

1. Considered: JUNE 9, 1982 Water Right No. 4898-3
2. Name of Applicant S.G. TREEBY
3. Post Office Address RR #1, Box 125 HECLA 57446
4. Amount of Water Claimed 1.8 maximum acre feet
5. Source of Water Supply 110' WELL (EXISTING)
6. Water to be used for IRR acres to be irrigated 130
7. County BROWN about 1/2 mile NORTH of HECLA
8. PROOF OF PUBLICATION: Received Not Received
- APPLICATION: Approved 6/10/82 Subject WI
- Not Approved Action Deferred IR

PRIORITY Dated Received 2-24-82 Application complete-yes no FEE 250⁰⁰

Remarks

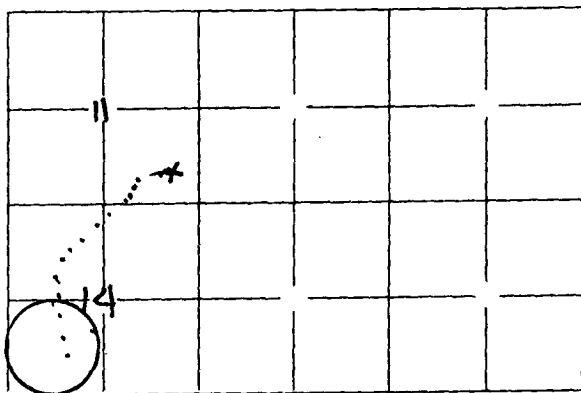
Corrected Application received Period of Annual Use APR-OCT

WATER QUALITY Received yes 5/10/82 no APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application yes no Remarks

5/11/82 Called Treeby w/scc water sample from well in SE⁴ Sec 11-128-61

Disapproved Returned



Diversion Point

SE⁴ SE⁴ 11-128-61

Land to be irrigated

SW⁴ 14-128-61

WELL LOG Driller Unknown Licensed - yes no

Depth 110' EXISTING.

Remarks took Log from existing well Permit 3006-3

MAP Map No. 4102-3 Map located in Water Right ✓ Map file _____
Type of Map Aerial Prepared by SCS

+++++

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

5/11/82

Betty Westlund
(Signed)

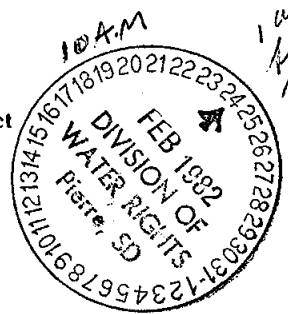
+++++

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 was
DECISIONS adopted _____
ETC. Remarks _____

No. 4898-3
 Map No. 4102-3 Water Division No. 3 JAMES RIVER District
 (Blanks to be Filled by the Engineer for the W. R. C.)
10160003

APPLICATION FOR PERMIT



To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

 Phone
994-2308

1. Name of Applicant S.G. Treeby
 Postoffice address RR 1 Box 3 Hecla, State S.D. 57446
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) CONTRACT
3. Name of diversion work Treeby #4
4. Amount of water claimed (cubic feet per second) 800 gpm (1.8 cfs)
5. Source of water supply WELL
6. Location of point of diversion 690 ft. West and 1120 ft. North of the SE corner of Section 11-128-61. (WELL PERMIT #3006-3)
~~Approx Center NE 1/4 Sec 14-128-61~~ SE¹SE¹ 11-128-61 County BROWN
7. Annual period or periods during which water is to be used APRIL - OCTOBER
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Total number of acres to be irrigated 130

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>Circle of SW¹ 14-128-61</u>	<u>130</u>		

Attach sheet if more space is needed

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 4 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication ABERDEEN AMERICAN NEWS
12. Principal Features of the Proposed Water Supply System.

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

Pump

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

Underground Pipeline

C. Works proposed to apply water to beneficial use.

Center Pivot Sprinkler Irrigation SystemEstimated Total Cost \$ 60,000

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 Brown

I, S. G. TREEBY 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 S. G. TreebySubscribed and sworn to before me this 4th day of March 1982
L. M. Elsen
 Notary Public (properly qualified officer)
 Notary Public, BROWN COUNTY, S. DAK.

My Commission Expires JUNE 21, 1982

NOT TO SCALE

NOT TO SCALE

NOT TO SCALE

76.0 R. D. D. D.
National Commission on

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4898-3S.G. TREEBY

(Applicant)

RR #1 - Box 125 - HECLA

(Post Office Address)

SOUTH DAKOTA

(State)

57446

With the following modifications:

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 water use questionnaire being submitted each year.

Lands covered under this Permit are also covered under Permit No. 2640-3 from the James River. Combinations of diversions under the two Permits shall not exceed the statutory limit of 1 cfs for each 70 acres irrigated.

Date of first receipt of application February 24, 19 82Date of return to applicant for correction, amendments or changes required February 24, 19 82Date of receipt of corrected application W/O May 10, 19 82Approved JUNE 10, 19 82, Recorded in Book _____ Page _____WATER RIGHT PERMIT NO. 4898-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4898-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is FEBRUARY 24, 19 82
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before DECEMBER 19, 19 84
3. The whole of said work is to be completed on or before JUNE 10, 19 87
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JUNE 10, 19 91
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 1.80 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 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 JUNE 10, 19 91; said water to be used during the following described annual period: April 1st thru October 31st

Witness my hand this 24th day of JUNE, 19 82

WATER RIGHTS COMMISSION

By:

John H. Hall
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

SE 412-128-61

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

essentially both wells are
 alike, Form 2A copied
 from 3006-3 microfiche
 B.W.

