

Considered. _____

WATER PERMIT NO. 1543A-2

MAP No. same

Name of Applicant 1st Nat. Bank of Council Bluffs

Post Office Address c/o Agri-Management 220 W. Pleasant Pierre

Amount of Water Claimed ~~1.56 cfs~~ 1.56 cfs Total Acres see # 1543-2

Source of Water Supply Groundwater

Water to be used for IRR County ID

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received 1/1 Not Received _____

APPLICATION: Approved 7-10-85 Subject to _____

F.F.S C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received 4-29-85 Fee \$50⁰⁰ Remarks Permit

4-29-85 For 2 additional wells

Corrected Application Received _____ Period of Annual Use 4/1 to 10/31

WATER QUALITY APPROVAL RECEIVED ~~5-10-85~~ NA APPROVED/CONDITIONAL (Circle one)

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

Diversion Point NW⁴ NE⁴ + NE⁴ SE⁴ sec 22

T 36N - R 29W

Land to be Irrigated see permit no. 1543-2

	22				
		22			

Well Log: Driller Sargent Irrig. Licensed YES X NO _____

Depth of Well 144' and 185' REMARKS _____

Type of Map Aerial PREPARED BY Greg Powell Reviewed and the Number

assigned on 5-13-85 By Kevin C. Larson

Mail to: Water Rights Div.
DWRN, Foss Bldg.
Pierre, SD 57501
(605) 773-3359

No. 1543A-2 Hydrologic Unit 10150004
Map No. Same Basin Niobrara
Newspaper Todd Co Trib. Box 229 Mission (Wed)

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. _____ 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. 1543-2

☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____

1. Name of Applicant First National Bank of Council Bluffs Phone No. _____

Post Office Address 500 W. Broadway Council Bluffs, IA State 51501
(Street, RR or Box) Zip Code

2. Amount of water claimed (c.f.s) _____ 1.56 Total acres irrigated No Add'l (see permit No. 1543-2)

3. Source of Water supply groundwater (Ogallala)

4. Location of point of diversion Well #6-3970 ft N and 1970 ft W; Well #8-1940 ft N and 1040 ft W
both of SE Corner, Section 22, T36N, R29W 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.

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 construction of one well at the center of each quarter could not adequately supply water so an additional well was constructed on each quarter.

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 First National Bank of Council Bluffs
500 WEST BROADWAY
COUNCIL BLUFFS, IOWA 51501

I, _____ 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 [Signature]
FIRST NATIONAL BANK

Subscribed and sworn to before me this _____ day of _____, 1985

[Signature]
Notary Public or other qualified officer

REPRODUCTIONS. REDUCTION 25% ROLL NO. 0-11

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1543A-2
First National Bank of Council Bluffs c/o Agri-Management 220 W. Pleasant Pierre
(Applicant) (Post Office Address)
South Dakota 57501 With the following qualifications.
(State) (Zip Code)

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.

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application April 29, 1985.
 Date of return to applicant for correction, amendments or changes required —, 19—.
 Date of receipt of corrected application —, 19—. Approved July 10, 1985.

The Water Management Board hereby approves this Water Permit No. 1543A-2 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is April 29, 1985.
2. One-fifth of the work is to be completed on or before —, 19—.
3. The whole of said work is ~~to be completed on or before~~ —, 19—.
4. The time limit for proof of beneficial use of water is —, 19—.
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 1.56 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. For irrigation purposes said appropriation must be limited to not more than 2 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 —, 19—; said water to be used during the following described annual period: April 1 to October 31.

WATER MANAGEMENT BOARD

By: John [Signature]
Chief Engineer
 Division of Water Rights
 Dept. of Water and Natural Resources
SEP 11 1985, 19—

Supplemental Information

Well No. _____

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: _____
- On applicants property _____ On property owned by others _____

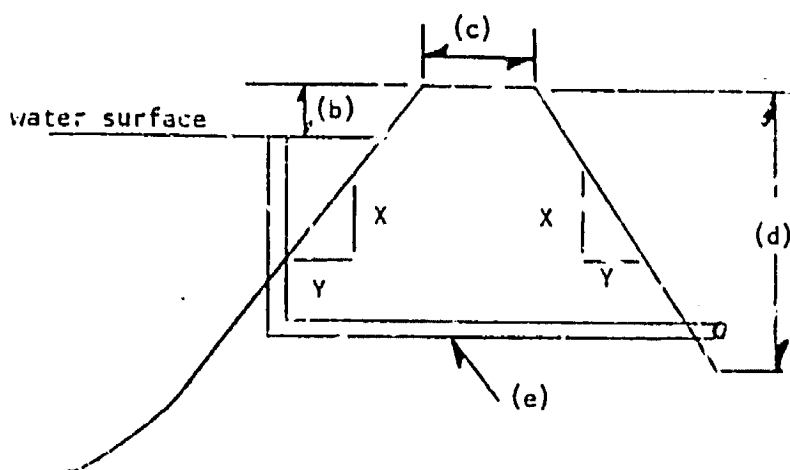
2. Dugout Information Estimates

- a) Surface Dimensions: _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address _____



b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Outlet Dimensions:
Pipe diameter _____

Spillway width _____

f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____

FIRST NATIONAL BANK OF

DUNDIS BLUFF, IOWA

Signature of Applicant

REPORT ON APPLICATIONS NO. 1543A-2, 1596A-2 and 1597A-2

FIRST NATIONAL BANK OF COUNCIL BLUFFS

May 14, 1985

These applications are for 5 additional diversion points all located in Section 22, T36N, R29W. Application No. 1543A-2 requests two additional diversion points in the NW 1/4 NE 1/4 and NE 1/4 SE 1/4 of Section 22 for 1.56 cfs of water. Application No. 1596A-2 requests two additional diversion points located in the NE 1/4 SW 1/4 of Section 22 for 1.11 cfs of water. Application No. 1597A-2 requests one additional diversion point located in the NE 1/4 NW 1/4 of Section 22 for 0.9 cfs of groundwater (see map).

Aquifer - Ogallala

Aquifer Characteristics

The Ogallala is an excellent source of good quality and quantity of water. The well driller's logs for these wells indicate the static water level ranges from 70-80 feet below land surface. The geology of this area or poor well construction or a combination of both seems to restrict pumping capacity of the wells to 300-400 gpm per well. These poor pumping capabilities make adequate irrigation water unavailable without the construction of additional diversion points.

Observation well readings are available from two wells in the proximity of this application. These two observation wells are TD-76E and TD-76F. Both wells indicate seasonal fluctuations of one foot. Water levels of TD-76E have remained constant from 1977 to the present. Water level readings on TD-76F dropped approximately 1.5 feet from 1977 to 1981 and have remained relatively constant from 1982 to the present (see attachment). Additional information on the geology of the aquifer in this area may be obtained from the report written for Permit Nos. 1543-2, 1596-2 and 1597-2.

Conclusions

1. Water is available from the Ogallala aquifer.
2. The well capacities are low and warrant the need of these additional diversions for adequate irrigation.
3. Water level data is available from two observation wells in the proximity of this irrigation.

