

Call & paper 5/20, 10/10, 10/10, 10/10, 10/10

WATER
QUALITY

Received 1/8/82 yes no APPROVED/CONDITIONAL (Circle one)
 Wl-1 Description same as application-yes xx no Remarks

A hand-drawn diagram on a grid. The diagram shows a shaded L-shaped region. The region is composed of a square with side length 6 and a quarter-circle sector with radius 6. The total width of the region is 16, and the total height is 22. The quarter-circle is centered at the bottom-right corner of the square. An arrow points to the quarter-circle with the label 'x'.

Land to be irrigated NE $\frac{1}{4}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$, Section 16 and NE $\frac{1}{4}$, Section 21
 both in T108N-R75W

Remarks _____

MAP Map No: 4949-3 Map located in Water Right x Map file _____
 Type of Map aerial and drawn Prepared by Kevin Larson WRE

+++++

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:

3/28/83

Deey J. Testund
 (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. 4949-3Map No. 4949-3 Water Division No. 3 MISSOURI RIVER District
Above for Office Use 10140101**APPLICATION FOR PERMIT
To Appropriate Water within the State of South Dakota**

Check one of the following:

New XX Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Harold Downes Phone No. 875-3384
Post Office Address Rt. 2 Box 26 Harrold State SD 57536
(Street, RR, or Box) (Town) (Zip Code)
If a corporation show date and place of incorporation _____

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

3. Name of diversion work Downes Irrigation Project4. Amount of water claimed (cubic feet per second) 3.35 max. allowable 645. Source of water supply Lake Sharpe Missouri River6. Location of point of diversion 1000' E of Section line between Sec. 21 and 22, 108-75 and
N shore line of Lake Sharpe (SW⁴SW⁴ 22)County Hughes7. Annual period or periods during which water is to be used farming season April - October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 235

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.
SW ¹ ₄ SW ¹ ₄ Sec. 16 108-75	40
SE ¹ ₄ SW ¹ ₄ " "	35
NE ¹ ₄ SW ¹ ₄ " "	30
NW ¹ ₄ SW ¹ ₄ " "	40

Land Description	No. Acres Irr.
NE ¹ ₄ NE ¹ ₄ Sec. 21, 108-75	40
NW ¹ ₄ NE ¹ ₄ " " "	10
SE ¹ ₄ NE ¹ ₄ " " "	25
NE ¹ ₄ SE ¹ ₄ " " "	15

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 5 years. Additional time required
to complete application of water to the proposed beneficial use 1 4 years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Pierre Capitol Journal

12. Principal Features of the Proposed Water Supply System.

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

install pump

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

install pipe lines

C. Works proposed to apply water to beneficial use.

install gated pipe

Estimated Total Cost \$ 10,000Attachments: 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 Hughes) ss.I, Harold Downes the applicant, certify that I have read the foregoing application
and have examined the attached map and that the matters therein stated are true and that I intend, and am able to
complete the necessary construction.Signed Harold Downes
Subscribed and sworn to before me this 3 day of Dec., 19 81
Barb Templeton
Notary Public (or other qualified officer).

BARB TEMPLETON, Staff Assistant

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No.

4949-3

Harold Downes

(Applicant)

RT. 2 Box 26, Harrold

(Post Office Address)

South Dakota

(State)

With the following qualifications.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application

March 22, 1983

Date of return to applicant for correction, amendments or changes required

19

Date of receipt of corrected application

19

Approved

JUNE 9

, 1983

Recorded in Book

Page

WATER RIGHT PERMIT NO.

4949-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4949-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is March 22, 1983
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before December 9, 1983
3. The whole of said work is to be completed on or before JUNE 9, 1988
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JUNE 9, 1992
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 3.35 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before JUNE 9, 1992; said water to be used during the following described

annual period: April 1 - October 31

Witness my hand this

17th

day of

JUNE

, 1983

THE WATER MANAGEMENT BOARD

By:

John H. Hatcher
Chief Engineer, Water Rights

Certificate of Construction Issued

, 19

Water License Issued

, 19

EXISTING WATER RIGHTS/PERMITS - HAROLD DOWNES
(all diversions from the Missouri River)

1000-3 : Section 23-T108N-R75W ----- NW 1/4 NE 1/4----39 acres
NE 1/4 NE 1/4----39 "
SW 1/4 NE 1/4----12.5 "
SE 1/4 NE 1/4----16.5 "
Section 24-T108N-R75W ----- NW 1/4 NW 1/4----39 "
NE 1/4 NW 1/4---- 3.5 "
SW 1/4 NW 1/4----16.5 "
SE 1/4 NW 1/4---- 1.8 "

priority date: 7/9/62

appropriation: 2.39 cfs

diversion point: NE 1/4 SE 1/4 Section 23-T108N-R75W

1032-3: Section 14-T108N-R75W ----- NW 1/4 SW 1/4----40 acres
SW 1/4 SW 1/4----14 "
NE 1/4 SW 1/4----40 "
SE 1/4 SW 1/4----39 "

priority date: 4/5/63

appropriation: 1.9 cfs

diversion point: NE 1/4 SW 1/4 Section 23-T108N-R75W

1657-3: Section 14-T108N-R75W -----NW 1/4 SE 1/4----40 acres
SW 1/4 SE 1/4----40 "

priority date: 2/3/69

appropriation: 1.14 cfs

diversion point: NE 1/4 SW 1/4 Section 23-T108N-R75W

2105-3: Section 15-T108N-R75W -----NW 1/4 SW 1/4----40 acres
SW 1/4 SW 1/4----38 "
Section 14-T108N-R75W -----SW 1/4 SW 1/4----16 "
Section 22-T108N-R75W -----NW 1/4 NW 1/4----38 "
NE 1/4 NW 1/4----40 "

priority date: 8/9/74

appropriation: 2.5 cfs

diversion point: between NE 1/4 SW 1/4 & NE 1/4 SE 1/4
Section 23-T108N-R75W

4293-3: Section 22-T108N-R75W -----NW 1/4 NE 1/4----36 acres
NE 1/4 NE 1/4----40 "
SW 1/4 NE 1/4----30 "
SE 1/4 NE 1/4----40 "

priority date: 6/1/78

appropriation: 2.09 cfs

diversion point: NW 1/4 SW 1/4 Section 22-T108N-R75W

4949-3: ~~Section 16-T108N-R75W~~ ~~-----NW 1/4 SW 1/4----40 acres~~
~~NE 1/4 SW 1/4----38 "~~
~~SW 1/4 SW 1/4----16 "~~
~~Section 22-T108N-R75W~~ ~~-----NW 1/4 NW 1/4----38 "~~
~~NE 1/4 NW 1/4----40 "~~
Section 21-T108N-R75W -----NE 1/4 NE 1/4----40 "
NW 1/4 NE 1/4----10 "
SE 1/4 NE 1/4----25 "
NE 1/4 SE 1/4----15 "
Section 23-T108N-R75W -----NW 1/4 SE 1/4----25 "

priority date: 3/22/83

appropriation: 3.35 cfs

diversion point: SW 1/4 SW 1/4 Section 21-T108N-R7

** 25 acres authorized in Section 16 are being transferred to the NW1/4 SE1/4
Section 23-T108N-R75W. The remaining acreage in Section 16 is being dropped.