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

D. Well Information or Estimates

EXISTING WELL (PERMIT #3006-3)

(1) Drill Hole, Diameter 6 1/4, Depth 120(2) Casing, Type _____ Diameter _____ Thickness _____
 (wood, concrete, steel, etc)

(3) Perforated 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. (Please attach a copy to test well log if available.)

Character of Water bearing materials SEE (PERMIT #3006-3)

0-2, top soil; 2-8 - brown fine sand; 8-11 - yellow clay;
11-17 - gray soft clay; 17-110, silty brown sand with
fine shells; 110-120 - gray clay - shale

Depth to top of water bearing material 11Depth to bottom of water bearing material 110Thickness of water bearing material 19Depth to water (ground surface to water level) 13

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

On same owner's property 160 rds. On property owned by others 480 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, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

S. M. Treeby
 Signature of Applicant

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8753

PIERRE, March 5, 1982

RECEIVED OF S.G. Treeby, RR#1, Box 125, Hecla, SD 57446

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

4898-3		
Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)	250	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	250	00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH *ms*

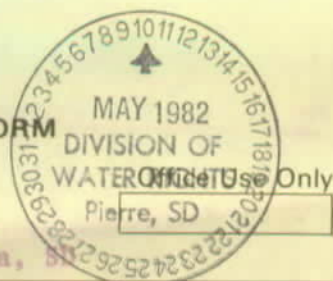
Lab No. 32-0347

CONSERVATION COMMISSION
WJ#1
9/81

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE



OWNERS NAME: SG Treaby OWNERS ADDRESS: Hecla, SD

COUNTY LAND LOCATED IN: Brown PHONE: 994-2308

TENANT'S NAME AND ADDRESS: _____

In accordance with State Law SDCL 46-5-6.5, if a water permit is granted with a conditional Soil/Water Compatibility permit, **A COPY OF SUCH CONDITIONAL SOIL/WATER COMPATIBILITY PERMIT MUST BE FILED WITH THE COUNTY REGISTER OF DEEDS. THIS ACTION MUST BE TAKEN BY THE HOLDER OF A WATER PERMIT WITHIN 6 MONTHS OF RECEIPT OF SUCH WATER PERMIT.**

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION S 1/2 of SE 1/4 of SE 1/4 - S - 11 - 128 - 61

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: _____

Legal Description	Acres	Legal Description	Acres
<u>SW 1/4 14-128-61</u>			

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED _____

LEGAL DESCRIPTION: _____

IN WHAT NAME: _____

4. LOCATION OF AREA TO BE IRRIGATED NOTE: **SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)**

5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ OTHER: _____ (Specify)

6. CROPS TO BE IRRIGATED: _____

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 82-0847

8. SALINITY (EC X 10⁶): 700

9. SODIUM (SAR): 0.76

10. ADJUSTED (SAR): 1.86

I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19____, at the following location: _____

by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

4th DAY OF March, 1982.

(NOTARY PUBLIC)
Notary Public, BROWN COUNTY, S. DAK.
My Comm. Expires **IMPORTANT** JUNE 21, 1982

SG Treaby
APPLICANT'S SIGNATURE

Tech M. Lyell
Director, Division of Conservation

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER RIGHT must be obtained from the Board of Water Management, Foss Building, Pierre.

APPROVED

DISAPPROVED

☒ CONDITIONALLY APPROVED

Conditional

#3032

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

DIVISION OF CONSERVATION

NAME OF APPLICANT:

SG Treaby

LEGAL DESCRIPTION:

SW 1/4 14-128-61

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

#43 - Hamar - Poorly drained depressional soils that should be drained or kept in grass to prevent problems with ponding. This area is marked with red hatch marks on the map.

THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:

RECOMMENDED MANAGEMENT:

SIGNATURE

DATE

April 22, 1982



S. G. Treeby
Hecla, SD 57446

Dear Mr. Treeby:

Enclosed is your copy of the laboratory report of analysis for water sample No. 82-0847.

I have plotted the approximate quality of your water by means of a red cross in the chart located on the back cover of the accompanying AES pamphlet #13.

Sample No. 82-0847 is classified as a medium saline, low sodic water. It is suitable as a source for irrigation.

The Valentine and Bearden loamy very fine sandy found in the SW 1/4 of Section 14-128-61 are compatible with the quality of your water sample.

If you experience difficulty in establishing the appropriate irrigation application rates for your very sandy soils, please contact your county extension agent.

The WI-1, soils information, and a copy of the water analysis are being forwarded to the Division of Conservation for their action.

Sincerely yours,

Michael H. Sanders
Water Quality Lab
Division of Conservation

MHS:ckb
Enclosures
cc: Division of Conservation
D. Pahl, Extension Service
Division of Water Rights

Publish first publication, on or before May 21, 1982

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 12, 1982

Notice is hereby given S.G. Treaby whose post office

address is RR 31, Box 125, Hecla, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 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, 46-5-25, 46-5-41 (~~ground~~) 46-6-3 thru 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, (~~future use~~) 46-5-38; (~~transfer lands~~) 46-5-39 thru 46-5-35 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, (~~future use~~) 74:02:01:23 thru 74:02:01:26 (10,000 AFA) ~~74:02:07:01 thru 74:02:07:03~~, for a permit to appropriate for beneficial use

1.8 cubic feet of water per second of time from groundwater (one existing well) through the Treaby #4, the point (s) of diversion which is (are) to be located in the SE 1/4 SE 1/4

of Section 11, Twp. 128N, Range 61W. Said water to be used for purpose of providing irrigation on portions of the following described land:

SW 1/4, Section 14, T128N, R61W

This Application No. 4898-3 will be considered by the Water Management Board at Meeting Room #1, Kneip Bldg. Church & Illinois, Pierre SD upon the 9th day of June, 1982.

