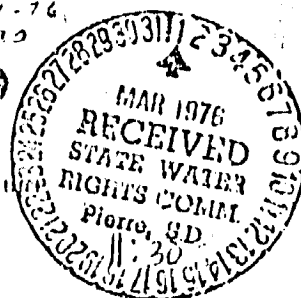


1. Considered 3-17 1976 1353-7
2. Name of Applicant ROBERT BLINDA
3. Post Office Address VALENTINE, NEB.
4. Amount of water claimed 1.1
5. Source of water supply GROUND WATER (5 WELLS 175' TO 340')
6. Water to be used for IRRIGATION
Acres to be irrigated 5.40
7. Water to be diverted and used in TODD county
about 10 1/2 miles of MISSION
8. Proof of Publication Received 3-17-76
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 1353-ZMap No. 1144-Z Water Division No. 2 KEYAPAH RIVER
(Returns to be Filed by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant Robert Brinda
Postoffice address Mission Rte. Valentine, State Nebraska 69201
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) _____
R. Brinda Project #1
3. Name of diversion work _____
4. Amount of water claimed (cubic feet per second) 1.7
Ground water
5. Source of water supply _____
6. Location of point of diversion #1, Center W $\frac{1}{2}$, Sec. 18; Center E $\frac{1}{2}$, Section 19; Center N $\frac{1}{2}$, Section 30; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29; SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, all in T37N, R28W County Todd
7. Annual period or periods during which water is to be used April thru November
8. Use to be made of water. (Irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use _____ Total number of acres to be irrigated 540

List below each forty-acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>S$\frac{1}{2}$ NW$\frac{1}{4}$ & N$\frac{1}{2}$ SW$\frac{1}{4}$, Sec. 18</u>	<u>130</u>	<u>S$\frac{1}{2}$ SW$\frac{1}{4}$, Sec. 29</u>	<u>150</u>
<u>N$\frac{1}{2}$ SE$\frac{1}{4}$, S$\frac{1}{2}$ NE$\frac{1}{4}$, Sec. 19</u>	<u>130</u>	<u>N$\frac{1}{2}$ NW$\frac{1}{4}$, Sec. 32</u>	<u>130</u>
<u>NW$\frac{1}{4}$, Sec. 29</u>	<u>110</u>	<u>NE$\frac{1}{4}$, Sec. 30</u>	<u>130</u>
		<u>All in T37N, R28W</u>	

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
11. Choice of newspaper for Notice of Intent to Appropriage Water publication Todd County News, Mission, SD
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source

Wells, Pumps and motors

B. Works proposed to transport water to place of use.

Mainline to Pivots

C. Works proposed to apply water to beneficial use.

Center Pivot irrigation systemsEstimated Total Cost \$ 200,000.Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of HughesI, Robert Brinda

the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction

Signed Robert BrindaSubscribed and sworn to before me this 1st day of March, 19 76

Notary Public (or other qualified officer)

BETTY WESTLUND Land/Water Clerk II

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1353-2ROBERT BRINDA

(Applicant)

MISSION 2TE VALENTINE

(Post Office Address)

NEBRASKA 69201

(State)

With the following modifications:

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application MARCH 1, 19 76Date of return to applicant for correction, amendments or changes required —, 19 —Date of receipt of corrected application —, 19 —Approved MARCH 17, 19 76, Recorded in Book 14 Page 294WATER RIGHT PERMIT NO. 1353-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1353-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is MARCH 1, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 17, 19 78
3. The whole of said work is to be completed on or before MARCH 17, 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 17, 19 85
5. The water appropriated shall be used for the purpose of IRRIGATION

6. 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.

