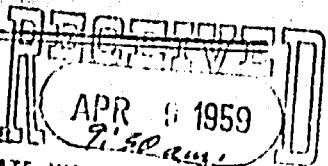


1. Considered June 17, 1959 Appl. No. 597-3
2. Name of Applicant Floyd E. Johnson
3. Post Office Address Egan, S. Dak.
4. Amount of water claimed 2.52
5. Source of water supply Big Sioux River
6. Water to be used for irrigation
Acres to be irrigated 176.5
7. Water to be diverted and used in Hardy County about
6 miles SW of Flondrean.
8. Proof of Publication Received ☒
Not Received ☐
9. Application Approved ☐
Subject to ☐
Not approved ☐
Action deferred ☐

10. Remarks:

No. 522-3Water Division No. 3 Big Sioux River District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

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

1. Name of applicant Floyd A. Johnson
Postoffice address FLANDREAU, County Moody, State S. Dak.

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

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

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

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

Contract & Direct Labor(b) Cash on hand, \$ 5000.00

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ _____

2. Name of diversion work Floyd A. Johnson

3. Amount of water claimed 2.52 cubic feet per second

4. Source of water supply Sioux River5. Location of point of diversion 1740 feet N 36° 50' W at the NW Cor.S. 25, T106N, R44W on _____ bank Moody County.6. Annual period or periods during which water is to be used May through October

7. To be used for:

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

(a) Number of acres to be irrigated 176.5 acres.(b) Legal subdivisions to be irrigated Sec. 5 & Lot 8 of SE 1/4 6 & that Portion of

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

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

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

(a) Nature of use _____
Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

Map No. 459-3

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$2000.00
 (c) Flaring, \$----- (d) Canal-earth, \$----- Rock, \$-----
 (e) Other structures Galad pipe \$1000.00 Total, \$-----

9. Description of diversion works:

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

Proping Plank

II. Dimensions of works:

(a) Dam: Height-----feet; length at bottom-----feet; length at top-----feet; thickness at bottom-----feet; thickness at top-----feet; slope at front water face-----; slope at back face-----
 material used in construction-----

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

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-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-----5-----years.

