

Considered: _____

WATER PERMIT NO. 2077-2

43

HAP No. Same (402-336-1499)

Name of Applicant Jerome Pribil

Post Office Address Box 824 O'Neill, NE 68763

Amount of Water Claimed 377 cfs Total Acres 264

Source of Water Supply groundwater - 1 well (#2)

Water to be used for irrigation County Bennett

About 5 miles south of Vetal, SD

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received April 4, 1989 Fee \$300⁰⁰ Remarks E 1/2 Section

32-T37N-R34W under Water Right. No. 1195-2

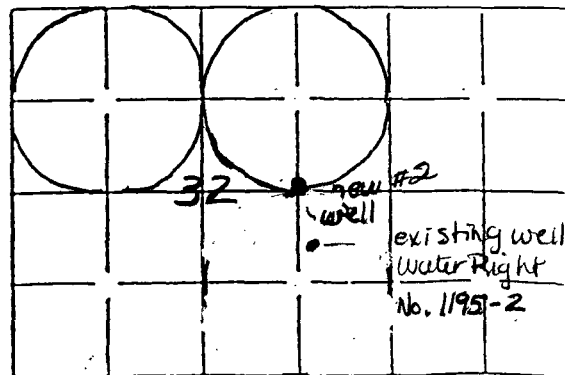
Corrected Application Received _____ Period of Annual Use Apr 1 - Oct 15

WATER QUALITY APPROVAL RECEIVED Apr 10, 1989 APPROVED (CONDITIONAL) (Circle one)

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

Diversion Point 1320' E of center Sect. 32-T37N-R34W

Land to be Irrigated N 1/4 of Sect 32-T37N-R34W
NE 1/4

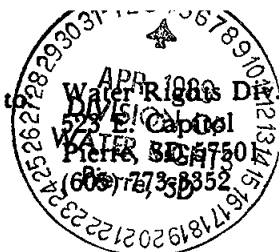


Well Log: Driller Grosch Irrigation Co. Licensed YES ☒ NO _____

Depth of Well 192' REMARKS Test hole

Type of Map soils PREPARED BY Diane L Gronlund Reviewed and the Number

assigned on April 5, 1989 By Susan A. Bexier



(See instructions)

No. 2077-2 Hydrologic Unit 10140203
Basin White River
Newspaper Bennett Co. Booster 11, Box 340 Martin 57551
(used)

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

- Type of Application: ☐ New ☐ Vested Right ☐ Amend Permit No. _____
- ☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
- ☐ Add Acreage ☐ Increase diversion rate ☐ Other _____
1. Name of Applicant Jerome Pribil Phone No. 402-336-1479
- Post Office Address Box 824 O'Neil State NE Zip Code 68163
(Street, RR or Box) (City)
2. Amount of water claimed (c.f.s) 3.774-785.82 Total acres irrigated 270-408 264
3. Source of Water supply underground groundwater (1 well)
4. Location of point of diversion SW 1/4 of NE 32-37-34
Well 2 13-20 East Center of 32
approx. 1320' E of the Ctr of Sec 32-T37N-R34W County Bennett
5. Counties where water will be used Bennett Co.
6. Annual period during which water is to be used April 1 - October 15
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.
NW of NE 32-37-34 Bennett	<u>32-40-33</u>
NE of NE 32-37-34 Bennett	<u>32-40-33</u>
SW of NE 32-37-34 Bennett	<u>32-40-33</u>
SE of NE 32-37-34 Bennett	<u>32-40-33</u>

Land Description	No. Acres Irr.
NW of NW 32-37-34 Bennett	<u>32-40-33</u>
NE of NW 32-37-34 Bennett	<u>32-40-33</u>
SW of NW 32-37-34 Bennett	<u>32-40-33</u>
SE of NW 32-37-34 Bennett	<u>32-40-33</u>

Attach sheet if more space is needed

SE 1/4 32-37-34 - 13.6

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: ☒ Gun: _____ (Specify) _____
9. Crops to be Irrigated: wheat & row crop
10. Give a description of proposed project. (Attach sheet if more space is needed)

Well 3 will be used only on the SW 1/4 (See Appl. No. 2076-2)

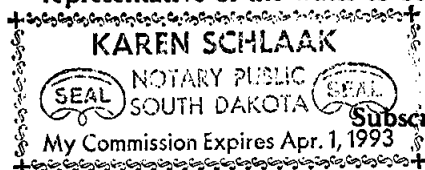
Well 2 will be used only NW 1/4 - NE 1/4

Existing Well will be used on NE 1/4, SE 1/4 (See Water Right No. 1195-2)

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Hughes)^{ss}

I, Jerome Pribil, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.



Signed

Jerome Pribil

4th day of April 19 89

Karen Schlaak
Notary Public

Supplemental Information

(type or print in ink)

Well 02



1. Well Information - Proposed construction NE 32-37-34 Bennett Co. S.D.

- a) Drill Hole Diameter 32" Depth 192'
- b) Casing Type Concrete Diameter 16" Thickness 4"
- c) Screen Type Slot Diameter 16" Thickness 4"
- d) Gravel Pack Thickness 5" Length of Gravel Pack Bottom to seal 172'
- e) Depth to Top of Water Bearing Material 150'
- f) Depth to Water (ground surface to water level) 42'
- g) Distance to nearest existing domestic well:
- On applicants property 1800' On property owned by others 5000'

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) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

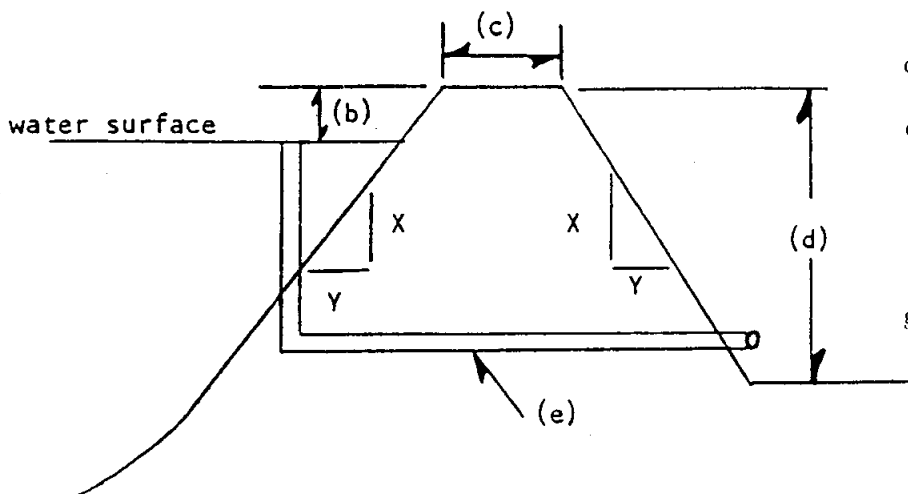
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

SOUTH DAKOTA
WATER PERMIT No. 2077-2 FOR IRRIGATION

Date of first receipt of application April 4, 1989.

Date Soil/Water Compatibility Permit received April 10, 1989.

The Water Management Board approved Water Permit Application No. 2077-2 on May 10, 1989 for Jerome Pribil, PO Box 824, O'Neill, NE 68763 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. 2077-2 appropriates 3.77 cubic feet of water per second from one well (Ogallala Aquifer) 192 feet deep to irrigate 264 acres. The well is to be located approximately 1320 feet east of the center of Section 32 and the acreage to be irrigated is located in the N1/2 Section 32; all in T37N-R34W.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year or one-seventieth (1/70) cubic feet of water per second 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 to October 15.
3. The date from which applicant may claim right is April 4, 1989.
4. One-fifth of the construction is to be completed on or before November 10, 1991.
5. All construction is to be completed on or before May 10, 1994.
6. Water is to be put to beneficial use on or before May 10, 1998.
7. 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 well authorized by Permit No. 2077-2 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
- 2) 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.
- 3) This permit is approved subject to the irrigation water use questionnaire being submitted each year.
- 4) Combinations of diversions under Permits No. 1195-2 and 2077-2 may not exceed 1.0 cfs per 70 acres.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JUN 13 1989

(date)

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4367

WR#

OWNERS NAME: Jerome Pribil OWNERS ADDRESS: Box 824

O'Neill, NE 68763

COUNTY LAND LOCATED IN: Bennett PHONE: (402)336-1499

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION approximately 1320' E of center of Sec. 32-T37N-R34W (well #2)

Depth _____

Legal Description	Acres	Legal Description	Acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32-T37N-R34W	33	NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 32-T37N-R34W	33
NE $\frac{1}{4}$ NE $\frac{1}{4}$ " "	33	NE $\frac{1}{4}$ NW $\frac{1}{4}$ " "	33
SW $\frac{1}{4}$ NE $\frac{1}{4}$ " "	33	SW $\frac{1}{4}$ NW $\frac{1}{4}$ " "	33
SE $\frac{1}{4}$ NE $\frac{1}{4}$ " "	33	SE $\frac{1}{4}$ NW $\frac{1}{4}$ " "	33

OTHER: TOTAL = 264

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

3. CROPS TO BE IRRIGATED: wheat & row crop

WATER QUALITY:

4. WATER SAMPLE NUMBER: 74-473 7. ADJUSTED (SAR): _____
5. SALINITY (EC X 10⁶): 268 8. PERCENT SODIUM 12.25
6. SODIUM (SAR): 0.33

Requirements: The area mapped as Blown-out land (Bo), consisting of active sand dunes & blowouts, shall be maintained in permanent vegetation.



