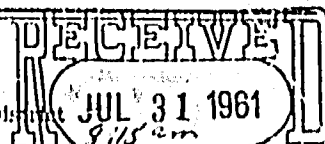


808-3

1. Considered 9-13-1901
2. Name of Applicant B & O Association
3. Post Office Address Huron
4. Amount of water claimed 2.5
5. Source of water supply ground water
6. Water to be used for irrigation
Acres to be irrigated 144.1
7. Water to be diverted and used in Barcel County about
38 1/2 miles Huron of Barcel
8. Proof of Publication Received ☒ Not Received ☐
9. Application Approved ☐ Subject to ☐
Not Approved ☐ Action deferred ☐

10. Remarks:

No. 808-3Water Division No. 3 JAMES RIVER
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RESOURCES COM.
 PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

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

RICHARD FLANERY

TRANS 5-8x74

1. Name of applicant ~~B & C Associates, Inc.~~ OSBORN CLOTHINGPostoffice address 535 18th S.W. Huron, County Bowdoin, State S.D.

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)

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work B & C Associates Irrigation Project No. 13. Amount of water claimed 2.5 cubic feet per second4. Source of water supply shallow well5. Location of point of diversion 300 ft. S. and 300 ft. W. of the N. E. corner of the
1/4 of Section 20, T. 110 N., R. 61 W., 5th Principal Meridian County.6. Annual period or periods during which water is to be used April thru October

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? overhead sprinkler
(possibly combination)(a) Number of acres to be irrigated 114.1 acres.(b) Legal subdivisions to be irrigated 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

MAP No 102-3A

8. Estimated cost of work:

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

(b) Pumping plant, \$.....

(c) Fluming, \$.....

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

Rock, \$.....

(e) Other structures\$.....

Total, \$ 8000.00

9. Description of diversion works:

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

II. Dimensions of works.

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

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

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET—ACRES	FEET	ACRE-Feet CAPACITY

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

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

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 9 months years.

11. Time required for complete application of water to the proposed beneficial use 9 months years.

12. Choice of newspaper for publication of notice of intention to appropriate the Daily Platteauian, Huron, S. D.

STATE OF SOUTH DAKOTA

County of Beadlo
Alfred R. Barnes and Robert K. Osborn

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

Signed

Subscribed and sworn to before me this

28th

day of

1906

Larrence C. Turner
Notary Public (or other qualified officer.)

Remarks by State Water Resources Commission:

Diversions of 205 cfs may be applied to the 119.1 acres specified for irrigation under Permit 808-3. Also under this permit, diversions up to 2.5 cfs may be used as a supplemental supply for the 181.3 acres specified under Permit 129-3A. The total diversion rate under 808-3 and 129-3A may not exceed 4.64 cfs for the combined acreage under both permits. The total combined diversion under the two permits shall not exceed 2.54 cfs when applied to the acreage specified in permit 129-3A.

STATE OF SOUTH DAKOTA
County of Hughes ss.

Pierre, South Dakota, September 19, 1961

This is to certify that the foregoing application was received by the Commission at 8:15 o'clock: 4 m. upon the 31st day of July, 1961.

State Water Resources Commission

By: Barton Jones
Chief Engineer, Executive Officer

Number of permit 808-3

Date of first receipt of application July 31, 1961

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 July 31, 1961

Approved September 13, 1961, Recorded in Book 6 Page 340

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 JANUARY 28, 1962 September 13, 1966
- 2nd. The whole of said work is to be completed on or before September 13, 1961
- 3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is September 13, 1966 Extension approved 5-6-64 7-20-66
- 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 2.5 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 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 March 13, 1963; said water to be used during the following described annual period:

April thru October

Witness my hand this 19th day of September, 1961

State Water Resources Commission

By: W. L. Binner
Chief Engineer, Executive Officer

Certificate of Construction Issued JUNE 2, 1969

Water License Issued JUNE 2, 1969

Lands to be irrigated, B & O and Associates Irrigation Project No 1

Section 20, Township 110 North, Range 61 West of the 5th P.M.

NW 1/4, SW 1/4	31.5 Acres
NE 1/4, SW 1/4	18.82 Acres
SE 1/4, SW 1/4	7.9 Acres
SW 1/4, SW 1/4	37.6 Acres

Section 29, Township 110 North, Range 61 West of the 5th P.M.

NW 1/4, NW 1/4	31.3 Acres
SW 1/4, NW 1/4	17.6 Acres

TOTAL

144.1 Acres

TEST WELL LOG B & O Associates, 300 feet S. and 300 Feet W.
of the N.E. corner of the S.E. 1/4 of Section 20, T. 110 N.
R. 61 W. of the 5th Principal Meridian.

From	To	
0	2	Topsoil
2	5	Sandy Clay, (Yellow)
5	9	Sand, (Fine).
9	22	Sand, (Med).
22	55	Sand, (Lignite) (Loose).
55	62	Sandy Clay (Blue) (Rocky)
62	78	Sandy Clay (Blue)
78	102	Sand (Sandy Clay) (Loose) (Coarse).
102	127	Gravel, (Sand) (Loose)
127		Shale (Clay)

Hasz Drilling - Driller

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 26 in. Depth 130 ft.

Type of casing 10 gauge thickness steel
(wood, concrete, steel, etc.)

Size of casing 16 in. Thickness of casing 10 gauge

Length of casing 130 ft. If collection gallery, length, size and depth of gallery 130 ft.

(b) Screens

Type of perforated screen Shredder screen

Size of perforated screen 16 in. 3 - 20 ft = 40 ft.
(diameter) (length)

Thickness of gravel pack 5 in. length of gravel pack 130 ft.

(c) Water Bearing Materials

Distance to water 18 ft. Character of water bearing materials Sandy gravel
30 to 60 ft. one 20 foot screen
110 - 130 ft., one 20 foot screen

Thickness of water bearing material 10 ft bottom, 30 ft to 60 ft

(d) Pump and Motor

Type of pump Layne turbine pump propeller
(centrifugal, propeller, mixed flow, etc.)

Name of pump Layne size 6 in.

Kind of motor Electric
(gasoline, electric, diesel, etc.)

Horsepower 40 Name of Motor Layne

(e) Complete well

Capacity 600 gal. min. at drawdown of 12.0 ft. Estimated cost \$5000.00

(f) Owner of land upon which well is located R. J. Osborn
Name

Box 111, Union South Dakota 57350
Address

(g) Distance to nearest existing wells

On same owner's property rods. On property owned by others rods

STATE OF SOUTH DAKOTA

WATER LICENSE No. 808-3

WHEREAS, On the 31st day of July A. D. 1961

B. and C. Associates

of Huron County of Beadle and State of South Dakota duly made application (No. 808-3) to us for a permit to use 2.5 cubic feet per second of the waters of ground water County of Beadle, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 19th day of September A. D. 1961

Permit No. 808-3 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 13th of September, A. D. 1966 and for the application to beneficial use of said

water on or before the 13th day of September, A. D. 1966 and, Whereas, on the 17th day of July, 1966, the Permit was transferred to the Osborn Clothing, Co., and

WHEREAS, On the 22nd day of May A. D. 1969 the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.34

cubic feet per second of said waters, as evidenced by our Certificate No. 808-3 dated June 2, 1969 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.34 cubic feet per second of water, with date of priority of July 21, 1961 and,

WHEREAS, On the 22nd day of May A. D. 1969 proof was duly made of the application to beneficial use of 1.34 cubic feet per second of said water for irrigating 14.1 acres in portions of Sections 20 and 29, T11N, 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 Osborn Clothing Company

of Huron the holder and owner of said permit No. 808-3

a water right, dating from July 31, 1961 to the use of 1.34

cubic feet per second of the waters of ground water

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

necessray for the purposes hereinabelow mentioned, to be diverted at a point 300' S and 300' W

of the E¹ Corner, Section 20, T110N, R61W

and conducted to and upon portions of the SW¹, Section 20, and NW¹, section 29,
T110N, R61W, mor specifically described in the Certificate of Completion
of Works.

for the purpose of irrigation, subject to any limitations listed in the
Permit to Appropriate Water, and

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

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

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.

Place of Diversion

Place of Use

Purpose

Date

Recd.

In Book of Page

Permit No. 808-3Water Division No. JAMES RIVER Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Osborn Clothing Company

of Huron, County of Beadle, and State of South Dakota, the holder of Permit No. 808-3, issued upon Application No. 808-3, bearing date of priority of July 31, 1961, authorizing the diversion of 2.5 cu. ft. per second of the waters of ground water County of Beadle State of South Dakota, at a point 300' S. and 300' W., of the E $\frac{1}{2}$ Corner, Section 20, T110N, R61W

, 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 1.34 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: all in T110N, R61W

Section 20,	NW $\frac{1}{4}$ SW $\frac{1}{4}$	31.5 acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	18.2 acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	7.9 acres
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	37.6 acres

Section 29	NW $\frac{1}{4}$ NW $\frac{1}{4}$	31.3 acres
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	17.6 acres

Total 144.1 acres

Witness my hand this 2nd day of June A. D. 1969

State Water Resources Commission

By:

Chief Engineer, J. W. GRINES

on or before
(First Publication August 19, 1961)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., August 9, 1961Notice is hereby given that B & O Associates

whose postoffice

address is Huron S. Dak., has made an application in accordance withthe provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.5cubic feet of water per second of time from the ground water through theB & O Associates Irrigation Proj., the point of diversion of which is to be located on thebank of the stream in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 20Twp. 110N Range 61E. Said water to be used for the purpose of providing irrigation on the fol-
lowing described land:SW $\frac{1}{4}$ Section 20; NE $\frac{1}{4}$ Section 20, T. 110N. R. 61E, and to supplement
waters under Permit 12943Aunder permit

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 13th day of September, 1961, 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.

CC: Robert D. Lusk, Publisher
Daily Plainsman
Huron, S. Dak.

State Water Resources Commission

By:

~~Robert D. Lusk~~ Executive Officer
BURTON F. JONES
Water Right Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Beadle } ss.

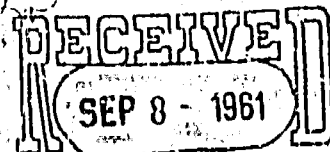
Robert D. Jask being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Daily Plainman a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the City of Huron County of Beadle and State of South Dakota; that the said notice was published in said newspaper on the following dates:

August 14, 1961
August 21, 1961
August 28, 1961
September 4, 1961

in each and every issue of the full number thereof, the first publication being made on the 14 day of August 1961 and the last publication on the 4 day of September 1961, 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 4 day of September A. D. 1961

Notary Public Beadle County, S. D.



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

NOTICE OF INTENTION TO APPROPRIATE WATER
Office of State Water Resources Commission
Pierre, S. Dak.
August 9, 1961
Notice is hereby given that B & O Associates, whose postoffice address is Huron, 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 2.3 cubic feet of water per second of time from ground water through the B & O Associates Irrigation Project No. 1, the point of diversion of which is to be located in the NE 1/4 of the SE 1/4 of Section 20, Twp. 16N, Range 81W. Said water to be used for the purpose of providing irrigation on portions of the following described land:
SW 1/4, Section 20, Twp. 16N, Range 81W, and to supplement waters under Permit 129-3A.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration on the 13th day of September, 1961, 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
By: Burton E. Jones
Water Rights Specialist
Robert D. Jask, Publisher
18, 17, 1961

OSBORN'S

Catering to the Needs of the Well Dressed

RECEIVED
MAY 1 1961

10 Third St. S. W.
Huron, S. Dak.

626 St. Joe
Rapid City, S. Dak.

B-11 Baken Park, Shopping Center
Rapid City, S. Dak.

PLEASE DIRECT REPLY TO
STATE WATER RESOURCES COMMISSION

PIERRE, SOUTH DAKOTA
Huron, South Dakota
May 10, 1961

Mr. Joe Grimes
Natural Resources Commission
State House
Pierre, South Dakota

Dear Mr. Grimes:

In reference to our conversation of the past week, I would appreciate it very much if you could send us the application forms for the underground water rights about which we talked in regards to the Bales farm, which Al Barnes and I purchased. Please send these to R. K. Osborn, % Osborn Clothing Company, Huron, South Dakota.

Thanking you for your prompt attention, I am

Sincerely yours,

R. K. Osborn

RKO
ih

December 11, 1962

Mr. R. K. Osborn
c/o Osborn Clothing Company
Huron, South Dakota

Dear Mr. Osborn:

Some time ago you requested information on Stoney Run Dam.

A search of our records indicates that the Department of Game, Fish and Parks has a water right covering this lake. In view of this, I doubt that it would warrant you getting a water right on the lake, as it would be practically useless to you during periods of low flow.

Sincerely,

BURTON F. JONES
Water Right Specialist

BEJ:mf

APPLICATION FOR EXTENSION OF TIME FOR COMPLETING WORKS

To the State Water Resources Commission
Pierre, South Dakota

April 29, 1964
(date)

Dear Sirs:

I hereby request that an extension of time from June 13, 1962
to September 13, 1965 be granted me for the completion of works to be done under Permit No.
_____ and that the time for proof of beneficial use of water be extended to September 13, 1965

Said works are located in Beadle County and are described
as follows:

Location of headworks: In the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$
of Section 20 Township 110N Range 61W
E., B.H.M.

The water is to be used for the purpose of irrigation

The extension of time for the completion of these works is requested for the following reasons: _____
At the time the application was made it was thought drilling would start immediately.
Wet weather and the need for further test drilling, which has now been completed,
since has postponed the operation.

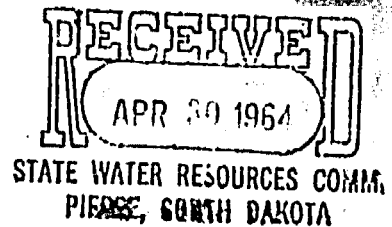
APPROVED: May 5, 1964

State Water Resources Commission

By: [Signature]

Chief Engineer, Executive Officer

Holder of Permit No. 808-3



May 8, 1964

Mr. R. K. Osborn
Osborn Clothing Company
Huron, S. Dak.

Dear Mr. Osborn:

Enclosed is your application for an Extension of time under Permit 808-3 to which the Commission has given their approval. Under this action, you have until September 13, 1965 to complete your works.

Also enclosed is Receipt 13-751.

Sincerely,

BURTON F. JONES
Water Right Specialist

BFJ:mf
Encls. (2) as above

July 14, 1964

Mr. George E. Montgomery
Route #4
Huron, South Dakota, 57350

Dear Mr. Montgomery:

Reference is made to your letter of July 11, 1964, in which you report that an irrigation well located $\frac{1}{2}$ mile south of you has taken the water from your shallow well. You ask if a party has a right to do this.

South Dakota Water Laws do not provide a positive answer to your question. Enclosed for your information is a copy of the South Dakota Water Laws. Note that Section 61.0101 (5), page 3, states "That the use of water for domestic purposes is the highest use of water and takes precedence over all appropriate rights;". However, the water laws do not specify who is to pay for the deepening of a domestic well, or the drilling of a new deeper domestic well, if the water level has been lowered by an irrigation well to the extent that water can no longer be obtained from an existing well.

To a certain degree, it depends upon the circumstances. For example, is the existing domestic well adequately constructed or are there supplies of water at lower levels at the site of the domestic well?

The State Water Resources Commission has considerable jurisdiction in such matters and, depending upon the circumstances, will make a strong effort to aid in providing a solution to such situations.

If you will write to me giving the legal description of the land upon which your well and the irrigation well are located, a member of the staff of the Water Resources Commission will investigate this matter at the site.

As a matter of information, the Commission staff cannot guarantee to keep your name confidential during such an investigation.

Sincerely,

J. W. GRIMES

JWG:DD:1st enc.

Huron, S.D.

July 11-64

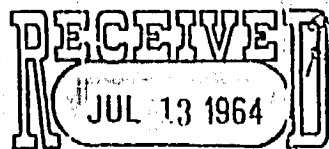
S.D. Water Resources Commission
Pierre, S.D.

Dear Sir - Am writing you in re-
gard to an irrigation well that has
been put in just a $\frac{1}{2}$ mile south
of us. It has taken the water
from our shallow well. We
have lived here since 1946 and
have always had plenty of water
for our cattle and the home.
This party also irrigates from
the river.

Is there anything that can be
done to remedy this situation.
Has a party a right to do this.

Any information in regard to
this will be greatly appreciated.

Very Truly Yours



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

George E. Montgomery
Rt 45 Huron, S.D.

Huron, S. Dak.
Aug. 10, 1964

S.D. Water Resources Commission
Pierre, S.D.

Dear Sirs -

Am interested in knowing what your investigation of our well has proven.

We are still carrying on water by the pump-fail.

You quote in a letter that "water for domestic purposes is the highest use of water and takes precedence over all appropriate rights." But this doesn't seem to be true. If it is, why aren't we protected. An irrigation well has been dug and has taken our water. Have lived here since 1946 and have always had plenty of water. We understand that you would help us, but undoubtedly not.

It is hard to believe that a party has the right to have an irrigation well, that has taken the water from other

Received
August 11, 1964

Huron, S.D.
Aug. 11 - 1964

South Dakota Water Resources Commission
Pierre, S.D.

Dear Sir - On July 11th we wrote
you in regard to our water sit-
uation. We are really getting im-
patient to think nothing has
been done to alter the situation.
We are poor. Carry water
to the house by pail. Certain
amount of dirt in it.

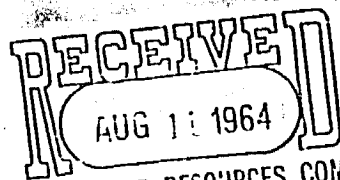
We have lived here since
1946 and have always had
plenty of water for house-
hold purposes and our
cattle. Have a herd of 125
cattle here and if they
couldn't go to the river
to drink, they would
have to be taken out of
the pasture. And part of
the income from the farm
would be gone.

