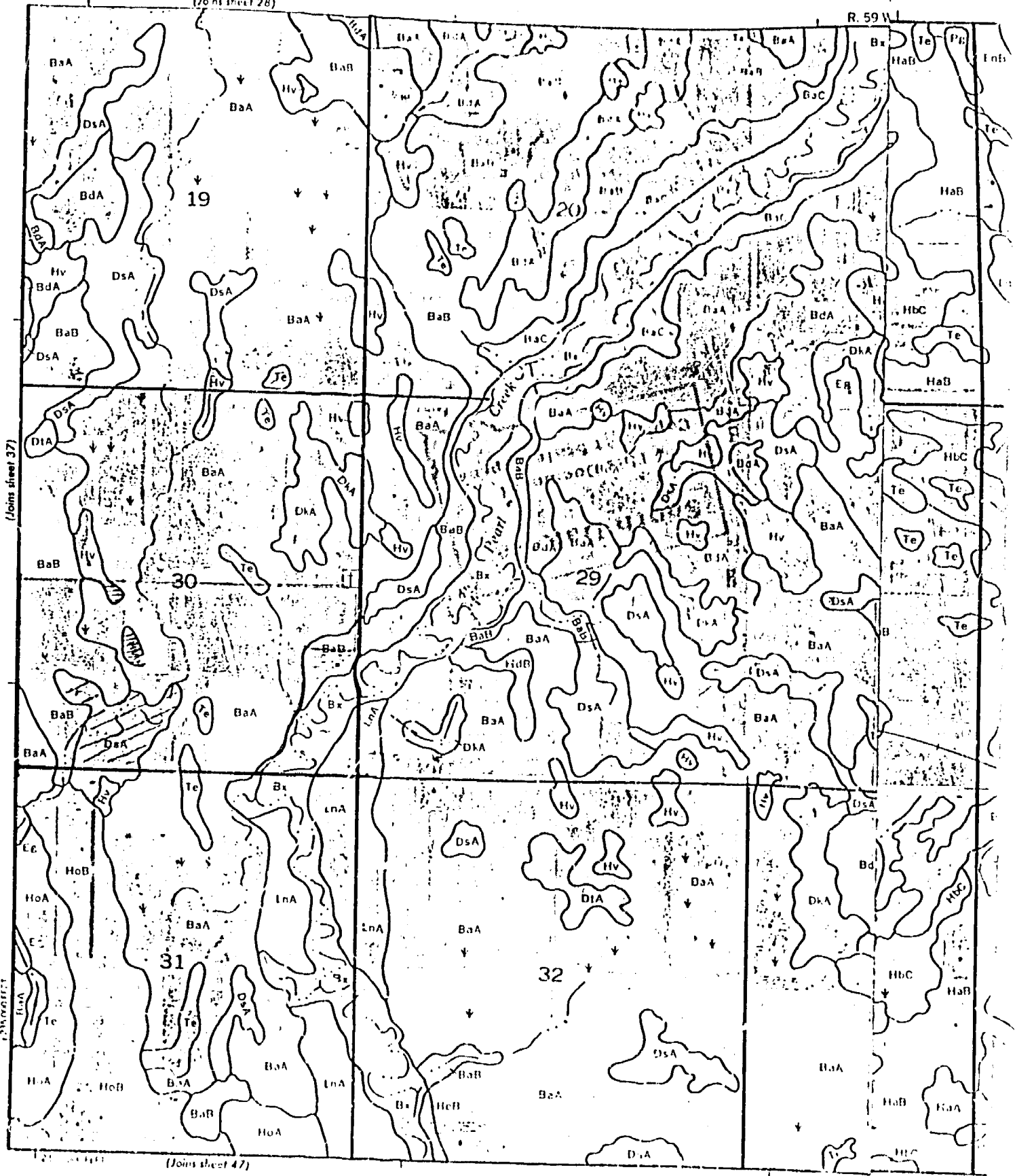
Harold P. Hansen
APPROVED/DISAPPROVED

Conditional

St. Louis
(Join sheet 28)

R. 59 W.

Scale 1:20000



(Join sheet 47)

No. 4487-3

Publish first publication, on or before March 14, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 6, 1980

Notice is hereby given that James Toews whose post office

address is Yale, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 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; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use no add'l cubic feet of water per second of time from groundwater

one well through the Toews #1 to change on an existing permit of which is (see) to be located in the SW 1/4

of Section 30, Twp. 112N, Range 59W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW 1/4, NE 1/4 SW 1/4, SW 1/4 SE 1/4, Section 30, T112N, R59W

This Application No. 4487-3 will be considered by the Water Management Board at

SDEA Auditorium, 411 E Capitol, Pierre SD upon the 26th day of March, 1980

at 10 A.M. The Board 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 Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law. *Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.*

WATER MANAGEMENT BOARD

DETTY WESTLUND
Water Rights Specialist

cc: James Toews
RR #1
Yale SD 57386

FORM 6 - Notice of Intent to Appropriate Water
GROUNDWATER

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 4487-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Beadle) ss.

