

662-3

- 1. Considered 0 12 22, 1959
- 2. Name of Applicant W. W. B. Brown
- 3. Post Office Address Redfield
- 4. Amount of water claimed 3.07
- 5. Source of water supply Furter Creek
- 6. Water to be used for Domestic  
Acres to be irrigated 28.5
- 7. Water to be diverted and used in Spink County about  
7 miles SW of Redfield
- 8. Proof of Publication Received   
Not Received
- 9. Application Approved   
Subject to \_\_\_\_\_  
Not Approved   
Action deferred

10. Remarks:

*Subject to publication  
similar to form 1040*

RECEIVED  
OCT 6 - 1959  
9:30 AM

No. 462-3  
Water Division No. 5 James 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 WESLEY BOOZE  
Postoffice address REDFIELD County SPINK 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)  
contractor
  - (b) Cash on hand, \$ 2000.00
  - (c) Treasury stock, \$ ---
  - (d) Bonds to be issued, \$ ---
  - (e) Other resources, \$ 6000.00

Map No 505-3

2. Name of diversion work WESLEY BOOZE IRRIGATION PROJECT NO. 1
3. Amount of water claimed --- cubic feet per second 3.07 cfs 3.2
4. Source of water supply Turtle Creek
5. Location of point of diversion between 166 rds N 25degrees 30 seconds E- 158 rds., S  
13 degrees 30seconds E. SW corner Section 36-116-65 on west bank Spink County.
6. Annual period or periods during which water is to be used May thru 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 22.5 202.2 acres.

(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 ---  
None 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 ---

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$ 2400.00  
 (c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----  
 (e) Other structures land leveling \$4500.00 Total, \$ 6900.00

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-----material used in construction-----  
 (b) Reservoir: Capacity when filled-----acre feet surface area at high water 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.)

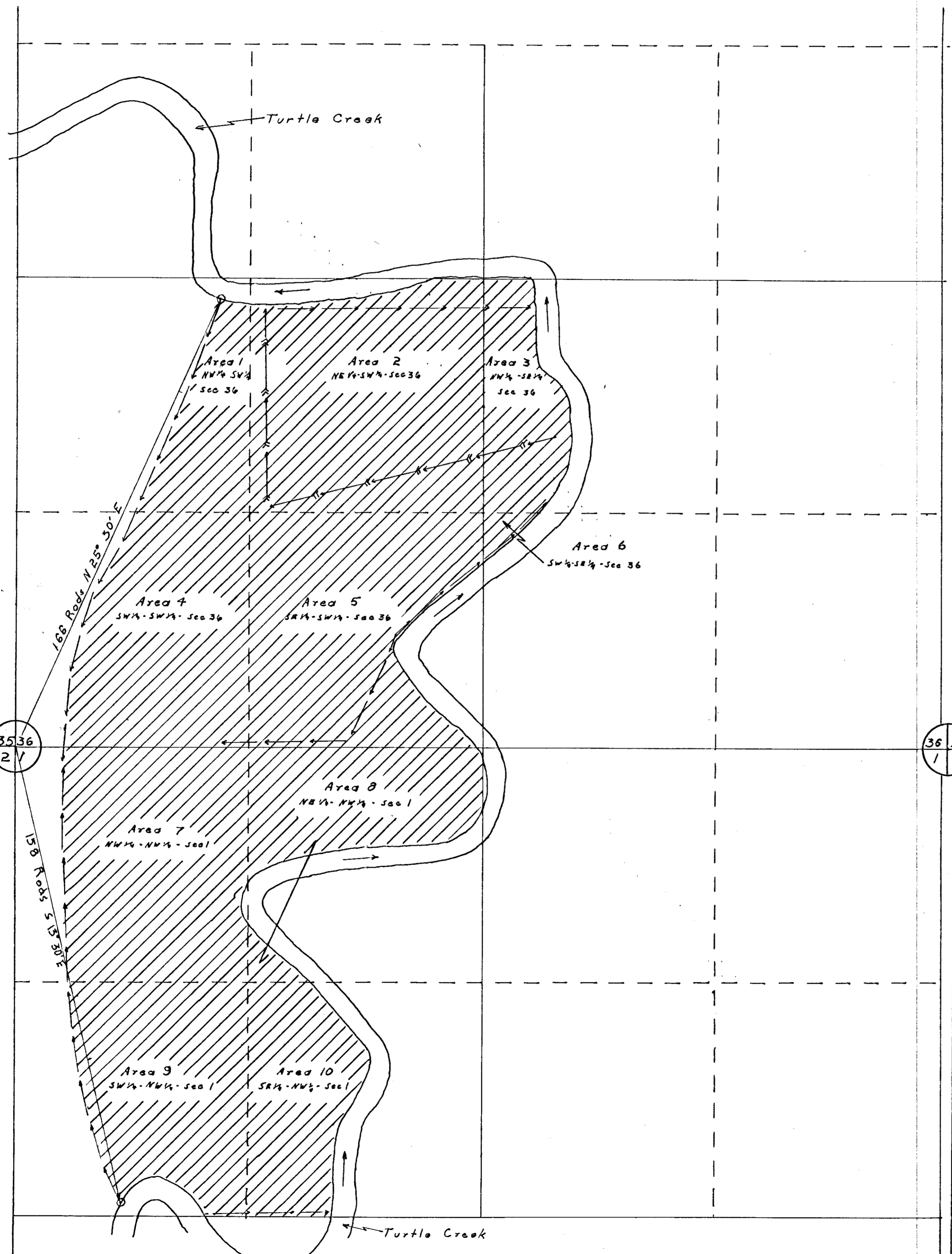
10. Time required for completion of work 5 years.  
 11. Time required for complete application of water to the proposed beneficial use 3 years.  
 12. Choice of newspaper for publication of notice of intention to appropriate Aberdeen American News, Aberdeen, S. Dak.