EXISTING WATER RIGHTS/PERMITS - HAROLD DOWNES
(all diversions from the Missouri River)

My Copy

✓ 1000-3 : Section 23-T108N-R75W ----- NW 1/4 NE 1/4----39 acres
 NE 1/4 NE 1/4----39 "
 SW 1/4 NE 1/4----12.5 "
 SE 1/4 NE 1/4----16.5 "
 Section 24-T108N-R75W ----- NW 1/4 NW 1/4----39 "
 NE 1/4 NW 1/4---- 3.5 "
 SW 1/4 NW 1/4----16.5 "
 SE 1/4 NW 1/4---- 1.8 "

priority date: 7/9/62

appropriation: 2.39 cfs

diversion point: NE 1/4 SE 1/4 Section 23-T108N-R75W

✓ 1032-3: Section 14-T108N-R75W ----- NW 1/4 SW 1/4----40 acres
 SW 1/4 SW 1/4----14 "
 NE 1/4 SW 1/4----40 "
 SE 1/4 SW 1/4----39 "

priority date: 4/5/63

appropriation: 1.9 cfs

diversion point: NE 1/4 SW 1/4 Section 23-T108N-R75W

✓ 1657-3: Section 14-T108N-R75W ----- NW 1/4 SE 1/4----40 acres
 SW 1/4 SE 1/4----40 "

priority date: 2/3/69

appropriation: 1.14 cfs

diversion point: NE 1/4 SW 1/4 Section 23-T108N-R75W

✓ 2105-3: Section 15-T108N-R75W ----- NW 1/4 SW 1/4----40 acres
 SW 1/4 SW 1/4----38 "
 Section 14-T108N-R75W ----- SW 1/4 SW 1/4----16 "
 Section 22-T108N-R75W ----- NW 1/4 NW 1/4----38 "
 NE 1/4 NW 1/4----40 "

priority date: 8/9/74

appropriation: 2.5 cfs

diversion point: between NE 1/4 SW 1/4 & NE 1/4 SE 1/4
 Section 23-T108N-R75W

✓ 4293-3: Section 22-T108N-R75W ----- NW 1/4 NE 1/4----36 acres
 NE 1/4 NE 1/4----40 "
 SW 1/4 NE 1/4----30 "
 SE 1/4 NE 1/4----40 "

priority date: 6/1/78

appropriation: 2.09 cfs

diversion point: NW 1/4 SW 1/4 Section 22-T108N-R75W

* 4949-3: ~~Section 16-T108N-R75W~~ / / / / / SW 1/4 SW 1/4 / / / / / 40 / / / / / acres
 / SE 1/4 SW 1/4 / / / / / 35 / / / / /
 / NE 1/4 SW 1/4 / / / / / 30 / / / / /
 / NW 1/4 SW 1/4 / / / / / 40 / / / / / **

Section 21-T108N-R75W ----- NE 1/4 NE 1/4----40 "
 NW 1/4 NE 1/4----10 "
 SE 1/4 NE 1/4----25 "
 NE 1/4 SE 1/4----15 "

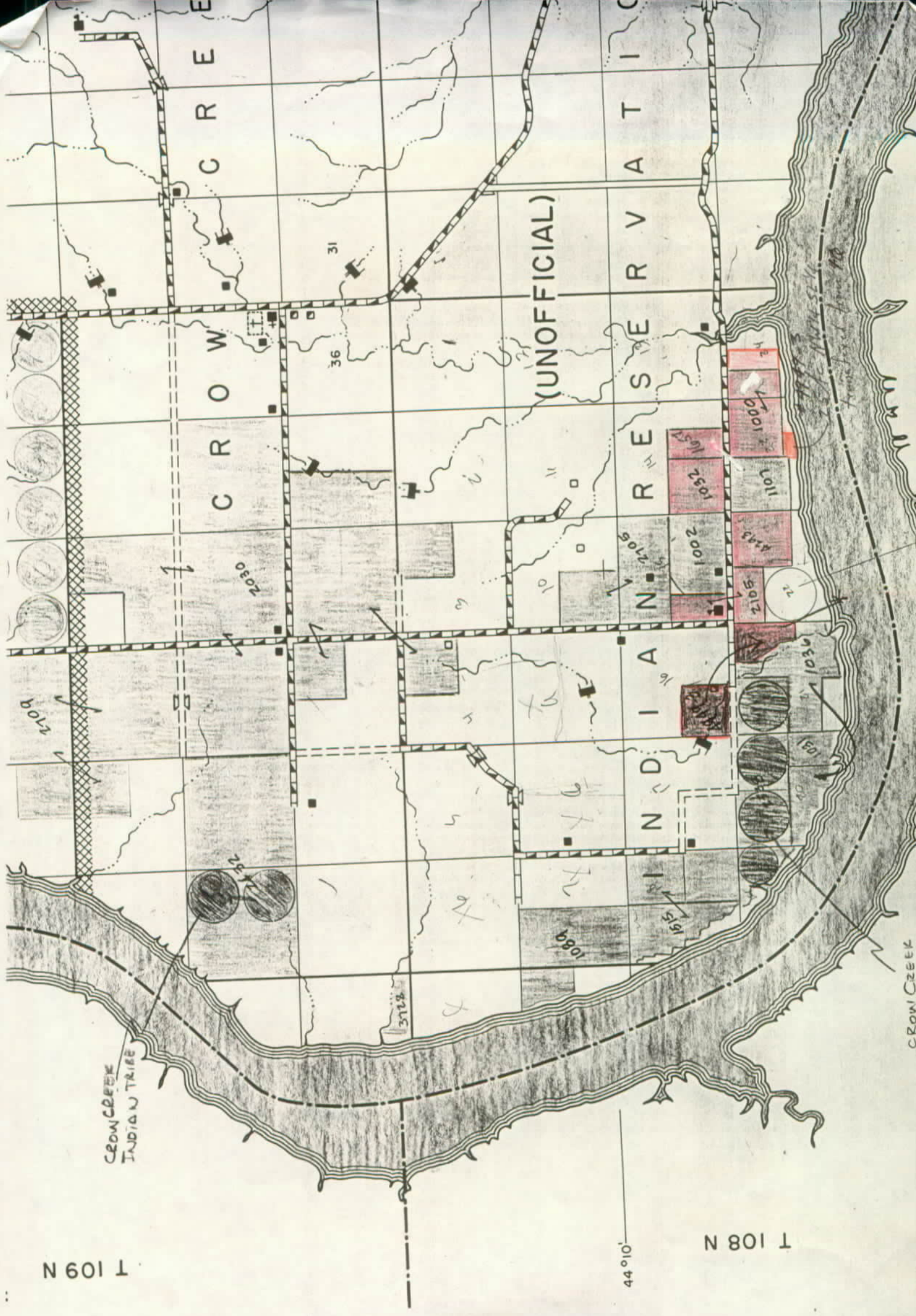
Section 23-T108N-R75W ----- NW 1/4 SE 1/4----25 "

priority date: 3/22/83

appropriation: 3.35 cfs

diversion point: SW 1/4 SW 1/4 Section 21-T108N-R7

(**) 25 acres authorized in Section 16 are being transferred to the NW 1/4 SE 1/4
 Section 23-T108N-R75W. The remaining acreage in Section 16 is being dropped.