Greg Powell

GREG POWELL
Natural Resources Engineer

Bibliography

Water Rights Division, Permit Files and Observation Well Files, DWNR,
Joe Foss Bldg, Pierre SD 57501

ADD NEW TABLE

TD-76F

		1977	40 4	10 10	1979	41 0
		1977	40 5	12 35	1979	40 9
		1977	41 1	03 26	1980	41 1
		1977	41 2	05 07	1980	41 2
	01	1977	40 9	06 04	1980	41 3
	02	1977	41 0	06 25	1980	41 4
	03	1977	40 8	07 10	1980	41 7
	04	1978	40 5	08 06	1980	41 8
	05	1978	40 5	08 20	1980	41 7
	06	1978	40 4	09 17	1980	41 6
	07	1978	40 5	11 18	1980	41 8
	08	1978	40 6	02 19	1981	41 7
	09	1978	40 4	04 21	1981	41 8
	10	1978	40 5	05 20	1981	41 7
	11	1978	40 7	06 10	1981	41 9
	12	1978	40 5	07 01	1981	42 1
01	14	1979	41 1	07 21	1981	42 3
02	18	1979	41 1	08 04	1981	42 1
03	24	1979	41 2	08 26	1981	42 3
04	07	1979	41 1	09 29	1981	42 2
05	20	1979	40 8	11 05	1981	42 3
06	11	1979	40 6	12 22	1981	42 2
07	25	1979	41 0	03 08	1982	42 4
08	08	1979	41 2	04 21	1982	42 8
08	22	1979	41 1	06 09	1982	42 0
09	12	1979	41 0	07 11	1982	42 0

Added
5027-00

RECORD TYPE P

OBSERVATION WELL NUMBER TD-76.F

[illegible]

6036N 34W 138088

TD-768

01	19	1977	75 2	10	10	1979	74 7
06	08	1977	75 1	12	05	1979	74 5
07	19	1977	75 6	03	25	1980	74 2
08	19	1977	75 6	05	07	1980	74 2
09	08	1977	73 2	06	04	1980	74 4
14	12	1977	75 6	06	25	1980	74 5
11	22	1977	75 4	07	10	1980	74 7
05	02	1978	75 0	08	06	1980	74 5
05	19	1978	75 1	09	28	1980	74 6
06	19	1978	74 9	09	17	1980	74 6
08	04	1978	74 9	11	18	1980	75 4
08	25	1978	74 8	03 15 1981			
09	15	1978	74 6	04	21	1981	74 6
14	11	1978	74 95	05	24	1981	74 3
11	01	1978	75 0	06	10	1981	74 7
12	06	1978	74 9	07	01	1981	74 8
03	14	1979	75 2	07	21	1981	74 9
04	18	1979	75 1	08	04	1981	74 9
05	24	1979	75 3	08	26	1981	74 9
06	06	1979	75 0	09	29	1981	75 0
06	20	1979	75 3	11	05	1981	75 3
07	11	1979	74 7	12	22	1981	75 1
01	25	1979	74 9	04	21	1982	75 2
08	08	1979	75 0	06	09	1982	
08	22	1979	75 0	07	01	1982	
09	12	1979	74 7	09	28	1982	

RECORD TYPE POBSERVATION WELL NUMBER TD-76E[illegible]

RECOMMENDATION OF CHIEF ENGINEER FOR WATER

PERMIT APPLICATION NO. 1543A-2, First National Bank of
Council Bluffs

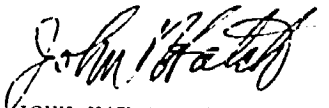
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1543A-2, First National Bank of Council Bluffs, 500 West Broadway, Council Bluffs 1A.

The Chief Engineer is recommending APPROVAL of Application No. 1543A-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

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.

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
May 22, 1985

Water Rights Division - DWR
Conversation or File Documentation

File No. 15430-2
15430-2
15430-2

NAME OF PERSON OR FILE: Frank Banks & Co. A Bluff

ADDRESS: 600 N. Broadway COUNTY Todd

DATE: 5-20-82 TELEPHONE _____

RE: New application for additional diversion

COMMENTS:

A mistake was made by me the application
#2 which I ask for the amount of water requested.
I made copies of the application, made the corrections, and
sent them to First National Bank for approval of the
changes by initialed the change

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: Greg Powell

State of South Dakota

Water License No. 1543A-2

(1) First National Bank of Council Bluffs
of 500 W Broadway, Council Bluffs IA 51501
made Application No. 1543A-2, April 29, 1985 for a water permit to appropriate
1.56 cubic feet per second of water from groundwater (2 add'l wells on Permit No. 1543-2),
Todd County, South Dakota for irrigation purposes.
Permit No. 1543A-2, with a priority date of April 29, 1985
was approved _____ and issued to applicant(s) for diversion of water with construction of the described
water supply system ~~to be~~ completed ~~on or before~~ _____ and for the application to beneficial use of said
water ~~on or before~~ completed _____.

The applicable portions of Water Permit No. 1543-2 have been incorporated into this Water License No. 1543A-2. A priority date of February 4, 1977 (Permit No. 1543-2) is retained for 1.14 cfs of the diversion rate and a priority date of April 29, 1985 (Permit No. 1543A-2) is retained for 1.56 cfs of the authorized diversion rate.

and

(2) It is certified that the application 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 2.7 cubic feet per second of water for beneficial use. The location of the diversion point(s) is are Well #6 - 3970'N & 1970'W (AF):
Well #7 - 3940'N & 1310'W (AA); Well #8 - 1940'N & 1040'W (DA); Well #9 -
1320'N & 1310'W (DA); all from the SE corner of Section 22, T36N, R29W

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T36N, R29W

Section 22 NW 1/4 NE 1/4					31 acres (AB)
NE 1/4 NE 1/4					33 " (AA)
SW 1/4 NE 1/4					32 " (AC)
SE 1/4 NE 1/4					33 " (AD)
NW 1/4 SE 1/4					32 " (DB)
NE 1/4 SE 1/4					32 " (DA)
SW 1/4 SE 1/4					33 " (DC)
SE 1/4 SE 1/4					32 " (DD)
TOTAL					257 acres

(4) Pursuant to §16-5-30.1 First National Bank of Council Bluffs
of 400 W Broadway, Council Bluffs IA 51501
the holder(s) and/or owner(s) of Water Permit No. 1543A-2 is issued a license to appropriate water, the right to use
2.7 cubic feet per second of water from groundwater (4 wells) with a priority date
1.14 cfs from February 1, 1977 and
of 1.56 cfs from April 29, 1985 from the location specified in (2) of this license. The water to be
conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 1543A-2 and subject to South Dakota State Law.



Chief Engineer, Water Rights Division
Department of Water and Natural Resources
DEC 20 1985

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

I have this day made a thorough examination of the water use system constructed by Timothy Michael Davis

I, Cornel Bluff, of Bluff, TX holder of
1543-2 1543-2

Permit No. 1541-2, bearing the priority of 2-4-77 ²/₁ 4-29-85 19 authorizing

the diversion of 3.2 ± 1.56 cu. ft. per second of the waters of groundwater

for unpublished purposes, in Todd County.

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

4. Wells used to divert the water. There are 4 wells, 2 in each quarter, all having 16 inch steel casing and a depth of 200 to 240 feet. All of the wells were drilled by S. J. Gault. All of the pumps are Sargent, & Lundy, having a storage tank. Well # 5 and #9 have 40 HP U.S. Electric motor. Well # 6 has a 60 HP U.S. Electric motor and Well #7 has a 40 HP New man Electric motor.

B. Works used to transport water to place of use

Well #7	hole = 6 inch steel pipe	35 feet long that carries water to the pool.
Well #8	hole = 6 inch PVC pipe	200 feet long that carries water to the pool.
Well #8	hole = 6 inch PVC pipe	1720 feet long that carries water to the SE pool.
Well #9	hole = 6 inch steel pipe	35 feet long that carries water to the SE pool.

C. Works used to apply water to beneficial use:

Plot #3 located in the NE¹22 and Plot #4 located in the SE¹22 are both 8' by 16' E-therigated CP's having a length of 1284 ft, endguts, painted orange. Plot #3 operates at 50psi with 700 GPM and Plot #4 operates at 50 PSI with 500 GPM.

The system is in the following condition Good.

The point of diversion is located along B.S. 2276 at E. 1970 N.W., S. 28-57-59ac & W. 13-10-S-W

~~Call ME - 1946-1947 & 1948-1949; Call ME - 1920-1921 & 1922-1923. Call ME - 1924-1925 & 1926-1927.~~

The works are capable of diverting and conveying to the place of use 2.7

cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows: _____

LINE 22 - 30 30

NE4 NE4 22 - 21 Gc NE4 SE4 22 - 32 1. All of T3M E29W

SW 1/4 NE 22 - 31 40

SF 4 07 4 22 - 3000 SF 4 07 22 - 32 00 Div. P. 1111

comprising a total of 257 acres of land and the license should be issued for 27 lbs

Applicable permit qualifications have been complied with x Yes No

Exceptions to compliance are: _____ Date 7-2-25

Two add'l diversion points existed on these tanks.

The two odd wells were permitted for 156 cfs at a priority of 4/29/85.

