

1. Considered True & V, 1957

2. Name of Applicant Forl E. Wough

3. Post Office Address Hill Shiloh Road, Utah

4. Amount of water claimed 2 1/4 cfs

5. Source of water supply ground water

6. Water to be used for irrigation

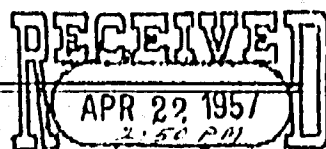
Acres to be irrigated 160

7. Water to be diverted and used in Sanik County about
6 miles west of Tillave.

8. Proof of Publication Received
Not Received ✓

9. Application Approved
Subject to
Not approved
Action deferred

10. Remarks:

No. 471-3Water Division No. 3

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

STATE WATER RESOURCES DIVISION
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 Earl E. Waugh E. BRUCE MACNEILL TRANSFERRED
TULARE 9-10-65
 Postoffice address Box 104 Hill A. E. Co. County Tulare State 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. 1
3. Amount of water claimed 2 1/4 cubic feet per second
4. Source of water supply Well
5. Location of point of diversion 1325' E. and 1320 N. of the S.W. Corner, Sect. 36,
T. 115 N., R. 65 W., 5 E. 4 N. on Spink bank Spink County.
6. Annual period or periods during which water is to be used May thru Oct.
7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Over head Spinkling

- (a) Number of acres to be irrigated 160 acres.

- (b) Legal subdivisions to be irrigated SW 1/4, Sect 36, T115N, 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 point
- (d) Method of developing power
- (e) Point where water will be returned to stream

Map No 363-3

8. Estimated cost of work:

(a) Heall 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 Sprinkling

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 -----

Surface area at highwater

mark ----- acres.

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

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

Material -----

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

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ----- 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 The Daily
Plainsman, Huron, South Dakota

