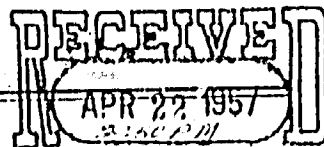


1. Considered JUNE 28, 1957
2. Name of Applicant Paul E. Wagon
3. Post Office Address 4111 San Jose Road, Olathe
4. Amount of water claimed 2 1/4 cfs
5. Source of water supply Ground water
6. Water to be used for irrigation
Acres to be irrigated 160
7. ^{Sec 36, T15N, R5W} Water to be diverted and used in 5 mi N County about
6 miles W 1/4 of Tulare.
8. Proof of Publication Received _____
Not Received ✓
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

No. 470-3Water Division No. 3

(Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMMISSION

District PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant E. BRUCE MACNEIL TRANSFERRED
9-10-65
 Postoffice address TULARE S. DAK
Box 104, Hill Air Force Base, Utah

I. If a corporation

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

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

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

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

Contract

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

2. Name of diversion work Waugh No. 2
 3. Amount of water claimed 2 1/4 cubic feet per second
 4. Source of water supply Well
 5. Location of point of diversion 1317' W., 310' N. of S.E. Corner Sect. 36, T. 115 N.,
R. 65 W., 5 P. M. on _____ bank _____ County.
 6. Annual period or periods during which water is to be used all thru Oct.
 7. To be used for:

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

- (a) Number of acres to be irrigated _____
 (b) Legal subdivisions to be irrigated S. E. 1/4, Sect. 36, T 115 N, R65W., 5PM

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.) _____

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

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

Map No. 362-3

8. Estimated cost of work:

(a) Head Gates, \$-----

(b) Pumping plant, \$-----

(c) Fluming, \$-----

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

Rock, \$-----

(e) Other structures ----- \$-----

Total, \$-----

9. Description of diversion works:

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

Well and overhead sprinkler

II. Dimensions of works:

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top -----

----- feet; thickness at bottom ----- feet; thickness at top -----

feet; slope at front water face -----; slope at back face -----

material used in construction -----

(b) Reservoir: Capacity when filled ----- acre feet. Surface area at highwater mark ----- acres.

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

(c)* Head gate: Width ----- feet; height ----- feet;

Material -----

(d) Canal: Total length ----- miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ----- 3 years.11. Time required for complete application of water to the proposed beneficial use ----- 3 years.12. Choice of newspaper for publication of notice of intention to appropriate DailyPlainsman, Huron, South DakotaSTATE OF ~~SOUTH DAKOTA~~ UtahCounty of Alameda } ss.