Has a party the right to

people and this party have
the privilege of irrigating
from the river. Is this
a fair deal?

Could you inform us as
to who can help us, so
that we may have plenty
of water for house purposes
and our cattle.

Thanking you for a reply
George E. Montgomery



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

digger irrigation well and
take away the water
from us and our neighbors.
And this party can irrigate
from the river. Why
should we be without
water just so he can
irrigate his corn. Our
corn can't take this drought
either. We just can't get
along without water.
Doesn't a farmer have any
protection in So. Dak
from these irrigation wells.
Are you going to help us
in regard to this situation
and when. What are we
waiting for. You have
examined the well and
said you knew the irriga-
tion well has taken the
water. So here's hoping
something will be done now.

Thanking you

George A. Montgomery

Theron, S.D. Dak
July 28th '64
S.D. Dak. Water Resource Commission -
Pierre, S.D. Dak. 57501

Dear Sirs - I have wondered if you
have received our letter inform-
ing you of the legal description
of the land upon which our
well and the irrigation well
are located.

I have lived here since 1946
and have always had plenty
of water for household purposes
and the cattle. All the water
we have now, we pump by
hand and carry it into the
house. And it isn't too clean,
One just can't imagine what a
predicament we are in until
they have had the same sit-
uation.

Hoping we will soon be
receiving favorable information.

Thanking you kindly
Sincerely

George E. Montgomery

Huron, S. Dak
July 11 - 61

Water Resources Commission
Pierre, So. Dak

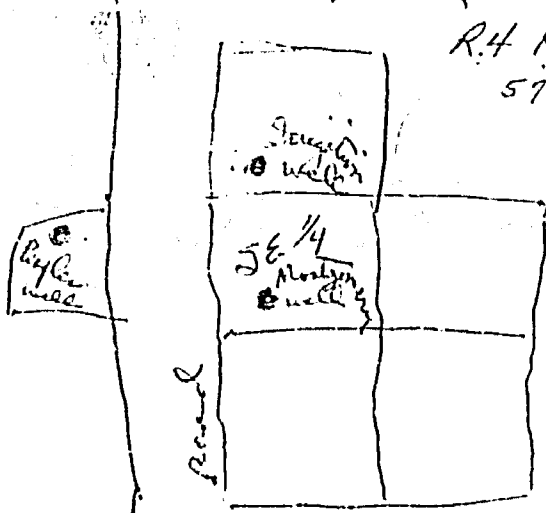
Dear Sir - Your letter of July 4th received, asking for the legal description of the land upon which our well and the irrigation well are located.

We live just four miles from Huron. South on Dakota Ave. until you get to the oil road and then east across the river to the first cross road and 1 mile south. Blkgo on the right hand side of the road.

Our neighbors just a $\frac{1}{4}$ mile south of us are having the same trouble, no water. The legal description of our land is S.E. $\frac{1}{4}$ - 17-110-61. The irrigation well is located on the quarter of land joining ours on the south. The well is in the northeast corner of the land. Thanking you for wanting to investigate this problem.

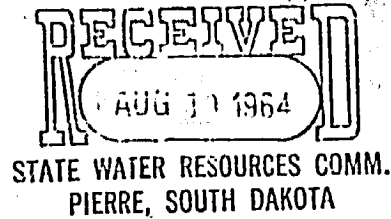
Sincerely
George Montgomery

R.4 Huron, S.D.
57350



Hebron, So. Dak.
Aug. 19th - 1964

Mr. J. H. Brinson
Pierre, So. Dak. 57501



Dear Sir;

Have written the Water Resources Commission ⁱⁿ regard to our well, but failed to receive an answer. We would like to know what the investigation of our wells proved. There were two men from Pierre who were sent here from the State Resources Commission to investigate. You undoubtedly know this. If the "use of water for domestic purposes is the highest use of water and takes precedence over all appropriative rights", why aren't we protected? If you do not have the authority to do this, who can we inform of our predicament and will give us protection from this irrigation well.

We have to pump by hand and carry the water into the house. Lived here since 1946 and always had plenty of water for house purposes and cattle. until this irrigation well started pumping in July. And this party has the privilege of irrigation from the river.

Is this fair? Why should someone have the right to do this.

Thanking you for a reply

Sincerely

George E. Montgomery

August 20, 1964

Mr. George E. Montgomery
Route #4
Huron, South Dakota 57350

Dear Mr. Montgomery:

In your letters of August 10, 1964, and August 19, 1964, you request information about what our investigations have "proven" concerning the effect the irrigation well located about $\frac{1}{2}$ mile south of your domestic well has had on your well.

These investigations are still in progress. Under provisions of the state water laws, fairness to everyone having an interest in the same water supply requires that the significant factors affecting the aquifer water levels be determined as fully as possible so that the right solutions for the problems may be provided.

So far our investigations indicate the following:

Measurements made on August 4 through August 6 show that pumping the irrigation well seriously affects your neighbor's domestic well and has some effect on your well.

Measurements in an observation well about 1 mile south of the irrigation well, which is not affected by the irrigation well withdrawals, show that the water level in the aquifer has dropped 7 feet during the past two months and is at the same elevation as it was a year ago before water was pumped from the irrigation well.

These measurements indicate that the major cause of water drop in your well is a natural lowering during this time of year, that the irrigation increases this lowering to some, not yet determined, extent, that water levels in the aquifer are no lower than they were a year ago, and that your well is barely

George E. Montgomery

2.

August 20, 1964

adequate to supply the quantity of water that you use during this season of the year whether the irrigation well is pumped or not.

Based upon these indications, the irrigation well pumping has been reduced to an 18 hour pumping period each day. As mentioned above, our investigations are continuing. I hope that conclusions may be reached soon but I cannot yet set a date when these answers may be forthcoming.

I hope that this information is helpful.

Sincerely,

J. W. Grimes

JWG:ls

091.0.008-2
Pierre, S.D.

Nov. 4 - '64

Water Resources Commission
Pierre, S.D.

Dear Sir - Who is going to protect us from this irrigation well, which is located about $\frac{1}{2}$ mile south of us. It is pumping 12 hours each day, to water the ground.

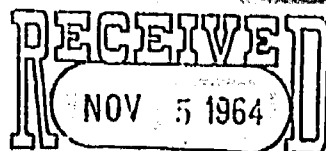
You wrote "that the use of water for domestic purposes is the highest use of water and takes precedence over all appropriative rights."

Will you kindly advise us to who can protect our rights.

Thanking you for a reply.

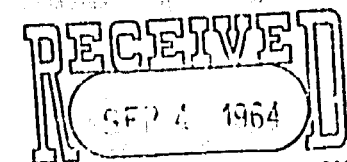
Sincerely,

George E. Montgomery



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Mr. J. W. Brinner
Pierre, S. D.



STATE WATER RESOURCES COM. L.
PIERRE, SOUTH DAKOTA

Thron, S. Dak.
Sept 1st - '64
WR-808-3

Dear Mr. Brinner - Thank you for answering our letters. What you discovered about our well may be true. But isn't it quite a coincidence that we have had plenty of water until the irrigation well started pumping. Have had plenty of water for 18 years and the party who lived here nine years before we lived here had plenty of water too. We have always had more than a 100 head of cattle in the pasture during the summer.

You wrote that the water level in the aquifer has dropped seven feet during the past two months and is at the same elevation as it was a year ago before water was pumped from the irrigation well. How come the water level was measured a year ago and who measured it. You write that our well is barely adequate to supply the quantity of water that we use during this season of the year. But there has been sufficient water during the last 27 years. You write your investigations are continuing. Why not reduce pumping for 15 hours a day and find out what affect it will have on these two wells. You write about fairness to everyone. Having an interest in the same water supply. What a blessing that our cattle can go to the river to drink, otherwise they would have to be taken out of the pasture and then some of our income would be gone. And if the cattle are in the north pasture, they have to walk a mile to the river.

When this well was being dug, we thought they were putting in a garden. Then when we couldn't get water from the faucet, that perhaps the pump in the basement wasn't working properly. So had the plumber come out from town. When it happened again, had the plumber come out again. H.

that the pump needed some new parts. Had the
drillers come out and they found out the water
level was very low. They added 4 ft. of new pipe.
Finally learned that an irrigation well a half
a mile south of us was pumping 24 hours a
day. All this unnecessary expense. We are still
pumping water by hand and carrying it into
the house. And this is hard work.

Who is going to prove to us that water for
domestic purposes is the highest use of water and
takes precedence over all appropriate rights.

Can you blame us for our attitude. If the
irrigation ~~the~~ well had been shut off for 3 weeks
and the water didn't come back in our well,
we would have a different attitude toward
this situation. Who has jurisdiction in
this matter.

Hoping you will answer this
letter. Sincerely

George E. Montgomery

August 31, 1964

Honorable George McGovern
Senate Office Building
Washington, D. C.

Dear Senator:

Your letter of August 24 directs attention to the domestic water supply problem of Mr. George Montgomery, Route 4, Huron, South Dakota.

Enclosed is a copy of a letter report to Mr. Montgomery under date of August 20, 1964.

We shall do everything possible under provisions of state law to protect the interests that Mr. Montgomery and others have in their water supplies.

Sincerely,

J. W. Grimes

JWG:le
Enc.

OSBORN'S

Gatering to the Needs of the Well Dressed Man

OSBORN'S

P. O. Box 117, 10 Third S. W., Huron, S. D.

OSBORN'S

P. O. Box 3037, 626 St. Joe, Rapid City, S. D.

OSBORN'S

P. O. Box 3067, B-11 Baker Park Shopping Center,
Rapid City, S. D.

OSBORN'S

P. O. Box 605, 204 South Phillips,
Sioux Falls, S. D.

PLEASE DIRECT REPLY TO

Huron, South Dakota 57350
January 18, 1965

RECEIVED
JAN 19 1965

STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

Mr. J. W. Grimes
Water Resources Commission
State Office Building
Pierre, South Dakota

Dear Mr. Grimes:

In reference to our meeting of last Friday, I wish to thank you for taking the time to have this meeting. This was, indeed, beneficial to us in understanding the problems of the irrigation well on our farm.

As we discussed, we would appreciate you giving us additional time to check into the problems and to see what we can do towards settling same to the agreement of all parties concerned. In the meantime, we will, when pumping the well, abide by the regulations set up by your office last summer.

We also would appreciate and will be glad to work with any additional testing or other work which you may deem necessary in this area to find out the water potentials and the effect of our pumping on the various wells in the area.

Thanking you again for your cooperation and interest, we are

Sincerely yours,

OSBORN'S

By 

RKO
ih

May 10, 1965

Mr. George E. Montgomery
Route 4, Box 215
Huron, South Dakota 57350

Dear Mr. Montgomery:

Reference is made to your letter of May 4, 1965 regarding the water supply in your well and its relationship to the Osborne irrigation well, located approximately 1/2 mile south of your well.

Arrangements have been made to have a shallow observation well drilled across the road from your well. This will give us information about the water bearing sands in that immediate area, which information we need. When the irrigation well starts pumping, periodic checks will be taken of the water level in the observation well.

The irrigation well this year will begin pumping for a period not to exceed 12 hours each day. If the observation well readings show that this restriction should be either increased, or decreased the irrigation well owner will be instructed to do so, to a degree deemed fair and equitable by the State Water Resources Commission.

It may also be advisable to take some check measurements of the water level in your well occasionally. Your cooperation in this matter will be appreciated.

Sincerely,

J.W. GRIMES

JWG/DD/bw

cc: R.K. Osborn, Osborn Clothing, Huron, S.D.

Huron, So. Dak
May 4th - 1965

S. D. Water Resources Commission
Pierre, So. Dak.

Dear Sir - Am writing in regard to our well. We have had plenty of water since the irrigation pump discontinued pumping water from the irrigation well.

We have lived on this farm since Mar. 1st - 1946 and have always had plenty of water and always had over 100 head of cattle on the farm every summer. When this irrigation well started pumping water July - 1964, we had no water for the cattle. Had to pump by hand the water, carry it to the house for the bath room etc. We surely don't want this to happen again this season.

We will protest us if "the use of water for domestic purposes is the highest use of water and takes precedence over all appropriative right."

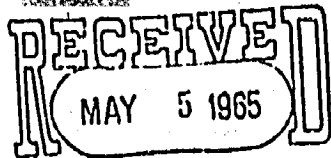
Do you have an answer for this question:

Any information that you may give us so that we can be protected from this irrigation well, will be greatly appreciated.

Thanking you for a reply

Sincerely

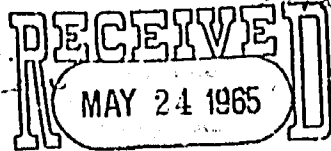
George E. Montgomery



STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

Rt 4 - Box 215
Huron, S.D. 57350

Water Resources Commission
Pierre, S.D.



STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

Dear Sir - Thanks for answering my letter.

You undoubtedly don't intend to protect us. We know what will happen when the irrigation well will begin pumping. We have had plenty of water since it quit pumping and had plenty of water for 26 years before it started pumping in July 1964.

Why don't you give us the benefit of 13 hours and the pumping of the irrigation well 6 hours. Perhaps we would have sufficient water then. Is it fair for us to be deprived of water as we were in 1964. We had to pump and carry in all the water that was to be used in the house. All the cattle in the pastures had to go to the river for water. No water for the yard or flowers. Is that fair.

We had one farm in S.D. in 1946. It is almost unbelievable to think that an irrigation well would be allowed to take our water supply and then this party can irrigate from the river too.

Don't think it will be necessary to check our well. You know and we know what

what will happen to our water supply
when the irrigation well starts pumping.
What further can we do for protection

Sincerely,

George E. Montgomery

B & O ASSOCIATES, WATER RIGHT PERMIT 808-3

On September 13, 1961 the State Water Resources Commission approved a water right application of B & O Associates to pump up to 2.5 c.f.s. of water from a shallow well to be drilled just east of the James River and several miles south of Huron. The proposed site was not in the river valley, but was located 0.6 of a mile east of the river at the edge of the generally flat area at an elevation 49 feet higher than the water level in the river.

The well was completed in June of 1964 and irrigation pumping reportedly started near the first of July. On July 13 a letter was received, stating that the shallow well of George E. Montgomery was being affected by pumping of the irrigation well, which was located $\frac{1}{2}$ mile south of the Montgomery shallow well.

On August 3, the Commission staff started checking the situation in the area. The following information was collected:

The irrigation well had been pumped on a near continuous basis since about the first of July. The pumping rate was estimated to be near 600 g.p.m. The irrigation well was about 125 feet deep.

A test hole drilled several years ago and cased with plastic pipe was located about 35 feet from the irrigation well. The depth to water was measured at 38.0 feet.

The Montgomery well was located $\frac{1}{2}$ mile north of the irrigation well. The ground surface at the Montgomery well was 3.8 feet higher than at the irrigation well. The total depth of the Montgomery well was 35 feet and the depth to the water surface was 33 feet. This is a large diameter well.

A domestic well owned and used by the Elmer Peoples family was located $\frac{1}{4}$ mile north of the irrigation well. The ground surface at the Peoples well was 2.7 feet higher than at the irrigation well. The total depth of the Peoples well was 933 feet and the depth to water was 68.3 feet. This is a small diameter well.

The State Water Resources Commission drilled an observation well, B-10, in 1961. This observation well is located $1\frac{1}{2}$ miles due south of the irrigation well, at an elevation $2\frac{1}{4}$ ' higher than that of the irrigation well. This observation well is also on the edge of the flat area just where the slope begins towards the river valley. This well is 62' deep and the depth to water was 52.3 feet.

Rainfall in the area since June 1, 1964 had totaled less than 1 inch. For the short period of time involved, the intensity of the drought was severe.

At the Montgomery well, the water is withdrawn by jet or similar system from within the residence and by pumping from a hand pump over the well. The two feet of water remaining prevented use of the "jet" system, but permitted some use of the hand pumping

system, although the water was reported to be "not too clean".

Peoples' well used a jet system. Well construction was such that the maximum depth the jet could be set was at a 61.6' depth. A "suction" tail pipe had been placed below the jet. The well, reportedly could be pumped to produce several gallons, and then after an hour recovery period, several more gallons could be pumped.

Arrangements were made with the manager of the irrigation farm to shut the irrigation pump down so that water levels in the different wells could be measured. The jet system was removed from the Peoples well so they could not use their well at all during the test period. The cover of the Montgomery well was removed during the test period.

Water levels in each well were measured 29 times during the test period which lasted from 6 AM August 4, 1964 until 4:15 PM on August 6, 1964. The irrigation well was shut off for 48 hours from 6 AM, August 4, to 6 AM August 6.

Following is a summary of measurements at each well.

Total raise first 24 hours that irrigation pumping stopped

Montgomery well - Rose 0.6' from 32.8' to 32.2'
Peoples well - Rose 14.5' " 62.6' to 48.1'
Test well - Rose 7.4' " 38.0' to 30.6'
(This is the test well located about 35' from the
irrigation well)
B-10 Obs. well - No change, stayed at 52.3'

Total raise during the 48 hour shutoff period

Montgomery well - Rose 2.3' from 32.8' to 30.5'
Peoples well - Rose 21.1' " 62.6' to 41.5'
Test well - Rose 11.5' " 38.0' to 26.5'
B-10 Obs. well - No change, stayed at 52.3'

Next 10 hour period after irrigation pumping recommenced

Montgomery well - Dropped 0.3' from 30.5' to 30.8'
Peoples well - Dropped 10.1' " 41.5' to 31.6'
Test well - Dropped 10.7' " 26.5' to 15.8'
B-10 Obs. well - No change, stayed at 52.3'

During irrigation pumping and for more than 18 hours after pumping stopped, water could be heard moving in the irrigation test well. This causes considerable doubt that the measurements of the test well show the true depths to the water levels in the immediate area.

After the test measurements were completed, the results were discussed with the manager of the irrigation farm. He agreed that for the remainder of the irrigation season, the well would not be pumped more than an average of 18 hours a day, pumping generally being stopped from 6AM to noon each day.