STATE OF SOUTH DAKOTA

County of Huron

} 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. Waugh

Subscribed and sworn to before me this

29

day of

March1957

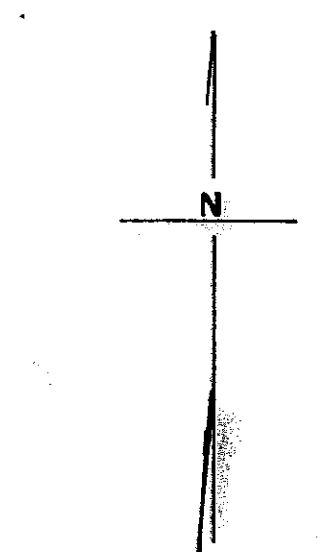
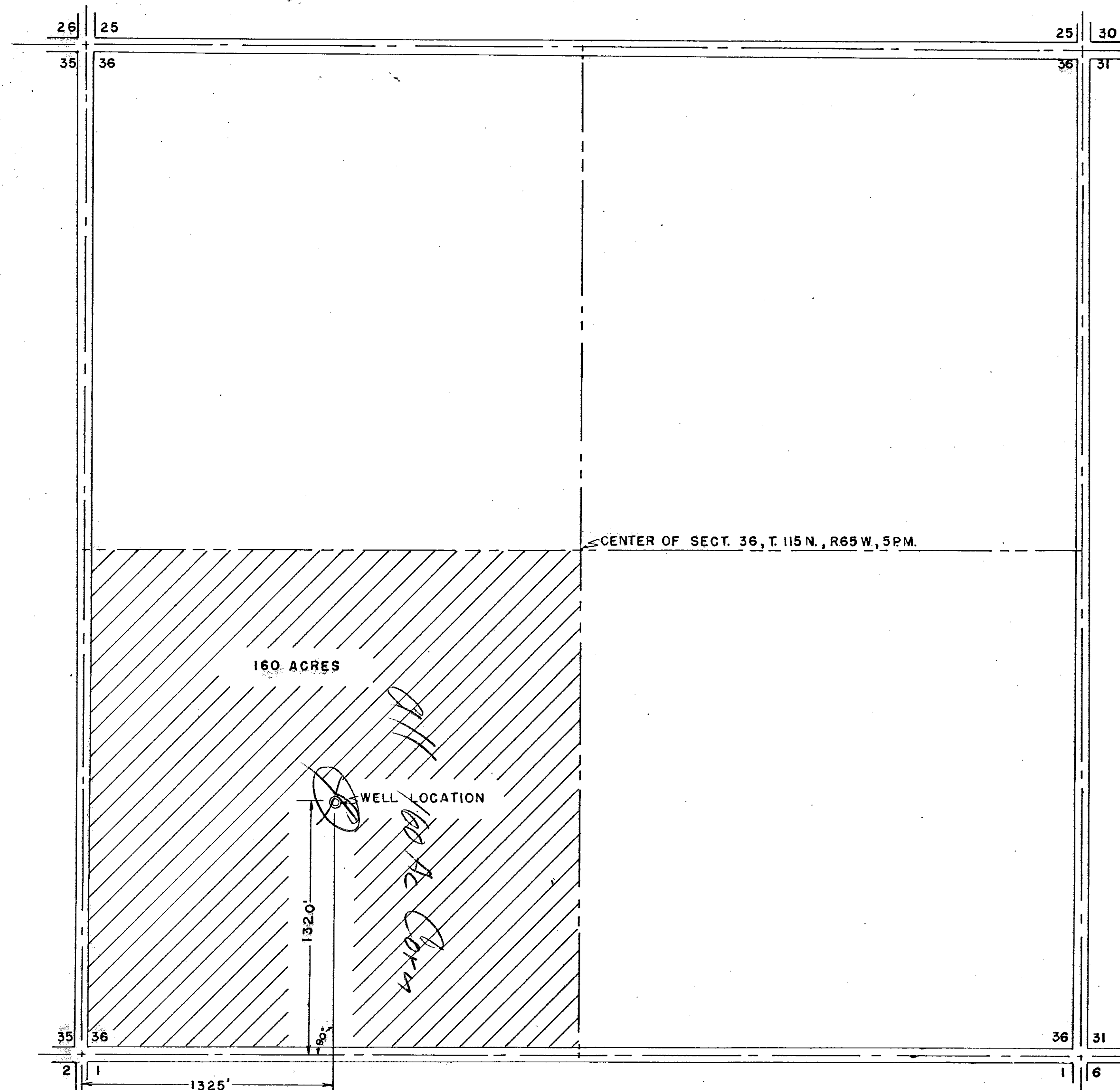
Notary Public (or other qualified officer.)

NOTARY PUBLIC

Residing at Coalville, Utah

My Commission Expires June 7, 1960

*Each diversion must have a headgate or measuring device.



SCALE 1" = 400'

AREAS BY LEGAL SUBDIVISION

S.W. 1/4 - 160 ACRES
SECT. 36, T.115 N., R.65 W., 5 P.M.

SURVEYOR'S CERTIFICATE
STATE OF SOUTH DAKOTA) SS
COUNTY OF BEADLE)

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. 16, 1957. 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 16TH DAY OF FEB. 1957.

Harlan W. Meyer
REGISTERED LAND SURVEYOR

STATE OF SOUTH DAKOTA) SS
COUNTY OF BEADLE)

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 16TH DAY OF FEB. 1957.

Harman H. Bander
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. 16, 1957
Map No. 363-3
App'l No. 471-3

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA

County of

Wagner

ss.