7. The amount of the appropriation herein granted shall not exceed 7.7 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and 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 17, 19 85; said water to be used during the following described annual period: APRIL THRU NOVEMBER

Witness my hand this 19TH day of MARCH, 19 76

WATER RIGHTS COMMISSION

By:

John H. Hatcher
Chief Engineer Executive Officer

Certificate of Construction Issued —, 19 —Water License Issued —, 19 —

February 27, 1976



Mr. Robert E. Brinda
Mission Rt.
Valentine, NE 69201

Dear Mr. Brinda:

You received, about a week ago, the original copy of the report of analysis on water sample #76-078 from the northeast quarter of section 19, Township 37N, range 28W. I then asked you for the WI-1 form pertinent to your application. Today I received 3 WI-1 forms with indications on them that you intend to develop 5 separate plots of irrigated land. Since we have only one water sample, I am sending a copy of that analysis, plus all three of these WI-1 forms on to the State Conservation Commission. If they judge that the application shows that you are intending to develop the one water supply for all 5 locations, they will act accordingly. If they do not make that judgement, then they will ask you for individual water samples for all of the 5 locations. In some cases, they have assumed that the same aquifer would be applicable to a group of developments closely located like these a.a.

The enclosed ARS publication #13 shows that this is indeed good water and will cause no chemically-induced changes in the soil. There should be no problem of sodium-calcium dispersion or aggregation and no appreciable salt accumulation because of the low total salt load. However, the soils you intend to irrigate are not well suited to irrigation, at least in some cases. The fertility, for one thing, is low and some of them are on rather steep slopes and will lead to erosion of top soil and loss of their already low total fertility. For these reasons, you should irrigate in accordance with the intake rates of these soils and not cause any further loss of topsoil.

As indicated above, you may hear from the Conservation Commission that you will need to have separate water samples for the different locations. However, I am sending all 3 of the WI-1 forms on to them for their action.

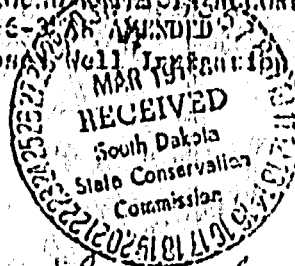
I am returning herewith your check for \$40 inasmuch as we analyze only 1 water sample, you need to pay only \$8.00 instead of 5 times that, so please destroy this check and send us a new check for \$8.00.

Sincerely yours,

L. O. Fine
L. O. Fine
Water Quality Lab
LOF:ckb

cc: State Conservation Commission, D. Pahl, Kenneth Stephens (Co. Ext. Ag.)
Encl.

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 (As Amended)
(This Form Required for Proposed Well Irrigation Only)



FOR COMMISSION USE ONLY
Irrigation System: _____
Water Quality: _____
Soils Capability: _____
Approved: NEEDS IT
Disapproved: _____

NAME: Robert E. Bunker July 15/75
ADDRESS: Valentine ND Mission Rd 69201
COUNTY: McPherson

LEGAL DESCRIPTION

1. WELL LOCATION: NW 1/4 of Sec 29 Twp 37 N Range 28 W
2. AREA TO BE IRRIGATED: 5.2 ME

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): Center Pivot
4. CROPS TO BE IRRIGATED: alfalfa, Forage crop, corn

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 3-7%, 2-5%, 0-2%, 0-3%, 0-2%, 4-21%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Valentine Dundy complex, Anselmo
fine to medium, Anselmo local fine sandy loam, Elmore loamy fine sand
loam, Elmore loamy fine sand, Anselmo-Tassel fine sandy loam

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 76-078
8. SALINITY: EC = 287 (low-med)
9. SODIUM: SAR = 0.14 (low)

I do hereby certify that a chemical analysis of the ground water to be
acquired for irrigation from South Dakota State University and:
the land capability for irrigation information has been acquired from

_____ and:

that the legal description for the location of the well and land to be
irrigated is true and correct.

X Robert E. Grant

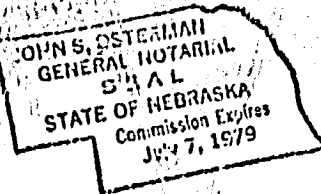
Subscribed and sworn before me this

23rd day of February 1976.

