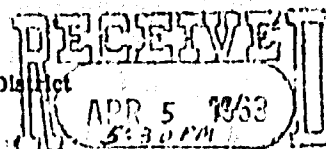


1. Considered 5-1, 1962 1033-3
2. Name of Applicant HUDSON FARMS INC
3. Post Office Address EDGEFIELD
4. Amount of water claimed 4.57
5. Source of water supply GROUND WATER (2 wells)
6. Water to be used for IRRIGATION
Acres to be irrigate 520
7. Water to be diverted and used in SPINK County
about 4 11.5 miles of DOLANE
8. Proof of Publication Received 101
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

No. 1033-3Water Division No. 3JAMES RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT TO APPROPRIATE WATER RESOURCES COVERED BY THE SOUTH DAKOTA WATER RESOURCES ACT

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through ...)

1. Name of applicant Elmer J. Wipf 57440
 Postoffice address Frankfort, SD, County Spink, State South Dakota

I. If a corporation Hudson Farms, Inc.(a) Name of same Hudson Farms, Inc.(b) Date and place of incorporation February 22, 1962(c) Amount of capital stock \$600,000.00

(d) Amount paid in

(e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

contract

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Glanzer farm3. Amount of water claimed 4.57 cubic ft. cubic feet per second4. Source of water supply wells5. Location of point of diversion 1300 feet west and 600 feet North on Section 29 and 1300 feet west and 600 feet south on Section 32 from northeast corner of Section 32-115-61
Spink County, S. Dak. on bank Spink County.6. Annual period or periods during which water is to be used April 1 to November 1

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

(a) Number of acres to be irrigated 320 acres.(b) Legal subdivisions to be irrigated SE 1/4 29-115-61 and NE 1/4 32-115-61

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.)

X. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use
 Name any of the above uses claimed(b) Amount of power to be generated horse power.

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

MAP No 674-3

8. Estimated cost of work:

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

(c) Fluming, \$-----

(e) Other structures -----

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

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

Rock, \$-----

Total, \$17,000.00 ✓

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)
 ✓ Pumping plant and pipe

II. Dimensions of works.

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face -----

material used in construction -----

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

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

(c) Head gate: Width ----- feet; height ----- feet;
 Material -----

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

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ----- 3 ----- years.

11. Time required for complete application of water to the proposed beneficial use ----- 5 ----- years.

12. Choice of newspaper for publication of notice of intention to appropriate -----

Redfield, South Dakota

Redfield Press

STATE OF SOUTH DAKOTA

County of SPINK ss.

I, Neal Waldron

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

Signed by Neal Waldron
 day of March 1963

Subscribed and sworn to before me this 31

My Commission Expires July 29, 1967

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

-- This well is located near domestic wells which may obtain water from the same aquifer. If the well covered by this Permit to Appropriate Water depletes the domestic water supply, restrictions, to the extent necessary, of the capacity of this well or periods of operation or other arrangements may be required to protect the domestic water supply.

STATE OF SOUTH DAKOTA

County of HUGHES

Pierre, South Dakota,

~~RECEIVED~~ JUNE 24, 1963

This is to certify that the foregoing application was received by the Commission at 5:30 o'clock

P.m. upon the 5TH day of APRIL, 1963

State Water Resources Commission

By:

Burton Jones
Chief Engineer, Executive Officer

Number of permit 1033-3

Date of first receipt of application APRIL 5, 1963

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right APRIL 5, 1963

Approved MAY 1, 1963 recorded in Book 8 Page 87

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

NOVEMBER 1, 1964

2nd. The whole of said work is to be completed on or before MAY 1, 1966

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

MAY 1, 1968

4th. The water appropriated shall be used for the purpose of IRRIGATION

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 4.57 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for irrigation on or before MAY 1, 1968; said water to be used during the following described annual period:

APRIL 1 TO NOVEMBER 1

Witness my hand this 24TH day of JUNE, 1963

State Water Resources Commission

By:

John Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued AUGUST 19, 1968

Water License issued AUGUST 19, 1968

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30" Depth 90'
 Type of casing $\frac{1}{2}$ steel
 (wood, concrete, steel, etc.)
 Size of casing 16" Thickness of casing $\frac{1}{4}$ "
 Length of casing 75' If collection gallery, length, size and depth of
 gallery

(b) Screens

Type of perforated screen Johnson Irrigator #150
 Size of perforated screen 16" 15'
 (diameter) (length)
 Thickness of gravel pack 7" length of gravel pack 90"

(c) Water Bearing Materials

Distance to water 20' Character of water bearing materials sand
 and gravel with much coal
 Thickness of water bearing material 70'

(d) Pump and Motor

Type of pump turbine
 (centrifugal, propeller, mixed flow, etc.)
 Name of pump Western Land Roller size 8" column 12" bowls
 Kind of motor electric
 (gasoline, electric, diesel, etc.)
 Horsepower 75 Name of Motor U.S.

