

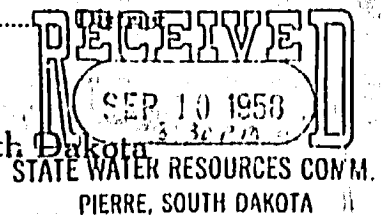
1. Considered December 3, 1958 Appl. No. 550-3
2. Name of Applicant A. B. Fossum
3. Post Office Address Huron, South Dakota
4. Amount of water claimed 1.0 cfs
5. Source of water supply Tamias River
6. Water to be used for irrigation
Acres to be irrigated 71.2
7. Water to be diverted and used in Beadle County above
the south edge of Huron
8. Proof of Publication Received ✓
Not Received
9. Application Approved
Subject to
Not approved
Action deferred
10. Remarks:

NO. 520-3

Water Division No. 3 James River
(Blanks to be filled by the State Engineer.)

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota



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

1. Name of applicant ~~A.B. Fossum~~ ALFRED R. BARNES - Henry Meats
Postoffice address Huron, County Beadle, State South Dakota

I. If a corporation

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

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

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

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
(b) Cash on hand, \$ Ample (c) Treasury stock, \$
(d) Bonds to be issued, \$ (e) Other resources, \$

2. Name of diversion work A.B. Fossum #1 project
3. Quantity of water claimed 1.0 cubic feet per second.
4. Source of water supply James River
5. Location of point of diversion NE 1/4 Sec 7 T. 110 Range 61 W on East bank.
6. Annual periods during which water is to be used May 1 to Sept. 30th
7. To be used for:

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

- (a) Number of acres to be irrigated 71.2 acres.

- (b) Legal subdivisions to be irrigated As shown on map

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

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

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

- (a) Nature of use
Name any of the above uses claimed
(b) Amount of power to be generated horse power.
Amount claimed for engine cooling
(c) Location of plant

Map No. 417-3

8. Estimated cost of works:

(a) Head gates, \$ 50.00 (b) Pumping plant, \$ 1000.00
 (c) Fluming, \$ (d) Canal-earth, \$ Rock, \$
 (e) Other structures Sprinkler system \$ 3000.00 Total, \$

9. Description of diversion works:

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

II. Dimensions of works:

(a) Dam: Height feet; length at bottom feet; length at top feet; thickness at bottom feet; thickness at top feet; slope at front water face; slope of back face; material used in construction
 (b) Reservoir: Capacity when full acre feet. Surface area at highwater mark acres.

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

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

(d) Canal: Total length miles.

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 1 years.
 11. Time required for complete application of water to the proposed beneficial use 2 years.
 12. Choice of newspaper for publication of notice of intention to appropriate The Daily Plainman

STATE OF SOUTH DAKOTA

County of Dea lle } ss.

I, A.B. Fossum, 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 examined the map accompanying the same, and that I knew of my own personal knowledge that the matters herein stated and shown are true.

Signed [Signature]

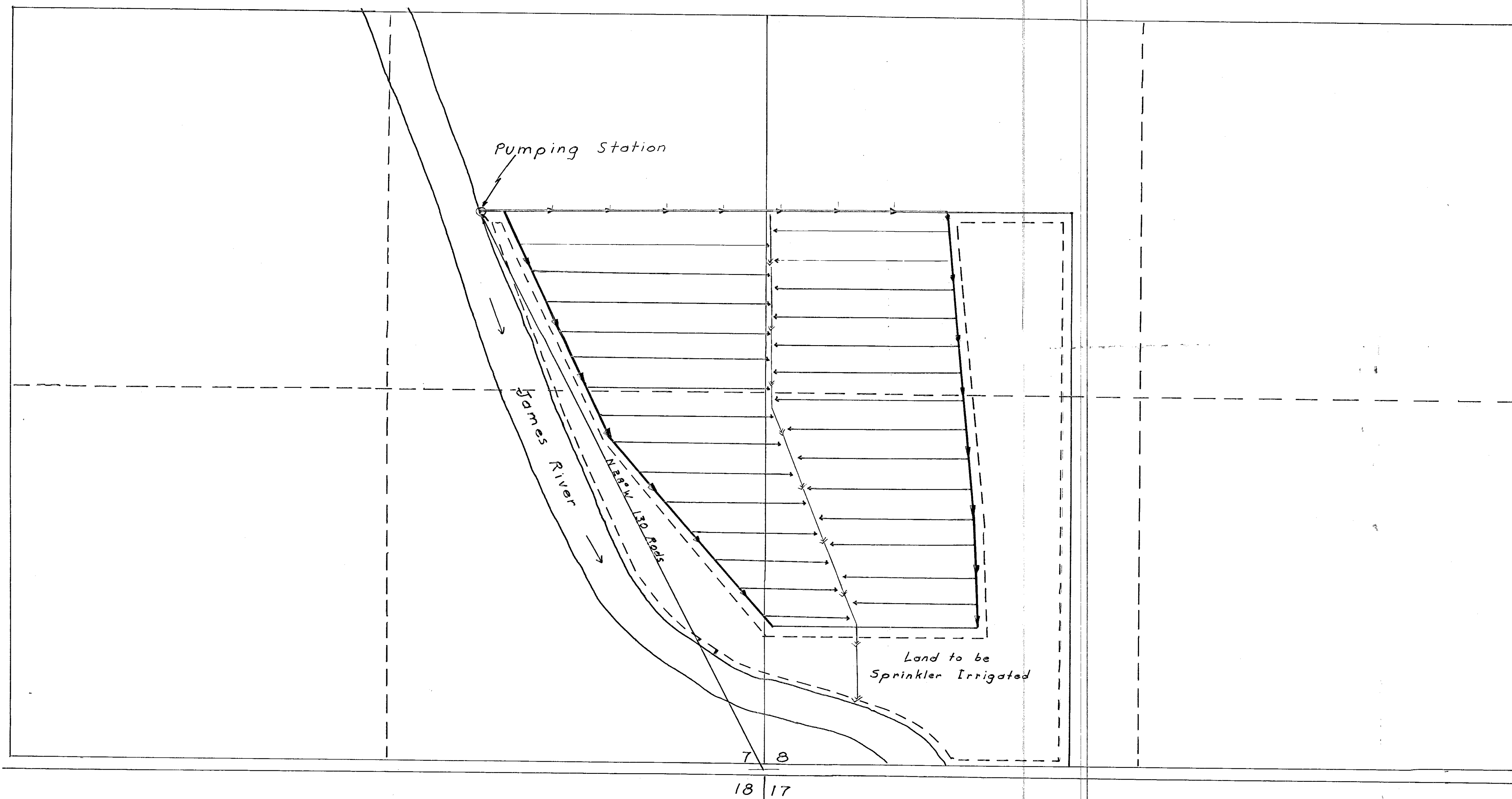
Subscribed and sworn to before me this 10 day of September, 19 58

[Signature]
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Lands to be Sprinkler Irrigated				
Location	Sec.	Twp.	Range	Acres
NW 1/4 - SW 1/4	8	61	110	5.9
SW 1/4 - SW 1/4	8	61	110	14.5
SE 1/4 - SE 1/4	7	61	110	0.8
NE 1/4 - SE 1/4	7	61	110	4.7
Total				25.9

Lands to be Irrigated (Gravity)				
Location	Sec.	Twp.	Range	Acres
NW 1/4 - SW 1/4	8	61	110	9.6
SW 1/4 - SW 1/4	8	61	110	13.3
SE 1/4 - SE 1/4	7	61	110	8.6
NE 1/4 - SE 1/4	7	61	110	14.3
Total				45.8



I, Odell A. Aldrich, Agriculture
Eng. Soil Conservation Service,
Certify that this Survey was
done under my supervision
and is correct. Odell A. Aldrich

Notary Public *Maynard E. Sweet*
My Commission Expires Feb 18, 1963

Dr. A. B. Fossum #1 Irrigation
Project
U. S. D. A. Soil Conservation
Service
Scale - 1" = 200'
Dr. A. B. Fossum Huron S.D.
Beadle County S.D., June 26, 58

Pls. 125 (Appl. No. 550-3)

Remarks by State Engineer:

STATE OF SOUTH DAKOTA

County of Hughes

ss.

Pierre, South Dakota, October 3, 1958

This is to certify that the foregoing application was received at this office at 3:30 o'clock 2 m. upon the 10 day of September, 1958 and that after examination it was found to comply with the South Dakota water laws, was published in accordance with the provisions thereof and consideration given to any and all information presented.

Number of permit 550-3

Date of first receipt of application September 10, 1958

Date of return to applicant for correction October 2, 1958

Date of receipt of corrected application October 7, 1958

Date from which applicant may claim right September 10, 1958

Approved December 3, 1958 Recorded in Book 5 Page 63

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

1st. The equivalent of at least one-fifth, of the work above specified is to be completed on or before June 3, 1959

2nd. The whole of said work is to be completed on or before December 3, 1959

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is December 3, 1961

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

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

6th. The amount of the appropriation herein granted shall not exceed 1.0 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before December 3, 1961; said water to be used during the following described annual period:

May to September inclusive

Witness my hand this 17 day of December, 1958

Certificate of Construction issued

JUNE 23, 1969

Water License issued

JUNE 23, 1969

State Engineer.

