

Considered: _____ WATER PERMIT NO. 1353A-2

Phone: 605 378-3827

Name of Applicant: Robert E Brinda

Post Office Address: Mission Route, Valentine NE 69201

Amount of Water Claimed: no add'l Total Acres: no add'l

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Todd

About 11 miles S, 1 W of Mission

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F.& C/.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received: 8-29-85 Fee: \$50 Remarks Change of

acreage on Permit No. 1353A-2

Corrected Application Received _____ Period of Annual Use April 1 - Nov 30

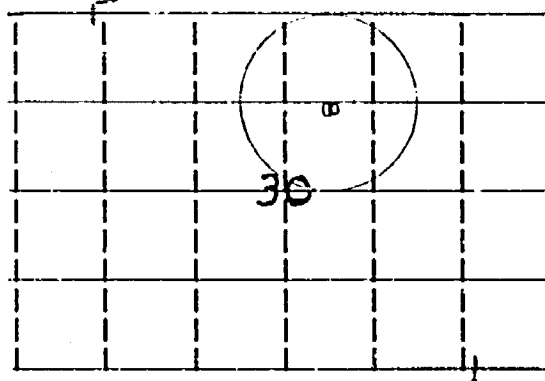
WATER QUALITY APPROVAL RECEIVED 5-24-91 APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES X NO _____ REMARKS _____

Diversion Point: SW 1/4 NE 1/4 Sec 30-T37N-R28W

Land to be Irrigated: NE 1/4 NW 1/4, SE 1/4 NW 1/4

Sec 30-T37N-R28W



Well Log: Driller: Chase Drilling Licensd YES X NO _____

Depth of Well: 270' REMARKS _____

Type of Map: aerial PREPARED BY: Greg Powell Reviewed and the Number

Assigned on 6-10-91 By Karen Schlaak

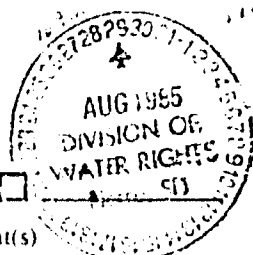
Mail to: Water Rights Div.
DWRK, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

No. 1353A-2 Hydrologic Unit 16-56606
Map No. _____ Basin Nebraska T37N
Newspaper Todd Co. Tribune Box 224 (4m)

MISSION, SD 57555

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) 378-3827Post Office Address Mission Route, Valentine, Nebraska State 69201
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s) No Add'l Total acres irrigated to Add'l (see Permit 1353-2)3. Source of Water supply groundwater (Coallala)4. Location of point of diversion Well #1 - 1350 ft S and 2030 ft W of NE corner of Section 30
T37N, R28W. (SW 1/4 NE 1/4)County Todd5. Counties where water will be used Todd6. Annual period during which water is to be used Spring thru fall April 1 - November 30

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 Sec. 30 T37N R28W	15-00 14.1
SE 1/4 Sec. 30 T37N R28W	15-00 14.6

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

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. BrindaSubscribed and sworn to before me this 26 day of August 1985

Charles R. Shea
Notary Public for other qualified officers

1353A-2

SOUTH DAKOTA
WATER PERMIT No. 1353A-2 FOR IRRIGATION

Date of first receipt of application August 29, 1985.

Date Soil/Water Compatibility Permit received May 24, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1353A-2 to Robert E Brinda, HC 12, Box 26, Valentine NE 68201 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1353A-2 specifies the correct location of irrigated acreage. Water Permit No. 1353-2 authorizes irrigation of 540 acres located in portions of S 1/2 NW 1/4, N 1/2 SW 1/4, Section 18; N 1/2 SE 1/4, S 1/2 NE 1/4 Section 19; NW 1/4, S 1/2 SW 1/4 Section 29; NE 1/4 Section 30; N 1/2 NW 1/4 Section 32; all in T37N-R28W from wells located in the center of the W 1/2, Section 18; center of E 1/2 Section 19; center of N 1/2 Section 30; NW 1/4 NW 1/4 and SE 1/4 SW 1/4 Section 29; all in T37N-R28E. An inspection of Permit No. 1353-2 found 3 wells constructed and supplying 5.6 cubic feet of water per second to irrigate 391.9 acres. This permit corrects the location of 28.7 of the 130 acres being irrigated in Section 30. The correct location of the 28.7 acres is the NE 1/4 NW 1/4, SE 1/4 NW 1/4 Section 30-T37N-R28W. No increase in diversion rate or number of acres being irrigated is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - November 30.
3. The date from which applicant may claim right is March 1, 1976.
4. The date of approval of Permit No. 1353A-2 is August 28, 1991.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By:


Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

AUG 6 1992

date

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1353A-2

(1) Robert Brinda of Valentine, NE 69201 made Application No. 1353A-2, August 29, 1985 for a water permit to appropriate no additional cubic feet of water per second from groundwater (3 existing wells), Todd County, South Dakota for irrigation purposes. Permit No. 1353A-2 with a priority date of March 1, 1976 (established by No. 1353-2) was approved August 28, 1991 and 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.