John D. Osterman

Notary Public

(Title)



Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: _____

Disapproved: _____

STATE CONSERVATION COMMISSION

SUPPORTING INFORMATION

FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED

(This Form Required for Proposed Well Irrigation Only)

NAME: Robert E. Brundage July 1, 1975

ADDRESS: Valentine, ND 58050 69201

COUNTY: McLean

LEGAL DESCRIPTION

1. WELL LOCATION: SW 1/4 of SW 1/4 Sec. 29, E 1/2 Sec. 32, N 1/2 Sec. 32

2. AREA TO BE IRRIGATED: 715P 37N Range 28 West

TYPE OF IRRIGATION

3. GRAVITY _____ SPRINKLER (Indicate Type): Big gun 17 1/2" line

4. CROPS TO BE IRRIGATED: alfalfa, clover, 17 1/2"

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0-2%, 2-5%, 5-10%, 10-15%

6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Anseline 2-4' of fine sandy loam

Leup-15' of fine sandy loam, black loam & gravel, Anseline fine sandy loam
Anseline 7-10' of fine sandy loam

WATER QUALITY TO BE COMPLETED BY COMMISSION

7. SAMPLE NO.: 76-078

8. SALINITY: EC = 287 (low-medium)

9. SODIUM: SAR = 0.14 (low)



I do hereby certify that a chemical analysis of the ground water to be
acquired for irrigation from South Dakota State University and:

the land capability for irrigation information has been acquired from

Published Soil Survey Map for S.D. Rep.

and:

that the legal description for the location of the well and land to be
irrigated is true and correct.

Robert E. Brindley

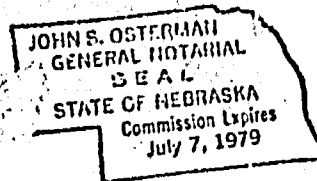
Subscribed and sworn before me this

23rd day of February, 1976.

John A. Osterman

Notary Public

(Title)



Conservation
Commission
Form WI #1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE OF
Irrigation System: _____
Water Quality: _____
Soils Capability: _____
Approved: _____
Disapproved: _____

NAME: Robert E. Linder

ADDRESS: Valentine, NE 68081

COUNTY: DeWitt

LEGAL DESCRIPTION

1. WELL LOCATION: N 1/2 of S 1/2 of NW 1/4 of Sec 18 Twp 37N Range 29W
2. AREA TO BE IRRIGATED: 50 acres

TYPE OF IRRIGATION

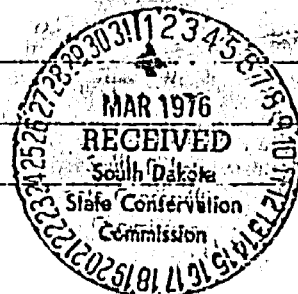
3. GRAVITY _____ SPRINKLER (Indicate Type): center pivot
4. CROPS TO BE IRRIGATED: alfalfa & hay

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0-3 0-2 2-5
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Heavy fine sandy loam, Argosol
Very fine sandy loam, Argosol fine sandy loam

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 76-078
8. SALINITY: EC = 287 (low-med)
9. SODIUM: SAR = 0.14 (low)



I do hereby certify that a chemical analysis of the ground water to be acquired for irrigation from South Dakota State University and: the land capability for irrigation information has been acquired from

_____ and:

that the legal description for the location of the well and land to be irrigated is true and correct.

Robert J. Brink

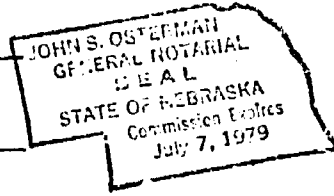
Subscribed and sworn before me this

23rd day of February 1976.

John L. Osterman

Notary Public

(Title)



REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006

Submitted by: Robert E. Brinda Date Rec'd February 10, 1976
 Address Mission Route Sample No. 76-073
Valentine, Nebraska 69201 Identification Cell-230
NE4, Sec. 19, T. 32N, R. 28E

WATER ANALYSIS

Calcium (Ca)	46	ppm*	2.30	me/l**
Magnesium (Mg)	10	ppm	0.82	me/l
Sodium (Na)	4	ppm	0.18	me/l
Potassium (K)	3	ppm	0.10	me/l
Sulfate (SO ₄)	1	ppm	0.02	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	1	ppm	0.04	me/l
Bicarbonate (HCO ₃)	125	ppm	3.04	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	152	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	267	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.14			
Sodium	5.14	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.57			
Others:				