I, Earl E. Waugh, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

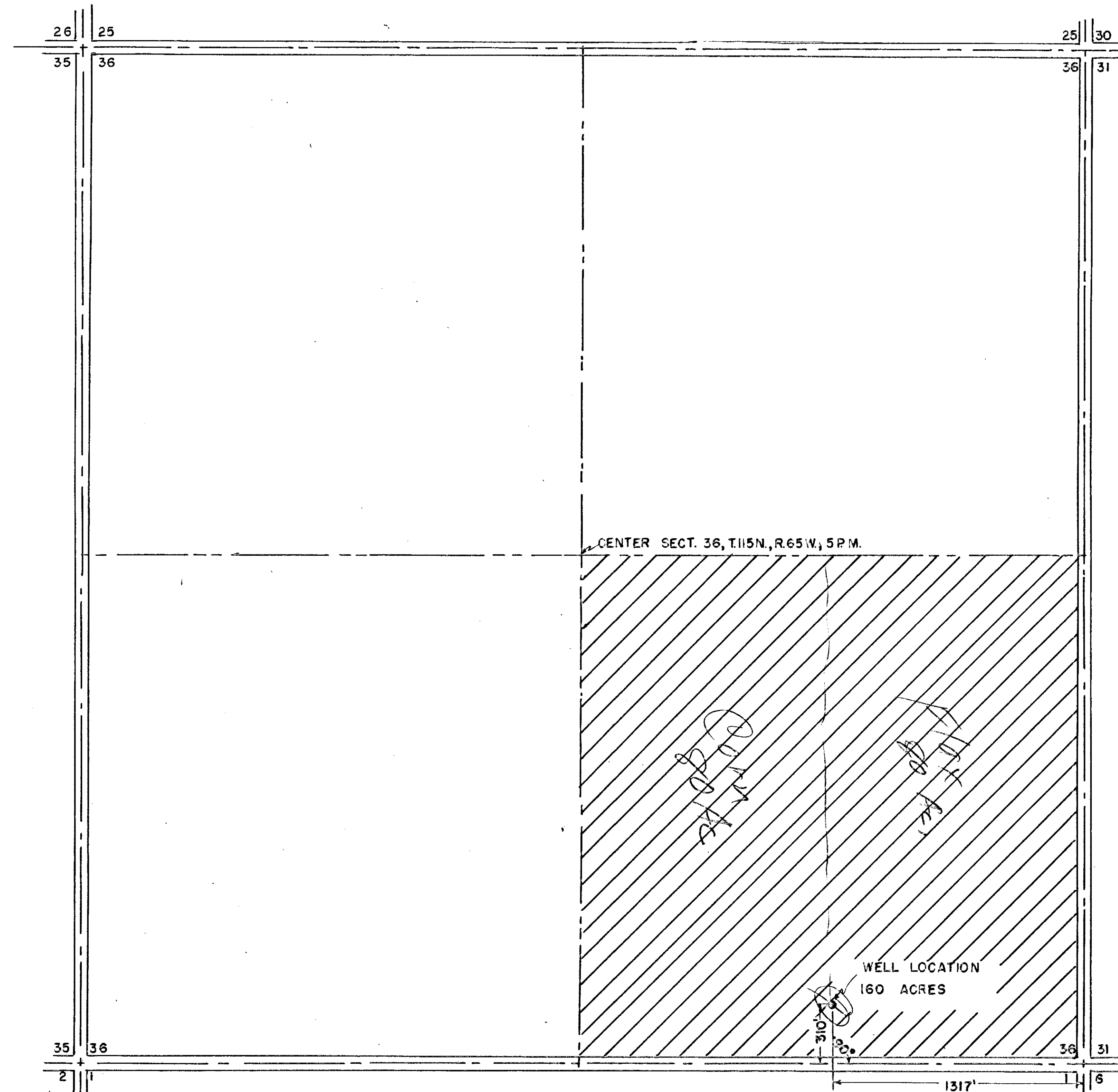
Earl E. WaughSubscribed and sworn to before me this 29 day of March 1957
Morgan B. Lewis Jr.
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

NOTARY PUBLIC

Residing at Coalville, Utah

My Commission Expires June 7, 1959



SCALE 1" = 400'

AREA BY LEGAL SUBDIVISION

S. E. 1/4 - 160 ACRES

SECT. 36, T.115N., R.65W., 5P.M.

SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA)
COUNTY OF BEADLE)SS

I, HARLAN W. MEYER, A REGISTERED LAND SURVEYOR IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT, AT THE REQUEST OF EARL E. WAUGH, SOLE OWNER, I HAVE SHOWN THE LANDS PROPOSED TO BE IRRIGATED WITHIN HIS OWNERSHIP BOUNDARIES ON FEB. 10, '57 FOR WHICH APPLICATION FOR APPROPRIATIVE WATER RIGHT IS MADE AND THAT THIS MAP IS A TRUE REPRESENTATION THERE OF.

WITNESS MY HAND AND SEAL THIS 10TH DAY OF FEB. 1957

Harlan W. Meyer
REGISTERED LAND SURVEYOR

STATE OF SOUTH DAKOTA)
COUNTY OF BEADLE)SS

ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED HARLAN W. MEYER, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYORS CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

WITNESS MY HAND AND NOTARY SEAL THIS 10TH DAY OF FEB 1957.