[Signature]
Director, Division of Conservation

Date

4/19/89

X APPROVED X REQUIREMENTS
____ DISAPPROVED
____ WAIVER

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, April 5, 1989

RECEIVED OF Jeane Pribil, J&S Enterprises, P.O. Box 824, O'Neill, NE 68763

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

Fee for Application for Permit No. <u>2077-2</u> to Appropriate Water, to construct works and to put water to beneficial use _____	350	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	350 00

By John Hatch
Chief Engineer

GROSCH IRRIGATION CO., Inc.

O'Neill, Nebraska 68763

Test wells (at \$1.00 a foot) are due and payable in 90 days unless arrangements have been made for the completion of the irrigation well.

Date 3-8-89

Name Jerome Pribil

Address O'Neill

Location _____

Sec. _____ Twn. _____ Range _____
(locate test with "X")

_____ feet from _____ line.
_____ feet from _____ line.

TEST LOG

Footage	Description	Drilling Notes
0-2	Sandy Top	#1
2-6	Clay & Sandy Clay	
6-15	Fine-Med. Sand & Little Clay Layers	
15-44	Fine-Med. P.p. Sand & Soft Sandstone & Few Little Clay Layers	
44-65	Fine Pepper Sand	
65-86	Fine Sand & Chunky SS & Few Thin Limestone Layers	
86-120	Red Rock	

0-2	Top Soil	#2
2-12	Clay	
12-20	Sandstone & Fine Sand & Little Clay Layers	
20-46	Fine Sand & SS & Few Little Clay Layers	
46-48	Limestone & Sandstone	
48-93	Chunky SS & Fine Sand & Few Little Limestone Layers	
93-120	Red Rock	

Her

Bob

Customer's Signature

GROSCH IRRIGATION CO., Inc.

O'Neill, Nebraska 68763

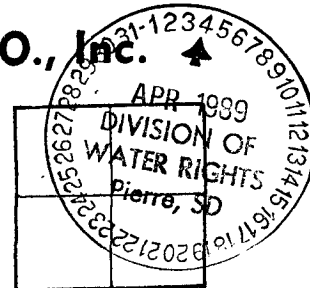
Test wells (at \$1.00 a foot) are due and payable in 90 days unless arrangements have been made for the completion of the irrigation well.

Date 3-8-89

Name Jerome Pribil

Address O'Neill

Location _____



Sec. _____ Twn. _____ Range _____
(locate test with "X")

_____ feet from _____ line.
_____ feet from _____ line.

TEST LOG

Footage	Description	Drilling Notes
0-2	Top Soil	#3
2-24	Fine Sand & SS & Clay Layers	
24-70	Fine P.p. Sand & Little SS & Few Little Clay Layers	
70-76	Med. Sharp Pepper Sand	
76-85	Clay & Fine Sand	
85-88	Coarse Pepper Sand	
88-92	Clay	
92-100	Red Rock	

0-2	Sandy Top	#4
2-12	Sand & Little Clay Layers	
12-68	Fine Sharp Sand	(25)
68-69	Limestone & Sandstone	
69-80	Med. Sharp P.p. Sand	(11)
80-86	Fine Sand & Little Clay Layers	
86-112	Sharp Pepper Sand	(26)
112-120	Mag. & Limestone & Sandstone	
120-138	Silt Sand & SS & Clay & Some Fine Sand	
138-156	Med. - Fine Sharp Pepper Sand	(18)
156-177	Coarse Sand & Fine Gravel	(21)
177-183	Coarse Sand	(6)
183-200	Red Rock	

Est. 6 PM 800-1000 EWL-43

Driller

Bob

Customer's Signature

10-85

A 2x2 grid map with a dashed crosshair in each quadrant. The top is labeled "North", the bottom "1 mile", the left "W", and the right "E". An "X" is marked in the bottom-right quadrant, at the intersection of the horizontal and vertical dashed lines.

Date _____



This map is one of a set compiled in 1969 as part of a soil survey by the United States Department of Agriculture, Soil Conservation Service, the United States Department of the Interior, Bureau of Indian Affairs, and the South Dakota Agricultural Experiment Station. Land division corners are approximately positioned on this map.

BENNETT COUNTY, SOUTH DAKOTA NO. 59

(Joins sheet 58)

T. 37 N.

1 295 000 FEET

1 305 000 FEET

1 720 000 FEET

1 740 000 FEET

1 740 000 FEET

1 740 000 FEET

1 740 000 FEET

1 740 000 FEET

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1 740 000 FEET

1 740 000 FEET



(Joins sheet 60)

1 Mile

5 000 Feet

1 000

2 000

3 000

4 000

5 000

Scale 1:20 000

1 720 000 FEET

1 740 000 FEET

1 740 000 FEET

1 740 000 FEET

1 740 000 FEET

1 740 000 FEET

1 740 000 FEET



N

1 Mile

5 000 Feet

1 000

2 000

3 000

4 000

5 000

Scale 1:20 000

1 720 000 FEET

1 740 000 FEET

1 740 000 FEET

1 740 000 FEET

1 740 000 FEET

1 740 000 FEET

1 740 000 FEET

Plane coordinate projection, 1927 North American datum.
5,000-foot grid ticks based on South Dakota coordinate system,
south zone. Mosaic compiled from 1961 aerial photographs.

Deane L. Shorlund, DC
Soil Conservation Service, Martin, SD

Appl. No. 2077-2

(Joins sheet 69) (70)

GROSCH IRRIGATION CO., INC.

WELL DRILLING AND COMPLETE INSTALLATIONS

☐ O'Neill, Nebraska 68763	Telephone 402/336-1805
☐ Silver Creek, Nebraska 68663	Telephone 308/773-2261
☐ Albion, Nebraska 68620	Telephone 402/395-6437
☐ North Bend, Nebraska 68649	Telephone 402/852-3264
☐ Ogallala, Nebraska 59153	Telephone 308/284-6957
☐ Mason City, Illinois 62664	Telephone 217/482-5479
☐ Dublin, Georgia 31021	Telephone 912/275-0013

Grosch Irrigation Co., Inc.
R.R. 1 Box 77J
O'Neill, NE 68763



February 23, 1998

Tim Schaal
South Dakota Department of
Water & Natural Resources
523 East Capitol
Pierre, S.D. 57501-3181