*ppm=parts per million

**me/l=millequivalent. per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 3.50 me/l
 Total anions 3.15 me/l



By: Shirley Hutton

Service Performed	Amount Due
Irrigation Analysis	\$8.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-073

Amount Enclosed \$

Signed

12 Principal Features of the Proposed Water Supply System (continued.)

Between 175 feet and 340 feet

D. Well Information or Estimates

- (1) Drill Hole, Diameter 36 inches, Depth /
- (2) Casing Type steel Diameter 18 inches Thickness
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type slotted, Diameter 18 inches, Length 140 feet
- (4) Gravel Pack, Thickness 9 inches, Length of gravel pack total length

E. Dugout Information or Estimates

- (1) Surface dimensions , Depth

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials sands and gravels

South Well 10 feet, Center Wells 60 feet, North Well 90 feet
Depth to top of water bearing material

Depth to bottom of water bearing material to bottom of wells

Thickness of water bearing material 160 feet

Depth to water (ground surface to water level) 10 feet to 90 feet

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property 50 feet or 120 rods to
On property owned by others 120 rods to 120 rods

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Robert E. Brinkley

Signature of Applicant



United States Department of the Interior
OFFICE OF THE SOLICITOR

ROOM 211 - FEDERAL BUILDING
P.O. BOX 519
ABERDEEN, SOUTH DAKOTA 57101

March 18, 1976



Mr. Burton F. Jones
Water Rights Specialist
Water Rights Commission
Pierre, South Dakota 57501

Dear Mr. Jones:

The Area Director, Bureau of Indian Affairs, has advised that on March 17, 1976, a Hearing will be held at 1 p.m. by the Water Rights Commission at their office at Pierre, South Dakota, on the application of Robert Brinda of Valentine, Nebraska for a permit to appropriate for beneficial use 7.7 cubic feet of water per second of time from the ground water, the point of diversion being in the center of the W $\frac{1}{2}$ Sec. 18, Center of the E $\frac{1}{2}$ Sec. 19; Center of the N $\frac{1}{2}$ Sec. 30, NW $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, T. 11 38 N., R. 28 E. for the purpose of irrigation.

This letter will serve as our written objection to such applications for permits to appropriate ground water from within the boundaries of the Rosebud Indian Reservation. The issuance of such permit would be contrary to established law, which declares that the State lacks jurisdiction with respect to the adjudication of the waters of, or the lands within, the exterior boundaries of an Indian Reservation. See 25 U.S.C.A. Sec 331; Winters v. United States, 207 U.S. 564, 28 S. Ct. 207; United States v. Powers, 94 F. 2d 783; United States v. McIntire, 101 F. 2d 650; and United States v. Alexander, 313 F. 2d 359.

In filing this objection to the issuance of such proposed permit and in writing this letter to you, we do not waive our right to challenge the State's jurisdiction by legal action or otherwise, and merely intend to call the State's attention to the fact that the State lacks jurisdiction in this matter.

Very truly yours,

Wallace G. Dunker
Wallace G. Dunker
Field Solicitor

cc: Office of the Area Dir.
Superintendent, Rosebud Agency
Mr. Parnell Hagen, Area Soil Conservationist, B.I.A.
Mr. Robert Brinda, Mission Route, Valentine, Nebraska 69201

1353-2

First publication, on or before March 4, 1976

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 1, 1976

Notice is hereby given that Robert Brinda
whose post office address is Valentine, Neb., South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
7.7 cubic feet of water per second of time from the ground water through the
R. Brinda Irrigation Project, the point of diversion of which is to be located in the
center of the NW 1/4, Sec. 18; center of the E 1/4, Sec. 19; center of
the NW 1/4, Sec. 30; NW 1/4 NW 1/4 and SW 1/4 SW 1/4

of Section 19, Township 16N, Range 28E. Said water to be used for the purpose
of providing irrigation on ^{portions of} the following described land:

SW 1/4 NW 1/4, NW 1/4 SW 1/4, Sec. 18; NW 1/4 SE 1/4, E 1/4 NE 1/4, Sec. 19; NW 1/4 E 1/4 SW 1/4
Sec. 29; NE 1/4 Sec. 30; NW 1/4 NW 1/4 Sec. 30, T37N, R28E

This application No. 1353-2 will be considered by the Water Rights Commission at their office at
Pierre upon the 17th day of March, 19 76, at 1:00 P.M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Robert Brinda
Mission Route
Valentine, NB 69201

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 1353-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Yodd) ss.