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 Circuit Court and the State Supreme Court as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNr, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

For the Water Management Board

cc: applicant

BETTY WESTLUND, Water Rights Specialist

WNR-806-2/82

Aberdeen

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF BROWN

SS.

Lori Naltner BEING DULY SWORN, ON HIS OATH SAYS:
That the ABERDEEN AMERICAN NEWS is a DAILY newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, by the Aberdeen News Company, a corporation, and has been such a newspaper during the times hereinafter mentioned, that affiant is an employee and principal clerk of said publisher and has personal knowledge of all the facts stated in this affidavit; that the advertisement headed Water Rights

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement thereof, once each week for 2 successive weeks
The first publication being made on the 19th day of May 1982
The second publication being made on the 26th day of May 1982
The third publication being made on the _____ day of _____
The fourth publication being made on the _____ day of _____
The fifth publication being made on the _____ day of _____
The sixth publication being made on the _____ day of _____
The seventh publication being made on the _____ day of _____
The eighth publication being made on the _____ day of _____
The ninth publication being made on the _____ day of _____

That said newspaper is a legal newspaper, being published five days or more each week, having a bona fide circulation of more than two hundred copies daily, having been published in the English language within the said County of Brown for more than one year next prior to the first publication of said notice, and is printed in whole in an office maintained at the place of publication of said newspaper. That the whole amount of the fee paid for the publication of the annexed notice is \$ 33.50, which inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

Lori Naltner

Subscribed and sworn to before me this 26th day of

May 19 82

Ella Quaske

Notary Public, Brown County, S. D.

My commission expires 7-13-87

daily circulation 21,005

Public Notice

(No. 136—May 19, 26—27)

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501

May 12, 1982

Notice is hereby given S.G. Treeby whose post office address is RR 31, Box 125, Hecla, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 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; 46-5-25; 46-5-41; 46-6-3 thru 46-6-5; 46-6-6.1; 46-6-10; 46-6-13; 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, for a permit to appropriate for beneficial use 1.8 cubic feet of water per second of time from groundwater (one existing well) through the Treeby No. 4, the point of diversion which is to be located in the SE 1/4 SE 1/4 of Section 11, Twp. 128N, Range 61W. Said water is to be used for purpose of providing irrigation on portions of the following described land; SW 1/4, Section 14, T128N, R61W.

This Application No. 4898-3 will be considered by the Water Management Board at Meeting Room No. 1, Kneip Bldg. Church & Illinois, Pierre, SD, upon the 9th day of June, 1982 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 Circuit Court and the State Supreme Court as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWRN, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

For the Water Management Board
BETTY WESTLUND, Water Rights Specialist

Publication Fees \$ _____

Received Payment, _____

Aberdeen News Co.

By _____

*Received
5/10/82
BW*

SOUTH Dakota Department of
Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3352

June 24, 1982

S. G. Treeby
Route #1, Box 125
Hecla, South Dakota 57446

Dear Mr. Treeby:

Enclosed herewith is your Water Right Permit No. 4898-3 as approved by the Water Management Board authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 4898-3.

Also enclosed is FORM 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Water Management Board when you have completed the system and/or have put the water to beneficial use. The Board can then schedule an inspection so that your Certificate of Construction and/or Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

enclosure

PS: Lands covered under this Permit are also covered under Permit No. 2640-3 from the James River. Combinations of diversions under the two Permits shall not exceed statutory limit of 1 cfs for each 70 acres irrigated.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

March 22, 1983

4667-3, 4898-3
S.G. Treeby
Hecla SD 57446

Dear Sir:

4667-3
Water Permit No. 4898-3 was approved with the qualification that the irrigation questionnaire be submitted each year. To date we have not received the 1982 questionnaire from you.

Please complete the enclosed questionnaire and return to this office. Failure to return the questionnaire is in violation of the conditions under which the permit was approved.

Please advise, if you have any questions.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

August 1, 1983

NOTICE

4667-3, 4898-3
S.G. Treeby
Hecla SD 57446

Dear Sir:

July 19, 1983, the Water Management Board passed a motion directing that those persons with water permits that have the qualification:

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

be notified of this requirement.

Our records do not show we have received the 1982 Irrigation Questionnaire for Permit No. 4667-3. The questionnaire was requested on the following dates: 4898-3

1. September 1982 initial request
2. December 1982 followup request
3. March 22, 1983 Notice that submittal of questionnaire is a qualification to water permit

The Board has directed that owners of permits not in compliance with the Irrigation Questionnaire qualification be given until August 30, 1983 to submit the 1982 questionnaire. Any person not submitting the Questionnaire is to be noticed for hearing before the Board to consider disciplinary action including suspension of the permit.

Another questionnaire is enclosed. Please advise if there are any questions or if you believe our records are not correct.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure



Department of Water & Natural Resources

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

NOTICE

September 13, 1983

TO: S.G. Treeby
Rt 1, Box 125
Hecia, South Dakota 57446

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

Re: Violation of Permit No(s). 2640-3, 4667-3 and 4898-3
by Failure to Submit Required 1982 Irrigation Questionnaire

The Water Management Board has directed that hearing(s) be held to determine what action the Board should take for violation of the Water Permit No(s). 2640-3, 4667-3 and 4898-3 qualification that requires the Irrigation Water Use Questionnaire to be submitted each year.