Water Permit No. 1353A-2 specified the correct location of irrigated acreage. No increase in the diversion rate or number of acres being irrigated were authorized under No. 1353A-2.

On October 26, 1992, Water Permit Nos. 1353-2 and 1353A-2 were transferred to the Robert Brinda Estate, %Cathy Boje.

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

(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 5.22 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 - 1350'S and 2030'W of the NE corner of Section 30; Well #2 - 2650'S and 1300'E of the NW corner of Section 18; Well #3 - 2670'N and 1340'W of the SE corner of Section 19; all of T37N, R28W.

(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:

T37N, R28W	NE 1/4 NE 1/4	Section 30	11.6 Acres
	SE 1/4 NE 1/4	Section 30	12.4 Acres
	NW 1/4 NE 1/4	Section 30	37.5 Acres
	SW 1/4 NE 1/4	Section 30	39.3 Acres
	NE 1/4 NW 1/4	Section 30	14.1 Acres
	SE 1/4 NW 1/4	Section 30	14.6 Acres
	SW 1/4 NE 1/4	Section 19	32.8 Acres
	SE 1/4 NE 1/4	Section 19	34.2 Acres
	NW 1/4 SE 1/4	Section 19	28.9 Acres
	NE 1/4 SE 1/4	Section 19	37.5 Acres
	SW 1/4 NW 1/4	Section 18	32.7 Acres
	SE 1/4 NW 1/4	Section 18	32.9 Acres
	NW 1/4 SW 1/4	Section 18	31.0 Acres
	NE 1/4 SW 1/4	Section 18	32.4 Acres
	Total-----		391.9 Acres

(4) Pursuant to Section 46-5-30.1 Robert Brinda Estate, %Cathy Boje of CR 27-50472, Scotts Bluff, NE 69361 the holder(s) and/or owner(s) of Incorporated Water Permit No. 1353A-2 is issued a license to appropriate water, the right to use 5.22 cubic feet of water per second from groundwater (3 wells) with a priority date of March 1, 1976 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 Incorporated Water Permit No. 1353A-2 and subject to South Dakota State Law.



NOV 30 1992

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

REPORT ON APPLICATION NO. 1353A-2
for Robert E. Brinda
July 1, 1991

This application is to correct the location of irrigated acreage. Water Permit No. 1353-2 authorizes irrigation of 540 acres located in portions of S 1/2 NW 1/4, N 1/2 SW 1/4, of section 18; N 1/2 SE 1/4 S 1/2 NE 1/4 of section 19; NW 1/4, S 1/2 SW 1/4 of section 29; NE 1/4 of section 30; N 1/2 NW 1/4 of section 32; all in T37N R28W from wells located in the center of the W 1/2 of section 18; center of the E 1/2 of section 19; center of N 1/2 of section 30; NW 1/4 NW 1/4 and SE 1/4 SW 1/4 of section 29; all in T37N R28E. An inspection of Permit No. 1353-2 found 3 wells constructed and supplying 5.6 cfs to irrigate 391.9 acres. This application is to correct the location of 28.7 of the 130 acres being irrigated in section 30. The correct location of the 28.7 acres is the NE 1/4 NW 1/4 and SE 1/4 NW 1/4 of section 30 T37N R28W. No increase in diversion rate or number of acres being irrigated is authorized by this application. All lands are in Todd County.

AQUIFER - OGALLALA (OGLL)

The Ogallala consists of sand, sandstone and some clays under water table conditions. The Ogallala overlies the Arikaree Group (locally called redrock) and is hydraulically connected to the Arikaree. The Ogallala underlies 412,800 acres and contains an estimated 12,384,000 acre feet of recoverable water in Todd County (Allen, 1984). The Division of Water Rights monitors 11 observation wells completed into the Ogallala aquifer within a 6 miles radius of this application. One of these observation wells (TD-76G) is located about 3/4 miles southwest of this application. Water levels for this well respond to climatic conditions, that is, rising during wet years (recharge) and declining during dry years. Water levels for this well do not fluctuate much annually. The record indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 1991).

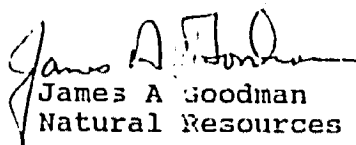
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing diversion to this application is a another well for this applicant. Interference is not expected to be a problem. All these wells have been in use for many years with no apparent problem. The observation well record indicates that significant drawdown does not occur due to pumping. This application does not propose to use any more water only to change the location of irrigated lands.

CONCLUSIONS

1. Water is available from the Ogallala aquifer.
2. The aquifer is under water table conditions and interference is not expected to be a concern. This is an existing system and has been in use for many years with no apparent problems.
3. This application proposes to change the location of 28.7 irrigated acres into the E 1/2 NW 1/4 of section 30 from the NE

1/4 of section 30; all in T37N R28W. No additional diversion rate or additional acres irrigated are authorized by this application.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Allen, J.C., 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1991, Observation Well Records for Todd County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

1353A-2

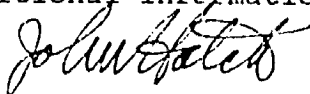
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1353A-2, Robert E. Brinda

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 1353A-2, Robert E. Brinda, Mission Route, Valentine, NE 69201.