11. Time required for complete application of water to the proposed beneficial use-----3-----years.

12. Choice of newspaper for publication of notice of intention to appropriate-----

Enterprise Publishing Co. Flandreau, South Dakota

STATE OF SOUTH DAKOTA

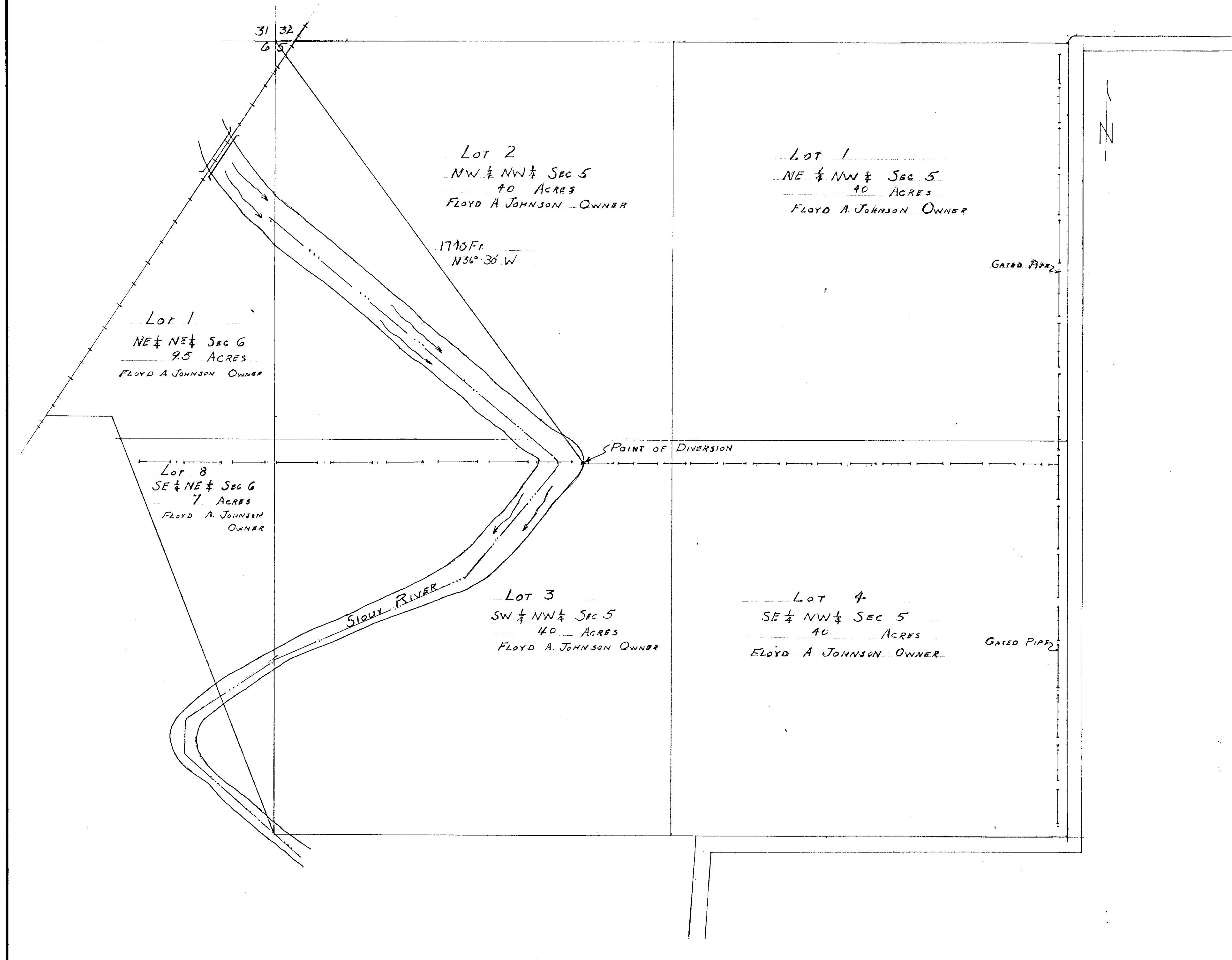
County of----Beady-----

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

Signed

Subscribed and sworn to before me this-----7-----day of-----April-----10-19-12

Notary Public (or other qualified officer.)



SURVEYORS CERTIFICATE

I, PAUL R. RIST, DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES THE LAND OF FLOYD A. JOHNSON IRRIGATION PROJECT.

SIGNATURE: *Paul R. Rist*
 AG. ENGINEER
 SOIL CONSERVATION SERVICE
 U.S. DEPT. OF AGRICULTURE

SUBSCRIBED AND SWORN TO ME THIS 16th DAY OF APRIL 1959 AD.

Robert H. Jones
 NOTARY PUBLIC

LOCATION OF LAND TO BE IRRIGATED
 FLOYD A. JOHNSON IRRIGATION
 PROJECT No. 1

LOCATION	SEC	TOWNSHIP	RANGE	ACRES
Lot 1	5	106N	48W	40
Lot 2	5	106N	48W	40
Lot 3	5	106N	48W	40
Lot 4	5	106N	48W	40
Lot 1	6	106N	48W	9.5
Lot 8	6	106N	48W	7.0
TOTAL				176.5

FLOYD A. JOHNSON
 IRRIGATION PROJECT No. 1
 MOODY COUNTY S. DAK.
 SCALE 1"=200'

U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE

Designed	Date	Approved by
Drawn		Title
Traced		Title
Checked		Sheet No. / of 1

Map No. 459-3 (Appl. No. 297-3) For SCS-313 (November 1955)

Remarks by State Water Resources Commission:

Flows in this stream fluctuate a great deal during various seasons of the year. Because of this condition, use of water under this permit may require restriction at times in order to assure that water is available in the stream at all times to satisfy domestic use and prior water right supplies. In granting this permit, the Commission believes that the degree of restriction will not reduce seriously the benefits to the applicant.

STATE OF SOUTH DAKOTA
County of Hughes ss.

Pierre, South Dakota, May 2, 1959

This is to certify that the foregoing application was received by the Commission at 9:30 clock
9 m. upon the 7 day of April, 1959.

State Water Resources Commission

By: J. W. Brinner
Chief Engineer, Executive Officer

Number of permit 597-3

Date of first receipt of application April 7, 1959

Date of return to applicant for correction, amendments or changes required follows: -, 19-

Date of receipt of corrected application -, 19-

Date from which applicant may claim right April 7, 1959

Approved June 17, 1959, Recorded in Book 5 Page 183

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

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before December 18, 1961

2nd. The whole of said work is to be completed on or before June 18, 1964

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

June 18, 1967

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

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

6th. The amount of the appropriation herein granted shall not exceed 2.52 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before June 18, 1967, said water to be used during the following described annual period:

May to October inclusive

Witness my hand this 27 day of July, 1959

State Water Resources Commission

By: J. W. Brinner
Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 12, 1969

Water License Issued SEPTEMBER 12, 1969

Permit No. 597-3

Water Diversion No. 3 BIG SIOUX RIVER Water District

CERTIFICATE OF CONSTRUCTION

Floyd A. Johnson

This is to Certify, That _____

_____ the holder _____ of
Permit No. 597-3, issued upon Application No. 59703, bearing date of priority of April 9,
1959 authorizing the diversion of 2.52 cu. ft. per second of the waters of _____
the Sioux River County of Moody, State of South Dakota at _____
a point 1740' N 36° 30' W to the NW Corner, Section 5, T106N, R49W

_____, for irrigation

purposes, has _____ 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 2.45 cu. ft. per second of water.

