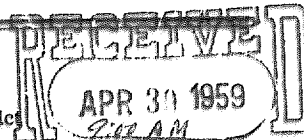


1. Considered June 17, 1959 Appl. No. 602 3
2. Name of Applicant Willard Eighen
3. Post Office Address Bruce South Dakota
4. Amount of water claimed 3.0 cfs
5. Source of water supply well
6. Water to be used for irrigation
Acres to be irrigated 210
7. Water to be diverted and used in San Diego County about
12 miles 44' of Brookings
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

No 602-5Water Division No. 3

(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 Wilfred Eighny
Postoffice address Bruce, County Brookings, 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 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 and Self-Employment (Adequate to accomplish project.)

- (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Eighny Irrigation Project #1
3. Amount of water claimed 2.0 1.1 cubic feet per second
4. Source of water supply well
5. Location of point of diversion 1470' N26°W from SE corner Sec. 13, T11N, R51W
_____ on _____ bank Brookings County.
6. Annual period or periods during which water is to be used _____
7. To be used for:

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

- (a) Number of acres to be irrigated 210 80 acres SW 1/4, Sec. 18, T11N, R51W
(b) Legal subdivisions to be irrigated SW 1/4, Sec. 18, T11N, R51W

(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.)
- NONE

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

- (a) Nature of use NONE 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. 464-3

8. Estimated cost of work:

(a) Head Gates, \$-----

(c) Fluming, \$-----

(e) Other structures -----

Sprinkler equipment

and (b) Pumping plant, \$10,000---

(d) Canal-earth, \$-----

Rock, \$-----

Total, \$-----

9. Description of diversion work.

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

Pumping plant-----

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	ACRE-Feet CAPACITY

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

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

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work-----3-----years.

11. Time required for complete application of water to the proposed beneficial use-----2-----years.

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

Brookings Register, Brookings, South Dakota

STATE OF SOUTH DAKOTA

County of Brookings ss.

I, Alfred Engstrom, 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

16

day of

May

1957

Notary Public (or other qualified officer.)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation30"....., Depth50'.....

Type of casingsteel.....
(wood, concrete, steel, etc.)

Size of casing18"....., Thickness of casing12 ga.....

Length of casing50'..... If collection gallery, length, size and depth of
gallery

(b) Screens

Type of perforated screenslotted (Dempster or equal).....

Size of perforated screen18".....,15'.....
(diameter) (length)

Thickness of gravel pack6"....., length of gravel pack50'.....

(c) Water Bearing Materials

Distance to water10'..... Character of water bearing materials
.....coarse graded gravel and sand.....
.....
.....

Thickness of water bearing material50'.....

(d) Pump and Motor

Type of pumpturbine.....
(centrifugal, propeller, mixed flow, etc.)

Name of pumpWestern....., size8".....

Kind of motorpropane.....
(gasoline, electric diesel, etc.)