The Chief Engineer is recommending APPROVAL of Application No. 1353A-2 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
July 15, 1991

South Dakota

1353A-2

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

July 24, 1991

Robert E Brinda
Mission Route
Valentine, NE 69201

Dear Mr. Brinda:

Water Permit Application No. 1353A-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Todd Co. Tribune printed at Mission, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are 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 newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper 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. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

for Karen Schlaatz

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

1.



1353A-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

July 24, 1991

Todd Co. Tribune
Box 229
Mission, SD 57555

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1353A-2 to be published twice. Please publish the first notice on July 31, 1991, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Robert E Brinda, Mission Route, Valentine, NE 69201.

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 the applicant 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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

for *Karen Schlaak*
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

1

1353A
Instruction to Newspaper - Publish first Notice on July 31, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1353A-2 to Appropriate Water
and to Amend Water Permit No. 1353-2

Notice is given that Robert E Brinda, Mission Route, Valentine, NE 69201 has filed an application for a water permit to specify the correct location of the irrigated acreage. Water Permit No. 1353-2 authorizes irrigation of 540 acres located in portions of S 1/2 NW 1/4, N 1/2 SW 1/4, Section 18; N 1/2 SE 1/4, S 1/2 NE 1/4 Section 19; NW 1/4, S 1/2 SW 1/4 Section 29; NE 1/4 Section 30; N 1/2 NW 1/4 Section 32; all in T37N-R28W from wells located in the center of the W 1/2, Section 18; center of the E 1/2 Section 19; center of N 1/2 Section 30; NW 1/4 NW 1/4 and SE 1/4 SW 1/4 Section 29; all in T37N-R28E. An inspection of Permit No. 1353-2 found 3 wells constructed and supplying 5.6 cubic feet of water per second to irrigate 391.9 acres. This application is to correct the location of 28.7 of the 103 acres being irrigated in Section 30. The correct location of the 28.7 acres is the NE 1/4 NW 1/4, SE 1/4 NW 1/4 Section 30-T37N-R28W. No increased diversion rate or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1353A-2 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 19, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 1353A-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for August 28, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the August 28, 1991, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petition. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The August 28, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by August 19, 1991.

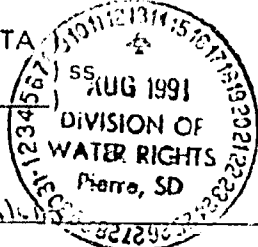
If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County Todd



NOTICE OF HEARING on Application
No. 1353A-2 to Appropriate Water and to
Amend Water Permit No. 1353-2

I, Kathy R. Klein

certify that the attached printed Notice

from the Todd County Tribune

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

City of Mission

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

July 31, 1991

August 7, 1991

Kathy R. Klein
(Signature)

Receptionist
(Title)

8/07/91
(Date Signed)

Cost of Printing: 67 lines @ .493 =

20% for 2nd publication =

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Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 19, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 1353A-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for August 28, 1991, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the August 28, 1991, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The August 28, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by August 19, 1991.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-12; 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02.01:01 thru 74:02.01:15. Publ.: July 31 and August 7, 1991

1353A-2

South Dakota
Department of
Water & Natural Resources

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

July 24, 1987

Robert E Brinda
HC 12 Box 26
Valentine, NE 69201

Dear Mr. Brinda:

I am contacting you in regard to your permit application dated August 29, 1985. The application was to amend Water Permit No. 1353-2 to cover 30 acres in the NW 1/4 Section 30, T37N, R28W. You were notified by letter dated September 3, 1985 that soil/water compatibility approval was needed to complete your application. To date, we have not received this.

The Division of Conservation has a signed soil/water compatibility application from you and the soils information, however, they do not yet have the water sample analysis. The wells that need to be sampled are the ones in Section 18 and Section 30. Please collect the samples and send them in for analysis.

I have enclosed an instruction sheet explaining the sampling procedure. Also enclosed are two stickers to be attached to the water sample bottles once the samples have been taken. The samples need to be sent to the Water Quality Lab in Brookings (the address is printed on the stickers).

Please collect and submit the samples as soon as possible. Your soil/water compatibility application can not be processed until the samples are analyzed and your water permit application can not be processed without a soil/water compatibility approval from the Division of Conservation.

If you have any questions, please contact me.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst

encl

cc: Division of Conservation

1353A-2



April 8, 1991

Robert E. Brinda
HC 12, Box 26
Valentine, Nebraska 69201

Dear Mr. Brinda:

In 1985, you were advised by the Division of Water Rights that portions of your irrigation was not permitted and these lands were subject to the current permitting process. As part of this process, you were advised of necessary water sampling and testing required to receive a Soil and Water compatibility Permit.

In reviewing your file, there have been several contacts made by correspondence and by telephone. In fact, there is a note dated May 26, 1988, where you stated (in a telephone conversation) that the water sample was sent to the lab. We have been in contact with the laboratory and they do not have a record of any samples being received.