Date September 12, 1969

WATER RESOURCES COMMISSION

By:

H.W. GRIMES, Executive Officer

WATER LICENSE NO. 597-3

(1) WHEREAS, On the 9th day of April A. D. 19 59

Floyd A. Johnson

made Water Right Application No. 597-3 for a permit to use 2.52 cubic feet per second of the waters of the Sioux River

County of Moody, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 27th day of July A. D. 19 59

Permit No. 597-3, with a date of priority of April 9, 1959

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 18th day of June A. D. 19 64 and for the application to beneficial use of said water on or before the 18th day of June A. D. 19 67

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 2.45 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

for irrigating the following land in T106N, R48W

Section 5

NW $\frac{1}{4}$ NW $\frac{1}{4}$

40.00

NE $\frac{1}{4}$ NW $\frac{1}{4}$

40.00

SE $\frac{1}{4}$ NW $\frac{1}{4}$

40.00

SW $\frac{1}{4}$ NW $\frac{1}{4}$

40.00

Section 6

NE $\frac{1}{4}$ NE $\frac{1}{4}$

9.50

SE $\frac{1}{4}$ NE $\frac{1}{4}$

7.00

Total 176.50 Acres

(5) 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 Floyd A. Johnson

_____ of Flandreau, South Dakota

the holder _____ and owner _____ of said permit No. 597-3 a water right, dating from April 9, 1959

_____ to use of 2.45 cubic feet per second of the waters

of the Sioux River

in the County of Moody and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at a point 1740 feet., N. 36° 30' W, to NW Corner,

Section 5, T106N, R48W

and conduct to and upon 176 acres in the NW¼, Section 5, and portions of the E½ NE¼,

Section 6, all in T106N, R48W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 597-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 12th day of September A. D.

Nineteen Hundred and Sixty-nine

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

(First Publication **before May 15**, 19**59**)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., **May 2**, 19**59**

Notice is hereby given that **Floyd A. Johnson** whose postoffice address is **Egan** 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 **2.52** cubic feet of water per second of time from the **Big Sioux River** through the **Floyd A. Johnson #1**, the point of diversion of which is to be located on the **easterly** bank of said stream in the **SW** $\frac{1}{4}$ of the **NW** $\frac{1}{4}$ of Section **5** Twp. **106 N** Range **48 W**. Said water to be used for the purpose of providing irrigation on the following described land:

the NW $\frac{1}{4}$, Sec. 5; Lot 8 of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, and that portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ east of the railroad, Sec. 6 all in T 106 N, R 48 W

~~None~~ **None**

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the **17th** day of **June**, 19**59**, at **2:00 P**M. All interested persons may appear and be heard.

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

State Water Resources Commission

By:

~~XXXXXXXXXXXXXXXXXXXX~~
Les Wyborny, Water Rights Engineer

cc H. D. Dawson, Publisher
The Moody County Enterprise
Flandreau, South Dakota

PROOF OF PUBLICATION

RECEIVED
JUN 5 1959

STATE OF SOUTH DAKOTA }
County Moody } ss.

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

L. W. McConnell being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Moody County Enterprise a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the City of Flandreau County of Moody and State of South Dakota; that the said notice was published in said newspaper on the following dates:

May 7, 1959, May 14, 1959, May 21, 1959,

May 28, 1959.

In each and every issue of the full number thereof, the first publication being made on the 7th day of May 1959 and the last publication on the 28th day of May 1959, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was foreman the printer and publisher of the said newspaper.

L. W. McConnell

Subscribed and sworn to before me this 29 day of May A. D. 1959

Notary Public Moody County, S. D.

APPROPRIATION OF WATER
Office of State Water Resources
Commission, Pierre, S. Dak.
May 2, 1959
Notice is hereby given that Floyd A. Johnson, whose postoffice address is Egan, 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 2.52 cubic feet of water per second of time from the Big Sioux River, through the Floyd A. Johnson dam, the point of diversion of which is located on the easterly bank of said stream in the SW 1/4 of the NW 1/4 of Section 5, Twp. 106 N. Range 40 W. Said water to be used for the purpose of providing irrigation on the following described land:
the NW 1/4, Sec. 5, Lot 8 of the SE 1/4 NE 1/4, and that portion of the NE 1/4 NE 1/4 east of the railroad, Sec. 6 all in T. 106 N. R. 48 W.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of June, 1959, 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: Les Wyborny
Water Rights Engineer
(May 7, 14, 21 & 28)

Dear Mr. Johnson:

Enclosed herewith please find your application No. 597-3 for a permit to appropriate 2.52 cubic feet of water per second through the Floyd A. Johnson #1 to which we have given our approval. This authorizing you to make the appropriation requested under the conditions therein stated. As soon as the construction nears completion, this office should be notified so that inspections may be made with a view to issuing you a final water license. For your convenience, we are enclosing blank forms which you may wish to use when notifying us that you are ready for the inspection of your irrigation works and beneficial use of water.

This flow in the Big Sioux River is not a dependable source of irrigation water during the latter part of the irrigation season. This year the flow has been especially low. When approving your Permit, the Commission specified that no water is to be used this year. Upon occasion your withdrawal of irrigation water may require restriction in order to maintain sufficient flow for stockwater and prior water rights. We believe that you will want to know about these conditions.

We have received your check for the recording fees and your check sent with your letter of August 10, 1959 is returned herewith.

J. W. GRIMES
Chief Engineer

JWG:ls
Enc: Forms 2, 16 & 17
Receipt No. 2-504
Check-\$2.35

JULY 1, '965

MR JOHNSON WAS IN
& INDICATED THE WORKS
WERE COMPLETED, BUT
THAT HE HAD SOME
REFINEMENTS TO MAKE IN
THE PROJECT. WILL LET
US KNOW PRIOR TO THE
JUNE 18, 1967 COMPLETION
DATE



Permit No. _____

Water Division No. _____

Water District _____

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA**NOTICE OF COMPLETION OF WORKS**

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

(P. O.)