STATE OF SOUTH DAKOTA  
 County of Spink } ss.

I, Wesley Booz, 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 *Wesley Booz*  
 Subscribed and sworn to before me this 5<sup>th</sup> day of October 19 59  
*Lawrence E. Kay*  
 Notary Public (or other qualified officer.)

\*Each diversion must have a headgate or measuring device.



I, Odell A. Aldrich do hereby certify that this Map identifies a reasonably accurate record of the land of the Wesley Booze Irrigation Project Number 1 and has been prepared by the Soil Conservation Service for the Spink County Soil Conservation District

Signature Odell A. Aldrich  
 Title Agriculture Engineer  
 U. S. Department of Agriculture  
 Soil Conservation Service

Subscribed and sworn to before me this 5<sup>th</sup> day of October, 1959 A.D.

Neil M. Anderson  
 Notary Public  
 My Commission Expires March, 1967

Area	Location	Section	Township	Range	Owned By	Acres
1	NW SW	36	11N	65W	Wesley Booze	10.6
2	NE SW	36	11N	65W	Wesley Booze	32.2
3	NW SW	36	11N	65W	Frank Wauke	12.2
4	SW SW	36	11N	65W	Wesley Booze	27.0
5	SE SW	36	11N	65W	Wesley Booze	32.0
6	SW SE	36	11N	65W	Frank Wauke	1.1
7	NW NW	1	11N	65W	Wesley Booze	31.3
8	NE NW	1	11N	65W	Wesley Booze	19.2
9	SW NW	1	11N	65W	Wesley Booze	25.7
10	SE NW	1	11N	65W	Wesley Booze	16.2
Total						215.5

- Land to be Irrigated
- Drainage Ditch
- Supply Lateral



Scale: 1" = 400'

Map No 505-3  
 (Appl No 662-3)

Wesley Booze Irrigation Project Number 1 Spink County, South Dakota			
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE			
Designed <u>Odell A. Aldrich</u>	Date <u>6-10-59</u>	Approved by	Title
Drawn <u>Odell A. Aldrich</u>	Date <u>6-11-59</u>		
Traced			
Checked		Sheet No. of	Drawing No.

Remarks by State Water Resources Commission:

Natural flows in Turtle Creek are not a dependable source of water during the later part of the summer season. It is likely that water diversion restrictions under this Permit will be necessary at times to assure domestic water supplies including stockwater, and water supplies for prior water rights.