We wish to resolve this permitting matter and are advising you to secure the water samples. Continued irrigation without this action will result in our pursuit of those measures outlined in SDCL 46-1-11; including a Class II Misdemeanor, and a Civil penalty of up to \$500 a day.

I recommend you take this opportunity to use the enclosed labels and secure these samples; avoiding our only alternative, which we will pursue after May 15, 1991.

Sincerely,

James L. Stukel, Natural Resource Program Scientist
SOUTH DAKOTA DIVISION OF CONSERVATION

JLS:aap

Enclosure as stated.

ask = Treiga
A: Brinda: ltr



1353A-2

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

AUG 6 1992

Robert Brinda Estate
c/o Kathy Boje
CR 27 50473
Scotts Bluff, NE 69361

Dear Ms. Boje:

Enclosed is Water Permit No. 1353A-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures

RECEIPT

413408

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, September 4, 1992

RECEIVED OF Cathy Boje, Robert Brinda Estate, CR 27-50473, 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 _____	50	00
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. <u>1553A-2</u>		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer



1353A-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

413483

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ October 26, 19 92

RECEIVED OF Robert Brinda Estate (Cathy Boje) 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. _____		
Fee for Filing Transfer Form <u>Water Permit No. 1353A-2</u>		2 50
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, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 1353A-2

Date: _____



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

formerly owned by: Robert Brinda

be transferred to: (name & address) Robert Brinda Estate, % Cathy Boje, CR 27-50473, Scotts Bluff, NE 69361

(Telephone No.) 308 635-2855

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

same lands as 1353-2

I/We understand that the validity of Water Permit No. 1353A-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.

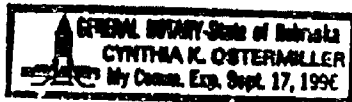
STATE OF SOUTH DAKOTA)

County of Tioga)

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.



1353A-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

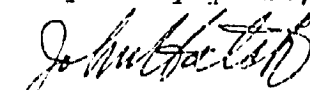
Dear Ms. Boje:

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, 413483 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.

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

No 4 10170

Pierre, August 29, 19 11

RECEIVED OF Robert Brinda, HC 12, Box 26, Valentine, NE 69201

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

Fee for Application for Permit No. 1953A-2 to Appropriate Water, to construct works and to put water to beneficial use	50	00
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		
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	50	00

By John Hatch
Chief Engineer JOHN HATCH/ms

1353A-2

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

WR#

OWNERS NAME: _____ OWNERS ADDRESS: _____

COUNTY LAND LOCATED IN: _____ PHONE: _____

LEGAL DESCRIPTION: () ☒ Well ☐ Surface

1. LOCATION _____
Depth _____

Legal Description	Acres	Legal Description	Acres
SEC. 20, T37N-R20E	11.5	SEC. 20, T37N-R20E	11.4
SEC. 21, T37N-R20E	7.0	SEC. 21, T37N-R20E	7.3
SEC. 22, T37N-R20E	14.0	SEC. 22, T37N-R20E	14.0
SEC. 23, T37N-R20E	37.0	SEC. 23, T37N-R20E	36.2
SEC. 24, T37N-R20E	22.0	SEC. 24, T37N-R20E	37.3
SEC. 25, T37N-R20E	37.0	SEC. 25, T37N-R20E	32.9
SEC. 26, T37N-R20E	31.0	SEC. 26, T37N-R20E	32.4

2. TYPE OF IRRIGATION: GRAVITY _____ TOWLINE _____ CENTER PIVOT _____ GUN _____ OTHER: (Specify) _____

3. CROPS TO BE IRRIGATED: CORN, ALFALFA, PRAIRIE

WATER QUALITY:	
4. WATER SAMPLE NUMBER: 76-078491-020101-0202	7. ADJUSTED (SAR): 0.20 ± 0.10
5. SALINITY (EC X 10 ⁶): 257 ± 170 ± 80	8. PERCENT SODIUM: 5.15 ± 1.46 ± 3.45
6. SODIUM (SAR): 0.14 ± 0.10 ± 0.10	

Requirements:



Director, Division of Conservation

MAY 21, 1991
Date

XXX APPROVED _____ REQUIREMENTS
DISAPPROVED
W/VER

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

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

Water District

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

TO: Chief Engineer, Division of Water Rights, DWR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by RobertRemick of Wadena, MN Waterbury, MN holder ofPermit No. 1353-2 bearing the priority of March 1 19 76 authorizingthe diversion of 7.7 cu. ft. per second of the waters of groundwaterfor irrigation purposes, in Todd County

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

A. Works used to divert the water: Well #1 - Consists of a Hydro-Turbine, 125 HP pump capable of moving 750 GPM. The water is run up the electricWell #2 - consists of an 800 GPM, constant headless pump having 5 stages and an electric 125 HP motor.Well #3 - consists of an 800 GPM Hydro-Turbine pump having a size of 12 CM and

B. Works used to transport water to place of use on the electric motor with a horsepower rating of 100.

Pipe #1 & 2 - PipelinePipe #3 - 1000 feet of 6" aluminum pipeC. Works used to apply water to beneficial use: Pipe #1 - consists of a Yuma center pivot having a Nelson end gun and 9 towers.Pipe #2 - consists of an Electric powered Irrigator center pivot having an end gun and 10 towers having a spacing of 120' between towers.Pipe #3 - consists of an Electric powered center pivot having an end gun, 8 towers, and 100' spacing between towers.The system is in the following condition GoodThe point of diversion is located Well #1 - 1200' S 1200' E of NE corner sec 30; Well #2 -2050' S 1300' E of NW corner sec 18; Well #3 - 2670' N 1340' E of SE corner

section 19, all of T31N R28E.