(UNOFFICIAL)

CROW CREEK
INDIAN TRIBE

CROW CREEK

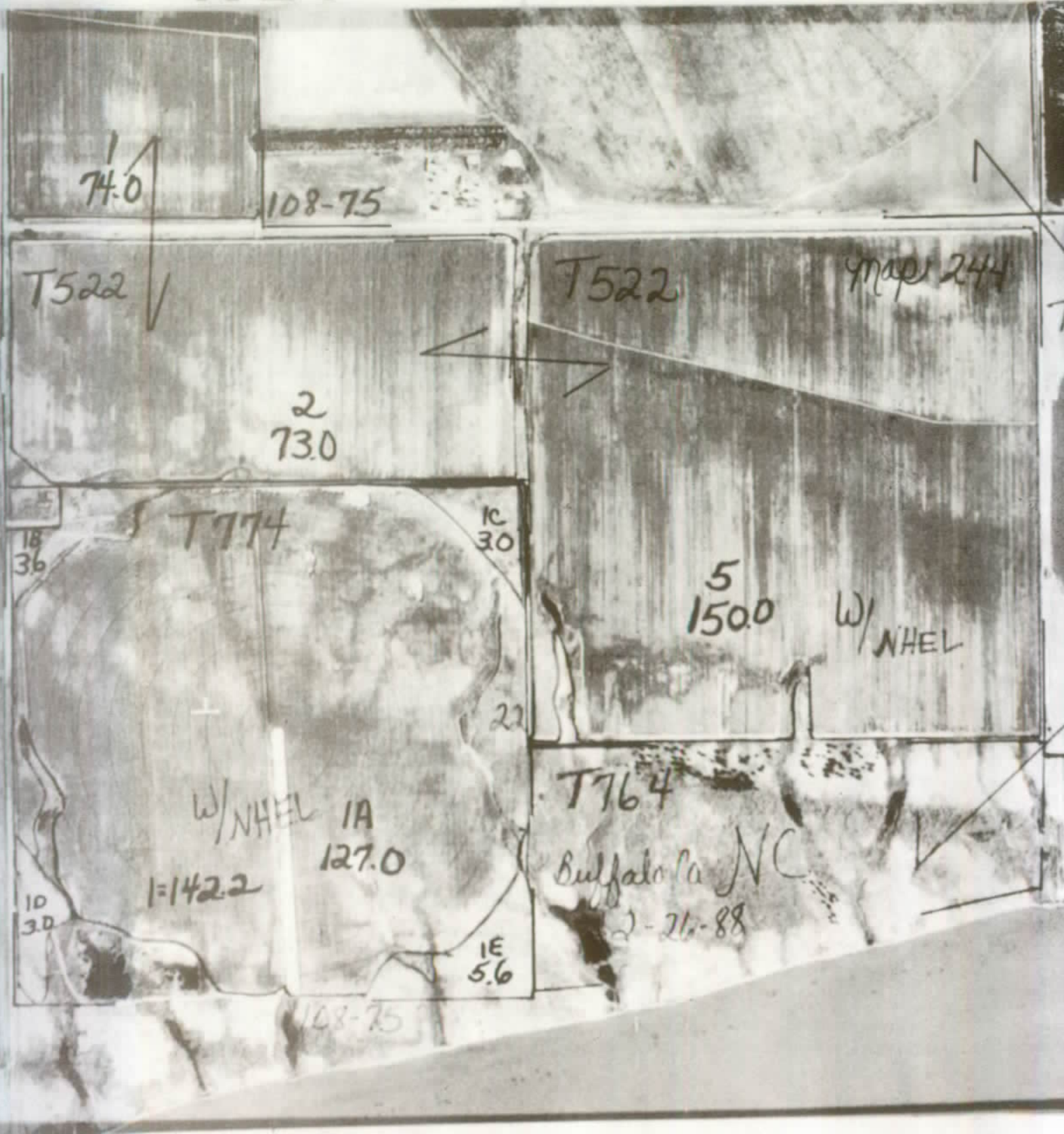
T 109 N

T 108 N

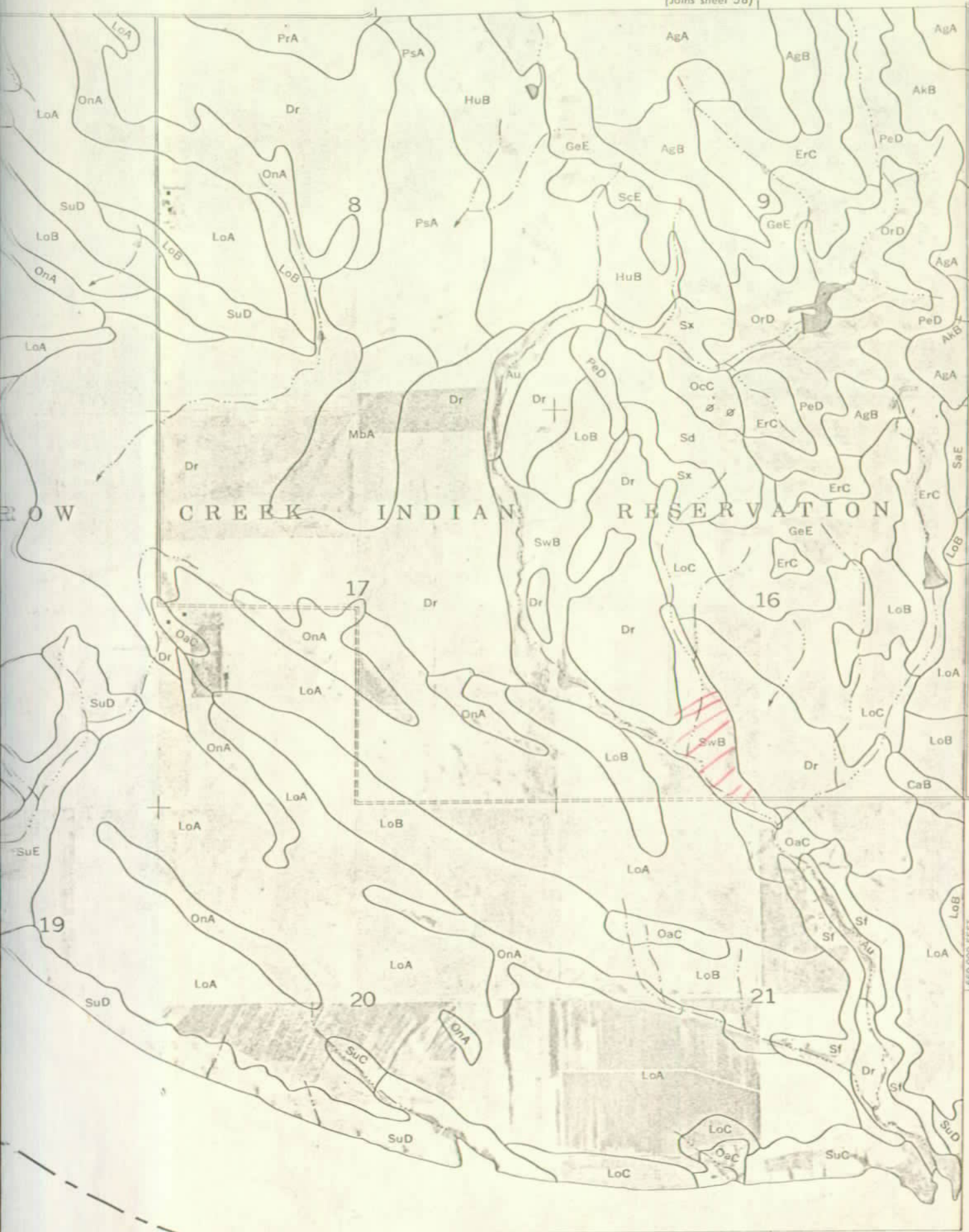
44°10'