2014 22

dams & structures:

Well Information

No. of wells 2 Depth

Screen a) type c/s. 1

Screen a) type 40.1
b) length 1.5

Static Water Level 64' 3 1/2"

Motor #^a) make H. H. Horton

b) model no. 8-1222-04-6

horsepower rating 47

d) motor efficiency rating

c) turbine pump
no. of stages 6

a) size of lines 6"

b) type slant

c) length 251

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) ty:

b) _____

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers

4) spacing of sprinkler_____

5) nozzle size _____

i) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/n) _____

4) valve type _____

5) location on structure

b) towline: feet

line: _____ feet

1) length _____ of sprink

2) make, model & number of sprinklers

3) spacing of sprinklers _____

4) nozzle size _____

LICENSE FOR PERMIT NUMBER 5412

NE 122

1. Legal location of wells: well # 8 - 1940' N ; 1040' W ; well # 9 - 1320' N
1200' W ; 1000' E ; 200' W ; 200' W ; 200' W ; 200' W ; 200' W ; 200' W
dams & structures: _____

2. Well Information: Well Drilling Firm Sargent

No. of wells 2 Depth 240' ; 210'

Casing a) diameter 16" Screen a) type steel

b) length _____ b) length _____

c) type steel Static Water Level 80' ; 80'

Pump a) make Sargent Motor a) make Newman 57 60

b) model 27279 b) model no. 1147-320 60

c) size 1000 c) horsepower rating 40 60

d) capacity _____ GPM d) motor efficiency rating _____

e) turbine pump _____

no. of stages 6

3. Distribution lines:

a) size of lines 1"

b) type steel

c) length 20'

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:

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 _____

WATER RIGHTS DIVISION
(605) 773-3352

April 17, 1965

Agri-Management Incorporated
c/o Dave Luers
220 W. Pleasant
Pierre, South Dakota 57501

Dear Dave:

Enclosed are three applications to appropriate water. They are in regards to the land in Todd County held by First National Bank of Council Bluffs. The lands on section 22, T36N, R29W are covered by permit Nos. 1543-2, 1596-2, and 1597-2. These permits are for one well in the center of each quarter. There are a total of 3 wells or 5 additional diversions on this section. The enclosed applications will permit the additional diversions.

Please sign all of the forms and have them notarized. The fee for these three applications is \$150.00. Please enclose \$150.00 when you return the forms to Water Rights.

If you have any questions, please give me a call at 773-3352.

Sincerely,

Greg Powell
Natural Resources Engineer

GP:ms
Enc.

Thomas D. Johns
First National Bank of Council Bluffs
Tele: 712-322-3456

DWNR 806-7/83

No. 1543A-2

Instruction to Newspaper - Publish first publication of the following Notice on or before
May 29, 1985 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1543A-2 to Appropriate Water
and ~~to~~ to Amend Water Permit ~~No. 1543-2~~ No. 1543-2

Notice is hereby given that 1st National Bank of Council Bluffs whose mailing address is
c/o Agri-Management, 220 W. Pleasant, Pierre, South Dakota has made an application for a permit

to appropriate 1.56 cubic feet per second from two wells 200 feet deep located in
the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22 T36N-R29W to Irrigate land covered by Water Permit
No. 1543-2.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends

APPROVAL of Application No. 1543A-2 because 1) unappropriated water is available,
2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and
4) is in the public interest.

This application will be considered by the Water Management Board at Civil Defense
Room in basement, Capitol Building, Pierre, SD, July 10, 19 85 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the
Board is authorized to make a determination on this application after it reaches a con-
clusion based upon facts presented at the public hearing. Any interested person who may
be affected by a Board decision and who intends to participate in the hearing before the
Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a
written petition with BOTH the Applicant and the Chief Engineer by June 28, 1985.
The petition may be informal, but it must include a statement describing the petitioner's
interest in the application, the reason for the petitioner's opposition to or support of
the application, and the signature and mailing address of the petitioner or his legal
counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12
thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24,
46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; ~~(ground)~~ 46-6-3, 46-6-3.1,
46-6-6.1, 46-6-10, 46-6-13, 46-6-14; ~~(future use)~~ 46-5-38 thru 46-5-40; ~~(transfer lands)~~
46-5-30.4, 46-5-33 thru 46-5-35; ~~(10,000 AFA)~~ 46-5-20.1, 46-5-21; and Board Rules ARSD
74:02:01:01 thru 74:02:01:15; ~~(future use)~~ 74:02:01:24 thru 74:02:01:25; ~~(10,000 AFA)~~
~~74:02:01:15:02 thru 74:02:01:15:05.~~

This hearing is an adversary proceeding. The applicant or any person, after filing a
petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on
this application or to assure access to the hearing by the 'handicapped' can contact the
Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance
prior to the hearing date. The time of the hearing will be automatically extended for
at least twenty days upon written request of the applicant or any person who has filed
a petition to oppose or support the application. The request for extension must be filed
with the Chief Engineer by June 28, 1985.

No. 1543A-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Yankton) ss

I, Robert E. Kline hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the State of South Dakota

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

Yankton of Yankton

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

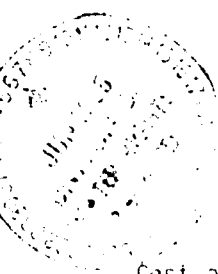
May 24, 1985

June 10, 1985

Robert E. Kline
(Signature)

Robert E. Kline
(Title)

10/10/85
(Date Signed)



Cost of Printing: 20 lines @ 35¢ =

360¢ plus 20¢ document and publication

160¢

\$7.20 total cost

Notice of Hearing

on Application No. 1543A-2 to Appropriate Water
and to Amend Water Permit No. 1543-2

Notice is hereby given that 1st National Bank of Council Bluffs, whose mailing address is %Agri-Management, 220 W. Pleasant, Pierre, South Dakota, has made an application for a permit to appropriate 1.56 cubic feet per second from two wells 200 feet deep located in the NW1/4NE1/4 and NE1/4SE1/4 Section 22 T36N-R29W to irrigate land covered by Water Permit No. 1543-2.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1543A-2 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Civil Defense Room in basement of Capitol Building, Pierre, SD, July 10, 1985 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by June 28, 1985. The petition may be informal, but it must include a statement

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

Joe Foss Building
523 East Capitol

Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION
(605) 773-3352

April 17, 1985

Agri-Management Incorporated
c/o Dave Luers
220 W. Pleasant
Pierre, South Dakota 57501

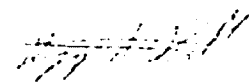
Dear Dave:

Enclosed are three applications to appropriate water. They are in regards to the land in Todd County held by First National Bank of Council Bluffs. The lands on section 22, T36N, R29W are covered by permit Nos. 1543-2, 1596-2, and 1597-2. These permits are for one well in the center of each quarter. There are a total of 9 wells or 5 additional diversions on this section. The enclosed applications will permit the additional diversions.

Please sign all of the forms and have them notarized. The fee for these three applications is \$150.00. Please enclose \$150.00 when you return the forms to Water Rights.

If you have any questions, please give me a call at 773-3352.

Sincerely,



Greg Powell
Natural Resources Engineer

GP:mas
Enc.

Equal Opportunity Employer.

RECEIPT

Division of Water Rights

No 410023-

South Dakota Department of Water and Natural Resources

Pierre, April 25, 1995

RECEIVED OF First National Bank of Council Bluffs, c/o Agri Management, 220 W. Pleasant
the following amount in fees for services rendered as provided for by law: Pierre, SD 57501

Fee for Application for Permit No. 1543A-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)



**Department of
Water & Natural Resources**

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

1543A-2

SEP 11 1985

First National Bank of Council Bluffs
c/o Agri Management
220 W. Pleasant
Pierre, South Dakota 57501

Dear Sir:

Enclosed herewith is your Water Permit No. 1543A-2 as approved by the Water Management Board authorizing your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said water Right Permit No. 1543A-2.