The works are capable of diverting and conveying to the place of use 5.22cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: Pipe #1 - NE 1/4 30 - 11.6 Ac,SE 1/4 30 - 12.4 Ac, NW 1/4 30 - 27.5 Ac, SW 1/4 30 - 27.3 Ac, NE 1/4 31 - 14.1 Ac, SE 1/4 31 - 14.6 AcPipe #2 - SW 1/4 18 - 32.7 Ac, NE 1/4 18 - 32.1 Ac, NW 1/4 18 - 31.0 Ac, NE 1/4 19 - 32.9 AcPipe #3 - SW 1/4 19 - 32.8 Ac, NE 1/4 19 - 34.2 Ac, NW 1/4 19 - 28.3 Ac, NE 1/4 19 - 37.5 Acall of T31N R28Ecomprising a total of 344.4 acres of land and the license should be issued for 5.22 cfs 5.22 cfsApplicable permit qualifications have been complied with Yes No

Exceptions to compliance are: _____ Date _____

* Pivot/Wells 1) 750 gpm, 2) 800 gpm and 3) 800 gpmtotal of 2,350 gpm ÷ 450 = 5.22 cfsInspected by: Frank Smith

(signature)

Deany Smith1/24

1353-2

LICENSE FOR PERMIT NUMBER 1353-2

1. Legal location of wells: W. W. W. A. 1750

dams & structures: _____

2. Well Information: Well Drilling Firm _____

No. of wells 1 Depth _____

Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____
c) type _____ Static Water Level _____

Pump a) make W. A. Motor a) make W. A.
b) model 1000 b) model no. 1000
c) size 1000 c) horsepower rating 100
d) capacity 1000 GPM d) motor efficiency rating _____
e) turbine pump
no. of stages 1

3. Distribution lines:

a) size of lines _____
b) type _____
c) length _____

4. Dam Information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____
h) Distribution lines or canals:
1) size _____
2) type _____
3) length _____

i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/H) _____
4) valve type _____
5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet
2) diameter of pipe _____
3) make, model & number of sprinklers _____
4) spacing of sprinklers _____
5) nozzle size _____

b) towline:

1) length _____ feet
2) make, model & number of sprinklers _____
3) spacing of sprinklers _____
4) nozzle size _____

REPRODUCTION RESTRICTIONS: 25:1 ROLL NO 11-25

DATE MICROFILMED

CAMERA OPERATOR

5. System Type: c) center pivot

- 1) make _____
- 2) number of towers 1
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM _____

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES

NO

Check Items

- | | | |
|-------------------------------------|--------------------------|---|
| ☒ | ☐ | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit. |
| ☒ | ☐ | 2. Special Qualifications to permit being abided by. |
| ☒ | ☐ | 3. All Structures, wells and lands on map. |

REMARKS:

LICENSE FOR PERMIT NUMBER _____

1. Legal location of wells: _____

(b) _____

dams & structures: _____

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____

b) model _____ b) model no. _____

c) size _____ c) horsepower rating _____

d) capacity _____ GPM d) motor efficiency rating _____

e) turbine pump
no. of stages _____

3. Distribution lines:

a) size of lines _____

b) type _____

c) length _____

4. Dam Information:

a) height to crest _____

b) height to spillway _____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

1) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

5. System Type: c) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES NO

Check Items

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
2. Special Qualifications to permit being aided by.
3. All Structures, wells and lands on map.

REMARKS:

1353-2

LICENSE FOR PERMIT NUMBER _____

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____
c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____
b) model _____ b) model no. _____
c) size _____ c) horsepower rating _____
d) capacity _____ GPM d) motor efficiency rating _____
e) turbine pump
no. of stages _____

3. Distribution lines:

a) size of lines _____
b) type _____
c) length _____

4. Dam Information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____
h) Distribution lines or canals:
1) size _____
2) type _____
3) length _____

i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

5. System Type: a) sideroll:

i) length _____ feet
2) diameter of pipe _____
3) make, model & number of sprinklers _____
4) spacing of sprinklers _____
5) nozzle size _____

b) towline:

1) length _____ feet
2) make, model & number of sprinklers _____
3) spacing of sprinklers _____
4) nozzle size _____