STATE OF SOUTH DAKOTA

WATER LICENSE No. 550-3

WHEREAS, On the 10th day of September A. D. 1958
A. B. FOSSUM

of Huron County of Beadle and State of
South Dakota duly made application (No. 550-3) to us for a permit to use 1.0
cubic feet per second of the waters of the James River
County of Beadle, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 17th day of December A. D. 1958
Permit No. 550-3 was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 3rd day of
December A. D. 1959 and for the application to beneficial use of said
water on or before the 3rd day of December A. D. 1961
and, whereas on the 23rd day of May, 1969, the Permit was transferred to Alfred R. Barnes
Huron, South Dakota, and

WHEREAS, On the 23rd day of May A. D. 1969
the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.0
cubic feet per second of said waters, as evidenced by our Certificate No. 550-3
dated June 23, 1969 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 2.0 cubic feet per second of water, with date of
priority of September 10, 1958 and,

WHEREAS, On the 23rd day of May A. D. 1969
proof was duly made of the application to beneficial use of .6 cubic feet per second of said water;
for irrigation of 43 acres in portions of the E $\frac{1}{2}$ E $\frac{1}{2}$, Section 7, and W $\frac{1}{2}$ W $\frac{1}{2}$,
Section 8, T10N, R61W

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to Alfred R. Barnes
of Boron the holder and owner of said permit No. 559-3
a water right, dating from September 10, 1958 to the use of .6
cubic feet per second of the waters of the James River
in the County of Beadle and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at a point N 28° W, 130 rods from the
SE Corner, Section 7, T110N, R61W
and conducted to and upon 43 acres in portions of the E 1/2, Section 7, and E 1/2, Section 8, T110N, R61W
for the purpose of irrigation, subject to any limitations listed in the Permit
to Appropriate Water, and

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 23rd day of June A. D. Nineteen
Hundred and Sixty-nine

State Water Resources Commission

By:

J. V. CURTIS
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 550-3

Water Division No. 3 JAMES RIVER Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That

ALFRED R. BARNES

of Huron, County of Beadle, and State of South Dakota, the holder of Permit No. 550-3, issued upon Application No. 550-3, bearing date of priority of September 10, 1958, authorizing the diversion of 1.0 cu. ft. per second of the waters of the James River, County of Beadle, State of South Dakota, at a point N 28° W, 130 rods from the SE Corner, Section 7, T110N, R61W

for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.0 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: for irrigating 43 acres in portions of E½ E½ Section 7 and W½ W½, Sect. 8, T110N, R61W

Witness my hand this 23rd day of June A. D. 1969

State Water Resources Commission

By:

J.W. GRIMES

Chief Engineer, Executive Officer

(First Publication before October 31, 1958)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., October 15, 1958

Notice is hereby given that A. B. Fossum whose postoffice address is Huron S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.0 cubic feet of water per second of time from the James River through the A. B. Fossum #1 Project, the point of diversion of which is to be located on the north easterly bank of said stream in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 7 parts of Twp. 110N Range 61W. Said water to be used for the purpose of providing irrigation on the following described land:

E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 7 and W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 8 all in T 110N, R 61W

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 3 day of December, 1958, at 2:00 P.M. All interested persons may appear and be heard.

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

State Water Resources Commission

By:

~~NOTED BY STATE ENGINEER~~

LES WIMBORN

Water Rights Engineer

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA, } ss.
COUNTY OF BEADLE

I, Robert D. Lusk
being duly sworn on oath, say that THE HURONITE AND
DAILY PLAINSMAN is a daily paper published at Huron, Beadle
County, South Dakota and that said newspaper has a bona fide
circulation of at least 250 copies daily; that said newspaper has
been published within said county for fifty-two consecutive weeks
immediately prior to this date; that said newspaper is printed in
whole or in part, in an office maintained at said place of publica-
tion; that I am publisher
of said newspaper and know the facts herein stated. The annexed
notice headed

Appropriation of Water

was published for 4 successive weeks
once each week, the same day each week, in said newspaper, and
not in any supplement of the said newspaper, the first publication
on the 22 day of Oct. 19 58 and
the last publication on the 12 day of Nov.

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

Sixteen & 32/100 Dollars inures to the benefit of the pub-
lisher of said newspaper; that no agreement or understanding for
the division thereof has been made with any other person, and that
no part thereof has been agreed to be paid to any person whomso-
ever.

Subscribed and sworn to before me this 12 day

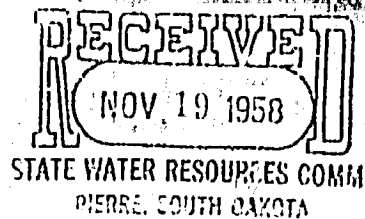
of Nov., 19 58

A. J. Jopson
Notary Public, South Dakota

AFFIDAVIT OF AGENT OR ATTORNEY

STATE OF SOUTH DAKOTA, } ss.
COUNTY OF

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



FP 10-22-58 LP 11-12-58

APPROPRIATION OF WATER
Office of State Water
Resources Commission,
Pierre, S. Dak., October
15, 1958

Notice is hereby given that A. B. Fossum whose postoffice address is Huron, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.0 cubic feet of water per second of time from the James River through the A. B. Fossum No. 1 Project, the point of diversion of which is to be located on the north easterly bank of said stream in the NE 1/4 of the SE 1/4 of Section 7, Twp. 110N Range 41W. Said water to be used for the purpose of providing irrigation on parts of the following described land:

E 1/2 SE 1/4 Sec. 7 and W 1/2 SW 1/4 Sec. 8 all in T 110N, R 61W.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 3 day of December, 1958, at 2:00 P. M. All interested persons may appear and be heard.

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

State Water Resources
Commission.
By: Ler Wyborny,
Water Rights Engineer.
No. 441 (adv.)



SOUTH DAKOTA
State Water Resources Commission

J. W. GRIMES, CHIEF ENGINEER AND EXECUTIVE OFFICER
STATE OFFICE BUILDING

PIERRE, SOUTH DAKOTA

July 9, 1959

Dr. A. B. Fossum
Huron, South Dakota

Dear Dr. Fossum:

The South Dakota water laws (Chapter 430, Session Laws of 1955, as amended) provide "That the use of water for domestic purposes is the highest use of water; and takes precedence over all appropriative rights." and "That the right of a municipality to acquire and hold rights to the use of water should be protected to the fullest extent necessary for existing and future uses,---".

The South Dakota water laws provide also, "The full control of all waters in the definite streams of this State is vested in the Commission. The Commission shall regulate and control the development, conservation and allotment of waters of the State according to the principles of beneficial use and priority of appropriation established by this Act." The Commission referred to is the Water Resources Commission.

Because of the existing deficient supply of water in the James River to satisfy all authorized uses of the waters of this stream, the Water Resources Commission hereby orders that all withdrawals of water from the James River for irrigation purposes between the North Dakota-South Dakota state line and the point where the East line of Range 56 crosses said James River (approximately 10 miles North of Yankton, South Dakota) shall cease effective July 11, 1959 and until further notice.

This order is necessary in order to maintain domestic use, including stockwater, and municipal water supplies to the extent possible under the scanty runoff yield of water to the James River.

Please govern your use of irrigation water under your water right # 550-3 in accordance with this order. You will be notified when water supplies in the James River are sufficient to again permit irrigation water withdrawals.

Sincerely,

J. W. GRIMES
Chief Engineer

cc: Each of Water Resources Commissioners

March 14, 1960

H Dr. A. B. Fossum
Huron, South Dakota

Dear Sir:

In July of 1959 you, as holder of a permit to irrigate with water from the James River, received a letter from this office directing you, effective July 11, 1959 to cease withdrawals of water from the James River for irrigation purposes until further notice.

This letter is written to inform you that you may resume your irrigation withdrawals as specified in your permit.

You should bear in mind, in planning your irrigation, that summer and fall flows on sections of the James River have not been adequate for irrigation withdrawals during some years of stream flow records and that irrigation restrictions are likely in the future.

Sincerely,

J. W. GRIMES
Chief Engineer

JWG:ls

COPY

November 20, 1961

A.B. Fossum
66 3rd St. S.E.
Huron, South Dakota

Dear Mr. Fossum:

This will inform you that the Water Resources Commission has approved your request for an extension of time under Permit 550-3.

Under this action you have until December 1963 to prove beneficial use of water.

Sincerely,

BURTON F. JONES
Water Right Specialist

17J/bw

Permit No. 550-3Water Division No. 3 JAMES RIVER Water District

Certificate of Examination of Works

Report of Examining Engineer

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

Dear Sirs: I hereby certify that ~~in accordance with your letter of authorization dated~~

I have this day made a thorough examination of the diversion works constructed by

ALFRED R. BARNES of HURONBEADLECounty, South Dakota, holder of Permit No. 550-3, issuedupon Application No. 550-3, bearing date of priority of SEPTEMBER 10, 1958 authorizing thediversion of 1.0 cu. ft. per second of the waters of JAMES RIVER for IRRIGATION

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

The diversion works comprise: BERKELEY 6" PUMP, POWERED BY
CENTURY ELECTRIC 20 HP MOTOR. 1500' OF 6" GATED
PIPE W/ 40" GATES TO 143 ACRES OF
LEVELLED LAND

and the system is in the following condition: GOOD

The point of diversion is located N 28° W 130 RODS FROM THE
SE CORNER, SECTION 7, T110N, R61W

The works are capable of diverting and conveying to the place of use 2.0 cu. ft. per second of water,
 which is to be used for IRRIGATION

The legal sub-divisions to be irrigated are: PORTIONS OF THE E 1/2 SECTION 7,
and W 1/2 SECTION 8, T110N, R61W

comprising a total of 43 acres of land.