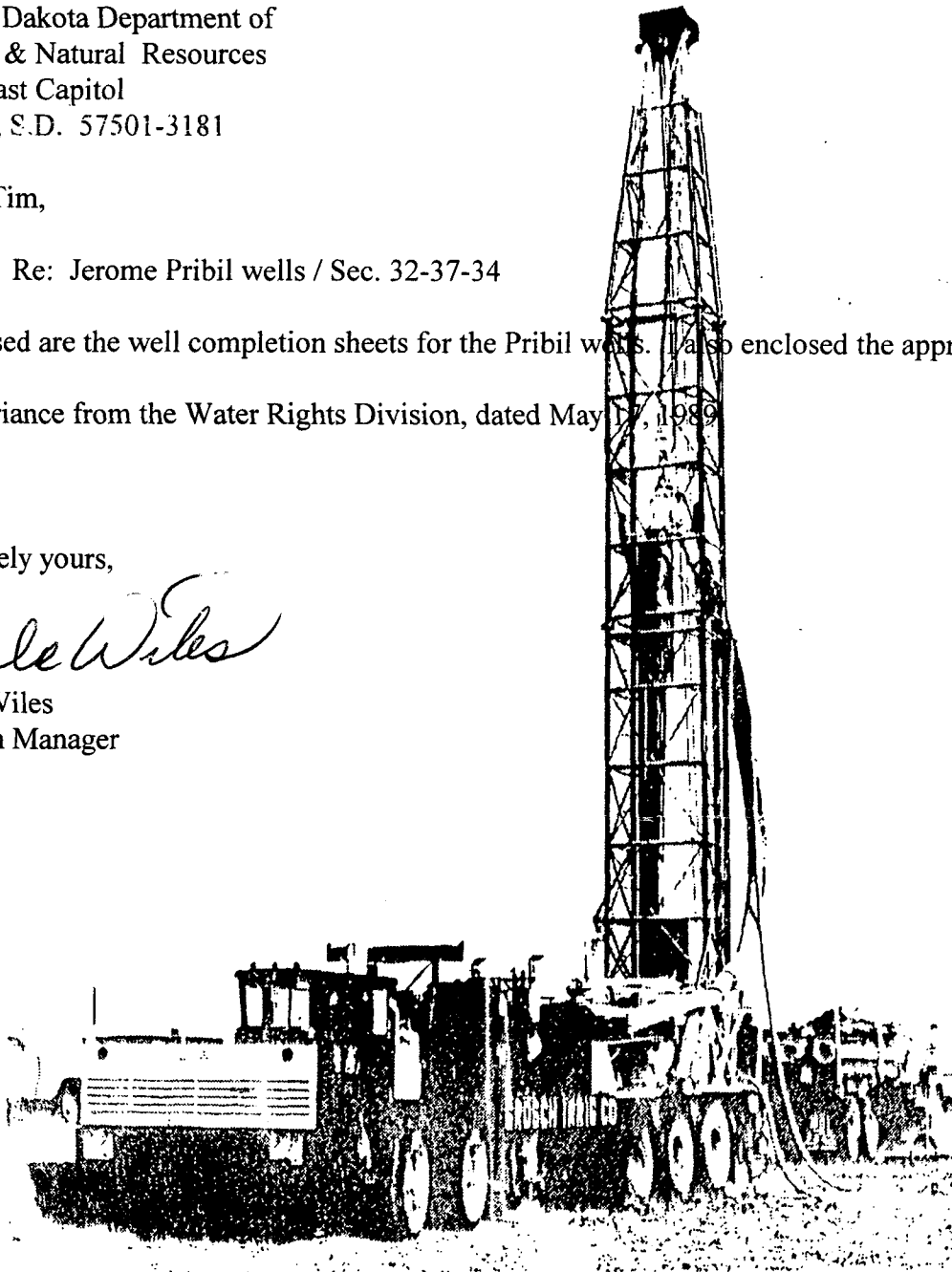
Dear Tim,

Re: Jerome Pribil wells / Sec. 32-37-34

Enclosed are the well completion sheets for the Pribil wells. I also enclosed the approval for variance from the Water Rights Division, dated May 17, 1989.

Sincerely yours,

Dale Wiles
Branch Manager



Report on Application Nos. 2076-2 and 2077-2

Jerome Pribil
April 21, 1989

Application No. 2076-2 proposes to appropriate 1.88 cfs from one well approximately 200 feet deep to irrigate 132 acres. The well is to be located in the SE1/4 SW1/4 and the acreage to be irrigated is in the SW1/4; all in Section 32, T37N, R34W. Application No. 2077-2 proposes to appropriate 3.77 cfs from one well approximately 192 feet deep to irrigate 264 acres. The well is to be located approximately 1320 feet east of the center of Section 32 and the acreage to be irrigated is located in the NW1/4 and NE1/4 of Section 32; all in T37N, R34W, in Bennett County.

Aquifer - Ogallala (OGLL)

The Ogallala Aquifer consists of fine to medium mostly quartz sand and sandstone which lies unconformably upon the Arikaree Formation (locally called redrock). The Ogallala is primarily loose sands with some sandstones and carbonate layers. However, the base of the Ogallala sometimes consists of gravels which can be over 20 feet in thickness. The thickness of the Ogallala is quite variable and ranges from 50 to 200 feet in this immediate area. The Ogallala is under water table conditions and is hydraulically connected to the Arikaree Formation. In Bennett County, the Ogallala underlies approximately 280,960 acres and contains approximately 2.8 million acre-feet of recoverable water (Allen, 1984).

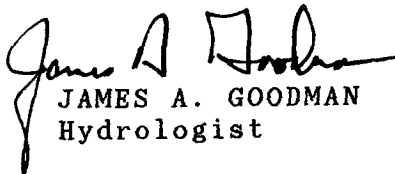
The Division of Water Rights monitors three observation wells (BT-83G, BT-77G and BT-83F) which are located within one mile of these applications. Water levels for the observation wells in Bennett County reflect changes due to precipitation or lack of, but the observation wells in this immediate area do not fluctuate much at all (Water Rights, 1989). If anything, there is a slight rise in water levels indicating recharge the last few years.

Review of Existing Water Permits

There are four existing permits within one mile of these applications. These are Permit Nos. 1178-2, 1195-2, 1196-2 and 1125-2. There are four existing wells authorized by these permits. The wells proposed under these applications will be within 1/4 mile of the diversion point for Permit No. 1195-2 which is also owned by the applicant. The spacing of the high capacity wells is such that interference should not be a problem. The data from the observation wells indicate present pumping is not affecting area water levels significantly. The addition of 2 wells should not adversely impact existing water users.

Conclusions

1. Water is available from the Ogallala Formation.
2. The aquifer is under water table conditions and interference is not expected to be a problem.
3. Water levels in nearby observation wells indicate recharge to the aquifer is sufficient to maintain existing withdrawals.
4. The wells must be completed in accordance with SD Well Construction Standards.
5. The combined diversion of Permit Nos. 1195-2 and 2077-2 cannot exceed 1 cfs per 70 acres as each well could be used to irrigate the NE1/4 of Section 32, T37N, R34W.


JAMES A. GOODMAN
Hydrologist

Bibliography

- Allen, J.C., 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, for US Army Corps of Engineers, SD DWR, SDGS, Vermillion, SD 57069
- Water Rights, 1989, Observation Wells in Bennett County, SD DWR, Division of Water Rights, Joe Foss Bldg, Pierre, SD 57501

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2077-2, Jerome Pribil

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. 2077-2, Jerome Pribil, Box 824, O'Neill, Nebraska.

The Chief Engineer is recommending APPROVAL of Application No. 2077-2 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:

1. The well authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
2. The well 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.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. Combinations of diversions under Permits No. 2076-2 and 2077-2 may not exceed 1.0 cfs per 70 acres.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
April 6, 1989

**Department of
Water & Natural Resources**

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

April 6, 1989

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

Jerome Pribil
P.O. Box 824
O'Neill, NE 68763

Dear Mr. Pribil:

Water Permit Application Nos. 2076-2 and 2077-2 for irrigation use have 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 Bennett County Booster printed at Martin SD. For your information, a copy of the notice is enclosed. Copies of the reports and the Chief Engineer's recommendations will be sent to you at a later date. Also, the Fiscal Office will be sending you a partial refund of \$50.00 in 2 to 3 weeks. 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 Intent to Appropriate Water 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. We must receive Proof of Publication before the applications can be considered by the Water Management Board.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



SOUTH Dakota Department of
Water & Natural Resources

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

April 6, 1989

Bennett Co. Booster II
P.O. Box 340
Martin SD 57551

Dear Sir:

Enclosed is a Notice of Hearing on Application Nos. 2076-2 and 2077-2 to be published twice. Please publish the first notice on or before April 12, 1989 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 Jerome Pribil, P.O. Box 824, O'Neill, Nebraska 68763.

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. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall
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



Instruction to Newspaper - Publish first Notice on or before April 12, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARINGS on Application Nos. 2076-2 and 2077-2 to Appropriate Water

Notice is given that Jerome Pribil, Box 824, O'Neill, Nebraska 68763 has filed two applications for water permits to appropriate water. Application No. 2076-2 is to appropriate 1.88 cubic feet of water per second (cfs) from one well (Ogallala Aquifer) 200 feet deep to irrigate 132 acres. The well is to be located in the SE1/4 SW1/4 and the acreage to be irrigated is located in the SW1/4; all in Section 32-T37N-R34W. Application No. 2077-2 is to appropriate 3.77 cfs from one well (Ogallala Aquifer) 192 feet deep to irrigate 264 acres. The well is to be located approximately 1320 feet east of the center of Section 32 and the acreage to be irrigated is located in the NW1/4, NE1/4 Section 32; all in T37N-R34W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application Nos. 2076-2 and 2077-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. These applications will be considered by the Water Management Board at 523 E. Capitol, Joe Foss Building, Room 216, Pierre, SD on May 10, 1989 at 10:00 am. 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 these applications based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by April 28, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in an application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on these applications or to assure access to the hearing by the handicapped.

These hearings are adversary proceedings. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by April 28, 1989.

These applications are made pursuant to 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; 46-2A-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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Bennett) ss.