1/2

NOT TO SCALE



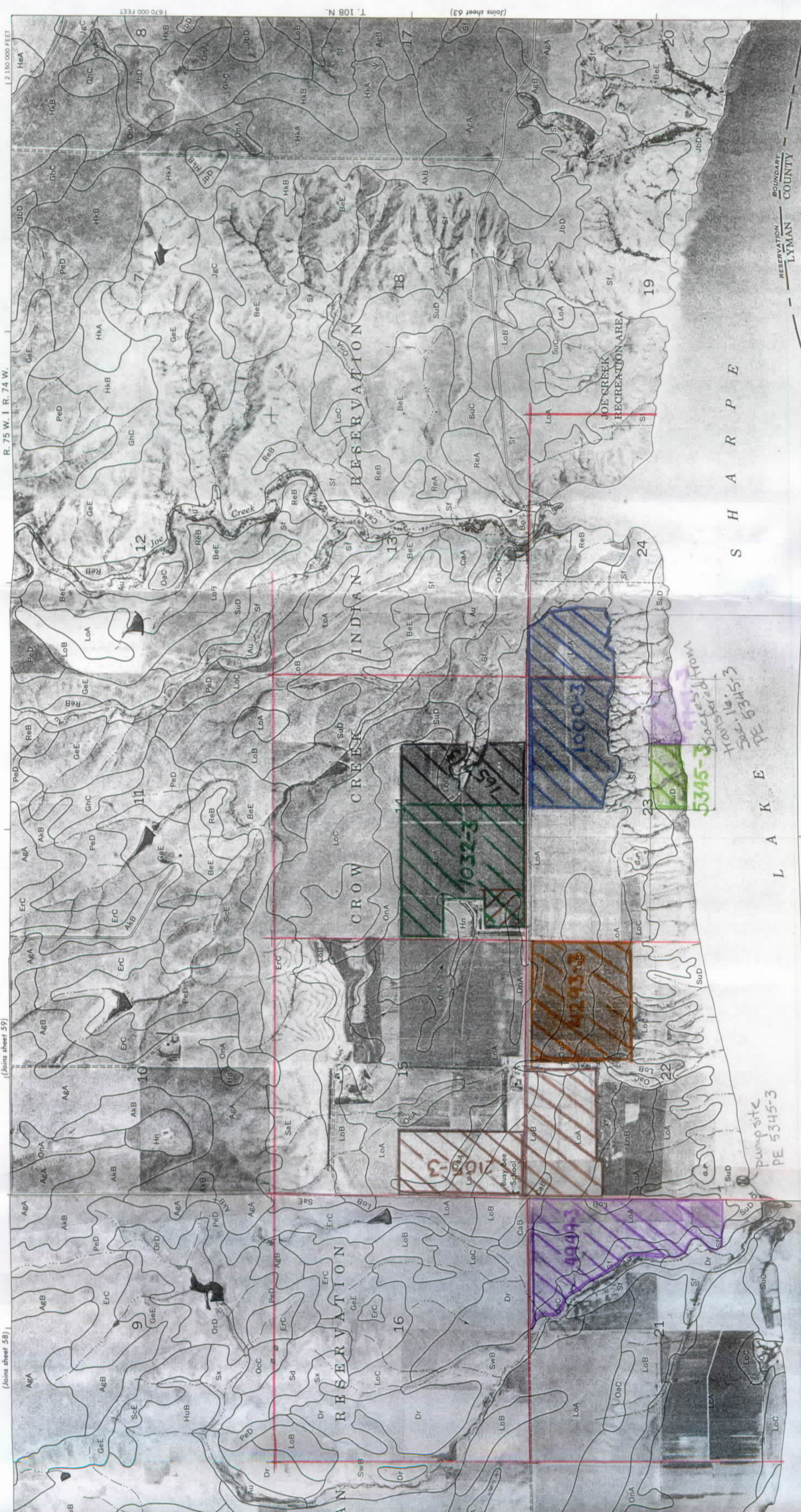
(Joins sheet 58)



(Joins sheet 62)

1 640 000 FEET

1 2 125 000 FEET



41040 23→

4949-3

pump site
PE 5345-3

5345-3
Socks 2nd
Hans 16-3
Socks 2nd
Hans 16-3
Socks 2nd
Hans 16-3

S H A R P E

L A K E

RESERVATION
LYMAN

BOUNDARY
COUNTY

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8568

PIERRE, December 3, 1981

RECEIVED OF Harold Downes, Rt.2, Harrold, SD 57536

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)	275.00
Fee for inspecting Construction, and issuing Cert. of Construction No.	
Fee for inspecting Beneficial Use, and issuing Water License No.	
Fee for issuing Location Certificate-Dry Draw, No.	
Fee for filing	
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for (any other work as provided by law)	
TOTAL	275.00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH / CH

Water Rights Division
605 773-3352

December 30, 1981

Crow Creek Sowing Tube owns this?

Harold Downes
Rt 2
Harrold SD 57536

Dear Mr. Downes:

The soil/water compatibility approval for your water permit application will be heard before the State Conservation Commission on January 7, 1982. In order to advertise for hearing before the Water Management Board the required signed map showing the diversion point and lands to be irrigated must be received in this office by January 8, 1982.

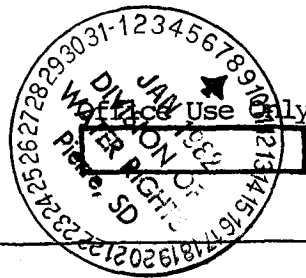
If you have further questions, please contact this office.

Sincerely,

BETTY WESTLUND
Water Rights Specialist

BW:ks

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE



OWNERS NAME: John W. Tule OWNERS ADDRESS: _____

COUNTY LAND LOCATED IN: Butte PHONE: 834-1114

TENANT'S NAME AND ADDRESS: (If Other Than Owner) HAROLD D. DOWNS
RT 2 HAROLD S.D.