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 final papers will be sent to you.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosure

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

No 4 10178

Pierre, September 16, 1935

RECEIVED OF 1st Nat'l Bank of Council Bluffs Agri Management 220 W Pleasant Pierre SD
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>15102-0</u>	50	00
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

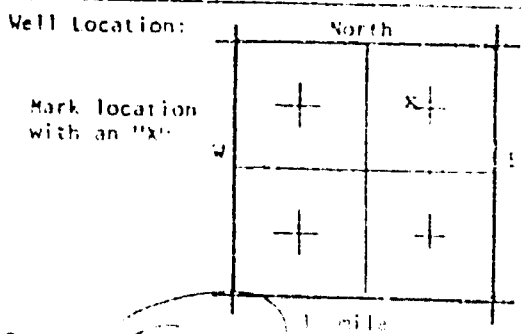
By John Hatch
Chief Engineer JOHN HATCH (ks)

316

450 CPM

WELL DATA SHEET
SOUTH DAKOTA WATER & POWER BOARD

Well Owner:
Name Ron McCunn McCunn Farm
Address 1422 East Washington
Clarinda, Iowa 51632



County Todd
SE 1/4 NW 1/4 NE 1/4 Sec. 22 Twp. 16 R. 29

Proposed Use:
☐ Domestic ☐ Municipal ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:
☐ Forward Rotary ☐ Bored ☐ Jetted
☒ Reverse Rotary ☐ Cable ☐ Other

Well Construction:
Diameter of Hole 32
Depth 240
Casing ☒ Steel ☐ Concrete
☐ Plastic ☐ Other
If other, specify _____

Was casing end left open No
Was a well screen installed Yes
Describe Well Screen
Diameter 16 Material Steel
Slot size 1" x .150
Was well gravel packed Yes
Was well grouted No
Was water sample taken No

Remarks:

Water Test Log
Static water level _____
Pumping rate _____
Controlled _____
If other, specify _____

Well Test Data
☒ Pumped _____
☐ Bailed _____
☐ Other _____
Pumping level before test _____
168 ft. After _____
162 _____
150 _____

Well Log

Formation	Feet	Feet
sand	0	7
mag	7	19
sand	19	26
sandstone	26	30
ss, clay ly.	30	45
sandstone & sand	45	55
sandstone & limestone	55	60
ls & ls - tight	60	75
sandstone & sand	75	90
med sand, ss, c ly	90	105
med sand, ss	105	115
med - c sand	115	130
ss, ls ly	130	140
med sand	130	144

Base Rock if Necessary _____

Date completed: July 8, 1979

Driller: _____
Outside supervision _____
Date of installation _____
Base of well _____

Dale Wilcox

144-145	limestone
145-150	med sand, sandstone
150-160	med sand
160-162	sandstone
162-170	med sand
170-176	clay, sandstone
176-180	med sand
180-195	med sand, sandstone
195-210	med sand, sandstone, clay layer
210-222	med sandstone
222-223	limestone
223-225	sandstone & clay
225-230	fine sand
230-232	clay
232-235	cemented sandstone
235-240	red rock

7

287 000

WELL DRILLER'S REPORT
SOUTH DAKOTA WATER RESOURCES DIVISION

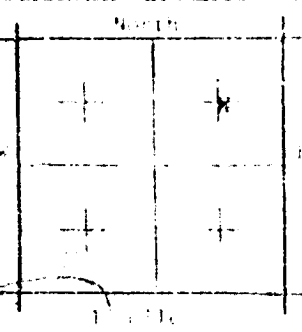
11A

Well Owner:

Name Ron McCunn McCunn Farms
1422 East Washington
Address Clarinda, Iowa 51632

Well Location:

Map Location
with Township



County Todd

NE 1/4 SW 1/4 Sec. 22 Twp. 36 R. 29

Proposed Use:

☐ Domestic ☐ Irrigation ☐ Industrial ☐ Test
☒ Irrigation ☐ Industrial ☐ Test

Method of Drilling:

☐ Forward Rotary ☐ Bored ☐ Jet
☒ Reverse Rotary ☐ Cable ☐ Other

Well Construction:

Diameter of hole 32
Depth 210
Casing ☒ Steel ☐ Concrete
☐ Plastic ☐ Other
If other, specify _____

Was casing end left open No
Was a well screen installed Yes

Describe Well Screen
Diameter 16 Material Steel
Slot size 1" x .150

Was well gravel packed Yes
Was well grouted No
Was water sample taken No

Remarks:

1. Sandstone
2. Limestone
3. layers
4. streak
5. bed to concrete
6. fine to med sand
7. all down

Drilling Data:

Drilling Date
Drilling Time
Drilling Rate
Drilling Cost
210 6 200

sand, ss, ls	0	15
sand, ss, ls (PD)	13	60
m sand, ss, ls (PD)	60	75
f-m sand, ss, ls stk	75	90
m sand, ss, ls lys	90	105
m sand, ss, ls stk	105	118
clay	118	120
m sand, ss, ls stk	120	135
m sand, ss, ls lys	135	150
m-c sand, ss, ls lys	150	195
m sand, ss, ls lys	195	210
m sand, ss, ls stks	210	225
m sand	225	232
clay & ls	232	240
red rock	240	255

Date Completed May 24, 1979

Driller:

Sargent Irrigation Co. #272
Box 70
Bissett, Nebraska

[Signature]
A

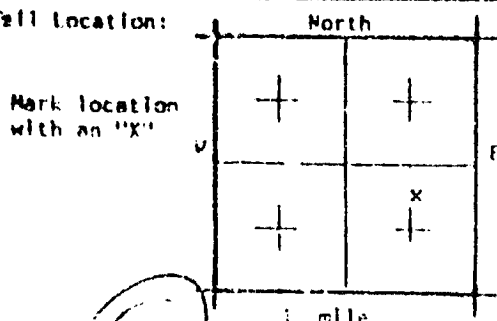
WELL DRILLERS REPORT
SOUTH DAKOTA WATER RIGHTS COMMISSION

038

Well Owner:

Name Bon McCunn McCunn Farms
1422 East Washington
Address Clarinda, Iowa 51532

Well Location:



County Todd

SW1 NE1 SE1 Sec. 22 Twp. 36 Rg. 20

Proposed Use:

☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

☐ Forward Rotary ☐ Bored ☐ Jetted
☒ Reverse Rotary ☐ Cable ☐ Other

Well Construction:

Diameter of Hole 32
Depth 200
Casing ☒ Steel ☐ Concrete
☐ Plastic ☐ Other
If other, specify _____

Was casing end left open No
Was a well screen installed Yes
Describe Well Screen
Diameter 16 Material Steel
Slot size 3" x .150
Was well gravel packed Yes
Was well grouted No
Was water sample taken No

Remarks:

s sand
ss sandstone
ls limestone
f sand fine sand
lys or stk layers or streaks
f-m fine to med sand
m-c med to coarse sand
(PD) pull down

Water Level Information

Static water level 67 feet below land surface
If flowing, state in pressure PSI
Rate of flow _____ gpm
Control device _____
☐ Valve ☐ Reducers ☐ Other _____
If other, specify _____

Well Test Data

☒ Pumped
☐ Bailed
☐ Other
Pumping Level Below Land Surface
192 ft After 5 hrs. pumped 256 GPM
181 " " 3 " " 231 "
168 " " 2 " " 205 "

Well Log:

Formation	Depth	
	From	To
top soil, s, ss, ls	0	15
sand, ss, ls (PD)	15	45
sand, ss, ls	45	60
f sand, ss lys, c. ly	60	75
f sand, ss lys, ls PD	75	90
f sand, ss, ls (FD)	90	120
f sand, ss lys, ls st.	120	135
f-m sand	135	147
ss, ls	147	150
f-m sand	150	155
ss, clay lys.	155	165
m-c sand	165	177
ss, clay stks.	177	180
f-m sand	180	185

(Use Back if Necessary) over

Date Completed: June 27, 1979

Driller:

Sargent Irrigation Co. #272
Driller's or Firm's Name License NO.
Box 70
Bassett, Nebraska
Address

Don Wilcox 7-26-79
Signed By Date

WELL DRILLERS REPORT
SOUTH DAKOTA WATER RIGHTS COMMISSION

130

6-78

Well Owner:
Name Ron McCunn McCunn Farms
Address 1422 East Washington
Clarinda, Iowa 51632

Well Location: North

Mark location with an "X"	+	+
	+	X

1 mile

County Todd
NE SW Sec. 22 Twp. 3E Rg. 2E

Proposed Use:
☐ Domestic ☐ Municipal ☐ Test
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:
☐ Forward Rotary ☐ Bored ☐ Jetted
☒ Reverse Rotary ☐ Cable ☐ Other