I, Linda Schlotter h

certify that the annexed printed copy of Notice of Intent to Appr

Water was taken from the Daily Plainsman

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

city of Huron

County of Beadle and State of South
that the said notice was published in said newspaper on the
two dates:

March 14, 1980

March 21, 1980

Linda Schlotter
(Signature)

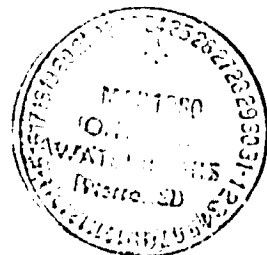
bookkeeper
(Title)

3-21-80
(Date Signed)

F.P. 3-14 60 L.P. 3-21-80
NOTICE OF HEARING
ON APPLICATION
TO APPROPRIATE WATER
Pierre, South Dakota 57501
March 6, 1980

Notice is hereby given that
James Toews, whose post office
address is Yale, South Dakota,
has made an application in ac-
cordance with the provisions of
SDCL 46-1-1 thru 46-1-9, 46-1-14, 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;
46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-
10; 46-6-14 and Board Rules ARSD
52-01:01 thru 52-01:01:13, for a
permit to appropriate for
beneficial use no additional cubic
feet of water per second of time
from groundwater (one well)
through the Toews No. 1 to change
the point of diversion on an exist-
ing permit of which is to be located
in the SE1/4 SE1/4 of Section 30,
Twp 112N, Range 59W. Said water
to be used for the purpose of
providing irrigation on portions of
the following described land:
SW1/4, N1/4 SE1/4, SW1/4 SE1/4,
Section 30, T112N, R59W.
This Application No. 4487-3 will
be considered by the Water

Management Board at SDEA
Auditorium, 411 E. Capitol, Pierre,
S.D. 57501 upon the 26th day of
March, 1980 at 10 A.M. The Board
is authorized to make a deter-
mination on this application at the
hearing. All interested persons
may appear and be heard. Any
person who may be affected by a
Board decision who desires to
present evidence or cross examine
witnesses according to SDCL 1-26
may notify the Board in writing
prior to the hearing or orally at the
hearing.
This hearing is an adversary
proceeding. Any person has the
right to be present or to be rep-
resented by a lawyer. These and
other due process rights will be
forfeited if they are not exercised
at the hearing. Decisions of the
Board may be appealed to the
Courts as provided by law. Any
handicapped person wishing to
attend this hearing can contact the
Water Rights Division, DWRN,
Foss Bldg., Pierre, S.D., prior to
the hearing date for assistance to
assure access to the hearing.
Water Management Board
Berry Westlund
Water Rights Specialist
No. 148 (adv.)



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7365

March 6, 1980

PIERRE, _____, 10

RECEIVED OF Huron Drilling Inc. for James Toews, Vale ID

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

Fee for Application for Permit to Appropriate Water No. <u>4427-3</u> (examination, processing, recording and filing) _____	150	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	150	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH kw

Permit No. 4487-3
 Water Division 3 JAMES 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 JAMES
TOEWS of YALE holder
 of Permit No. 4487-3, bearing date of priority of SEPTEMBER 2, 1977
 authorizing the diversion of 2.2 cu. ft. per second of the waters of GROUNDWATER
 for IRRIGATION purposes, in READE 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:

54' DEEP WELL WITH 16" FIBREGLAS CASING - 20' SSS SCREEN
AURORA VERTILINE 8" PUMP 3 10 RH PUMP, POWERED BY
30 HP US ELECTRIC MOTOR

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

3500' OF 8" MAINLINE

C. Works used to apply water to beneficial use.

2600' OF 8" GATED PIPE WITH 40" GATES
4 - 1/4 MILE 4" TOW LINES WITH RAINBIRD #70EW SPRINKLER
HEADS WITH 7/32 NOZZLES @ 80' SPACINGS (TOW LINES SET AT 200' APMEACH)

The system is in the following condition: GOOD

The point of diversion is located 200' W & 80' N OF THE SE CORNER,
SECTION 30, T112N, R59W

The works are capable of diverting and conveying to the place of use 2.2

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 SECTION 30, T112N, R59W

NW ¹ SW ⁴	18 ACRES	NW ¹ SE ⁴	38 ACRES
SW ⁴ SW ⁴	18 "	NE ⁴ SE ⁴	28 "
NE ⁴ SW ⁴	22 "	SW ⁴ SE ⁴	38 "
SE ⁴ SW ⁴	38 "		

comprising a total of 200 acres of land.

Date

MAY 6, 1982

Signature

No. 4487-3



Department of Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501
July 15, 1982

(605) 773-3352

James Toews
RR #1
Yale SD 57386

Dear Mr. Toews:

The inspection of your water use system and inspection of the extent of your application of water to beneficial use, as developed under your Water Right No. 4487-3 has been completed. Your final water right document, the Water License, can now be issued.

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

You will also receive the Certificate of Construction as required by statute.