I, Mary E. Long hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Bennett County Booster II

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

City _____ of Martin

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

April 12, 1989

April 19, 1989

Mary E. Long
(Signature)

Publisher
(Title)

4/21/89
(Date Signed)

Cost of Printing: \$41.93

NOTICE OF HEARINGS

on Applications Nos. 2076-2 and 2077-2
to Appropriate Water

Notice is given that Jerome Pribil, Box 824, O'Neill, Nebraska 68763 has filed two applications for water permits to appropriate water. Application No. 2076-2 is to appropriate 188 cubic feet of water per second (cfs) from one well (Ogallala Aquifer) 200 feet deep to irrigate 132 acres. The well is to be located in the SE 1/4 SW 1/4 and the acreage to be irrigated is located in the SW 1/4, all in Section 32-T37N-R34W. Application No. 2077-2 is to appropriate 377 cfs from one well (Ogallala Aquifer) 192 feet deep to irrigate 264 acres. The well is to be located approximately 1,320 feet east of the center of Section 32 and the acreage to be irrigated is located in the NW 1/4 NE 1/4 Section 32, all in T37N-R34W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application Nos. 2076-2 and 2077-2 because: 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. These applications will be considered by the Water Management Board at 523 E. Capitol, Joe Foss Building, Room 216, Pierre, SD on May 10, 1989 at 10:00 a.m. 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 these applications based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by April 28, 1989. The Chief Engineer's address is: Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352). The petition may be informal but must include a statement describing the petitioner's interest in an application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel. If legal counsel is obtained the applicant need not file a petition. Contact the Water Rights Division to request information on these applications or to assure access to the hearing by the handicapped.

These hearings are adversary proceedings. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by April 28, 1989.

These applications are made pursuant to SDCL 46-1-1 through 46-1-9, 46-1-12 through 46-1-15, 46-2-3-1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-2A-1 through 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-5-1 through 46-5-11, 46-5-13 through 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, and Board Rules ARSD 74:02:01:01 through 74:02:01:15.



SOUTH Dakota Department of
Water & Natural Resources

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

May 4, 1989

Jerome Pribil
PO Box 824
O'Neill NE 68763

Dear Mr. Pribil:

Enclosed is the Report and the Recommendations of the Chief Engineer for Water Permit Application Nos. 2076-2 and 2077-2 which will be considered at the May 10, 1989 Water Management Board Meeting.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
605 773-3352

enclosures





Department of Water & Natural Resources

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



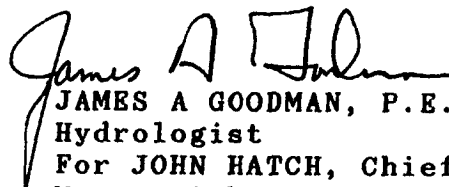
May 17, 1989

Dale Wiles
Grosch Irrigation Company, Inc.
RR 1, Box 77J
O'Neill NE 68763

Dear Mr. Wiles:

Enclosed is approval of your request for a variance from the
South Dakota Well Construction Standards.

Very truly yours,


JAMES A GOODMAN, P.E.
Hydrologist
For JOHN HATCH, Chief Engineer

Water Rights Division
605 773-3352

enclosure



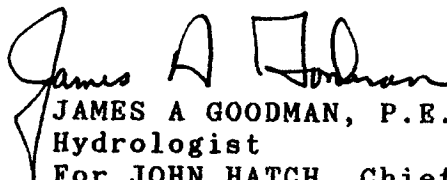
REQUEST FOR A VARIANCE FROM CHAPTER 74:02:04

SOUTH DAKOTA WELL CONSTRUCTION STANDARDS

Pursuant to Section 74:02:04:75 of the South Dakota Well Construction Standards, the following is the decision of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning the request for a well construction variance by Grosch Irrigation Company, (Dale Wiles), Well Driller's License No. 189.

The Chief Engineer grants approval of the request for a variance as follows:

1. This is a request for a variance from SD Well Construction Standard 74:02:04:28 which requires that all wells shall have a minimum of 20 lineal feet of casing grouted with neat cement grout.
2. This variance is for two wells to be constructed for Jerome Pribil. The approximate legal locations for the wells are the SE 1/4 Sec 32, T37N-R34W; and the NE 1/4 Sec 32, T37N-R34W.
3. The wells are to be completed into the Ogallala Formation, which is a surficial, water-table aquifer.
4. The wells will be sealed from approximately 6 feet below the ground surface to the ground surface with a gravel-bentonite slurry (one part bentonite, two parts gravel). The purpose for this construction is to allow placement of an impervious seal that could shift if necessary so as not to cause a void or separation in the gravel pack.
5. This variance request was approved verbally by James A. Goodman, on May 12, 1989.


JAMES A GOODMAN, P.E.
Hydrologist

For JOHN HATCH, Chief Engineer
Water Rights Division
May 17, 1989

Variance No. 56





Department of Water & Natural Resources

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

2076-2
2077-2

JUN 13 1989

Jerome Pribil
PO Box 824
O'Neill, NE 68763-0824

Dear Mr. Pribil:

Enclosed are Water Permit Nos. 2076-2 and 2077-2 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



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

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

February 9, 1990

JEROME PRIBIL
BOX 824
ONEILL, NE 68763

NOTICE

RE: Violation of Water Permit No(s). 2076-2, 2077-2

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 2076-2, 2077-2. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1988 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). 2076-2, 2077-2 qualification:

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

The hearing will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 2076-2, 2077-2 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the March 7th 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,



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



Department of Water & Natural Resources

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

March 14, 1990

1195-2
1196-2
2076-2
2077-2

Jerome Pribil
Box 824
ONeill, NE 68763

Dear Mr. Pribil:

I am writing to acknowledge receipt of your 1989 irrigation questionnaires for Water Permit Nos. 2076-2 and 2077-2. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaires. Your questionnaires were received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

A handwritten signature in black ink that reads "Ron Duvall". The signature is written in a cursive, flowing style.

RON DUVALL
Natural Resources Engineer
Water Rights Division

NOTE: Thank you for returning the Irrigation Questionnaires for Water Permit Nos. 1195-2 and 1196-2 (originally sent to Agrivest Inc.)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JEROME/SUSAN PRIBIL
BOX 824
O'NEILL NE 68763

NOTICE

RE: Violation of Water Permit No(s) 1195-2, 1196-2, 2076-2 & 2077-2

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 1195-2, 1196-2, 2076-2 & 2077-2. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1195-2, 1196-2, 2076-2 & 2077-2 qualification:

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

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1195-2, 1196-2, 2076-2 & 2077-2 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.

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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

SENDER:

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

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

JEROME/SUSAN PRIBIL
BOX 824
O'NEILL, NE 68763

5. Signature (Addressee)

6. Signature (Agent)

4a. Article Number

P 906 557 773

4b. Service Type

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

7. Date of Delivery

FEB - 3 1982

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

PS Form 3811, November 1990 ★ U.S. GPO: 1991-287-066

DOMESTIC RETURN RECEIPT

SENDER:

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

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Jerome & Susan Pribal
RR 1, Box 102E
Gordon, NE 69343

5. Signature (Addressee)

6. Signature (Agent)

4a. Article Number

P 757 566 242

4b. Service Type

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

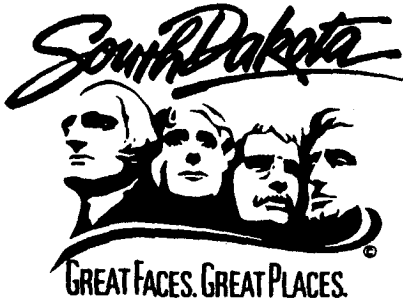
7. Date of Delivery

MAY 11 1982

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

PS Form 3811, November 1990 ★ U.S. GPO: 1991-287-066

DOMESTIC RETURN RECEIPT



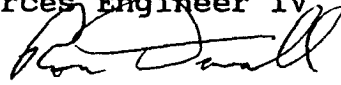
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 1992

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: JEROME/SUSAN PRIBIL
BOX 824
O'NEILL, NE 68763

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

SUBJECT: One Year Suspension of Water Permit No(s).
1195-2, 1196-2, 2076-2 & 2077-2

Pursuant to the provisions of the notice dated January 27, 1992, and following the hearing of March 4, 1992, the Water Management Board has ordered:

That Water Permit No(s). 1195-2, 1196-2, 2076-2 & 2077-2 be **SUSPENDED** until December 31, 1992. Suspension of the permit(s) does not excuse the permit owner from the requirement to submit the 1991 irrigation questionnaire.

Suspension of a permit means water may not be pumped during the 1992 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension(s), you will need to submit a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 6-7, 1992 in Pierre. The letter should include your reasons for not completing the irrigation questionnaire(s) prior to the March Board meeting.