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)

- WELL LOCATION OR DIVERSION POINT: 108-75 E 1/4 Sec 21-22 T14N R10E
- SURFACE WATER SOURCE: Lake Sharpe
- LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>SW 1/4 Sec 16 108-75</u>	<u>40</u>	<u>NE 1/4 NE 1/4 Sec 21 108-75</u>	<u>40</u>
<u>SE 1/4 SW 1/4 Sec 16 108-75</u>	<u>35</u>	<u>NW 1/4 NE 1/4 Sec 21 108-75</u>	<u>40</u>
<u>NE 1/4 SW 1/4 Sec 16 108-75</u>	<u>30</u>	<u>SE 1/4 NE 1/4 Sec 21 108-75</u>	<u>40</u>
<u>NW 1/4 SW 1/4 Sec 16 108-75</u>	<u>40</u>	<u>NE 1/4 NE 1/4 Sec 21 108-75</u>	<u>40</u>

- TYPE OF IRRIGATION: GRAVITY: ☒ TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: _____ (Specify) _____
- CROPS TO BE IRRIGATED: corn, alfalfa, wheat, soybeans
- SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LEGAL DESCRIPTION: _____
IN WHAT NAME: _____

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

- WATER SAMPLE NUMBER: _____
- SALINITY (EC X 10⁶): 700 Lake Sharpe
- SODIUM (SAR): 2.5
- ADJUSTED (SAR): 2.43 (1.7)

I hereby certify that I personally obtained or that I personally observed the 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 _____, 1981, 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

4 DAY OF Dec, 1981.

Walter Peterson
(NOTARY PUBLIC) LMS

John W. Tule
APPLICANT'S SIGNATURE

John W. Tule
Director, Division of Conservation

I M P O R T A N T

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

APPROVED

DISAPPROVED

☒ CONDITIONALLY APPROVED

CONDITIONAL APPROVAL

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT BROWN CREEK SIOUX TRIBE
Portions of the SW 1/4 16-198-75;
NE 1/4 21-103-75 and SE 1/4 21-103-75

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

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

SWR - Swanboy - If problems with ponding occur these soils should be returned to permanent vegetation such as grass or an alfalfa grass mixture. These soils are indicated by red hatch marks.

RECOMMENDED MANAGEMENT

[illegible]



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

June 17, 1982



Harold Downes
Rt 2 *Box 26*
Harold SD 57536

Dear Mr. Downes:

This letter is in reference to your water right application to divert 3.35 cfs of water from the Missouri River to irrigate 235 acres on portions of Sections 16 and 21, T108N, R75W.

On December 30, 1981 you were notified the soil/water compatibility approval would be brought before the State Conservation Commission. You were also informed that a signed map showing the diversion point and lands to be irrigated was needed before processing of your application could proceed. The soil/water compatibility was conditionally approved, but to date, a signed map has not been received.

If you wish your application to be processed and brought before the Water Management Board, the map must be received in this office. If the signed map showing the diversion point and lands to be irrigated is received in this office before July 1, 1982, the application can be advertised for our July 28th Board Meeting.

If you have any questions, please contact this office.

Sincerely,

Genny Young

GENNY YOUNG
Water Rights Specialist

GY:ks

8/7/82

Dear Mr. Young:
I have enclosed a copy (signed) of
The map and legal description taken from the Corps
of Engineers easement I bought for this project
some years ago. I hope this will be ok.
Harold Downes

WATER RIGHTS DIVISION

(605) 773-3352

August 9, 1982

Harold Downes
Route #2, Box 26
Harrold, South Dakota 57536

Dear Mr. Downes:

This office is in receipt of your map showing the diversion point and lands to be irrigated for your water right application. However, the map can not be signed by the applicant. The map must be signed by a licensed land surveyor or a South Dakota Registered Professional Engineer or by a governmental employee who prepares such maps as a regular part of his governmental employment. A suggestion would be to take the map to your county ASC Office.

Return the enclosed map upon signing to this office for further processing.

If you have any questions, please contact this office.

Sincerely,

Genny Young
Water Rights Specialist

GY:ms
Enc.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

March 11, 1983

Harold Downes
Rt 2
Harrold SD 57536

Dear Mr. Downes:

Enclosed please find your water permit application you submitted December 3, 1981. The application proposed to divert 3.35 cfs from the Missouri River to irrigate 235 acres.

On December 9, 1981, June 17, 1982 and August 9, 1982 you were notified that a signed map was needed before further processing of your application could proceed. In as much as the priority date for your application has lapsed, and a signed map has not yet been received, we are returning your application to you.

Your filing fee of \$275 will be processed through our fiscal office and forwarded to you under separate cover.

If you have any questions, please advise.

Sincerely,

GENNY YOUNG
Water Rights Specialist

GY:ks

enclosure

Do not use this space.

STATE OF SOUTH DAKOTA

DIRECT VOUCHER

AGENCY VOUCHER No.

DATE

2248

3/14/83

PAYEE . Harold Downes
Route #2
Harrold, SD 57536

DEPT. . DWNR-Water Rights
Foss Building
Pierre, SD 57501

STAPLE
HERE

AGENCY .

ADDRESS .

Agency	Fund	Sub Fund	Prog.- Act.	Obj. Sub. Obj.	Agency Coding	Amount	Contract No.
200301	290	01	0100	0801		275.00	1
							2
							3
							4
							5
							6
							7
							8
							9
							10
TOTAL						275.00	

NOTE: Vendors invoice must be attached.

Invoice No.(s)	Date Delivered	QUAN.	DESCRIPTION OF SERVICE OR COMMODITY	UNIT PRICE	AMOUNT	MEMO
			Refund of filing fee for WR Application of Harold Downes because he failed to complete application and lost his priority date. Receipt #4 8568 VOID Dated 12/3/81		275.00	
TOTAL					275.00	

OFFICE OF THE STATE AUDITOR:

Your voucher is not quite clear to us in some instances and we would appreciate your supplying us with the necessary explanation, and adjustment or correction. Please return the voucher to the State Auditor's Office as soon as possible. Please leave slip attached to voucher. Thank you for your cooperation.

ed by me, and to the best
and correct and the same is

Returned by request

Date returned

3.15 1983

Claim Auditor

[Signature]

3-11-83
DATE

3-14-83
DATE

Report on Water Permit Application No. 4949-3

March 28, 1983

Application No. 4949-3 is for 3.35 cfs from the Missouri River to irrigate 235 acres in Hughes County. Applicant has received Soil/Water approval. The recommendation is to approve this application because there is unappropriated water available and approval of this application will not adversely affect other water right holders.

Kevin C. Larson
Water Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT APPLICATION

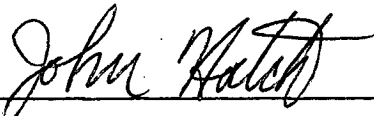
No. 4949-3, Harold Downes

Pursuant to Section 4, House Bill 1002, 1983 Legislature, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 4949-3, Harold Downes, Rt 2, Box 26, Harold SD.

The Chief Engineer is recommending APPROVAL of Application No. 4949-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) that the proposed diversion can be developed without unlawful impairment of existing rights, 3) that the proposed use is a beneficial use and 4) in the public interest with the following qualification:

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

The attached report is a part of this recommendation.



JOHN HATCH, Chief Engineer
March 31, 1983

Instructions to Newspaper - Publish first publication of following Notice on or before
April 27, 1983 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE of HEARING on Application No. 4949-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that Harold Downes whose mailing address is Rt 2, Box 26

Harold, South Dakota has made an application pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-14, Section 13 of HB 1001 enacted by 1983 Legislature; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, Section 32 of HB 1001; 46-5-1 thru 46-5-8, 46-5-10, thru 46-5-16, 46-5-24, 46-5-25, 46-5-31, Sections 38, 47, 59 & 67 of HB 1001, Sections 1, 4, 5, 6, 11, 12, 13, 16, 18, 19 & 21 of HB 1002; ~~(ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, (future use) 46-5-38 thru 46-5-40, Section 71 of HB 1001, (transfer lands) 46-5-33 thru 46-5-35, (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:26, (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05; (several of the preceding SDCL Sections are amended by HB 1001 & 1002 of 1983 Legislature) for a permit~~

to appropriate 3.35 cubic feet per second from the Missouri River through the Downes Irrigation Project, the point of diversion to be located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, Twp. 108N, Range 75W. Said water to be used for the purpose of providing irrigation on 235 Acres of land located in the SW $\frac{1}{4}$, Section 16; NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, both in T108N, R75W.