Well Construction:
Diameter of Hole 32
Depth 210
Casing ☒ Steel ☐ Concrete
☐ Plastic ☐ Other
If other, specify _____
Was casing end left open No
Was a well screen installed Yes
Describe Well Screen
Diameter 16 Material Steel
Slot size 3" x .150
Was well gravel packed Yes
Was well grouted No
Was water sample taken No

Water Level Information:
Static water level 64 feet below land surface
If flowing: closed in pressure PSI
rate of flow CPM
Controlled by:
☒ Valve ☐ Reducers ☐ Other
If other, specify _____

Well Test Data:
☒ Pumped _____
☐ Bailed _____
☐ Other _____
Pumping Level Below Land Surface
204 ft. After 5 hrs. pumped 268 GPM
181 " " 4 " 244 "
175 " " 2 " 218 "

Well Log:

Formation	From	To
sand, ss, ls	0	30
sand, ss, ls (PD)	30	45
m sand, ss, ls stks	45	60
m sand, ss, ls lys	60	75
m sand, ss, ls stks	75	90
m sand, ss, ls lys	90	120
m sand, ss, ls stks	120	150
c sand, ss, ls stks	150	165
m sand, clay st, ss, ls	165	180
m-c sand, ss	180	189
clay & ls	189	195
med sand, ss	195	199
red rock	199	210

(Use Back if Necessary)

Date Completed: June 23, 1979

Driller:
Sargent Irrigation Co 1273
Driller's or Firm's Name License NO.
Box 70
Bassett, Nebraska
Address

Dale Wilson 7-26-79
Signed By Date

Remarks:

ss sandstone
ls limestone
lys layers
stks streaks
m sand med sand
m-c sand med to coarse sand
(PD) well down

210-217
217-222
222-225

med to coarse sand
clay & limestone
red rock





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

No. 1543A-2

DEC 20 1985

First National Bank of Council Bluffs
%Agri Management
220 W Pleasant
Pierre SD 57501

Dear Sir:

Enclosed herewith is Water License No. 1543A-2. This is the final water right document completing your process of obtaining a water right.

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.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: kb

Enclosures

NOTE: The applicable portions of Water Permit No. 1543-2 have been incorporated into Water License No. 1543A-2.

WNR-817 3/83
Transmittal of Water License

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

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

WATER RIGHTS DIVISION
(605) 773-3352

1543A-2
1596A-2
1597A-2
1615-2

October 21, 1986

Rick Hagge
500 W. Boardway
1st National Bank of Council Bluffs
Council Bluffs, Iowa 51501

Dear Mr. Hagge:

Please find enclosed four copies of a Notice of Transfer of Water Permit forms. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 for each transfer, total of \$10.00.

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

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc. 4



**Department of
Water & Natural Resources**

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

WATER RIGHTS DIVISION
(605) 773-3352

543A-2
1596A-2
1597A-2
1615-2

November 4, 1987

Agri Management
220 W. Prospect
Pierre, South Dakota 57501

Dear Sir:

Enclosed are copies of four transfer forms. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 for each transfer (total of \$10.00 for 4 transfers).

Upon receipt of the enclosed forms and the \$2.50 filing fee for each permit, total of \$10.00, the permits will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

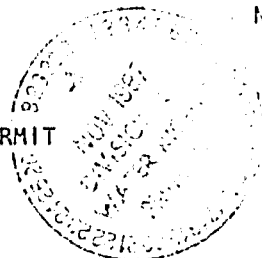
Maxine Stirling

Maxine Stirling
Secretary

ms/
Enc.

NO. 1543A-2

NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

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

257 Acres - E $\frac{1}{2}$ Section 22, T36N-R29W

_____ First National Bank of Council Bluffs
formerly owned by 500 W. Broadway, Council Bluffs, IA
_____ Freidus
has been transferred to Ella Freidus, PO Box 161, Cold Spring Harbor, Long Island, NY 117
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 1543A-2 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

New York
STATE OF SOUTH DAKOTA)
County of Hand) ss.

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

Ella Freidus
(Signed)

Subscribed and sworn to before me this 10th Day of November, 1987

Margaret Leach
(Notary Public)

MARY ANN LYNN
Notary Public, State of New York
Commission Expires July 31, 1989

TEL 516-367-4255

MAIL ADDRESS

P.O. Box 181
Cold Spring Harbor
L.I., N.Y. 11724

Ella Freidus

DOCK HOLLOW ROAD
COLD SPRING HARBOR, L. I., N. Y. 11724

11/20/87

South Dakota Dept. of
Water & Natural Resources
Joe Foss Bldg.
523 East Capitol
Pierre, S.D. Dakota 57501-3181



Gentlemen:

Enclosed please find copies of 4 Transfer Forms together
with my check for \$10.

Thanking you for your cooperation, I am

Yours truly,

Ella Freidus
ELLA FREIDUS

Transfer
ap Encl. 4/Forms
Check: \$10.



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

1543A-2
1596A-2
1597A-2
1615-2

November 4, 1987

Agri Management
220 W. Prospect
Pierre, South Dakota 57501

Dear Sir:

Enclosed are copies of four transfer forms. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 for each transfer (total of \$10.00 for 4 transfers).

Upon receipt of the enclosed forms and the \$2.50 filing fee for each permit, total of \$10.00, the permits will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling

Maxine Stirling
Secretary

ms/
Enc.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411071

Freléus

Pierre, November 30, 1987

RECEIVED OF Ella Freléus, PO Box 181, Cold Spring Harbor Long Island, NY 11724
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1543A-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By

Chief Engineer

JOHN HATCH

(MS)

 **Department of
Water & Natural Resources**

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

WATER RIGHTS DIVISION
(605) 773-3352

December 3, 1987

Ella Freidus
PO Box 181
Cold Spring Harbor
Long Island, New York 11724

Dear Mrs. Freidus:

Enclosed is receipt Nos. 411068, 411069, 411070, 411071 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 1596A-2, 1597A-2, 1615-2 and 1543A-2.

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

Sincerely,

Maxine Stirling
Secretary

ms:
Enc. 4
cc: Agri Management, Pierre, SD

South Dakota

DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

February 1, 1991

ELLA FREIDUS
PO BOX 181
LONG ISLAND NY 11724

NOTICE

RE: Violation of Water Permit No(s) 1615-2, 1543A-2, 1596A-2, 1597A-2 and 1990 Irrigation Questionnaire Requirements

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 1615-2, 1543A-2, 1596A-2, 1597A-2. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 1543A-2, 1596A-2, 1597A-2 qualification:

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

The hearing will also be to determine if Permit No(s) 1615-2 should be amended with the qualification to require the Questionnaire to be submitted each year. The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

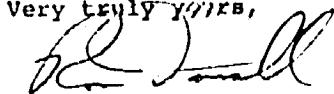
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s) 1543A-2, 1596A-2, 1597A-2 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Amend Permit No(s) 1615-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,



Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

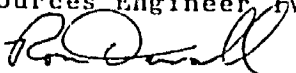
South Dakota Department of
Water & Natural Resources

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

March 6, 1991

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: Ella Freidas
PO Box 181
Long Island, NY 11724

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

SUBJECT: One Year Suspension of Water Permit Nos. 1543A-2,
1596A-2, and 1597A-2

Pursuant to the provisions of the notice dated February 1, 1991, and following the hearing of February 27, 1991, the Water Management Board has ordered:

That Water Permit Nos. 1543A-2, 1596A-2 and 1597A-2 be SUSPENDED until December 31, 1991. Suspension of the permits does not excuse the permit owner from the requirement to submit the 1990 irrigation questionnaires.

Suspension of a permit means water may not be pumped during the 1991 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 26, 1991

Jacob Freidus
PO Box 181
Cold Spring Harbor
Long Island NY 11724

Dear Mr. Freidus:

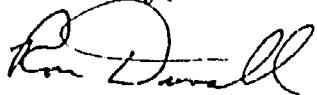
Enclosed are irrigation questionnaires (blue forms) and a chemigation report form (gold form) for each of the permits (Nos. 1543A-2, 1596A-2, 1597A-2, and 1615-2) suspended by the Water Management Board. The applicable permit number is labeled at the top of each of the forms. Please have forms completed and returned to the Water Rights Division.