(e) Complete well

Capacity 1800 at drawdown of 52 Estimated cost 2430.00

(f) Owner of land upon which well is located

Name

Address

(g) Distance to nearest existing wells

On same owner's property 15 rods. On property owned by others 480 rods

Permit No. 1031-3

Water Division No. 3 JAMES RIVER Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Hudson Farms, Inc.

of Redfield, County of Spink, and State of South Dakota, the holder of Permit No. 1031-3, issued upon Application No. 1033-3, bearing date of priority of April 5, 1963, authorizing the diversion of 4.57 cu. ft. per second of the waters of ground water, County of Spink, State of South Dakota, at a point S 65° 14' W, 1432 feet from the NE Corner, Section 32, T115N, R61W

for irrigation purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.2 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: for irrigating the SE 1/4, Section 29, and the NE 1/4, Section 32,

T115N, R61W

Witness my hand this 19th day of August A. D. 1968

State Water Resources Commission

By:

J.W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 1033-3

WHEREAS, On the 5th day of April A. D. 1963Hudson Farms, Inc.of Redfield County of Spink and State of South Dakota duly made application (No. 1033-3) to us for a permit to use 4.57cubic feet per second of the waters of ground waterCounty of Spink, State of South Dakota, for irrigation purposes; andWHEREAS, On the 24th day of June A. D. 1963Permit No. 1033-3 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 1st day ofMay A. D. 1966 and for the application to beneficial use of said water on or before the 1st day of May A. D. 1968 and,WHEREAS, On the 17th day of October A. D. 1967the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.2 cubic feet per second of said waters, as evidenced by our Certificate No. 1033-3dated August 19, 1968 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2.2 cubic feet per second of water, with date of priority of April 5, 1963 and,WHEREAS, On the 17th day of October A. D. 1967proof was duly made of the application to beneficial use of 2.2 cubic feet per second of said water; for irrigating the SE $\frac{1}{4}$, Section 29, and the NE $\frac{1}{4}$, Section 32, T115N, R61W-

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to Hudson Farms, Inc.

of Redfield the holder and owner of said permit No. 1033-3

a water right, dating from April 5, 1963 to the use of 2.2

cubic feet per second of the waters of ground water

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

necessary for the purposes hereinbelow mentioned, to be diverted at a point S65°14' W, 1432 feet

from the NE Corner, Section 32, T115N, R61W

and conducted to and upon SE 1/4, Section 29, and NE 1/4, Section 32, T115N, R61W

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

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 19th day of August A. D. Nineteen
Hundred and Sixty-eight

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

No. 1033-3

(Filed for record April 8, 1963)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., April 5, 1963, 19

Notice is hereby given that Hudson Farms, Inc. whose postoffice address is Redfield S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 4.57 cubic feet of water per second of time from XXX ground water through the Glanzer Farm, the point of diversion of which is to be located XXXXXX at points in the SE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 29, and XXXXXX in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 32 Twp. 115N Range 61W. Said water to be used for the purpose of providing irrigation on the following described land:

SE $\frac{1}{4}$, Section 29 and NE $\frac{1}{4}$, Section 32, all in T115N, R61W.

XXXXXX

XXXXXX

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 1st day of May, 19 63, at 2:00 M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

cc: Publisher
Daily Plainsman
Huron, South Dakota

Burton F. Jones
Water Right Specialist

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA, }
COUNTY OF BEADLE } ss.

I, Jeannette G. Lusk
being duly sworn on oath, say that THE DAILY PLAINSMAN
is a daily paper published at Huron, Beadle County, South
Dakota, and that said newspaper has a bona fide circulation
of at least 250 copies daily; that said newspaper has been
published within said county for fifty-two consecutive weeks
immediately prior to this date; that said newspaper is printed
in whole or in part, in an office maintained at said place of
publication; that I am published

_____ of said newspaper
and know the facts herein stated. The annexed notice headed
Appropriation of Water

was published for 5 successive weeks once each
week, the same day each week, in said newspaper, and not in
any supplement of the said newspaper, the first publication on
the 8 day of April, 1963, and the last
publication on the 6 day of May, 1963.
That the full amount of the fee charged for publishing the
same, to-wit:

Eighteen & 57/100 Dollars inures to the benefit of
the publisher of said newspaper; that no agreement or under-
standing for the division thereof has been made with any
other person, and that no part thereof has been agreed to be
paid to any person whomsoever.

Jeannette G. Lusk
Subscribed and sworn to before me this 6 day of
May, 1963.