Sincerely,

KAREN SCHLAACK
Administrative Secretary

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

WNR-814-7/79
Notification of Water License Ready for Issuing (\$50.00)

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4487-3

(1) WHEREAS, On the 6th day of March A. D. 1980
James Tocwis

made Water Right Application No. 4487-3 for a permit to use 2.2 cubic feet per second of the waters of groundwater (one well)

County of Beadle, State of South Dakota, for Irrigation

purposes; and
 (2) WHEREAS, On the 26th day of March A. D. 1980
 Permit No. 4487-3 with a date of priority of September 2, 1977

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 March A. D. 1985 and for the application to beneficial use of said water on or before the 26th day of March A. D. 1987

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 2.2 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 land all in

Section 30, T112N, R59W

NW $\frac{1}{4}$ SW $\frac{1}{4}$	18 acres	(CB)
SW $\frac{1}{4}$ SW $\frac{1}{4}$	18 acres	(CC)
NE $\frac{1}{4}$ SW $\frac{1}{4}$	22 acres	(CA)
SE $\frac{1}{4}$ SW $\frac{1}{4}$	38 acres	(CD)
NW $\frac{1}{4}$ SE $\frac{1}{4}$	38 acres	(DB)
NE $\frac{1}{4}$ SE $\frac{1}{4}$	28 acres	(DA)
SW $\frac{1}{4}$ SE $\frac{1}{4}$	38 acres	(DC)
TOTAL		200 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 James Toews

_____ of Yale, South Dakota

the holder _____ and owner _____ of said permit No. 4487-3 a water right, dating from _____

September 2, 1977 to use of 2.2 cubic feet per second of the waters

of groundwater (one well)

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

purposes hereinbelow mentioned, to be diverted at a point 200'W and 80'N of the SE Corner,

Section 30, T112N, R50W (DD)

and conducted to and upon portions of Section 30, T112N, R59W more fully described
on the face of this license.

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 4487-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 23rd day of August A. D.
Nineteen Hundred and Eighty-Two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

DALE MICHO (LMS)

CAREY OPERATOR

Permit No. 4487-3

Water Diversion No. 3 James River Water District
10160006

CERTIFICATE OF CONSTRUCTION

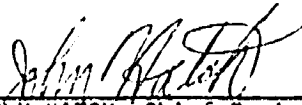
This is to Certify, That James Toews

_____ the holder _____ of
Permit No. 4487-3, issued upon Application No. 4487-3, bearing date of priority of September 2, 1977 authorizing the diversion of 2.2 cu. ft. per second of the waters of groundwater (one well) County of Beadle, State of South Dakota at a point 200'W and 80'N of the SE Corner, Section 30, T112N, R59W (DD)

_____, 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 2.2 cu. ft. per second of water.

Date August 23, 1982



JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8945

PIERRE, August 23, 1982

RECEIVED OF James W. Joews, Box 7, Yale, SD 57386

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. 4487-3	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 4487-3		
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	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 18, 2004

4487-3

Brian Toews
20073 413th Ave
Yale SD 57386

Dear Mr. Toews:

Thank you for calling concerning ownership of Water Right No. 4487-3. Enclosed is a copy of the water right, inspection report and a map showing the area authorized for irrigation.

It is my understanding that you would like to transfer the SE ¼ Section 30 to your name and your father will retain ownership of the SW ¼ Section 30. There are two ways to accomplish the ownership change on the water right.

The first option would be to divide and reissue the water right to reflect separate ownership. The water right would be split as follows: No. 4487A-3, SW ¼ Section 30 – 96 acres; 1.06 cubic feet per second (cfs);
No. 4487B-3, SE ¼ Section 30 – 104 acres; 1.14 cubic feet per second

The second option would be to keep the water right as it exists now and add your name to ownership of No. 4487-3. This would keep all 200 acres and the entire diversion rate of 2.22 cfs (1000 gpm) under one water right.

Either way the only thing you would need to do is complete a transfer form with the appropriate information. I am enclosing two transfer forms. Once you review the information, please complete and return the form that fits the option you would like to do. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

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

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

FEB 26 2004

WATER RIGHTS
PROGRAM

No. 4487-3

Date: 2-24-04

I/We request that Water Right No. 4487-3

formerly owned by: James Toews

be transferred to: (name & address) James and Brian Toews, 20073 413th Ave, Yale SD 57386

Telephone No. 605-594-2215

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

200 acres in the S 1/2 Section 30, T112N, R59W

I/We understand that the validity of Water Right No. 4487-3 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 Brian Toews, the new owner, certify that the above information is true and correct.

Brian Toews
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 26, 20 04

RECEIVED OF Brian Toewe, 20073 413th Ave., Yale SD 57386

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2 50
Fee for Application for Permit No. _____ to Appropriate Water for Future use	
Fee to retain Future Use Permit No. _____ after period of seven years.	
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	
Fee for Filing Transfer Form <u>4487-3</u>	
Fee for _____	
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____	
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	2.50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____	
(Any Other Work Provided by Law)	TOTAL

No.

000007

By

Darland Ebele

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 26, 2004

4487-3

James & Brian Toews
20073 413th Ave
Yale SD 57386

Dear Sirs:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for transferring Water Right No. 4487-3. The transfer has been completed. The water right formerly listed in the name of James Toews is now listed in both your names.

Enclosed is your Receipt No. 001207 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure

4487-3

NARROW SECTION

NOT TO SCALE