The suspension of the permits can only be rescinded by the Board. You need to send a letter to the Division of Water Rights, 523 E Capitol, Pierre SD 57501 requesting the Board to rescind the suspensions at the May 1 & 2, 1991 Board meeting. The written request should include the reasons why the forms were not filed in a timely manner which resulted in suspension of the permits. Please plan on having someone in attendance at the Board meeting to answer any questions the Board may have concerning the suspensions.

March 26, 1991
Jacob Freidus
Page 2

If you have any questions. please contact me.

Sincerely.

A handwritten signature in cursive script, appearing to read "Ron Duvall". The signature is written in dark ink and is positioned above the printed name.

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

Danielski Harvesting, Farming & Equipment Sales

West Hwy. 20 - Box 230 • Valentine, Nebraska 68201 • (402) 376-3039

1543A-2

Ron Duvall
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501



Dear Ron,

Just a short letter to explain why the Irrigation Questionnaire for the 1990 Season was not received at your office.

As you probably know, we are renting this land from Mr. Jacob Freidus of Long Island, New York. He received the paperwork down in New York and did not forward the Questionnaires to our office.

I have enclosed the needed paperwork in hopes that your office will reinstate the water permits for this ground. We have rented this ground for the 1991 Irrigation season, and hope to rent it in the future. Please send the Irrigation Questionnaires and any other correspondence to our address listed above.

If you have any questions or need any additional information, please let me know.

Sincerely,

Leonard Danielski
Leonard Danielski
Partner

CC/File

Ella Freidus

Water Right Nos. 1543A-2, 1596A-2, 1597A-2, and 1615-2

GENERAL

1543A-2, 1596A-2, and 1597A-2

submitted by:

First Natl. Bank

Permits Approved:

July 10, 1985

Priority Dates:

April 29, 1985

Permits Licensed:

December 20, 1985

Transferred November 30, 1987 to: Ella Freidus

1615-2 submitted by:

Joseph M Schubauer

Permit Approved:

November 30, 1977

Priority Date:

June 26, 1978

Permit Licensed:

December 20, 1985

Transferred February 12, 1979 to: Ronald McCunn

Transferred November 16, 1983 to: First Nat'l Bank

Transferred November 30, 1987 to: Ella Freidus

FIVE YEAR HISTORY OF IRRIGATION QUESTIONNAIRE RETURNS

Water Right Nos. 1543A-2, 1596A-2, 1597A-2, and 1615-2:

-- NO PRIOR VIOLATIONS IN THE LAST FIVE YEARS --

**1990 IRRIGATION QUESTIONNAIRE VIOLATIONS AND FAILURE TO REPORT
CHEMICAL USE**

1. February 1, 1991, Ella Freidus, PO Box 181, Long Island NY 11724 was sent (Certified Mail-Return Receipt Requested) a Notice of Violation for non-return of the 1990 questionnaires for all of the water rights and a Notice for failure to report chemical use for No. 1615-2. The notices scheduled a hearing before the Water Management Board on February 27, 1991. (The return-receipt card was returned with an illegible signature)
2. March 6, 1991, Ella Freidus was notified by Certified Mail-Return Receipt Requested, of the Board action February 27, 1991 to Suspend all of the water rights until December 31, 1991 and to Amend No. 1615-2 to include the irrigation questionnaire qualification. (The return-receipt card was returned with an illegible signature)
3. April 16, 1991, Received completed 1990 irrigation questionnaires and chemical use forms from Leonard Danielski (renter) and a letter requesting the suspensions to be rescinded.



Ron Duvall

Natural Resources Engineer

April 18, 1991



DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 18, 1991

NOTICE

TO: Ella Freidus
PO Box 181
Cold Spring Harbor
Long Island NY 11724

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

SUBJECT: Notice of Hearing to Consider Request for Reconsideration of
Suspended Water Right Nos. 1543A-2, 1596A-2, 1597A-2, and
1615-2

The hearing on your April 16, 1991, request to the Water Management Board to reconsider suspension of Water Right Nos. 1543A-2, 1596A-2, 1597A-2, and 1615-2 has been scheduled for 9:00 am, May 1, 1991, at Chef Louie's, 601 E Havens, Mitchell SD.

As stated in the notice to you dated February 1, 1991, the hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

After all evidence is taken at the hearing, the Board may issue a decision to: 1) rescind the suspension of your permit, 2) defer action, or 3) take no action. The hearing is an adversary proceeding and any party has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Any decision rendered by the Board may be appealed to the Circuit Court or the State Supreme Court as provided by law.

cc: Diane Best, Assistant Attorney General
Leonard Danielski, W Hwy 20, Box 230, Valentine NE 69291



DEPARTMENT OF WATER & NATURAL RESOURCES

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

May 6, 1991

NOTICE

TO: Ella Freidus
PO Box 181
Cold Spring Harbor
Long Island, NY 11724

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

SUBJECT: Reinstatement of Suspended Water Right Nos. 1543A-2, 1596A-2, 1597A-2, and 1615-2

Pursuant to provisions of the Notice dated April 18, 1991, the Water Management Board reinstated Water Right Nos. 1543A-2, 1596A-2, 1597A-2, and 1615-2, effective immediately. This action, taken at the May 1, 1991 hearing allows you to irrigate during the 1991 irrigation season.

You should be aware that failure to submit future required irrigation questionnaires may result in a one year suspension without reinstatement. If you have any questions regarding this Board's action, please contact Eric Gronlund (605) 773-3352.

cc: William Srstka, attorney
Leonard Danielski, W Hwy 20, Box 230 Valentine NE 69201

CERTIFICATION

I hereby certify that on May 6, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a ~~Notice of Notice~~ of Reinstatement of Suspended Water Right Nos. 1543A-2, 1596A-2, 1597A-2 and 1615-2 addressed Ella Freidhus, P.O. Box 181, Cold Spring Harbor, Long Island, NY 11724, with copies to William Srstka, Attorney at Law, 117 East Capitol, Box 66, Pierre, SD 57501; and Leonard Danieliski, W. Hwy. 20, Box 230, Valentine, NE 69201.

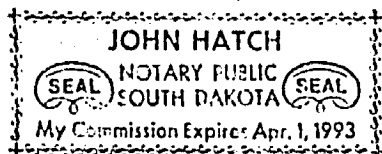
Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of May, 1991.

John Hatch
Notary Public





GREAT FACES. GREAT PLACES.

April 15, 1998

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Leonard Danielski
PO Box 230
Valentine, NE 69201

RE: Water Right Nos. 1543A-2, 1596A-2, 1597A-2 and 1615-2, Ella Freidus

Dear Mr. Danielski:

I am contacting you regarding ownership of land as described in Water Right Nos. 1543A-2, 1596A-2, 1597A-2 and 1615-2. Recently, I visited with Lyle Regennitter, from Farm Credit Services in North Platte, regarding these water rights. It is my understanding that you (or your company) now own the land.

Enclosed are partially completed transfer forms for use in filing an ownership change with each of the water rights. Please review the forms for accuracy and make any necessary corrections. You will need to complete the portion titled "to be transferred to: (name and address).....". Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$10.00).

If you have any questions concerning the water rights or completion of the forms, please give me a call at (605) 773-3352 or email me at gennym@denr.state.sd.us. Thank you in advance for your assistance.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1543A-2

Date: 4-20-98



I/We request that Water Right No. 1543A-2

formerly owned by: Ella Freidus

be transferred to: (name & address) Danielski Harvesting & Farming, P.O. Box 230,
Valentine NE 68201 Telephone No. 402-376-3039

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

257 acres - E 1/2 Section 22, T36N, R29W

I/We understand that the validity of Water Right No. 1543A-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 with the Water Rights Program, as evidence of the change of ownership.

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

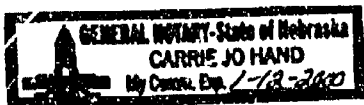
STATE OF SOUTH DAKOTA)

County of Cherry)

I/We Leonard Danielski 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.

Leonard Danielski
(Signed)

Subscribed and sworn to before me this 20th day of April, 19 98.



Carrie Jo Hand
(Notary Public)

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

415744

Pierre,

April 22, 19 98

RECEIVED OF Danielski Harvesting & Farming, P.O. Box 230, Valerien, NE 69201
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 Water Right No. 1543A-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

[Handwritten signature]



1543A-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 15, 1998

No. 1543A-2
1596A-2
1597A-2
1615-2

Danielski Harvesting & Farming
%Leonard Danielski
P.O. Box 230
Valentine, NE 69201

Dear Mr. Danielski:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 1543A-2, 1596A-2, 1597A-2 and 1615-2.