(Date)

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

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 2.52

_____ cu. ft. per second of the waters of the state from May
through the 31 Oct annually
for Irrigation purposes

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

1. The name of the person or corporation holding said permit is Floyd A. Johnson

2. The postoffice address of such person or the place of business of such corporation is Egan
County of Moody State of South Dakota

3. The number of such permit is 597-3 and the date set for the completion of such work is

June 18, 1967
4. Said water to be used for Irrigation purposes.

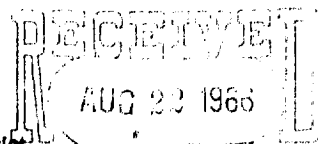
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 2.52 cubic feet per second.

6. The amount of land for which said water is available is 176.5 acres,
particularly described as follows: NW 1/4 5 + 7 + 8 of SE 1/4 NE 1/4 60 that portion

of R's NE 1/4 6 E. of Railroad & Sec 106-48

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

(Signature of Owners) Floyd A. Johnson

Permit No. 597-3

Water Division No. _____ Water District _____

STATE WATER RESOURCES COMMISSION

PIERRE, SOUTH DAKOTA

Notice of Application of Water to Beneficial Use

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

(P. O.)

Egan, S. Kak

(Date)

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

DEAR SIR: Notice is hereby given that on the _____ day of _____

19_____, at _____ County of _____ State of South Dakota,

before _____ proof will be submitted of the application to beneficial use

(Examining Engineer or Officer)

of 2.52 cubic feet per second of the waters of Big Sioux River_____ in accordance with the terms and conditions of Permit No. 597-3

heretofore issued by the Water Resources Commission of South Dakota.

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

Floyd A. Johnson, Egan, S. Dak.2. The use to which said water has been applied is Irrigation3. The amount applied to beneficial use is 2.524. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) 176.5 A. S. 1.TM 1/4 5 + 1/4 8 of SE 4 NE 4 6 + that portion of NE 1/4 NE 4 6 E 1/4 NW 1/4 all in 106-48

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

Gate pumping plant at Big Sioux River6. The right to take the water from such works is based upon permit No. 597-37. The source of supply from which such water is diverted is Big Sioux River8. The date of priority which said user is prepared to establish is July 15, 1959

(Sign)

Floyd A. Johnson

get your
conscience
give me
a few days
notice

REPORT OF INVESTIGATION

Unlicensed Water Permits Authorized before January 1, 1964

Water Permit No. 597-3 Approval Date Floyd A. Johnson

This Permit authorized the diversion of 2.52 cubic feet
per second of water from Big Sioux River to irrigate
176.5 acres in Section 5, Township 106N.
Range 48W., County Moody.

Name and Address shown on Permit Floyd A. Johnson.
Flondreau, S. Dak.

Name and Address of present owner of land Same.

WATER PERMITS NOT CONSTRUCTED WITHIN THE FIVE YEAR PERIOD ARE
SUBJECT TO CANCELLATION BY ACTION OF THE WATER RESOURCES COMMISSION

Indicate the following:

1. The irrigation system was never started nor was not completed.
The present landowner has been informed that cancellation of
Water Permit No. _____ will be considered by the Water
Resources Commission and he will be notified of the date, time
and place of such consideration. _____
2. Some questions exists and further consideration is advisable.

3. ☒ The irrigation system was completed within the five year period
and is being used. A final inspection should be scheduled.

REMARKS: Was pumping while there, ready for inspection
Contact Date - 6-17-69.

Signature Wm H Elliott Jr.

Now lives in town also.

1st house East of 507 3rd Ave W.



Department of Water & Natural Resources

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

January 29, 1988

FLOYD A. JOHNSON
501 W 3RD
FLANDREAU, SD 57028

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). 597-3. 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). 597-3 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

March 14, 1988

NOTICE OF AMENDMENT TO WATER PERMIT(S)

TO: FLOYD A. JOHNSON
501 W 3RD
FLANDREAU, SD 57028

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



SUBJECT: Amendment to Water Permit No(s). 597-3

Pursuant to the provisions of the notice dated January 29, 1988 and following the Hearing March 2, 1988, the Water Management Board has amended Water Permit No(s). 597-3 to add the following qualification to each:

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

The addition of this qualification to your Permit(s) means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

**Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3101

Attachment to Water Permit No(s). 597-3

Pursuant to the provisions of the notice dated January 29, 1988 and following the hearing March 2, 1988, the Water Management Board has amended Water Permit No(s). 597-3 to add the following qualification to each:

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

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
(Extra charge)

FLOYD A. JOHNSON
501 W 3RD
FLANDREAU, SD 57028

4. Article Number

P501 739 052

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee
or agent and **DATE DELIVERED.**

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

X

6. Signature — Agent

X

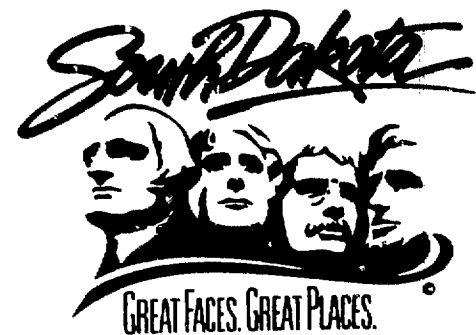
7. Date of Delivery

3-16-88

PS Form 3811, Mar. 1987

★ U.S.G.P.O. 1987-178-268

DOMESTIC RETURN RECEIPT



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 18, 1999

597-3

Mark McGlone
308 N Wind
Flandreau, SD 57028

Dear Mr. McGlone:

Thank you for contacting us in regard to Water Right No. 597-3, listed in the name of Floyd Johnson.