5. System Type: c) center pivot

- 1) make Valley
- 2) number of towers 1
- 3) distance between towers 100
- 4) overall length 100
- 5) End gun (Y/N) Y
- 6) high or low pressure low
- 7) make & size of nozzles 1/2"
- 8) PSI reading while system is running 100
- 9) GPM 100

g) Gun

- 1) make Valley
- 2) serial number 100
- 3) nozzle size 1/2"
- 4) capacity (GPM) 100
- 5) PSI 100
- 6) hose size 1/2"
- 7) hose length 100

d) Gate Pipe

- 1) length 100
- 2) diameter 1/2"
- 3) spacing of gates 100

e) Siphons

- 1) number 1
- 2) size 1/2"

f) Portable boom

- 1) make Valley
- 2) serial number 100
- 3) nozzle size 1/2"
- 4) capacity (GPM) 100
- 5) PSI 100

h) Hydromatic

- 1) make Valley
- 2) model 100
- 3) serial number 100
- 4) length 100
- 5) nozzle size 1/2"
- 6) spacing 100
- 7) PSI 100
- 8) capacity (GPM) 100

YES	NO	Check Items
<u> </u>	<u> </u>	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
<u> </u>	<u> </u>	2. Special Qualifications to permit being abided by.
<u> </u>	<u> </u>	3. All Structures, wells and lands on map.

REMARKS:

1353-2

Well Locations

Well #1 - 1700' S of 2000' E of NE corner of Sec 30 T37N R28W
 Well #2 - 2050' S of 1200' E of NE corner of Sec 19 T37N R28W
 Well #3 - 2070' N of 1390' E of SE corner of Sec 19 T37N R28W

Well Depths

Well #1 -

Well #2 -

Well #3 -

Legal Description of Land

NE ¹ NE ¹	30	-	10.6	Ac
SE ¹ NE ¹	30	-	12.4	Ac
NW ¹ NE ¹	30	-	37.5	Ac
SW ¹ NE ¹	30	-	39.3	Ac
NE ¹ NW ¹	30	-	14.6	Ac
SE ¹ NW ¹	30	-	19.6	Ac
SW ¹ NE ¹	19	-	32.5	Ac
SE ¹ NE ¹	19	-	34.2	Ac
NW ¹ SE ¹	19	-	28.9	Ac
NE ¹ SE ¹	19	-	37.5	Ac
SW ¹ NW ¹	18	-	32.7	Ac
SE ¹ NW ¹	18	-	32.9	Ac
NW ¹ SW ¹	18	-	31.0	Ac
NE ¹ SW ¹	18	-	32.4	Ac

All of T37N R28W



1353A-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1994

NOTICE

TO: CATHY BOJE
ROBERT BRINDA ESTATE
BOX 185
KILLDEER, ND 58640

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

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

The first notice to file chemigation report(s) for Permit No(s) 1353A-2 was dated October 18, 1993. Our records indicate that we have not received the 1993 chemigation report for Permits No(s) 1353A-2. The Water Management Board has directed that owners of water permits who have not submitted the 1993 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 hearing will be held at 8:45 A.M. on April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, 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). 1353A-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. Prior to April 1, 1994, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to April 1, 1994, you will no longer be in violation and your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

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 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: **1353A2**
Cathy Boje
Robert Brinde Estate
Box 185
Killdeer, ND 58640

4a. Article Number
P 837 692 678

4b. Service Type
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery
2-22-94

5. Signature (Addressee)
Cathy Boje

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

6. Signature (Agent)

Thank you for using Return Receipt Service.



1353A-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 23, 1994

1353A-2

Cathy Boje
Robert Brinda Estate
Box 185
Killdeer, ND 58640

Dear Ms. Boje:

I am writing to acknowledge receipt of your 1993 chemical use report. The information was received on March 7, 1994 from Marvin Reagle, Valentine, NE. You may disregard the February 16, 1994, Notice of Failure to Report Chemical Use.

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

If you have any questions, please contact me.

Sincerely,

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

1353A

**DIVISION OF WATER RIGHT NO. 1353A-2
INTO 1353B-2 & 1353C-2**

On June 8, 1994, a portion of Water Right No. 1353A-2 was transferred to Marvin and Bobbi Reagle. Water Right No. 1353A-2 is being divided and reissued as follows:

Water Right No. 1353B-2, Robert Brinda Estate authorizing diversion of 1.78 cfs from one well to irrigate 129 acres located in portions of Section 18, T37N, R28W;

Water Right No. 1353C-2, Marvin & Bobbi Reagle, authorizing diversion of 3.44 cfs from two wells to irrigate 262.9 acres in portions of Section 19 & 30, T37N, R28W.

<u>No. 1353B-2</u>	<u>No. 1353C-2</u>
Section 18, T37N, R28W	Section 19, T37N, R28W
SW¼ NW¼ 32.7 acres	SW¼ NE¼ 32.8 acres
SE¼ NW¼ 32.9 acres	SE¼ NE¼ 34.2 acres
NW¼ SW¼ 31.0 acres	NW¼ SE¼ 28.9 acres
NE¼ SW¼ 32.4 acres	NE¼ SE¼ 37.5 acres
129.0 acres	Section 30, T37N, R28W
	NE¼ NE¼ 11.6 acres
	SE¼ NE¼ 12.4 acres
	NW¼ NE¼ 37.5 acres
	SW¼ NE¼ 39.3 acres
	NE¼ NW¼ 14.1 acres
	SE¼ NW¼ 14.6 acres
	262.9 acres

1353A-2

~~7236-2~~



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 10, 1994

No. 1353A-2

Cathy Boje
P.O. Box 85
Killdeer, ND 58640

Dear Ms. Boje:

Enclosed are "Notice of Transfer" forms for use in filing an ownership change on Water Right No. 1353A-2. The water right is currently listed in the name of Robert Brinda Estate.

