

No.

73-3

Office of State Engineer
DOCUMENT FILE

A. E. Grubb,
Frankfort, L. Ark.

Sec. 1 - 116 N. - 63. W.
Spink County

Thunder Creek (Pickerton)

Engineer W. R. E. Livingston
3460 Woodland Ave.
Lincoln, Neb.

Map No. 52-5

NO. 73-3.....

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

District

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.APPLICATION FOR PERMIT
To Appropriate Water within the State of South Dakota

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

1. Name of applicant ~~LYLE E~~ ~~A. E. Crook~~.....Postoffice address ~~Frankfort~~....., County ~~Spink~~....., State ~~S. Dak~~.....~~Is this corporation~~.....

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

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

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

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor) ~~Contract, Employment, direct labor~~.....

~~System installed and functioning~~.....

(c) Treasury stock, \$.....

(d) ~~Amount to be invested~~ \$.....

(e) Other resources, \$.....

2. Name of diversion work ~~A. E. Crook~~.....3. Quantity of water claimed ~~1 1/2~~..... cubic feet per second.4. Source of water supply ~~Thunder Creek (Thunder Run)~~.....5. Location of point of diversion ~~Between U.S. 212 and C & M RR~~ ~~NE 1/4-6 T116N R61W~~
~~NE 1/4 & SE 1/4 Sec. 1 T116N R 62W~~..... on ~~either~~..... bank.6. Annual periods during which water is to be used ~~May 1 to Nov 1~~.....

7. To be used for:

1. Irrigation or domestic use?
- ~~Gravity overhead sprinkling or combination system?~~
-

(a) Number of acres to be irrigated ~~248~~..... acres.(b) Legal subdivisions to be irrigated ~~see list appended~~.....

(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

8. Estimated cost of works:

(a) ~~Head gate~~, \$..... (b) Pumping plant, \$ 1000
(c) ~~Reservoir~~ \$..... (d) ~~Canal~~ ~~spillway~~ Rock, \$ 200
(e) Other structures \$2800. Pipe and Nozzles \$3800 Total, \$ 5000

9. Description of diversion works:

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

WPA dam w/ altered spillway. Pump also, direct connect 30 hp 660 GPM 13' head

II. Dimensions of works:

120

(a) Dam: Height 100 feet; length 66 bottom feet; length 12 at top feet; thickness at bottom 2 ft feet; thickness at top 2 ft feet; slope at front water face. Earth, Rock; slope of back face.....; material used in construction..... 66

(b) Reservoir: Capacity when filled..... acre feet. Surf..... at highwater mark 34 acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	ACRE-Feet CAPACITY
6	Surface 34	86

3/10/52
(c) * Head gate 70 Rainbird Nozzles 40 Nozzles @ 45 lb Net head, est, 16 GPM each
feet, length

Material Average operating capacity 40x16 = 640 GPM (No Nozzles varied)

(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 regular size are made.)

10. Time required for completion of work years.

1 1/2

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

12. Choice of newspaper for publication of notice of intention to appropriate
Redfield Press Dakota Times Record

STATE OF SOUTH DAKOTA

County of ss.

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

Signed A E Crook

Subscribed and sworn to before me this 1 day of August, 1951

Notary Public (or other qualified officer.)

Remarks by State Engineer:

STATE OF SOUTH DAKOTA

County of Ingham

} ss.

Pierre, South Dakota, October 12, 1951

This is to certify that the foregoing application was received at this office at 8:30 o'clock
a. m. upon the 3rd day of August, 1951 and that after examination it
was found to comply with the South Dakota water law, was published in accordance with the provisions
thereof and consideration given to any and all information presented. No protests were received.

Number of permit 73-3

W. H. Hughes
W. H. HUGHES

State Engineer.

Date of first receipt of application August 3, 1951

Date of return to applicant for correction - - - - -, 19-

Date of receipt of corrected application - - - - -, 19-

Date from which applicant may claim right August 3, 1951

Approved October 12, 1951, Recorded in Book 3 Page 10

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

1st. The equivalent of at least one-fifth, of the work above specified is to be completed on or
before July 12, 1952.

2nd. The whole of said work is to be completed on or before April 12, 1953.

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith
is April 12, 1953.

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

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

6th. The amount of the appropriation herein granted shall not exceed 1.5
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 neces-
sary for the production of crops in the exercise of the best husbandry; and further, said appropria-
tion 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 12, 1953; said water to be used during the following described an-
nual period:

May 1 to November 1 inclusive

Witness my hand this 12th day of October, 1951

Certificate of Construction issued DECEMBER 26, 1963

Water License issued DECEMBER 26, 1963

W. H. Hughes
State Engineer.

A. E. C took Application for Permit

Land to be irrigated

Location	Section	Trp	Range	Acres
SE $\frac{1}{4}$ of SB $\frac{1}{4}$	1	116 N	62 W	6.4
SW $\frac{1}{4}$ of SE $\frac{1}{4}$	1	116 N	62 W	13.6
NW $\frac{1}{4}$ of SE $\frac{1}{4}$	1	116 N	62 W	39.0
NE $\frac{1}{4}$ of SE $\frac{1}{4}$	1	116 N	62 W	4.2
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	1	116 N	62 W	1.3
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	1	116 N	62 W	42.9
NW $\frac{1}{4}$ of NE $\frac{1}{4}$	1	116 N	62 W	39.3
NE $\frac{1}{4}$ of NE $\frac{1}{4}$	1	116 N	62 W	13.3
SW $\frac{1}{4}$ of NW $\frac{1}{4}$	6	116 N	61 W	44.0
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	6	116 N	61 W	24.0