Enclosed, as we discussed, is a partially completed Notice of Transfer of Ownership form for use in filing an ownership change. Please review the form for accuracy and make any necessary additions or corrections.

Upon completion, Mrs. Johnson should sign the form in the presence of a notary public. A filing fee of \$2.50 is required for filing an ownership change.

If you have any questions concerning the water right or completion of the transfer, please give me a call.

Sincerely,

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

encl

597-3

JOHN A. SHAEFFER
ATTORNEY & COUNSELOR AT LAW
308 NORTH WIND STREET
FLANDREAU, SOUTH DAKOTA 57028

MAILING ADDRESS
P.O. BOX 304

March 23, 1999

FAX
(605) 997-3722
TELEPHONE
(605) 997-3721

Ms. Genny McMath
Department of Environment and Natural Resources
Water Rights Program
523 East Capitol
Pierre, South Dakota 57501-3181



Re: Floyd A. Johnson
Water Right No. 597-3

Dear Ms. McMath:

In compliance with your letter to me of March 18, 1999, enclosed herewith please find the **NOTICE TO TRANSFER OF OWNERSHIP** that has been completed and signed by the personal representative of the Floyd A. Johnson Estate. I am also enclosing a certified copy of the Letters of Personal Representative for your records.

Also enclosed herewith please find a check payable to the Department of Environment and Natural Resources in the amount of \$2.50 for the filing fee.

Please advise if you desire anything further. Thank you for your assistance in this matter.

Sincerely,

Mark E. McGlone
Mark E. McGlone

MEM/lec
Enclosures

STATE OF SOUTH DAKOTA)
COUNTY OF MOODY)

:SS JAN 28 1999

IN CIRCUIT COURT
FOURTH JUDICIAL CIRCUIT

----- KARLA R. BJERKE
Clerk of Circuit Court

PRO. 99-03

IN THE MATTER OF THE ESTATE OF *

**LETTERS OF PERSONAL
REPRESENTATIVE**

FLOYD A. JOHNSON, DECEASED *

On January 28, 1999, Emma I. Johnson was appointed by this court and qualified as personal representative of the estate of Floyd A. Johnson.

These Letters are issued as evidence of the appointment, qualification, and authority of Emma I. Johnson to do and perform all acts authorized by law.

Issued January 28, 1999.

BY THE COURT:

(SEAL)

Karla R Bjerke
Karla Bjerke, Clerk of Court

FILED
Moody County
I hereby certify that I have compared the will
with the original in my office and that it is a true and correct copy.
3-23-99
Karla R Bjerke
Jeannine Keef



Permit No. 597-3

Water Division 3 SIoux RIVER Water District

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Floyd A. Johnson of Wlandreau, South Dakota holder of Permit No. 597-3, bearing date of April 9, 1959 ~~xxxxx~~ authorizing the diversion of 2.52 cu. ft. per second of the waters of the Sioux River for irrigation purposes, in Moody County.

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

The Water Use System consists of,

A. Works used to divert the water:

Fairbanks Morse pump 6"
Ajax Electric Motor, Mod. 4I, 40 HP

B. Works used to transport water to place of use,

1400 feet of 8 inch diameter aluminum pipe

C. Works used to apply water to beneficial use.

1/4 mile of 8 inch aluminum gated pipe
1/4 mile of 5 inch aluminum pipe, (hand moved) 30 ft. sections with sprinkler on every other section.

The system is in the following condition: satisfactory

The point of diversion is located 1740 feet 36° 30' W to NW Corner of Section 5,
T106N, R48W

The works are capable of diverting and conveying to the place of use 2.45
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: in T106N, R48W

<u>NE 1/4 NE 1/4, Section 6,</u>	<u>9.5 Acres</u>	<u>NW 1/4 NW 1/4, Section 5</u>	<u>40 acres</u>
<u>SE 1/4 NE 1/4, Section 6</u>	<u>7.0 acres</u>	<u>NE 1/4 NW 1/4, Section 5</u>	<u>40 acres</u>
		<u>SE 1/4 NW 1/4, Section 5</u>	<u>40 acres</u>
		<u>SW 1/4 NW 1/4, Section 5</u>	<u>40 acres</u>

comprising a total of 176.5 acres of land.