I, Margaret Sigert hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Yodd Co. Tribune

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 Mission

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

Thursday, March 4, 1976

Thursday, March 11, 1976

Margaret Sigert
(Signature)

C. Turner
(Title)

3-16-76
(Date Signed)

Notice of Intent to
Appropriate Water

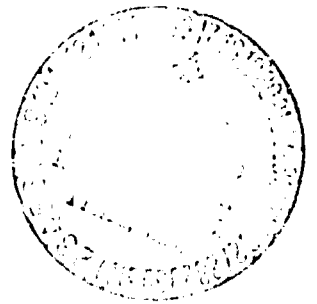
Notice is hereby given that Robert Brinda whose post office address is Valentine, Neb. has, made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 7.7 cubic feet of water per second of time from the ground water through the R. Brinda Irrigation Project, the point of diversion is to be located in the center of the W $\frac{1}{2}$, Sec. 18; center of the E $\frac{1}{2}$, Sec. 19; center of the N $\frac{1}{2}$, Sec. 30; NW $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, Twp. all in 37N, Range 28E. Said water to be used for the purpose of providing irrigation on the portions of the following described land: S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 18; N $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 19; NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 29; NE $\frac{1}{4}$, Sec. 30; N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 32, T37N, R28W.

This application No. 1353-2 will be considered by the Water Rights Commission at their office at Pierre upon the 17th day of March, 1976, at 1:00 p.m. All interested persons may appear and be heard.

WATER RESOURCES
COMMISSION

By: Burton F. Jones
Water Rights
Specialist

Publ. March 4 and 11, 1976.





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

ROBERT BRINDA
HC 12 BOX 126
VALENTINE NE 69201

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s) 1353-2

The first notice to file chemigation report(s) for Permit No(s) 1353-2 was dated October 18, 1991. Our records indicate that we have not received the 1991 chemigation report for Permits No(s) 1353-2. The Water Management Board has directed that owners of water permits who have not submitted the 1991 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearings will be held at 9:15 am, on March 4, 1992, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD, and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 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 or up to three years for the 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). 1353-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

Very truly yours,

RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 4, 1992 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 30, 1992

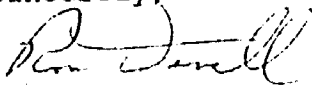
ROBERT BRINDA
HC 12 BOX 116
VALENTINE NE 69201

Dear Mr. BRINDA:

I am writing to acknowledge receipt of your 1991 chemigation report for Water Right No.(s) 1353-2. You may disregard the February 1, 1991, Notice of Failure to Report Chemical Use for 1991. With receipt of the chemigation report, your name has been deleted from the March 4, 1992 Water Management Board meeting agenda.

If you have any questions, please contact Don Frye at (605) 773-3352.

Sincerely,



Ron Duvall,
Natural Resources Engineer IV
Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3191

ROBERT BRINDA
HC 14 BOX 126
VALENTINE NE 69201

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 1353-2. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 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 9:15 am, March 4, 1992, 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1353-2 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 before the March 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours.

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
505 773-3352

SENDER:

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

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:

ROBERT BRINDA
HC 14 BOX 126
VALENTINE, NE 69201

4a. Article Number

P906 557 706

4b. Service Type

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

7. Date of Delivery

1-27-92

5. Signature (Addressee)

6. Signature (Agent)

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



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

March 9, 1992

NOTICE OF AMENDMENT TO WATER PERMIT(S)

TO: ROBERT BRINLA
HC 14 BOX 125
VALENTINE, NE 69201

FROM: Ron Duvall, Natural Resources Engineer IV
Water Rights Division
(605) 773-3352 *Ron Duvall*

SUBJECT: Amendment to Water Permit No(s). 1353-2

Pursuant to the provisions of the Notice dated January 27, 1992, and following the hearing March 4, 1992, the Water Management Board, as amended Water Permit No(s). 1353-2 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit future irrigation questionnaires could result in suspension of the water permit and no use of water for up to one year for the first violation.