The domestic use intended comprises

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

Witness my hand, this 23RD day ofMAY

D. 19

69

—SEAL—

Burton J. Hume
 Examining Engineer.

WATER RIGHT SPECIALIST
 WATER RESOURCES COMM.

COMMISSION

John M. Garhart, Spearfish
Lester Brue, Parker
Carl Cronin, Gettysburg
Lauren A. Davis, Belle Fourche
Milton E. Fischer, Millsbank
Richard Lommen, Harrisburg
Clarence D. Mortenson, Hayes
Dick Fisher, Chesbaid

South Dakota
WATER RESOURCES COMMISSION

State Office Building #2

PIERRE, SOUTH DAKOTA 57501

1278-3 & 550-3

J.W. GRIMES

Chief Engineer
and
Executive Officer

PHONE
224-3584
Area Code 605

August 7, 1970

Mr. Alfred R. Barnes
Plains Hotel
Huron, South Dakota

Dear Mr. Barnes:

The South Dakota Water Laws provide "That the use of water for domestic purposes is the highest use of water; and takes precedence over all appropriative rights." and "That the right of a municipality to acquire and hold rights to the use of water should be protected to the fullest extent necessary for existing and future uses, ---".

The South Dakota water laws provide also, "The full control of all waters in the definite streams of this State is vested in the Commission. The Commission shall regulate and control the development, conservation and allotment of waters of the State according to the principles of beneficial use and priority of appropriation established by this Act." The Commission referred to is the Water Resources Commission.

Because of the existing deficient supply of water in the James River to satisfy all authorized uses of the waters of this stream, the Water Resources Commission hereby orders that all withdrawals of water from the James River for irrigation purposes between the north boundary of Spink County and the south boundary of Hanson County shall cease effective 6:00 P.M., August 10, 1970, and until January 1, 1971, or until further notice.

This order is necessary in order to maintain domestic use, including stock-water, and municipal water supplies to the extent possible under the scanty runoff yield of water to the James River.

Please govern your use of irrigation water under your Water Right No. 1278-3 & 550-3 in accordance with this order. You will be notified if water supplies in this section of the James River become sufficient to permit irrigation water withdrawals again during 1970. Aerial inspections of this section of the James River will be made by the Staff of the Water Resources Commission.

Sincerely,

J.W. Grimes
J.W. GRIMES

JWG/DD/bw

P.S. The Water Permits of almost every water right holder receiving this letter contains the August 10th irrigation stoppage qualification or a low flow qualification which prohibits the diversion of water from the existing low flows of the James River, even if this special order were not issued.



Department of
Natural Resource
Development

DIVISION OF
WATER RIGHTS

Office Building 2
Pierre, SD. 57501
(605) 224-3584

July 25, 1973

Mr. Alfred R. Barnes
Plains Motel
Huron, South Dakota 57501

Dear Mr. Barnes:

The South Dakota Water Laws provide "That the use of water for domestic purposes is the highest use of water; and take precedence over all appropriative rights."

The South Dakota water laws provide also, "The full control of all waters in the definite streams of this State is vested in the Commission. The Commission shall regulate and control the development, conservation and allotment of waters of the State according to the principles of beneficial use and priority of appropriation established by this Act." The Commission referred to is the Water Resources Commission (Now the Water Rights Commission).

Because of the existing deficient supply of water in the James River to satisfy all authorized uses of the waters of this stream, the Water Rights Commission hereby orders that all withdrawals of water from the James River for irrigation purposes between the 3rd Street Dam in Huron and the north boundary of Sanborn County shall cease effective 6:00 P.M., July 31, 1973 and until January 1, 1974 or until further notice.

This order is necessary in order to maintain domestic use, including stockwater, to the extent possible under the scanty runoff yield of water to the James River.

Please govern your use of irrigation water under your Water Right No. 1276-3 & 550-3 in accordance with this order. You will be notified if water supplies in this section of the James River become sufficient to permit irrigation water withdrawals again during 1973. Aerial inspections of this section of the James River will be made by the Staff of the Water Rights Commission.

Sincerely,

DONALD DRISCOLL
Chief Engineer

DD/bw

550-3

BD- JF -

NOVEMBER 1977

Flanery Meats Inc.
Huron, S.D. 57350

This is the Water Rights Commission data sheet for recording 1977 irrigation estimates. Please fill out and return at once.

Please mark (X) on appropriate answers:

1. Source of Water: Ground ☒ Surface ☐

2. Type of Power: Electric ☒ Gasoline ☐ Diesel ☐ Propane ☐

3. Type of System: Gravity ☐ Natural Gas Pipeline ☐ Other ☐

Hand moved sprinklers ☐

Portable booms ☐

Center pivots (number of) ☐

Gated pipes ☐

Side wheel ☐

Towlines ☐

Gun type ☐

Hydromatic ☐

Siphons ☐

Flood ☐

Other ☒

Month	Estimate No. of Days Pumped	Average No. of Hours Per Day	Average Pumping Rate (GPH)	Acres of Crop Irrigated and Proportion of Water Used		
				Crop	Acres	Estimated Water Use
April	15	8	160			720,000
May	20	8	61			960,000
June	20	8	1			960,000
July	20	8	"			960,000
August	20	8	"			960,000
September	15	8	1			720,000
October	15	8	"			720,000
Other Months						

If you did not irrigate during 1977 please check box ☒

Additional Comments:

Water used for sludgery

Please return this completed data sheet to:

WATER RIGHTS COMMISSION
Joe Foss Building
Pierre, South Dakota 57501

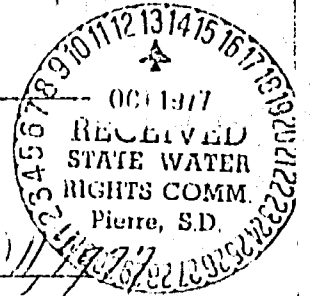
Form 20.

No.

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, South Dakota 57501

Date:



This is to notify you that title to the lands described as follows:

A point N 2 1/2° W, 132 rods from the S.E. Corner, Section 7,
T110 N, R61W - 43 acres in sections of the E 1/2 E 1/2, Section 7 and W 1/2 E 1/2,
Section 8, T110 N, R61W Beadle Co., Alfred P. Barnes
formerly owned by

has been transferred to Flanery Meats, The, Huron, S. Dak
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 550-3 as provided for in Section 61.0127 of the 1960
Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water
Permit" in its appropriate file at the Office of Water Rights Commission as
evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover
filing fees as required under Section 61.0159 of the 1960 Supplement to the South
Dakota Code of 1939..

STATE OF SOUTH DAKOTA)
County of Beadle) SS.

I, Alfred P. Barnes being first duly sworn on my oath despose
and say: That my relation to the above described undertaking is that of Owner,
that I have read the above foregoing statement, and I know of my own personal
knowledge that the information herein stated is true.

Alfred P. Barnes
(Signed)

Subscribed and sworn to before me this 11th day of October

19 77.

J. H. Ruddy
(Notary Public)

J. H. RUDDY, Notary Public of Beadle
County, South Dakota. My
Commission expires July 6, 1983.

550-3 Flannery Meats Inc.
8324-18 I talked to Mr. [unclear]
The farm [unclear] [unclear]
The power is strictly for irrigation.
In fact, he said they didn't need
it because [unclear] [unclear]
Richard Flannery was [unclear]
of [unclear] [unclear]

Meeting.

550-2

Flannery Meats Inc.

1. Check to see what the water
is used for.
2. May need a new permit
to transfer this to industrial
uses.

550-3
1278-3

January 23, 1980

Richard Flanery
Box 1378
Huron, SD 57350

Dear Mr. Flanery:

Enclosed are copies of Water Rights Nos. 550-3 and 1278-3 which were requested. The land description information you wanted will be on the forms.

Water Right No. 1278-3 is not in your name, but in the name of John McFadden, Lancaster, PA. If the water right is to be transferred to your name, please contact us.

If you have any questions, please feel free to contact this office.

Sincerely,

GENNY YOUNG
Staff Assistant

gy

encl

Water Rights Division - DWR
Conversation or File Documentation

File No. 550-3

NAME OF PERSON OR FILE: Flanery Meats Inc.

ADDRESS: P.O. Box 1378, Huron SD, 57350 COUNTY Beadle

DATE: 12/26/85 TELEPHONE _____

RE: Spoke to Dick Flanery

COMMENTS:

License No. 550-3 was inspected on May 1, 1985 for the
purpose of updating records regarding James River diversions.
The total acreage being irrigated has not changed but new
irrigation equipment has been added. The total acreage
being irrigated is 43.0 acres with a diversion rate
of .60 cfs.

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: Ron Duvall

Permit No. 550-3James 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 Elanery Meats Inc.
 of P.O. Box 1378, Huron SD, 57350 holder of
 Permit No. 550-3, bearing the priority of September 10 1958 authorizing
 the diversion of 1.00 cu. ft. per second of the waters of the James River
 for irrigation purposes, in Beadle County.

I have to report on the conditions of the same as follows: same equipment available for 550-3, 129-3A, 559-3, 1278-3

A. Works used to divert the water:
 pump: PTO drive Berkeley
S.N. 7573774

motor: Century (electric) pump: Berkeley
Part No. 9-321227-01 S.N. N 02875X
15hp., 1750rpm

B. Works used to transport water to place of use: motor: General Electric pump: Berkeley
M.N. 5K256JL1011A S.N. 7830650
25hp., 3540rpm M.N. B32PL

C. Works used to apply water to beneficial use: motor: Newman (elec.) pump: Berkeley
gated pipe: size - 8 in. No. 284CZ/PO2452MB S.N. 6008402
length - 1580 ft M.N. 5YPH
spacing - 30 in.