Date August 7, 1969

Donald Driscoll
(Signature)

Donald Driscoll, Deputy Chief Engineer
Water Resources Commission

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 597-3



Date: 03-23-99

I/We request that Water Right No. 597-3

formerly owned by: Floyd A Johnson

be transferred to: (name & address) Emma I. Johnson

501 W. 3rd, Flandreau, SD 57028 Telephone No. _____

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

176.5 acres - NW 1/4 Section 5; E 1/2 NE 1/4 Section 6, T106N, R48W

I/We understand that the validity of Water Right No. 597-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

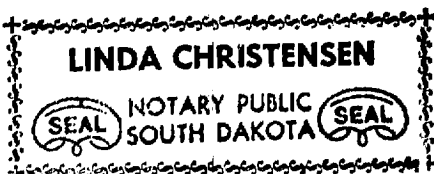
County of Moody)

I/We Emma I. Johnson, P.R. 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.

Emma I. Johnson
(Signed)

Personal Representative
Floyd A. Johnson Estate

Subscribed and sworn to before me this 23rd day of March, 19 99.



Linda Christensen
(Notary Public)
Linda Christensen

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

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416077

Pierre, _____ March 26, 1999

RECEIVED OF Law office of John A. Shaeffer (Emma I. Johnson), P.O. Box 304, Flandreau, SD 57028-0304
the following amount in fees for services rendered as provided for by law:

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

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

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

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

Fee for Filing Transfer Form _____ Water Right No. 597-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By _____
Chief Engineer

John Hatch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 26, 1999

597-3

Mark E McGlone
308 N Wind St
Flandreau, SD 57028

Dear Mr. McGlone:

Thank you for sending in the "Notice of Transfer of Ownership" form and filing fee for Water Right No. 597-3. The transfer has been completed and the water right is now listed in the name of Emma I Johnson.

Enclosed is your Receipt No. 416077 in the amount of \$2.50. If you have any questions, please get in touch with me.

Sincerely,

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

enclosure

c: Emma I Johnson

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Perry Johnson, 1807 Eberlein Dr, Brookings SD 57006

DATE: July 1, 2009

TELEPHONE: 605 692-1340

RE: ownership of land described in Water Right No. 597-3

COMMENTS:

Water Right No. 597-3, held by Emma Johnson authorizes irrigation of land that has been in CRP for 10 years. Emma Johnson is deceased and I contacted her son to find out who now owns the land and if he knew if the land was re-enrolled in CRP.

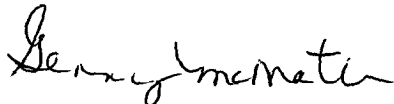
Mr. Johnson indicated his sister now owned the land. The land has been re-enrolled and will be in CRP for 10 more years. He thought his sister and her husband would want to maintain the water right so I should go ahead and give them a call.

Judy & Dan Whipple
11726 Norway St NW
Coon Rapids MN 55448
phone: 763-755-6946 or cell phone 612-940-5706

On today's date, I spoke with Dan Whipple and explained the transfer of ownership that was needed. He confirmed that the land was in CRP until 2018 or 2019.

RECOMMENDED ACTION:

Edit questionnaire database to reflect land is in CRP thru 2018 and mail a "Notice of Transfer of Ownership" form and a copy of the water right to Whipple's.



Genny McMath
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 1, 2009

597-3

Judy & Dan Whipple
11726 Norway St NW
Coon Rapids MN 55448

Dear Mr. & Mrs. Whipple:

Thank you for visiting with me Dan about Water Right No. 597-3. I have enclosed a copy of the water right which is currently listed in the name of Emma Johnson.

Enclosed, as we discussed, is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

Each year, irrigators are required to submit an irrigation questionnaire which reflects how much water was pumped during that crop year. We use this information to help manage the water resources of the state. It is my understanding that the land has just been re-enrolled for another 10 year term in CRP. We will hold up mailing irrigation questionnaires to you until the land comes out of CRP.

If you have any questions, please contact me.

Sincerely,

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

enclosures

RECEIVED

JUL 26 2009

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 597-3

Date: 7.15.09

I/We request that Water Right No. 597-3

formerly owned by: Emma Johnson

be transferred to: (name & address)

Dan & Judy Whipple

11726 Norway St. NW

Coon Rapids, MN 55448 Telephone No. 763.755.8946

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

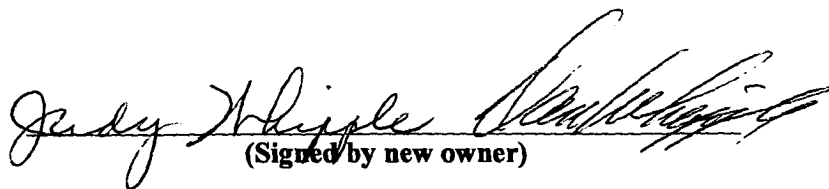
176.5 acres – NW ¼ Section 5, E ½ NE ¼ Section 6, T106N, R48W

I/We understand that the validity of Water Right No. 597-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Dan & Judy Whipple the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/20, 20 09

RECEIVED OF Judy A Whipple 11726 Norway St NW Coon Rapids MN 55448

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	50	00
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>597-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 04179

By

Michael E. Schell
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 20, 2009

597-3

Judy & Dan Whipple
11726 Norway St NW
Coon Rapids MN 55448

Dear Mr. & Mrs. Whipple:

Thank you for following up on the ownership change for Water Right No. 597-3. The water right, formerly held by Emma Johnson is now listed in your names.