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

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,

A handwritten signature in cursive script, appearing to read "Cheryl F. Frost".

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

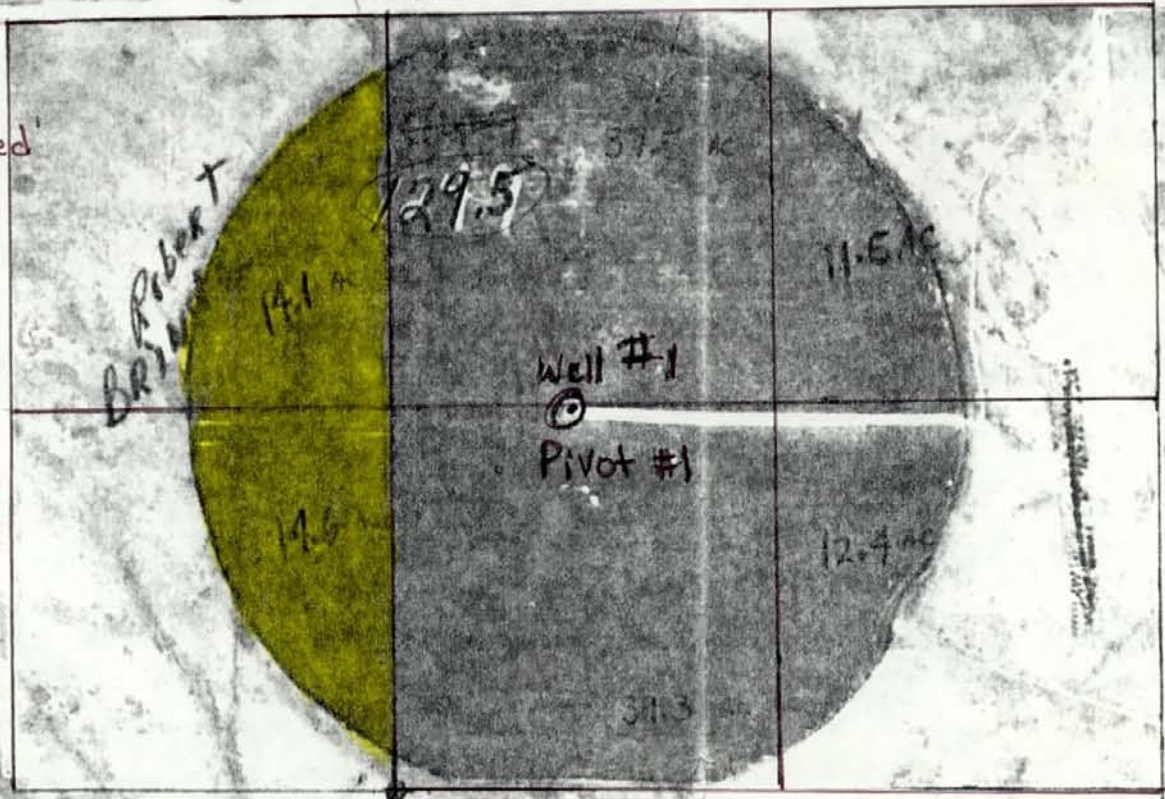
enclosure

Appl. 1353A-2

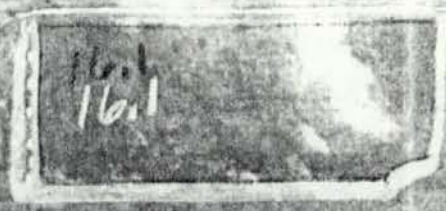
NOT TO SCALE

37-28

Lands highlighted