Horsepower75....., Name of Motor Minneapolis-Moline

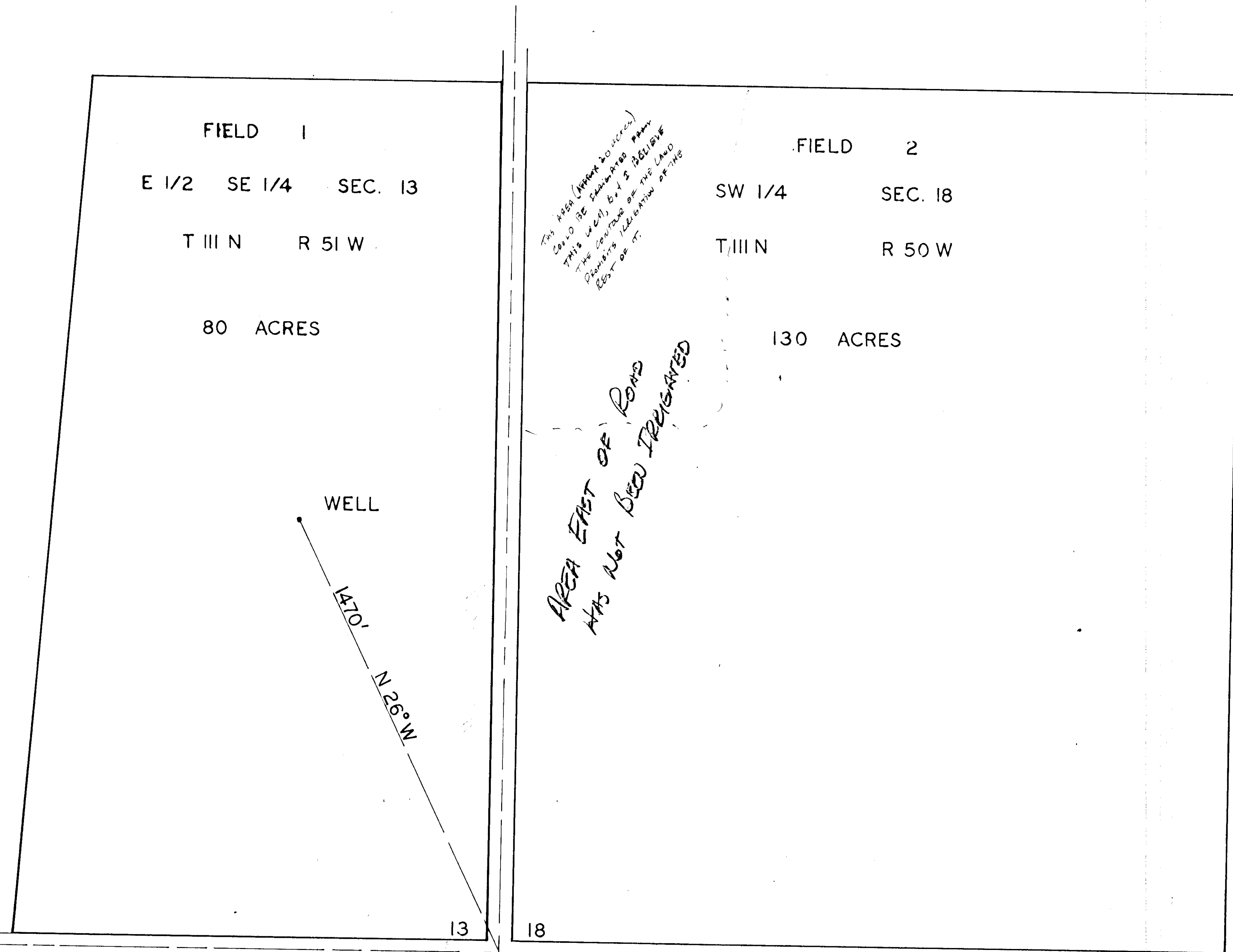
(e) Complete well

Capacity1200 gpm..... at drawdown of30'....., Estimated cost\$600.....

(f) Owner of land upon which well is locatedWilfred Eighmy.....
Name.....Brude, South Dakota.....
Address

(g) Distance to nearest existing wells

On same owner's property80..... rods. On property owned by others120..... rods



LOCATION OF LAND TO BE IRRIGATED				
EIGHMY IRRIGATION PROJECT NO. 1				
FIELD	SEC.	TWN	RN	ACRES
1	13	III N	51 W	80.0
2	18	III N	50 W	130.0
TOTAL				210.0

NOTE: ALL LAND TO BE IRRIGATED WITH PORTABLE SPRINKLER SYSTEM.