Enclosed is your Receipt No. 04179 in the amount of \$50.00 which you paid for filing the ownership change. You may keep this for your records.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosure



597-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

August 6, 2012

Dear Water Right Holder;

Due to low flows I am advising water right holders on the Big Sioux River of the possibility of shutoff orders in 2012 for the river reach from Watertown through Sioux Falls. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Big Sioux River basin remain well below the historical average. The forecast for improved conditions for the near future is not favorable.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing real-time river flows at 159 stream gauging stations across the state including three gages sites on the Big Sioux River. To access this information go to <http://waterdata.usgs.gov/sd/nwis/rt> and click on the link "Statewide Streamflow Current Conditions Table".

Thank you for your cooperation. If you have any questions, please contact Lynn Beck or Mark Rath at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on August 6, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated August 6, 2012 regarding shut off warnings on Big Sioux River addressed as stated below:

permitno	fname	lname	addrss2	city	state	zip
1696-3	DONALD G	AHLERS	22920 SD HWY 13	FLANDREAU	SD	57028
5530-3	TERRY & DENISE	ANDERSON	47558 237TH ST 26534 N SHORE PLACE	TRENT	SD	57065
6192-3	BERNE B	BAHNSON	PO BOX 366	HARTFORD	SD	57033
3806-3	BERNARD	BERGDALE	47948 232ND ST	ALCESTER	SD	57001
1175-3	HAROLD	BOEVER	4162 BIRCH AVE	FLANDREAU	SD	57028
4895-3	BILL B	BOYER	403 16TH ST	HAWARDEN	IA	51023
284-3	LUKE	BOYER, MGR	24482 482ND AVE	HAWARDEN	IA	51023
7110-3	BRIAN	BURKHART	32650 480TH AVE	DELL RAPIDS	SD	57022
5760-3	BRIAN	CHICOINE	29509 488TH AVE	ELK POINT	SD	57025
2255-3	JAMES H	COLE	47364 GOLF VIEW DR	HUDSON	SD	57034
6124-3		DELLS ROCKY RUN GOLF COURSE		DELL RAPIDS	SD	57022
4969-3	JOHN GILMAN	FRAZIER FARMS	BOX 423	PARKSTON	SD	57366
4969-3	JOHN TROY D & SANDY F	GILMAN	4162 BIRCH	HAWARDEN	IA	51023
249-3	DARREN & ALLISON	HAHN	6762 SMITH DR	WENTWORTH	SD	57075
2065-3		HAMILTON	22615 480TH AVE	FLANDREAU	SD	57028
2952-3, 956-3	WAYNE	HEADRICK	47926 SD HWY 32	FLANDREAU	SD	57028
279-3	ROBERT	JAGER, MGR	48495 299th ST	HAWARDEN	IA	51023
1350-3, 6042-3	RAYMOND D	JENSEN	24348 478TH AVE	HAWARDEN	IA	51023
1302-3	LARRY J	JORGENSEN	24048 477TH AVE	DELL RAPIDS	SD	57022
1500-3, 213-3	TED	LACEY	24064 478TH AVE	TRENT	SD	57065
	EUGENE	MOLLET	48011 332ND ST	TRENT	SD	57065
3433-3	VIRGIL L	MOLLET JR	47991 334TH ST	JEFFERSON	SD	57038
1801-3	GAIL	MUNK	803 DAKOTA	JEFFERSON	SD	57038
113-3	PATTI	NASH	21660 469TH AVE	DELL RAPIDS	SD	57022
3914-3	OMAR F	PETTERSON	48378 276TH ST	BROOKINGS	SD	57006
2350-3		RIVER VALLEY FARMS	PO BOX 486	CANTON	SD	57013
1801-3	HARVEY JOHN T & MELISSA R	SCHMIDT, OPERATOR	47528 244TH ST	ALCESTER	SD	57001
1454-3		SCHUTTE	47973 W 5TH ST 47844 COUNTY RD 1B	DELL RAPIDS	SD	57022
5814-3	PATRICK V	WALSH, OPERATOR	11726 NORWAY ST NW	CANTON	SD	57013
597-3	DAN & JUDY	WHIPPLE WILLOW RUN MANAGEMENT COMPANY	8000 E HWY 42	ELK POINT	SD	57025
5055-3		XCEL ENERGY	7100 E RICE ST	COON RAPIDS	MN	55448
519-3A		NORTHERN STATES POWER COMPANY	414 NICOLLET MALL	SIoux FALLS	SD	57110
43-3, 519-3 5698-3, 6210-3	GREG ANDERSON	CITY SIOUX FALLS	224 W 9TH ST	SIoux FALLS	SD	57110

Gail Jacobson

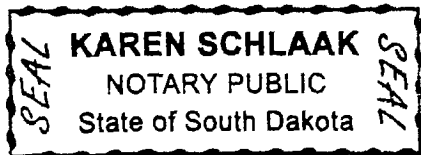
Gail Jacobson
Secretary/Water Rights

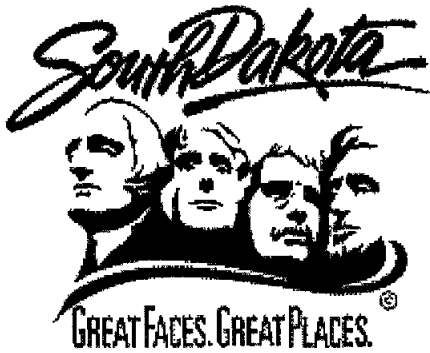
STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of August, 2012.