Total

248.0

Permit No. 73-3

Water Division No. 3 James River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That A. E. Crook
of Frankfort, County of Spink, and State of South Dakota, the holder of Permit No. 73-3, Issued upon Application No. 73-3, bearing date of priority of August 3, 1951, authorizing the diversion of 1.5 cu. ft. per second of the waters of Thunder Creek County of Spink, State of South Dakota, at a point in the NE¹/₄ SE¹/₄ Section 1, T116N, R62W for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 1.5 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:	Section 1, T116N, R62W	SE ¹ / ₄ SE ¹ / ₄	6.4	acres
		SW ¹ / ₄ SE ¹ / ₄	33.6	"
		NW ¹ / ₄ SE ¹ / ₄	39.0	"
		NE ¹ / ₄ SE ¹ / ₄	4.2	"
		SE ¹ / ₄ NE ¹ / ₄	1.3	"
		SW ¹ / ₄ NE ¹ / ₄	42.9	"
		NW ¹ / ₄ NE ¹ / ₄	39.3	"
		NE ¹ / ₄ NE ¹ / ₄	13.3	"
	Section 6, T116N, R61W	SW ¹ / ₄ NW ¹ / ₄	44.0	"
		NW ¹ / ₄ NW ¹ / ₄	24.0	"
		Total.....	248.0	"

Witness my hand this 20th day of May A. D. 19 63

State Water Resources Commission
By J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 73-3

WHEREAS, On the 3rd day of August A. D. 1951
A. E. Crook
of Frankfort County of Spink and State of
South Dakota duly made application (No. 73-3) to us for a permit to use 1.5
cubic feet per second of the waters of Thunder Creek
County of Spink, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 12th day of October A. D. 1951
Permit No. 73-3 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 12th day of
April A. D. 1953 and for the application to beneficial use of said
water on or before the 12th day of April A. D. 1953
and,

WHEREAS, On the 22nd day of August A. D. 1962
the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.5
cubic feet per second of said waters, as evidenced by our Certificate No. 73-3
dated May 20, 1963 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 1.5 cubic feet per second of water, with date of
priority of August 3, 1951 and,

WHEREAS, On the 22nd day of August A. D. 1962
proof was duly made of the application to beneficial use of 1.5 cubic feet per second of said water;
for irrigation of 248 acres in Section 1, T116N, R62W and Section 6, T116N, R61W

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to A. E. Crook
of Frankfort the holder and owner of said permit No. 73-3
a water right, dating from August 2, 1951 to the use of 1.5
cubic feet per second of the waters of Thunder Creek
in the County of Spink and State of South Dakota, or so much thereof as may be
necessray for the purposes hereibelow mentioned, to be diverted at a point in the NE 1/4, SE 1/4, Section 1,
T116N, R62W
and conducted to and upon portions of Section 1, T116N, R62W and Section 6, T116N, R61 W
more specifically described in the Certificate of Completion of Works
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 20th day of May A. D. Nineteen
Hundred and Sixty-Three

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 _____	

(First Publication _____, 19____)

APPROPRIATION OF WATER

Office of State Engineer,

Pierre, So. Dak., August 15, 1951

Notice is hereby given that A. E. Crook whose postoffice address is Frankfort, So. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.5 cubic feet of water per second of time from ~~the~~ Pimber River of Thunder Creek through the A. E. Crook Diversion, the point of diversion of which is to be located on both banks of said stream between N. edge NW 1/4 Sec. 6, T. 116N., R. 61W. and S. edge NE 1/4 of SE 1/4 Sec. 1, T. 116N., R. 62W. ~~in the NW 1/4 of Sec. 6, T. 116N., R. 61W. and S. edge NE 1/4 of SE 1/4 Sec. 1, T. 116N., R. 62W.~~ Said water to be used for the purpose of providing irrigation on the following described land:

E 1/2 of Sec. 1, T. 116N., R. 62W.W 1/2 of NW 1/4 Sec. 6, T. 116N., R. 61W.~~AND FOR~~ purpose

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 26th day of September, 1951, at 2:00 P.M. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

Appropriation action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

DEAN W. LOUCKS
State Engineer

NCS:mt
Enc.

PRCOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County of Clark

ss.

Willard H. Dwy being duly sworn, deposes and says the annexed printed copy of Notice of Intention to appropriate Water was taken from the.....

Times-Record 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 Robison County of Clark and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

August 30, 1951

September 6, 1951

September 13, 1951

September 20, 1951

in each and every issue of the full number thereof, the first publication being made on the 30 day of August 1951 and the last publication on the 20 day of September 1951, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was ✓ the printer and publisher of the said newspaper.

Subscribed and sworn to before me this 25 day of Sept A. D. 1951

Notary Public

County, S. D.