Pierre, South Dakota,

1957

1957

This is to certify that the foregoing application was received by the Commission at 2:50 o'clock

P.m. upon the 22 day of April, 1957

State Water Resources Commission

By:

Jeffrey

Chief Engineer, Executive Officer

Number of permit 471-3

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 144

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 2,250 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:

May to October inclusive

Witness my hand this 17 day of September, 1957

State Water Resources Commission

By:

Jeffrey

Chief Engineer, Executive Officer

Certificate of Construction Issued March 17, 1958

Water License Issued March 17, 1958

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 32" Depth 157'
 Type of casing Steel (wood, concrete, steel, etc.)
 Size of casing 16" Thickness of casing 10 Gauge
 Length of casing 157' If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen 3/16" slotted
 Size of perforated screen 16" (diameter), 40' (length)
 Thickness of gravel pack 8", length of gravel pack full depth

(c) Water Bearing Materials

Distance to water 26' Character of water bearing materials medium sand
 Thickness of water bearing material 41 ft.

(d) Pump and Motor

Type of pump Turbine (centrifugal, propeller, mixed flow, etc.)
 Name of pump Layne-Bowler, size 8"
 Kind of motor L.P. Gas (gasoline, electric, diesel, etc.)
 Horsepower 65, Name of Motor Oldsmobile

(e) Complete well

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

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

Box 104, Hill A.F.B., Utah
 Address

(g) Distance to nearest existing wells

On same owner's property rods. On property owned by others 160 rods

Permit No. 471-3

James

Water Division No. 3

River

Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Earl E. Waughof 431 Lineley Dr. San Antonio, ~~XXXXXX~~ Texas ~~XXXXXXXXXX~~the holder of Permit No. 471-3, issued upon Application No. 471-3, bearing date of priority of April 22, 1957, authorizing the diversion of2.25 cu. ft. per second of the waters of ground waterCounty of Spink, State of South Dakota, at 1325 feet east and1320 feet north of the SW Cor. of Sec. 36, T 115N, R 65Wfor Irrigationpurposes, has 8 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 satisfactorycondition 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: SW1, 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. 471-3....

WHEREAS, On the 22nd day of April A. D. 1957Earl E. Vaughnof 431 Lineley Dr., San Antonio ~~XXXXXX~~ Texas ~~XXXXXXXXXX~~duly made application (No. 471-3) to us for a permit to use 2.25
cubic feet per second of the waters of ground waterCounty of Spink, State of South Dakota, for irrigation
purposes; andWHEREAS, On the 17th day of September A. D. 1957Permit No. 471-3 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. 471-3
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, 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 SW 1/4, Sec. 36, T. 15N, 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. Waugh
of Lackland AFB, Texas the holder and owner of said permit No. 471-3
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
necessray for the purposes hereinafter mentioned, to be diverted at 1325 feet east and 1320 feet
north of S. Cor., of Sec. 36 T. 115N. R. 65W
and conducted to and upon the SW 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 _____

Ac'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 R. Waugh..... whose postoffice address is Box 104, Hill Airforce Base, Utah..... ~~XXXX~~, 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 Waugh #1....., the point of diversion of which is to be located ~~XXXX~~..... ~~XXXXXXXXXXXX~~ In the SE..... $\frac{1}{4}$ of the SW..... $\frac{1}{4}$ of Section 36..... Twp. 115 N..... Range 65 W.. Said water to be used for the purpose of providing irrigation on the following described land:

SW $\frac{1}{4}$, Sec. 36, T 115 N, R 65 W~~XXXXXXXXXXXX~~..... ~~XXXXXXXXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 28th day of June....., 1957.., 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:

~~XXXXXXXXXXXXXXXXXXXX~~
Lee 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. Lusk,
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 publication; 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