On August 17 the Peoples were contacted. They indicated that while their pumping rate was not as large as it had been before pumping of the irrigation well started, that after the six hour shut-off period began, they had obtained sufficient water for their needs. There was no one at the Montgomery home at this time, but a letter from there dated August 19, 1964 indicated they could obtain water by using the hand pump, but that there still wasn't enough water to enable the "Jet" system to be used.

The construction of the Peoples' well is such as to indicate that the main source of water is under considerable artesian head. The construction of the Montgomery well is such as to indicate it taps a shallow supply under no artesian head. This, together with the results of the test measurements causes the Commission staff to speculate that the irrigation well taps and pumps from two different formations, tapping of the artesian pressure formation causing the 21.1' variation during the test period at the Peoples' well and tapping of the shallow aquifer causing the 2.3' variation at the Montgomery well.

There is no question but that continuous pumping of the irrigation well has a drastic effect on the capability of the Peoples' well to produce water. Past experience has indicated this is due to pumping in an artesian pressure area and precipitation amounts, within limits, will not significantly change this effect. In view of the effect, as has been shown and in accordance with the State Water Laws and policies of the State Water Resources Commission, it is recommended that pumping of the irrigation well as authorized in water right permit No. 808-3 be restricted. The recommendation of the Commission staff is that the irrigation well shall not be pumped for six hours each day, this period of no-pumping generally to be between 6 AM and noon each day. Future conditions may indicate that this period should be changed.

While it appears that this six hour restriction will ease the difficulties of the Peoples well, due to the irrigation pumping, we do not have as positive an indication regarding the Montgomery well. Normally a lowering of several feet in a well does not have a serious effect on a domestic well. In this case however, when it causes lowering of over half of the total depth of water in a well and only leaves two feet, this drop of several feet can have a significant effect.

The water levels in the shallow aquifer in the area seem to fluctuate quite rapidly and now are at a very low level due to record low precipitation since spring of 1964. Following are the water level measurements of record of observation well B-10 located 1½ miles south of the irrigation well and 2 miles south of the Montgomery well.

<u>Date</u>	<u>Reading</u>	<u>Date</u>	<u>Reading</u>
10-5-60	39.4'	3-4-63	43.4'
3-21-61	41.7'	7-15-63	50.2'
7-21-61	43.9'	11-27-63	50.4'
11-1-61	44.5'	3-16-64	44.4'
4-19-62	45.7'	7-7-64	45.0'
7-9-62	43.0'	8-4-64	52.3'
10-29-62	43.6'	11-24-64	50.4'

Thus it can be seen that while the Commission staff has no question

but that irrigation pumping has affected the Montgomery well, the shallowness of the Montgomery well and the low water levels in the shallow aquifer are also important factors.

We can hope that this can be resolved between the parties involved. It would seem that the chances are very good that deepening of the Montgomery well about six feet would solve most of the problems of this well. However, the experience of the Commission staff has been that deepening of a well can be far from a simple matter.

The Montgomery well is not a good well for measuring purposes. Bolts and the cover must be removed and the pump lifted before each measurement normally. Pumping of the well affects the measurements. If this matter is not resolved between the parties involved, and if the water level of the shallow aquifer is at a low level, it may be advisable to place a shallow observation well in the right-of-way near the Montgomery well to obtain better information to be used in regulation of this situation.

January 7, 1965

Mr. R. K. Osborn
Osborn Clothing Company
Huron, South Dakota

Dear Mr. Osborn:

Enclosed for your information is a copy of a report prepared by the staff of the State Water Resources Commission pertaining to the effects of pumping of the irrigation well which you drilled as provided in Water Right Permit No. 802-3.

The intent is to present this report to the State Water Resources Commission at one of their regular meetings before the 1965 irrigation season. Before this is done, I want you to have an opportunity to review the report and I would also like to discuss the report with you.

Don Driscoll of this office and I plan on being in Huron, midday on Friday, January 15, 1965, and will stop at your store to visit with you unless we hear from you that this would not be a convenient time.

Sincerely,

JWG:DD:ls
Enc: Copy of Report

J. W. Grimes

OSBORN'S

Gatering to the Needs of the Well Dressed Man

OSBORN'S

P. O. Box 117, 10 Third S. W., Huron, S. D.

OSBORN'S

P. O. Box 3067, 626 St. Joe, Rapid City, S. D.

OSBORN'S

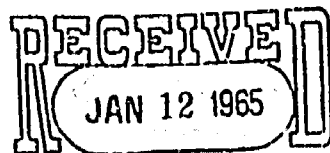
P. O. Box 3067, B-11 Baker Park Shopping Center,
Rapid City, S. D.

OSBORN'S

P. O. Box 605, 201 South Phillips,
Sioux Falls, S. D.

PLEASE DIRECT REPLY TO

Huron, South Dakota 57350
January 11, 1965



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Mr. J. W. Grimes
Water Resources Commission
State Office Building
Pierre, South Dakota 57501

Dear Mr. Grimes:

In reference to your letter of January 7th, I wish to advise
that I will be in Huron on Friday, January 15, 1965, and will
plan to visit with you on that date.

Thanking you, I am

Sincerely yours,

OSBORN'S

By F. K. C. Long

RKC
ih

OSBORN'S

Gatering to the Needs of the Well Dressed Man

OSBORN'S

P. O. Box 117, 13 Third S. W., Huron, S. D.

OSBORN'S

P. O. Box 3067, 626 St. Joe, Rapid City, S. D.

OSBORN'S

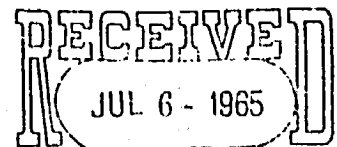
P. O. Box 3067, E-11 Baker Park Shopping Center,
Rapid City, S. D.

OSBORN'S

P. O. Box 605, 204 South Phillips,
Sioux Falls, S. D.

PLEASE DIRECT REPLY TO

Huron, South Dakota 57350
July 3, 1965



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Mr. J. W. Grimes
Water Resources Commission
State Office Building
Pierre, South Dakota 57501

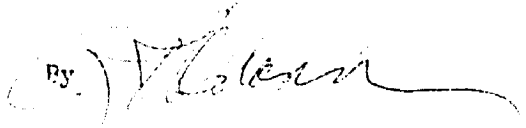
Dear Mr. Grimes:

In reference to your letter of June 30th, we wish to advise we
plan to turn the water on from the well mentioned on Tuesday,
July 6th.

Thanking you, we are

Sincerely yours,

OSBORN'S

By 

RKO
lh

June 30, 1965

Mr. R.K. Osborn
Osborn Clothing Company
Huron, South Dakota 57350

Dear Mr. Osborn:

We have completed the observation well in Section 21, T110N, R61W, Beadle County, and plan to take some special measurements at this well during the 1965 pumping period of your irrigation well located near the east quarter corner of Section 20, T110N, R61W.

In your letter of January 19, 1965, you state that you will commence your irrigation during 1965, not exceeding a 18 hour a day irrigation period as requested by the State Water Resources Commission and that you would be glad to cooperate in further testing that the Commission might do in that area.

I would appreciate it if you would let us know, several days ahead of time, when you start irrigating from this well so we can arrange for the measurement of the observation well, as indicated by the enclosed copy of a letter to Mr. Powell. It would also be helpful if a record of the daily hours of operation of your irrigation well (time and number) would be available to us during this 1965 season.

Your cooperation is appreciated.

Sincerely,

J.W. GRIMES

JWG/DD/lw

cc: John Powell, U.S. Geological Survey, Huron, South Dakota

Mr. John Powell

Page 2

June 30, 1965

Log

0 - 3'	Loam
3 - 8'	Grey Clay
8 - 20'	Gravel with thin clay streaks
20 - 32'	Blue clay
32 - 54'	Medium uniform clean sand
54'	Bottom of hole, still in sand

Depth from top of pipe to water surface on 6/25/65 - 19.0'

We appreciate the cooperation you are giving us in making these measurements.

Sincerely,

J.W. GRIMES
Executive Officer
Water Resources Commission

JWG/DD/bw

cc: Mr. R.K. Osborn, Osborn Clothing Co., Huron, S.D.

June 30, 1965

Mr. John Powell
U.S. Geological Survey
P.O. Box 1412
Huron, South Dakota 57350

Dear John:

This is to confirm recent arrangements made with you for measurement of the water levels in the State Observation well located near the NW corner of Section 21, T11N, R61W, Beadle County.

The well is to be measured on a weekly basis until irrigation from the well located near the east quarter corner of Section 20, T11N, R61W, Beadle County commences. Then measurements are to be taken daily for three weeks as follows:

1st week	Take daily reading at approximately 9 A.M.
2nd week	Take daily reading at approximately 4 P.M.
3rd week	Take daily reading at approximately 9 A.M.

After the third week of daily measurements, the measurements will again be taken on a weekly basis until this seasons withdrawals of the irrigation well cease.

For your information, following the log and other data of the observation well.

Water Resources Commission Designation	n-15
Date Drilled	6/16/65
Depth drilled	54 feet
Length of 1/4 casing plus screen	52.5 feet
Length of pipe above ground surface	2.2 feet

Permit No. 808-3Water Division No. 3 JAMES
REVER Water District**Notice of Application of Water to Beneficial Use**

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

(P. O.) _____

(Date) _____

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

DEAR SIR: Notice is hereby given that on the _____ day of _____
19____, at HURON County of BEADLE State of South Dakota,
before _____ (Examining Engineer or Officer) proof will be submitted of the application to beneficial use
of 2.5 cubic feet per second of the waters of GROUND WATER
_____ In accordance with the terms and conditions of Permit No. 808-3
heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are _____
OSBORN CLOTHING CO
2. The use to which said water has been applied is IRRIGATION
3. The amount applied to beneficial use is 2.5
1. The place where said water is used is (If for irrigation, give full and accurate description of the lands irrigated) AS SHOWN ON APPLICATION
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is _____
6. The right to take the water from such works is based upon permit No. 808-3
7. The source of supply from which such water is diverted is GROUND WATER
8. The date of priority which said user is prepared to establish is JULY 31, 1961

(Sign) _____
James R. Osborn

Permit No. 808-3

Water Division No. _____ Water District _____

NOTICE OF COMPLETION OF WORKS

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

(P. O.) HURON, S. DAK.(Date) 7-15-66

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

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 2.5

_____ cu. ft. per second of the waters of the state from GROUNDWATER
through the OSBORN WELL #1
for IRRIGATION purposes

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

1. The name of the person or corporation holding said permit is OSBORN CLOTHING

2. The postoffice address of such person or the place of business of such corporation is HURON
County of BEAUFORT State of SOUTH DAKOTA

3. The number of such permit is 808-3 and the date set for the completion of such work is
SEPTEMBER 13, 1966

4. Said water to be used for IRRIGATION purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 2.5 cubic feet per second.

6. The amount of land for which said water is available is 144.1 acres,
particularly described as follows: PORTIONS OF SECTION 20 & 29,
T. 110N, R. 61W

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

Glean Clothing Co. Inc.

(Signature of Owners) _____

Permit No. 808-3NOTICE OF
TRANSFER OF WATER PERMITJULY 17 1966TO: Office of State Water Resources Commission
Pierre, South Dakota

This is to notify you that

B. & O. ASSOCIATES

who previously owned the land described below has sold his interests to

OSBORN CLOTHINGtogether with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 808-3
and as provided for in section 61.0141 of the SDC of 1939 and elsewhere

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.

A fee of one dollar is hereto attached to cover filing fees as required under Section 55.1808 of the SDC of 1939.

STATE OF SOUTH DAKOTA

County of HUGHES } ss.R. K. OSBORN

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.

Signed

Edward O. [Signature]Subscribed and sworn to before me this 15TH day of July 1966

Notary Public

[Signature]

APPLICATION FOR EXTENSION OF TIME FOR COMPLETING WORKS

To the State Water Resources Commission
Pierre, South Dakota

7-15-66

(date)

Dear Sirs:

I hereby request that an extension of time from SEPTEMBER 13, 1965
to SEPTEMBER 13, 1966 be granted me for the completion of works to be done under Permit No.
and that the time for proof of beneficial use of water be extended to SEPTEMBER 13, 1966

Said works are located in BEADLE County and are described
as follows:

Location of headworks: In the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$
of Section 20 Township 110 N Range 61 W
E., B.H.M.

The water is to be used for the purpose of IRRIGATION

The extension of time for the completion of these works is requested for the following reasons:

TO BRING DATE IN TO CONFORMANCE WITH
DATE OF NOTIFICATION

APPROVED: 7-20-66

State Water Resources Commission

By:

for Chief Engineer, Executive Officer

Glenn Okey R. Okey
Holder of Permit No. _____

July 25, 1966

Mr. R. K. Osborn
Osborn Clothing
Huron, S.D.

Dear Mr. Osborn:

This will notify you that the application for an extension of time was approved by the Commission.

As indicated, the inspection will be made as soon as our schedule permits.

Sincerely,

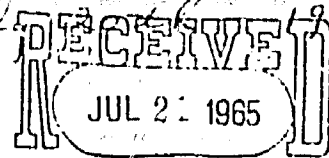
BURTON F. JONES
Water Right Specialist

BFJ:mf
Encl. Receipt #4178

Huron, S.D.

July

S.D. Water Resources Commission
Pierre, S.D.



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Dear Sirs - To inform you that we do not have sufficient water. Have to carry water to the house. Will we have to do this again. Is this fair to us. Who will protect us. Can you advise us.

To carry all the water we want to use in the house. Is this necessary.

It just doesn't seem possible that an irrigation well can be dug and take the water away from a farmer who has lived here since 1946 and always had plenty of water for the house and over 100 head of cattle until July 1964 when the irrigation well began pumping.

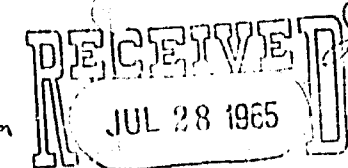
Must be that irrigation rights must be the highest use of water.

It surely is disgusting that you don't protect us if you can.

Will you please let us know if you protect us and if you can, why you don't do it - Hoping to hear soon.

Sincerely,
George E. Montgomery

Water Resources Commission
Pierre, S. Dak.



JUL 28 1965

STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

Huron, S. Dak.

July 27- '65

Route 4

57350

Dear Sirs - Have failed to receive an answer to the letter, written to you recently.

Are you going to protect us from this irrigation well, which is taking our water supply. All the water we have in the house, is what is carried in. Why do we have to do this.

Are you being fair to us.

Will you please answer this letter so we will know what you will do for us.

Thanking you

Sincerely

George E Montgomery



OFFICE OF THE GOVERNOR

6/25/65

J. W. Grimes
Water Resources

Joe:

From the enclosed letter you will note that permission has now been granted for your engineers to examine the Montgomery well.

I hope they will find the opportunity to do so in the near future.

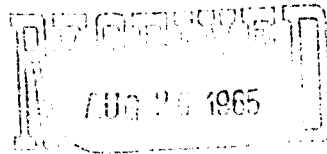

GOVERNOR



STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
PIERRE

NILS A. BOE
GOVERNOR

August 25, 1965



Mr. and Mrs. George E. Montgomery
Rural Route #4
Huron, South Dakota

Dear Mr. and Mrs. Montgomery:

Please be advised that I am notifying the Water Resources Department that they may examine your well at any time they are able to do so in an effort to restore your proper water supply and pressure.

Sincerely,

Nils A. Boe
GOVERNOR

cc:
J. W. Grimes, Chief Engineer
Water Resources Commission

NAB/sim

Alameda, So. Cal.
Aug. 21st - 1968

Donna & Bill
Pine, So. Cal.

Dear Mr. Bee - Thank you so much for answering
our letter.

When they wrote about opening our well, we
wrote them we didn't think it should be necessary
as they knew what would happen to our well
if the irrigation well started pumping and since
then we have had to carry in water. But they
may have the privilege of opening it. How
happy we would be if we could turn the
faucets and get hot or cold water and water in
the next room. We also asked if we could have
the 18 homes get the water from well pump
six homes. The water resources commission didn't
answer two of our letters.

In 1964, they had the privilege of opening our
well, which they did for 15 days and it might
then the irrigation well pumped for 18 homes. The
six homes all stop for the water. You can back
in our well didn't help. But nothing was ever
done to help us in this predicament. But after
irrigation to end in the fall of the year, we
had sufficient water until July 1965.

Their investigation showed that pumping the irrigation
well had some effect on our well. Their measurement
indicated that the major cause of water drop in our
well was natural to falling during this time of year;
that the irrigation well was the cause of the drop.

Albion, N. Dak.
Aug. 21st 1965

Governor Hele W. Bee
Pierre, S. D.

Dear Mr. Bee - Thank you so much for answering
our letter.

When they wrote about opening our well, we
wrote them we didn't think it would be necessary,
as they knew what would happen to our well
if the irrigation well started pumping and since
then we have had to carry in water. But they
may have the privilege of opening it. How
happy we would be if we could turn the
faucet and get hot or cold water and water in
the rest room. We also asked if you could have
the 18 turn and let the irrigation well pump
six hours. The water resources Commission didn't
answer any of our letters.

In 1964, they had the privilege of opening our
well, which they did for 12 hours and 12 nights.
Then the irrigation well pumped for 18 hours. Then
six hours allotted for the water to come back
in our well didn't help. But nothing more was
done to help us in this predicament. But after
the irrigation well was in the fall of the year, we
had sufficient water until July 1965.

Their investigation showed that pumping the irrigation
well had some effect on our well. Their measurements
indicate that the major cause of water drop in our
well is a natural tendency during this time of year;
that the irrigation increases the tendency to some.

not determined, and that we are not in a
position to supply the quantity of water that
we have during the time of year when the
irrigation well is pumped out.