A. J. Papovich
Notary Public, South Dakota

My term expires 9-21-67

AFFIDAVIT OF AGENT OR ATTORNEY

STATE OF SOUTH DAKOTA, }
COUNTY OF _____ } ss.

I, _____
being duly sworn on oath, say that I am the authorized attor-
ney for the party foreclosing the mortgage described in the
annexed notice; that no agreement or understanding for any
division of the fees therefore has been made with any person
whomsoever, and that no part thereof has been refunded or
rebated by the party publishing this notice.

Subscribed and sworn to before me this _____ day of
_____, 19____.

FP 48-63
APPROPRIATION OF WATER
Office of State Water Resources
Commission
Pierre, S. Dak., April 3, 1963
Notice is hereby given that Hudson
Narms, Inc. whose postoffice address is
Redfield, S. Dak., has made an applica-
tion in accordance with the provisions of
the water laws of South Dakota for a
permit to appropriate for beneficial use
457 cubic feet of water per second of
time from ground water through the
Glanzer Farm, the point of diversion of
which is to be located at points in the
SE 1/4 of Sec. 29, T24N, R61W, 113N
Range 61W, water to be used for the
purpose of providing irrigation on the fol-
lowing described land:
SE 1/4, Section 29 and NE 1/4, Section
32, all in T113N, R61W.
This application will be taken up by the
State Water Resources Commission at
their office at Pierre for consideration
upon the 1st day of May, 1963, at 2:00
P.M. All interested persons may appear
and be heard.
Appropriate action will be taken by the
Water Resources Commission after suit-
able time has elapsed for the consideration
of any or all information presented.
State Water Resources Commission
By: Burton F. Jones,
Water Right Specialist.
No. 146 (adv.)

RECEIVED
JUN 21 1963
STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Permit No. 1033-3Water Division No. 3 JAMES RIVER Water District

Certificate of Examination of Works

Report of Examining Engineer

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

Dear Sirs: I hereby certify that ~~in accordance with your letter of January 1, 1967~~I have this day made a thorough examination of the diversion works constructed by HUDSON FARMS, INC., of REDFIELDSPIRKCounty, South Dakota, holder of Permit No. 1033-3upon Application No. 1033-3 bearing date of priority of APRIL 5, 63, authorizing the diversion of 4.57 cu. ft. per second of the waters of GROUND WATER for IRRIGATION

purposes. I have to report on the condition of the same as follows:

The diversion works comprise: 103' WELL WITH LAYNE BOWLER 8" PUMP
4 102H BOWLS 50 HP U.S. ELECTRIC MOTOR, 2520' OF 8" &
420' OF 6" MAINLINE WITH 3-1280' 4" TRACTOR PULL SPRINKLER
LINES WITH 3/16 RAINBIRD ROW SPRINKLER HEADS @ 40'
SPACING @ 50 PSIand the system is in the following condition: EXCELLENTThe point of diversion is located A POINT S 65° 14' W, 1432 FEET FROM
THE NE CORNER, SECTION 32, T15N, R61WThe works are capable of diverting and conveying to the place of use 2.2 cu. ft. per second of water, which is to be used for IRRIGATIONThe legal sub-divisions to be irrigated are: SE⁴ SECTION 29 & NE⁴ SECTION 32,
T15N, R61Wcomprising a total of 320 acres of land.

The domestic use intended comprises

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

Witness my hand, this 17TH day of OCTOBER

—SEAL—

D. 19 67
Burton Jones
Examining EngineerWATER RIGHT SPECIALIST
WATER RESOURCES COMMISSION

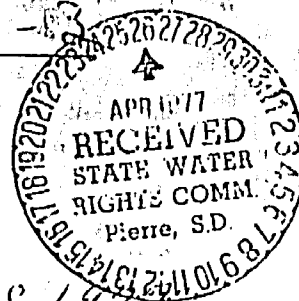
Form 20.

No. 1033-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Date April 18, 1977



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

29/32 115-61

formerly owned by Hudson Farms Inc.
has been transferred to Elmer J Wipf (Print Name)
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 1033-3 as provided for in Section 61.0127 of the 1960
Supplement to the South Dakota Code of 1939.

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

A fee of one dollar is hereto attached to cover filing fees as required
under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA

County of Spink

) ss.

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

Elmer J Wipf
(Signed)

Subscribed and sworn to before me this 18 day of April

19 77.

Lynne Wipf
(Notary Public)

SOUTH DAKOTA
State Water Resources Commission

STATE OFFICE BUILDING
PIERRE, SOUTH DAKOTA

July 19, 1965

Mr. Galen G. Gillette
States Attorney
Redfield, South Dakota

Dear Mr. Gillette:

In your letter of July 9, 1965, you direct attention to the water supply problems of Mr. and Mrs. Noel Lindskov near Doland, South Dakota.