The system is in the following condition good

The point of diversion is located James River: 1056 ft N and 264 ft W from the SE
corner of sec. 7-T110N-R61W

The works are capable of diverting and conveying to the place of use 2.00
 cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows: all in T110N-R61W

NE 1/4 SE 1/4 sec. 7 7.8 Acres

SE 1/4 SE 1/4 " 3.2

NW 1/4 SW 1/4 sec. 8 13.6

SW 1/4 SW 1/4 " 18.4

comprising a total of 43.0 acres of land and the license should be issued for .60 cfs

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: _____ Date May 1, 1985

Ron Duwall
 (Signature)

LICENSE FOR PERMIT NUMBER 550-3

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ 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 _____

b) type _____

c) length _____

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 _____

5. System Type: c) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM _____

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 1580 ft
- 2) diameter 8 in
- 3) spacing of gates 30 in

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

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

h) Hydromatic

- i) 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: same equipment is available for 550-3, 557-3, 129-3A, and 1278-3

pump: PTO drive
Berkeley
S.N. 7573774

motor: Century (electric)
Part No. 9-321227-01
15hp., 1750 rpm

pump: Berkeley
S.N. N 02875 X

motor: General Electric
M.N. 5K256JL1011A
25hp., 3540 rpm

pump: Berkeley
S.N. 7830650
M.N. B32PL

motor: Newman (elec.)
No. 284C2/PD2452MB

pump: Berkeley
S.N. 6008402
M.N. 5YPH

 **Department of
Water & Natural Resources**

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

November 7, 1986

Delbert Lowe
Federal Land Bank of Aberdeen
PO Box 1978
Aberdeen, SD 57401

Dear Mr. Lowe:

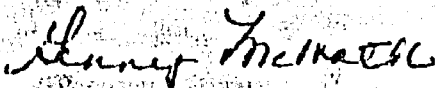
Enclosed are partially completed "Notice of Transfer" forms for Water Right Nos. 550-3, 559-3 and 808-3. These forms are for use in transferring the water rights from Richard Flanery to the Federal Land Bank.

During our telephone conversation of November 6, 1986, you indicated the Federal Land Bank had acquired the land in Sections 20 & 29, T110N, R61W. I note that the land covered under Water Right No. 550-3 is for lands in Section 7 & 8, T110N, R61W. This water right may not be involved in the transfer. If this is the case, please disregard the transfer form and contact us regarding the status of this specific water right.

Please check over the transfer forms. They will need to be completed, signed and notarized before returning them to our office. A \$2.50 filing fee is required for each transfer. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

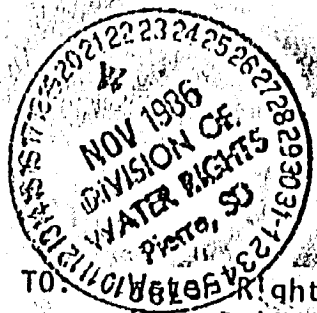
If I can answer any questions for you, please contact me.

Sincerely,



Genny McMath
Natural Resources Analyst

enclosures



NO. 550-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Flanery Meats Inc.
Foss Building
Pierre, SD 57501

Date: November 20, 1986

This is to notify you that the title to the lands described as follows:
43 acres - E $\frac{1}{2}$ E $\frac{1}{2}$ Section 7 and W $\frac{1}{2}$ W $\frac{1}{2}$ Section 8, T110N, R61W

formerly owned by Flanery Meats Inc.
Federal Land Bank of Omaha
has been transferred to P. O. Box 1987, Aberdeen, South Dakota 57401-1987
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 550-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Beadle) ss.

I, Delbert Lowe 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 I know of my own personal knowledge that the information herein stated is true.

[Signature]
(Signed)

Subscribed and sworn to before me this 20th Day of November, 1986.

commission expires: December 24, 1989

Rose Knouse
(Notary Public) Rose Knouse

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410628

Pierre, _____

November 21, 1986

RECEIVED OF Federal Land Bank of Omaha, P.O. Box 1987, Aberdeen, SD 57401-1987

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. _____		
Fee for Filing Transfer Form _____ 550-3		50
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	2 50

By John Hatch
Chief Engineer JOHN HATCH (ms)

**South Dakota Department of
Water & Natural Resources**

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

WATER RIGHTS DIVISION
(605) 773-3352

808-3
550-3
559-3

November 25, 1986

Federal Land Bank of Omaha
P.O. Box 1987
Aberdeen, South Dakota 57401-1987

Dear Sir:

Enclosed are receipt Nos. 410627, 410628 and 410629 in the amount of \$2.50 each totaling \$7.50 which you paid for transfer of Water Right Nos. 808-3, 550-3 and 559-3.

Our records now show Federal Land Bank of Omaha as the owner of these water rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.3

Equal Opportunity Employer

550-3
559-3
808-3

**South Dakota Department of
Water & Natural Resources**

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

WATER RIGHTS DIVISION
(605) 773-3352

January 14, 1987

Jerry Bales
Box 1337
Huron, South Dakota 57350

Dear Mr. Bales:

Please find enclosed copies of Notice of Transfer of Water Permit forms. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 for each transfer, total of \$7.50 for three transfers.

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

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Secretary

ms,
Enc. 3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 1-15-87

This is to notify you that the title to the lands described as follows:

43 Acres - E $\frac{1}{2}$ E $\frac{1}{2}$ Section 7 and W $\frac{1}{2}$ W $\frac{1}{2}$ Section 8, T110N-R61W

formerly owned by Federal Land Bank of Omaha

has been transferred to Jerry Bales, Box 1337, Huron, SD 57350

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 550-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

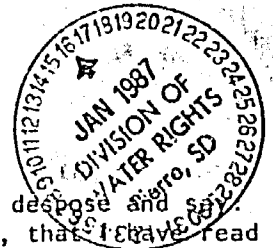
County of Beadle) ss.

I, Jerry Bales 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 I know of my own personal knowledge that the information herein stated is true.

Jerry Bales
(Signed)

Subscribed and sworn to before me this 15 Day of January, 1987.

Kurt Bales
(Notary Public)



RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

410719

Pierre, January 15, 1927

RECEIVED OF Jerry Eales, Box 1337, Huron, SD 57350

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. _____		
Fee for Filing Transfer Form 550-3	2	50
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	2	50

By

Chief Engineer

JOHN HATCH

ms

SOUTH DAKOTA
Department of
Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

550-3
559-3
808-3

January 16, 1987

Jerry Bales
Box 1337
Huron, South Dakota 57350

Dear Mr. Bales:

Enclosed are receipt Nos. 410719, 410720 and 410721 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 550-3, 559-3 and 803-3.

Our records now show you as the owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

South Dakota
Department of
Water & Natural Resources

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

January 29, 1988

JERRY BALES
BOX 1337
HURON, SD 57350

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation Questionnaire

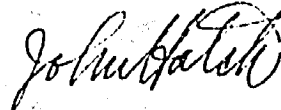
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 550-3, 808-3, 559-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing 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. Amend Permit No(s). 550-3, 808-3, 559-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. 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.


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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 23, 1988

550-3
559-3
808-3
2425-3

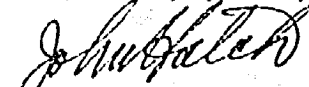
Jerry Bales
Bales Continental Commission Co.
Box 1337
Huron SD 57350

Dear Mr. Bales:

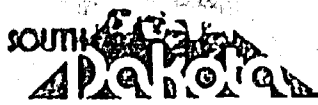
I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 550-3, 559-3, 808-3, 2425-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,



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



Department of Water & Natural Resources

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

April 18, 1988

550-3
559-3

Jerry Bales
PO Box 1337
Huron, SD 57350

RE: James River Flow Conditions and Future Shut Off Orders

Dear Mr. Bales:

We have been monitoring James River flows. I am sure that you realize that unless water supply conditions change, there will not be much water for irrigation during 1988. Shutoff of irrigation above Huron is required when the flow drops to 20 cfs at the Huron Third Street Dam. Therefore, we expect to issue orders within the next two to four weeks to shut off James River Irrigation from the Third Street Dam to the ND-SD border. Below Huron to the I-90 bridge near Mitchell, irrigators can also expect a shutoff order within the next few weeks when the flows of the river drop below 20 cfs at the Forestburg Gaging Station. Below the I-90 bridge near Mitchell to the Yankton County line we may need to issue a shutoff order sometime during early summer if the flows at Scotland drop below 20 cfs.

James River flow conditions are as follows:

James River Flow* Record

Date	LaMoure	Ludden	Columbia**	Ashton	Huron	Forestburg	Scotland
04/06/88	81.2	(state	15.0	37.7	48.0	105	285
04/11/88	134	line)	12.4	34.3	39.4	60.9	167
04/13/88	150		8.99	21.4	34.3	55.7	122
04/14/88	159	190	21.3	34.3	32.0	50.8	115
04/15/88	142		57.0	45.6	32.0	48.9	112

* Flow in cfs (cubic feet of water per second)

1 cfs = 449 gallons per minute

** Sand Lake Refuge has increased releases due to inflows

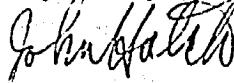
The flow in North Dakota at LaMoure, ND is 142 cfs because of releases being made at the Pipestem Dam. However, releases from Pipestem will be reduced after April 15 to 25-50 cfs because of a construction project below the dam. We do not expect significant releases from the Jamestown Reservoir in North Dakota because the water level elevation is below the flood control storage elevation.