No. 73-3
(First Publication Aug 30, 1951)
APPROPRIATION OF WATER
Office of State Engineer
Pierre, So. Dak., August 16, 1951
Notice is hereby given that A. E. Crook whose postoffice address is Frankfort, So. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.8 cubic feet of water per second of time from Timber River of Thunder Creek through the A. E. Crook Diverston, the point of which is to be located on both banks of said stream between N. edge NW $\frac{1}{4}$ Sec. 6, T. 116 N., R. 61 W. and S. edge NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 1, T. 116 N., R. 62 W. Said water to be used for the purpose of providing irrigation on the following described lands: E $\frac{1}{4}$ of Sec. 1, T. 116 N., R. 62 W.; W $\frac{1}{2}$ of NW $\frac{1}{4}$ Sec. 6, T. 116 N., R. 61 W.
This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 26th day of September, 1951, at 2:00 P.M. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further the information presented.
Appropriation action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.
DEAN W. LOUCKS,
State Engineer.
(Last Publication Sept. 20, 1951)

RECEIVED

SEP 24 1951

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Permit No. 73-3Water Division No. 3 James B. Biggs 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 A. E. Creek of Spirit County, South Dakota, holder of Permit No. 73-3, issued upon Application No. 73-3, bearing date of priority of Aug. 3, 1951, authorizing the diversion of 1.5 cu. ft. per second of the waters of Timber Creek for Irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Dam w/altercd spillways, electric pump 2000' of 6", 1000' of 5", 800' of 4" & 200-300' of 3" pipe
General Dinucci Pump, Ser. # 435898, Type BH. Ellis electric
motor, 3500 R.P.M.

and the system is in the following condition: Good

The point of diversion is located Between U.S. 212 & C&NW RR., NE 1/4 Sec. 6 T16N
R6W NE 1/4 & SE 1/4 Sec. 1 T16N R6W on either bank

The works are capable of diverting and conveying to the place of use 680 GPM cu. ft. per second of water, which is to be used for Irrigation

The land to be irrigated are: See attached sheet

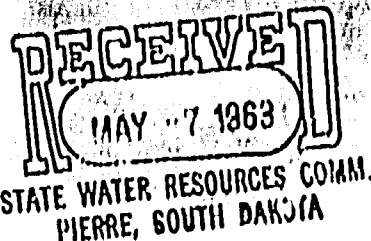
As per 7000 Application for Permit

Land to be irrigated

	Location	Feet	Size	Barge	Area
The dam	NE 1/4 of SE 1/4	1	116 H	03 W	6.6
	SE 1/4 of SE 1/4	8	116 H	02 W	88.6
The utility	NE 1/4 of NE 1/4	1	116 H	23 W	89.0
	NE 1/4 of NE 1/4	1	116 H	03 W	4.8
	SE 1/4 of NE 1/4	1	116 H	03 W	1.3
	SE 1/4 of NE 1/4	1	116 H	02 W	48.8
	NE 1/4 of NE 1/4	1	116 H	03 W	80.8
With	NE 1/4 of NE 1/4	1	116 H	03 W	18.6
-S	SE 1/4 of NE 1/4	8	116 H	01 W	14.0
	NE 1/4 of NE 1/4	8	116 H	01 W	24.0
Total					248.0

Location No. 73-3Water Division No. 3JAMES RIVER

Water District



Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. A. E. CROOK, FRANKFORT, S. DAK.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. AUGUST 3, 1951

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. TIMBER CREEK - NE⁴ SE⁴, Section 1, T16N, R62W

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. SEE APPLICATION

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. IRRIGATION - SEE INSPECTION SHEET

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 1.5 CFS

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

And WATER FIRST USED IN 1951, AND HAS
BEEN USED EACH YEAR SINCE ON THE 248
ACRES LISTED IN THE PERMIT

(Sign) A E CROOK

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in BEDELEH, County of S. DAKOTA
State of South Dakota, on this 6th day of MAY A. D. 1953

Witnesses: W. R. Ricker
Notary Public

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. _____

PROOF OF APPLICATION FOR
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

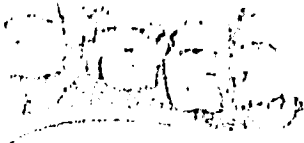
Place of Use _____

Date of recording _____

Received and filed _____

RECEIVED
MAY 10 1953
SOUTH DAKOTA
DEPT. OF AGRICULTURE

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 7, 1991

73-3

Craig Carson
Farm Credit Services
PO Box 1987
Aberdeen, SD 57402-1987

Dear Mr. Carson:

Enclosed, as requested, is a copy of Water Right No. 73-3. The water right is currently listed in the name of Lyle E Crook, Frankfort, SD.

If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure



73-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 27, 1993

73-3

Ted Pazour
RR #1 Box 36
Frankfort, SD 57440

Dear Mr. Pazour:

Mr. Lyle Crook of Frankfort, SD has notified our office that he has leased his land under Water Right No. 73-3 to you. The land described for irrigation purposes in Water Right No. 73-3 is as follows:

E 1/2 Section 1, T116N, R62W and W 1/2 NW 1/4 Section 6, T116N, R61W

Each year, our office mails irrigation questionnaires to irrigators in South Dakota for use in reporting how many acres they irrigated and how much water was used. At the request of Mr. Crook, future irrigation questionnaires will be mailed directly to you.

I will list your name on the water right as that of "leaser" to allow future forms to be sent to you. The questionnaires are mailed from our office in October of each year and are to be returned by December.