Certified correct: Martin M. Fogel
Martin M. Fogel
Extension Irrigation Specialist
South Dakota State College
Brookings, South Dakota

Subscribed and sworn to before me
this 25th day of April, 1959
General Croce
Notary Public

Map No. 602-3 (Appl. No. 602-3)
484-3

T III N
R 51 W

T III N
R 50 W

Scale: 1" = 200'

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, May 17, 1959

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock
9 a.m. upon the 30 day of April, 1959

State Water Resources Commission

By: Geo. A. Quinn
Chief Engineer, Executive Officer

Number of permit 602-3

Date of first receipt of application April 30, 1959

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right April 30, 1959

Approved June 17, 1959, Recorded in Book 5 Page 165

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, 1960
- 2nd. The whole of said work is to be completed on or before June 18, 1962
- 3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is June 18, 1964
- 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 3.0 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 June 18, 1964; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this 24 day of July, 1959

State Water Resources Commission

By: Geo. A. Quinn
Chief Engineer, Executive Officer

Certificate of Construction Issued August 2, 1963

Water License Issued August 2, 1963

Permit No. 602-3Water Division No. 3 Big Sioux River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Wilfred Bighmy

of Bruce, County of Brookings, and State of South Dakota, the holder of Permit No. 602-3, issued upon Application No. 602-3, bearing date of priority of April 30, 1959, authorizing the diversion of

3.0 cu. ft. per second of the waters of ground water

County of Brookings, State of South Dakota, at a point N26°W, 1470 ft. from the SE corner, Section 13, T111N, R51W

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 1.1 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: E½ SE¼, Section 13, T111N, R51W

Witness my hand this 2nd day of August A. D. 1963

State Water Resources Commission

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

STATE OF SOUTH DAKOTA

WATER LICENSE No. 602-3

WHEREAS, On the 30th day of April A. D. 1959

Wilfred Eighmy

of Bruce County of Brookings and State of South Dakota duly made application (No. 602-3) to us for a permit to use 3.0 cubic feet per second of the waters of ground water County of Brookings, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 24th day of July A. D. 1959 Permit No. 602-3 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 13th day of June 62 A. D. 1962 and for the application to beneficial use of said water on or before the 18th day of June 64 A. D. 1964 and,

WHEREAS, On the 16th day of July A. D. 1963 the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.1 cubic feet per second of said waters, as evidenced by our Certificate No. 602-3 dated August 2, 1963 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.1 cubic feet per second of water, with date of priority of April 30, 1959 and,

WHEREAS, On the 16th day of July A. D. 1963 proof was duly made of the application to beneficial use of 1.1 cubic feet per second of said water; for irrigating 80 acres in the E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 13, T111N, R51W

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 Wilfred Highmy

of Bruce the holder and owner of said permit No. 602-3

a water right, dating from April 30, 1959 to the use of 1.1

cubic feet per second of the waters of ground water

in the County of Brookings and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at a point N26°W, 1470 ft. from the

SE corner, Section 13, T111N, R51W

and conducted to and upon the E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 13, T111N, R51W

for the purpose of irrigation

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 2nd day of August A. D. Nineteen
Hundred and Sixty-Three

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

(First Publication **before May 22**, 19**59**)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., **May 14**, 19**59**

Notice is hereby given that **Wilfred Eighmy** whose postoffice address is **Bruce** 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 **3.0** cubic feet of water per second of time from ~~the~~ **ground water** through the **Eighmy Irrigation Project #1**, the point of diversion of which is to be located ~~on the~~ ~~bank of said stream~~ in the **SE** $\frac{1}{4}$ of the **SE** $\frac{1}{4}$ of Section **13** Twp. **111 N** Range **51 W**. 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. 13, T 111 N, R 51 W and SW $\frac{1}{4}$, Sec. 18, T 111N,
R 50 W**

~~and for~~ ~~XXXXX~~ purposes.

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 **C. H. J. Mitchell, Publisher**
The Brookings Register
Brookings, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Brookings) ss.