But isn't it quite a coincidence that we had
sufficient water up until the time the irrigation
well started pumping ^{in 1964} and plenty of water after
it quit pumping in the fall. After too this
well has a record of 26 years when there was
always plenty of water.

The farm where the irrigation well is located
has been irrigated for years from the river. So
why are they allowed to take the water from
our well?

Don't know we will have water for the
house soon - thanking you for a reply.

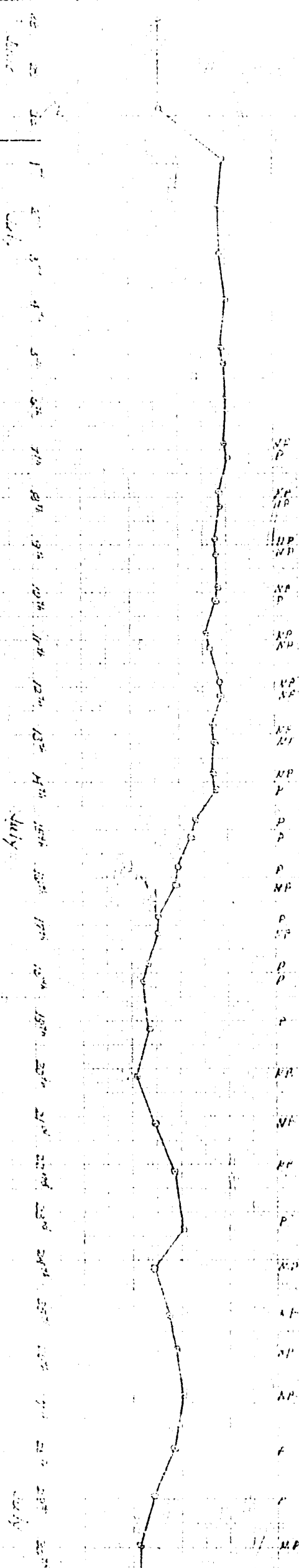
Sincerely

Wm. W. George & Montgomery



100

1. Examination book
2. Examination book



Montgomery Domestic well

Measured at 2:00 PM on 9-2-63

Depth to water 26.0

Depth of well 35.5'

Top of well to ground surface

1.0'

Observation well

Depth to water 19.3

110-61-21bb

M.P. 2.2' above NLS

Day	Time	D/W MP	D/Wbls	Pumping
6/28/65	1130	19.09	17.89	
6/29/65	0900	19.02	17.82	
6/30/65	0900	19.05	17.85	
7/1/65	0920	18.78	16.58	NP (not pumping)
7/2/65	0900	18.68	16.68	NP
7/3/65	0900	18.82	16.62	NP
7/4/65	0900	18.70	16.50	NP
7/5/65	0900	18.80	16.60	NP
7/5/65	1630	18.75	16.55	NP
7/6/65	0930	18.70	16.50	NP
7/6/65	1600	18.70	16.50	NP
7/7/65	0900	18.72	16.52	NP
7/7/65	1615	18.66	16.46	P (pumping)
7/8/65	0910	18.85	16.65	NP
7/8/65	1525	18.85	16.65	NP
7/9/65	0915	18.95	16.75	NP
7/9/65	1615	18.93	16.73	NP
7/10/65	0900	18.89	16.69	NP
7/10/65	1720	18.93	16.73	P
7/11/65	0900	19.12	16.92	NP
7/11/65	1545	19.06	16.86	NP
7/12/65	0900	18.88	16.66	NP
7/12/65	1620	18.83	16.63	NP
7/13/65	0900	19.00	16.80	NP
7/13/65	1600	18.99	16.79	NP
7/14/65	0900	19.00	16.80	NP
7/14/65	1630	18.92	16.72	P
7/15/65	0910	19.37	17.17	P
7/15/65	1600	19.49	17.29	P
7/16/65	0900	19.75	17.55	P
7/16/65	1630	19.78	17.58	NP
7/17/65	0900	20.12	17.92	P
7/17/65	1600	20.17	17.97	NP
7/18/65	0900	20.36	18.16	P
7/18/65	1600	20.43	18.23	P
7/19/65	1600	20.33	18.13	P
7/20/65	1600	20.60	18.40	NP
7/21/65	1610	20.21	18.01	NP
7/22/65	1600	19.84	17.64	NP
7/23/65	2200	19.68	17.48	P
7/24/65	1600	20.26	18.06	NP
7/25/65	1645	19.95	17.75	NP
7/26/65	1000	19.81	17.61	NP
7/27/65	0945	19.68	17.48	NP

110-61-21bb (continued)

M.P. 2.2' above NLS

<u>Day</u>	<u>Time</u>	<u>D/W MP</u>	<u>D/Wbls</u>	<u>Pumping</u>
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(continued)

7/28/65	1040	19.83	17.63	P
7/29/65	1030	20.27	18.07	NP
7/30/65	1100	20.54	18.34	NP
8/2/65	0845	20.52	18.32	P
6-21-66		19.3		
5-15-66		17.9		

June 28, 1966

Mr. R. K. Osborn
Osborn Clothing Company
Huron, South Dakota 57350

Dear Mr. Osborn:

Copies of two letters of complaint are enclosed. They concern effects of the operation of your irrigation well upon nearby domestic wells owned by George E. Montgomery and Elmer Peoples.

Investigations made during August of 1965 and reported to you show that unrestricted pumping of your irrigation well has drastic adverse effects upon the ability of the Peoples' well to produce domestic water supplies and a less positive but measurable adverse effect upon the Montgomery well. These investigations indicate that reasonable restriction of the daily pumping period of the irrigation well would provide satisfactory sharing of the water supply. Apparently, the necessity for shortened daily irrigation pumping periods has been overlooked or disregarded.

The State water statutes requires that you so regulate your withdrawals of irrigation water so as to provide adequate domestic water supplies in these domestic wells. Please proceed to adjust your irrigation well operations accordingly.

Any mutually satisfactory arrangements which you may make with the domestic well owners to offset the adverse effects of your irrigation well operations upon their domestic water supplies will be acceptable in lieu of the otherwise necessary restrictions of your irrigation water withdrawals.

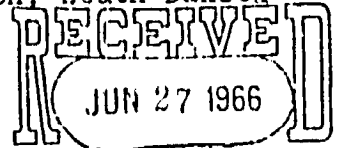
Sincerely,

JW:ls

cc George E. Montgomery, Route 4, Huron, S.D. 57350
Elmer Peoples, Route 4, Huron, S.D. 57350

J. W. Grimes

June 22, 1966
Huron, South Dakota



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Water Resources Commission
Pierre
South Dakota

Dear Sir,

I am writing you in regard to the irrigation well owned by Mr. R. K. Osborn.

Last Saturday, our neighbor, George Montgomery, ran out of water. We are down as deep as we can go with our pump, and are already having trouble with our system. The pump runs almost constantly, and our electric bill has raised \$6.00 this month alone.

We have 40 head of hogs who require over 100 gallons of water a day. In this hot weather they must have water or die. Year before last we hauled water from Mr. Osborn's well for our livestock, but last summer he fenced his well in so we can no longer do this. Must we sell them or let them die so Osborn can irrigate his alfalfa? He not only is irrigating from the well, but from the river as well.

I believe you told us last year that he had agreed not to run the well during the day so we could have water. If so, he is not living up to his agreement. His pump ran all day and all night June 15th and 16th. Furthermore, his dyke has badger holes in it which allow the water to run down the hill and into the river. I realize we need irrigation in this state, but I was under the impression that domestic use came ahead of irrigation. As I understand it, this well is allowed to be in use eighteen hours a day, which doesn't seem to give us quite enough water.

May I remind you that you asked for our cooperation in this matter, and we have done our very best to give it to you. It has now been nearly three years since you asked us to cooperate, and all we have gained is having to go deeper into our well in order to have barely enough water to get by on. I was under the impression that South Dakota's water belonged to all of us; not just to Mr. Osborn!

I am sending a copy of this letter to Mr. Frank Farrar, and also one to Governor Boe. I would greatly appreciate an opportunity to talk to someone from your department on this matter. We have a large investment in this place which is useless unless we can have water!

Very truly yours,

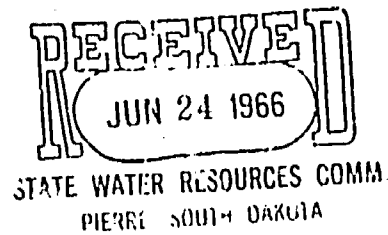
Mrs. Elmer Peoples
Rural Route #4
Huron, South Dakota

INTEROFFICE MEMORANDUM

TO: J. W. Grimes
Water Resources Commission
FROM: Alan Williamson

SUBJECT:

DATE:



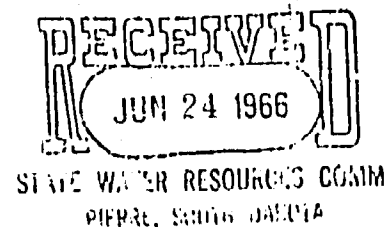
Enclosed is a copy of a letter which we have today received from Mr. and Mrs. George E. Montgomery. I have written them as per the enclosed copy and have suggested to them that they write you giving more facts concerning this irrigation well.

AW *Alan Williamson*

STATE OF SOUTH DAKOTA
OFFICE OF
ATTORNEY GENERAL

FRANK L. FARRAR
ATTORNEY GENERAL

PIERRE
June 23, 1966



Mr. and Mrs. George E. Montgomery
Route 1
Huron, South Dakota 57350

Dear Mr. and Mrs. Montgomery:

This will acknowledge your letter of June 21 relative to your water problems. This office is not the office to handle that matter.

We are referring a copy of your letter to Mr. J. W. Grimes, Executive Secretary of the Water Resources Commission, State Office Building, Pierre, South Dakota.

Your letter does not contain sufficient facts so that a determination can be made on this particular irrigation well. It is my suggestion that you write directly to Mr. Grimes giving him the description of your property upon which your well is situated and the name of the person who is operating the irrigation well so that it may be determined whether or not he is permitted to irrigate from that well.

Yours very truly,

ALAN WILLIAMSON
Assistant Attorney General

AW/n h
cc: J. W. Grimes

BEST IMAGE POSSIBLE FROM POOR ORIGINAL

Dear Mr. [unclear]

Thurman, Mo. 64
June 21st '66

Dear Mr. [unclear]

Dear

JUN 23 1966

I am writing you in regard to our
In July 1964, an irrigation well was dug
to the south of our well and it leaked the
in our well. We had to carry in all the
water for our crops. The same
thing happened in 1965 and is happening again
this year. The irrigation well started pumping
in the part of last week.

My home lived on this farm for 20 years and
the orange had plenty of water this year around
this irrigation well started pumping in July
1966. We had always had more than 125
head of cattle in the pasture during the summer
and plenty of water for them.

Is there anything you can do to help us out of
this predicament. We are elderly people and it is
very hard for us to do the work on the farm.
We are not for disturbance and bath.
Thanking you for a reply

Sincerely

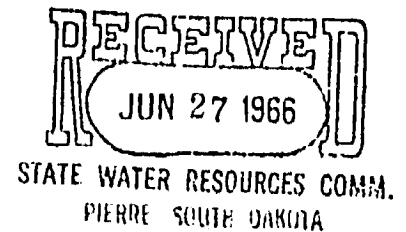
Mr. and Mrs. George E. Montgomery



NILS A. BOE
GOVERNOR

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
PIERRE

June 27, 1966



Mr. and Mrs. George E. Montgomery
Route 4
Huron, South Dakota 57350

Dear Mr. and Mrs. Montgomery:

I am in receipt of your letter of June 21 and am sorry to note that you are again having difficulty with respect to the level of water in your well.

I am forwarding your letter to Mr. J. W. Grimes, Chief Engineer of the Water Resources Commission and requesting him to make such an investigation and determination as might be necessary for the purpose of obtaining any increase of your water level.

It would be my hope that this matter might be fully resolved and that you will not be bothered in the future by conditions which may be prejudicial and detrimental to your interests.

Sincerely,

Nils A. Boe
GOVERNOR

cc:

J. W. Grimes

Huron, S.D.
June 21 - '66

Governor Nils A. Bos.
Pierre, S.D.

Dear Mr. Bos - The irrigation well, about $\frac{1}{2}$ mile south of our well has started pumping again and is lowering the water in our well.

We again do not have water in the house, only what we carry in by pail. Is there anything you can do to prevent this inconvenience.

A water resource commission man was here Sept the 2nd - 1965 and measured the water in our well after they had quit irrigating. We have had plenty of water until they started pumping the latter part of last week. This party has the privilege of irrigating from the river.

We can't understand why we can't be protected. Anything you can do for us will be greatly appreciated - Thanking you.

Sincerely

Mr. and Mrs. George E. Montgomery

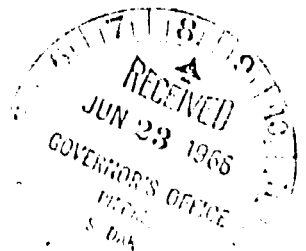
AFTER FIVE DAYS RETURN TO

Mr. and Mrs. George E. Montgomery

Box 4

Huron, S.D. 57350

ZIP CODE



June 30th - 1966

Wile A. Bea
Pierre, S.D.

Dear Mr. Bea - Thanks for answering our letter.
We are still in the same situation, carrying
in water to the house.

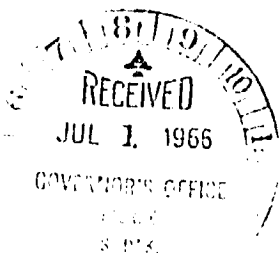
We talked to a son of Mr. Osborn, the party
that owns the irrigation well, and he told us "they
had the privilege of irrigating for 18 hours". And
we have 6 hours for the water to come back
into our well. That amount of time does not
help us.

Is this being fair with us. Have lived here
20 years and have always had plenty of water
until the irrigation well started pumping.
This same party can irrigate from the river.
Can you help us and will you help us?

Thanking you

Sincerely

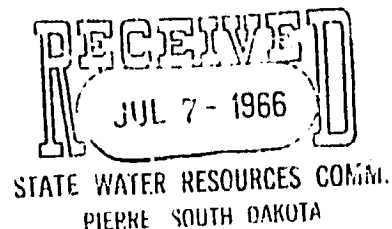
Mr. & Mrs. George E. Montgomery



AFTER FIVE DAYS RETURN TO
Mr. & Mrs. George E. Montgomery
Rt 4 - Huron, 57550
S.D.

July 5, 1966

Mr. J. W. Grimes
Water Resources Commission
State Capitol Building
Pierre
South Dakota



Dear Sir,

We received the copy of the letter you wrote June 29th to Mr. Osborn, regarding his irrigation well.

Today Montgomery's well failed completely. They can get absolutely no water and if other years are any indication, we will be without water in a few days. Mrs. Montgomery called Mr. Osborn and he said he had not read your letter; he was "not interested"; he had permission to irrigate 18 hours a day and intended to continue doing just that.

He suggested we see his attorney if we were dissatisfied.

If the State water statutes say we are to have "adequate" water, we wish to state, for the records, that we do not consider the water we now receive, "adequate". If our well goes dry, it will do so without warning. By the time we can contact him to stop the irrigation well and wait for the water to come back to our well, our livestock will be dead for lack of water and chickens cannot go without water for more than a very short period in this heat. Therefore, we are asking you to consider shutting Mr. Osborn down to 12 hours a day to give our wells a chance to recover a portion of the water his well now drains from us.

Very truly yours

Mrs. Elmer Propler

Route #4
Huron, South Dakota

Montgomery Domestic Well

Measured

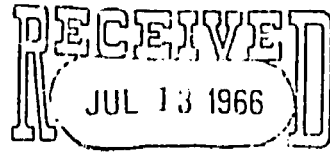
11 AM 7-10-66

Depth of well $35\frac{1}{2}$

Depth to water $26\frac{1}{2}$

Huron, So. Dak.
July 12th-66

Water Resources Commission
Pierre, So. D.



STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

Dear Sir - We do not have any water.
Can't pump it any more. Now, we have to
haul all the water we use.

Doesn't Mr. Osborn have to obey your
orders? He evidently hasn't reasoned the
irrigation house, ~~not~~ enough for us to get water.

We that it was terrible when we had to
pump the water and carry it in the house.
Now this is so much worse.

Have hope we will get water soon.

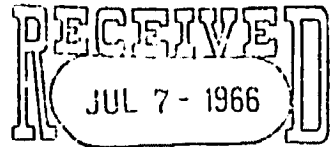
Had a wonderful rain last night. Over
an inch.

Thanking you kindly for your help.
Sincerely

Mr. and Mrs. George E. Montgomery

Water Resources Commission
Pierre, So. Dak.

July 6th - '66



STATE WATER RESOURCES COMM.

PIERRE, SOUTH DAKOTA

Dear Sir - We received your letter and were so happy, to think that we would have water in the house again.

But we don't have and now we can't even pump any water from the well and the windmill doesn't pump any water.

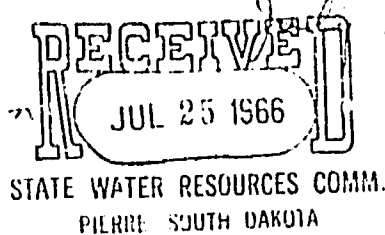
Now, we have to get water from the neighbors in 10 gal cans.

Anything you can do to help us will be greatly appreciated.

Sincerely,

Mr. and Mrs. Montgomery

Water Resources Commission
Pierre, S.D.



Dear Sir - We do not have any water. Are
hauling it from the neighbors.

Three men ~~to~~ who are checking the test
well just east of our well, measured the
water in our well, twice Thursday, July 21
and there was only 5 feet of water in our
well.

Do the S.D. Water Laws state "that the
use of water for domestic purposes is the
highest use of water and takes precedence
over all appropriative rights". Then why
isn't this law enforced. Who has the
right to enforce this law.

We have been without water in the
house since the irrigation pump started
pumping about the middle of June
and since about the 1st of July, the
windmill doesn't bring up the water.