Sand Lake Refuge is at or near full capacity and releases are being made. The quantity released will depend on inflows which are measured near the ND-SD State Line.

We are providing the above information to allow you to have the latest information for the entire James River and to provide you with an indication of what to expect. Unless water supply conditions change, we expect that the James River pumping will be shutoff for much of the irrigation season.

If we may answer any questions, please contact James Winterton, 773-3352.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch", written over the typed name.

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

**South Dakota Department of
Water & Natural Resources**

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

June 28, 1988

NOTICE OF SHUTOFF ORDER

550-3

559-3

TO: Jerry Bales
PO Box 1337
Huron, SD 57350

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

John Hatch
by James H. Hentzer

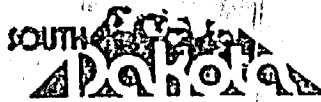
SUBJECT: Shut Off Order To James River Water Right Holders
Located Between Huron and the Yankton County Line,
Effective 12:00 Noon on July 4, 1988.

I am certain that you are aware that James River Flows are not enough to supply all water rights. Therefore, to protect the domestic uses (livestock watering) on the James River, effective 12:00 noon on July 4, 1988 no pumping of water from the James River is authorized until January 1, 1989 or until further notice.

Unless conditions change, it appears that no pumping will be allowed for the remainder of the 1988 irrigation season from the James River.

Let us know if you have any questions.





Department of Water & Natural Resources

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

May 26, 1988

Jerry Bales
Box 1337
Huron, SD 57350

Dear Mr. Bales:

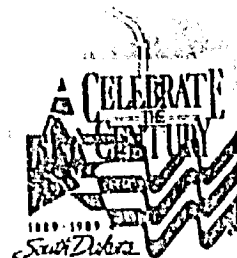
I am writing in regard of our review of irrigation questionnaire records. No irrigation has been reported for the last five irrigation seasons under Permit No(s). 550-3, 559-3.

South Dakota Codified Laws state that when any person fails to use water for the purpose for which it was appropriated for a period of three years, or abandons the use of the water, such unused water shall revert to the public. An exception to the law is when there is legal excuse for nonuse of water. Examples of legal excuse for nonuse of water are when water is not available or legal proceedings which prevent the use of water.

Since your permit(s) has (have) not been used for five years, the permit(s) may be subject to cancellation by the Water Management Board unless there is a legal reason for not using water. Please advise by June 17, 1988 if you still want to keep your water right and if there is a reason why water has not been used. Let us know, if you have any questions.

Very truly yours,

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



BALES

**CONTINENTAL
COMMISSION
COMPANY**

550-3
"South Dakota's Largest Cattle Auction"

PHONE 605-352-8682

BOX 1337

HURON, SOUTH DAKOTA 57360

June 6, 1988

S. D. Dept. of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, S. D. 57501-3181

Attention: John Hatch
Water Rights Division



Dear Mr. Hatch,

I am writing in answer to your letter of May 26.

The reason for not using water under permits 550-3 and 559-3 is that I did not have possession of the farm until the spring of this year. The final closing of the sale of the land is still being held up by legal matters.

I fully intend to use water this season if these matters are resolved and I see no reason that they will not be.

I very definitely want to retain the permits.

Very truly yours,

Jerry Bales

JB/nc



Department of Water & Natural Resources

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

July 28, 1989

NOTICE OF SHUTOFF ORDER

550-3
559-3

TO: Jerry Bales
PO Box 1337
Huron, SD 57350

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

SUBJECT: Shut Off Order to James River Water Right Holders
Located between Huron and I-90 at Mitchell Effective
Noon August 3, 1989.

The flows in the James River have declined at Forestburg to approximately 5 cfs. Therefore to protect domestic uses (livestock watering) on the James River, effective at 12:00 noon on August 3, 1989 no pumping of water from the James River is authorized until January 1, 1990 or until further notice.

Unless flow conditions change, it appears that no pumping will be allowed for the remainder of the 1989 irrigation season from this reach of the James River.

If you have any questions, please contact James Winterton, Division of Water Rights, Joe Foss Building, Pierre, SD 57501, phone (605) 773-3352.



**South Dakota Department of
Water & Natural Resources**

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

April 6, 1990

NOTICE OF SHUTOFF ORDER

550-3

TO: Bales, Jerry
PO Box 1337
Huron, SD 57350

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

Delvin W. Brosz

SUBJECT: Shut Off Order to All James River Irrigation Water Right Holders-Effective Immediately.

The flows in the James River are below 20 cubic feet per second (cfs) at most of the gaging stations. Therefore to protect the City of Huron's prior rights from diversions above Huron and domestic uses (livestock watering) on the river below Huron, effective immediately, no pumping of water from the James River is authorized until January 1, 1991 or until further notice.

Unless flow conditions change, it appears that no pumping will be allowed for the 1990 irrigation season from the James River. If conditions do improve, notices will be issued, based on senior priority dates, to allow pumping by irrigators.

Sand Lake Wildlife Refuge is approximately one foot below the full level. The Refuge is entitled to the flows from North Dakota under a senior water right. The flows from North Dakota are expected to decrease due to the lack of snow pack. The storage levels in the Jamestown and Pipestem Reservoirs are down with no expected releases.

The following is the latest flow (cfs) information on the river:

Date	Ludden	Columbia	Ashton	Huron	Forestburg	Scotland	Yankton
3/28/90	----	----	----	----	----	----	30.2
4/2/90	----	3.5	8.0	0	6.0	15.0	----
4/4/90	51.0	10.0	10.0	0	5.4	22.0	----

If you have any questions, please contact Del Brosz, Division of Water Rights, Joe Foss Building, Pierre, SD 57501, phone (605) 773-3352.

cc: City of Huron, Water Superintendent

South Dakota
Department of
Water & Natural Resources

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

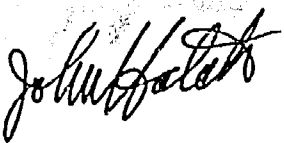
June 20, 1990

RESCISSION OF SHUTOFF ORDER

550-3

TO: Jerry Bales
PO Box 1337
Huron, SD 57350

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



SUBJECT: Rescission of April 6, 1990 Shutoff Order to James River Water Right Holders

The flows in the Lower James River have improved. Therefore, I am rescinding the April 6, 1990 shutoff order, effective immediately, for the section of the James River downstream from the Huron Third Street Dam to the I-90 bridge near Mitchell.

The following is the latest flow (cfs) information on the river:

<u>Date</u>	<u>Ludden</u>	<u>Columbia</u>	<u>Ashton</u>	<u>Huron</u>	<u>Forestburg</u>	<u>Scotland</u>
6/18/90	25.44	1.14	12.02	65.12	206.10	186.00
6/19/90	—	2.13	14.31	62.00	245.80	116.90
6/20/90	28.00	1.86	13.00	58.23	—	136.10

If the flows of the river should decrease to a level that will again require a shutoff in 1990, water rights with junior priority dates will receive shutoff orders first.

If you have any questions, please contact Del Brosz, Division of Water Rights, 523 East Capitol, Pierre, SD 57501, phone (605) 773-3352.

South Dakota
Department of
Water & Natural Resources

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

August 8, 1990

NOTICE

550-3

TO: Jerry Bales
PO Box 1337
Huron, SD 57350

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

SUBJECT: The August 10 Automatic Shutoff Date For Water
Diversions from the James River

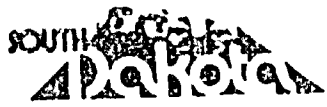
The August 10 automatic shutoff date for water diversions from the James River is still in effect. On some of the older permits this qualification though not listed is still valid and must be followed. Since there are still flows in portions of the James River, continuation of diversions beyond the shutoff date will be considered on a case by case basis. To do this you need to contact Water Rights Division in Pierre.

The following is the latest flow (cfs) information on the river.

<u>DATE</u>	<u>LUDDEN</u>	<u>COLUMBIA</u>	<u>ASHTON</u>	<u>HURON</u>	<u>FORESTBURG</u>	<u>SCOTLAND</u>
8/06/90	0.0	0.0	14.3	128.0	188.0	99.0
8/01/90	0.0	0.0	10.6	108.1	166.5	119.5
8/02/90	0.0	0.0	7.6	99.0	146.2	138.9

If you have any questions, please contact Del Brosz, Division of Water Rights, 523 East Capitol, Pierre, SD 57501.
Phone (605) 773-3352

cc: City of Huron, Water Superintendent



Department of Water & Natural Resources

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

April 2, 1991

550-3

Jerry Bales
PO Box 1337
Huron, SD 57350

Dear Mr. Bales:

I am contacting irrigators and water users on the James River to advise of the low flow conditions in the James River and potential of shut off orders being issued. Due to the continuing drought, the James River basin, in both North Dakota and South Dakota, is supplying the river with below normal runoff.

The following is the latest flow (cfs) information on the river:

Date	Ludden	Columbia	Ashton	Huron	Forestburg	Scotland
3/28/91	79.1	0.0	6.6	2.3	19.2	23.7
3/29/91	79.1	0.0	6.3	13.0	17.9	22.8
4/01/91	79.1	0.0	6.1	11.1	18.5	10.0

Note: The flow at Ludden is from in stream ice melt with little or no runoff occurring.