~~2077-2~~
2077-2

Jerome & Susan Pribil
R.R. 1 Box 102 E
Gordon, NE 69343
(308) 282-1330

May 3, 1992

Department of Environment
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Dear Mr. Duvall,

I did not get the questionnaire because of an address change. If I didn't get the questionnaire, I couldn't fill it out. Suspension of the permits would cause great economic loss due to the fact that water could not be pumped during the 1992 season.

I didn't think about calling the Water Rights Division about an address change. I did receive a letter dated March 9th advising me of a one year suspension of the water permits, but I never did get the questionnaire.

Enclosed are a copy of the questionnaires for 1991. I would like to have these permits reinstated and please advise as soon as possible.

Yours truly,

Jerome Pribil
Jerome Pribil

Permit # 1195-2, 1196-2, 2076-2, 2077-2



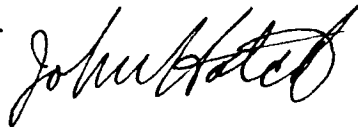
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 8, 1992

NOTICE

TO: Jerome & Susan Pribal, RR #1 Box 102E, Gordon, NE 69343

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

SUBJECT: Reinstatement of Water Permit Nos. 1195-2, 1196-2,
2076-2 and 2077-2

Pursuant to your letter dated May 3, 1992 and following a hearing by the Water Management Board May 6, 1992, the Board passed the following motion:

Water Permit Nos. 1195-2, 1196-2, 2076-2 and 2077-2 are
reinstated effective immediately.

The Water Management Board expressed concern that by your absence from the hearing, and that the irrigation questionnaires were delinquent, that you do not view the irrigation questionnaires or notices as necessary or important. You need to understand the severity of the consequences for not returning yearly irrigation questionnaires. The Board stated that future irrigation questionnaire violations could result in suspension or possible cancellation of the permits with no opportunity for reinstatement.

You stated in your letter that due to improper address you did not receive the irrigation questionnaires mailed in October and received only the March 9, 1991 Notice stating you were suspended. We do realize that the "O'Neill address" we mailed the questionnaires and followup notices to was incorrect. However, Susan Pribal did sign for our January 27th "Certified Mail" card on February 3, 1992. The January 27th notice informed you that the irrigation questionnaires were not received and that if they were not returned by March 4, 1992, the permits would be suspended.

Violations of any qualifications on your irrigation permits and subsequent Board action become part of the permanent record. This notice will be placed in your water permit files and failure to submit future irrigation questionnaires will result in past violations being reviewed by the Water Management Board.

cc: Diane Best, Assistant Attorney General



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 7, 1993

Ken Stephens
HC 13 Box 22
Valentine, NE 69201

Dear Mr. Stephens:

Enclosed, as you requested, are copies of Water Right Nos. 1195-2 and 1196-2 and Water Permit Nos. 2076-2 and 2077-2. These are currently listed in the names of Jerome and Susan Pribal.

If you have any questions concerning the water rights or permits, please contact me.

Sincerely,

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

enclosures



2077-2

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

January 9, 1998

NOTICE

TO: JEROME PRIBIL, RR 1 BOX 102E, GORDON, NE 69343

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1195-2, 1196-2, 2076-2, 2077-2, 2077A-2 & 2321-2. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1195-2, 1196-2, 2076-2, 2077-2, 2077A-2 & 2321-2 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1195-2, 1196-2, 2076-2, 2077-2, 2077A-2 & 2321-2 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.

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 27, 1998

Jerome & Susan Pribal
RR 1 Box 102E
Gordon, NE 69343

RE: Water Right/Permit Nos. 1195-2, 1196-2, 2076-2, 2077-2, 2077A-2 & 2321-2

Dear Mr. & Mrs. Pribal:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Right/Permit Nos. 1195-2, 1196-2, 2076-2, 2077-2, 2077A-2 & 2321-2.

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

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 1998

2076-2
2077-2
2321-2

Jerome or Susan Pribil
RR 1, Box 102E
Gordon, NE 69343

Dear Mr. And Ms. Pribil:

The investigation of your water use systems was conducted on November 19, 1997, by Timothy G. Schaal, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit Nos. 2076-2, 2077-2 and 2321-2. Your final water right documents, the Water Licenses, can now be issued.

Statutes require that we charge a \$50.00 fee per license (\$150.00 total) for the investigation and issuance of the Water Licenses. Upon receipt of the \$50.00 fee per license (\$150.00 total) from you, we will begin processing your Water Licenses.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

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

NOTE: On check or money order, please specify your permit numbers. This will insure proper handling of the fee.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

49 415702

Pierre, Marhh 23, 19 908

RECEIVED OF Jerome or Susan Pribil, RR 1, Box 102-E, Gordon, NE 69343

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. 2077-2

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By _____
Chief Engineer

John Hater 

Permit No. 2077-2
White River - Water District

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

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

I have this day, **November 19, 1997**, made a thorough examination of the water use system constructed by **Jerome Pribil** of **RR1, Box 102E, Gordon, NE 69343** holder of Permit No. **2077-2**, bearing the priority of **April 4, 1989** authorizing the diversion of **3.77** cu. ft. per second of the waters of **groundwater** for **irrigation** purposes, in **Bennett** County.

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

A. Works used to divert the water:

60 Hp, US Electric motor, Model No. 364TP with an 8 inch Western Land Roller turbine pump, Model No. E72144, 800 gpm capacity

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

Approximately 1320 feet of 8 inch buried aluminum pipe & approximately 3300 feet 6 inch PVC

C. Works used to apply water to beneficial use:

NE ¼---10 tower, Zimmatic center pivot, Model 310, Serial No. 1926

NW ¼--- 9 tower, Zimmatic center pivot, Model 310

The system is in the following condition **Good**. The point of diversion is located **1320 feet east of the center of Sec. 32-T37N-R34W**. The works are capable of diverting and conveying to the place of use **1.78 (800 gpm)** 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:

Sec. 32-T37N-R34W

SW ¼ NE ¼ --33 Acres

SW ¼ NW ¼---22 Acres

NOTE: The well authorized under Water Permit No. 1195-2 is used to irrigate the SE ¼ of Sec. 32-T37N-R34W.

NW ¼ NE ¼ --33

NW ¼ NW ¼---32

NE ¼ NE ¼ --33

NE ¼ NW ¼---27

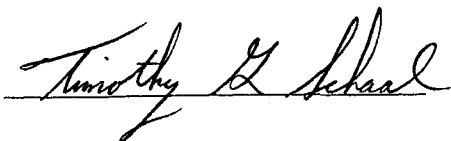
SE ¼ NE ¼ --33

SE ¼ NW ¼ ---22

comprising a total of **235** acres of land and the license should be issued for **1.78 (800 gpm)** cfs.

Applicable permit qualifications have been complied with: Yes **X**

Exceptions to compliance are: **none** Date Report Completed: **February 11, 1998**



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

REPORT ON INSPECTION OF PERMIT NO. 2077-2

Other permit(s) associated with the project: 1195-2, & 2077A-2 (Not Developed Yet)

DATE OF INSPECTION: November 19, 1997

NAME & ADDRESS OF INSPECTION CONTACT/ Jerome Pribil

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: Jerome Pribil, RR1, Box 102E, Gordon, NE 69343

DIVERSION POINT LEGAL LOCATION: 1320 feet east of the center of Sec.32-T37N-R34W.