Hermon H. Sander
NOTARY PUBLIC

MY COMMISSION EXPIRES *June 13* 1957.

MAP

SHOWING AREA AND WELL LOCATION WHERE WATERS
WILL BE DIVERTED - FOR PERMIT TO APPROPRIATE WATER

EARL E. WAUGH - OWNER

HARLAN W. MEYER - SURVEYOR

FEB 1957

*Map No 342
(2771 to 470-2)*

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes } 53.

Pierre, South Dakota, May 11, 1957

This is to certify that the foregoing application was received by the Commission at 2:50 o'clock
12 m. upon the 22 day of April, 1957

State Water Resources Commission

By:

J. C. Oliver

Chief Engineer, Executive Officer

Number of permit 470-3

Date of first receipt of application April 22, 1957

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

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right April 22, 1957

Approved June 28, 1957, Recorded in Book 4 Page 143

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____

December 28, 1958

2nd. The whole of said work is to be completed on or before June 28, 1960

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

June 28, 1961

4th. The water appropriated shall be used for the purpose of irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 2.25 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before June 28, 1961; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this 17 day of September, 1957

State Water Resources Commission

By:

J. C. Oliver

Chief Engineer, Executive Officer

Certificate of Construction Issued

March 17, 1958

Water License Issued

March 17, 1958

Form 2A — Wells (Supplement to Form 2)

6. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 32", Depth 161'

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

Size of casing 16", Thickness of casing 10 gage

Length of casing 161' If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen 3/16 slotted

Size of perforated screen 16" 40'
(diameter) (length)

Thickness of gravel pack 8", length of gravel pack Full depth

(c) Water Bearing Materials

Distance to water 28' Character of water bearing materials

Medium Sands

Thickness of water bearing material

(d) Pump and Motor

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

Name of pump Fairbanks-Morse, size 8"

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

Horsepower 65, Name of Motor Ford

(e) Complete well

Capacity 1000 gal at drawdown of 60' Estimated cost \$6000.00

(f) Owner of land upon which well is located Earl E. Waugh
Name

Box 104, Hill Air Force Base, Utah
Address

(g) Distance to nearest existing wells

On same owner's property rods. On property owned by others 100 rods

Permit No. 470-3Water Division No. 3 James River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Earl E. Waughof 431 Linaly Dr., ~~XXXXXX~~ San Antonio, Texas ~~XXXXXX~~the holder of Permit No. 470-3, issued upon Application No. 470-3, bearing date of priority of April 22, 1958, authorizing the diversion of2.25 cu. ft. per second of the waters of ground waterCounty of Spink, State of South Dakota, at 1317 feet west and310 feet north of the SE Cor., of Sec. 36, T 115N, R 65Wfor purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.25 cu. ft.per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SE 1/4, Sec. 36, T 115N, R 65W - 160 acresWitness my hand this 17th day of March A. D. 1958

State Water Resources Commission

By:

J.W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 470-3.

WHEREAS, On the 22nd day of April A. D. 1957.

Earl E. Waugh

of 431 Lineley Drive ~~xxxxxxxk~~ San Antonio and State of
Texas duly made application (No. 470-3) to us for a permit to use 2.25

cubic feet per second of the waters of ground water

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

WHEREAS, On the 17th day of September A. D. 1957

Permit No. 470-3 was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 28th day of
June A. D. 1960 and for the application to beneficial use of said

water on or before the 28th day of June A. D. 1961
and,

WHEREAS, On the 18th day of February A. D. 1958

the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.25

cubic feet per second of said waters, as evidenced by our Certificate No. 470-3
dated March 17, 1958 confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 2.25 cubic feet per second of water, with date of
priority of April 22, 1957 and,