Do we have to be without water
until the irrigation pump quits
pumping for the season.

Will you kindly inform us -

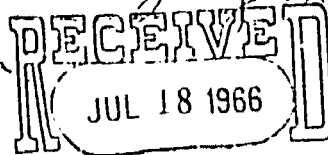
Thanking you
Sincerely

Mrs. George E. Montgomery

Huron, So. Dak.

July 16th - '66

Water Resources Commission
Pierre, So. D.



STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

Dear Sir - We do not have any water. Have to haul some every day.

We that the So. Dak Water Laws state that "the use of water for domestic purposes is the highest use of water and takes precedence over all appropriative rights". Who is going to enforce this law. This is the third year that the irrigation pump has been pumping and depriving us of water. Has been pumping since the middle of June. What are we waiting for. When will we receive help.

Thanking you for a reply
Sincerely

Mr. and Mrs. George E. Montgo
Rt 4 - Huron, So. D.

SOUTH DAKOTA

State Water Resources Commission

STATE OFFICE BUILDING
PIERRE, SOUTH DAKOTA

July 27, 1966

Mr. and Mrs. George E. Montgomery
Route 4
Huron, South Dakota 57350

Dear Mr. and Mrs. Montgomery:

Reference is made to your July 1966 letters, dated July 6th, 12th, 16th and 23rd. Each of these letters state that you are now out of water.

On July 14, 1966, a representative of this office measured your domestic well and found that the well was about 35 feet deep and contained a depth of water of nine feet. On September 2, 1965 when you were also out of water, your well was measured and was found to contain a nine foot depth of water. In your letter dated July 23, 1966 you write that your well was measured on July 21st and your well then contained a five foot depth of water.

This amount of water, five to nine foot depth, in your well should be able to furnish hundreds of gallons of water without going dry. In 1964 when your well was used as a test well, your pumping system was able to pump from your well when the depth of water in the well was less than two feet.

Something has changed in your well since the summer of 1964, otherwise, you should be able to obtain water from the existing depths of water in your well. For your information I will briefly comment on such possible changes.

1. Repair or adjustment of your pumping system.

You have stated that you were able to pump water last winter and that there was a time during the summer of 1965 when you were unable to pump water. This is an indication that there is some other factor involved, other than adjustment or breakage of your pumping system.

Mr. and Mrs. George E. Montgomery

July 27, 1966

2. Setting of Foot Valve.

On nearly every type of well pumping equipment, the lowest unit of the pumping system is a foot valve, or check valve. In a well such as your well, I believe the foot valve should be set approximately one foot above the well bottom. If the foot valve of your pumping system, or systems, has been raised, it would account for your not being able to pump from existing depths of water in your well.

3. Change in Pumping System.

A suction type of pump, depending on the elevation at which it is set would not be able to lift water at existing depths, but might be able to pump water if the depth of water in your well were deeper. If you have changed well systems, this could be the reason you cannot pump water from existing depths of water in your well.

As mentioned in your letters of July 16th and 23rd S.D. Water Laws specify that the use of water for domestic purposes is the highest use of water and takes precedence over all appropriate rights. However this general specification does not give the Water Resources Commission the privilege of further restricting or stopping an irrigation pump because a domestic pumping system can not pump water from the same depth from which water was formerly pumped.

I believe you should seek the advice of reputable well service people about your domestic well situation.

Sincerely,

J.W. GRIMES
Executive Officer
Water Resources Commission

JWG/DD/bw

cc: Governor Mills A. Roe
Attorney General Frank Farrar
R.K. Osborn
George Manolis
John Powell

July 27, 1966

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Route 4
Huron, South Dakota 57350

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Mr. and Mrs. George E. Montgomery

July 27, 1956

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Sincerely,

J.W. GRIMES
Executive Officer
Water Resources Commission

JWG/DD/vw

cc: Governor Will A. Ego
Attorney General Frank Farley
R.R. Osborn
George Minolis
John Powell

U.S. DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

WATER RESOURCES DIVISION

2½ S, 2 E Huron
Beadle Co., S. Dak.
110N-61W-20daab2

Analyses by Geological Survey, United States Department of the Interior
(parts per million)

9-268 q

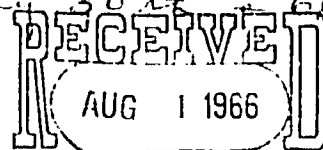
Sample number.....	Q-2430					
Date of collection	8-9-66					
Silica (SiO ₂).....	30					
Iron (Fe).....	.01					
Manganese (Mn).....	.84					
Calcium (Ca)	165					
Magnesium (Mg)	52					
Sodium (Na)	53					
Potassium (K)	8.4					
Bicarbonate (HCO ₃)	369					
Carbonate (CO ₃)	0					
Sulfate (SO ₄)	368					
Chloride (Cl)	47					
Fluoride (F)	.2					
Nitrate (NO ₃)	.0					
Boron (B).....	.40					
Sodium-adsorption-ratio (SAR)...	.9					
Dissolved solids						
Calculated	907					
Residue on evaporation at 180°C .	975					
Hardness as CaCO ₃	624					
Noncarbonate hardness as CaCO ₃ ..	322					
Alkalinity as CaCO ₃	302					
Specific conductance (micromhos at 25°C).....	1300					
pH	7.8					
Color.....	5					

Latitude: 44-19-10N; Long.: 98-10-32W; T₁₀₀-36°F; Source: Private irrig. well; Owner: R. K. Osborn, Clothing, Huron, SD, Date drilled: 1961; Depth: 130'; WBF: Stream deposits; Water level 18" bel. ground surface; Sampled after 15 min.; Yield: 200 G.M. pump est.; POG: Well head; Appear.: Rusty; Collected by: W.H. Miller, SDWRC.

Osborn Irr. well

Water Resources Commission
Pierre, S.D.

Huron, S.D.
July 30th 1966



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Dear Sirs:

Thanks for answering the letters and advice given. Yes, there was a representative of your office here and measured the water in the well and said there was 9 ft. of water. Why didn't he start the windmill and show us that we could get water. Believe we had several pails of water here (that we had hauled from the neighbors) that he could have used to prime the pump. A few days later, the man who measured the test well across the road measured the water and there were only five feet of water. Doesn't that show that the irrigation well is lowering our well.

The following are true facts concerning our well. We bought this farm in 1946 and always had plenty of water. Always had a large wooden tank filled with water for more than 125 head of cattle which were in the pasture during the summer. Then in July 1964 the irrigation well started pumping and we had no water in the house and no water in the tank until they stopped irrigating.

Then had plenty of water during the fall, winter and spring until they started irrigating in 1965. Quit irrigating in Sept. 1965.

Again had plenty of water during the fall, winter and spring until the irrigation well started pumping about the middle of June 1966. The windmill pumped water for about 2 weeks. Since the first of July we haven't had any water from our well.

During April 1965, Beers-Rocher & Co. put in new pipes from the house to the well and installed a new pump.

which cost nearly \$500. The same has proven to be satisfactory.

Also during the summer of 1965 we hired well-service people and they ~~lowered~~ ^{lengthened} the ~~pipe~~ ^{as low as possible}.

What further proof do you have to have before you can enforce the ^{SD} water laws.

We have a copy of a letter which you sent to Mr. Osborn, June 28-1966 informing him that "The State water statutes require that you so regulate your withdrawals of irrigation water so as to provide adequate domestic water supplies in these domestic wells." You added, "Please proceed to adjust your irrigation well operations accordingly."

Why hasn't this been done. We have been without water for six weeks now. How much longer do we have to haul water?

Will you please answer our questions

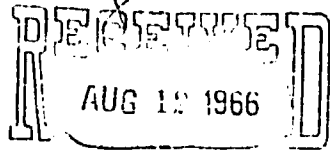
Thanking you

Sincerely

Mr. and Mrs. George E. Montgomery
Rt 4 - Hannon Do. L. 57350

Huron, So. D. 57350

Aug. 11th - 1966



STATE WATER RESOURCES COMM
PIERRE SOUTH DAKOTA

Water Resources Commission
Pierre, So. Dak.

Dear Mr. Grimes - Have failed to receive an answer to our letter, answering your letter written July 27th.

What further proof do you need. That irrigation well is taking our water and we haven't had water in the house since it started pumping about the middle of June. This is the third year that we haven't had water in the house when the irrigation pump is pumping.

Do we have to be without water in the house or will you help us.

Will you please answer this question.

Thanking you for a reply

Sincerely

Mr. and Mrs. George E. Montgomery

Route # 4

Huron, SD 57350

COMMISSION

John M. Garhart, Spearfish
 Foster Boat, Parker
 Carl Cronin, Gettysburg
 Luther A. Davis, Belle Fourche
 Vernon E. Fischer, Milbank
 Richard Lommen, Harrisburg
 Clarence D. Mortenson, Hayes
 D. & Fisher, Cheyenne

South Dakota

WATER RESOURCES COMMISSION

State Office Building

PIERRE, SOUTH DAKOTA 57501

May 27, 1969

Mr. R.K. Osborn
 Osborn Clothing Company
 Huron, South Dakota 57256

Dear Mr. Osborn:

On May 22nd I made an inspection of the works constructed and the borehole under your Permit FOI-3.

We are now ready to issue the Certificate of Completion of Works and the Water License, which constitute the final papers on your water right. Results of the inspection indicate that the system is capable of producing 600 gallons per minute. The final papers will be issued for this amount.

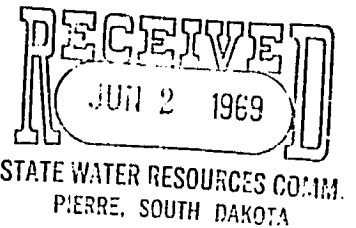
Statutes require that we charge \$12.00 for the inspection and issuance of the final papers. Upon receipt of your check in that amount, the documents will be sent to you.

Sincerely,

Burton F. Jones

BURTON F. JONES
 Water Rights Specialist

BFJ/bw



Permit No. 808-3Water Division No. 3 JAMES RIVER Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that ~~in accordance with your letter of authorization dated~~ to, I have this day made a thorough examination of the diversion works constructed by OSBORN CLOTHING, of HURON BEADLE County, South Dakota, holder of Permit No. 808-3, issued upon Application No. 808-3, bearing date of priority of JULY 31, 1961, authorizing the diversion of 2.5 cu. ft. per second of the waters of GROUND WATER for IRRIGATION purposes. I have to report on the condition of the same as follows:

The diversion works comprise: 125' DEEP WELL W/ LAYNE 8" TURBINE PUMP NO 26020, POWERED BY 40 HP U.S. ELECTRIC MOTOR. 200' OF 8" MAIN LINE TO APPROX 3/4 MILE OF MAIN DITCH TO LEVELLED LAND.

and the system is in the following condition: GOOD

The point of diversion is located 300' S & 300' W OF THE E 1/4 CORNER OF SECTION 20, T110N, R61W

The works are capable of diverting and conveying to the place of use 1.34 cu. ft. per second of water, which is to be used for IRRIGATION

The legal sub-divisions to be irrigated are: SECTION 20 SECTION 29

SECTION 20		SECTION 29	
NW 1/4 SW 1/4	31.5	NW 1/4 NW 1/4	31.3
NE 1/4 SW 1/4	18.2	SW 1/4 NW 1/4	17.6
SE 1/4 SW 1/4	7.9		
SW 1/4 SW 1/4	57.6		

comprising a total of 144.1 acres of land.

The domestic use intended comprises

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

Witness my hand, this 22ND day of MAY

--SEAL--

Burton Jones
Examining Engineer
WATER RIGHT SPECIALIST
WATER RESOURCES COMM.

CHURCHILL, SAUER & MANOLIS

ATTORNEYS AT LAW

FARMERS AND MERCHANTS BANK BUILDING

P.O. BOX 170

HURON, SOUTH DAKOTA 57350

605 - 352 - 8624

IRWIN A. CHURCHILL 1882-1961

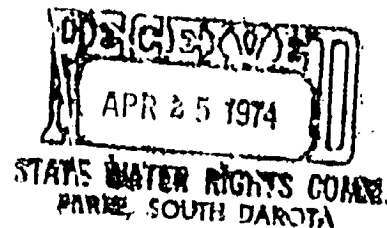
JOHN P. SAUER 1901-1965

WILLIAM S. CHURCHILL

GEORGE N. MANOLIS

RONALD J. WHEELER

April 23, 1974



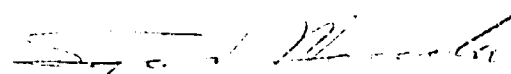
Water Resources Commission
State Office Building
Pierre, South Dakota 57501

Gentlemen:

Mr. R. K. Osborn of Osborn Clothing Company in Huron has sold his farm land to Richard Flanery of Huron. The water rights issued to R. K. Osborn now should be transferred to Richard Flanery.

Would you please forward the documents necessary to accomplish this transfer to my office and I will attend to their completion and execution.

Very truly yours,


of Churchill, Sauer & Manolis

129-3A
551-3A
808-3

GNN/ab

129-3A, 559-3A, & 808-3

April 25, 1974

Churchill, Sauer & Manolis
Farmers & Merchants Bank Bldg.
P.O. Box 176
Huron, South Dakota 57350

Attn: George Manolis

Gentlemen:

Per your request, we are sending three of our Form 20, Notice of Transfer of Water Permit, for your use in the transfer of water rights from R.K. Osborn to Richard Flonery. From our records it appears three water rights, 129-3A, 559-3A and 808-3 cover this land.

Should you have further questions, feel free to contact this office.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ/bw
Encl. as stated

Form 20.

No. _____

NOTICE OF TRANSFER OF WATER PERMIT

TO: ~~WATER RIGHTS COMMISSION~~
State Office Building No. 2
Pierre, South Dakota 57501

Date May 6, 1974

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

formerly owned by R. K. Osborn

has been transferred to Richard Flanery

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. B, 129-3A, 559-3A and 808-3 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.

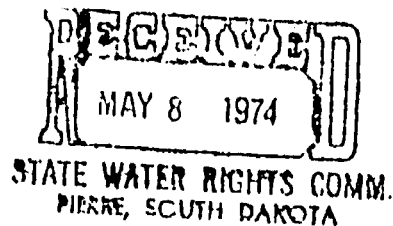
STATE OF SOUTH DAKOTA)
County of Beadle) ss.

I, R. K. Osborn 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.

R. K. Osborn (Signed) individually and as
President of Osborn Clothing Company
Suscribed and sworn to before me this 6th day of May, 1974

Delores R. Biske
(Notary Public)

Delores R. Biske
My commission expires Sept. 18, 1979



Peoples Well - 95'

17.3 tail pipe

73.3 total pipe length.

61.7 to water.

35.4 - Jet Allowing for pumping

B-10 - 54.3

Montgomery 33'

~~At~~ Jet Well 38.3

Monday

8-4 6:00 am 32.0
 8-4 6:15 am 32.0
 8-4 6:30 am 32.0

was pumped out of the well

8-4 7:00 am 32.1
 8-4 9:07 33.0
 8-4 10:07 32.8
 11:05 32.8
 12:10 32.9
 2:25 32.9
 5:45 32.7
 8:50 — Had been pumped 32.9
 11:25 32.5

8-5 6:00 am 32.2
 8:55 32.0
 11:55 31.7
 4:00 pm 31.5
 8:00 31.2
 11:55 30.9
 8-6 5:50 am 30.5

IRRIGATION WELL ON 6:15 am

6:25 30.5
 6:55 30.8
 7:25 30.8
 8:30 30.5
 9:00 30.5
 11:00 30.5
 10:00 30.5
 12:00 Noon 30.4
 2:25 PM 30.4
 4:10 PM 30.3

People

1-4	5:40	55.7
2-4	6:15	55.1
3-4	6:45	54.3
4-4	7:15	53.3

Total depth 2000 ft
 Top of pipe 1000 ft

8-4	9:13	55.7
9-4	10:15	55.1
	11:10	54.3
	12:16 P.M.	53.3
	2:30	51.5
	5:50	49.4
	8:55	47.7
	11:30	47.1
8-5	6:10 am	42.5
	9:00	41.4
	12:00 noon	40.3
	4:05 pm	39.0
	8:05	38.1
	12:00 MIDNIGHT	37.4
8-6	5:55 am	36.2
	6:30	35.9
	7:00	36.2
	7:30	36.5
	8:00	36.0
	8:30	35.7
	9:00	34.9
	11:00	41.5
	12:10 P.M.	42.8
	2:36	43.9
	4:15	44.0

1870-1871

1870-1871

8-9 5:57 22.5

8-1 5:57 22.5

8-1 5:57 22.5

8-4 5:57 35.0

9:30 " 35.0

10:20 " " 35.6

11:14 " " 35.4

12:20 pm " " 35.4

2:35 " " 35.3

5:55 " " 34.0

9:00 " " 33.7

11:40 " " 33.1

5-5 6:17 No sound 30.6

9:05 29.8

12:07 pm 29.1

4:12 28.5

8:10 27.7

12:12 am 27.3

8-6 6:03 26.5

6:55 29.5

7:03 31.0

7:35 32.0

8:30 34.2

9:01 34.5

10:15 35.2

11:10 34.5

12:15 34.8

3:00 4:25 36.2 37.2

water vapor sound a lot
negative self sound a lot
water vapor sound a lot

11-1-11 11:20

8-4 5:15 54.5

8-4 6: 54.5

8-4 6:40 54.5

8-4 7:15 54.5

6-4 9:20 54.5

6-4 10:28 54.5

11:17 54.5

12:25 PM 54.4

2:40 PM 54.4

6:00 54.3

9:05 54.3

11:50 54.4

8-5 6:25 am 54.3

9:13 54.3

12:17 pm 54.3

4:17 54.3

8:20 54.3

12:40 am 54.3

8-6 6:40 54.3

7:43 54.3

8:35 54.3

10:07 54.3

11:17 54.3

12:20 PM 54.3

3:15 54.3

4:25 54.3

1/4 sec

Rd to line of observation	41573.47
to line of observation	41573.84
E/4 corner section 20-71100 N 10	41079.11
Observation well B-10	41575.32

well located 130' S
250' W of well B-10

E/4 sec corner	41077.21
River W. on 1/2 sec	41077.80

Investigation test well is located 25' S 345
25' W of investigation well. It is covered
with 4' of gravel and is 15' deep.