WELL INFORMATION:

- 1) Well Drilling Firm: Grosch Irrigation Co.
- 2) No. of Wells 1
- 3) Depth(s) 197 feet
- 4) Well log is available yes
- 5) Comment: Variance for 6 feet of gravel-bentonite grout

Casing:

- 1) Diameter 16 inches
- 2) Length 77 feet
- 3) Type steel

Screen:

- 1) Type steel (manufactured)
- 2) Length 120 feet
- 3) Static water level 53 feet

Pump:

- 1) Make Western Land Roller
- 2) Model E72144
- 3) Size 8 inch
- 4) Capacity 800 GPM

Motor:

- 1) Make US Electric
- 2) Model No. 364TP
- 3) Horsepower rating 60 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type Buried aluminum 2) Size 8 inches 3) Length 1320 feet
2) Type PVC 2) Size 6 inches 3) Length 3300 feet

SYSTEM TYPE:

- | | |
|--|-----------------|
| Center pivot: <u>NE ¼</u> | <u>NW 1/4</u> |
| 1) Make <u>Zimmatic</u> | <u>Zimmatic</u> |
| 2) Overall length <u>1320</u> feet | |
| 3) Number of towers <u>10</u> | <u>9 towers</u> |
| 4) Distance between towers <u>XXX</u> feet | |
| 5) End gun <u>Yes—Rainbird</u> | <u>No</u> |
| 6) High or low pressure <u>Low</u> | <u>Low</u> |
| 7) Capacity <u>800</u> GPM | <u>800 gpm</u> |

CHEMIGATION EQUIPMENT:

- 1) Does chemigate NO—but has check valve

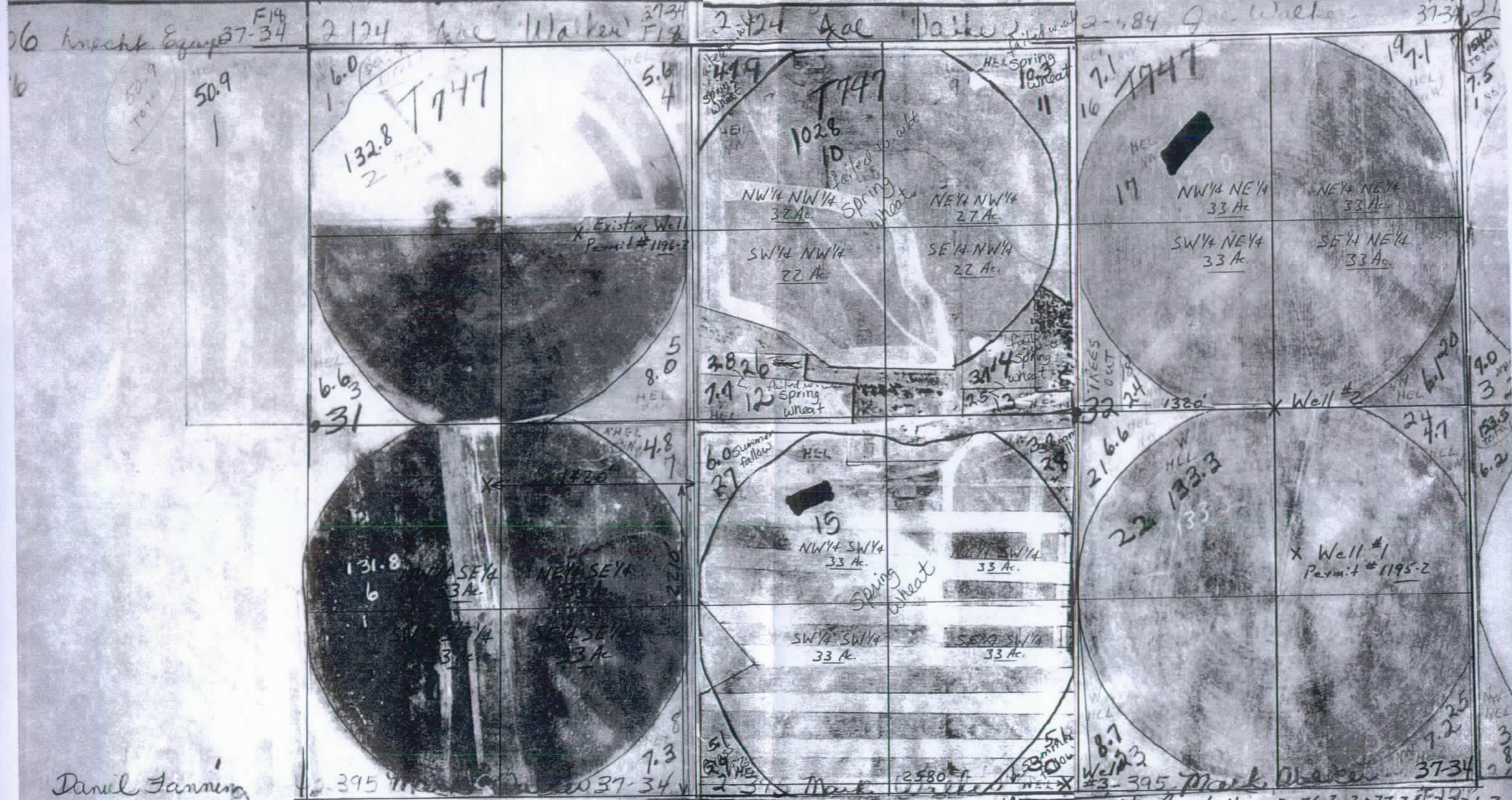
PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A
2) Special qualifications to permit being abided by yes
3) All structures, wells and lands on map yes
4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

NOT TO SCALE

NOT TO SCALE

SCALE



Daniel Fanning

Water Permit Nos - 2076-2, 2077-2, 2321-2

Timothy H. Schaaf
E. L. L. 11. 1998

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2077-2

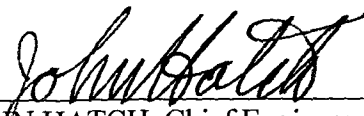
(1) Jerome Pribil, RR 1 Box 102E, Gordon, NE 69343 made Application No. 2077-2, April 4, 1989 for a water permit to divert 3.77 cubic feet of water per second from ground water (one well - Ogallala Aquifer), Bennett County, South Dakota for irrigation purposes. Permit No. 2077-2, with a priority date of April 4, 1989 was approved May 10, 1989 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 10, 1994 and for the application to beneficial use of said water on or before May 10, 1998.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is 1,320'E of the center of Section 32, T37N, R34W.

(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:

Section 32, T37N, R34W					
SE¼ NE¼	33 acres	SW¼ NW¼	22 acres		
NW¼ NE¼	33 acres	NW¼ NW¼	32 acres		
NE¼ NE¼	33 acres	NE¼ NW¼	27 acres		
SE¼ NE¼	33 acres	SE¼ NW¼	22 acres		
Total irrigated = 235 acres					

(4) Pursuant to South Dakota Water Law 46-5-30.1 Jerome Pribil, RR 1 Box 102E, Gordon, NE 69343 the holder and/or owner of Water Permit No. 2077-2 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water (one well - Ogallala Aquifer) with a priority date of April 4, 1989 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. 2077-2 and subject to South Dakota State Law.


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

APR 23 1998

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 23 1998

Jerome & Susan Pribil
RR 1 Box 102E
Gordon, NE 69343

RE: Water License Nos. 1195-2, 1196-2, 2076-2, 2077-2 and 2321-2

Dear Mr. & Mrs. Pribil:

Enclosed are Reissued Water License Nos. 1195-2, 1196-2 and Water License Nos. 2076-2, 2077-2 and 2321-2. These are the final water right documents completing your process of obtaining water rights. Also enclosed are Receipt Nos. 415701, 415702 and 415703 in the amount of \$50.00 each which you paid for the investigation and issuance of the water licenses.

For your information, SDCL 46-5-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 1195-2, 1196-2, 2076-2, 2077-2 and 2321-2, 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 flowing well that is being used or is not considered abandoned, must be valved and controlled, 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 Licenses, SD State Water Laws provide that you have a continuing right to the use of the water. If you have any question, please contact us.

Very truly yours,

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

encl

gm



2077-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 1999

NOTICE

TO: JEROME PRIBIL, RR 1 BOX 102E, GORDON, NE 69343

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1195-2, 1196-2, 2076-2, 2077-2, 2077A-2 & 2321-2. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1195-2, 1196-2, 2076-2, 2077-2, 2077A-2 & 2321-2 qualification:

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

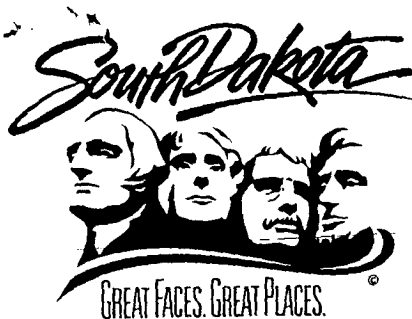
The hearing will be held at 9:45 am, March 3, 1999 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1195-2, 1196-2, 2076-2, 2077-2, 2077A-2 & 2321-2 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.

If the questionnaire(s) is(are) received in this office on/or before March 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 17, 1999

Jerome & Susan Pribil
RR 1 Box 102E
Gordon, NE 69343

RE: Water Right/Permit Nos. 1195-2, 1196-2, 2076-2, 2077-2, 2077A-2 and 2321-2

Dear Mr. & Mrs. Pribil:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right/Permit Nos. 1195-2, 1196-2, 2076-2, 2077-2, 2077A-2 and 2321-2.

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

If you have any questions, please contact me.