We will continue to closely monitor the flow in the river. Unless flow conditions improve in the next two to three weeks, shut off orders may have to be issued to all James River water users except for the City of Huron, which has senior water rights.

If you have any questions, feel free to contact Mark Rath or Del Brosz. Phone (605) 773-3352.

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

August 5, 1991

NOTICE

550-3

TO: Jerry Bales
PO Box 1337
Huron, SD 57350

FROM: *for* JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

Delvin W. Brosz

SUBJECT: The August 10 Automatic Shutoff Date For Water
Diversions from the James River

The August 10 automatic shutoff date for water diversions from the James River is still in effect. Although flows in the James River continue to be good, the gates at the Columbia Road Dam below Sand Lake Refuge were shut on August 1, continued good flows, particularly in the upper river reaches, are questionable. Continuation of diversions beyond the August 10 shutoff date will be considered on a case by case basis. To do this you need to contact the Water Rights Division in Pierre.

The following is the latest flow (cfs) information on the river.

DATE	LUDDEN	COLUMBIA	ASHTON	HURON	FORESTBURG	SCOTLAND
7/31/91	6.7	63	130	139	142	148
8/02/91	17	58	125	134	139	154
8/05/91	0.3	36	101	128	140	166

If you have any questions, please contact Del Brosz or Mark Rath, Division of Water Rights, 523 East Capitol, Pierre, SD 57501. Phone (605) 773-3352

cc: City of Huron, Water Superintendent



June 3, 1992

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE OF SHUTOFF ORDER

550-3

TO: JERRY BALES
BOX 1337
HURON, SD 57350

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

SUBJECT: Shut Off Order to All James River Water Right Holders
With Diversion Points Between the Third Street Dam in
Huron and I-90 near Mitchell, Effective Immediately.

The flows in the James River are listed below:

Date	Ludden	Columbia	Ashton	Huron	Forestburg	Scotland
6/2/92	45	0	---	0	5.3	22
6/3/92	0	0	---	0	5	18

To protect remaining water supplies for domestic use (livestock watering), effective immediately, no pumping of water from the James River between the Third Street Dam in Huron and I-90 near Mitchell is authorized until January 1, 1993 or until further notice. Shut off orders were issued several weeks ago for those water rights above Third Street Dam in Huron.

Unless flow conditions change, it appears that no pumping will be allowed for 1992 from the James River above I-90. If conditions improve, notices will be issued, based on senior priority dates, to allow pumping by water users.

If you have any questions, please contact Norma Job or Del Brosz, Division of Water Rights, 523 East Capitol, Pierre, SD 57501, phone (605) 773-3352.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 22, 1992

RESCISSION OF SHUTOFF ORDER

550-3

TO: JERRY BALES
BOX 1337
HURON, SD 57350

FROM: *for* John Hatch, Chief Engineer *Delwin D. Brosz*
Water Rights Division
(605) 773-3352

SUBJECT: Rescission of June 3, 1992 Shutoff Order to
James River Water Right Holders from the
Huron Third Street Dam to I-90 near Mitchell

The present flow conditions on the James River are sufficient to allow for diversions. The Shutoff Order of June 3, 1992 is rescinded, effective immediately, for James River Water Right Holders between the Huron Third Street Dam and I-90 near Mitchell. We will continue to monitor the flows of the James River through the summer. The present increase in flow may only be temporary. If the present flow conditions continue, pumping will be allowed until the mandatory August 10 shutoff date. Pumping after the August 10 shutoff date will be handled on request and requires written approval from the Chief Engineer.

If you have any questions, please contact Norma Job or Del Brosz, Division of Water Rights, 523 East Capitol, Pierre, SD 57501 Phone (605) 773-3352.

550-3

Genny

I think I e-mailed you on this also. Anyway, when Mr. Bales called in he stated that he did not irrigate from the river this year or in the past. He stated that he does not own the land included under this permit. He said he always just sent in the IQ because it seems like the easiest thing to do.

I looked through the microfiche on this file and the permit was transferred to him from the Federal Land Bank at the same time some other permits were transferred to him. The file on 550-3 is fairly easy to follow as opposed to the fiasco that we had with 808-3 and 129-3A for Bales.

What do we need to do on this??? I told him that if this isn't his permit or his acreage that we try to get things straightened out so that he wasn't receiving a IQ each year for 550-3. Do we need to contact the county register of deeds to find out ownership of these acres??

Eric

550-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 21, 1994

550-3

Barbara O'Riley
Register of Deeds
PO Box 55
Huron, SD 57350-0055

Dear Ms. O'Riley:

I am contacting you with regard to ownership of land described in Water Right No. 550-3. The water right is currently listed in the name of Jerry Bales. Mr. Bales has indicated he does not own the land.

If possible, I need to obtain from you the new owner(s) name and mailing address. I have included a copy of a map showing the area I am concerned with. The legal description is also included on the report attached to the map.

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

Sincerely,

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

Genny McMath
Natural Resources Analyst
Water Rights Division

enclosures

WARRANTY DEED-STATE FORM

JERRY L. BALES AND MARGARET M. BALES, HUSBAND AND WIFE

Huron Beadle County, State of SOUTH DAKOTA (\$33,150.00)

THIRTY-THREE THOUSAND ONE HUNDRED FIFTY (33,150.00) DOLLARS,

GRANTS, CONVEYS AND WARRANTS TO BRADLEY G. SCHNABEL AND KIM L. SCHNABEL AS JOINT TENANTS WITH

RIGHT OF SURVIVORSHIP AND NOT AS TENANTS IN COMMON, grantee S., of

MEADOWOOD ESTATES #2 HURON, SO. DAK. 57350 P.O., the following

described real estate in the County of Beadle, in the state of South Dakota: Southwest Quarter (SW¹/₄) of Section

Twenty-Eight (28), 1 Township One Hundred Ten (110), Range Sixty-One (61), AND That part of the West half

of the Southwest Quarter (W¹/₂ of SW¹/₄) of Section eight (8) and that part of the East half of Southeast

Quarter (E¹/₂ of SE¹/₄) of Section Seven (7), lying East of the James River, Except the North Six Hundred

Seventy-Five (675) feet thereof, and except the East Sixty-Six (66) feet of the South 1976.6 feet of

the West half of Southwest Quarter (W¹/₂ of SW¹/₄) of Section Eight (8), Township One Hundred Ten (110),

Dated this 1st day of June, 1989

Transfer Fee Paid \$33.50

/s/ Jerry L. Bales
/s/ Margaret M. Bales

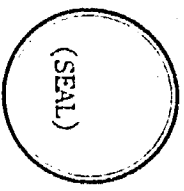
STATE OF SOUTH DAKOTA

County of Beadle

On this the 1st day of June, 1989

the undersigned officer, personally appeared Jerry L. Bales And Margaret M. Bales, known to me or satisfactorily proven to be the persons whose name S. are subscribed to the within instrument and acknowledged that the Y. executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereto set my hand and official seal.



/s/ Glen A. Fingerson
Notary Public

My Commission expires 2-13-95, 19

STATE OF SOUTH DAKOTA, County of Beadle, ss.

Filed for record this 6 day of June, A.D. 1989, at 8 o'clock A.M., and recorded in Book 450, page 461

Deputy /s/ Barb O'Riley
Register of

352-0744
R# 4
Box 268
Huron SD

550-3



550-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 2, 1994

550-3

Bradley & Kim Schnabel
RR #4 Box 268
Huron, SD 57350

Dear Mr. & Mrs. Schnabel:

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change on Water Right No. 550-3. The water right is currently listed in the name of Jerry Bales.

Please review the form and complete where necessary. The completed form must be signed in the presence of a notary public and then returned to our office with a required filing fee of \$2.50. The form and filing fee will allow us to transfer Water Right No. 550-3 from Mr. Bales to your names.

The material I stapled together are copies of the water right, inspection report, map and various transfers filed with the water right. You may keep these documents for your records. I have also included a copy of our yearly irrigation questionnaire. These forms are mailed from our office in October to all irrigators in the State. I have included this year's form so you will have an idea of the information you will need to keep track of during the irrigation season.

At this time, the completed transfer form and \$2.50 filing fee are the only things you will need to return to me. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures



550-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 11, 1994

SECOND NOTICE
Permit No. 550-3

Bradley and Kim Schnabel
RR 4, Box 268
Huron, SD 57350

Dear Mr. and Ms. Schnabel:

On February 2, 1994, notice was sent to you concerning the transfer of Water Right No. 550-3 in the name of Jerry Bales. To date, we have not heard from you on this matter.

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

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

Very truly yours,

for RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

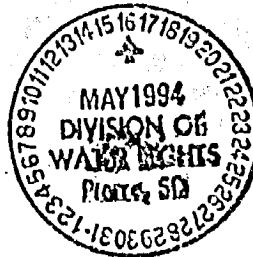
enclosure

SENDER • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach the 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: Bradley & Kim Schnabel RR 4, Box 268 Huron SD 57350	4a. Article Number P 318 052 647	
	4b. Service Type ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise	
	7. Date of Delivery 5-12-94	
5. Signature (Addressee) <i>Brad Schnabel</i>	8. Addressee's Address (Only if requested and fee is paid)	
6. Signature (Agent)		

550-3

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 550-3Date: May 13, 1994I/We request that Water Right No. 550-3formerly owned by: Jerry Bales

be transferred to: (name & address)

Brad Schnabel
RR 4 Box 268 Huron, SD 57350(Telephone No) 605-352-0794

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

43 acres - E½ SE¼ Section 7 and W½ SW¼ Section 8, T110N, R61W

I/We understand that the validity of Water Right No. 550-3 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 at the Division of Water Rights, as evidence of the change of ownership.