Observation Log

6-4	11:30 AM	12.5
5-4	3:30 PM	12.5
8-5	11:40 am	12.5
8-6	12:30 PM	12.5
8-6	4:15	12.5

Total Sept 21-22 36.2

Expenditures

General acct.

	+	-	# 1	Balance
Irrigation well	7.10		107.10	100.00
Montgomery well		3.30		103.80
Peoples well		7.45		102.45

General acct.

	+	-	# 1	Balance
Irrigation well	4.58			100.00
TTP # 1		6.98	104.58	97.60
TTP # 2	1.40		99.00	90.35
TTP # 3		8.65		75.87
TTP # 4		16.73	92.10	59.90
TTP # 5	.18		76.25	50.96
Rivers edge	22.3		62.13	
		11.17		

Elevations

	+	-	PI	
Irregular well	10.35		10.35	100.00
TTP #1		7.78		102.58
	1.24		103.82	
TTP #2		9.90		93.92
	7.07		100.99	
TTP #3		.55		100.43
	10.41		110.64	
TTP #4		4.18		106.46
	6.05		112.51	
Obs. well B.10		10.27		102.75

FAINE LT 11-114.64

	1959	1960	1961	1962	1963	1964
JAN	Upper 10.03 Lower 11.03	12.57	11.28	12.04	9.72	11.00
FEB	10.99 11.01	12.50 12.58	11.57 11.27	10.77 11.28	9.85 9.39	11.15
MAR	11.01 11.11	— 12.60	11.27 11.47	11.28 12.04	9.22 9.32	11.70
APR	11.05 12.50	12.03 12.28	10.92 11.17	10.88 10.88	9.05 9.20	10.87
MAY	11.17 11.70	10.50 10.89	10.39 10.70	8.50 10.77	8.98 9.15	10.72
JUNE	11.17 11.90	10.57 10.74	10.51 10.70	9.18 8.78	8.92 9.11	11.1
JULY	16.25 16.62	— 10.58	11.16 14.01	7.05 8.93	9.67 14.62	12.62 12.54
AUG	16.23 17.00	12.27 15.10	15.18 15.47	9.50 10.51	— 13.95	* 17.00 12.25
SEPT	— 13.02	— 11.88	12.40 16.25	— 10.01	— 12.20	—
OCT	12.69 12.86	11.43 11.62	12.29 12.92	9.26 9.43	— —	—
NOV	12.58 13.50	11.41 11.47	12.11 12.30	9.06 9.26	— —	—
DEC	— 12.53	— —	12.10 12.13	9.15 9.25	— 11.29	—

HILKENCIER 1 1/2 W - 100 yds E of 1st Irrigation Canal

6-8-64	22.41	AP	May 27.63	18.00
7-13-64	26.59	18.00	June 2.63	19.80
1-2-64	20.17	18.21	7-63	22.03
2-4-64	21.09			
3-6-64	20.21			

	1962	1963	1964
JAN	27.58 27.67 27.51	29.09 29.17 28.99	29.02 29.04 28.98
FEB	27.60 27.49	29.07 28.95	29.07 28.96
MAR	27.55 27.49	28.95 28.12	28.98 28.92
APR	27.95 28.01	28.73 27.61	28.98 28.92
MAY	28.61 28.41	28.12 27.00	29.56 29.56
JUNE	28.65 27.27	27.55 26.83	30.20 30.10
JULY	28.07 31.94	27.69 28.60	36.69 —
AUG	28.28 29.89	29.96 29.72	— —
SEPT	31.07 29.06	29.06 27.91	— —
OCT	29.81	28.25	—
NOV	—	27.65	—
DEC	29.09 29.18	27.63 27.68	—

A/kort 20/10/1915

RT 9

Bat 213

Havon. S. D.

6-18-76

Elmer Peoples

Huron 352-2194

100' deep well

pump setting at 40'

Water at 25'

2 miles East on Cemetery

Road (22nd St S)

& 1 1/4 S

352-8421
352-6724 etc
352-6126

Richard Flannery Well

W.R. 808-3 pumping
50020

Peoples is out of water

B-15 State Observation Well
SW 1/4 16-410-61 36' deep nearly
54'

359-3
129-31

June 8, '76 26.1

Dick Flannery

352-5234 home

~~6-18-76~~

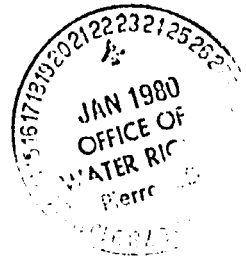
George Manolis, Attorney
called on behalf of
of Dick Flannery

2:50 p.m. 6-18-76

5:00 p.m.
Flannery will offer
to fix Peoples Well
Saturday



P. O. Box 1378 HURON, S. DAK. 57350
Telephone (605) 352-6724



January 18, 1980

South Dakota Department of Water &
Natural Resources
Joe Foss Building
Pierre, SD 57501

Attn: John Hatch, Chief Engineer
Water Rights, WMD

Dear Mr. Hatch:

We have received your questionnaire pertaining to our
irrigation during 1979.

Would you please send us land descriptions applicable
to the following:

808-3	BD-JR
129-3A	BD-JR
559-3	BP-JR
Richard Flanery	
535 18th SW	
Huron, SD 57350	

As soon as we receive these descriptions, we will be
happy to get the requested information to you.

Sincerely,

Amy Bochman

Amy Bochman
R. D. Flanery, Inc.

AB/lh

DATE MICROFILMED

CHIEF, OPERATOR

129-3A
559-3
808-3

January 21, 1980

Richard Flanery
535 18th SW
Huron, SD 57350

Dear Mr. Flanery:

This will acknowledge your letter of January 18, 1980 requesting land descriptions applicable to Water Right Permit Nos. 129-3A, 559-3 and 808-3.

Enclosed are copies of the Water Rights which should aide you in filling out your irrigation questionnaire.

If you have any further questions, please contact this office.

Sincerely,

GENNY YOUNG
Staff Assistant

RY

encl

**South Dakota Department of
Water & Natural Resources**

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

November 7, 1986

Delbert Lowe
Federal Land Bank of Aberdeen
PO Box 1978
Aberdeen, SD 57401

Dear Mr. Lowe:

Enclosed are partially completed "Notice of Transfer" forms for Water Right Nos. 550-3, 559-3 and 808-3. These forms are for use in transferring the water rights from Richard Flanery to the Federal Land Bank.

During our telephone conversation of November 6, 1986, you indicated the Federal Land Bank had acquired the land in Sections 20 & 29, T110N, R61W. I note that the land covered under Water Right No. 550-3 is for lands in Section 7 & 8, T110N, R61W. This water right may not be involved in the transfer. If this is the case, please disregard the transfer form and contact us regarding the status of this specific water right.

Please check over the transfer forms. They will need to be completed, signed and notarized before returning them to our office. A \$2.50 filing fee is required for each transfer. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst

enclosures



Federal Land Bank Association
Production Credit Association

Huron Branch
2065 Campbell Drive
P.O. Box 1276
Huron, South Dakota 57350-1276
605 / 352-4504 or 605 / 352-2842

November 20, 1986



Department of Water and Natural Resources
Ms. Genny McMath
Natural Resources Analyst
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

RE: Richard Flanery

Dear Ms. McMath:

Enclosed are the executed Notice of Transfer of Water Permit forms for Water Right Permit Numbers 808-3, 550-3 and 559-3. Also enclosed is check number 1216 in the amount of \$7.50 to cover filing fees for the transfers.

If you have any questions or we can be of further assistance, please direct your inquiries to me at the following address:

FLB/PCA
P. O. Box 1987
Aberdeen, South Dakota 57401-1987

Sincerely,

Delbert Lowe
Senior Consultant

DL/rk



Part of the Farm Credit System



NO. 808-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: November 20, 1986

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

144.1 acres - SW $\frac{1}{4}$ Section 20 and W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 29, T110N, R61W

formerly owned by Richard Flanery

has been transferred to Federal Land Bank of Omaha
P. O. Box 1987 Aberdeen, South Dakota 57401-1987

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

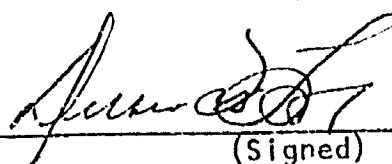
Water Right Permit No. 808-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

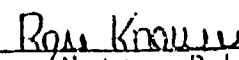
A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
) ss.
County of Beadle)

I, Delbert Lowe 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.


(Signed)

Subscribed and sworn to before me this 20th Day of November, 1986.


(Notary Public) Rose Knouse

Commission expires: December 24, 1989

RECEIPT

Division of Water Rights

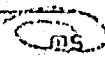
South Dakota Department of Water and Natural Resources

410627

Pierre, November 21, 1936

RECEIVED OF Federal Land Bank of Omaha, P.O. Box 1987, Aberdeen, SD 57401-1987
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>808-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH 



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol

Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION

(605) 773-3352

808-3
550-3
559-3

November 25, 1986

Federal Land Bank of Omaha
P.O. Box 1987
Aberdeen, South Dakota 57401-1987

Dear Sir:

Enclosed are receipt Nos. 410627, 410628 and 410629 in the amount of \$2.50 each totaling \$7.50 which you paid for transfer of Water Right Nos. 808-3, 550-3 and 559-3.

Our records now show Federal Land Bank of Omaha as the owner of these water rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc. 3

Equal Opportunity Employer



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

550-3
559-3
808-3

January 14, 1987

Jerry Bales
Box 1337
Huron, South Dakota 57350

Dear Mr. Bales:

Please find enclosed copies of Notice of Transfer of Water Permit forms. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 for each transfer, total of \$7.50 for three transfers.

Upon receipt of the enclosed forms and the \$2.50 filing fee for each transfer the permits will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc. 3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 1-15-87

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

144.1 Acres SW 1/4 Section 20; W 1/2 NW 1/4 Section 29, T110N-R61W

formerly owned by Federal Land Bank of Omaha

has been transferred to Jerry Bales, Box 1337, Huron, SD 57350
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 808-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Beadle) ss.

I, Jerry Bales 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.

Jerry Bales
(Signed)

Subscribed and sworn to before me this 15 Day of January, 1987.

Keith Bales
(Notary Public)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, January 16, 1967

RECEIVED OF Jerry Bates, Box 1337, Huron, SD 57230

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form 69C-3 _____	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hinton
Chief Engineer JOHN HINTON (SS)

 **Department of
Water & Natural Resources**

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

WATER RIGHTS DIVISION
(605) 773-3352

550-3
559-3
808-3

January 16, 1987

Jerry Bales
Box 1337
Huron, South Dakota 57350

Dear Mr. Bales:

Enclosed are receipt Nos. 410719, 410720 and 410721 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 550-3, 559-3 and 808-3.

Our records now show you as the owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

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

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

January 29, 1988

JERRY BALES
BOX 1337
HURON, SD 57350

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). 550-3, 808-3, 559-3. 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 1:00 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). 550-3, 808-3, 559-3 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.

REPRODUCTION
REDUCTION

CS. 1

ROLL NO. 12-12

DATE MICROFILMED

DATE MICROFILMED

CAMERA OPERATOR



Department of Water & Natural Resources

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

February 23, 1988

550-3
559-3
808-3
2425-3

Jerry Bales
Bales Continental Commission Co.
Box 1337
Huron SD 57350

Dear Mr. Bales:

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. 550-3, 559-3, 808-3, 2425-3 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

NO. 808-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 4-26-89

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

144.1 acres - SW 1/4 Section 20, and W 1/4 NW 1/4 Section 20, T110N, R61W

formerly owned by Jerry Bales

has been transferred to ALBERT M. HASKELL JR. - ALBERT T. HASKELL
(please include complete mailing address) PO Box 1368
together with any rights to the beneficial use of water thereon as evidenced by Huron, SD 57350

Water Right Permit No. 808-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of HOTSPRING) ss.

I, Albert M. Haskell Jr. 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.

Albert M. Haskell Jr.
(Signed)

Subscribed and sworn to before me this 26 Day of April, 1989.

MAREN SCHLAACK
(Notary Public)

Maren Schlaack
(Notary Public)

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: April 11, 1989

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

SW 1/4 Section 20, T110N, R61W (that portion west of the James River)

formerly owned by Albert M Haskell, Jr and Jane T Haskell

has been transferred to Rodney F. and Esther L. Levendecker, R.R. 5, Huron, SD 57350
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 808-3A as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
) ss.
County of Beadle)

I, Rodney F. Levendecker 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.

(Signed)

Subscribed and sworn to before me this 11th day of April, 1989.

(Notary Public)

Conversation or File Documentation

NAME OF PERSON OR FILE: Jerry and Margaret Bales, Bales Continental Commission Company,
Box 1337, Huron, SD 57350 and Steve Bales, RR3, Box 154, Huron, SD
 and Rodney and Ester Leyendecker, RR 1, Huron, SD and Albert Haskell, Jr. P.O. Box 1368,
 ADDRESS: Huron, SD 57350 COUNTY Beadle

DATE: October 30, 1989

TELEPHONE _____

RE: Scheduling Water Rights No. 129-3, 559-3, and 808-3 for cancellation due to
forfeiture for nonuse.

COMMENTS:

On April 5, 1989, The Division of Water Rights received a Notice of Transfer of Water
Right No. 559-3. Water Right No. 559-3 was formerly owned by Jerry Bales and was to
be transferred to Albert M. and Jane T. Haskell. On April 13, 1989, the Division received
a Notice of Transfer of Water Permit for Water Right No. 808-3. Water Right No. 808-3
was formerly owned by Albert M. and Jane T. Haskell and was to be transferred to Rodney
F. and Ester L. Leyendecker.

The Division encountered difficulties in transferring the above Water Rights because
the water source(s) appeared to be inconsistent with the permits on file. Consequently,
a field inspection was conducted to determine which lands were being irrigated and what
water sources were being used.

On April 25 and 26, 1989, a field inspection of the above Rights was conducted. Rodney
Leyendecker, new owner of the land west of the James River in the SW1/4 of Section
20, T110N R61W accompanied me on an inspection. The inspection found a side-roll
irrigation system present on the property, but the system did not appear operational
(system was disconnected from water source, pipes were broken, and the entire system
did not appear to have been used for the past several years).

Albert (Mac) Haskell, new owner of the land under Water Right No. 559-3 accompanied
me on a field inspection of the Right. He was currently irrigating land covered under
Water Right No. 2389-3. He indicated that he planned to irrigate lands this summer

File in Permit or other file as necessary. Use to document conversations and
what the other party was told; why action or decision was made.

Water Rights Division - DWRB
Conversation or File Documentation

129-3A, 559-3, 808-3
File No.

Page 2/3

NAME OF PERSON OR FILE: continuation of page 1

ADDRESS: _____ COUNTY Headlee

DATE: October 30, 1989 TELEPHONE _____

RE: Scheduling Water Rights No. 129-3A, 559-3 and 808-3 for cancellation due to forfeiture for nonuse.

COMMENTS: 559-3 ^{QRB}
under Water Rights No. 808-3 and 129-3A.

On March 28, 1989, I spoke with Jerry Bales via telephone concerning Water Rights No. 129-3A, 559-3, and 808-3. Mr. Bales owned all the land in question as of January, 1987. Mr. Bales indicated that one forty acre center pivot was towed to three pads in the NE1/4 SE1/4, and the SE1/4 SE1/4 of Section 20 and the NE1/4 NE1/4 of Section 29 T110N R61W. The land west of the James River in the SW1/4 of Section 20 T110N R61W had been irrigated with a side-roll system using James River Water (approximately 1985-86 was the last time irrigated).

Review of irrigation questionnaires for Water Rights No. 129-3A, 559-3 and 808-3 indicates that no irrigation has taken place under Water Rights No. 129-3A and 559-3 for the years of 1983 - 1988. The irrigation questionnaires are missing for the years of 1980 - 1982 and it is possible that no irrigation has taken place under Water Rights No. 129-3A and 559-3 since 1980. Hence, Water Rights No. 129-3A and 559-3 are subject to be scheduled for cancellation due to forfeiture from nonuse. Note: Water Rights No. 129-3A and 559-3 were incorporated into one license following field inspection by Ron DuVail. Water Right No. 808-3 was licensed to irrigate 144.1 acres in the SW1/4 of Section 20 and NW1/4 of Section 29, all in T110N R61W. The water source under this permit was a well (groundwater) located in the NE1/4 NE1/4 SE1/4 of Section 20, T110N R61W. Originally, the well water was to be piped from the well, across the James River, and applied to the land in the SW1/4 of Section 20 and the NW1/4 of Section 29, T110N R61W.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/32

NAME: David D. Bruner

3/3

Water Rights Division - DWRB
Conversation or File Documentation

129-3A, 559-3, 808-3

File No. _____

NAME OF PERSON OR FILE: _____ continuation of Page 2

ADDRESS: _____ COUNTY Beadle

DATE: October 30, 1989 TELEPHONE _____

RE: Scheduling Water Rights No 559-3 and 808-3 for cancellation due to forfeiture
for nonuse

COMMENTS:

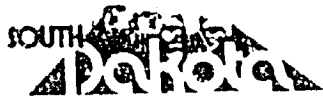
The field inspection conducted by me on April 25 and 26, 1989 found that the well in
question now irrigates land in the SE1/4 of Section 20 and the NE1/4 of Section 29, T110N
R61W. Land in the SW1/4 of Section 20 and the NW1/4 of Section 29, T110N R61W has been
irrigated using James River Water. Hence, since the SW1/4 of Section 20 and the NW1/4
of Section 29 are not being irrigated with the correct water source for a number of years,
Water Right No. 808-3 is subject to be cancelled due to forfeiture from nonuse.