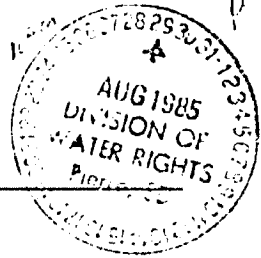
1353-2
Mail to: Water Rights Div
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

No. _____	Hydrologic Unit _____
Map No. _____	Basin _____
Newspaper _____	

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following:

- New ☒ Vested Right ☐ Future Use ☐
- ☒ Application to amend Permit No. 1353-2 with old priority date retained
- ☐ Change diversion point(s) ☐ Add diversion point(s) ☒ Change acreage ☐ Other ☐
- ☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)
- ☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____
- ☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____



1. Name of Applicant: Robert E. Brinda Phone No. (605) 378-3827
- Post Office Address: Mission Route, Valentine, Nebraska State 69201
(Street, RR or Box) Zip Code
2. Amount of water claimed (c.f.s.) No Add'l Total acres irrigated No Add'l (see Permit 1353-2)
3. Source of Water supply: groundwater (Ogallala)
4. Location of point of diversion: Well #1 ~ 1350 ft S and 2030 ft W of NE corner of Section 30 T37N, R28W.
- County: Todd
5. Counties where water will be used: Todd
6. Annual period during which water is to be used: Spring thru fall
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NE 1/4 NW 1/4 Sec. 30 T37N R28W	15.00
SE 1/4 NW 1/4 Sec. 30 T37N R28W	15.00

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

The original permit allowed for the irrigation of 130 acres of the NE 1/4 of Section 30, T37N, R28W. The permit is being amended since the pivot was placed 700 ft. west of its proposed location, and now covers 30 acres of the NW 1/4 of Section 30 T37N R28W.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)
County of Todd) ss

I, Robert E. Brinda the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Robert E. Brinda

Subscribed and sworn to before me this 22 day of August 1985

Charles W. Rupp
Notary Public for other qualified officials

1353-2

Permit 1353-2 Robert Brindin

Application				s/w
<u>Wells</u>	#1 Center W 1/2 18 0 3/4 T37N R28W	<u>Irrigation</u>	S 1/2 NW 18	OK
	#2 Center E 1/2 19 " "		N 1/2 SW 19	OK
	#3 Center - N 1/2 30 " "		N 1/2 SE 19	
	#4 NW NW 29 5/8 " "		S 1/2 NE 19	
	#5 SE SW 29 5/8 OK " "		NW 1/4 29	OK
			S 1/2 SW 29	OK
			N 1/2 NW 32	OK
			NE 34	

END

1353

Well Location

Well #1 - 1350'S and 2030'W of NE Corner of Section 30 T37N R28W

Well #2 - 2650'S and 1300'E of NW Corner of Section 18 T37N R28W

Well #3 - 2670'N and 1340'W of SE Corner of Section 19 T37N R28W

Well Depth

Well #1, _____

Well #2, All sec approximately 270 feet

Well #3, _____

Legal Description of Land

NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30 T37N R28W	11.6 Acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30 T37N R28W	12.4 Acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30 T37N R28W	37.5 Acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30 T37N R28W	39.3 Acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30 T37N R28W	14.1 Acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30 T37N R28W	14.6 Acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19 T37N R28W	32.8 Acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19 T37N R28W	34.2 Acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19 T37N R28W	28.9 Acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19 T37N R28W	37.5 Acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18 T37N R28W	32.7 Acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18 T37N R28W	32.9 Acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18 T37N R28W	31.0 Acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18 T37N R28W	32.4 Acres

WATER RIGHTS DIVISION
(605) 773-3352

January 31, 1985

Robert Brinda
Mission Route
Valentine, Nebraska 69201

Dear Mr. Brinda:

This letter is in regard to your lands that are being irrigated under permit No. 1353-2. In order for the licensing process to be completed the following things must be cleared up.