WHEREAS, On the 18th day of February A. D. 1958

proof was duly made of the application to beneficial use of 2.25 cubic feet per second of said water;
on 160 acres located in the SE 1/4, Sec. 36, T. 115N, R. 65W

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 Earl E. Vaughn
of 431 Linely Dr., San Antonio, the holder and owner of said permit No. 470-3
Texas
a water right, dating from April 22, 1957 to the use of 2.25
cubic feet per second of the waters of ground water
in the County of Spink and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at 1317 feet west and 310 feet
north of the SE Cor., of Sec. 36, T 115N, R 65W
and conducted to and upon the SE 1/4, Sec. 36, T 115N, R 65W

for the purpose of Irrigation

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 17th day of March A. D. Nineteen
Hundred and fifty-eight

State Water Resources Commission

By:

J.W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

(First Publication before May 31, 1957.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., May 11, 1957

Notice is hereby given that Earl E. Vaughn whose postoffice address is Box 104, Hill Airforce Base, Utah, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.25 cubic feet of water per second of time from the ground water through the Vaughn #2, the point of diversion of which is to be located XXXXXX in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 36 Twp. 115N Range 65W. Said water to be used for the purpose of providing irrigation on the following described land:

SE $\frac{1}{4}$, Sec 36, T 115 N, R 65 W

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 23th day of June, 1957, at 2:00P M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

~~XXXXXXXXXXXXXXXXXXXX~~
Les Wyborny, Water Rights Engineer

cc Mr. Robert D. Lusk, Publisher
 The Daily Plainsman
 Huron, South Dakota

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA, } ss.
COUNTY OF BEADLE

I, Robert D. Luak

being duly sworn on oath, say that THE HURONITE AND DAILY PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date; that said newspaper is printed in whole or in part, in an office maintained at said place of publica-

tion; that I am publisher of said newspaper and know the facts herein stated. The annexed notice headed

Appropriation of water

was published for 4 successive weeks once each week, the same day each week, in said newspaper, and not in any supplement of the said newspaper, the first publication

on the 17 day of May 19 57 and

the last publication on the 7 day of June

19 57. That the full amount of the fee charged for publishing the same, to-wit:

Eleven & 10/100 Dollars inures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this 7 day

of June, 19 57

A. J. Degawick
Notary Public, South Dakota

AFFIDAVIT OF AGENT OR ATTORNEY

STATE OF SOUTH DAKOTA, } ss.
COUNTY OF _____

I,

being duly sworn on oath, say that I am the authorized attorney for the party foreclosing the mortgage described in the annexed notice; that no agreement or understanding for any division of the fees therefor has been made with any person whomsoever, and that no part thereof has been refunded or rebated by the party publishing this notice.

Subscribed and sworn to before me this _____

day of _____, 19 _____

P. F. 5-17-1937 L. P. 6-7-1937

APPROPRIATION OF WATER

Office of State Water Resources Commission, Pierre, S. Dak., May 11, 1937.

Notice is hereby given that Earl E. Waugh, whose post office address is Box 104, Hill Airforce Base, Utah, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.25 cubic feet of water per second of time from ground water through the Waugh No. 2, the point of diversion of which is to be located in the SE1/4 of the SE1/4 of Section 35, Twp. 115N, Range 63W. Said water to be used for the purpose of providing irrigation on the following described land:

SE1/4, Sec. 35, Twp. 115N, R. 63W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 25th day of June, 1937, at 2:00 p.m. All interested persons may appear and be heard. Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission
By: Earl E. Waugh borny
Water Rights Applicant

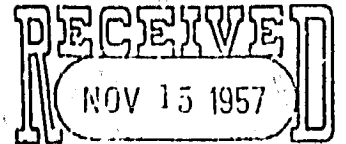
No. 193 (adv.)