The hearing(s) will also be to determine if Permit No(s). 2504-3, 2990-3, 3006-3, 3043-3, 3121-3, and 4351-3 should be amended to require the Questionnaire to be submitted each year.

The hearing(s) will be at 2:30 p.m., October 5, 1983, Civil Defense Room, Basement, State Capitol Building, Pierre, South Dakota. Water Rights Division records do not show that the 1982 Irrigation Questionnaire for Permit No(s). 2640-3, 4667-3 and 4898-3 has been received. The questionnaire was requested on the following dates:

1. September 1982 Initial request
2. December 1982 follow-up request
3. March 22, 1983 Notice that submittal of questionnaire is a qualification to water permit.
4. August 1983 Notice that Board had directed owners of permits not in compliance with the Irrigation Questionnaire qualification be given until August 30, 1983 to submit the 1982 questionnaire with any permit owner in violation after August 30 to be given notice for hearing before the Board.

Equal Opportunity Employer

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s), the Water Management Board can:

1. Suspend Permit No(s). 2640-3, 4667-3 and 4898-3 until either the 1982 Questionnaire is submitted or for a period of up to one year;
2. Amend Permits No(s). 2504-3, 2990-3, 3006-3, 3043-3, 3121-3, and 4351-3 also held by S.G. Treeby to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

These hearing(s) are 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.

Water Rights Division
605 773-3352

September 21, 1983

2640-3

4667-3

4898-3

S.G. Treeby
RR 1, Box 125
Hecle SD 57446

Dear Mr. Treeby:

This letter will acknowledge receipt of and thank you for the return of your 1982 Irrigation Questionnaires. A notice was sent to you September 13, 1983 regarding the Irrigation Questionnaire submittal violation of Permits No. 2640-3, 4667-3 and 4898-3 and the date hearings are to be held before the Water Management Board to determine any action to be taken concerning the violation. Our records now show that you have returned the 1982 Irrigation Questionnaires and no longer are in violation of your permits.

Please disregard the notice sent to you dated September 13, 1983. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

May 18, 1984

NOTICE OF PERMIT SUSPENSION AND AMENDMENTS

TO: S.G. Treeby, Hecla SD 57446

FROM: John Hatch, Chief Engineer, Water Rights Division *John Hatch*

SUBJECT: Suspension of Water Permit Nos. 2640-3 and 4898-3 for 1984
Irrigation Season and Amendment of Permit No. 2504-3, 2990-3,
3006-3, 3043-3, 3121-3 and 4351-3

Notices were sent to you during November 1983, December 1983, and March 1984 to return your 1983 Irrigation Water Use Questionnaires for Permit Nos. 2504-3, 2640-3, 2990-3, 3006-3, 3043-3, 3121-3, 4351-3 and 4898-3. We have not received Irrigation Questionnaires for any of your permits.

Irrigation Questionnaire Qualification - Permit Nos. 2640-3 and 4898-3

Water Permit Nos. 2640-3 and 4898-3 have the following qualification:

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

At a Special Water Management Board Meeting May 14, 1984, the Board passed the following motion:

"That Water Permit Nos. 2640-3 and 4898-3 be SUSPENDED for the 1984 irrigation season, unless the required 1983 Irrigation Water Use Questionnaires are submitted by June 1, 1984."

Amendment of Irrigation Questionnaire Qualification to Permit Nos. 2504-3, 2990-3, 3006-3, 3043-3, 3121-3 and 4351-3

The Water Management Board has delayed taking any action on Water Permit Nos. 2504-3, 2990-3, 3006-3, 3043-3, 3121-3 and 4351-3 until the July 11-12, 1984 meeting. At the July hearing those Permits for which the 1983 Irrigation Questionnaires have not been received will be subject to disciplinary action. Action taken by the Board July 11, 1984 can include amendment to those Permits for which the 1983 Questionnaire has not been received by June 1, 1984 with the following qualification:

"This Permit as amended July 11, 1984 is subject to the Irrigation Questionnaire being submitted each year."

Equal Opportunity Employer

May 18, 1984
S.G. Treeby
Page 2

Amendment of a Permit will mean that a Permit can be suspended for up to one year for continued violation of the Irrigation Questionnaire requirement. The amendment may be made pursuant to SDCL 46-1-14.

The hearing before the Water Management Board July 11, 1984 will be at 10:30 am, Room 216, Joe Foss Building, Pierre SD.

Enclosed are additional questionnaires. Please advise if you have any questions, or you do not believe our records are correct.

JH:GM:ks



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

June 4, 1984

S.G. Treeby
Hecla SD 57446

Dear Mr. Treeby:

This letter will acknowledge receipt of your 1983 Irrigation Questionnaire for Permits No. 2504-3, 2640-3, 2990-3, 3006-3, 3043-3, 3121-3, 4351-3 and 4898-3.

Sincerely,

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

GENNY MCMATH
Natural Resources Analyst

GM:ks

Equal Opportunity Employer

Water Rights Division
605 773-3352

September 18, 1985

Traut Wells, Inc.
933 - 17th St SW
Jamestown ND 58401

Dear Sir:

I am contacting you to request a copy of three well logs for irrigation wells drilled for Shirley Treeby. The Water Rights Division does not have copies of these well logs for the Treeby irrigation permits. The locations of the wells are listed below. Enclosed is a postage prepaid envelope for your use. Thank you for your time and consideration.