Chas. H. J. Mitchell being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

Brookings Register 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 Brookings County of

Brookings and State of South Dakota; that the said notice was published in said newspaper on the following dates:

May 20, 1959

May 27, 1959

June 3, 1959

June 10, 1959

in each and every issue of the full number thereof, the first publication being made on the 20th day of May

19 59 and the last publication on the 10th day of

June 19 59, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was publisher the printer and publisher of the said newspaper

Chas H J Mitchell

Subscribed and sworn to before me this 10th day of June A. D. 19 59

NOTICE OF INTENTION TO
 APPROPRIATE WATER
 Office of State Water Resources
 Commission,

Pierre, S. Dak., May 14, 1959

Notice is hereby given that Wilfred Eighthmy whose postoffice address is Bruce, 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 3.0 cubic feet of water per second of time from ground water through the Eighthmy Irrigation Project No. 1, the point of diversion of which is to be located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13 Twp. 111 N Range 51 W. Said water to be used for the purpose of providing irrigation on the following described land:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 13, T 111 N, R 51 W and SW $\frac{1}{4}$ Sec. 18, T 111 N, R 50 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.

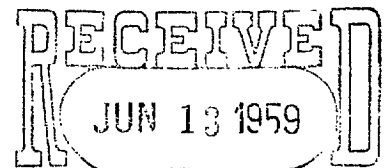
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By: Les Wilkey

Water Resources Engineer

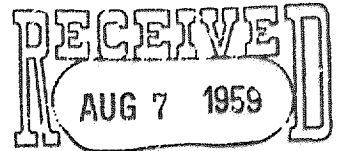
(May 20, 27, June 3, 10)



STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

Les Mitchell
 Notary Public Brookings County, S. D.

Permit No. _____



Water Division No. _____

 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) _____

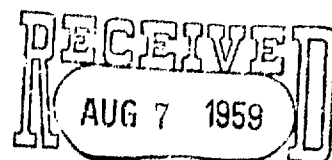
TO THE STATE WATER RESOURCES COMMISSION
 OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of _____
 _____ cu. ft. per second of the waters of the state from _____
 through the _____
 for _____ purposes
 _____ in accordance with the terms and con-
 ditions 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 _____
2. The postoffice address of such person or the place of business of such corporation is _____
 County of _____ State of _____
3. The number of such permit is _____ and the date set for the completion of such work is _____
4. Said water to be used for _____ 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 _____ cubic feet per second.
6. The amount of land for which said water is available is _____ acres,
 particularly described as follows: _____

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

 (Signature of Owners)



Permit No. _____

Water Division No. _____ Water District _____

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Notice of Application of Water to Beneficial Use

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

(P. O.) _____

(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 _____ cubic feet per second of the waters of _____
_____ in accordance with the terms and conditions of Permit No. _____
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 _____

2. The use to which said water has been applied is _____

3. The amount applied to beneficial use is _____
4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) _____

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

6. The right to take the water from such works is based upon permit No. _____
7. The source of supply from which such water is diverted is _____
8. The date of priority which said user is prepared to establish is _____

(Sign) _____

Permit No.

Water Division No. 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

19....., I have this day made a thorough examination of the diversion works constructed by WILFRED EIGHMY, of BRUCE
BROOKINGS County, South Dakota, holder of Permit No. 600-3, issued
upon Application No. 600-3, bearing date of priority of, 19....., authorizing the
diversion of 3.0 cu. ft. per second of the waters of GROUND WATER for IRRIGATION
purposes. I have to report on the condition of the same as follows:

The diversion works comprise: 5 HP 220V
HOLLOSHAFT ELECTRIC MOTOR
MODEL W/RR RUN @ 43 PSI 8" HOLLOWHAFT PUMP 640'
5" MAINLINE 43 30' LENGTHS OF 1" W/ 43 SPRINKLER
3/8 SPRINKLER HEAD

and the system is in the following condition: GOOD

The point of diversion is located N 26° W, 1470 ft. FROM SE CORNER,
SECTION 13, T111N, R51W.

The works are capable of diverting and conveying to the place of use 500 GPM cu. ft. per second of water,
which is to be used for

The legal sub-divisions to be irrigated are: E 2 SE 4, SECTION 13, T111N R51W

..... comprising a total of 80 acres of land.