- 1) Approximately 30 acres irrigated on section 30 are not under permit. I have enclosed an Application to Appropriate Water in South Dakota. Please check this application for accuracy and sign it in the presence of a notary.
- 2) The lands being irrigated do not have a soil/water compatibility permit. I have enclosed the form. Please check the form for accuracy and sign it in the presence of a notary. You only have to have water samples analyzed from the wells located in section 18 and section 30. A water analysis is already on record for the well located in section 19.
- 3) The well drillers log is needed for each of your irrigation wells. Please send a copy of them when you return the water permit application.
- 4) I have also enclosed three "Supplemental Information" forms. Please fill out the top information about your wells.

The cost to permit the 28.7 acres in section 30 is \$150.00. Please remit the \$150.00 when you return the application, well logs and supplemental information forms.

If you have any questions please contact me by calling 773-3352.

Sincerely,

Gregory Powell
Natural Resources Engineer

GP:ms
Enc.

Water Rights Division - DWR
Conversation or File Documentation

File No. 125

NAME OF PERSON OR FILE: Robert E. Brando

ADDRESS: Missouri Rte, Valentine, NE COUNTY Field

DATE: 3-2-85 TELEPHONE (405) 378-3227

RE: Permit # 13532 - change of land in section 30, T37N R24E

COMMENTS.

Mr. Brando's permit includes 30 acres of the NE 1/4 of section 30, T37N R24E. Upon inspection by Frank Smith, it was found that 30 acres of the NW 1/4 of section 30 were irrigated. These 30 acres were not under permit.

On January 31, 1985, I mailed Mr. Bob Brando a well/stock compatibility application and an irrigation permit application to irrigate on the NW 1/4 of section 30.

On March 8, 1985, Mr. Brando telephoned this office to inform me that the acreage irrigated on the NW 1/4 of section 30 had been corrected by Burton Jones. Mr. Brando knew that his original permit was for the NE 1/4 of section 30, but a week after receiving his permit, (3-21-70), he realized that the best irrigable lands would include 30 acres of the NW 1/4 of section 30. Mr. Brando drove to Pierre and met with Mr. Jones. Mr. Brando produced a map showing the location of the pivot in section 30. Mr. Jones assured Mr. Brando that the situation would be corrected so that the 30 acres in the NW 1/4 of section 30 would be permitted.

Since Mr. Jones did not follow through in correcting the situation, Mr. Brando's permit will be amended at a cost of \$50, rather than requiring a new permit application at \$150.

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.

4/82

NAME: Gregory S. Powell

1353-2

WATER RIGHTS DIVISION
(605) 773-3352

March 12, 1985

Mr. Bob Brinda
Mission Route
Valentine, Nebraska 69201

Dear Mr. Brinda:

This letter is in regard to our telephone conversation on March 8, 1985 concerning your water permit #1353-2. We discussed several things, so I will address them one at a time.

- 1) The 30 acres in the NW $\frac{1}{4}$ of Section 30 are not under permit. Enclosed is an irrigation permit application to amend 1353-2 to include 30 acres in the NW $\frac{1}{4}$ of Section 30. Please check the form for accuracy and sign it in the presence of a notary.
- 2) Please sign, in the presence of a notary, the soil/water compatibility application which I mailed you in early February. You do not have to take water samples. I will take care of the maps and forward the forms to the Division of Conservation.
- 3) Your well logs are not on record with the Division of Water Rights. Please forward a copy of your well logs or provide the name of the well driller so that I might contact them to get a copy of your well logs.

The cost to amend your permit will be \$50.00. Please enclose \$50.00 when you return all of the forms.

If you have any questions, please contact me. Thank you for your cooperation.

Sincerely,

Greg Powell
Natural Resources Engineer

GP:ms
Enc.

1353-2

WATER RIGHTS DIVISION
(605) 773-3352

September 3, 1985

Bob Brinda
Mission Route
Valentine, Nebraska 69201

Dear Mr. Brinda:

This letter is in regards to the Soil/Water Compatibility permit that is needed on your irrigated lands. I have enclosed a completed Soil/Water Compatibility application. Please check it for accuracy and have it signed and notarized. Two water samples need to be taken. Please take a water sample from the irrigation wells on Section 18 and Section 30 and have them analyzed. I have enclosed an instruction sheet explaining how to take the sample and where to send it.