RECEIVED
AUG 26 1957
STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Permit No. _____

Water Division No. _____

Water District _____

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) Office of the Chaplain, Lackland AFB, Texas(Date) 26 September 1957

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of _____

2.25 cu. ft. per second of the waters of the state from _____

through the _____

for irrigation purposes

_____ in accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is Earl E. Wangh

2. The postoffice address of such person or the place of business of such corporation is Office of the Chaplain, Lackland AFB, Texas
County of Garland State of Texas

3. The number of such permit is 470-3 and the date set for the completion of such work is 1 April 1957

4. Said water to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 2.25 cubic feet per second.

6. The amount of land for which said water is available is 160 acres,
particularly described as follows: SE 1/4, Sect 86, T115N, R15W, EPM.

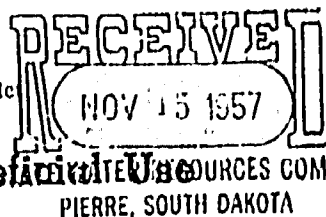
I hereby certify that the facts set forth in the above notice are true.

Earl E. Wangh

(Signature of Owners) _____

Permit No.

Water Division No. Water District



Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) Office of the Chaplain, Lackland AFB, Texas

(Date) 26 September 1957

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the _____ day of _____
 19____, at _____ County of _____ State of South Dakota,
 before _____ proof will be submitted of the application to beneficial use
 (Examining Engineer or Officer)
 of 2.25 cubic feet per second of the waters of _____
 _____ In accordance with the terms and conditions of Permit No. 470-3
 heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are _____

Earl E. Waugh, Office of the Chaplain, Lackland AFB, Texas

2. The use to which said water has been applied is irrigation

3. The amount applied to beneficial use is 2.25 cu. ft. per second

4. The place where said water is used is (If for irrigation, give full and accurate description of the lands irrigated) 160 Acres. NE 1/4 Sect 36 T115N, R165W, SPM

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is _____

6. The right to take the water from such works is based upon permit No. 470-3

7. The source of supply from which such water is diverted is Well

8. The date of priority which said user is prepared to establish is April 1957

(Sign) Earl E. Waugh

Permit No. 470-3James
River Water District
Water Division No. 3

Certificate of Examination of Works

Report of Examining Engineer

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

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated
on February 18, 1958I have ~~XXXX~~ made a thorough examination of the diversion works constructed byEarl E. Waugh, of Lackland AFB, Texas~~XXXX~~ holder of Permit No. 470-3, issued
upon Application No. 470-3, bearing date of priority of April 22, 1957, authorizing the
diversion of 2.25 cu. ft. per second of the waters of ground water for irrigation

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

The diversion works comprise: Layne-Bowler pump Serial #N5101; Ford V-8, Ind.-332
engine; Vermeer boom type irrigator Model #140, Serial #434; Vermeer
boom type irrigator Model #140, Serial #366; Hollow Shaft Gear Converter
#1106964; 990 feet of 8 inch pipe and 1/2 mile of 6 inch pipe. There is
a pressure gauge on the pump and 2 gauges on each irrigator.
and the system is in the following condition: excellentThe point of diversion is located 1317 feet west and 310 feet north of the
SE Cor., Sec. 36, T 115N, R 65WThe works are capable of diverting and conveying to the place of use 2.25 cu. ft. per second of water,
which is to be used for irrigationThe legal sub-divisions to be irrigated are: SE 1/4, Sec. 36, T 115N, R 65Wcomprising a total of 160 acres of land.

The domestic use intended comprises

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

Witness my hand, this 3rd day of March, A. D. 1958

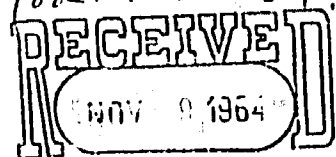
—SEAL—

Les Wyborny
Les Wyborny, Examining Engineer.