Mr. Crook has already submitted the 1993 irrigation questionnaire. I am enclosing a sample copy of the irrigation questionnaire and cover letter which accompanies the form. This will assist you in record keeping for next irrigation season. If you would like a copy of Water Right No. 73-3, one can be forwarded to you upon request.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 16, 2007

73-3

Ted Pazour
40061 171st St
Frankfort SD 57440-6801

Dear Mr. Pazour:

Thank you for returning my call concerning Water Right No. 73-3, listed in the name of Lyle Crook.

Enclosed, as we discussed, is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

One thing to keep in mind is that in order to maintain a water right, you need to use the water at least once every three years. The three year period may be waived if legal excuse exists for the years on non-use. I am including excerpts of our Water Right Laws and Water Management Board Rules dealing with these issues.

For informational purposes, the annual irrigation questionnaire will be mailed to you sometime in October. If I can answer any questions for you concerning the water right or completion of the ownership change, please contact me.

Sincerely,

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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/22, 2007

RECEIVED OF Ted or Jackie Pazour 40061 171st St Frankfort SD 57440

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ 73-3		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

3139

By

Garland Thiele

Chief Engineer

RECEIVED

AUG 22 2007

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 73-3

Date: _____

I/We request that Water Right No. 73-3

formerly owned by: Lyle Crook

be transferred to: (name & address) Ted Pazour, 40061 171st St, Frankfort SD 57440

Jackie Pazour Living Trust

Telephone No. 605 472-1414

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

248 acres - E ½ Section 1, T116N, R62W and W ½ NW ½ Section 6, T116N, R61W

I/We understand that the validity of Water Right No. 73-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Jackie Pazour, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 22, 2007

73-3

Jackie Pazour
40061 171st St
Frankfort SD 57440

Dear Ms. Pazour:

I am writing to acknowledge receipt of the ownership change and filing fee you submitted for transferring Water Right No. 73-3. The transfer has been completed. The water right formerly held by Lyle Crook is now listed in the name of "Jackie Pazour Living Trust".

Enclosed is Receipt No. 03139 in the amount of \$2.50. You may keep this for your records. If I can answer any questions for you please contact me.

Sincerely,

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

enclosure



**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 18, 2008

NOTICE

TO: JACKIE PAZOUR LIVING TRUST, 40061 171ST ST, FRANKFORT, SD 57440 6801

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire has not been submitted for Permit No(s) 73-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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 **10:00 am, March 11, 2008**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 73-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:
<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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.

73-3

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 4292
Status: **Delivered**

Your item was delivered at 8:05 AM on January 23, 2008 in FRANKFORT, SD 57440. The item was signed for by J PAZOUR.

Track & Confirm

Enter Label/Receipt Number.

[Additional Details >](#) [Return to USPS.com Home >](#)

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No FEAR Act EEO Data

FOIA

U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 4292

JACKIE PAZOUR LIVING TRUST
40061 171ST ST
FRANKFORT SD 57440 6801

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

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Keep this receipt. For Inquiries:
Access internet web site at
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**DEPARTMENT of ENVIRONMENT
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PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 28, 2008

73-3

Jackie Pazour
40061 171st St
Frankfort SD 57440-6801

Dear Ms. Pazour:

I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 73-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

RECEIVED

NOV 25 2008

WATER RIGHTS
PROGRAM

November 23, 2008

Department of Environment
And Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

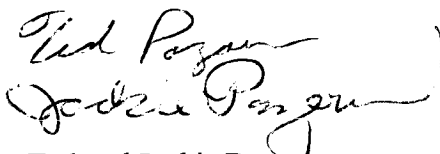
RE: Notice to submit the 2008 Irrigation Questionnaire

I will probably stop irrigating with water pumped from Timber Creek. I don't have a problem giving up my irrigation permit.

I would like to keep my water rights, though. I maintain a dam at my expense on my private property that creates water for livestock and wildlife as well as creating a large wetland area.

I would like to know my options before making a final commitment here. Thank you for assistance in addressing this matter.

Sincerely,

Handwritten signatures of Ted and Jackie Pazour. The signature of Ted Pazour is on top, and Jackie Pazour's is below it, both in cursive script.

Ted and Jackie Pazour
40061 171 ST
Frankfort, SD 57440
605-472-1414



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 12, 2013

73-3

NOTICE

Ted & Jackie Pazour
Jackie Pazour Living Trust
40061 171st St
Frankfort SD 57440

Dear Mr. & Mrs. Pazour:

This will notify you that the Water Management Board cancelled the irrigation component of your Water Right No. 73-3 on March 7, 2013. This action was taken under the conditions outlined in our notice to you dated January 23, 2013.

With cancellation of the irrigation component of the water right, the water license will now be reissued to allow continued use of the storage dam for domestic livestock watering purposes. The reissued license will be forwarded to you under separate cover within the next couple weeks.