The domestic use intended comprises

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

Witness my hand, this 16TH day of JULY, A. D. 1963

--SEAL--

Denton Jones
Examining Engineer
OFFICER

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

WILFRED EIGHMY
RR 2 BOX 364
BRUCE SD 57220

NOTICE

RE: Violation of Requirement to Submit 1994 Irrigation Questionnaire

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 602-3. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 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 9:30 am, March 8, 1995, in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 220 S 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No 602-3 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 is received in this office on/or before March 3, 1995 your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

Is your RETURN ADDRESS completed on the reverse side?

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 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:

WILFRED EIGHMY
RR 2 BOX 364
BRUCE, SD 57220

602-3

4a. Article Number

P 837 692 697

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

2-16-95 C.S.

5. Signature (Addressee)

Wilfred Eighmy

6. Signature (Agent)

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

PS Form 3811, December 1991

★U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

Department of Environmental
and Natural Resources.

602-3

Dear Sirs:

I am very sorry I did not get a ^{Permit filed} notice, we move
out here for the winter mos. in Nov. either I did not
receive the questionnaire before we left Pa. Dab or I could have
intended to fill it out and forgot to, we move out here for
about 5 mos during the winter and return around Feb 1st of April.
my wife had a stroke about 7 1/2 yrs ago and is in a wheel
chair. is my excuse. It is the 1st time in 35 yrs I believe
that I haven't filed a report hope you will forgive me, if you
would be so kind as to mail me another, then I will be
glad to fill it out, and send it by return mail. as you know
I am concerned about ^{you & really}

the water in the
big aux guafis

Wilfred Eighmy Permit no.
Sutton City Cal. 92275

Box 5375

thank you
Wilfred.

602-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 7, 1995

602-3

Wilfred Eighmy
Box 5375
Salton City, CA 92275

Dear Mr. Eighmy:

I am writing to acknowledge receipt of your 1994 irrigation questionnaire. You may disregard the February 7, 1995, **Notice of Violation of the Requirement to Submit the 1994 Irrigation Questionnaire.**

The questionnaire 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,

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 20, 1999

602-3

Eldon Eighmy
PO Box 292
Bruce, SD 57220-0292

Dear Mr. Eighmy:

Thank you for contacting me about ownership of Water Right No. 602-3.

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form for use in filing the change. Please review the form for accuracy and complete as needed. Upon completion, please have the form signed in the presence of a notary and return it to us with a required filing fee of \$2.50. You may make the check or money order payable to the "Water Rights Program".

I am including a copy of the water right in the event you do not have one. You may keep this for your records. I am also enclosing a 1999 irrigation questionnaire. The original form was sent to Wilfred's old address.

Thank you again for contacting me. If I can answer any questions for you, please give me a call.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 602-3

Date: October 21, 1999



I/We request that Water Right No. 602-3

formerly owned by: Wilfred Eighmy

be transferred to: (name & address) Eldon Eighmy

P. O. Box 292, Bruce, SD 57220

Telephone No. (605) 627-5604

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

80 acres in the E 1/4 SE 1/4 Section 13, T111N, R51W

I/We understand that the validity of Water Right No. 602-3 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 Brookings)

I/We Eldon Eighmy 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.

(Signed)

Subscribed and sworn to before me this 21st day of October, 1999.

(Notary Public)

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

N^o 416231

Pierre, _____ October 22, 1994

RECEIVED OF Eldon Eichmy, P.O. Box 292, Bruce, SD 57220-0292
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. 602-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Chief Engineer

John Hatcher



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 25, 1999

602-3

Eldon Eighmy
PO Box 292
Bruce, SD 57220-0292

Dear Mr. Eighmy:

Thank you for sending in the ownership change and filing fee for transferring Water Right No. 602-3. The transfer has been completed and the water right is now listed in your name.

Enclosed is your Receipt No. 416231 in the amount of \$2.50. I am also including a copy of the transfer form you filed. You may keep both of these for your records.

If I can answer any questions for you, please give me a call.

Sincerely,

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

enclosures