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2013





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 31, 2018

597-3

DAN & JUDY WHIPPLE
11726 NORWAY ST NW
COON RAPIDS MN 55448

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear MR & MRS WHIPPLE,

I am writing to inform you of an effort the SD Dept. of Environment and Natural Resources Water Rights Program is undertaking to review and update a number of water right permits authorized to pump water from the Big Sioux River. Since your water right does not have a bypass qualification, we **are not** proposing to amend your permit by adding a bypass qualification. However, I do want to make you aware of what we are proposing for several other junior priority Big Sioux River permits.

When a number of these Big Sioux River permits were issued, they contained a qualification requiring a minimum flow bypass before the user is able to pump water from the river. The bypass qualification was placed on these permits to protect the use of water by downstream senior priority water right holders and domestic water users, which includes livestock watering. The review found, with the passage of time, a number of senior water right permits have been cancelled due to abandonment or forfeiture. Consequently, it may be possible to lower the flow bypass limitation on the remaining permits. In other words, the amount of flow in the river can be lower and pumping will still be allowed. The review also found an inconsistency between permits on where the bypass flow is to be measured. The intent of this effort is to standardize and make consistent the bypass requirements for the remaining water users.

In order to amend a qualification on an existing water right permit, formal action by the SD Water Management Board is needed. In the next few weeks, you can expect to receive official notification scheduling a hearing before the Water Management Board. Again this does not pertain to amending your permit, only junior permit holders. If you wish to participate in the hearing you can, but you are not required to. There will be instructions with the notification on how to participate in the hearing if you so choose.

If you have any questions concerning this effort, please contact Mark Rath of the Water Rights Program at phone (605) 773-3352.

Sincerely,

for Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 12, 2018

597-3

Dan & Judy Whipple
11726 Norway St NW
Coon Rapids MN 55448

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear Mr. & Mrs. Whipple:

The SD Department of Environment and Natural Resources (DENR) has evaluated the minimum flow bypass condition on water rights that pump from the Big Sioux River. The Chief Engineer is recommending amending the bypass qualification on 21 Big Sioux River water rights. The intent is to bring uniformity to the bypass requirement placed on water rights in past years. The water right you own or operate does not have a bypass qualification and will not be amended by the proposed action.

Even though your water right is not being amended, DENR wants to keep you informed of the proposed action since it involves the Big Sioux River. Enclosed is a notice to be published on or before February 15, 2018, in one newspaper from each of the seven counties that the Big Sioux River flows through. Also, the staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Mark Rath at 605 773-3352 or mark.rath@state.sd.us.

A hearing before the Water Management Board is scheduled at 11:30 AM, Wednesday, March 7, 2018 in the Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. The enclosed notice provides information on the hearing and ability to file a petition in either support or opposition to the proposed amendment. The filing of a petition must be postmarked by February 26, 2018. Additionally filing a petition affords you the opportunity to participate in the March 7th hearing before the Board if you choose.

Again, this does not pertain to amending your water right, only junior water right holders with existing bypass requirements. If you have questions, please call. DENR is willing to work to answer any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosure



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

June 30, 2020

597-3

Dan & Judy Whipple
11726 Norway St NW
Coon Rapids MN 55448

Dear Mr. & Mr. Whipple:

I am contacting you regarding your Water Right No. 597-3 (copy enclosed).

Irrigators in South Dakota are required to submit an annual irrigation questionnaire reporting how much water was pumped during the irrigation season. Our records show the land authorized for irrigation under Water Right No. 597-3 has been in the Conservation Reserve Program through 2019.

The purpose of my letter is to find out the status of irrigation on your property. Please take a few minutes and answer the questions on the attached sheet and return it in the envelope provided. If you have decided not to maintain the water right, let me know that as well.

Thank you in advance for your help in updating the water right.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures

597-3
RECEIVED

JUL 13 2020

WATER RIGHTS
PROGRAM

Water Right No. 597-3
Dan & Judy Whipple

Water Right No. 597-3 authorizes diversion of water from the Big Sioux River to irrigate the NW ¼ Section 5 and E ½ NE ¼ Section 6, all in T106N, R48W

Do you still own the land described above?

Yes ☒

No ____ (If no, please list the name and mailing address of the new owner)

Has the land been re-enrolled in CRP:

Yes ☒ through calendar year 2030

No ____

If the land has **not** been re-enrolled in CRP, we will begin mailing irrigation questionnaires to you for annual reporting. Questionnaires are mailed to irrigators in October each year and are due back in December.

For informational purposes:

46-5-37.2. Exceptions to forfeiture for nonuse. The provisions of § 46-5-37 notwithstanding, no water right or permit may be forfeited for nonuse if land authorized for irrigation by a permit or right is placed under an acreage reserve or production quota program or otherwise withdrawn from use as required for participation in any federal program, if:

- the water source is not fully appropriated
- if the withdrawal from use does not prevent approval of new permits from the same source, and
- if the appropriated water has been applied to beneficial irrigation use prior to participation in a federal program.