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

I hereby certify that on March 12, 2013, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 12, 2013 regarding cancellations addressed as stated below:

Water Right No. 4035-3: Donald Evenson, 2044 Harbor Ridge Rd, Brookings SD 57006

Water Permit No. 1891-1: Debbie Brown, Finance Officer, City of Faith, PO Box 368, Faith SD 57626

Water Permit No. 6846-3: Mark Thoma, Manager, Environmental Services, Otter Tail Power Co, PO Box 496, Fergus Falls MN 56537

Water Permit No. 7057-3: Gerhard TerDenge, Mill Valley LLC, 15161 476th Ave., Millbank SD 57252

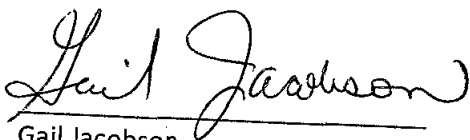
Water Permit No. 2124-2: Justin Vande Weerd, 46659 205th St., Bruce SD 57220

Water Permit No. 6471-3 Gary Marshall, Marshall Brothers, 19032 388th Ave., Hitchcock SD 57348

Water Permit No. 73-3: Jackie Pazour Living Trust, Ted & Jackie Pazour, 40061 171st St., Frankfort SD 57440

Water Right No. 1293-2: Tom Lillibridge, PO Box 168, Bonesteel SD 57317

Water Permit No. 6399-3 Keith & Kip Krull, 31848 207th St., Harrold SD 57536



Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)

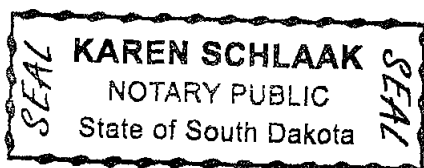
COUNTY OF HUGHES)

) SS

Sworn to, before me, this 12th day of March, 2013.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

January 23, 2013

NOTICE OF CANCELLATION

TO: Jackie Pazour Living Trust, Ted & Jackie Pazour, 40061 171st St, Frankfort SD 57440

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

SUBJECT: Cancellation of the irrigation component of Water Right No. 73-3

Water Right No. 73-3 authorizes diversion of water from Timber Creek for irrigation purposes. The water right also authorizes impoundment of 65 acre feet of water from the creek. On November 20, 2012, Tim Schaal with our program spoke with you about the permit and use of water for irrigation. It is our understanding that no irrigation has taken place for many years however the storage dam still exists. Based on this information, the Chief Engineer of the Water Rights Program is recommending cancellation of the irrigation component of Water Right No. 73-3 for abandonment and/or forfeiture.

The Water Management Board will consider cancellation of the irrigation portion of Water Right No. 73-3 at 8:30 a.m., March 7, 2013 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*).

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. 73-3 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 25, 2013. 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.

This hearing is 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 25, 2013.

Prior to February 25, 2013, 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.

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 4, 2013.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

RECOMMENDATION OF CHIEF ENGINEER

FOR WATER RIGHT NO. 73-3, JACKIE PAZOUR LIVING TRUST

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. 73-3.

The Chief Engineer is recommending cancellation of the irrigation component of the water right due to abandonment and/or forfeiture. On November 20, 2012, Tim Schaal with the Water Rights Program spoke with Ted Pazour concerning the water right. Mr. Pazour confirmed they no longer irrigate however do store water in the dam for livestock water.

RON DUVALL, Natural Resources Engineer
for Garland Erbele, Chief Engineer
January 23, 2013

Note:

Cancellation consideration is for the irrigation component of the water right only. Once the Board takes action to cancel the irrigation portion, the water license will be reissued to allow for continued use of water from the storage dam for livestock watering purposes.

CERTIFICATION

I hereby certify that on January 23, 2013, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated January 23, 2013 regarding cancellations addressed as stated below:

Water Permit No. 6471-3

Gary Marshall, Marshall Brothers, 19032 388th Ave., Hitchcock SD 57348

Water Permit No. 73-3

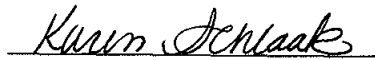
Jackie Pazour Living Trust, Ted & Jackie Pazour, 40061 171st St., Frankfort SD 57440



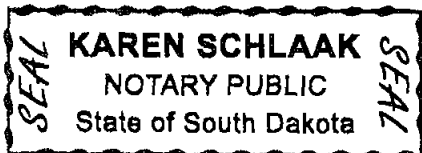
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 23rd day of January, 20 13.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013



Licensing of Irrigation Water Permit for Stock Watering

NAME: Jackie Pazour Living Trust

ADDRESS: 40061 171st Street, Frankfort, SD 57440-6801

DATE: April 11, 2013 COUNTY: Spink TELEPHONE: 605-472-1414

AUTHORITY

Pursuant to SDCL 46-5-31.1, if permitted irrigation use from a storage dam is abandoned or forfeited but the storage dam is used for stock watering, stock watering may be added to the license or permit upon the request of the permit or license holder.

REQUEST

On November 20, 2012, I visited with Ted Pazour about Water Permit No. 73-3 and their dam on Timber Creek. He indicated that they had not used the permit for irrigation for many years. I explained to him that Water Permit No. 73-3 should be scheduled to cancel the irrigation portion of the permit, and then we could license the existing 65 acre-foot storage dam for livestock water. The dam has been in place for many years and was in fair condition. It serves more as a rock crossing and has been washed out and repaired a number of times.

RECOMMENDED ACTION

Based on the above request, it is recommended that the water license be issued for stock watering.