Initially the Division of Conservation did not realize that only one water sample was on record for 3 wells. This is why there are now requiring that water samples be taken from the 2 unsampled wells.

If you have any questions please call me.

Sincerely,

Greg Powell
Natural Resources Engineer

GP:ms
Enc.



1353-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

September 17, 1992

No. 1353-2
1353A-2

Cathy Boje
CR 27-50473
Scotts Bluff, NE 69361

Dear Ms. Boje:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Permit Nos. 1353-2 and 1353A-2. The water permits are currently listed in the name of Robert Brinda.

The transfer forms should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 per transfer (total of \$5.00).

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 you have any questions, please contact me.

Sincerely,

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

enclosure

RECEIPT

413484

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, October 26, 19 92

RECEIVED OF Robert Brinda Estate (Cathy Loje) CR 27-50475, Scotts Bluff, NE 69361
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. _____		2 50
Fee for Filing Transfer Form <u>Water Permit No. 1353-2</u>		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By

John Hatch
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1353-2

Date: _____



I/We request that Water Permit No. 1353-2

formerly owned by: Robert Brinda

be transferred to: (name & address) Robert Brinda Estate, % Cathy Boje, CR 27-5047, Scotts Bluff, NE

69361 (Telephone No.) 308 635-2855

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

540 acres - S 1/2 NW 1/4, N 1/2 SW 1/4 Sec 18; N 1/2 SE 1/4, S 1/2 NE 1/4 Sec 19; NW 1/4, S 1/2 SW 1/4 Sec 29; N 1/2 NW 1/4 Sec 32, NE 1/4 Sec 30, T37N, R28W

I/We understand that the validity of Water Permit No. 1353-2 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 at the Division of Water Rights, 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.

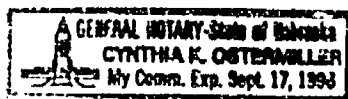
STATE OF SOUTH DAKOTA)

County of Todd)

I/We Cathy Boje 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.

Cathy Boje
(Signed)

Subscribed and sworn to before me this 19th day of October, 19 92.



Cynthia K. Ostermiller
(Notary Public)

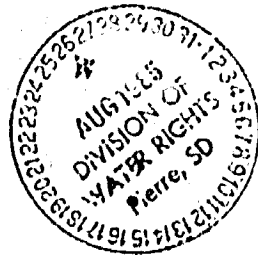
NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

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.

1353-2

A: 492/387-1680 / 2/5/82

William Luther Wright
 (1861-1931)



Att: Greg Gaudin -

I hope as the cold dog on
the 2nd I should write -

0 - 5	Top soil
5 - 50	Sand & Sandstone
50 - 70	Sandstone, sand & clay
70 - 130	Sandstone & little clay
130 - 170	Sand & little clay
170 - 265	Coarser sand
265 - 270	Reddish.

Charles Willing
Martha Chase.
Lucy.

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.



1353-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOV 30 1992

1353A-2

Robert Brinda Estate
%Cathy Boje
CR27-50473
Scotts Bluff, NE 69361

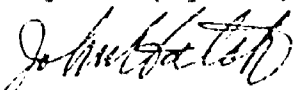
Dear Ms. Boje:

Enclosed is Water License No. 1353A-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 413408, 413433 and 413484 totalling \$55.00 which you paid for the transfer of Nos. 1353-2 and 1353A-2 and for inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1353A-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,


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

enclosures

NOTE: The applicable portions of Water Permit No. 1353-2 have been incorporated into this Water License No. 1353A-2.

64.2

N ↑

37.78

(1-105)

33.6

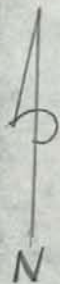
19.4

Balsa Brinda

#1

Claude
Sonnabend

18



Scale: 8" = 1 mile

Owner:
Robert Brinda

E $\frac{1}{2}$ NW $\frac{1}{4}$

NE $\frac{1}{4}$

Sec 30 T37 N. R.28 W.

19.4

37-28

A.P.

100

(1-103)

80 rods

112 rods

Point of
diversion

#3

30