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 _____

F. P. 5-17-1957 L. P. 6-7-1957
APPROPRIATION OF WATER
Office of State Water Resources
Commission, Pierre, S. Dak., May 11,
1957.
Notice is hereby given that Earl
E. Waugh, whose post office address
is Box 104, Hill Airforce Base, Utah,
has made an application in accord-
ance with the provisions of the wa-
ter laws of South Dakota for a per-
mit to appropriate for beneficial use
2.25 cubic feet of water per second
of time from ground water through
the Waugh No. 1, the point of di-
vision of which is located in the
SE1/4 of the NW1/4 of Section
24, Twp. 113N, Range 45W, said wa-
ter to be used for the purpose of
providing irrigation on the following
described land:
1SW1/4, Sec. 35, T. 113N, R. 45W.
This application will be taken up
by the State Water Resources Com-
mission at their office at Pierre for
consideration upon the 28th day of
June, 1957, 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 in-
formation presented.
State Water Resources Commission
By W. B. Wornby
Water Rights Engineer
No. 15- (adv.)

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

Permit No. _____

Water Division No. _____

Water District _____



NOTICE OF COMPLETION OF WORKS

STATE WATER RESOURCES
PIERRE, SOUTH DAKOTA

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

(F. O.) Office of the Chaplain, Lackland AFB, Texas(Date) 26 September 1956

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. Wangh2. The postoffice address of such person or the place of business of such corporation is Lackland AFBOffice of the ChaplainCounty of Brewster State of Texas3. The number of such permit is 471-3 and the date set for the completion of such work isOctober 19561 May 19564. 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 follows: SW 1/4, Sec 36, T115 N, R65 W, S.P.M.

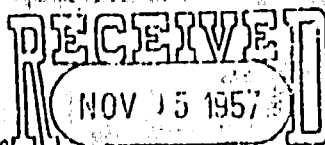
I hereby certify that the facts set forth in the above notice are true.

Earl E. Wangh

(Signature of Owners) _____

Permit No. _____

Water Division No. _____ Water District _____

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA**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 Lt. Chaplain, Lackland AFB Texas(Date) 26 September 1957

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

DEAR SIRs. 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. 471-3

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. Wough, Office of the Chaplain, Lackland AFB, Texas2. The use to which said water has been applied is irrigation3. The amount applied to beneficial use is 2.25 cu. ft. per second4. The place where said water is used is (If for irrigation, give full and accurate description of the lands irrigated) 160 Acres SW 1/4 Sect 26 T11S N R65W S24

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. 471-37. The source of supply from which such water is diverted is well8. The date of priority which said user is prepared to establish is May 1956(Sign) Earl E. Wough

Permit No. 471-3James
Water Division No. 3 River Water District**Certificate of Examination of Works****Report of Examining Engineer**

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

Dear Sirs: I hereby certify that in accordance with your ~~letter of~~ authorization ~~dated~~ _____
on February 18, 1958
I have ~~thoroughly~~ made a thorough examination of the diversion works constructed by Earl E.
Waugh, of Lackland AFB, Texas

~~County of~~ South Dakota, holder of Permit No. 471-3, Issued
upon Application No. 471-3, 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 #N3212 with a Pressure
gauge; Oldsmobile V-8 engine; 88 Model 30 Rainbird 3/16 nozzles; 1/4
mile of 6 inch mainline pipe; 1/2 mile of 5 inch Lateral; Vermeer boom
type Model 140 irrigator; Hollow Shaft Gear Converter #1048565.

Irrigator has 2 pressure gauges.
and the system is in the following condition: good

The point of diversion is located 1325 feet east and 1320 feet north of the
SW Cor., Sec. 36, T. 115N., R. 65W.

The 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 _____

The legal sub-divisions to be irrigated are: SW 1/4, Sec. 36, T. 115N., R. 65W.

_____ comprising 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.

470-1
471-1

Water Rights Division

November 17, 1983

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

Dear Mr. MacNeil:

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,

Genny McMath
Water Rights Specialist

GM:ms

Observations during the Field Inspection of February 18, 1958 of the Earl E. Waugh Project relative to Permit #471-3.

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

This project is located in the SW $\frac{1}{4}$, Sec. 36, T 115N, R 65W. All 160 acres was in corn. The well was located very near the center of the quarter.