Timothy G. Schaal, P.E.
Natural Resources Engineer IV
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-31.1 that:

This addition of stock watering does not impair existing water rights and no diversion of water will be made from the stock dam. Licensing of the water permit for stock watering may occur without application or publication pursuant to SDCL 46-2A-4.



Jeanne Goodman, Chief Engineer
Water Rights Program

Permit No. 73-3
James River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, November 20, 2012, made a thorough examination of the water use system for Jackie Pazour Living Trust of 40061 171st Street, Frankfort, SD 57440-6801 holder of Permit No. 73-3, bearing the priority of August 3, 1951 authorizing the storage of 65 acre-feet of the waters of Timber Creek for Domestic use (livestock water) purposes, in Spink County.

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

A. Works used to divert the water:

Earth Dam (rock crossing)

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

N/A

C. Works used to apply water to beneficial use:

Earth Dam (rock crossing)

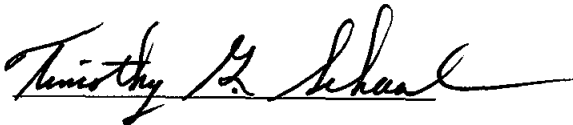
The system is in the following condition fair (rock crossing has been washed out and repaired a number of times). The point of diversion is located 700 feet north of the SE corner of Sec.1-T116N-R62W (SE ¼ SE ¼) (Lat. 44.08061, Long. -98.22086). The works are capable of storing 65 acre-feet of water which is to be used for Domestic use (livestock water). Water has been put to beneficial use to the maximum extent as follows:

Earth Dam (rock crossing)

and the license should be issued for 65 acre-feet of storage.

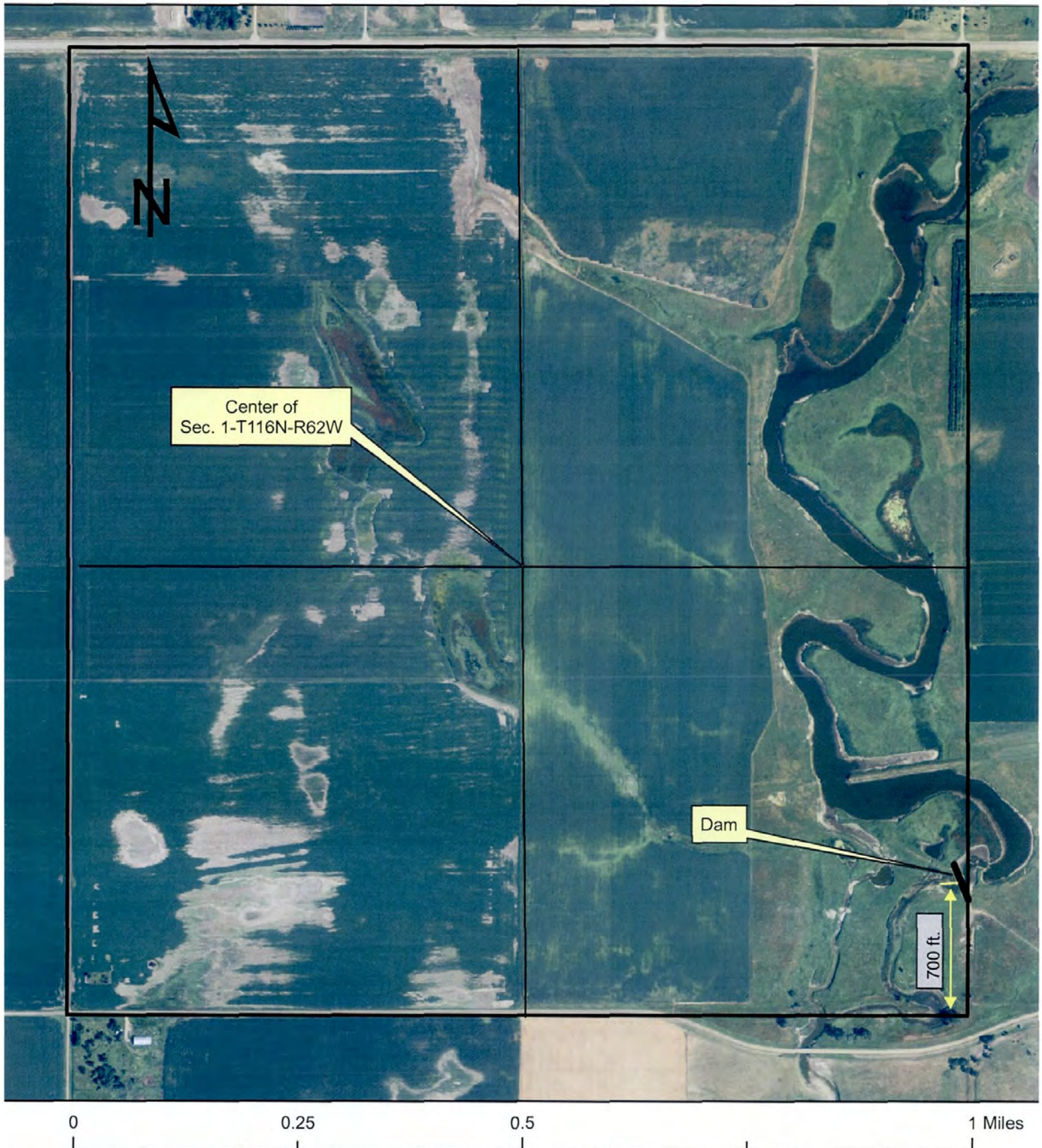
Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: December 5, 2012



Timothy G. Schaal, P.E.
Natural Resources Engineer IV
DENR, Water Rights Program

Water Permit No. 73-3



Timothy G. Schaal
Timothy G. Schaal, P.E.
Natural Resources Engineer IV
SD DENR, Water Rights Program

12/5/12



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

APR 26 2013

73-3

Jackie Pazour Living Trust
40061 171st St
Frankfort SD 57440-6801

Dear Ms. Pazour:

Enclosed is Reissued Water License No. 73-3.