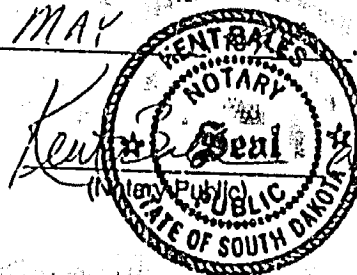
A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Bentley

I/We Brad Schnabel 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.

Brad Schnabel
(Signed)

Subscribed and sworn to before me this 13 day of MAY

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

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

RECEIPT

Division of Water Rights
South Dakota Department of Environment and Natural Resources

414174

Pierre, May 16, 19 94

RECEIVED OF Kim Schnabel, RR 4 Box 268, Huron, SD 57350-8915

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>Water Right No. 550-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer



550-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 18, 1994

No. 550-3

Brad Schnabel
RR 4, Box 268
Huron, SD 57350

Dear Mr. Schnabel:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 550-3.

Our records now show you as the owner of Water Right No. 550-3.

Sincerely,

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

enclosure



January 30, 1996

550-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: BRAD SCHNABEL, RR 4 BOX 268, HURON, SD 57350 8915

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

SUBJECT: Violation of Requirement to Submit 1995 Irrigation Questionnaire

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 550-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:45 am, March 6, 1996, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 550-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 1, 1996 your name will be deleted from the Board agenda. If you have any questions or need assistance with 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.

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:

BRAD SCHNABEL
RR 4 BOX 268
HURON SD 57350-8915

4a. Article Number

2348 318 890

4b. Service Type

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

7. Date of Delivery

1-31-96

5. Received By: (Print Name)

Brad Schnabel

6. Signature: (Addressee or Agent)

X

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 7, 1996

NOTICE OF AMENDMENT OF WATER PERMIT

TO: BRAD SCHNABEL, RR 4 BOX 268, HURON, SD 57350 8915

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

A handwritten signature in black ink, appearing to read 'John Hatch', is placed next to the typed name and title.

SUBJECT: Amendment to Water Permit No. 550-3

Pursuant to the provisions of the notice dated January 30, 1996, and following the hearing March 6, 1996, the Water Management Board has amended Water Permit No. 550-3 to add the following qualification:

"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."

The addition of this qualification to your Water Permit means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on March 7, 1996, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 7, 1996, regarding Notice of Amendment of Water Permit Nos. 1280-2, 1335-3, 2097-3, 136-1, 2453-3, 768A-1, 2534-3, 3255-3, 550-3, 910-2 and 3466-3, addressed as stated below:

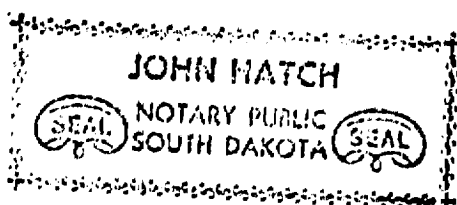
1280-2: Odie Dale Bowen, Box 407, Philip, SD 57567.
1335-3: John M. Casey, RR 1, Box 262, Mitchell, SD 57301.
2097-3: Keven L. Christensen, RR 2, Box 220, Bruce, SD 57220.
136-1: Cinch Buckle Ranch, RR 2, Box 2660, Belle Fourche, SD 57717.
2453-3: Percy Coleman, Box 103, Springfield, SD 57062.
768A-1: Arlene Cox, HC 73, Box 2291, Deadwood, SD 57732.
2534-3: Barry Imsland, RR 2, Box 26, Conde, SD 57434.
3255-3: Terry/Peggy Reynolds, HC 75, Box 33, Hitchcock, SD 57348.
550-3: Brad Schnabel, RR 4, Box 268, Huron, SD 57350-8915.
910-2: Frank W. Schooler, HCR 7, Box 18, Reliance, SD 57569.
3466-3: I A Schwan, P.O. Box 97, Hitchcock, SD 57348-0097.



Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of March, 1996



Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



550-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 13, 2003

TO: Garland Erbele, Chief Engineer
DENR Water Rights Program
FROM: 
Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program
SUBJECT: James River Irrigators

I completed on-site examinations of James River Water Right irrigators that have reported non-use from the 1980s to the present. Listed below are my observations and subsequent actions for the selected Water Rights:

- No. 2392-3:** **Charles Boynton**, 39752 130th Street, Bath, SD 57427 Phone: (605)225-5803
No irrigation reported 1984 to 1986 and 1988 to 2002. My on-site examination in June 2003 showed no sign of irrigation equipment or irrigation. The property is rundown, but in use as evidenced by farm equipment in working order present. Called several times, left message on answering machine in June to return call. Left several messages on the answering machine from June to October. No return call as of this date. Scheduled Water Right for cancellation.
- No. 4494-3:** **Roland Sieh**, 13252 397th Ave, Bath, SD 57427 Phone: (605)225-7137
No irrigation reported 1984 to 1989 and 1991 to 2002. Dike & Canal diversion system from the river to a storage area. Irrigation was to be from the storage area. Water was in the canal when I visited the site in June. Spoke with Mr. Sieh and he wants to keep the water right although it hasn't been used for several years. Mark Grasse, Dakota Outdoors, applied for a permit adjacent to Sieh's, and stated that Sieh had never irrigated that he knew of. This could be considered a passive system. In mid October 2003 I again spoke with Mr. Sieh explaining that the Water Right would be scheduled for cancellation. Mr. Sieh stated that there wasn't adequate water in the river to irrigate. I explained that the flow in the James River was more than adequate the last two summers. I further explained that he could appear before the Water Management Board and state his position on retaining the Water Right and that he would get a notification of time and place for the Board's meeting. If he didn't want to appear before the Board, he could send a letter.
- No. 1105-3A:** **Leon Osborn**, 720 E 2nd, Redfield, SD 57469 Phone: (605)472-0719
No irrigation reported 1984 to 1986 and 1988 to 2002. My on-site examination showed no sign of irrigation equipment or irrigation. Spoke with Mr. Osborn and he wants to keep the water right. He stated that even during dry years he was lucky and got moisture. In mid October I again spoke with Mr. Osborn, who at that time

explained that Leon Osborn was his father and is now deceased. The Water Right should have been transferred to James Osborn. I explained that the Water Right would be scheduled for cancellation for non use and if he wanted, he could appear before the Water Management Board to explain his reasons why he should retain the Right. Mr. James Osborn stated that he probably wouldn't appear before the Board in person, but would write a letter to the Chief Engineer stating his position on retaining the Water Right.

No. 1225-3: **James Esser**, 39063 170th Street, Redfield, SD 57469 Phone: (605)472-2619
No irrigation reported from 1983 to 2002. My on-site examination showed no sign of irrigation equipment or irrigation. I spoke with Mr. Esser on 10/23/03 explaining the non use statute. Mr. Esser stated that he would not be using the Right and agreed to cancellation.

No. 1143-3A: **George Cluts**, 39397 US Hwy 212, Frankfort, SD 57440 Phone: (605)472-2781
No irrigation reported 1983 to 2002. No sign of irrigation equipment or irrigation at the time of my on-site examination in June 2003. In mid October I spoke with Mr. Cluts explaining the non use statute. Mr. Cluts stated that he had completed leveling the land, etc., but farming was not his main occupation and finishing the work and irrigating was not his main priority. I explained the Water Right would be scheduled for cancellation and if he wanted, he could appear before the Water Management Board to explain his reasons why he should retain the Right or write a letter to the same effect.

Nos. 1253-3 & 325-3 **Roger Chaplin**, 1820 Fulton, Sturgis, SD 57785 Phone: (605)720-2125, Farm (605)266-2108
No irrigation reported from river 1983 and 1987 to 2002. No sign of irrigation equipment or irrigation. I spoke with Mr. Chaplin about his appropriations from the James River. ~~Mr. Chaplin stated that he had pumped some from the river this summer~~ (I re-visited site in August and saw no sign of irrigation). His son is now living on the farm. In mid October I spoke with Mr. Chaplin and told him that the Chief Engineer recommended scheduling the James River Water Rights for cancellation. Mr. Chaplin again stated he desired to retain the Water Rights on the James River. I explained that he could appear before the Water Management Board and state his position on retaining the Water Rights from the James River and that he would get a notification of time and place for the Board meeting. If he didn't want to appear before the Board he could send a letter.

Nos. 2388, 1141, & 809-3 **Victor Kleinsasser**, 40008 198th Street, Huron, SD 57350 Phone: (605)352-8103
No irrigation reported from 1986 to 2002. No sign of irrigation equipment or irrigation at the time of my site visit in June 2003. Spoke with Mr. Kleinsasser and he stated most of the equipment is from the 70s and needs to be replaced or rebuilt which he plans on starting this winter. Mr. Kleinsasser also has a Tulare Aquifer well Water Right No. 4545-3 showing no use from 1992 to the present and a James River Water Right No. 2387-3 showing use from 1999 to the present. On 10/28/03 I spoke with Mr. Kleinsasser explaining the non use statute and that we would schedule the rights showing non use for cancellation. I further explained that he could appear before the Water Management Board to appeal the cancellations or write a letter explaining the his position on the issue. Mr. Kleinsasser agreed.