Sincerely,

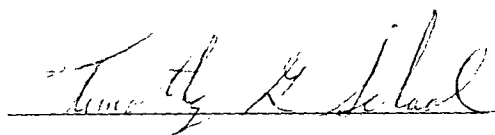

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

File No. 2077A-2Water Rights Division -DENR
Conversation or File DocumentationNAME OF PERSON OR FILE: Jerome or Susan PribilADDRESS: XXXXXXXXXXXXXXCOUNTY: Bennett Co.DATE: November 13, 2001TELEPHONE: Jerome (308) 282-1330Susan (308) 282-6134 (work)(308) 282-2163 (home)RE: Cancellation of Water Permit No. 2077A-2

I inspected Water Permit No. 2077A-2 on October 23, 2001 and talked to Jerome and Susan Pribil today about cancellation of this permit. The additional well for Water Permit No. 2077-2, to help the pivot in the NW 1/4 of Section 32-T37N-R34W, was never developed. I told both of them that if they ever wanted to develop this well, we could add an additional diversion point pursuant to SDCL 46-5-13.1 and they would not need to apply for a new permit. They said that was OK and we could schedule Water Permit No. 2077A-2 for cancellation.

They did inform me that they have divorced and all of the other permits should be in Susan's name. I told her we would send her a transfer form to transfer Water Permit Nos. 1195-2, 1196-2, 2076-2, 2077-2 and 2321-2 to her name. She also said to send her the irrigation questionnaires.

Susan Pribil
120 N. Pine St.
Gordon, NE 69343



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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

November 13, 2001

Susan Pribil
120 N Pine St
Gordon, NE 69343

RE: Water Right Nos. 1195-2, 1196-2, 2076-2, 2077-2 and 2321-2

Dear Ms. Pribil:

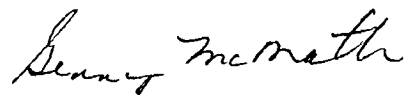
Recently, Tim Schaal, a staff engineer with our program, met with you and Jerome regarding your water rights. Tim indicated that you now own all the land and the water rights should be transferred to your name. Currently they are in either Jerome's name or are listed in both your names.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the changes. Please review the forms and make any corrections or additions that are necessary. 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 \$12.50). The check or money order for \$12.50 can be made payable to the Water Rights Program.

A transfer of ownership will not be required for Water Permit No. 2077A-2. Tim said he spoke with you about scheduling the permit for cancellation consideration since the well authorized under the permit was never developed. When the permit is actually scheduled for cancellation, you will receive a letter from us letting you know the time, date and place of the hearing.

If you have any questions concerning the transfer forms or pending cancellation of Water Permit No. 2077A-2, please get in touch with me.

Sincerely,


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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2077-2

Date: 11/19/01

I/We request that Water Right No. 2077-2

formerly owned by: Jerome Pribil

be transferred to: (name & address) Susan Pribil, 120 N Pine St, Gordon, NE 69343

Telephone No. 308-282-2163

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

235 acres - N 1/2 Section 32, T37N, R34W

I/We understand that the validity of Water Right No. 2077-2 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.

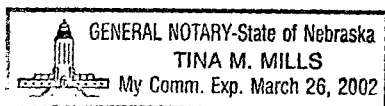
STATE OF SOUTH DAKOTA)

County of Sheridan)

I/We Susan Pribil 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.

Susan Pribil
(Signature of new owner)

Subscribed and sworn to before me this 19th day of November, 2001.



Tina M. Mills
(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

NE 416989

Pierre, ~~August 26~~ November 26, 20 01

RECEIVED OF Susan Pribil, 120 N Pine St., Gordon, NE 69343

the following amount in fees for services rendered as provided for by law: (Jerome Pribil)

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 2077-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Chief Engineer

Darland Erbe
gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 6, 2001

Susan Pribil
120 N Pine St
Gordon, NE 69343

RE: Water Right Nos. 1195-2, 1196-2, 2076-2, 2077-2 and 2321-2

Dear Ms. Pribil:

Thank you for following up on the ownership change for Water Right Nos. 1195-2, 1196-2, 2076-2, 2077-2 and 2321-2. The transfers have been completed and all of the above listed water rights are now listed in your name.

Enclosed are your Receipt Nos. 416986, 416987, 416988, 416989 and 416990 in the amounts of \$2.50 each. You may keep these for your records.

If you have any questions, please get in touch with me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 8, 2003

Susan Pribil
120 N Pine
Gordon NE 69343

RE: Water Right Nos. 1195-2, 1196-2, 2076-2, 2077-2 and 2321-2

Dear Ms. Pribil:

Thank you for contacting us regarding the pending sale of your land. In the event you need them, I have included copies of Water Right Nos. 1195-2, 1196-2, 2076-2, 2077-2 and 2321-2.

Also enclosed are partially completed Notice of Transfer of Ownership forms for filing ownership changes. Please review the forms and make any necessary corrections. The new owner will need to sign the forms and return them to our office with a required filing fee of \$2.50 each (total of \$12.50). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please get in touch with me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2077-2

Date: 4/22/03

I/We request that Water Right No. 2077-2

formerly owned by: Susan Pribil

be transferred to: (name & address) IRELAND BROS., LLC
HC 2 BOX 76
MARTIN, SD 57551 Telephone No. 605-685-1174

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

235 acres - N ½ Section 32, T37N, R34W

I/We understand that the validity of Water Right No. 2077-2 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.

I/We IRELAND BROS., LLC, the new owner, certify that the above information is true and correct.

Bert L. Leland (PARTNER)
(Signed by new owner)

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

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

RECEIVED

APR 28 2003

WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 28, 20 03

RECEIVED OF Ireland Bros., HC 2 Box 76, Martin SD 57551

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50	
Fee for Application for Permit No. _____ to Appropriate Water for Future use			
Fee to retain Future Use Permit No. _____ after period of seven years.			
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____			
Fee for Filing Transfer Form <u>2077-2</u>			
Fee for _____			
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____			
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____			
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	2	50	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____			
(Any Other Work Provided by Law)	TOTAL		
	2.50		

No.

000729

By

Darland White
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 30, 2003

Ireland Bros LLC
HC 2 Box 76
Martin SD 57551

Dear Sirs:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fees you submitted for Water Right Nos. 1195-2, 1196-2, 2076-2, 2077-2 and 2321-2. The transfers have been completed. The water rights formerly listed in the name of Susan Pribil are now listed in the name of "Ireland Bros LLC".

Enclosed are your Receipt Nos. 000727, 000728, 000729, 000730 and 000731 in the amounts of \$2.50 each which you paid for filing the ownership changes. I have also included copies of the water rights and a copy of last year's irrigation questionnaires. You may keep these for your records.

In October, we will be mailing out the 2003 irrigation questionnaires. The forms I included from last year will give you an idea of what type of records to keep track of during the irrigation season. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

12/5/03

2077-2

TO WHOM IT MAY CONCERN:

1196-2

2077-2

2321-2

2076-2

1195-2 (1195-2)

WE JUST PURCHASED THESE SYSTEMS IN APRIL OF THIS YEAR. WHEN WE TRANSFERRED THE WATER RIGHTS, IT DIDN'T RECOGNIZE SON DISCREPANCIES WITH THE PERMITS VS. HOW THE SYSTEMS ARE SET UP. ON THE THREE CIRCLED PERMITS, I HAVE DONE MY BEST TO SHOW HOW THE SYSTEMS ARE OPERATED. 1196-2 & 2321-2 ARE TIED TOGETHER TO ~~SERVE~~ SERVE 3 PIVOTS. PLEASE LET ME KNOW IF YOU HAVE ANY QUESTIONS.

THANKS

BRENT IRELAND

605 685 1373

fireland@gate.net

RECEIVED

DEC - 8 2003

WATER RIGHTS
PROGRAM

Ireland Brothers
28855 Maple Road
Martin, SD 57551

RECEIVED

DEC 20 2005

WATER RIGHTS
PROGRAM

December 17, 2005

To Whom It May Concern:

I am writing to clear up the operation of the water permits currently owned and operated by Ireland Bros., LLC of Martin South Dakota. These permits were transferred to Ireland Bros., LLC from Susan Pribil on or around 4/22/03.

Following is a description of how they were operated (i.e., how they were configured/piped) when we purchased the land from Susan Pribil. Included in this packet is an aerial photo (FSA Map) with the wells marked and the pipelines drawn in red as best as I know (none of the below ground piping was put in by Ireland Brothers nor has any been dug up).

Well #1 (A) (Permit #1195-2) supplies water to irrigate the SE ¼ of Sec 32.

Well #2 (B) (Permit #2077-2) supplies water to irrigate the NE ¼ of Sec 32.

Well #3 (C) (Permit #2076-2) supplies water to irrigate the SW ¼ of Sec 32.

Well E, located in the NE ¼ of Sec 31, (Permit #1196-2) can supply water to irrigate the NW ¼ of Sec 32, the NE ¼ of Sec 31 and the SE ¼ of Sec 31.