On March 7, 2013, the Water Management Board cancelled the irrigation component of the water right. The reissued water license authorizes continued use of the storage dam for domestic purposes.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosure

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 73-3

(1) A E Crook, Frankfort SD was issued Water License No. 73-3, May 20, 1963 for a water right to divert 1.50 cubic feet of water per second from a storage dam on Timber Creek, Spink County, South Dakota for irrigation purposes. Water License No. 73-3, with a priority date of August 3, 1951 was issued to the permit holder for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

On August 22, 2007, Water Right No. 73-3 was transferred to Jackie Pazour Living Trust.

On March 7, 2013, the Water Management Board cancelled the irrigation component of the water right. The 65 acre-feet storage dam is still in place and used for domestic livestock watering.

Pursuant to SDCL 46-5-31.1, stock watering may be added as a water use to a license provided no diversion is made from the dam. The Chief Engineer made a finding that the addition of stock watering does not impair existing water rights.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Water Law 46-5-30.1 Jackie Pazour Living Trust, 40061 171st St, Frankfort SD 57440 the holder and/or owner of Water Right No. 73-3 is issued a license bearing a priority date of August 3, 1951 to impound 65 acre feet of water in a storage dam on Timber Creek for domestic livestock watering purposes.

The dam which serves more as a rock crossing is located 700 feet north of the SE corner of Section 1, T116N, R62W (SE ¼ SE ¼).

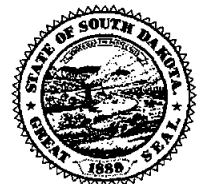
(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 73-3.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 26 2013