The well is 157 feet deep with the static water level @ 25 feet. I was told that this well was test pumped @ 1000 gpm w/ a 75 ft. d/d.

Equipment consisted of a Layne-Bowler pump, Serial #N3212 w/ a 140 ft. setting and a pressure gauge; a Hollow Shaft Gear Converter, Model 6P; Serial #1048565, driver rpm's @ 2200 and pump @ 1760 rpm's; Oldsmobile V-8 engine (rated about the same as the Ford V-8, Ind-332); 88 model 30 Rainbird 3/16 nozzles; 1/4 mile 6 inch mainline pipe; and 1/2 mile of 5 inch Lateral pipe. One of the Vermeer Boom type irrigators from #470-3 is moved to this location when additional sprinkler capacity is required.

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

The equipment was in good condition.

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

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 form 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 you 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, 1986

Permit No. 470-3 & 471-3

Richard Binger
RR, Box 71
Tulare, South Dakota 57476

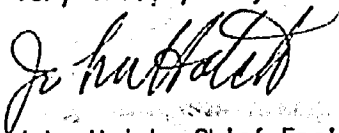
Dear Mr. Binger:

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. Kauch 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.

Water Rights Division - DWR

File No. 470-3

Conversation or File Documentation

471-3

NAME OF PERSON OR FILE:

Richard BingerADDRESS: RR #1 Box 71, Tulare SDCOUNTY SpinkDATE: 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: Sunny McMath



January 14, 2004

471-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: WAYNE BINGER, RENTER, 37923 183RD ST, TULARE, SD 57476 7000

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 470A-3, 471-3. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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) 471-3 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) 470A-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 3, 2004 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) 470A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 471-3 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 27, 2004, 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.

KEITH MEYER, 136 NAVARRE ST, ROSSVILLE, KS 66533

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.



471-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 16, 2004

470A-3
471-3

Wayne Binger
37923 183rd St
Tulare SD 57476-7000

Dear Mr. Binger:

I am writing to acknowledge receipt of the 2003 irrigation questionnaires for Water Right Nos. 470A-3 and 471-3. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right Nos. 470A-3 and 471-3.

Your questionnaires and the Notices we sent out crossed in the mail and I am writing to let you know that we have what we need on file and the matter 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

c: Keith Meyer



471-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 5, 2007

470A-3
471-3

Wayne Binger
37923 183rd St
Tulare SD 57476-7000

Dear Mr. Binger:

Thank you for the prompt return of the 2007 irrigation questionnaires for Water Right Nos. 470A-3 and 471-3. On the forms you indicated that you were the owner of the property and not the renter. The water rights are currently listed in the name of Bruce MacNeill, Tulare SD.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing ownership changes. Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (**total of \$5.00**). 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

RECEIVED

NOV 14 2007

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 471-3

Date: _____

I/We request that Water Right No. 471-3

formerly owned by: Bruce MacNeill

be transferred to: (name & address) Wayne Binger, 37923 183rd St, Tulare SD 57476-7000

Telephone No. 605 596-4352

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

160 acres – SW ¼ Section 36, T115N, R65W

I/We understand that the validity of Water Right No. 471-3 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 Wayne Binger, the new owner, certify that the above information is true and correct.

Wayne Binger
(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 11/14, 2007

RECEIVED OF Wayne Binger 37923 183rd ST Tulare SD 57476

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>471-3</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

03204

By

Tulad E. White

Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 15, 2007

470A-3
471-3

Wayne Binger
37923 183rd St
Tulare SD 57476-7000

Dear Mr. Binger:

I am writing to acknowledge receipt of the ownership changes you submitted for Water Right Nos. 470A-3 and 471-3. The transfers have been completed. The water rights formerly held by Bruce MacNeill are now listed in your name.

Enclosed are Receipt Nos. 03203 and 03204 in the amounts of \$2.50 each. You may keep these for your records.

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