in yellow are
not permitted



30

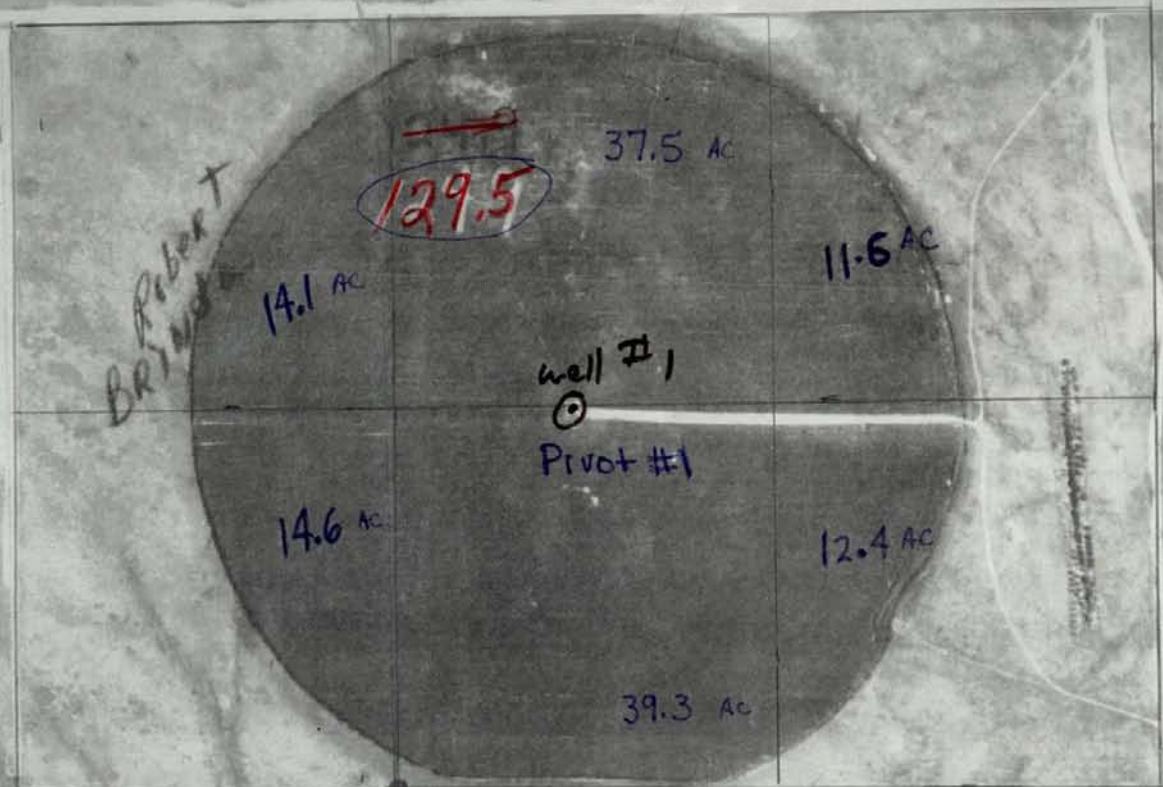


400
Reogled

37-28

NOT TO SCALE

37-28



30



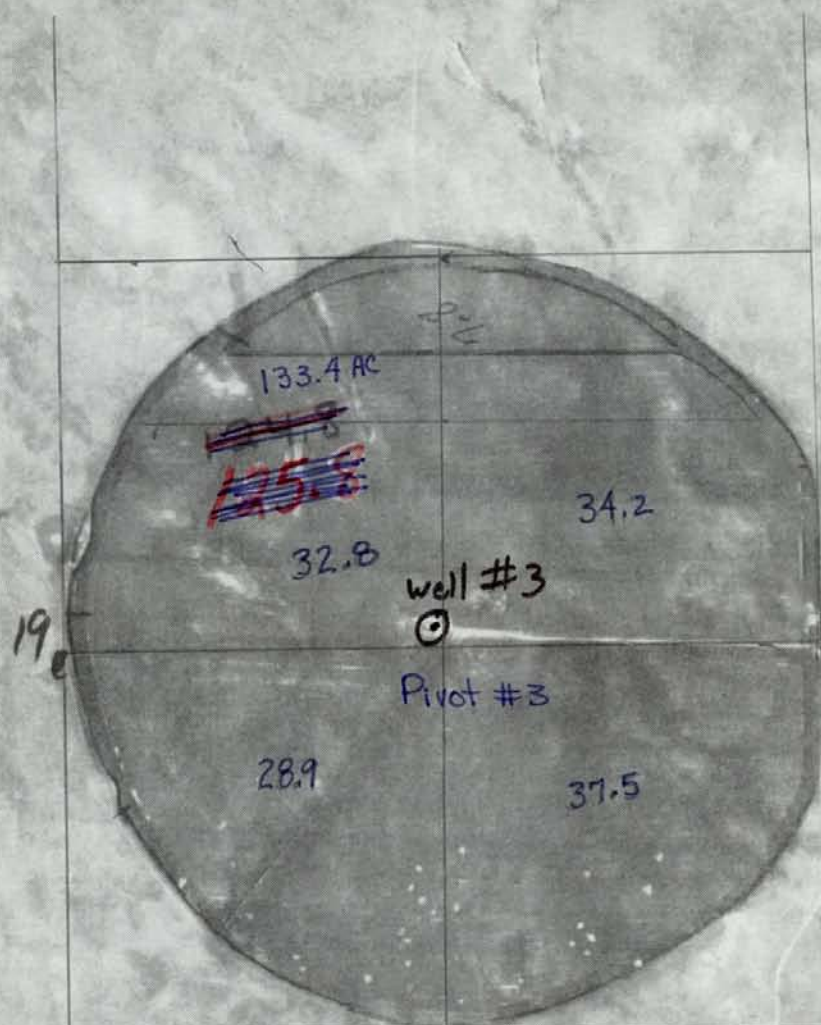
Leo Reggle

37-28

(1 of 3 maps)

1353A-2

NOT TO SCALE



(2 of 3 maps) 37-28

1353A-2

NOT TO SCALE

50

64.2

37-28

120R

5.2

32.7 AC

5.5

125.1

32.9 AC

well #2

18

32.4 AC

Robert
BRINDA

4.6

37-28

3 of 3
maps

1353A-2