Our records now show Danielski Harvesting & Farming as the owner of Water Right Nos. 1543A-2, 1596A-2, 1597A-2 and 1615-2.

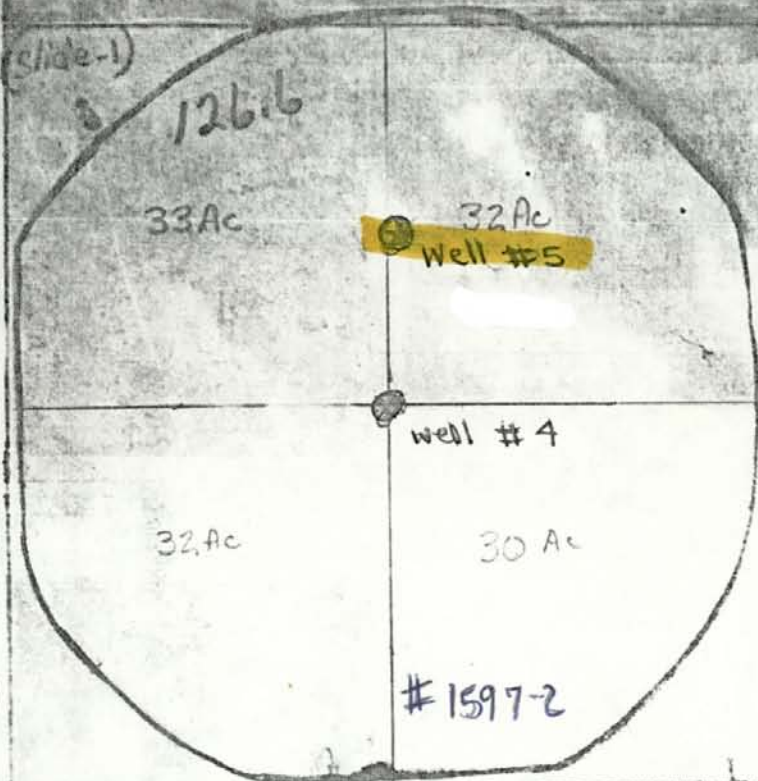
Sincerely,

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

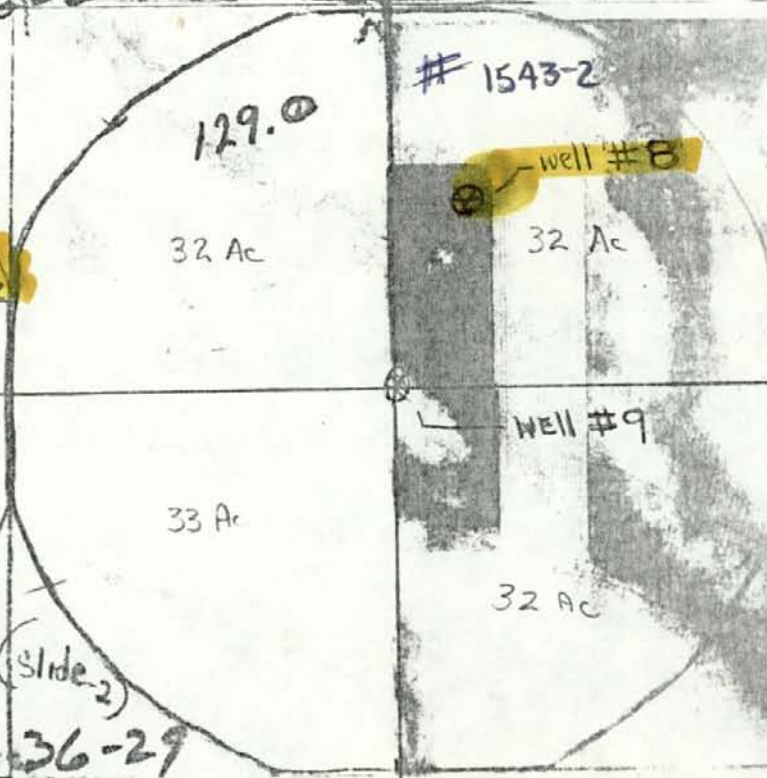
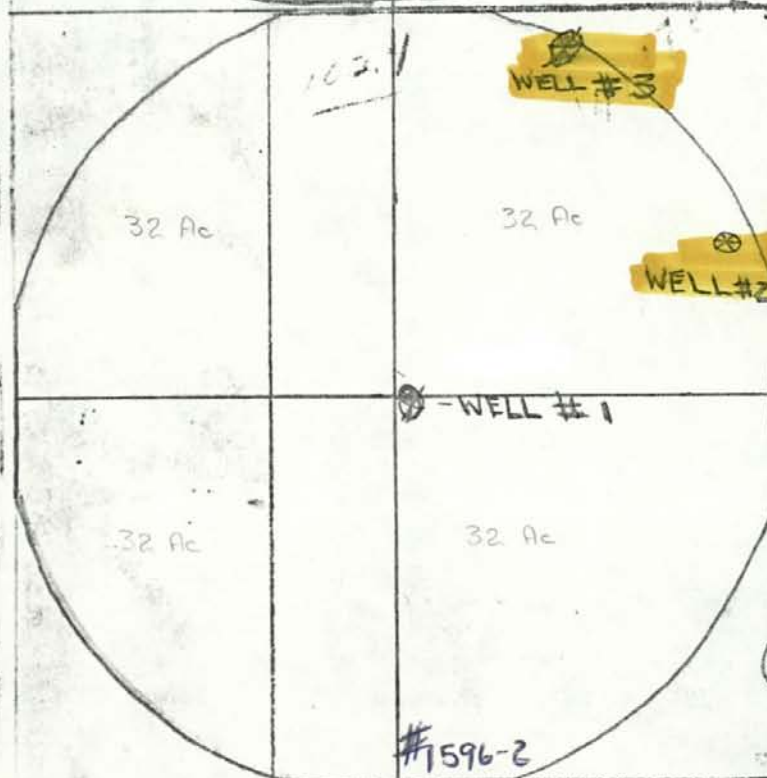
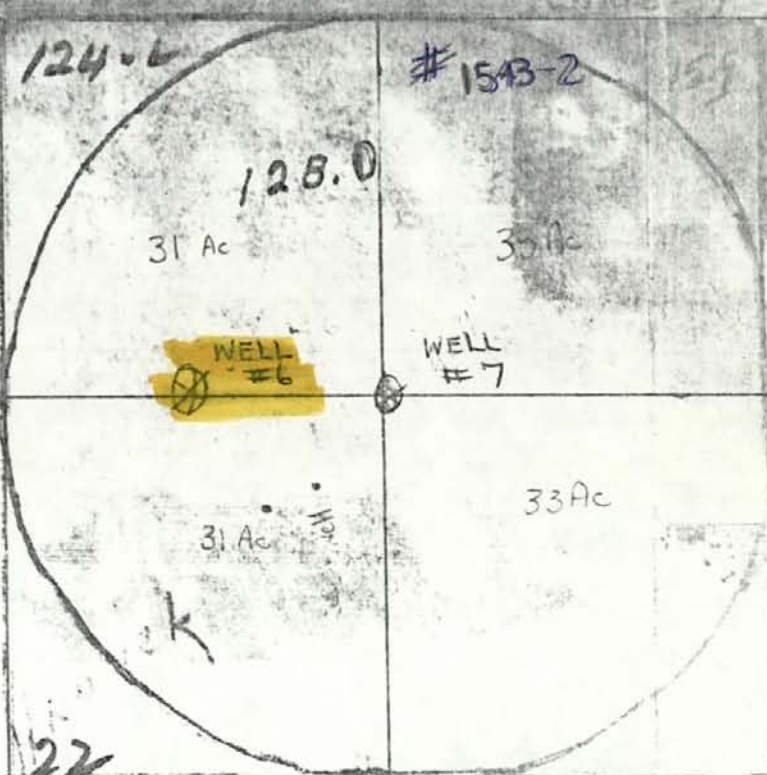
enclosure