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

December 8

1959

This is to certify that the foregoing application was received by the Commission at 9:30 o'clock

A. m. upon the 6th day of October, 1959.

State Water Resources Commission

By:

J. O. Brink

Chief Engineer, Executive Officer

Number of permit

662-3

Date of first receipt of application

October 6

1959

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

1959

Date of receipt of corrected application

1959

Date from which applicant may claim right

October 6

1959

Approved

December 2, 1959

Recorded in Book

5

Page

267

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

June 2, 1962

2nd. The whole of said work is to be completed on or before

December 2, 1964

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

December 2, 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 3.07 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 2, 1967; said water to be used during the following described annual period:

May to October, inclusive

Witness my hand this

8th

day of

December

1959

State Water Resources Commission

By:

J. O. Brink

Chief Engineer, Executive Officer

Certificate of Construction Issued

July 14, 1964

Water License issued

July 14, 1964

Remarks by the Applicant:

Page 1 - 7 (1) b

Legal subdivision ~~xx~~ to be irrigated:

Area	Location	Section	TWP	Rge	Owner	Acres
1-	NW SW	36	116	65	Wesley Booze	10.6
2-	NE SW	36	116	65	Wesley Booze	38.2
#3	NW SE	36	116	65	Frank Weiss	12.2
4-	SW SW	36	116	65	Wesley Booze	27.0
5-	SE SW	36	116	65	Wesley Booze	33.9
#6-	SW SE	36	116	65	Frank Weiss	1.1
7-	NW NW	1	115	65	Wesley Booze	31.3
8-	NE NW	1	115	65	Wesley Booze	19.2
9-	SW NW	1	115	65	Wesley Booze	25.7
10-	SE NW	1	115	65	Wesley Booze	16.3
Total A.						215.75
						13.1
						202.4 A

# Areas 3 & 6 are not to be included in this application, same is to be deleted from maps.

STATE OF SOUTH DAKOTA

WATER LICENSE No. 662-3

WHEREAS, On the 6th day of October A. D. 1959 Wesley Booze

of Redfield County of Spink and State of South Dakota duly made application (No. 662-3) to us for a permit to use 3.07 cubic feet per second of the waters of Turtle Creek County of Spink, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 8th day of December A. D. 1959 Permit No. 662-3 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 2nd day of December A. D. 1964 and for the application to beneficial use of said water on or before the 2nd day of December A. D. 1967 and,

WHEREAS, On the 8th day of July A. D. 1964 the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.2 cubic feet per second of said waters, as evidenced by our Certificate No. 662-3 dated July 14, 1964 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.2 cubic feet per second of water, with date of priority of October 6, 1959 and,

WHEREAS, On the 8th day of July A. D. 1964 proof was duly made of the application to beneficial use of 2.83 cubic feet per second of said water: for irrigating 202.2 acres in portions of Sec. 36, T116N, R65W and Sec. 1, T115N, R65W

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 Wesley Booza  
 of Redfield the holder and owner of said permit No. 662-3  
 a water right, dating from October 6, 1959 to the use of 2.88  
 cubic feet per second of the waters of Turtle Creek  
 in the County of Spink and State of South Dakota, or so much thereof as may be  
 necessary for the purposes hereinafter mentioned, to be diverted ~~xx~~ between a point N25°30'E, 166 rods,  
and a point S13°30'E, 158 rods from the SW corner, Section 36, T116N, R65W  
 and conducted to and upon 202.2 acres in portions of Section 36, T116N, R65W, and Section  
1, T115N, R65W, more specifically described in the Certificate of Completion of Work  
 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 14th day of July A. D. Nineteen  
 Hundred and Sixty-Four

State Water Resources Commission

By:

**J. W. GRIMES**  
 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. 662-3

Water Division No. 3 James River Water District

### Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, that Wesley Boze

of Redfield, County of Spink, and State of South Dakota, the holder of Permit No. 662-3, issued upon Application No. 662-3, bearing date of priority of October 6, 1959, authorizing the diversion of 3.07 cu. ft. per second of the waters of Turtle Creek

County of Spink, State of South Dakota, ~~at~~ between a point N25°30'E 166 rods and a point S13°30'E 153 rods from the SW corner, Section 36, T116N, R65W, for irrigation

purposes, has <sup>8</sup> 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 3.2 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: <u>Section 36, T116N, R65W</u>	<u>NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub></u>	<u>10.6 acres</u>
	<u>NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub></u>	<u>38.2 "</u>
	<u>SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub></u>	<u>27.0 "</u>
	<u>SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub></u>	<u>33.9 "</u>
<u>Section 1, T115N, R65W</u>	<u>NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub></u>	<u>31.3 "</u>
	<u>NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub></u>	<u>19.2 "</u>
	<u>SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub></u>	<u>25.7 "</u>
	<u>SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub></u>	<u>16.3 "</u>
	<u>Total</u>	<u>202.2 "</u>

Witness my hand this 14th day of July A. D. 1964

State Water Resources Commission

By:

**J. W. GRIMES**  
Chief Engineer, Executive Officer

(First Publication before October 28, 1959)

### APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., October 14, 1959

Notice is hereby given that Wesley Booze whose postoffice address is Redfield 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 3.07 cubic feet of water per second of time from xx Turtle Creek through the bank of said stream Wesley Booze Irrigation Project between a point in the SW 1/4 Sec. 1, T 115 N, R 65 W and a point in the NW 1/4 of the SW 1/4 of Section 36 portions of Twp. 116 N Range 65 W. Said water to be used for the purpose of providing irrigation on the following described land:

NW 1/4 Sec. 1, T 115 N, R 65 W; NW 1/4 and W 1/2 SE 1/4 Sec. 36, T 116 N, R 65 W

and for \_\_\_\_\_ purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 2nd day of December, 1959, at 2:00 PM. 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

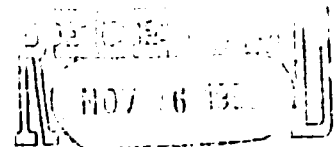
By:

~~XXXXXXXXXXXXXXXXXXXX~~  
**Burton F. Jones, Water Rights Specialist**

cc **Henry J. Schmitt, Publisher**  
**Aberdeen American News**  
**Aberdeen, South Dakota**

# PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }  
County Erown } ss.



STATE WATER RESOURCES COMMI.  
PIERRE, SOUTH DAKOTA

Marlys Mathews being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Aberdeen American-News a newspaper which during the whole itme of publication of said notice herein after stated, has been and is printed and published in the City of Aberdeen County of

(No. 501—Oct. 19-26-Nov. 2-9—4T)  
**APPROPRIATION OF WATER**  
Office of State Water Resources Commission, Pierre, S. Dak., October 14, 1959.  
Notice is hereby given that Wesley Booz whose postoffice address is Hedfield, 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 3.07 cubic feet of water per second of time from Turtle Creek through the Wesley Booz Irrigation Project No. 1, the point of diversion of which is to be located on the West bank of said stream between a point in the SW1/4NW1/4 Sec. 1, T 115 N., R 65 W. and a point in the NW1/4 of the SW1/4 of Section 35 Twp. 112N Range 65W. Said water to be used for the purpose of providing irrigation on portions of the following described land.  
NW1/4 Sec. 1, T 115 N., R 65 W.; NW1/4 and W1/2SE1/4 Sec. 35, T 116 N., R 65 W.  
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 2nd day of December, 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  
Burton F. Jones,  
Water Rights Specialist

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

- October 19, 1959
- October 26, 1959
- November 2, 1959
- November 9, 1959

in each and every issue of the full number thereof, the first publication being made on the 19th day of October 1959 and the last publication on the 9th day of October 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 Clerk the printer and publisher of the said newspaper.

Marlys Mathews

Subscribed and sworn to before me this 10th day of November A. D. 1959

Eldred E. Eichler

Notary Public Brown County, S. D.

April 20, 1962

Mr. Wesley Booze  
Redfield, South Dakota

Dear Mr. Booze:

As I discussed with you at Redfield, I visited with Mr. Wiess and discussed his water right application. I explained how the water laws specified that prior water rights such as your water right would have first right to the use of the water. Mr. Wiess agreed to operate his irrigation withdrawals in this manner.

I told Mr. Wiess that you and I had talked about his water right application and that such use of water by him was agreeable to you.

The Frank H. Wiess water right application No. 958-3 will be reconsidered by the State Water Resources Commission at 11:00 A.M. on May 10, 1962 at the Commission Office in Pierre, South Dakota.

The recommendation of the Commission staff will be that this application be approved, provided that water supplies, as needed, are first available for domestic water needs and prior water rights and particularly for water right No. 662-3 of Wesley Booze.

Sincerely,

Donald Driscoll  
Field Engineer

DD:ls

Permit No. 662-3

Water 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 \_\_\_\_\_ 19\_\_\_\_, I have this day made a thorough examination of the diversion works constructed by \_\_\_\_\_

Wesley Booze of Redfield \_\_\_\_\_  
Spink County, South Dakota, holder of Permit No. 662-3 Issued

upon Application No. 662-3, bearing date of priority of October 6, 1954, authorizing the diversion of 30.7 cu. ft. per second of the waters of Turtle Creek for irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: 4" Inco pump (Model #4325), powered by Allis Chalmers Industrial motor (31hp) with 1/2 mile 4" sprinkler with 40 3/16 Ames sprinkler heads - Capable of delivering 650 GPM. Berkeley 6" pump Model Blast, powered by Hercules Industrial Engine, Model QXA5 - rated @ 800 GPM (over)

and the system is in the following condition: Excellent

The point of diversion is located between a point N. 75° 30' E., 166 rods, and a point S. 13° 30' E., 158 rods from the SW corner, Sec. 36, T16N, R65W

The works are capable of diverting and conveying to the place of use 3.7 cu. ft. per second of water, which is to be used for irrigation

The legal sub-divisions to be irrigated are: Section 36, T16N, R65W. NW<sup>1/4</sup> SW<sup>1/4</sup> - 10.1 ac., NE<sup>1/4</sup> SW<sup>1/4</sup> - 38.2 ac., SW<sup>1/4</sup> SW<sup>1/4</sup> - 27.0 ac., SE<sup>1/4</sup> SW<sup>1/4</sup> - 33.9 ac.; Section 1, T 115N, R 65W, NW<sup>1/4</sup> NW<sup>1/4</sup> - 31.3 ac., NE<sup>1/4</sup> NW<sup>1/4</sup>, 19.2 ac., SW<sup>1/4</sup> NW<sup>1/4</sup> - 25.7 ac., SE<sup>1/4</sup> NW<sup>1/4</sup> - 16.3 ac.

comprising a total of 202.4 acres of land.

The domestic use intended comprises \_\_\_\_\_

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

Witness my hand, this 8<sup>th</sup> day of July, A. D. 1969

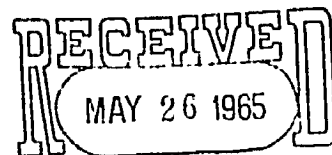
—SEAL—

Detton Jones  
Examining Engineer



**CITY of REDFIELD**  
SOUTH DAKOTA

May 25, 1965



STATE WATER RESOURCES COMM.  
PIERRE SOUTH DAKOTA

State Water Resources Commission  
Attention Mr. Joe Grimes,  
Pierre, South Dakota

Dear Mr. Grimes:

This is a letter of inquiry. Last fall and winter one Wesley Booze, a farm owner south of Redfield constructed two dams across Turtle Creek, thus impeding the natural flow of this stream to a negligible point. There has been practically no flow through Redfield. What we wish to know is: was this construction authorized by your commission?

This situation creates for us an uncertain health condition, as the natural flow of this stream carries away the overflow from the sewage lagoons of the State Hospital and School and the City of Redfield. Then, too, as the season advances the low water in Redfield Lake will without doubt will be insufficient to maintain a practical level and the city will be faced with the further health hazard of dead and decaying fish within the city limits.

In addition to the above the city maintains a small reservoir in Turtle Creek from which water is pumped direct through a high pressure system that serves as fire protection for the high value business district property. We are concerned that adequate water is permitted to flow in this stream that this does not become a hazard of this nature as well.

It is my understanding that the State of South Dakota Hospital and School and the City Of Redfield have certain vested rights and prior claims on sufficient of this water to assure the protection and health and property, and, that these claims should take precedence of the diversionary rights of land owners using this water for seasonable irrigation.

Very truly,

  
Mayor

May 26, 1965

Mr. Charles Woodland, Mayor  
City of Redfield  
Redfield, South Dakota

Dear Mayor Woodland:

Reference is made to your letter of May 25, 1965 reporting the construction of two dams across Turtle Creek by Wesley Booze.

In December of 1959 Mr. Wesley Booze obtained a permit from the Water Resources Commission to construct an irrigation system to utilize water from Turtle Creek. This permit authorized a pumping unit to be placed on the bank of Turtle Creek. The permit did not authorize the construction of any dams across Turtle Creek to store water. For your information, enclosed is a copy of a letter being sent to Mr. Booze.

The City of Redfield does have certain prior rights to the flows of Turtle Creek and occasional regulation of upstream water right holders may be necessary. Normally however, Redfield Lake is filled from spring runoff or flood runoff when there are no irrigation withdrawals. Diversions of water from Turtle Creek for upstream irrigation after Redfield Lake has been filled during the year, normally would not be an infringement on the City of Redfield's prior water rights.

Storage of low flow waters by Mr. Booze now, may be an infringement on the City of Redfield's prior water rights. However, the spillway of Redfield Lake has been observed to overflow for long periods of time. As a matter of information, if Mr. Booze now applied for a permit to store some of the water that does overflow Redfield Lake, current water laws make it mandatory that the Water Resources Commission approve such an application.

Sincerely,

J. W. Grimes

JWG:DD:ls  
Enc. copy Wesley Booze letter

May 26, 1965

Mr. Wesley Booze  
Redfield, South Dakota

Dear Mr. Booze:

The City of Redfield has written to this office reporting that during last fall and winter, you constructed two dams across Turtle Creek.

We assume one purpose of these dams is to store water to be pumped at a later date for irrigation purposes.

This letter is written to inform you that your water right No. 662-3 does not authorize you to construct dams to store water for later irrigation diversions.

Sincerely,

JWG:ls  
cc Charles Woodland, Mayor  
Redfield, South Dakota

J. W. Grimes

Redfield, S. Dak.

June 1, 1965 662-3

S.D. Water Resources Commission  
Mr. J. W. Drimes  
Pierre, S. Dak.

Dear Mr. Drimes,

I received your letter and this is to let you know that I did not construct any dams across Turtle Creek.

I did do some repair work on a dam north of my place, but this dam has been there for many years.

Kenny Boub, on whose land this dam is located, was to have seen his lawyer about it. He later on told me to go ahead with the repair work.

I had heard last summer that there was a group of people who were going to try and get my water permit taken away.

I would like to have you stop in sometime when you can.

RECEIVED  
JUN 2 1965

STATE WATER RESOURCES COMM.  
PIERRE SOUTH DAKOTA

Sincerely  
Wesley Booye

Rte # 3 Box 3  
Redfield 57469

M E M O

August 21, 1981

TO: File No. 662-3, Wesley Booze, Redfield SD

SUBJECT: Rock Dam on Turtle Creek, Section 26, T116N, R65W

After receiving a notification from Mr. Robert Sampson, Spink County Extension Agent, Kevin Larson and myself accompanied by Mr. Bud Conrade, Redfield City Auditor and a staff member from the Redfield paper investigated the rock dam on August 20, 1981. We contacted Mr. Wesley Booze and he took us out to the rock dam and then approximately 1 mile upstream to where Turtle Creek was relatively dry. The rock dam is not on Mr. Booze's property but that owned by Mr. Kenny Boub. According to Mr. Booze, the dam was constructed by the WPA. I feel it is reasonable to assume that the dam was constructed by the WPA as a silt control structure when they constructed Redfield Lake Dam in 1939.

Mr. Conrade said that the city itself was not issuing a complaint, but several of the residence of Redfield had complained to him on the low level of Redfield Lake. Also, the stagnant water in Turtle Creek which passes through the city park below Redfield Lake, and they felt that the dam in Section 26 was attributing to these problems. I told him the dam was not the cause of these problems, and Redfield Lake was low because of the dry conditions the past few years and they would need a large spring runoff to fill Redfield Lake.



TIMOTHY SCHAAL  
Water Resources Engineer

cc: Mr. Wesley Booze  
Redfield SD

Mr. Robert Conrade, City Auditor  
517 N Main  
Redfield SD

**SOUTH DAKOTA**  
**Department of**  
**Water & Natural Resources**

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

662-3

December 4, 1987

Wesley Booze  
Route 1, Box 197  
Redfield, South Dakota 57469

Dear Mr. Booze:

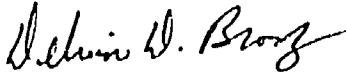
I am returning your 1987 Irrigation Water Use Questionnaire. It is impossible to determine the amount of water use from your questionnaire as completed.

As stated in the October 8th letter, Water Management Board rules or water permit qualifications require questionnaires to be submitted each year. The questionnaire needs to be completed in such a way that actual water use can be determined for a particular crop and acreage.

The questionnaire will have to be completed and returned by December 2, 1987.

If you have any questions, please contact me.

Sincerely,



Delvin D. Brosz, P.E.  
Hydrologist

DDB:ms  
Enc.

662-3

**McMath, Genny**

---

**From:** Kim Markley [kmarkley.spinkdoe@nrctv.com]

**Sent:** Tuesday, November 09, 2010 8:42 AM

**To:** McMath, Genny

**Subject:** RE: Land ownership in Spink County

These two parcels are in: Wesley & Inez Booze Family Trust

**Kimberly Markley**  
**Spink County**  
**Director of Equalization**  
**210 E 7th Avenue**  
**Redfield SD 57469**  
**(605) 472-4585**  
**Fax 472-4587**

**From:** Genny.McMath@state.sd.us [mailto:Genny.McMath@state.sd.us]

**Sent:** Monday, November 08, 2010 3:56 PM

**To:** kmarkley.spinkdoe@nrctv.com

**Subject:** Land ownership in Spink County

Ms. Markley,

I am currently reviewing a water right for land in Spink County because we were notified that the owner we had on file had passed away in October, 2009.

The water right listed in the name of Wesley Booze, Redfield SD is for land in the SW 1/4 Section 36, T116N, R65W and the NW 1/4 Section 1, T115N, R65W.

If possible, could you forward me the name and mailing address of the current owner of the land. It is possible it is still listed in his wife's name or an estate or something like that.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

November 10, 2010

662-3

Inez Booze  
37865 SD Hwy 26  
Redfield SD 57469

Dear Mrs. Booze:

Thank you for sending in the irrigation questionnaire for Water Right No. 662-3, listed in the name of Wesley Booze. The water right authorizes diversion of water from Turtle Creek for irrigation purposes. I note from the form you indicated water use has been abandoned. Typically when an irrigator indicates the use is abandoned, the water right is scheduled for cancellation.

Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit. This three year period may be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

Irrigation questionnaire records on file for Water Right No. 662-3 reflect the land was last irrigated in 1990. Comments were made on the questionnaires from 1991- 1998 that it was too wet. The land was placed in CRP from 1999 thru 2009. While water use is necessary to maintain a water right, nonuse of water for the reasons described above are described in statutes and board rules as legal excuse for not irrigating.

If you feel you no longer wish to maintain the water right, we can begin cancellation proceedings. If the water right is cancelled, you or a subsequent owner could reapply for a new permit if needed. Prior to doing anything with the water right, I wanted to write and let you know your options. You could also have the water right transferred to reflect current ownership. This would require completion of a "Notice of Transfer of Ownership" form and payment of a \$50.00 filing fee.

Please let us know your intent towards the water right. You can either call or send me a note in the enclosed envelope. Thank you in advance for your reply.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

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

S.D. Water Rights Program

Water Right No. 662-3

may be canceled of 12-11-10

Inez Booze

37865 S.D Hwy 26

12-11-10

RECEIVED

DEC 17 2010

WATER RIGHTS  
PROGRAM



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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January 14, 2011

**NOTICE OF CANCELLATION**

TO: Inez Booze, 38965 SD Hwy 26, Redfield SD 57469

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

SUBJECT: Cancellation of Water Right No. 662-3

Water Right No. 662-3 authorizes diversion of water from Turtle Creek for irrigation purposes. On December 17, 2010, in response to a letter from our program regarding your use of water, you wrote in and indicated the water right could be cancelled. The Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 662-3 due to abandonment.

The Water Management Board will consider cancellation of Water Right No. 662-3 at 10:00 a.m., March 9, 2011 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD *(the agenda time is an estimate and the actual time of hearing may be later than 10:00 a.m.)*

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 662-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by February 28, 2011. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

January 14, 2011

Inez Booze

Page 2

This hearing may be an adversarial proceeding. Any party 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 State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by February 28, 2011.

Prior to February 28, 2011, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

**Please note:**

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by February 28, 2011.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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**RECOMMENDATION OF CHIEF ENGINEER  
FOR WATER RIGHT NO. 662-3, WESLEY BOOZE**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Right No. 662-3, now owned by Inez Booze.

The Chief Engineer is recommending cancellation of the above water right due to abandonment. The 2010 irrigation questionnaire submitted by Inez Booze indicated use of water had been abandoned. In a letter received December 17, 2010, Mrs. Booze confirmed she wished to have the water right cancelled.

A handwritten signature in black ink, appearing to read "Ron Duvall".

RON DUVALL, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
January 14, 2011

**Note:**

Cancellation of the water permit/right does not prohibit a new application for this project in the future.





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denn](http://www.state.sd.us/denn)

March 14, 2011

662-3

**NOTICE**

Inez Booze  
38965 SD Hwy 26  
Redfield SD 57469

Dear Ms. Booze:

This will notify you that the Water Management Board cancelled your Water Right No. 662-3 on March 9, 2011. No. 662-3 authorized diversion of water from Turtle Creek for irrigation purposes.

This action was taken under the conditions outlined in our notice to you dated January 14, 2011. If you have any questions concerning the Board action, please contact Genny McMath, with our program, at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer  
Water Rights Program

CERTIFICATION

662-3

I hereby certify that on March 14, 2011, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 14, 2011 regarding cancellations addressed as stated below:

**Water Right No. 470A-1**

Stanley Wood, 18950 137<sup>th</sup> Ave, Newell SD 57760

**Water Right No. 1064-1**

Terry & Laurie Goehring, 11000 Holcomb Pl, Buffalo SD 57720-7509

**Water Permit Nos. 993A-2, 2139-2 & Water Right No. 993-2**

Linda Livermont, Finance Officer, Town of Interior, PO Box 3, Interior SD 57750

**Water Permit No. 1948-2**

Pauline H Vig, President, Hope Enterprises Inc, 13073 Lincoln Tarken Ln, Piedmont SD 57769

**Water Permit Nos. 2032-2 and 2033-2**

Ryan Alcorn, US Bureau of Reclamation, 515 9<sup>th</sup> St #101, Rapid City SD 57701-2692

**Water Permit Nos. 2392-2 & 2392A-2**

Wendell Ray Schwartz Trust, 5814 M 30, Beaverton, MI 48612

**Water Permit No. 2402-2**

Joe Allen, 13013 Fall River Rd, Hot Springs SD 57747-7236

**Water Permit No. 2427-2**

Gary & Daniel Velder, 18393 Dillinger Rd, Newell SD 57760

**Water Permit No. 2485-2**

Melvin & Karen Schmidt, PO Box 477, White River SD 57579-0477

**Flood Control Permit No. FC-6**

Roger Starks, President, Lake Poinsett Area Development Assn, 2308 S Scheffield Ave, Sioux Falls SD 57106

**Water Right No. 662-3**

Inez Booze, 38965 SD Hwy 26, Redfield SD 57469

**Water Right No. 1260-3**

Charles O Stormo, 17960 452<sup>nd</sup> Ave, Hayti SD 57241

**Water Right No. 2546B-3**

Cleo W Bultsma, 28368 361<sup>st</sup> Ave, Platte SD 57369

**Water Right Nos. 3014-3 & 3532-3**

Stuart Eberhart, 42485 Golf View Dr, Britton SD 57430

Lynn E Eberhart, 42333 104th St, Britton SD 57430

**Water Right Nos. 3451B-3 & 3451D-3**

LuAnn Bertrand Revocable Trust, 550 E 18<sup>th</sup> St, Sioux City IA 51105

Amelia Bertrand Trust, 47936 332<sup>nd</sup> St, Jefferson SD 57038

Robert Geary, 32750 480<sup>th</sup> Ave, Elk Point SD 57025