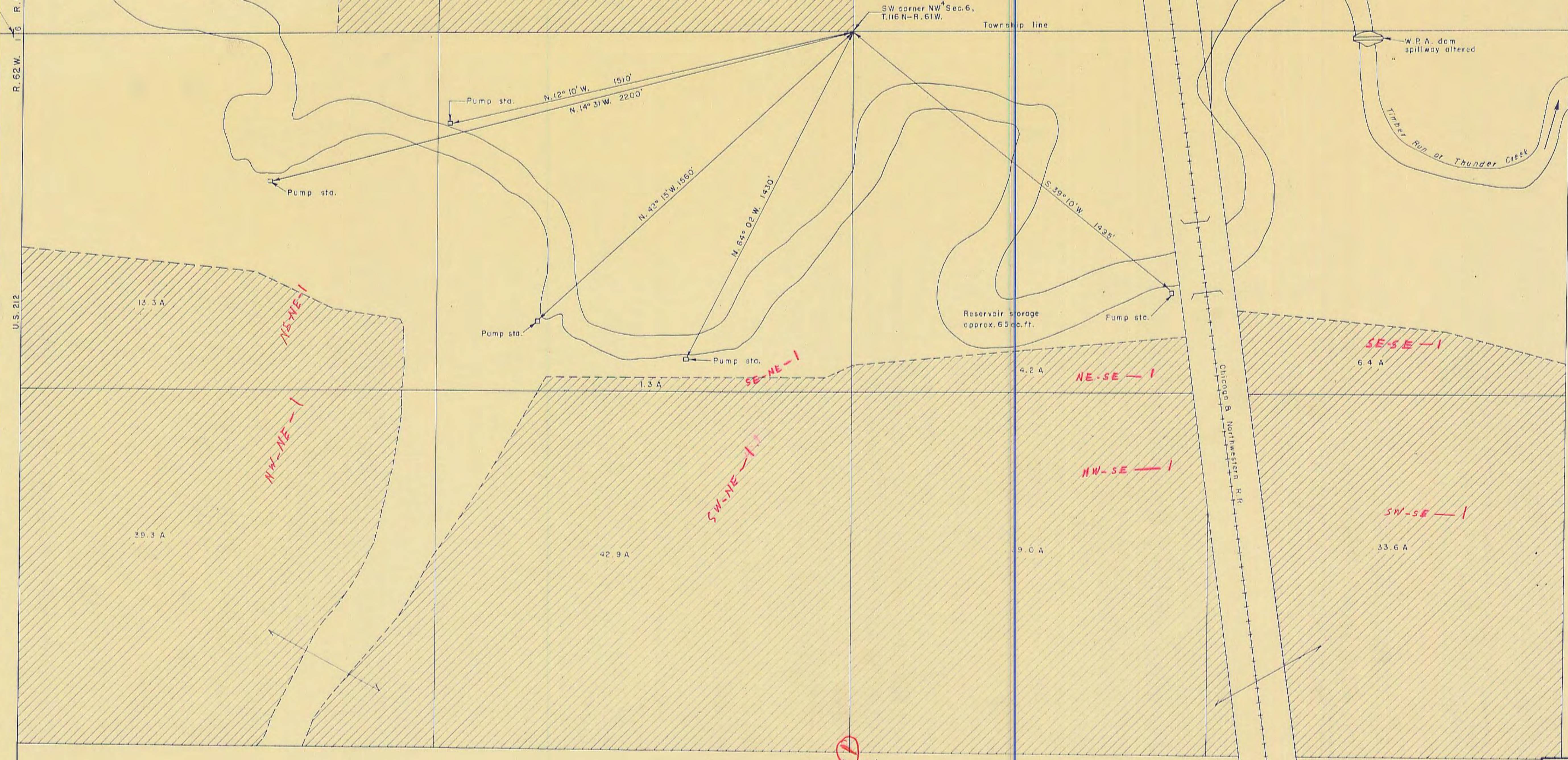
date



Township corner

R. 61 W.
R. 62 W.

U.S. 212



LAND TO BE IRRIGATED

Location	Sec	Twp	Rge	Acres
SE ⁴ of SE ⁴	1	116-N	62-W	6.4
SW ⁴ of SE ⁴	1	116-N	62-W	33.6
NW ⁴ of SE ⁴	1	116-N	62-W	39.0
NE ⁴ of SE ⁴	1	116-N	62-W	4.2
SE ⁴ of NE ⁴	1	116-N	62-W	1.3
SW ⁴ of NE ⁴	1	116-N	62-W	42.9
NW ⁴ of NE ⁴	1	116-N	62-W	39.3
NE ⁴ of NE ⁴	1	116-N	62-W	13.3
SW ⁴ of NW ⁴	6	116-N	61-W	44.0
NW ⁴ of NW ⁴	6	116-N	61-W	24.0
Total				248.0

SURVEYOR'S CERTIFICATE

I, W.R. Edgington, Registered Professional Engineer and Land Surveyor No. 298, State of South Dakota, do hereby certify that a careful survey of the A.E. Crook Irrigation Project, Spink County, South Dakota, was made under my direction by M.M. Finke, Area Engineer, Soil Conservation Service, and that the map hereon is a true and correct representation of the same. Witness my hand and seal this 13th day of July, 1951 A.D.

W.R. Edgington
Registered Professional
Engineer and Land Surveyor

Subscribed and sworn to before me, a Notary Public, this 13th day of July, 1951 A.D.

My commission expires Sept. 7, 1954
Notary Public

Note: Irrigation to be by sprinkler system.

Water Right Number = 73-3
Map No. = 52-3

CROOK IRRIGATION PROJECT	
A.E. Crook Spink County, So. Dakota	
U.S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE	
H. H. Bennett, Chief	
REGION 5 - NORTHEN GREAT PLAINS, LINCOLN, NEBR.	
A. E. McDevitt, Regional Director	
REVISIONS	
Sec. 1 and 6, T. 116 N - R. 61 and 62 W, Spink County, So. Dakota.	
CARTOGRAPHIC APPROVAL	TECHNICAL APPROVAL
<i>J.T. Conry</i>	
CHECKED	DATE
M.M.F.	R.A.W.
W.R.E.	7-6-51
5, R-12, 178	

Gronlund, Eric

From: Gronlund, Eric
Sent: Friday, January 13, 2023 1:23 PM
To: JasonPazour@hotmail.com
Subject: RE: [EXT] water permits and possible transfer of one water permit to a different water use permit.
Attachments: Send data from nrpr1p31 01/13/2023 14:22

Mr. Pazour:

Water License No. 73-3 was inspected in 2012 after the annual irrigation questionnaire submitted for a number of years indicated "use abandoned". Based on that inspection the water license was reissued removing the irrigation component of the water right. Water License No. 73-3 now only authorizes the dam capable on Timber Creek which impounds 65 acre feet of water for domestic livestock watering. Please see attached reissued water license.

Water right are administered by water source so even if the irrigation remained on the water right it could not be transferred to allow construction of a well into the aquifer.

Eric Gronlund
 Water Rights Program, DANR
 605 773-3352

From: Pontious, Brian <Brian.Pontious@state.sd.us>
Sent: Friday, January 13, 2023 7:48 AM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Subject: FW: [EXT] water permits and possible transfer of one water permit to a different water use permit.

For you?

From: Jason Pazour <JasonPazour@hotmail.com>
Sent: Thursday, January 12, 2023 3:10 PM
To: DANR Mail <DANRMail@state.sd.us>
Subject: [EXT] water permits and possible transfer of one water permit to a different water use permit.

Hello this is Jason Pazour I farm in Spink county along the Timber Creek and over the East James River aquifer. I know that the applications for new wells into the aquifer have been capped and a waiting list has been put in place. However, my question is my family currently has a permit for 1.5 cu ft/second out of the timber creek for up to 248 acres of irrigation on the James river basin. I was wondering if there would be a way to transfer this permit to adjoining piece of property and drill a well into the aquifer to capture this 1.5 cu ft per second. The timber creek is above and connected to the aquifer. The permit number is 73-3. I am just curious if anything is possible and I would appreciate all and any help and feedback. Thanks, Jason Pazour 16054602660.
jasonpazour@hotmail.com