In summary, Water Right No. 129-3A was incorporated with Water Right No. 559-3. Water
Right No. 559-3 is subject to cancellation due to forfeiture from nonuse as evidenced by
the reported usage as indicated by the yearly irrigation questionnaire. Water Right No.
808-3 is also subject to cancellation due to forfeiture from nonuse as indicated by
the yearly irrigation questionnaires and due to using the wrong water source for irrigation
in the SW1/4 of Section 20 and the NW1/4 of Section 29, T110N R61W.

File in Permit or other file as necessary. Use to document conversations and
what the other party was told; why action or decision was made.

NAME: David O. B...

4/32



Department of Water & Natural Resources

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

October 31, 1989

NOTICE OF HEARING ON CANCELLATION

TO: Steve Bales, RR #3 Box 154, Huron, SD 57350
Jerry & Margaret Bales, Box 1337, Huron, SD 57350
Rodney & Esther Leyendecker, RR #5, Huron, SD 57350
Albert Haskell, Jr., PO Box 1368, Huron, SD 57350

FROM: Delvin D Brosz, P.E. *Delvin D. Brosz*
Hydrologist
for John Hatch, Chief Engineer
Water Rights Division

SUBJECT: Cancellation of Water Right Nos. 559-3 and 808-3

The Water Management Board will consider cancellation of Water Right Nos. 559-3 and 808-3 at 9.00 am, December 6, 1989, Room 215, Joe Foss Building, 523 E Capitol, Pierre, SD.

The hearing(s) 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.

The Chief Engineer of the Water Rights Division is recommending cancellation of Water Right Nos. 559-3 and 808-3 due to abandonment and/or forfeiture.

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 Nos. 559-3 and 808-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by Water Right Nos. 559-3 and 808-3. 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 November 24, 1989. 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 Board may consider any abandoned or forfeited water to be available for appropriation subject to the provisions of SDCL 46-1, 46-2, 46-2A and 46-5.

These hearings are adversary proceedings. 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.

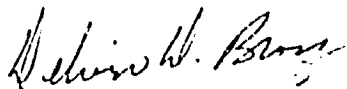
Further information on the proposed cancellation or to assure access to the hearing by the handicapped can be obtained by contacting the Water Rights Division, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) for assistance prior to the hearing. The time of the hearing will be automatically 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 held March 7 & 8, 1990, in Rapid City, SD. Any request for extension must be filed with the Chief Engineer by November 24, 1989.

Please note: Cancellation of these water rights does not prohibit you from making a new application for this project in the future.

RECOMMENDATION OF CHIEF ENGINEER
FOR WATER RIGHT NOS. 559-3 & 808-3

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Right Nos. 559-3 and 808-3, Rodney & Esther Leyendecker, Albert & Jane Haskell, Jerry & Margaret Bales

The Chief Engineer is recommending cancellation of the above Water Rights because an inspection by David Brown, April 25-26, 1989, found the lands have not been irrigated for a period of longer than three years. The water rights have been abandoned and/or forfeited.


DELVIN D BROSZ, P.E.
Hydrologist
for JOHN HATCH, Chief Engineer
October 31, 1989



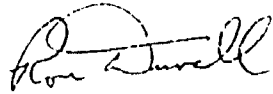
Department of Water & Natural Resources

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

December 13, 1989

NOTICE

TO: Steve Bales, RR #3 Box 154, Huron, SD 57356
Jerry & Margaret Bales, Box 1337, Huron, SD 57350
Rodney & Esther Leyendecker, RR #5, Huron, SD 57350
Albert Haskell, Jr., PO Box 1368, Huron, SD 57350

FROM: Ron Duvall, Natural Resources Engineer IV 
for John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

SUBJECT: Action taken on Cancellation Consideration of Water
Right Nos. 559-3 and 808-3

On December 6, 1989, the Water Management Board denied cancellation of Water Right Nos. 559-3 and 808-3. The Board found the allegation of nonuse was not supported by the testimony presented. Denial of the cancellation of these water rights does not validate Water Right Nos. 559-3 and 808-3. The validity of Water Right Nos. 559-3 and 808-3 will be determined by the Water Management Board at another hearing. The hearing must be advertised to allow all interested parties to appear before the Board. You will be notified of the time, date and place of the hearing once it is scheduled.

At the December 6th hearing, the Board directed us to work with you in preparing an application to amend Water Right No. 808-3 to possibly include the James River as a diversion point or another well location. We would like to meet with you on January 8, 1990 at 1:30 pm in Room 413, Joe Foss Building, 523 E Capitol, Pierre, SD. You have indicated to us via telephone that January 8th would be an acceptable meeting date. Please contact us, if you need to change the date or time.

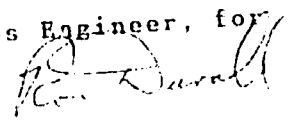
cc: John Haak, Assistant Attorney General

 **Department of
Water & Natural Resources**

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

December 26, 1989

TO: Steve Bales, RR 3, Box 154, Huron SD 57350
Jerry & Margaret Bales, Box 1337, Huron SD 57350
Rodney & Esther Leyendecker, RF 5, Huron SD 57350
Albert Haskell, Jr., PO Box 1368, Huron SD 57350

FROM: Ron Duvall, Natural Resources Engineer, for
John Hatch, Chief Engineer
Water Rights Division
605 773-3352 

SUBJECT: Amendment of Water Right No. 808-3

Water Right No. 808-3 specifies that 144.1 acres are to be irrigated in the SW1/4 section 20; E1/2 NW1/4 section 29; in T10N-R61W all on the west side of the James River. This is the only acreage specified on Water Right No. 808-3. The diversion point (one well) for irrigation of this acreage is located on the east side of the James River.

Water Rights may be amended and retain the original priority date, but an amendment may not: 1) increase the diversion rate, 2) increase the volume of water, 3) impair existing rights, 4) increase the irrigated acreage or 5) change the water source approved in the original application pursuant to SDCL 46-5-30.4 and Beard Rule 74:02:01:14.01. Any application to amend a water right that does not meet these requirements can not retain the original priority date. If the requirements to amend a water right can not be satisfied, a new application may be submitted.

If you have questions about potential amendments to Water Right No. 808-3 prior to our January 8, 1990 meeting, please contact me.

cc: John Haak, Assistant Attorney General

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3191

March 13, 1990

Huron Steel Structures
Attn: Larry Greff
Box 181
Huron, SD 57350

Dear Mr. Greff:

On March 7, 1990, you called this office requesting information on lands located in the E1/2 SE1/4 Section 20, T110N R61W. Specifically, you wanted to know if the above lands had an existing Water Permit or Water Right.

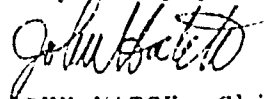
On March 9, 1990, David Brown, Division Engineer, returned your telephone call and spoke to you concerning this matter. Water Right Nos. 559-3 and 808-3 are on file with this office relating to the above lands. During the late 1950's/early 1960's, the lands in question were covered by a Water Permit. However, since that time, these lands were eliminated when the Water Rights were licensed.

We do not believe a Water Right exists for the E1/2 SE1/4 of Section 20, T110N R61W for the following reasons:

- 1) Water License No. 808-3 issued June 2, 1969 does not mention any supplemental irrigation of Water Permit No. 129-3A, hence Water License No. 808-3 does not cover any of the lands in question.
- 2) Water License No. 559-3 was reissued by this office on November 6, 1986. The License does not include any of the lands in question.

However, if you believe a Water Right does exist for the lands in question, you may petition the Water Management Board for a declaratory ruling concerning this matter pursuant to General Rules Chapter 74:02:01:46 to 49.

Very truly yours,



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

enclosure

BALES

COMMISSIONER OF
LANDS

"South Dakota's Largest Cattle Auction"

PHONE 338-1607

BOX 1577

HELDON, SOUTH DAKOTA 57386

April 5, 1990

S. D. Dept. of Water & Natural Resources
Joe Foss Building
52 East Capitol
Pierre, SD 57501-3181



Dear Sirs:

I would like to petition the Water Mangement Resource Board to change the description of lands to be irrigated under water rights # 803-3 and 559-3.

Please put my request on the agenda of your May 23rd or 24th meeting in Watertown and advise me of the time and place. Thank-you.

Sincerely,

Jimmy Bales

JB/nc

**NOTICE OF HEARING ON REQUEST FOR A DECLARATORY RULING
REGARDING ACREAGE AUTHORIZED FOR IRRIGATION BY WATER RIGHT NO. 808-3**

Notice is given that Jerry Bales, Box 1337, Huron SD 57350 has petitioned the Water Management Board for a declaratory ruling on the acreage authorized for irrigation by Water Right No. 808-3. Water Right No. 808-3 was originally approved for 2.05 cubic feet of water per second (cfs) from one well approximately 130 feet deep to irrigate 144.1 acres and 2.50 cfs from the same well as a supplemental water supply to irrigate 181.3 acres authorized for irrigation by Water Right No. 129-3A. The well is located in the NE1/4 SE1/4 section 20; the 144.1 acres in the SW1/4 section 20 and W1/2 NW1/4 section 29; and the 181.3 acres in the SE1/4, SE1/4 SW1/4 section 20 and N1/2 NE1/4, SW1/4 NE1/4, E1/2 NW1/4 section 29; all in T110N-R61W. Water Right No. 129-3A authorized irrigation of the same 181.3 acres from the James River. On June 2, 1969, the water license was issued for Water Right No. 808-3 for irrigation of the above described 144.1 acres with a diversion rate of 1.34 cfs from the well. The 181.3 acres described on Water Right No. 129-3A were not included as part of the water license for Water Right No. 808-3.

Jerry Bales has requested the Board to determine via declaratory ruling that omission of a portion of the 181.3 acres on the license for Water Right No. 808-3 was an error and that the acreage in the NE1/4 SE1/4 (27 acres), SE1/4 SE1/4 (32 acres) section 20; NE1/4 NE1/4 (29 acres) section 29; all in T110N-R61W be included on No. 808-3. According to Mr. Bales, this acreage was being irrigated when No. 808-3 was licensed and has been irrigated during the following years from the well specified on No. 808-3.

This petition will be considered by the Water Management Board at 10:00 am, on May 23, 1990, Pelican Room, Ramkota Inn, W Highway 212, Watertown SD. The Board may issue one of the following decisions regarding the petition for a declaratory ruling after all evidence is taken at the hearing: 1) that the acreage was omitted in error and that the acreage be included on Water Right No. 808-3, 2) that the acreage should not be included on Water Right No. 808-3, or 3) take no action or do some combination of the above.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with both Jerry Bales and the Chief Engineer by May 11, 1990. The petition may be informal, but it must include a statement describing the petitioner's interest in the petition for declaratory ruling, the petitioner's reasons for opposing or supporting the petition for declaratory ruling, and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The Chief Engineer's address is "Water Rights Division, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the address for Jerry Bales is given above. Mr. Bales does not need to file a petition to intervene. The time of the hearing will be automatically delayed for at least twenty days upon written request to the Chief Engineer by any interested person. The request for a delay must be received by May 11, 1990. Contact the Water Rights Division to request information on the petition for a declaratory ruling or to assure access to the hearing by the handicapped.

(continued)

Continuation of Notice of Hearing:

The hearing is an adversary proceeding. Any person filing a petition and/or Mr. Beles have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The petition for a declaratory ruling is made pursuant to Board General Rules, Sections 74:02:01:46 thru 74:02:01:49. The Board has legal authority and jurisdiction to consider this matter pursuant to SICL 46-1-14, 46-2-3.1, 46-2-5, 46-2-9, 46-2-11, 46-2-17, 46-5-30.4, 46-5-33 and 46-5-34.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Beadle) ss.

I, Jim Hein
certify that the attached printed Notice was taken
from the Huron Daily Plainsman

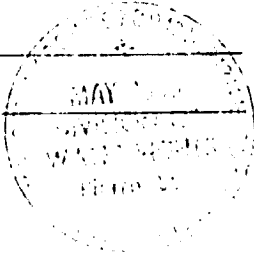
A newspaper which during the whole time of publication of
said notice herein after stated, has been and is printed and
published in the _____
City _____ of Huron

County of Beadle and State of South Dakota;
that the said notice was published in said newspaper on the
following two dates:
April 24, 1990 & May 1, 1990

(Signature)
Marketing Director
(Title)
May 1, 1990
(Date Signed)

Cost of Printing: \$91.80

57501 (605 773-3352) and the address for Jerry Bales is given above. Mr. Bales does not need to file a petition to intervene. The time of the hearing will be automatically delayed for at least twenty days upon written request to the Chief Engineer by any interested person. The request for a delay must be received by May 11, 1990. Contact the Water Rights Division to request information on the petition for a declaratory ruling or to assure access to the hearing by the handicapped. The hearing is an adversary proceeding. Any person filing a petition and/or Mr. Bales has the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The petition for a declaratory ruling is made pursuant to Board General Rules, Sections 74:02:01:46 through 74:02:01:49. The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-1-14, 46-2-3.1, 46-2-5, 46-2-9, 46-2-11, 46-2-17, 46-5-30.4, 46-5-33 and 46-5-34. No. 230 (an 7.)



P.P. 4-24-90 L.P. 5-1-90
NOTICE OF HEARING ON REQUEST FOR A DECLARATORY RULING REGARDING ACREAGE AUTHORIZED FOR IRRIGATION BY WATER RIGHT NO. 808-3
Notice is given that Jerry Bales, Box 1337, Huron, S.D. 57350, has petitioned the Water Management Board for a declaratory ruling on the acreage authorized for irrigation by Water Right No. 808-3. The well approved for 2.05 cubic feet of water per second (cfs) from one well approximately 130 feet deep, irrigate 144.1 acres and 2.40 cfs from the same well as a supplemental water supply to irrigate 181.3 acres authorized for irrigation by Water Right No. 129-3A. The well is located in the NE 1/4 SE 1/4 section 20; the 144.1 acres in the SW 1/4 section 20 and W 1/2 NW 1/4 section 29; and the 181.3 acres in the SE 1/4, SE 1/4 SW 1/4 section 20 and N 1/2 NE 1/4, SW 1/4 NE 1/4, E 1/2 NW 1/4 section 29; all in T110N-R61W. Water Right No. 129-3A authorizes irrigation of the same 121.3 acres from the James River. On June 2, 1969, the water license was issued for Water Right No. 808-3 for irrigation of the above described 144.1 acres with a diversion rate of 1.34 cfs from the well. The 181.3 acres described on Water Right No. 129-3A were not included as part of the water license for Water Right No. 808-3. Jerry Bales has requested the Board to determine via declaratory ruling that omission of a portion of the 181.3 acres on the license for Water Right No. 808-3 was an error and that the acreage in the NE 1/4 SE 1/4 (27 acres), SE 1/4 SE 1/4 (32 acres) section 20; NE 1/4 NE 1/4 (29 acres) section 29; all in T110N-R61W be included on No. 808-3. According to Mr. Bales, this acreage was being irrigated when No. 808-3 was licensed and has been irrigated during the following years from the well specified on No. 808-3. This petition will be considered by the Water Management Board at 10:00 a.m. on May 23, 1990, Pelican Room, Ramkota Inn, W Highway 212, Watertown S.D. The Board may issue one of the following decisions regarding the petition for a declaratory ruling after all evidence is taken at the hearing: 1) that the acreage was omitted in error and that the acreage be included on Water Right No. 808-3, 2) that the acreage should not be included on Water Right No. 808-3, or 3) take no action or do some combination of the above. Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with both Jerry Bales and the Chief Engineer by May 11, 1990. The petition may be informal, but it must include a statement describing the petitioner's interest in the petition for declaratory ruling, the petitioner's reasons for opposing or supporting the petition for declaratory ruling, and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The Chief Engineer's address is "Water Rights Division, 523 E Capitol, Pierre, S.D."

 **Department of
Water & Natural Resources**

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

April 19, 1990

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPERS RIGHT AWAY.

Jerry Bales
Box 1337
Huron, SD 57350-1337

Dear Mr. Bales:

A notice of your publication for a declaratory ruling has been sent to the Publisher of the Huron Daily Plainsman printed at Huron SD. For your information a copy of the notice is enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

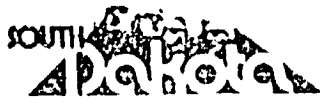
Be sure to contact the above newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the petition can be considered by the Water Management Board.

Sincerely,



Eric S. Gronlund
Natural Resources Engineer
605 773-3352

enclosures



Department of Water & Natural Resources

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

April 19, 1990

Huron Daily Plainman
Box 1278
Huron, SD 57350-1278

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Request for a Declaratory Ruling to be published twice. Please publish the first notice on or before April 26, 1990 with the second publication 7 days later.

Jerry Bales MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL Jerry Bales, Box 1337, Huron, SD 57350-1337.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The petition cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric S. Gronlund
Natural Resources Engineer
605 773-1352

enclosures

FIRST TRANSMITTAL NOTICE

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Request for a Declaratory Ruling which was first published in our issue of _____

ENCLOSED IS A COPY OF THE FIRST PUBLICATION.

CUT HERE

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre, SD 57501-3181

Name _____

Newspaper _____

IRRIGATION QUESTIONNAIRE SUMMARY

Summary of Irrigation Questionnaires Submitted to Division

Below is a summary of the yearly irrigation questionnaires submitted to the Division concerning Water Right Nos. 129-3A, 559-3 and 808-3.