Well No. 1: 300 ft W and 2600 ft S from NE corner of Section 11,
T128N, R61W (SE 1/4 NE 1/4)

Well No. 2: 540 Wt W and 1000 ft N from SE corner of Section 11,
T128N, R61W (SE 1/4 SE 1/4)

Well No. 3: center of NE 1/4 of Section 14, T128N, R61W

Sincerely,

RON DUVALL
Natural Resources Engineer

RD:ks

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: _____ 1/4 _____ 1/4 _____ Section _____ Township _____ Range _____

Well owner: Spurby, Truby (Name) Wells, S.D. (Address)

Date well drilling completed: 8/31/76 Purpose of well: Irrigation
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer _____ ft.
0-2	top soil	Depth to static water level _____ ft.
2-17	Brown clay	Name of producing aquifer (if known) _____
17-25	gray fine sand and silt	Total depth of drill hole _____ ft.
25-73	gray soft clay	Depth to bottom of casing _____ ft.
73-90	Brown sand	Casing information: In the space below show kind, size, weight, length per diameter, etc., for production casing and surface casing, if used. <u>steel casing .375 wall 12 10</u> <u>49.5" per ft</u>
90-100	30 slot + fines	
	gray sandy clay	
		Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations. <u>screen set from 115 to 70 ft</u> <u>60 slot stainless steel</u> <u>12 telescopic Johnsons</u>

Attach sheet if more space is needed

If a flowing well, flow of completed well _____ G.P.M.

Traut Wells Inc.
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump _____ HP _____

Type of pump _____ Capacity of installed pump _____ G.P.M.

Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____ tube material _____

Name of Pump Installation Contractor

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: SE 1/4 1/4 Section 11 Township 128 Range 61
 Well owner SHIRLEY TREIBY (Name) HEGAR SD (Address)
 Date well drilling completed 8/28/76 Purpose of well IRRIGATION
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer _____ ft.
<u>0-2</u>	<u>Top soil</u>	Depth to static water level <u>15</u> ft.
<u>2-18</u>	<u>yellow clay</u>	Name of producing aquifer (if known) _____
<u>18-64</u>	<u>gray silt clay</u>	Total depth of drill hole <u>99</u> ft.
<u>64-78</u>	<u>fine gray sand</u>	Depth to bottom of casing <u>83</u> ft.
<u>78-99</u>	<u>brown sand gravel</u>	
		Casing information: In the space below show kind, size, weight, length per diameter, etc., for production casing and surface casing, if used.
		<u>STEEL CASING 13.75 WALL 2"</u>
		<u>44.5' LBS PER FT.</u>
		Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.
		<u>SCREEN SET 20' SLOT FROM 83-99</u>
		<u>12" SCREEN JOHNSON STAINLESS STEEL</u>
		If a flowing well, flow of completed well _____ G.P.M.

Attach sheet if more space is needed

TRAUT WELLS INC.
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump _____ HP
 Type of pump _____ Capacity of installed pump _____ G.P.M.
 Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____.

Name of Pump Installation Contractor



Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 4898-3

September 20, 1985

S.G. Treeby
RR 1, Box 125
Hecla SD 57446

Dear Mr. Treeby:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 4898-3 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.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

KAREN SCHLAACK
Administrative Aide

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



Water & Natural Resources

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

SECOND NOTICE

February 25, 1986

Permit No. 4898-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

S.G. Treeby
RR 1, Box 125
Hecla, South Dakota 57446

Dear Mr. Treeby:

September 20, 1985 you were notified the final inspection fee of \$50.00 is due before Water License No. 4898-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

S508.WR

S520.WR

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410396

Pierre, April 2, 19 86

RECEIVED OF S. G. Treeby Ranch, Inc., Box 125, Hecla, SD 57446

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4898-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer JOHN HATCH

James River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by S.G. Treeby

_____ of RR1, Box 125, Hecla SD 57446 holder of
 * 2990-3 3121-3 9/1/76 10/13/76
 Permit No. 3006-3 4898-3, bearing the priority of 9/3/76 2/24/82 19____ authorizing
 the diversion of 4.00 no add'l. 4.00 1.80 cu. ft. per second of the waters of groundwater (NJ-Columbia)
 for irrigation purposes, in Brown County.

I have to report on the conditions of the same as follows: motor: Perkins Diesel, 6cyl. pump: Johnston
 well #2 Rockford PTO S.N. 595784 S.N. 49264
 S.N. PTA 31185

A. Works used to divert the water:
 motor: 3208 Cat pump: Johnston
 well #1 S.N. 90N23947 S.N. OJ 26295
 150 hp. 6 S 12 DC T motor: Perkins Diesel, 6cyl. pump: Johnston
 well #3 Rockford PTO S.N. 666320 S.N. OJ 26294
 S.N. PTA 31185 7 S 10 ES

B. Works used to transport water to place of use:
 Pipeline: size - 10 in. 8 in.
 type - PVC PVC
 length - 1,680 ft 10,140 ft

C. Works used to apply water to beneficial use:

	Center N½, sec 11	Pivots S½, sec 11	(4) N½, sec 14	SW¼, sec 14
make	<u>T&L</u>	<u>T&L</u>	<u>T&L</u>	<u>T&L</u>
# of towers	<u>14</u>	<u>8</u>	<u>10</u>	<u>10</u>
pressure	<u>65psi</u>	<u>45psi</u>	<u>65psi</u>	<u>65psi</u>
sprinklers	<u>Rainbird</u>	<u>_____</u>	<u>Rainbird</u>	<u>Rainbird</u>
capacity	<u>1300gpm</u>	<u>800gpm</u>	<u>900gpm</u>	<u>800gpm</u>

The system is in the following condition good

The point of diversion is located well No. 1: 300 ft W and 2600 ft S from NE corner sec 11; well No. 2:
540 ft W and 1000 ft N from SE corner sec 11; well No. 3: center of NE¼ of sec 14; all in T128N-R61W

The works are capable of diverting and conveying to the place of use 6.66cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: see attached sheet.

* Permit Nos. 2990-3, 3006-3, and 3121-3 are incorporated into 4898-3.
The priority dates of the permits are specified with the respective acreages on the attached sheet.
Well No. 1 supplies the pivot in the N½ of sec. 11; Well No. 2 supplies the pivot in the S½ of
sec 11 and the SW¼ of sec 14; Well No. 3 supplies the pivot in the N½ of sec 14; all in T128N-R61W,
 comprising a total of 734.3 acres of land and the license should be issued for 6.66 cfs

Applicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date April 4, 1985

Ron Duvall
 (signature)

Permit # 2990-3	Acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ sec 11 - T128N - R61W	37.2
NE $\frac{1}{4}$ NE $\frac{1}{4}$	26.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$	39.6
NW $\frac{1}{4}$ SE $\frac{1}{4}$	34.1
NE $\frac{1}{4}$ SE $\frac{1}{4}$	16.7
SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>24.7</u>
Priority 9/1/76 Subtotal	218.3

Permit No. 3121-3	Acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$ sec 11 - T128N - R61W	13.1
SE $\frac{1}{4}$ NW $\frac{1}{4}$	27.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$	2.7
NE $\frac{1}{4}$ SW $\frac{1}{4}$	28.7
SW $\frac{1}{4}$ SW $\frac{1}{4}$	14.5
SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0
NW $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 14 - T128N - R61W	32.5
NE $\frac{1}{4}$ NW $\frac{1}{4}$	32.5
SW $\frac{1}{4}$ NW $\frac{1}{4}$	32.5
SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>32.5</u>
Priority 10/13/76 Subtotal	256.0

Permit # 4898-3	Acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 14 - T128N - R61W	32.5
NE $\frac{1}{4}$ SW $\frac{1}{4}$	32.5
SW $\frac{1}{4}$ SW $\frac{1}{4}$	32.5
SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>32.5</u>
Priority 2/24/82 Subtotal	130.0

Permit No. 3006-3	Acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ sec 14 - T128N - R61W	32.5
NE $\frac{1}{4}$ NE $\frac{1}{4}$	32.5
SW $\frac{1}{4}$ NE $\frac{1}{4}$	32.5
SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>32.5</u>
Priority 9/3/76 Subtotal	130.0

Total acreage 734.3

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm Traut Wells Inc.well No. 1 well No. 2 well No. 3No. of wells 3 Depth 100 ft. 97 ft. 92 ft.Casing a) diameter 12 in (all 3) Screen a) type stainless steel (all 3)b) length _____ b) length 15 ftc) type steel Static Water Level _____

Pump a) make _____ Motor a) make _____

b) model _____ b) model no. _____

c) size _____ c) horsepower rating _____

d) capacity _____ GPM d) motor efficiency rating _____

e) turbine pump
no. of stages _____

3. Distribution lines:

a) size of lines 10 in 8 inb) type PVC PVCc) length 1680 ft 10,140 ft

4. Dam information:

a) height to crest _____

b) height to spillway _____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

i) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

N $\frac{1}{2}$, sec 11 S $\frac{1}{2}$, sec 11 N $\frac{1}{2}$, sec 14 SW $\frac{1}{4}$, sec 14

5. System Type: c) center pivots (4)

T+L T+L 1) make all T+L's

14 8 2) number of towers 10 10

3) distance between towers _____

4) overall length _____

5) End ^{all}gun (Y/N) _____

high low 6) high or low pressure high

Rainbird 7) make & size of nozzles Rainbird Rainbird

8) PSI reading while system is running 65 65

65 45 9) GPM 900 800

1300 800

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES

NO

Check Items

☒

☒

☒

☐

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.

2. Special Qualifications to permit being abided by.

3. All Structures, wells and lands on map.

REMARKS:

motor: 3208 Cat
well no. 1 S.N. 90N23947
150 hp.

pump: Johnston
S.N. DJ 26295
6 S 12 DC T

motor: Perkins Diesel, 6cyl.
well no. 2 Rockford PTO
S.N. 595784
M.N. PTA 31185

pump: Johnston
S.N. 49264

motor: Perkins Diesel, 6cyl.
well no. 3 Rockford PTO
S.N. 666320
M.N. PTA 31185

pump: Johnston
S.N. DJ 26294
7 S 10 ES

State of South Dakota
Water License No. 4898-3

(1) S. G. Treeby
of RR#1, Box 125, Hecla, South Dakota 57446
made Application No. 4898-3, February 24, 1982 for a water permit to appropriate
1.80 cubic feet per second of water from groundwater (one existing well),
Brown County, South Dakota for irrigation purposes.
Permit No. 4898-3, with a priority date of February 24, 1982
was approved June 10, 1982 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before June 10, 1987 and for the application to beneficial use of said
water on or before June 10, 1991.

Permit No. 3121-3 was advertised for no additional cfs. The permit application did authorize additional acreage to be irrigated from permitted wells covered by Permit Nos. 2990-3 and 3006-3. Therefore a water appropriation of 3.57 cfs should have been included in the advertisement along with the additional 250 acres.

The applicable portions of Water Permit Nos. 2990-3, 3006-3 and 3121-3 are being incorporated into this Water License No. 4898-3. The priority dates as they pertain to the lands irrigated are described in number 3 of this license.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 6.66 cubic feet per second of water for beneficial use. The location of the diversion point(s) is are Well #1: 300'W and 2600'S from NE Corner Section 11; Well #2: 540'W and 1000'N from SE Corner Section 11; Well #3: Center of NE¼ of Section 14; all in T128N-R61W.

and

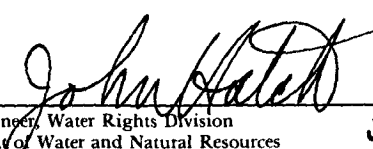
(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, See Attachment A

(4) Pursuant to §46-5-30.1 S. G. Treeby

of RR#1, Box 125, Hecla, South Dakota 57446

the holder(s) and/or owner(s) of Water Permit No. 4898-3 is issued a license to appropriate water, the right to use 6.66 cubic feet per second of water from groundwater (3 wells) with a priority date September 1, 1976; September 3, 1976;
of October 13, 1976 & February 24, 1982 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 4898-3 and subject to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

NOV 25 1986

Attachment A
Water License No. 4898-3
S G Treeby

Priority date: September 1, 1976 (Permit No. 2990-3)

Section 11, T128N, R61W	NW 1/4 NE 1/4	37.2 acres
	NE 1/4 NE 1/4	26.0 "
	SW 1/4 NE 1/4	40.0 "
	SE 1/4 NE 1/4	39.6 "
	NW 1/4 SE 1/4	34.1 "
	NE 1/4 SE 1/4	16.7 "
	SW 1/4 SE 1/4	24.7 "

SUBTOTAL: 218.3 acres

Priority date: October 13, 1976 (Permit No. 3121-3)

Section 11, T128N, R61W	NE 1/4 NW 1/4	13.1 acres
	SE 1/4 NW 1/4	27.0 "
	NW 1/4 SW 1/4	2.7 "
	NE 1/4 SW 1/4	28.7 "
	SW 1/4 SW 1/4	14.5 "
	SE 1/4 SW 1/4	40.0 "
Section 14, T128N, R61W	NW 1/4 NW 1/4	32.5 "
	NE 1/4 NW 1/4	32.5 "
	SW 1/4 NW 1/4	32.5 "
	SE 1/4 NW 1/4	32.5 "

SUBTOTAL: 256.0 acres

Priority date: February 24, 1982 (Permit No. 4898-3)

Section 14, T128N, R61W	NW 1/4 SW 1/4	32.5 acres
	NE 1/4 SW 1/4	32.5 "
	SW 1/4 SW 1/4	32.5 "
	SE 1/4 SW 1/4	32.5 "

SUBTOTAL: 130.0 acres

Priority date: September 3, 1976 (Permit No. 3006-3)

Section 14, T128N, R61W	NW 1/4 NE 1/4	32.5 acres
	NE 1/4 NE 1/4	32.5 "
	SW 1/4 NE 1/4	32.5 "
	SE 1/4 NE 1/4	32.5 "

SUBTOTAL: 130.0 acres

TOTAL: 734.3 acres



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

NOV 25 1986

S. G. Treeby
RR#1, Box 125
Hecla, South Dakota 57446

Dear Mr. Treeby:

Enclosed herewith is, Water License No. 4898-3. This is the final water right document completing your process of obtaining a water right.

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.

Very truly yours,

A handwritten signature in cursive script, reading "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

Enclosures

Applicable portions of Water Permit Nos. 2990-3, 3006-3 and 3121-3 are being incorporated into this Water License No. 4898-3.

SOUTH DAKOTA
Department of
Water & Natural Resources

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

March 23, 1987

S G TREEBY
RR 1 BOX 125
HECLA, SD 57446

NOTICE

Re: Violation of Water Permit(s). 4898-3, 2640-3, 4667-3 and
1986 Irrigation
Questionnaire Requirements.

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 4898-3, 2640-3, 4667-3. The request for the questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4898-3, 2640-3, 4667-3 qualification:

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

The hearing will also be to determine if Permit No(s). 2504-3 and 4351-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

The hearing(s) will be at 2:00 pm, May 6, 1987, in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearings(s), the Water Management Board can:

1. Suspend Permit No(s). 4898-3, 2640-3, 4667-3 until either the 1986 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s). 2504-3 and 4351-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

The hearing(s) 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.

A handwritten signature in cursive script, appearing to read "John Hatch".

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

NOTE: If the questionnaire(s) are received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

SOUTH Dakota Department of
Water & Natural Resources

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

April 24, 1987

2504-3

2640-3

4351-3

4667-3

4898-3

S G Treeby
RR #1 Box 125
Hecla, SD 57446

Dear Mr. Treeby:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 2504-3, 2640-3, 4351-3, 4667-3 and 4898-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: S G TREEBY, RR 1 BOX 125, HECLA, SD 57446

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2504A-3 & 4898-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2504A-3 & 4898-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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) 2504A-3 & 4898-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, 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 at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

S G TREEBY
RR 1 BOX 125
HECLA SD 57446

4a. Article Number

2119 141 510

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

1-12-98 B

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X *Payson A. Treeby*

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 1998

2504A-3
4898-3

Brad Treeby
Box 125
Hecla, SD 57446

Dear Mr. Treeby:

Thank you for contacting us about the irrigation questionnaires and the change in ownership for Water Right Nos. 2504A-3 and 4898-3.

Enclosed, as we discussed, are two partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change on the water rights. Please review them and complete as needed. Upon completion, please sign them in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

encl

No. 4898-3

Date: 1-21-98

formerly owned by: **S G Treeby**

be transferred to: (name & address) S. G. Treeby Ranch Inc.
Box 125 Hecla S. Dak. 57446 Telephone No. 605-994-2308

734.3 acres located in Section 11; & W½ and NE¼ Section 14; all in T128N, R61W

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.

STATE OF SOUTH DAKOTA)

County of Brown

I/We Brad Treeby 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, and that I know of my own personal knowledge that the information herein stated is true.

Brod Turley
(Signed)

Subscribed and sworn to before me this 21st day of January, 19 98

Gaule Lloyd
(Notary Public) My commission expires Aug. 24 2003

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

415611

Pierre,

January 22, 1998

RECEIVED OF S. G. Treeby Ranch, Inc., Box 125, Hecla, SD 57446
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form Water Right No. 4898-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By _____
Chief Engineer

Jahn Hatch (9)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 27, 1998

2504A-3
4898-3

Brad Treeby
S G Treeby Ranch, Inc
Box 125
Hecla, SD 57446

Dear Mr. Treeby:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Right Nos. 2504A-3 and 4898-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

The transfer of ownership forms were also received and have been filed with their respective water rights. Water Right Nos. 2504-3 and 4898-3 are now listed in the name of "S G Treeby Ranch, Inc." Enclosed are your Receipt Nos. 415611 and 415610.

If you have any questions, please get in touch with me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 17, 1998

Nos. 2504A-3
4898-3

Brad Treeby
S. G. Treeby Ranch, Inc.
Box 125
Hecla, SD 57446

Dear Mr. Treeby:

This is to notify you that transfer of ownership has been completed, and our records now show you as the owner of Water Right Nos. 2504A-3 and 4898-3.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure



4898-3
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 20, 2005

NOTICE

TO: S G TREEBY RANCH, INC, BRAD TREEBY, BOX 97, HECLA, SD 57446
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4898-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4898-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4898-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before February 25, 2005, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



4898-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 0971

Your item was delivered at 9:44 am on January 21, 2005 in HECLA, SD 57446. The item was signed for by P TREEBY.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email [What is this?](#) [Go >](#)

▶ Request Proof of Delivery [What is this?](#) [Go >](#)



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Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 0971

S G TREEBY RANCH, INC
BRAD TREEBY
BOX 97
HECLA SD 57446

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

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☐ Package Services

PS Form 153, July 2001

(See Reverse)



**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 31, 2005

4898-3

Brad Treeby
S G Treeby Ranch Inc
Box 97
Hecla SD 57446

Dear Mr. Treeby:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 4898-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

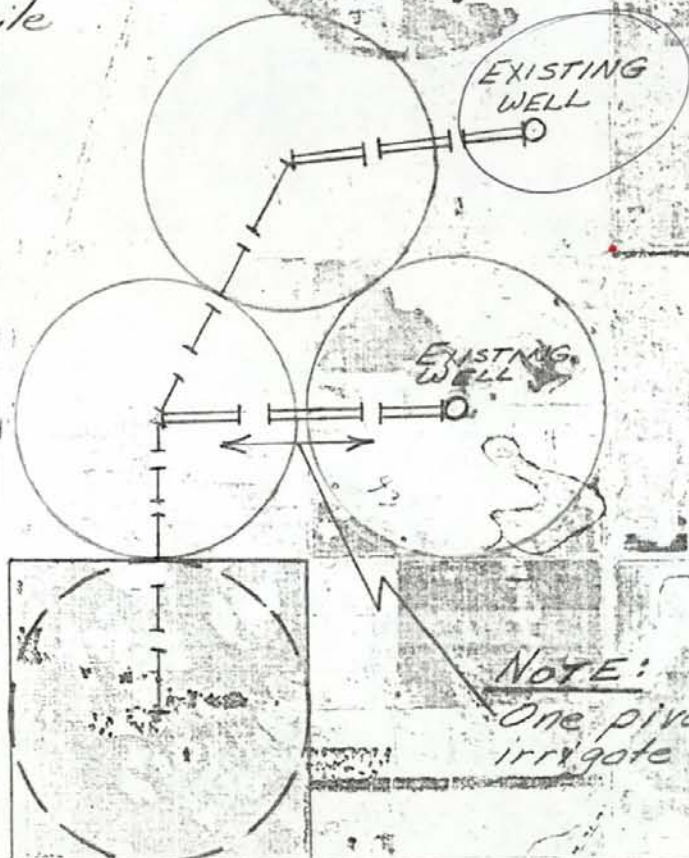
Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

S.G. TREEBY

Prepared by USDA
Soil Conservation Service
Gary F. Coston, District Conservationist
2/82

SCALE: 3.2 inches = 1 mile



LEGEND:

Proposed Pipeline
Existing Pipeline

Proposed Pivot
Existing Pivot

SW⁴-14-128-61

~~Map # 4102-3~~

Appl # 4898-3