Well D, located in the SE ¼ of Sec 31, (Permit #2321-2) can supply water to irrigate the NW ¼ of Sec 32, the NE ¼ of Sec 31 and the SE ¼ of Sec 31.

Note that Wells D & E are tied together. They can supply water to any of three pivots. These two wells are used to irrigate all three pivots, a total of 367 acres.

Also note that the pivots on the SE ¼ of Sec 32 and the NE ¼ of Sec 31 are equipped with big end guns (w/ booster pumps). Flow is 850 gpm when guns are running...750 gpm when they are turned off.

I have completed the Questionnaires as best I can and have added corrections to correspond to the above information. The questionnaires are included in this packet. I have updated the address listed to our new 911 address. Also, Ireland Bros., LLC was never fully funded and is in the process of being dissolved. Therefore, we need to correct/change this to Ireland Brothers. This is a general partnership.

Please contact me if you need any additional information or if there is a problem with the information I have provided. I can be reached at 605.685.1373 or via email at tireland@gwtc.net.

Sincerely,



Brent Ireland



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 4, 2006

Brent Ireland
Ireland Brothers
28855 Maple Rd
Martin SD 57551

Dear Mr. Ireland:

I am writing in regard to the name change needed for Water Right Nos. 1195-2, 1196-2, 2076-2, 2077-2 and 2321-2.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the changes. Please sign the forms and return them to our office with a required filing fee of \$2.50 each (total of \$12.50). The check or money order for the fee can be made payable to the Water Rights Program.

In reference to your letter of December 20th and the map showing the wells and lands they irrigate, the water rights will be reissued to reflect these changes. This will be done after the water rights have been transferred to Ireland Brothers.

If you have any questions, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2077-2

Date: _____

I/We request that Water Right No. 2077-2

formerly owned by: Ireland Brothers, LLC

be transferred to: (name & address) Ireland Brothers, 28855 Maple Rd, Martin SD 57551

Telephone No. 605 685-1373

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

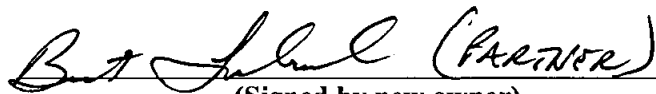
N ½ Section 32, T37N, R34W

I/We understand that the validity of Water Right No. 2077-2 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.

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


(Signed by new owner)

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

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

RECEIVED
JAN 12 2006
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 12, 20 06

RECEIVED OF Ireland Brothers, 28855 Maple Rd., Martin SD 57551

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2077-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

008251

By

Darland Eide
Chief Engineer *gm*



2077-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 20, 2006

Brent Ireland
Ireland Brothers
28855 Maple Rd
Martin SD 57551

RE: Water Right Nos. 1195-2, 1196-2, 2076-2, 2077-2 and 2321-2

Dear Mr. Ireland:

In January, 2006, you submitted transfer forms and filing fees for transferring the above listed water rights from Ireland Brothers LLC to Ireland Brothers. Enclosed are your Receipt Nos. 002177, 002178, 002179, 002180 and 002181 in the amounts of \$2.50 each. You may keep these for your records.

Based on your letter and map showing how your irrigation systems are operated and the wells used to supply each system, we are in the process of reissuing a couple of the water licenses to reflect the changes. The changes should streamline the annual irrigation questionnaire reporting for you.

The licenses will be sent to you under separate cover once they are issued. If you have any questions, please contact me.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 2077-2

(1) Jerome Pribil was issued Water License No. 2077-2, April 23, 1998 for a water right to divert 1.78 cubic feet of water per second from ground water (one well – Ogallala Aquifer), Bennett County, South Dakota for irrigation purposes. Water License No. 2077-2, with a priority date of April 4, 1989 was issued to the permit holder for diversion of water with construction of the described water supply system completed and the application to beneficial use of water completed.

Ownership changes filed with Water Right No. 2077-2:

- November 26, 2001 – Jerome Pribil to Susan Pribil;
- April 28, 2003 – Susan Pribil to Ireland Brothers LLC
- January 12, 2006 – Ireland Brothers LLC to Ireland Brothers

Water License No. 2077-2 was originally issued for diversion of 1.78 cfs to irrigate 235 acres located in the N ½ of Section 32, T37N, R34W. The current water right holder has made changes to the irrigation system. The NW ¼ Section 32 is now irrigated with wells located in the NE ¼ and SE ¼ Section 31 and will be included in reissued Water License No. 2321-2. Water License No. 2077-2 is being reissued to reflect the change.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is 1,320'E of the center of Section 32, T37N, R34W.

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate a 132 acre circle described as follows:

Section 32, T37N, R34W	SE ¼ NE ¼	33 acres	NW ¼ NE ¼	33 acres
	NE ¼ NE ¼	33 acres	SW ¼ NE ¼	33 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Ireland Brothers, 28855 Maple Rd, Martin SD 57551 the holders and/or owners of Water Right No. 2077-2 are issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water (one well – Ogallala Aquifer) with a priority date of April 4, 1989 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 South Dakota Water Law, any limitations or conditions listed in Reissued Water Right No. 2077-2 and subject to the following now applicable qualifications:

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

Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 27 2006
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 27 2006

1196-2
2077-2
2321-2

Brent Ireland
Ireland Brothers
28855 Maple Rd
Martin SD 57551

Dear Mr. Ireland

Enclosed are Reissued Water License Nos. 2077-2 and 2321-2. The licenses were reissued based on the changes you have made to your irrigation systems and now reflect the systems as they currently operate. The reissued water licenses do not allow for an increase in the developed diversion rate or the acres irrigated.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 2077-2 and 2321-2, 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 Licenses, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: The applicable portions of Water Right No. 1196-2 were incorporated into Reissued Water License No. 2321-2.



2077-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: IRELAND BROTHERS, BRENT IRELAND, 28855 MAPLE RD, MARTIN, SD 57551
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1195-2, 2076-2, 2077-2 & 2321-2. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1195-2, 2076-2, 2077-2 & 2321-2 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1195-2, 2076-2, 2077-2 & 2321-2 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.

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

2017-2

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 6890
Status: **Delivered**

Your item was delivered at 11:27 AM on January 28, 2009 in MARTIN, SD 57551. The item was signed for by B IRELAND.

Track & Confirm

Enter Label/Receipt Number.

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

Notification Options

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Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)

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No FEAR Act EEO Data

FOIA

Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 6890

IRELAND BROTHERS
BRENT IRELAND
28855 MAPLE RD
MARTIN SD 57551

ing.

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

☐ Priority Mail[™] Service
☐ First-Class Mail[®] parcel
☐ Package Services parcel



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 27, 2009

1195-2
2076-2
2077-2
2321-2

Brent Ireland
Ireland Brothers
28855 Maple Rd
Martin SD 57551

Dear Mr. Ireland:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right Nos. 1195-2, 2076-2, 2077-2 and 2321-2.

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

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

RECEIVED

APR 27 2012

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2077-2

Date: 4-25-12

I/We request that Water Right No. 2077-2

formerly owned by: Ireland Brothers

be transferred to: (name & address)

Platte Hutterian Brethern Inc.
35271 270th ST Platte, SD 57369

Telephone No 605 726-3142

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

235 acres N ½ Section 32, T37N, R34W

I/We understand that the validity of Water Right No. 2077-2 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 Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

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

Platte Hutterian Brethern Inc. Val State
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/27, 20 12

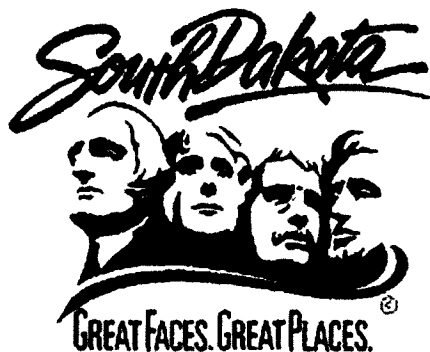
RECEIVED OF Platte Hutterian Brethren 35271 270th St Platte SD 57369

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. _____		
Fee for Filing Transfer Form <u>2077-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05426**

By [Signature]
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 30, 2012

1195-2
2076-2
2077-2
2321-2

Dale Stahl
Platte Creek Hutterian Brethren Inc.
35271 270th St
Platte SD 57369

Dear Mr. Stahl:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 1195-2, 2076-2, 2077-2 and 2321-2.

The ownership changes have been completed. The water rights formerly held by Ireland Brothers are now listed in the name of "Platte Creek Hutterian Brethren Inc."

Enclosed for your records are Receipt Nos. 05424, 05425, 05426 and 05427 in the amounts of \$50.00 each. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures