

1. Considered A-60, 1960 Appl. No. 699.3
2. Name of Applicant Al C. Bosworth
3. Post Office Address Mitchell
4. Amount of water claimed 2.32
5. Source of water supply James River & Etowah Co.
6. Water to be used for irrigation
Acres to be irrigated 167.2
7. Water to be diverted and used in Western County about
3 miles E of Mitchell.
8. Proof of Publication Received 10/21
Not Received _____
9. Application Approved ✓
Subject to Report
Not approved _____
Action deferred _____

10. Remarks:

No. 699-3Water Division No. 3James River
(Blank to be Filled by the Engineer for the W. R. C.)

District

MAR 10 1900
10:00 A.M.

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

1. Name of applicant Harry T. Bosworth
R.R. # 3, Mitchell, SD 57301
 Postoffice address Mitchell Rt 3, County Dayton, 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)

Direct Labor

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Al C. Bosworth Irrigation Project Number 13. Amount of water claimed 2.32 cubic feet per second4. Source of water supply James River and Firesteel Creek5. Location of point of diversion See Attachment No 1

on bank 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? Combination(a) Number of acres to be irrigated 162.2 acres.(b) Legal subdivisions to be irrigated See Attachment No 1

(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 538-3

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$.....
 (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
 (e) Other structures\$..... Total, \$.....

9. Description of diversion works:

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

Pumping plant

II. Dimensions of works:

(a) Dam: Height.....feet; length at bottomfeet; length at topfeet; thickness at bottomfeet; thickness at topfeet; slope at front water face; slope at back face
 material used in construction
 (b) Reservoir: Capacity when filledacre feet. Surface area at 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 lengthmiles.

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 three years.

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

12. Choice of newspaper for publication of notice of intention to appropriate
Emery Enterprise, Emery, South Dakota

STATE OF SOUTH DAKOTA

County of DAVIS } ss.

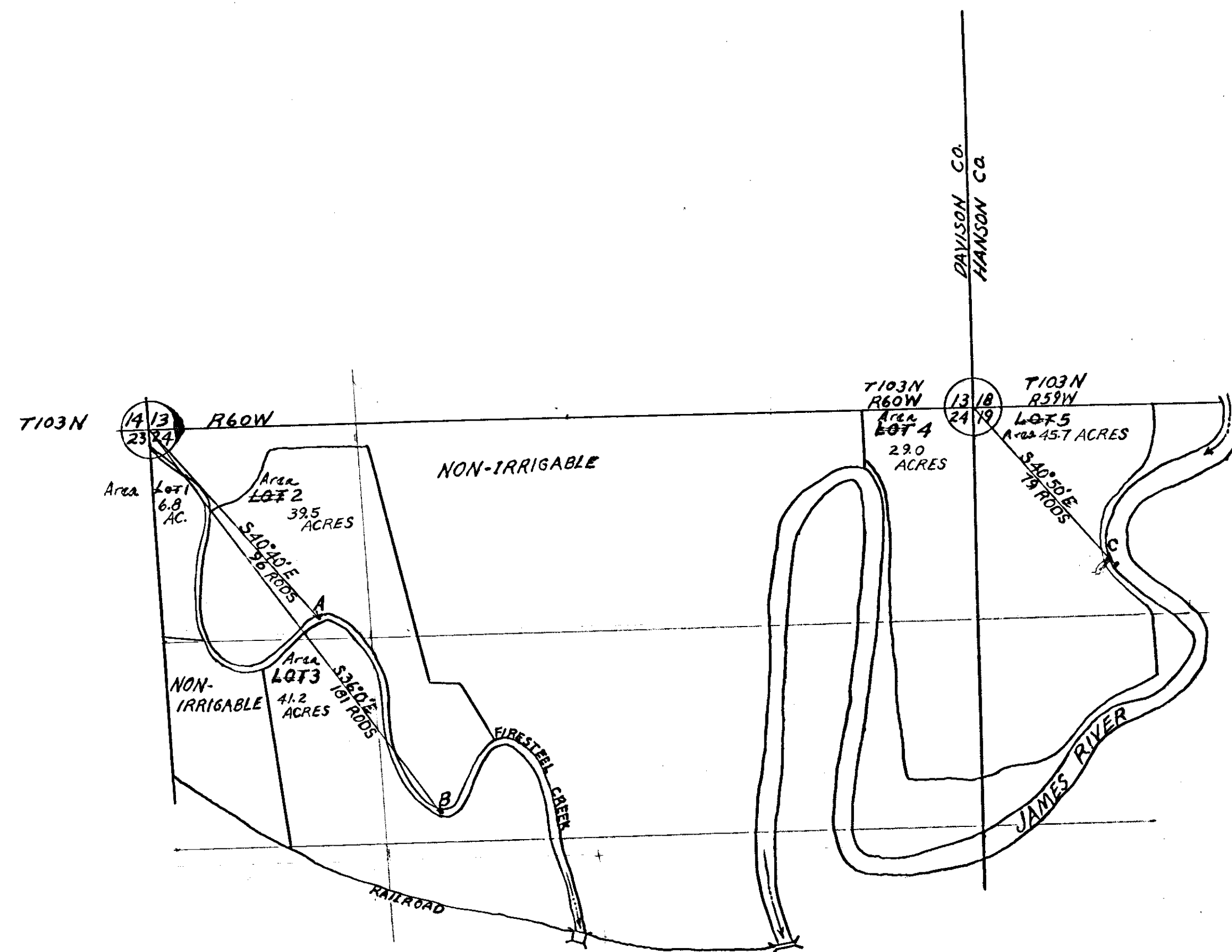
I, AL C. BOSWORTH, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated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

Signed AL C. Bosworth

Subscribed and sworn to before me this 15 day of February 10 60

Margaret Schriener
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



I, GORDON W. STROUP DO HEREBY CERTIFY THAT
THIS MAP IDENTIFIES THE LAND OF THE ALC. BOSWORTH
IRRIGATION PROJECT NUMBER 1.

Gordon W. Stroup
Area Engineer
SOIL CONSERVATION SERVICE
U.S. DEPT. OF AGRICULTURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 19th DAY OF
Feb, 1960, A.D.

Lincoln A. Schults
NOTARY PUBLIC

AL C. BOSWORTH - OWNER					
ALC. BOSWORTH IRRIGATION PROJECT NO. 1					
Description	LOCATION	SEC.	TOWNSHIP	RANGE	ACRES
NW 1/4 NW 1/4	Area LOT 1	29	103N	60W	6.8
N 1/2 SE 1/4 of NW 1/4	Area LOT 2	29	103N	60W	39.5
S 1/2 NW 1/4 & N 1/2 SW 1/4	Area LOT 3	29	103N	60W	41.2
E 1/2 NE 1/4	Area LOT 4	29	103N	60W	29.0
N 1/2 NW 1/4	Area LOT 5	19	103N	59W	45.7
	TOTAL				162.2

AL C. BOSWORTH
IRRIGATION PROJECT
NUMBER 1

Scale: 8" = 1 Mile

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

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

Map No 538-3
(Appl No 699-3)

Remarks by State Water Resources Commission:

Use of waters under this permit is subject to flows in the James River of 15 cfs or more past your diversion point.

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

May 10

1960

This is to certify that the foregoing application was received by the Commission at 10:00 o'clock

a.m. upon the 2nd day of March 1960

State Water Resources Commission

By:

Burtin Jones

Chief Engineer, Executive Officer

Number of permit

699-3

Date of first receipt of application

March 2

1960

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

March 2

1960

Approved

April 6

1960

Recorded in Book

6

Page

45

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

October 6, 1961

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

April 6

1963

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

April 6, 1963

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 2.31 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 April 6, 1963; said water to be used during the following described annual period:

May to October, inclusive

Witness my hand this

10th

day of

May

1960

State Water Resources Commission

By:

W. C. Jones

Chief Engineer, Executive Officer

Certificate of Construction Issued

NOVEMBER 7

1969

Water License Issued

NOVEMBER 7

1969

No. _____

Division No. _____

District _____

PERMIT

to appropriate water from _____

County, South Dakota

Name of applicant _____

Name of diversion works _____

Date of first receipt at Office of State
Water Resources Commission

Returned to applicant for Correction

Corrected application received

Date of Water Right

Recorded in Book _____ Page _____

One fifth of work to be completed

Whole work to be completed

Final proof of use of water

Approved _____ 19____

State Water Resources Commission

By:

Chief Engineer

Al C. Bosworth Irrigation Project Number 1

Attachment No 1

5. Location of point of diversion

Between points A and B on Firesteel Creek and at point C on James River as shown in accompanying map.

Location of Point A: From Northwest Corner of Section 24 - T103N-R60W; S40°40'E a distance of 96 Rods.

Location of Point B: From Northwest Corner of Section 24 - T103N-R60W; S 36° 0'E a distance of 181 Rods.

Location of Point C: From the Northwest Corner of Section 19 - T103N-R59W; S40° 50'E a distance of 79 Rods.

7b. Legal subdivisions to be irrigated

Lot 1 - 6.8 acres in NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 24 - T103N-R60W bounded on the east by Firesteel Creek.

Lot 2 - 39.5 acres in the W $\frac{1}{2}$ Section 24 - T103N-R60W bounded on the south by Firesteel Creek.

Lot 3 - 41.2 acres in W $\frac{1}{2}$ Section 24 - T103N-R60W bounded on the north by Firesteel Creek and on the south by the CSPM&O railroad right of way.

Lot 4 - 29.0 acres in the E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 24 - T103N-R60W

Lot 5 - 45.7 acres in the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 19 - T103N-R59W bounded on the east and south by the James River.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 699-3

WHEREAS, On the 2nd day of March A. D. 19 60
Al C. Bosworth

made Water Right Application No. 699-3 for a permit to use 2.32 cubic feet per second of the waters of the James River and Firesteel Creek

County of Davison and Hanson, State of South Dakota, for irrigation

purposes; and
 (2) WHEREAS, On the 10th day of May A. D. 19 60

Permit No. 699-3 with a date of priority of March 2, 1960

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 6th day of April A. D. 19 63 and for the application to beneficial use of said water on or before the 6th day of April A. D. 19 63

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 2.32 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 lands

Section 24, T103N, R60W **Lot 1** **6.8 acres**

Lot 2 **39.5 acres**

Lot 3 **41.2 acres**

Lot 4 **29.0 acres**

Section 19, T103N, R59W **Lot 5** **45.7 acres**

Total **162.2 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 Al C. Bosworth

_____ of Mitchell
the holder _____ and owner _____ of said permit No. 699-3 a water right, dating from March 2, 1960
_____ to use of 2.32 cubic feet per second of the waters
of the James River & Firesteel Creek

in the County of Davison & Hanson and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinafter mentioned, to be diverted between points S.40°40' E., 96 rods and S. 36°E, 181 rods
from the NW Corner, Section 24, T103N, R60W-Firesteel Creek, and from the James River at a
point S.40°50' E., 79 rods from the NW Corner, Section 19, T103N, R59W,

and conduct to and upon portions of Sections 24, T103N, R60W and Section 19, R103N, R59W,
described on the face of this Licensee

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 699-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 7th day of November A. D.
Nineteen Hundred and Sixty-Nine

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Form 15.

Permit No. 699-3

Water Diversion No. 3 JAMES RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Al C. Bosworth

_____ the holder _____ of
Permit No. 699-3, issued upon Application No. 699-3, bearing date of priority of March 2,
1960 authorizing the diversion of 2.32 cu. ft. per second of the waters of James
River and Firesteel Creek County of Hanson & Davison, State of South Dakota at between
points S. 40° 40' E., 96 rods and S. 36° E., 181 rods from the NW Corner, Section 24,
T103N, R60W - Firesteel Creek, and from the James River at a point S. 40° 50' E., 79
rods from the NW Corner, Section 19, T103N, R59W
for irrigation

_____ purposes, has 8 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 4.4 cu. ft. per second of water.

Date November 7, 1969

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

(First Publication on or before March 10, 1960)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., March 5, 1960

Notice is hereby given that A. C. Bosworth whose postoffice address is Mitchell 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 2.32 cubic feet of water per second of time from the Jamez River & Firststeel Creek through the A. C. Bosworth Irr. Project #1, the point of diversion of which is to be located on the North bank of said stream between a point in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 24 T 103N R 60W and a point in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 19 Twp. 103N Range 59W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

N $\frac{1}{2}$ and N $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 24 T 103N R 60W and Sec 19 T 103N R 59W

and for purpose.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 6th day of April, 1960, at 2 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

cc: J. O. Nordzeth-Publisher

Emery Enterprise

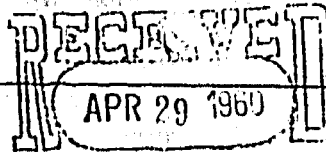
Emery, South Dakota

By:

~~Chief Engineer, Executive Officer~~

Burton F. Jones

Water Right Specialist



No. 699-3

PROOF OF PUBLICATION PIERRE, SOUTH DAKOTA

 STATE OF SOUTH DAKOTA }
 County Hanson } ss.

J. G. Nordseth being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Emery 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 Emery, County of Hanson and State of South Dakota; that the said notice was published in said newspaper on the following dates:

March 10, 1960March 17, 1960March 24, 1960March 31, 1960

in each and every issue of the full number thereof, the first publication being made on the 10 day of March 1960 and the last publication on the 31 day of March 1960, 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.

 Subscribed and sworn to before me this 28 day of Apr
A. D. 1960
 Notary Public W. J. Jones County, S. D.

APPROPRIATION OF WATER

Office of State Water Resources Commission.

Pierre, S. Dak., March 5, 1960.

Notice is hereby given that Al C. Bosworth, whose postoffice address is Mitchell, 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 2.32 cubic feet of water per second of time from the James River and Firesteel Creek through the Al C. Bosworth Irr. Project No. 1, the point of diversion of which is to be located on the North bank of said stream between a point in the NW 1/4 NW 1/4 Sec. 24, T. 103N, R. 60W, and a point in the NW 1/4 of the NW 1/4 of Section 19, Twp. 103N, Range 59W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

N 1/2 and N 1/2 SW 1/4, Sec. 24, T. 103N, R. 60W, and W 1/2 NW 1/4, Sec. 19, T. 103N, R. 59W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 6th day of April, 1960, at 2 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.

By: Water Resources Commission,

By: Burton F. Jones, Water Right Specialist.

cc: J. G. Nordseth, Publisher, Emery Enterprise, Emery, South Dakota.

13-20

STATE OF SOUTH DAKOTA

Office of
WATER RESOURCES COMMISSION
Pierre, S. Dak.

19Mr. Al C. BosworthRoute 3Mitchell, South DakotaDear Mr. Bosworth:

Enclosed herewith please find your application No. 699-3 to appropriate 2.31 cubic feet of water per second through the Al C. Bosworth Irrigation Project #1 to which we have given our approval, thus authorizing you to make the appropriation requested under the Conditions therein stated.

Prior water rights have been obtained for use of the water from the James River. These prior rights would be affected by your withdrawals during low flow periods.

A study indicates that 15 cfs is needed to satisfy these prior rights plus downstream domestic use. Therefore, your permit is granted allowing your withdrawal of water whenever 15 cfs or more is flowing past your point of diversion.

Using U.S.G.S. stream flow records for the James River in your area, the following chart has been prepared and shows how many days you would not have been permitted to pump during the past 7 year period.

<u>Year</u>	<u>July</u>	<u>August</u>	<u>September</u>
1953	0	0	0
1954	0	2	10
1955	11	14	30
1956	0	0	23
1957	0	11	29
1958	10	24	30
1959	31	31	30

-2-

You will note that in extremely dry years (such as 1959) there is not enough water for your irrigation. However, during most years there is ample water for irrigation during July and parts of August. Flows in the river are not adequate enough to allow extensive pumping during September.

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.

Very respectfully,

State Water Resources Commission

By:

J.W. GRIMES,

Chief Engineer, Executive Officer

JUL 26 1960
STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

July 25-60
Mitchell S.D.

Water Resources Commission
State Office Building
Pierre S.D.

Permit #699-3

Dear Sirs -

I am writing in regard to the country club dam on the Minnetonka Creek. They put 2 dams in and backed the water up for 2 miles. If we would get a heavy rain our creek bottom land of 66 acres would flood and there is danger of us losing the whole crop. (It would feel much easier if their dam was lowered about 5 feet!) Do they have a right to dam a public water way in the first place - We've lived here 10 years and they have never run out of water for watering the golf course in that period of time.

Sincerely

Al C. Baswell
Mitchell S.D.
R.R. 3

August 8, 1960

Al. C. Bosworth
R.P.#3
Mitchell, South Dakota

Dear Mr. Bosworth:

Reference is made to your letter of July 25 regarding the Mitchell Country Club constructing dams on Firesteel Creek.

Our work load in the office is such that we will not be able to get to it immediately. Another complaint was received regarding the Country Club, and an investigation will be conducted as soon as possible, at which time you will be contacted.

Sincerely,

BURTON F. JONES
Water Right Specialist

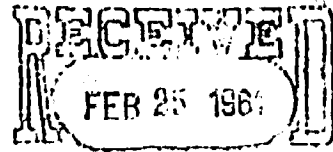
BFJ:mkf

W/R for Country Club.

per inc 4/12/69-3

Mitchell S.D., R.R. 3
Feb 22-1961.

State Water Resources Co.
State Office Building
Pierre, S. Dak.



STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

Dear Sirs:

Proposed personally
omit section down
with effect from
lands from upstream
will probably
check occasionally

I wrote you a letter in July
in regard to the Mitchell Country Club constructing
a dam on Fiersted Creek. My crossing has
water going across it now and I looked at their
dam it would have to raise 3 more feet before
it goes across their dam. If the dam on lake
Mitchell should go over my land would all
be flooded. Now I have to cross in water or my
drive to get to my feed. These dams have
to come out please do what you can right
away.

Sincerely

W C Borowitch
Mitchell S.D.
R.R. 3

Jim Sallie
y

712 E. 2nd

Mitchell Body Shop

209 E. 1st.

REPORT OF INVESTIGATION

Unlicensed Water Permits Authorized before January 1, 1964

Water Permit No. 699-3 Approval Date April 6, 1960

This Permit authorized the diversion of 2.33 cubic feet per second of water from James River & Frieske Creek to irrigate

162.2 acres in Section 34 Township 103 N.
Range 24 County Hanson & Dawson
Hanson 59W

Name and Address shown on Permit AL C. Rosworth
Rte 3 Mitchell

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: - Has irrigated each year - Also possibly this year. Later. Ready for Inspection

Contact Date. 7-1-69

Signature W. L. Elliott

Permit No. 699-3Water Division 3 JAMES RIVER Water DistrictREPORT 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 AL C. BOSWORTH of MITCHELL holder of Permit No. 699-3, bearing date of priority of MARCH 2, 1960 authorizing the diversion of 2.31 cu. ft. per second of the waters of JAMES RIVER & FIRESTEEL CREEK for IRRIGATION purposes, in DAVISON & HANSON 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:

8" BERKELEY PUMP, POWERED BY DITALLIS CHALMERS GAS TRACTOR P.T.O.10" DEMPSTER PUMP POWERED BY FORD 600 GAS ENGINE

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

100 RODS OF 8" MAINLINE & 8" GATED PIPE

C. Works used to apply water to beneficial use.

TRANSMITS WATER TO NATURALLY LEVEL FLAT, AND TO LAND THAT HAS BEEN LEVELLED

The system is in the following condition:

GOOD
BETWEEN POINTS S40°45'E, 96.200S AND
S36°E, 181 RODS FROM THE NW CORNER, SECTION 24
T103N, R60W - FIRESTEEL CREEK, FROM JAMES RIVER AT A POINT
S80°50'E, 79 RODS FROM THE NW CORNER, SECTION 19, T103N, R59W

The works are capable of diverting and conveying to the place of use 4.4cu. 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:

SECTION 24, T103N, R60W		SECTION 19, T103N, R59W	
LOT 1	6.8 AC.		
LOT 2	39.5 "	LOT 5	45.7 AC.
LOT 3	41.2 "		
LOT 4	29.0 "		

comprising a total of 162.2 acres of land.Date OCTOBER 29, 1969

Dwight Jones
 (Signature)

WATER RIGHT SPECIALIST
 WATER RESOURCES COMMISSION

699-3

COMMISSION

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

South Dakota

WATER RESOURCES COMMISSION

State Office Building 12

PIERRE, SOUTH DAKOTA 57501

J.W. GRIMES

Chief Engineer
and
Executive Officer

PHONE
224-3584
Area Code 605

August 7, 1970

Mr. Al C. Bosworth
Route #3
Mitchell, South Dakota

Dear Mr. Bosworth:

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

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

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

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

Please govern your use of irrigation water under your Water Right No. 699-3 in accordance with this order. You will be notified if water supplies in this section of the James River become sufficient to permit irrigation water withdrawals again during 1970. Aerial inspections of this section of the James River will be made by the Staff of the Water Resources Commission.

Sincerely,

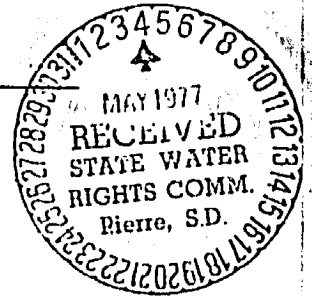
J.W. Grimes
J.W. GRIMES

JWG/DD/bw

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

Form 20.

No. 699-3



NOTICE OF TRANSFER OF WATER PERMIT

TO: **WATER RIGHTS COMMISSION**

State Office Building No. 2
Pierre, South Dakota 57501

Date 1-10-77

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

portions of Section 24, T103N, R60W 116.5 acres and

portions of Section 19, T103N, R59W 45.7 acres

formerly owned by Alfred Basworth (Al C. Basworth)

has been transferred to Harry T. Basworth

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 699-3 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

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

WATER RIGHTS COMMISSION

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

IOWA
STATE OF ~~SOUTH DAKOTA~~)
County of Hancock) ss.

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

Harry T. Basworth
(Signed)

Suscribed and sworn to before me this 27th day of April, 19 77

Robert Gassman
(Notary Public)



699-3

Department of Water & Natural Resources

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

January 29, 1988

H T BOSWORTH
RR 3
MITCHELL, SD 57301

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). 699-3. 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). 699-3 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.



Department of Water & Natural Resources

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

February 9, 1988

699-3

H T Bosworth
RR 3
Mitchell SD 57301

Dear Mr. Bosworth:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 699-3 and the hearing date before the Water Management Board.

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

Very truly yours,

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

 **Department of
Water & Natural Resources**

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

April 18, 1988

699-3

H. T. Bosworth
RR 3
Mitchell, SD 57301

RE: James River Flow Conditions and Future Shut Off Orders

Dear Mr. Bosworth:

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

James River flow conditions are as follows:

James River Flow* Record

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

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

1 cfs = 449 gallons per minute

** Sand Lake Refuge has increased releases due to inflows

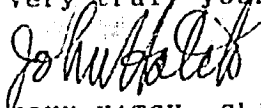
The flow in North Dakota at LaMoure, ND is 142 cfs because of releases being made at the Pipestem Dam. However, releases from Pipestem will be reduced after April 15 to 25-50 cfs because of a construction project below the dam. We do not expect significant releases from the Jamestown Reservoir in North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

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

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

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

Very truly yours,

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

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



Department of Water & Natural Resources

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

June 28, 1988

NOTICE OF SHUTOFF ORDER

699-3

TO: H. T. Bosworth
RR 3
Mitchell, SD 57301

FROM: John Hatch, Chief Engineer *John Hatch*
Water Rights Division
605 773-3352 *By James Hunter*

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

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

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

Let us know if you have any questions.





Department of Water & Natural Resources

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

July 28, 1989

NOTICE OF SHUTOFF ORDER

699-3

TO: H. T. Bosworth
RR 3
Mitchell, SD 57301

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

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

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

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

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





Department of Water & Natural Resources

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

April 6, 1990

NOTICE OF SHUTOFF ORDER

699-3

TO: Bosworth, H. T.
RR 3
Mitchell, SD 57301

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

Delvin H. Brosz

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

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

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

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

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

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

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

cc: City of Huron, Water Superintendent

10/11/90

Dakota Department of Water & Natural Resources

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

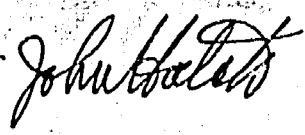
June 20, 1990

RESCISSION OF SHUTOFF ORDER

699-3

TO: H. T. Bosworth
RR 3
Mitchell, SD 57301

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



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

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

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

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

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

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

SOUTH
Dakota Department of
Water & Natural Resources

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

August 8, 1990

NOTICE

699-3

TO: H. T. Bosworth
RR 3
Mitchell, SD 57301

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

John Hatch

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

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

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

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

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

cc: City of Huron, Water Superintendent



Department of Water & Natural Resources

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

April 2, 1991

699-3

H. T. Bosworth
RR 3
Mitchell, SD 57301

Dear Mr. Bosworth:

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

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

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

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

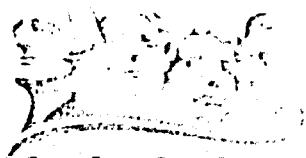
We will continue to closely monitor the flow in the river. Unless flow conditions improve in the next two to three weeks, shut off orders may have to be issued to all James River water users except for the City of Huron, which has senior water rights.

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

Very truly yours,

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

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 5, 1991

NOTICE

699-3

TO: H. T. Bosworth
RR 3
Mitchell, SD 57301

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

Delvin D. Brosz

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

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

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

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

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

cc: City of Huron, Water Superintendent



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 3, 1992

NOTICE OF SHUTOFF ORDER

699-3

TO: HARRY T BOSWORTH
RR 3 BOX 216
MITCHELL, SD 57301

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

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

The flows in the James River are listed below:

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

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

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 22, 1992

RESCISSION OF SHUTOFF ORDER

699-3

TO: HARRY T BOSWORTH
RR 3 BOX 216
MITCHELL, SD 57301

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

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

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

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



January 9, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

 JOE FOSS BUILDING
 523 EAST CAPITOL
 PIERRE, SOUTH DAKOTA 57501-3181
NOTICE
TO: H T BOSWORTH, RR 3 BOX 216, MITCHELL, SD 57301

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire has not been submitted for Permit No(s) 699-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, February 25, 1998, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 699-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete Items 1 and/or 2 for additional services.
- Complete Items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

HT BOSWORTH
RR 3 BOX 216
MITCHELL SD 57301

699-3

4a. Article Number

2179157175

4b. Service Type

☐ Registered

☐ Express Mail

☐ Return Receipt for Merchandise

☒ Certified

☐ Insured

☐ COD

7. Date of Delivery

JAN 12 1994

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

5. Received By: (Print Name)

FLOYD DREW

6. Signature: (Addressee or Agent)

X Floyd Drew

PS Form 3811, December 1994

102595-97-8-0179

Domestic Return Receipt

Thank you for using Return Receipt Service



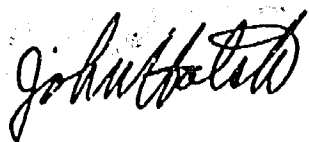
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 2, 1998

NOTICE OF AMENDMENT OF WATER RIGHT

TO: H T BOSWORTH, RR 3 BOX 216, MITCHELL, SD 57301

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

SUBJECT: Amendment to Water Right No. 699-3

Pursuant to the provisions of the notice dated January 9, 1998, and following the hearing February 25, 1998, the Water Management Board has amended Water Right No. 699-3 to add the following qualification:

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

This action was taken for failure to return the 1997 Irrigation questionnaire. The addition of this qualification to your Water Right means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

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

699-3

CERTIFICATION

I hereby certify that on March 2, 1998, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 2, 1998, regarding Amendment to the following Water Rights/Permits, addressed as stated below:

W.R. #954-2: Kimberly Kaye Sealine, 24300 173rd Ave., Caputa, SD 57725.

W.R. #1632-2: Kathleen Ann Perrigo, P.O. Box 771, Box Elder, SD 57719-0771.

W.R. #305-3: Iner Houska, 40970 246th St., Mitchell, SD 57301.

W.R. #699-3: H. T. Bosworth, RR 3, Box 216, Mitchell, SD 57301.

W.R. #849-3: Florence Demers, RR 2, Box 248, Elk Point, SD 57025-9757.

W.R. #1095-3: Fred Assam, Hamad Assam Corporation, 530 S. Phillips Ave., Sioux Falls, SD 57102.

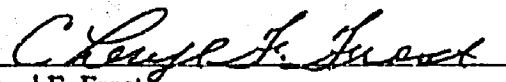
W.R. #2487-3: Harvey Kloss, 204 Kansas, Apt. 7, Tulare, SD 57476.

W.P. #3132-3: Randy Ogren, Operator, RR 1, Box 176, DeSmet, SD 57231.

A copy of the Notice for W.P. #3132-3 was sent to the following:

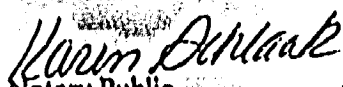
Wayne Ogren, P.O. Box 110111, Anchorage, AK 99511.

W.R. #3341-3: Louis Voeltz, Voeltz Farm, Inc., RR 1, Box 212, Big Stone City, SD 57216.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 3rd day of March, 1998


Notary Public
KAREN SCHLAACK
NOTARY PUBLIC
SOUTH DAKOTA

KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001



699-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 1999

NOTICE

TO: H T BOSWORTH, RR 3 BOX 216, MITCHELL, SD 57301

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 699-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 699-3 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 699-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on or before March 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Jenny McMath at (605) 773-3352.

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

699-5

SENDER: - Complete items 1 and/or 2 for additional services. - Complete items 3, 4a, and 4b. - Print your name and address on the reverse of this form so that we can return this card to you. - Attach this form to the front of the mailpiece, or on the back if space does not permit. - Write "Return Receipt Requested" on the mailpiece below the article number. - The Return Receipt will show to whom the article was delivered and the date delivered.		also wish to receive the following services (for an extra fee): ☐ Addressee's Address ☐ Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: H T BOSWORTH RR 3 BOX 216 MITCHELL SD 57301		4a. Article Number 2119-141642	
		4b. Service Type ☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD	
		7. Date of Delivery 1-23-99	
5. Received By: (Print Name)		8. Addressee's Address (Only if requested and fee is paid)	
6. Signature: (Addressee or Agent) X-<i>[Signature]</i>			
PS Form 3811, December 1994		102595-97-B-0179 Domestic Return Receipt	

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1999

699-3

H T Bosworth
RR 3 Box 216
Mitchell, SD 57301

Dear Mr. Bosworth:

I am writing to acknowledge receipt of your 1998 irrigation questionnaire. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Permit No. 699-3.

I completed a questionnaire for you based on our January 29th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

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

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 4, 2005

699-3

H T Bosworth
220 N Gale Rd
Mitchell SD 57301

Dear Mr. Bosworth:

Thank you for contacting us regarding the pending ownership change for Water Right No. 699-3.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. The new owner(s) of the land will need to complete and sign the form. Upon completion, the form should be returned to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

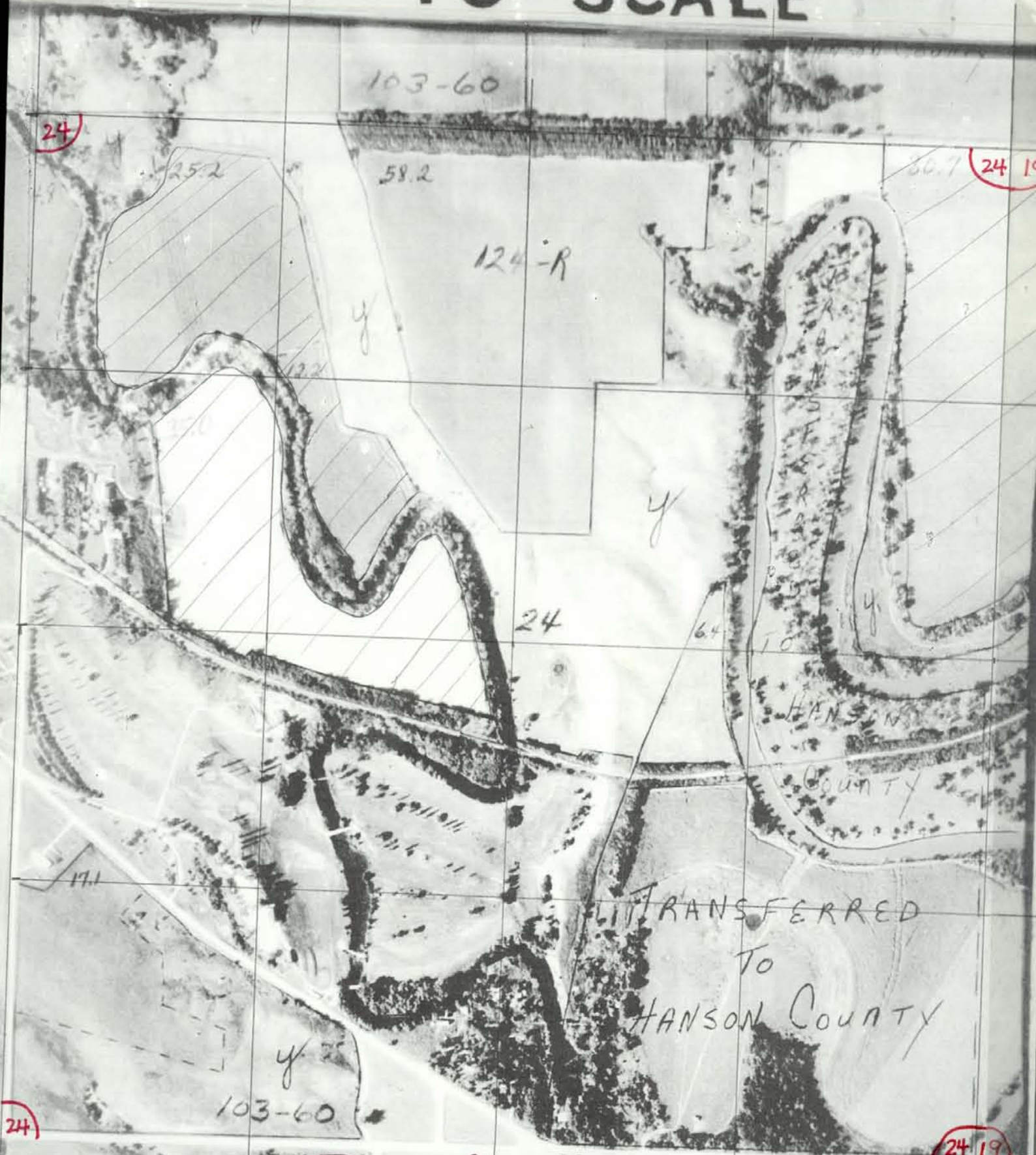
I have included a copy of the water right in the event the new owner would like to have one. If you have any questions, please contact me.