No. 1170-3

Adele Walters, 440 Jersey Ave NE # 5, Huron, SD 57350 Phone: (605)352-7505
Irrigation equipment on property, but not used for some time. Irrigation questionnaires show no irrigation 1997 to present. I contacted Mr. Ray Hofer, the renter of the property, and he confirmed that irrigation had not taken place for several years and that the equipment was old and needed to be repaired. He further stated that he did not intend to repair the equipment as he only had a three year lease. I contacted Mrs. Walters, but she is in her 90s and doesn't hear well or understand cancellation of the Water Right. I then contacted Mrs. Walters' lawyer, Reed Hutchinson, and explained the situation of non use of the Water Right and the difficulty of explaining this to Mrs. Walters. Reed Hutchinson stated that if Water Rights sends the cancellation information to him, he will ensure that it gets to Mrs. Walters and he will explain the situation to her.

**Nos. 2879 &
2391-3**

Larry Deeg, 13033 Deer Creek Ln., Rapid City, SD 57702 Phone: (605)348-5419,
Kirk Ford, Operator Phone: (605)352-4279

No irrigation was reported from 1984 to 2002. In August 2003 I visited the sites for the Water Rights. I was unable to get to # 2879-3 irrigation diversion location, but did see crops in the area. The # 2391-3 irrigation location showed no evidence of irrigation or irrigation equipment. In mid October I spoke with Mr. Ford, operator of the land, and questioned the non use of the Water Rights. Mr. Ford stated the land had flooded in the wet years of the 90s and took out the alfalfa fields that were previously irrigated. He further stated that he was trying to bring the fields back and would probably use the Water Rights in the future. I told him I would check with the Chief Engineer on this non use and call him back. The Chief Engineer recommended scheduling these Rights for cancellation and that Mr. Ford or Mr. Deeg, owner of the land, could explain to the Water Management Board the reasons why the Rights should be retained. I again spoke with Mr. Ford and Mr. Deeg explaining Water Rights' position.

**Nos. 4266A &
2382A-3**

Verhelst Brothers, 20644 404th, Huron, SD 57350 Phone: (Edward) (605)352-5564
No irrigation reported from 1988 to 2002. In August 2003 I visited the sites for the Water Rights. There was no evidence of irrigation at all the sites. In mid October I spoke with Edward Verhelst about the non use of the Water Rights. Mr. Verhelst stated that they haven't irrigated because the flows in the James River have been down the last years. I explained that for the last two years the flows have been good as water was being released from North Dakota and Sand Lake and there were no shut offs issued. I also questioned the non use in the late 80s. I further explained that these Water Rights would be scheduled for cancellation and he could appear before the Water Management Board to state his position on retaining the Rights or write a letter to the same effect.

No. 1154-3

Jessie Barton, 1452 Utah Ave, Huron, SD 57350 Phone: (605)352-5517
No irrigation reported 1984 to 1986 and 1990 to 2002. In August 2003 I visited the site of the Water Right. There were two large cornfields on both sides of river, but were not irrigated as evidenced by their burnt condition. I spoke with Jessie Barton and she stated she had sold the irrigation equipment and rents out land. She further stated that she would not use the Water Right anymore and agreed to cancellation.

**Nos. 1962 &
1045-3**

Alvin Gutormson, 2187 21st SE, Huron, SD 57350 Phone: (605)352-9781
No irrigation reported 1983 to 2002. In August I visited the sites of the Water Rights and saw no irrigation equipment or evidence of irrigation. In mid October I spoke

with Mrs. Gutormson and explained the non use statute. Mrs. Gurormson stated that her husband had died and they had not used the Water Rights because there was no water. I told her that flows in the James River were good last year and this year since they were releasing water in North Dakota and Sand Lake. She then stated that she had sold all the irrigation equipment and the land was rented to John Derksen. She further stated that the land would probably be sold. I told her the Rights would be scheduled for cancellation and that she could appear before the Water Management Board if she wanted to retain the Rights. I also requested that she advise Water Rights if the land was sold. She agreed to all of this.

No. 550-3

Brad Schnabel, 21520 401st Ave, Huron, SD 57350 Phone: (605)352-0794

No irrigation reported 1985 to 1989. At the time of my on-site examination in August 2003 there was no sign of irrigation equipment or that crop was irrigated this year. Water Right transferred to Schnabel in 1993. Irrigation Questionnaires show irrigation in 1993, 1995, and 1999. This Water Right will not be scheduled for cancellation, but this site should be re-examined in the summer of 2004.

No. 1151-3

Mrs. Willard Meyer, 1380 Illinois SW, Huron, SD 57350 Phone: (605)352-3880

No irrigation reported from 1982 to 2002. In August 2003 I visited the site for the Water Right and saw no evidence of irrigation or irrigation equipment. In mid October I spoke with Mrs. Meyer explaining the non use statute. Mrs. Meyer stated that the land was rented out. I explained that the Water Right would be scheduled for cancellation and she could appear before the Water Management Board to state her position on retaining the Right or write a letter to that effect. Mrs. Meyer agreed to this.

No. 1439-3

Carlton Cassens, 40593 SD Hwy 34, Forestburg, SD 57338 Phone: (605)495-4119

No irrigation reported 1988 to 2002. In August I visited the site for the Water Right and saw no evidence of irrigation or irrigation equipment. I was unable to contact Mr. Cassens and contacted the County Assessor to find out who had the land. Mr. Cassens is deceased and his sister Helen Zoss, 40360 235th St., Forestburg, SD (605)4954268, is handling the estate. A letter was written to Mrs. Zoss along with the Irrigation Questionnaire explaining the non use statute and requesting more information on the years of non use. This Water Right will probably be scheduled for cancellation.

No. 1233-3

Robert Keen, 23639 407th Ave, Letcher, SD 57359 Phone: (605)248-2575

No irrigation reported 1984 to 2002. In August 2003 I visited the area of the Water Right, but was unable to access the actual site for a thorough examination. From what I could observe, I saw no evidence of irrigation. In mid October I spoke with Mr. Keen and explained the non use statute. Mr. Keen stated that he hadn't used the Water Right for some time and didn't see that he would use it in the future. Mr. Keen agreed to cancellation of the Water Right.

No. 1242-3

Charles Moody, property now owned by **Robert Nelson**, 40961 237th Street, Letcher, SD 57359 Phone: (605)527-2622

No sign of irrigation equipment or irrigation this summer. A cancellation notice was previously sent to Robert Nelson, but no reply was received by Water Rights. No irrigation reported since 1983. A notice of scheduling cancellation of the Water Right will be re-sent to Mr. Nelson.

Nos. 92, 93 &
94-3

Ellwein Co., 25045 410th Ave, Mitchell, SD 57301 Phone: (605)996-9297

No irrigation reported for # 92-3 from 1984 to 2002 and # 93-3 & 94-3 from 1984 to 1988 and 1990 to 2002. In August 2003 I visited the sites for the Water Rights. No sign of irrigation equipment or that the land is being farmed for 93-3 & 94-3 locations. I was unable to access the actual location for # 92-3. It appears that the majority of the property hasn't been farmed for several years. There are signs stating it is a game habitat area. In mid October I spoke with Dennis Ellwein explaining the non use statute. I was informed that one of the Water Rights had been in CRP for several years but they weren't sure which one. I requested that they send a letter to Water Rights Program stating which Right was in CRP. On 11/13/03 I again spoke with Dennis Ellwein requesting if he had sent the letter in. Dennis Ellwein stated that he had checked on when the land was in CRP and the land had been out of CRP a lot longer than he had thought. I explained that the three Water Rights would be scheduled for cancellation and that he would receive a notice. If he desired, he could appear before the WMB to state his position on retaining the Rights. Dennis Ellwein did not protest the scheduling for cancellation.

In summary, 24 Water Rights are being scheduled for cancellation, one will probably be scheduled for cancellation when a reply is received from Mrs. Zoss concerning No. 1439-3, and one should be re-visited the summer of 2004.

cc: Individual Files

NOT TO SCALE

NOT TO SCALE



Ron Duvall
Natural Resources Eng.
5/1/85

License No. 550-3

~~Map 4123~~



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 1, 2006

NOTICE OF SHUTOFF ORDER

TO: BRAD SCHNABEL
21520 401 AVE
HURON SD 57350

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: James River Shutoff Order

Shutoff Order for Water Right No(s). 550-3

To protect domestic use on the James River, the department is issuing shutoff orders to water right holders on the James River from the Yankton-Hutchinson county line north to the North Dakota border. Effective immediately, no diversions of water from the James River will be allowed. Previous to this Order, shutoff orders were issued for water right junior to January 1, 1975 located upstream of Huron.

Flow in the James River continues to decline to the point where domestic use of water, which includes livestock watering from the river, has become a concern. USGS gaging stations over this entire river reach are measuring flow levels at or below 20 cubic feet per second, the required bypass for downstream domestic use. This order will remain in effect until the end of the calendar year.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

If you have any questions, please contact Lynn Beck or Mark Rath with the Water Rights Program at (605) 773-3352. Thank you.



550-3

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 16, 2015

NOTICE

TO: BRAD SCHNABEL, 21520 401 AVE, HURON, SD 57350 8915

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaires

Our records indicate your 2014 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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) 808-3 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) 550-3 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 4, 2015** 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) 550-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 808-3 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 4, 2015** 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>

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
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 11, 2015

Brad Schnabel
21520 401st Ave
Huron SD 57350 8915

Dear Mr. Schnabel:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right Nos. 550-3 and 808-3. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us