Pursuant to Section 4 of HB 1002 the Chief Engineer of the Water Rights Division recommends approval of Application No. 4949-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Federal Building, Room 301, 200 4th St. SW, Huron, SD upon the 9th day of June at ~~10:00 am~~ 1:30pm

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with the Chief Engineer and the Applicant by May 30, 1983. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by May 30, 1983.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Right Division, DWNr, Joe Foss Bldg., Pierre SD (605 773-3352) for assistance prior to the hearing date.

Affidavit of Publication

State of South Dakota } ss.

County of Hughes

of said County and State, being first duly sworn, on his oath says:

Daily Capital Journal is a newspaper of general circulation, printed and published in Pierre, S. D. in said County and State by Hipple Printing and has been such newspaper during the times hereinafter mentioned; that the said Daily Capital Journal is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than two hundred bona fide subscribers; that I, the undersigned am Bookkeeper of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed "of hearing" a printed copy of which is hereto attached, was printed and published in the said newspaper once each week for 2 successive weeks; the first publication being made on 19; subsequent publications on

4-27-83; and last publication on 5-4-83; that \$ 53.00 being the full amount of the fee for publication of the annexed notice inures solely to the benefit of the publishers of the said newspaper, that no arrangement 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 other person whomsoever.

Deulah Jones

Subscribed and sworn to before me

this 25th day of May 19 83.

Karen H. Kern

Notary Public Hughes County.

Attorney's Affidavit Ex Rel Fees

State of South Dakota } ss.

County of _____

being first duly sworn,

on his oath says: I am _____

of the _____ that _____

directed the publication of the annexed notice; that the full amount as appears by the foregoing affidavit of _____

for the publication of such notice has been paid; that no agreement or understanding for any division thereof, has been made with any person whomsoever, and that no part thereof has been refunded by the party publishing said notice.

Subscribed and sworn to before me

this _____ day of _____ 19 _____.

Notary Public _____ County.

No. 6499 2tdly 4-27 & 5-4

NOTICE OF HEARING

On Application No. 4949-3

to Appropriate Water

Notice is hereby given that Harold Downes, whose mailing address is Rt. 2, Box 26, Harrold, South Dakota, has made an application pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-14, Section 13 of HB 1001 enacted by the 1983 Legislature; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, Section 32 of HB 1001; 46-5-1 thru 46-5-8, 46-5-10, thru 46-5-16, 46-5-24, 46-5-25, 46-5-31, Sections 38, 47, 59 & 67 of HB 1001, Sections 1, 4, 5, 6, 11, 12, 13, 16, 18, 19 & 21 of HB 1002; and Board Rules ARSD 74:02:01 thru 74:02:01:15; (several of the preceding SDCL Sections are amended by HB 1001 & 1002 of 1983 Legislature) for a permit to appropriate 3.35 cubic feet per second from the Missouri River through the Downes Irrigation Project, the Point of diversion to be located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, Twp. 108N, Range 75W. Said water to be used for the purpose of providing irrigation on 235 Acres of land located in the SW $\frac{1}{4}$, Section 16; NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, both in T108N, R75W.

Pursuant to Section 4 of HB 1002 the Chief Engineer of the Water Rights Division recommends approval of Application No. 4949-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest. This application will be considered by the Water Management Board at Federal Building, Room 301, 200 4th St. SW, Huron, SD upon the 9th day of June at 1:30 p.m.

Notary Fees --

Total --- \$ _____

Received payment, _____

LEGAL RATES

South Dakota Session Laws of 1957, Chapter 500 page 601-602.

151 lines, 351
8 pt 11 em



In _____ Court,

County of _____

**PUBLISHERS and ATTORNEY'S
AFFIDAVITS**

Filed in the office of _____

on _____

the _____ day of _____

19 _____

Attorney for _____

LEGAL PUBLICATIONS

An Act Defining a Legal Newspaper for the
Publication of Legal and other Official Notices in
the State of South Dakota.

§ 60.0608 Supplement to South Dakota Code of 1939.
(Legal Newspaper Defined.) No daily or weekly
newspaper shall be considered a legal newspaper for
the publication of legal and other official notices
unless the same, if a daily newspaper, be published
five days or more each week and shall have a
bonafide circulation of two hundred copies, daily, or,
if a weekly newspaper, shall have a bonafide
circulation of two hundred copies weekly, and shall
have been published in the English language in the
county and shall have been admitted to the United
States mail under the second class mailing privilege,
for at least one year prior to the publication of such
notices, and be printed either in whole or in part in an
office maintained at the place of publication:
Provided, that the consolidation or union of any two
or more newspapers, any or all of which were before
such consolidation legal newspapers as defined in
this section, shall in no manner affect the legality of
the newspaper formed by such consolidation, and the
same shall be deemed to have complied with the
requirements prescribed for a legal newspaper and
to be a legal newspaper as above defined: Provided
further that nothing in this section shall be so
construed as to affect the validity of any publication
published in a foreign language prior to the taking
effect of this section.

§ 65.0507 (Affidavit Must State Fact of Legality.)
All legal and other official notices shall be published
in a legal newspaper as defined in the preceding
section, and the affidavit of publication shall state
that such newspaper is a legal newspaper, which
affidavit shall be prima facie evidence of that fact;
and every affidavit of publication shall state in plain
terms the fees charged thereof.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with the Chief Engineer and the Applicant by May 30, 1983. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by May 30, 1983.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Right Division, DWNRR, Joe Foss Bldg., Pierre, SD, (605 773-3352) for assistance prior to the hearing date.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS OFFICE
(605) 773-3352

4949-3

June 21, 1983

Harold Downes
Route #2, Box 26
Harrold, South Dakota 57536

Dear Mr. Downes:

Enclosed herewith is your Water Permit No. 4949-3 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 4949-3.

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 Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your 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

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

WNR-809-5/83

Conversation or File Documentation

NAME OF PERSON OR FILE: Harold Downes

ADDRESS: _____ COUNTY _____

DATE: 8/19/83 TELEPHONE _____RE: Inspection.

COMMENTS:

Mr. Downes called and is ready for inspection.
Told him I would put a note in his file
inform Staff and Staff probably would
not be able to do it for a while but it
would not hamper his permit.

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.

NAME: Betty Westlund

 **Department of
Water & Natural Resources**

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

April 19, 1989

Harold Downes
HCR 2, Box 26
Harrold SD 57536

Dear Mr Downes:

This letter is in response to your phone conversation with John Hatch, Chief Engineer, on April 19, 1989 regarding a proposed change in one of your diversion points. The diversion point is to be moved approximately 1.25 miles from the current location.

Water permits are approved to irrigate a specific acreage from a specific diversion point or points. A diversion point may be moved up to 660 feet without needing to apply for a permit to allow the location change pursuant to SDCL 46-5-13.1. However, location changes greater than 660 feet do require obtaining a water permit to allow the change in the diversion point location. Therefore, application forms with an instruction sheet are enclosed for your use to apply for a water permit. The application fee is \$50.00 to apply for a change in the location of a diversion point.

Please contact me if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



4-19-89

Harold Downs

875-3384

Joe Creek Area
Missouri

has several permits
with different diversion
points.

is moving ^{main} diversion
point $1\frac{1}{4}$ miles
West

Review permits

Need to send follow up
letter

COPY

File No. 5345-3

Water Rights Division -DWNR
Conversation or File Documentation

NAME OF PERSON OR FILE: Harold Downes

ADDRESS: HCR 2, Box 26, Harrold, SD 57536

COUNTY: Hughes

DATE: Sept. 13, 1989

TELEPHONE: 875-3384

RE: Amendments to Water Permit Application No. 5345-3

COMMENTS: Mr. Downes called on August 29 and 30 and spoke to Ron Duvall about his pending permit application. Mr. Downes stated that he had lost his lease for the land in Section 16-T108N-R75W and will no longer be irrigating it. He also brought to our attention an error in the legal description on Water Right No. 2105-3 (see attached file documentation regarding the re-issuance of Water License No. 2105-3). He said that he would like to transfer 25 of the acres authorized in Section 16 to the NW 1/4 SE 1/4 Section 23; all in T108N-R75W. He also stated that he is not 'moving' the pump site to a new location as indicated on his permit application, but, rather, 'adding' a new pump site. Mr. Downes informed us that his total pumping capacity is 10,300 gpm (22.9 cfs). This is approximately 9.53 cfs more than the 13.37 cfs collectively authorized by Mr. Downes' Water Permit/Rights (see letter dated August 29, 1989 from Mr. Downes). Mr. Downes flood irrigates and this increase in the diversion rate does not reflect an increase in the total volume appropriated. He will retain the same priority date. On August 29, 1989, Ron called the Pierre Capitol Journal to stop publication of the notice.

These corrections were made to his application. A copy of the revised legal description of the irrigated acreage has been forwarded to the Division of Conservation for their consideration. The Hughes County Equalization Office informed me that the land in Section 16-T108N-R75W is tribal land (i.e., no Water Permit/Right is required). Following the approval of the transfer of 25 acres from the SW 1/4 Section 16-T108N-R75W to the SE 1/4 Section 23-T108N-R75W, the remaining irrigated acreage in Section 16 is to be dropped from Water Permit No. 4949-3.

COPY

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

No. 4949-3Map No. 4949-3 Water Division No. 3 MISSOURI RIVER District
Above for Office Use 10140101

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

2:30 pm
2 apps, fee

Check one of the following:

New XX Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Harold Downes Phone No. 875-3384
 Post Office Address Rt. 2 Box 26 Harrold State SD 57536 (Zip Code)
 (Street, RR, or Box) (Town)

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

3. Name of diversion work Downes Irrigation Project4. Amount of water claimed (cubic feet per second) 3.35 max allowable 645. Source of water supply Lake Sharpe Missouri River6. Location of point of diversion 1000' E of Section line between Sec. 21 and 22, 108-75 and
N shore line of Lake Sharpe (SW⁴SW⁴ 22)County Hughes7. Annual period or periods during which water is to be used farming season April - October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 235

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.
SW ⁴ SW ⁴ Sec. 16 108-75	40
SE ⁴ SW ⁴ " " "	35
NE ⁴ SW ⁴ " " "	30
NW ⁴ SW ⁴ " " "	40

Land Description	No. Acres Irr.
NE ⁴ NE ⁴ Sec. 21, 108-75	40
NW ⁴ NE ⁴ " " "	10
SE ⁴ NE ⁴ " " "	25
NE ⁴ SE ⁴ " " "	15

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 15 years. Additional time required to complete application of water to the proposed beneficial use 14 years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Pierre Capitol Journal

12. Principal Features of the Proposed Water Supply System.

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

install pump

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

install pipe lines

C. Works proposed to apply water to beneficial use.

install gated pipe

Estimated Total Cost \$ 10,000

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 Hughes)ss.I, Harold Downes the applicant, certify that I have read the foregoing application and have examined the attached map, and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Harold DownesSubscribed and sworn to before me this 3 day of Dec., 1981Notary Public (or other qualified officer)
BARB TEMPLETON, Staff A

11/2/91

Peggy - Hughes Co. Reg. of Deeds

Said Dale Bisson has transferred
the following to Nachtigal Farms Inc. dated March 28
1991

W $\frac{1}{2}$ Sec. 7 - T108N - R 75W

NE $\frac{1}{4}$ Sec. 18 - "

SW $\frac{1}{4}$ Sec. 17 - "

W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 21 - "

SW $\frac{1}{4}$ Sec. 33 - T109N - R 75W

NE $\frac{1}{4}$ Sec. 12 - T108N - R 76W

Asked about Dale's transfer to him from Bill Arch
dated March 20, 1991. She said Dale was straightening
things out so he could transfer this to Nachtigal's

4949-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 16, 2002

NOTICE

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaires

Our records indicate that the 2001 Irrigation Questionnaires have not been submitted for Permit Nos. 4949-3 & 5345-3, 1000-3, 1032-3, 1657-3, 2105-3 & 4293-3. The request for the Questionnaires was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1000-3, 1032-3, 1657-3, 2105-3 & 4293-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4949-3 & 5345-3 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4949-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1000-3, 1032-3, 1657-3, 2105-3 & 4293-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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

4949-3

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

HAROLD J DOWNES
1301 SHOREBIRD LANE
CARLSBAD CA 92009

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) **HAROLD DOWNES** B. Date of Delivery **1-23-02**

C. Signature **X HAROLD DOWNES** ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☒ Yes ☐ No
If YES, enter delivery address below

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ Signature Required

4. Restricted Delivery? (Extra Fee) ☐ Yes



2. Article **7001 2510 0004 4797 5774**

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2002

Harold J Downes
1301 Shorebird Lane
Carlsbad, CA 92009

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

Dear Mr. Downes:

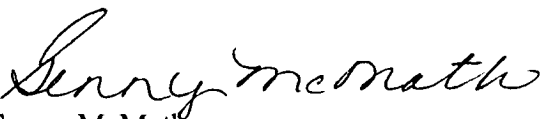
I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Permit or Right Nos. 1000-3, 1032-3, 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3.

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

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

Thank you for calling and if you have any questions, please contact me.

Sincerely,


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

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

RECEIVED

OCT 24 2003

WATER RIGHTS
PROGRAM

Dear Sir:

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

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

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

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

Sincerely,



Harold and Mary Ann Downes

1301 Shorebird Lane

Carlsbad, CA 92009

October 21, 2003

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

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

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



4949-3
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: HAROLD J DOWNES, 1301 SHOREBIRD LANE, CARLSBAD, CA 92009

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

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

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

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

1. Suspend or cancel Permit No(s) 4949-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1000-3, 1032-3, 1657-3, 2105-3 & 4293-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

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



4949-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 22, 2005

Harold J Downes
1301 Shorebird Lane
Carlsbad CA 92009

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

Dear Mr. Downes:

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

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

If you have any questions, please contact me.