NOT TO SCALE

(slide-1)



124-L



(slide-2)

36-29

746 App #1543A-2

W. Vanderhoff

[Signature]

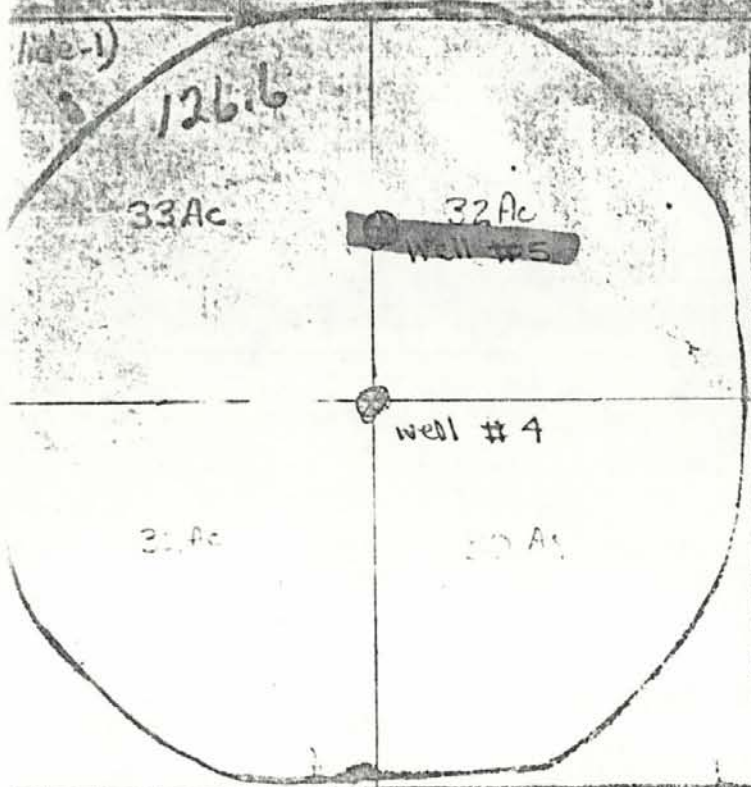
Natural Resource Engineer

124-L

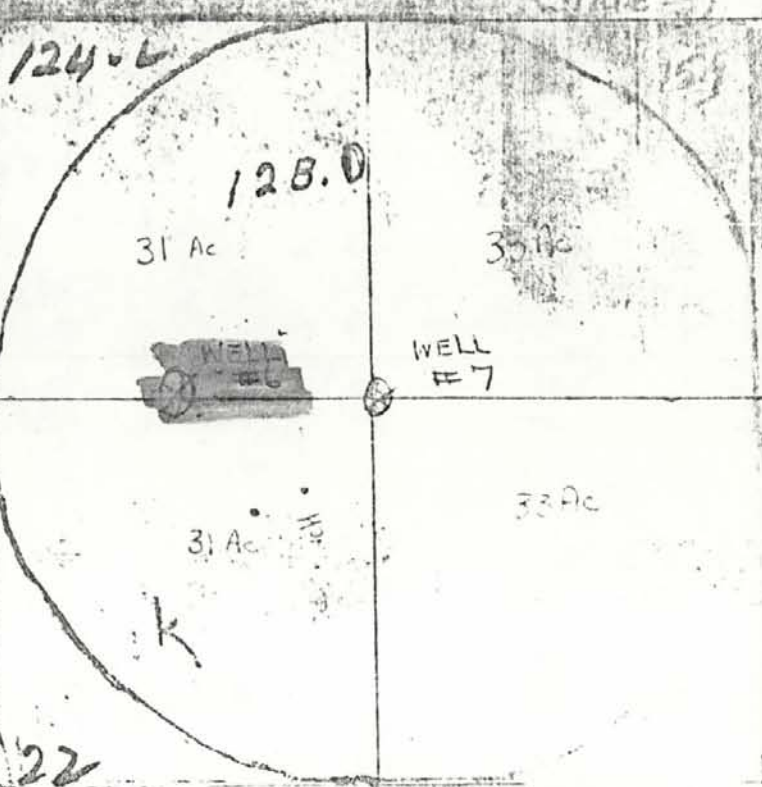
The wells highlighted in yellow are the ones not covered by permits.

NOT TO SCALE

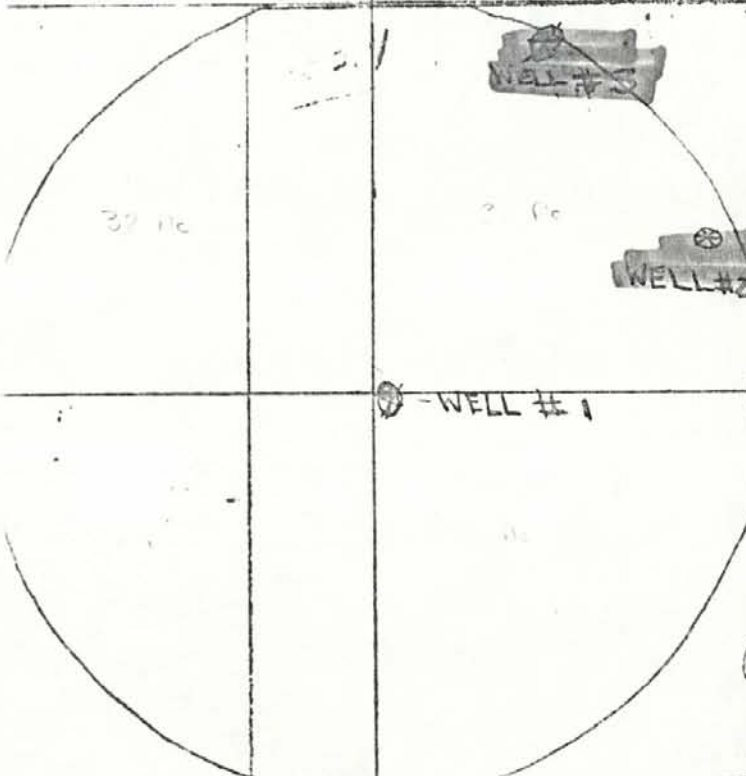
(Slide-1)



124.6

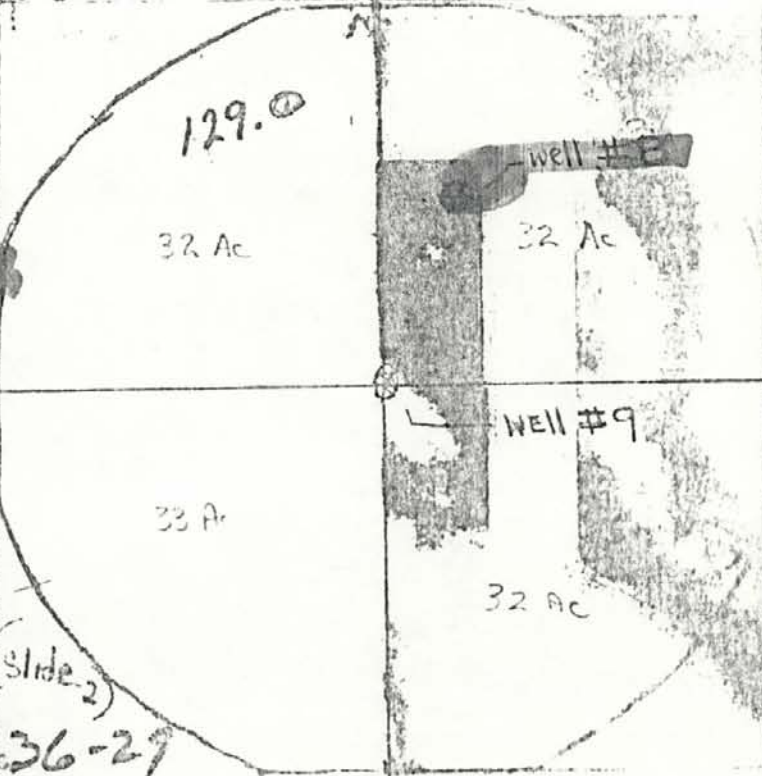


22



(Slide-2)

36-29



741 App # 1543A-2

Handwritten signature

Natural Resource Engineers

124-L

The wells highlighted in yellow are the ones not covered by permits.