Chief Engineer
State Water Resources Commission
Pierre, South Dakota

448 A Melbury
Mt. Home, AFB, Idaho

2 November 1964



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Dear Sir,

I hold water license Nos 770-3 and 771-3 for 2 wells, $\frac{1}{2}$ Sec 36 T115N, R65W. It is my understanding that according to State Water Laws, I have a continuing right to use the water, if I use it beneficially.

This land was just in the soil bank program. Are my water rights affected? I would think not, but want to be sure.

While I was assigned by the United States Air Force to Spain 1959-1961, the farmer who farmed my land left for Alaska in 1960. Since I was so far away, and had no contact with a prospective tenant, the land was placed in soil bank for the period 1960-1964.

Water was pumped occasionally during this period (1) to promote the required cover crop, (2) to grow the cover crop when exceedingly dry conditions prevailed, and (3) for pasture this year with the permission of the Spink County Agriculture Conservation & Stabilization Committee.

Sincerely
Earl E. Vaughn
Chaplain, Major, USAF

November 30, 1964

Major Earl E. Waugh
Chaplain, USAF
4448 A Mulberry
Mt. Home AFB, Idaho

Dear Major Waugh:

Reference is made to your letter of November 2, 1964 regarding the status of your water rights, No. 470-3 and 471-3.

Section 61.0125 of the state Water Laws says:
"When any person entitled to the use of appropriated water fails to use beneficially all or any part of such water for the purpose for which it was appropriated, for a period of three years, such unused water shall revert to the public and shall be regarded as unappropriated public water."

This office considers the use of water under water rights No. 470-3 and 471-3 for the 1960-64 period as described in your letter a beneficial use of water and on the basis of such beneficial use has no reason to believe that water rights No. 470-3 and 471-3 are not now valid water rights.

Sincerely,

JWG:DD:ls

J. W. Grimes

470-1
471-1

Water Rights Division

November 17, 1983

Bruce MacNeill
RR#1, Box 73
Tulare, South Dakota 57476

Dear Mr. MacNeill:

This will acknowledge receipt of your 1983 Irrigation Questionnaire for Water Right Nos. 470-1 and 471-1. In one of the data sheets you inquired as to whether or not a permit would be required to pump from one quarter to an adjoining quarter.

The following is a listing of the lands to be irrigated and location of the wells for both of your water rights.

Water Right No. 470-1 authorizes irrigation of 160 acres in the SE $\frac{1}{4}$ of Section 36, T115N, R65W from a well in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36.

Water Right No. 471-1 authorizes irrigation of 160 acres in the SW $\frac{1}{4}$ of Section 36, T115N, R65W from a well in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36.

Irrigation of lands other than described above is not authorized and would require a permit.

If you intend on irrigating more or different lands, and require a permit, application forms are available upon request. If you have any further questions, contact this office.

Sincerely,

Gary McHath
Water Rights Specialist

GM:ms

Observations during the Field Inspection of February 18, 1958 of the Earl E. Waugh Project relative to Permit #470-3.

Mr. B. C. Walker accompanied me on the inspection and was very cooperative and helpful.

This project is located in the SE $\frac{1}{4}$, Sec. 36, T115N, R65W and was divided into 80 acres of corn and 80 acres of flax or a total of 160 acres +. The well was located about midway and 300 feet north of the south line of the SE $\frac{1}{4}$.

The well was 142 feet deep w/ the static water level @ 25 feet. I was told that it was test pumped @ 900 gpm w/ a 90 ft. drawdown, and @ 1000 gpm w/ a 75 ft. drawdown.

Equipment consisted of a Layne-Bowler pump Serial #N5101, w/ a 90 foot setting (I was told that this was an error on the plate that it actually had a 100 ft. setting), and a pressure gauge; a Ford V-8 Ind. 332, engine, Serial #2583-G18CH, type #B6PL-6003-C, a Vermeer Boom type irrigator, Serial #434, Model #140. W/ 2 pressure gauges w/ nozzles as follows: 1-1/2", 2-3/8", 1-5/16", 1-1/4", 1-3/16" and 1-1"; Vermer Boom type irrigator Model #140, Serial #358 with the same nozzle set as #434. He also has 990 feet of 8 inch pipe and 1/2 mile of 6 inch pipe. A Hollow Shaft Gear Converter type G.P., Serial # 110 6964; w/ the driver rpm's @ 2200 and pump @ 1760. The irrigators are made to operate at 60 - 80 psi and the operator said that he has operated @ these pressures.