<u>Permit No.</u>	<u>Year</u>	<u>Comments</u>
129-3A	1988	Incorporated into 559-3
	1987	Incorporated into 559-3
	1986	Incorporated into 559-3
	1985	Did not irrigate
	1984	Did not irrigate
	1983	Did not irrigate
	1982	Questionnaire not in file
	1981	Questionnaire not in file
	1980	Questionnaire not in file
	1979	95 acres corn, gated pipe, flood irrigation, 300 GPM, surface water used
	1978	Did not irrigate, surface water, did not need moisture
	1977	120 acres alfalfa, hand moved sprinklers, 600 GPM, ground water
	1976	reported 200 acres corn irrigated under all three permits, gated pipe, 500 GPM, surface water
	1975	150 acres corn, James River, gravity, gated pipe, 600 GPM
	1974	186.1 acres corn, James River, 3 Pumps (100 GPM total)
	1973	Questionnaire not in file
	1972	Did not irrigate
	1971	No records available
	1970	Questionnaire not in file
	1969	Did not irrigate
	1968	30 acres alfalfa, 70 acres corn, 900 GPM
559-3	1988	Did not irrigate, system broke down
	1987	Did not irrigate, bought land from bank
	1986	Did not irrigate
	1985	Did not irrigate
	1984	Did not irrigate
	1983	Did not irrigate
	1982	Questionnaire not in file
	1981	Questionnaire not in file
	1980	Questionnaire not in file
	1979	Did not irrigate
	1978	Did not irrigate, did not need moisture
	1977	Did not irrigate, surface water, gated pipe
	1976	Same as No. 129-3A
	1975	Same as No. 129-3A
	1974	Same as No. 129-3A
	1973	Did not irrigate
	1972	Did not irrigate

IRRIGATION QUESTIONNAIRE SUMMARY

	1971	No records available
	1970	220 acres, James River, 860 GPM
	1969	Did not irrigate
	1968	180 acres corn, 840 GPM, James River
808-3	1988	Did not irrigate, river was low, irrigation cutoff, plan to irrigate next year
	1987	Did not irrigate, bought land from bank
	1986	Did not irrigate
	1985	Did not irrigate
	1984	120 acres using 1 center pivot, 500 GPM, ground water
	1983	Did not irrigate
	1982	Questionnaire not in file
	1981	Questionnaire not in file
	1980	Questionnaire not in file
	1979	144 acres alfalfa, 1 center pivot, 700 GPM, ground water
	1978	120 acres alfalfa, 1 center pivot, 400 GPM, ground water
	1977	Did not irrigate, surface water, gated pipe, side wheel
	1976	Same as 129-3A
	1975	Same as 129-3A
	1974	Same as 129-3A, gated pipe
	1973	Questionnaire not in file
	1972	Did not irrigate
	1971	No records available
	1970	Did not irrigate
	1969	Did not irrigate
	1968	Did not irrigate

 **Department of
Water & Natural Resources**

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

May 31, 1990

NOTICE

TO: Jerry Bales
Box 1337
Huron, SD 57350-1337

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

SUBJECT: Declaratory Ruling on Acreage Authorized by Water Right
No. 808-3

On May 23, 1990 the Water Management Board made a declaratory ruling that omission of 88 acres located in the NE1/4 SE1/4 (27 acres), SE1/4 SE1/4 (32 acres) of Section 20; NE1/4 NE1/4 (29 acres) of Section 29; all in T110N-R61W was an error and are now included on Water Right No. 808-3. The water license for Water Right No. 808-3 will be reissued to specify 83 acres with a pumping rate of 1.25 cubic feet of water per second from the well located in the NE1/4 SE1/4 Section 20-T110N-R61W. The 144.1 acres located on the west side of the James River and currently included on the water license for No. 808-3 will be deleted from the reissued license. According to testimony during the hearings concerning No 808-3, the 144.1 acres are not irrigated from the well. Application of water to beneficial use as outlined in SDCL 46-5-37 will ensure that Water Right No. 808-3 remains a valid water right.

Please contact the Division of Water Rights if you disagree with information to be included on the reissued license for No. 808-3.

cc: John Hank, Assistant Attorney General

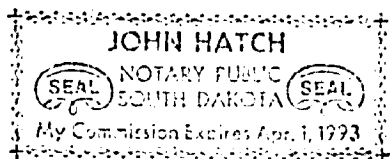
CERTIFICATION

I hereby certify that on May 31, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice on the Declaratory Ruling on Acreage Authorized by Water Right No. 808-3 addressed as stated on the Notice.

Karen Schlaak
KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 1st day of June, 1990.



John H. Allen
Notary Public

REPORT ON REQUEST FOR A DECLARATORY RULING REGARDING
THE ACREAGE AUTHORIZED FOR IRRIGATION BY WATER RIGHT NO. 808-3

Jerry Bales has requested the Board to determine via declaratory ruling that omission of a portion of the 181.3 acres on the license for Water Right No. 808-3 was an error and that the acreage in the NE1/4 SE1/4 (27 acres), SE1/4 SE1/4 (32 acres) of Section 20; NE1/4 NE1/4 (29 acres) of Section 29; all in T110N R61W should be included in Water Right No. 808-3. According to Mr. Bales this acreage was being irrigated when Water Right No. 808-3 was licensed and has been irrigated since licensing from the well specified on Water Right No. 808-3.

Review of Water Right No. 808-3

B & O Associates applied for Water Permit No. 808-3 on July 31, 1961. The permit application requested to irrigate 144.1 acres of land using ground water as the water source. The 130 foot deep well was to be located 300 feet south and 300 feet west of the E1/4 Corner of Section 20, T110N R61W. Qualifications to the permit were as follows:

"Diversions of 2.05 cfs may be applied to the 144.1 acres proposed for irrigation under Permit 808-3. Also under this permit, diversions up to 2.5 cfs may be used as a supplemental supply for the 181.3 acres specified under Permit 129-3A. The total diversion rate under 808-3 and 129-3A may not exceed 4.64 cfs for the combined acreage under both permits. The total combined diversion under the two permits shall not exceed 2.59 cfs when applied to the acreage specified in permit 129-3A."

The legal description of the land to be irrigated under Water Permit No. 808-3 exclusive of land covered under Water Permit No. 129-3A was as follows:

All in T110N R61W	
NW1/4 SW1/4 of Section 20	31.5 acres
NE1/4 SW1/4 of Section 20	18.2 acres
SE1/4 SW1/4 of Section 20	7.9 acres
SW1/4 SW1/4 of Section 20	37.6 acres
NW1/4 NW1/4 of Section 29	31.3 acres
SW1/4 NW1/4 of Section 29	<u>17.6 acres</u>
Total	144.1 acres

The legal description of the land to be irrigated under Water Permit No. 129-3A was as follows:

All in T110N, R61W		
NW1/4 SE1/4 OF Section 20		5.0 acres
NE1/4 SE1/4 OF Section 20		27.0 acres
SE1/4 SE1/4 OF Section 20		32.0 acres
SW1/4 SE1/4 OF Section 20		5.0 acres
SE1/4 SW1/4 OF Section 20		12.0 acres
NE1/4 NE1/4 OF Section 29		29.0 acres
NW1/4 NE1/4 OF Section 29		2.0 acres
NE1/4 NW1/4 OF Section 29		26.0 acres
SW1/4 NE1/4 OF Section 29		6.0 acres
SE1/4 NW1/4 OF Section 29		<u>37.3 acres</u>
Total		181.3 acres

A field inspection of Water Permit No. 129-3A was conducted by this office on August 29, 1962 and Water License No. 129-3A was issued October 16, 1962 by J. W. Grimes for the above 181.3 acres of land.

Water Permit No. 559-3 exists in close proximity to Water Permit Nos. 129-3A and 808-3. Ralph O. Bales applied for Water Permit No. 559-3 on December 33, 1958 and made a revised application on April 2, 1959. The permit application requested to irrigate 256.9 acres using the James River as the water source. The legal description of the land to be irrigated was as follows:

All in T110N R61W		
NW1/4 NW1/4 OF Section 17		30.0 acres
NE1/4 NW1/4 OF Section 17		7.0 acres
SW1/4 NW1/4 OF Section 17		33.0 acres
SE1/4 NW1/4 OF Section 17		5.7 acres
NW1/4 SW1/4 OF Section 17		26.5 acres
NE1/4 SW1/4 OF Section 17		18.7 acres
SW1/4 SW1/4 OF Section 17		9.9 acres
SE1/4 SW1/4 OF Section 17		12.1 acres
SE1/4 SW1/4 OF Section 20		12.0 acres
NE1/4 NW1/4 OF Section 29		31.0 acres
NW1/4 NW1/4 OF Section 29		14.0 acres
SW1/4 NW1/4 OF Section 29		11.0 acres
SE1/4 NW1/4 OF Section 29		40.0 acres
SW1/4 NE1/4 OF Section 29		<u>6.0 acres</u>
Total		256.9 acres

Water License No. 559-2 was issued on October 16, 1962 by J. W. Grimes for the following described lands:

All in Section 29, T110N R61W		
NW1/4 NW1/4		14.0 acres
SW1/4 NW1/4		11.0 acres
SE1/4 NW1/4		<u>2.7 acres</u>
Total	27.7 acres	0.39 cfs

The lands described in Section 17 of this permit were transferred to Water Right No. 559-3A upon sale of that land to Joe, LeRoy and Glen Halter on August 5, 1960.

On May 1, 1985, Water License Nos. 129-3A and 559-3 were reinspected for the purpose of updating records regarding James River diversions. The land irrigated under Water Right Nos. 129-3A and 559-3 was irrigated with the same equipment; therefore, the Rights were incorporated. Water License No. 559-3 allows 1.62 cfs of James River Water to be diverted in the NE1/4 NW1/4 of Section 29, T110N R61W on the following described land:

All in T110N R61W	
NW1/4 NW1/4 Section 29	14.0 acres
NE1/4 NW1/4 Section 29	30.3 acres
SW1/4 NW1/4 Section 29	11.0 acres
SE1/4 NW1/4 Section 29	40.0 acres
SE1/4 SW1/4 Section 20	<u>18.5 acres</u>
Total	113.8 acres

Summary

- 1) Jerry Bales has requested that the Board make a declaratory ruling acknowledging that an error was made during licensing of Water Permit No. 808-3 and that 88 acres be included on Water License No. 808-3.
- 2) Water License No. 808-3 was issued June 2, 1969. No supplemental irrigation of Water Right No. 129-3A was indicated on Water License No. 808-3.
- 3) The 88 acres requested were at one time licensed under Water Right No. 129-3A and were irrigated with James River water. However, the 88 acres were dropped from Water Right No. 129-3A on November 6, 1986 following an inspection of the Water Permit.
- 4) The Division believes that the validity of Water Rights Nos. 559-3 and 808-3 is questionable due to periods of non-use as indicated by the annual irrigation questionnaires. On December 6, 1989, the Division brought Water Right Nos. 559-3 and 808-3 before the Board for cancellation consideration. The Board did not cancel Water Right Nos. 559-3 or 808-3, nor did the Board make any decision on the validity of Nos. 559-3 or 808-3.

Conclusions

- 1) Ground water (Water Right No. 808-3) has been used in the past to irrigate 88 acres in the NW1/4 SE1/4, SE1/4 SE1/4 of Section 20, and the NE1/4 NE1/4 of Section 29, T110N R61W.

However, Water License No. 808-3 issued on June 2, 1969 does not indicate that this was occurring during the field inspection conducted May 22, 1969.

- 2) The irrigation questionnaires indicate that 1977 was the first year ground water was used for irrigating the 88 acres in question. The questionnaires indicate ground water use on the 88 acres 8 years after licensing of Water Permit No. 808-3.
- 3) Based upon Conclusions Number 1 and 2, Mr. Bales declaratory ruling request for adding 88 acres to Water Right No. 808-3 should be denied.



David S. Brown
Natural Resources Engineer
DWNRR, Water Rights Division

NOT TO SCALE

JAMES RIVER

20

Water License
No. 608-3

LICENSED
IRRIGATED
LAND
Water Right
No. 559-3

Well

Center
Pivot
Pad

Lands affected
by Declaratory
Ruling

110-61

373-61R

110-61

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 808-3

(1) Jerry Bales of Box 1337, Huron, SD 57350-1337 is the holder of Water License No. 808-3, issued June 2, 1969 for a water right to appropriate 1.34 cubic feet of water per second from groundwater (one well), Beadle County, South Dakota for irrigation purposes. Water License No. 808-3 with a priority date of July 31, 1961 was issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

On May 23, 1990 the Water Management Board made a declaratory ruling that omission of 88 acres located in the NE 1/4 SE 1/4, SE 1/4 SE 1/4 of Section 20 and NE 1/4 NE 1/4 Section 29 all in T110N, R61W was an error and should be included on Water Right No. 808-3.

Water License No. 808-3 is being reissued to specify the above 88 acres with a pumping rate of 1.25 cfs from the well located in the NE 1/4 SE 1/4 Section 20, T110N, R61W. The 144.1 acres located on the west side of the James River, originally licensed under No. 808-3, are not irrigated from the well and will be deleted from the reissued license.

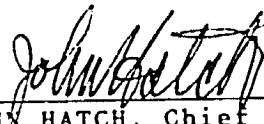
(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.25 cubic feet of water per second for beneficial use. The location of the diversion point is: a point 300'S and 300'W of the E1/4 corner, Section 20, T110N, R61W (NE 1/4 SE 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T110N, R61W Section 20	NE 1/4 SE 1/4	27	acres
	SE 1/4 SE 1/4	32	"
Section 29	NE 1/4 NE 1/4	29	"

TOTAL 88 acres

(4) Pursuant to Section 46-5-30.1 Jerry Bales of Box 1337, Huron, SD 57350-1337 the holder and/or owner of Water Right No. 808-3 is issued a license to appropriate water, the right to use 1.25 cubic feet of water per second from groundwater (one well) with a priority date of July 31, 1961 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 808-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources

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

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

808-3

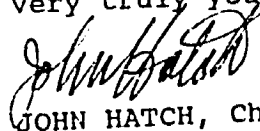
Jerry Bales
Box 1337
Huron, SD 57350-1337

Dear Mr. Bales:

Enclosed is your reissued Water License No. 808-3. The Water License was reissued based upon a declaratory ruling made by the Water Management Board on May 23, 1990.

As long as you use the water beneficially, as stated in the water license, south Dakota Water Laws provide that you have a continuing right to the use of the water. If you have any questions concerning the enclosed water license, please contact us.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

enclosures



808-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 30, 1996

NOTICE

TO: JERRY BALES, BOX 1337, HURON, SD 57350

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

SUBJECT: Violation of Requirement to Submit 1995 Irrigation Questionnaire

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 808-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:45 am, March 6, 1996, 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) 808-3 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 1, 1996 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:

JERRY BALES
BOX 1337
HURON SD 57350

4a. Article Number

Z 348 318 817

4b. Service Type

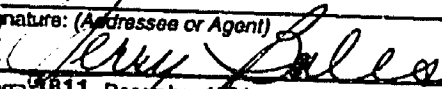
- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

1/31

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X 

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

Thank you for using Return Receipt Service.

BALES

CONTINENTAL
COMMISSION
COMPANY

"South Dakota's Largest Cattle Auction"

PHONE 855-322-8682

BOX 1337

HURON, SOUTH DAKOTA 57350

Lon Duval



Dear Sir:

I found this in my
file, thinking it had
been sent in - Sorry
to be late:

Jerry Bales
P.S. I sold this land to my
Son-in-Law, Brad Schnabel
of Huron and we would like
to transfer this permit - Could
you send a transfer?
Jerry Bales



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 9, 1996

808-3

Jerry Bales
Box 1337
Huron, SD 57350

Dear Mr. Bales:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire. You may disregard the January 30, 1996, **Notice of Violation of the Requirement to Submit the 1995 Irrigation Questionnaire**. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

In response to your letter concerning the ownership change, enclosed is a partially completed "Notice of Transfer of Ownership" form. Please review the form and make any necessary corrections. **Mr. Schnabel will need to sign the form in the presence of a notary.** Upon completion, please return the form to our office with a required filing fee of \$2.50.

If you have any questions, please contact me.

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 808-3



Date: FEB 12, 1996

I/We request that Water Right No. 808-3

formerly owned by: Jerry Bales

be transferred to: (name & address) BEAR SCHNABEL
RR 4 - HURON, SD 57350

Telephone No. 605-352-0794
~~8497~~

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

88 acres - E 1/2 SE 1/4 Section 20 and NE 1/4 NE 1/4 Section 29, T110N, R61W

I/We understand that the validity of Water Right No. 808-3 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.

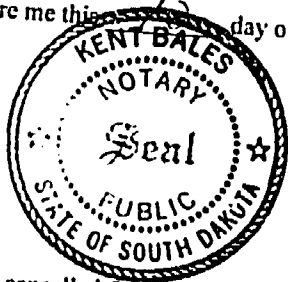
A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Beadle)

I/We JERRY BALES Jerry Bales being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Jerry Bales - Bear Schnabel
(Signed)

Subscribed and sworn to before me this 12 day of Feb, 1996.



Kent Bales Expires 1/9/02
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:
1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Division of Water Rights

414786

South Dakota Department of Environment and Natural Resources

Pierre, February 14, 1996

RECEIVED OF Jerry Bales (for Brad Schnabel), 1457 Washington Dr., Huron, SD 57350
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 808-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)		
Total	2	50

By John Hatch
Chief Engineer

808-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 1996

No. 808-3

Jerry Bales
1457 Washington Dr.
Huron, SD 57350

Dear Mr. Bales:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 808-3.

Our records now show Brad Schnabel as the owner of Water Right No. 808-3.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl F. Frost".

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure

c. Brad Schnabel, RR 4, Huron, SD 57350.



808-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: BRAD SCHNABEL, 21520 401 AVE, HURON, SD 57350 8915

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaires

Our records indicate your 2014 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 808-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 550-3 qualification:

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

The hearing will be held at **10:00 am, March 4, 2015** 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. 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) 550-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 808-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed 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 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 11, 2015

Brad Schnabel
21520 401st Ave
Huron SD 57350 8915

Dear Mr. Schnabel:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right Nos. 550-3 and 808-3. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us