Sincerely,

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

NOT TO SCALE

74.0

110.7

11.7

137.5

131.8

135.9

22

20.2

108-75

3.1

NOT TO SCALE

74.0

110.1

11.7

137.5

131.8

~~135.9~~

22

20.2

3.1

108-75

NOT TO SCALE

3-370

74.0

110-1

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135.9

22

20.2

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108-75

NOT TO SCALE

110-R

16

107.9

29.4

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108-75

107.4

NOT TO SCALE

+

56

108-75

110R 31.4

✓ 107.4

121.6

37.0
✓

21

126.8

15.4

39.1

108-75

NOT TO SCALE

56

108-75

110 R

107.4

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21

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15.4

39.1

108-75

NOT TO SCALE

108-75

142.0

110-L

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20

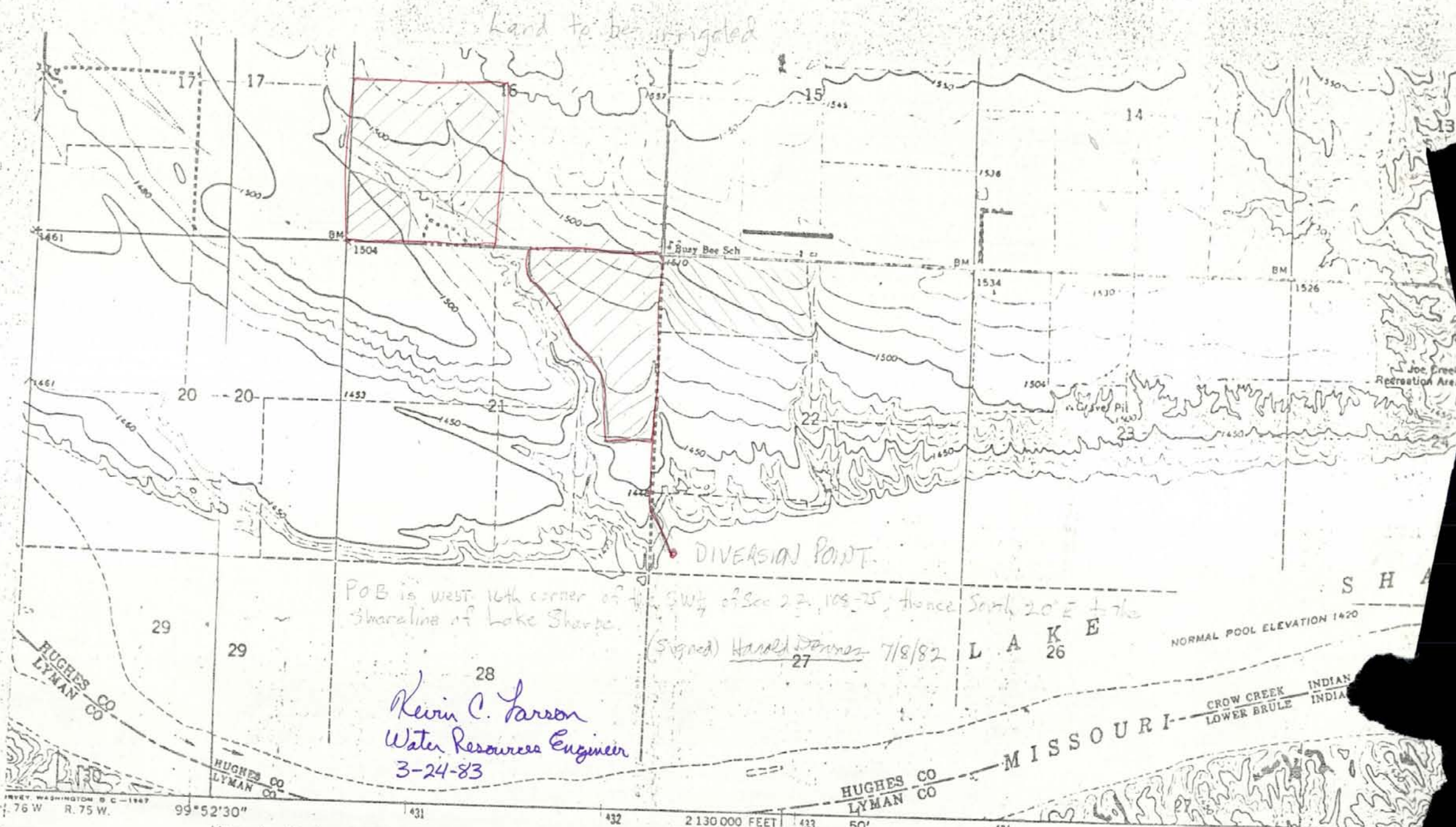
101.6

PUMP
SITE #2

108-75

Boxed
12/1/84

PUMP
SITE #1



P.O.B. is west 16th corner of SW 1/4 of Sec 22, 109-75, thence S 20° E to the shoreline of Lake Sharpe.

(Signed) Harold Dennis 7/8/82

Kevin C. Larson
Water Resources Engineer
3-24-83

HUGHES CO
LYMAN CO
MISSOURI
CROW CREEK
LOWER BRULE
INDIAN

1000-3

1032-3

1657-3

2105-3

4293-3

4949-3

5345-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

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

DATE: September 25, 2006

TELEPHONE: 605 875-3248

RE: irrigation questionnaires for former Harold Downes land

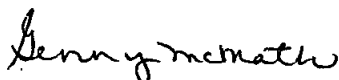
COMMENTS:

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

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

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

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



Genny McMath
Environmental Scientist

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 26, 20 06

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

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>4949-3</u>		2 50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

07593

By

Darland Echeb

Chief Engineer

gm

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4949-3

Date: 9/12/06

I/We request that Water Permit No. 4949-3

formerly owned by: Harold J Downes

be transferred to: (name & address) MARY ANN DOWNES
1301 SHOREBIRD LN
CARLSBAD, CA 92011 Telephone No. (760) 602-8437

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

portions of NE ¼ and NE ¼ SE ¼ Section 21, T108N, R75W

I/We understand that the validity of Water Right No. 4949-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We MARY ANN DOWNES, the new owner, certify that the above information is true and correct.

+ Mary Ann Downes
(Signed by new owner)

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

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

RECEIVED

SEP 26 2006

WATER RIGHTS
PROGRAM



4949-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 27, 2006

Mary Ann Downes
1301 Shorebird Ln
Carlsbad CA 92011

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

Dear Mrs. Downes:

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

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

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

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

Sincerely,

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

c: John Downes



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

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

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaires

Our records indicate that the 2008 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1657-3, 2105-3 & 4293-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4949-3 & 5345-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4949-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1657-3, 2105-3 & 4293-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

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

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

4949-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 12, 2009

John Downes, Mgr
723 Day Front
Oak Harbor WA 98277

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

Dear Mr. Downes:

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Garland Erbele'. The signature is written in a cursive, flowing style.

Garland Erbele, Chief Engineer
Water Rights Program

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2010

NOTICE

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

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 2010

John Downes, Mgr
723 Day Front
Oak Harbor WA 98277

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

Dear Mr. Downes:

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

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

If you have any questions, please contact me.

Sincerely,

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

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

c: Albert Hattum
Mary Ann Downes



4949-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaires

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

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1994-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

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



4949-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 22, 2016

Albert Hattum
21862 W Bend Rd
Harrold SD 57536

Dear Mr. Hattum:

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

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for the above listed water permits and water rights. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



4949-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: ALBERT HATTUM, RENTER, 21862 W BEND RD, HARROLD, SD 57536
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaires

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

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1994-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

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

4949-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 1, 2017

Albert Hattum
21862 W Bend Rd
Harrold SD 57536

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

Dear Mr. Hattum:

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

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

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

Sincerely,

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

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

c: John C Downes