Sincerely,

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

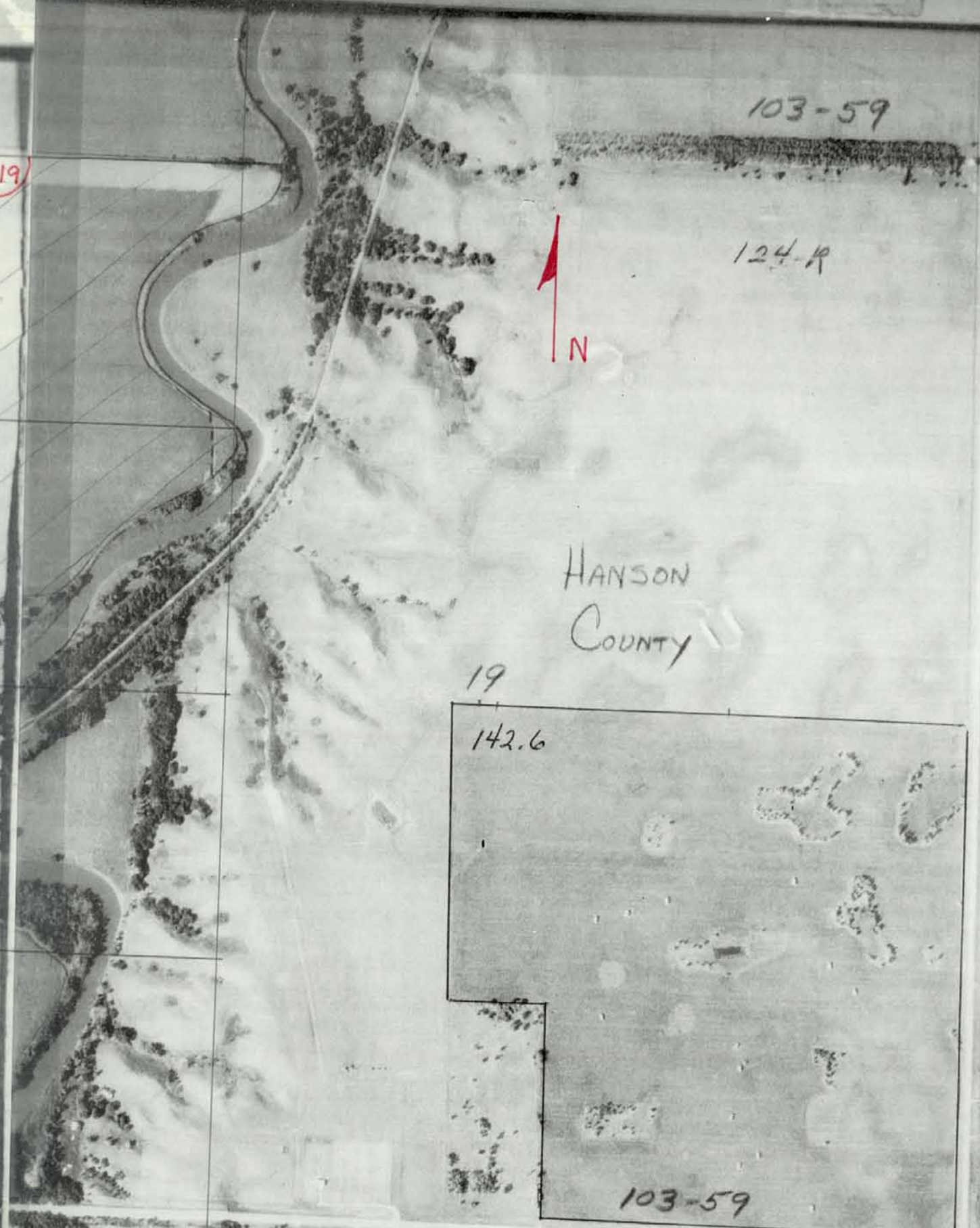
enclosures

699
NOT TO SCALE



Ron Duwall
Natural Resources Eng.
5/23/86

699
NOT TO SCALE



License No. 699-3
Map No. 538-3

699-3

RECEIVED

JUN 24 2005

WATER RIGHTS
PROGRAM

ATT:

Genny Mc Math

I have retained
the part of the
property that lies
west of firesteel
creek in the NW 1/4
of Sec 24-103-60

H. P. Bosworth
220 W. Gale Rd
Milledale S.P.
52301

996-9159

WATER RIGHT NO. 699-3

DIVISION OF NO. 699-3 INTO 699A-3 & 699B-3

June 24, 2005, an ownership change was filed on a portion of land covered under the water right. The water right was divided and reissued to reflect separate ownership.

- **No. 699A-3**, H T Bosworth authorizing diversion of 0.69 cfs from Firesteel Creek to irrigate 48 acres in Lots 1 and 3 of Section 24, T103N, R60W, Davison County.
- **No. 699B-3**, Mary K Puetz authorizing diversion of 1.63 cfs from the James River and Firesteel Creek to irrigate 114.2 acres in Lots 2 and 4 in Section 24, T103N, R60W, Davison County and Lot 5 in Section 19, T103N, R59W, Hanson County.