The system was not in operation at the time of the inspection but there was good evidence that the project had been irrigated.

All of the equipment was in excellent condition.

The acreage and the capacity of the works to divert and deliver water to the place of use and the acreage met the conditions as set forth in the application and permit.

Les Wyborny
Les Wyborny

March 3, 1958

**SOUTH DAKOTA Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501
Division of Water Rights
605 773-3352

No. 470-3

471-3

December 27, 1985

Richard Binger
RR#1, Box 71
Tulare, South Dakota 57476

Dear Mr. Binger:

Please find enclosed a copy of a Notice of Transfer of Water Permit forms. The This-forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50. for each transfer, total of \$5.00. for each, total of \$5.00

Upon receipt of the enclosed forms and the \$2.50 filing fee/ the permits will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

NOTE: The enclosed transfer forms are being sent to tyou in response to the 1985 Irrigation Questionnaire which listed you as the new owner.

SOUTH DAKOTA
Department of
Water & Natural Resources

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

Second Notice

March 3, 1985

Permit No. 470-3 & 471-3

Richard Binger
RR, Box 71
Tulare, South Dakota 57476

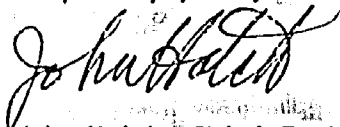
Dear Mr. Binger:

On December 27, 1985 notice was sent to you concerning the transfer of Water Permit No. 470-3 & 471-3 in the name of Earl E. Wauch which covers irrigation of 160 acres in the SE1/4, Section 36, T115N, R65W and 160 acres in the SW1/4 Section 36, T115N, R65W. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed please find an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The permit can then be transferred to your name. If you are not the present owner of the land covered under this Permit, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact us.

Very truly yours,



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

S509.WR

NOTE: The total amount due of \$5.00 for the two permits.

470-3

PS Form 3811, Dec. 1980

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

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☒ Show to whom and date delivered —C
☐ Show to whom, date, and address of delivery.. —C

2. ☐ **RESTRICTED DELIVERY** —C
 (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

3. **ARTICLE ADDRESSED TO:**
 Richard Binger
 RR, Box 71
 Tulare, SD 57576

4. **TYPE OF SERVICE:**
☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
 P 404 786 627

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☒ Authorized agent
Richard Binger

5. **DATE OF DELIVERY**
 3-5-86

POSTMARK

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

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S INITIALS**
 RBA

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

Water Rights Division - DWR

File No. 470-3
471-3

Conversation or File Documentation

NAME OF PERSON OR FILE: Richard Binger
ADDRESS: RR #1 Box 71, Tulare SD COUNTY Opie
DATE: March 7, 1986 TELEPHONE _____
RE: renter-ownership status

COMMENTS:

Mr. Binger called and stated he rented
land from Bruce MacNeill. Mr. MacNeill
still owned the land. A transfer of these
permits to Mr Binger is not needed.
Irrigation Questionnaire can be sent to
Mr. Binger.

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

4/82

NAME: Danny McMath



AUG 18 1992

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

470A-3

Bruce MacNeill
RR 1, Box 73
Tulare, SD 57476

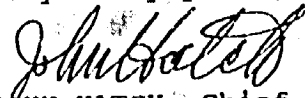
Dear Mr. MacNeill:

Enclosed is Water Permit and Water License No. 470A-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413279 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 470A-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

enclosures

NOTE: The applicable portions of Water Right No. 470-3 have been incorporated into Water License No. 470A-3.