About a year ago it became evident that water being pumped from irrigation wells owned by Hudson Farms, Inc. had reduced the ability of the Lindskov well to supply sufficient water for domestic purposes. As an alternative to restrictions on irrigation withdrawals as considered necessary by the Water Resources Commission, Hudson Farms, Inc., entered into agreements with the Linskova to construct a new domestic use well for the Linskova. Such a well was constructed at the expense of Hudson Farms, Inc. and adequate water exists therein for domestic use when the irrigation wells are operating.

Apparently, a part of the agreement between Hudson Farms, Inc. and the Linskova provided for purchase and installation of the pump and piping in the new well by Mr. Lindskov for which payment to Mr. Lindskov was to be made by Hudson Farms. Controversy has developed over this item, the result being that the pump and piping have not been installed.

While this office will continue to attempt settlement of this situation, it is our opinion that Hudson Farms, Inc. has made reasonable effort to alleviate the adverse effects upon the Lindskov's domestic water supply, that adequate domestic water supplies are available to the Linskova in their new well with reasonable and, apparently, agreed upon effort by the Linskova, and that the present critical situation could have been avoided by such reasonable effort by the Linskova, although the controversy existing between the parties is a contributing factor.

Galen G. Gillette

2.

July 19, 1965

Mr. Ray Gallagher, Attorney, Redfield, represents Hudson Farms, Inc. in this matter. You may wish to discuss additional details with him.

You are assured that this office will continue its efforts toward resolution of this problem.

Sincerely,

JWG:ls

J. W. Grimes
Executive Officer

1033-3

**WATER RIGHTS DIVISION
(605) 773-3352**

November 8, 1984

Elmer Wipf
Route #1, Box 70
Frankfort, South Dakota 57440

Dear Mr. Wipf:

Thank you for the prompt return of your 1984 Irrigation Questionnaire. You have requested that you be notified of your water rights.

Enclosed is a copy of Water Right No. 1033-3. The acreage irrigated and the amount of cubic feet per second of water authorized are specified on the water license.

If you have any further questions, or if the enclosed information is not what you wanted to know, please contact us and a member of our staff will assist you.

Sincerely,

Genny McMath
Natural Resources Analyst

GH:ms
Enc.

#1033-3

SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 17, 1989

Elmer Wipf
Rt 1, Box 70
Frankfort, SD 57440

Dear Mr. Wipf:

On October 6, 1983, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

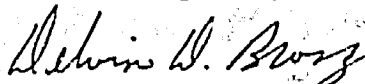


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division



DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

January 7, 1991

Allen Wipf
RR 1, Box 77
Frankfort SD 57440

Dear Mr. Wipf:

This letter is in response to your phone conversation with Jim Goodman regarding relocation of the irrigated acreage specified on Water Right No. 1033-3.

Enclosed are application forms with instruction sheets to apply for a transfer of acreage. The application may be completed by either you or the current land owner. If you complete the application, then a written agreement between you and the current landowner must accompany the application. The agreement should indicate that the current land owner agrees to the acreage transfer and the agreement must be signed and notarized by the current land owner.

If you have any questions regarding completion of the application, please contact me.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

ALLEN WIFE 472-0369

WANTS TO APPLY FOR A NEW
PERMIT TO TRANSFER 1033-3
TO THAT LAND -

[T-GJ AQUIFER - HAVE BEEN
DENYING PERMITS]

They removed water use in 1989

Should still have 24 hrs

Water Rights Division
Conversation or File

NAME OF PERSON OR FILE: Leslie/Be

ADDRESS: PO Box 61, DeSmet, SD 5723

DATE: October 17, 1990

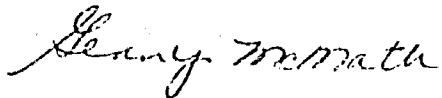
RE: status of Water Right No. 1033

COMMENTS:

The 1990 irrigation questionnaire a
sent to Elmer Wipf (Clinton Wipf, operator) was returned to the
office indicating the irrigation system had been sold.

The Spink County Assessor had Leslie and Beverly Grabowska as
owners of the land.

I spoke with Les Grabowska on the phone October 17th. He
indicated his wife owned the land, however the irrigation system
had been sold separately. He indicated they did not intend to
irrigate. I told him the water right would be scheduled for
cancellation consideration and he stated this was fine.



Genny McMath
Natural Resources Analyst

File No. 1033-3

Water Rights Division -DWR
Conversation or File Documentation

NAME OF PERSON OR FILE: Leslie/Beverly Grabowska

ADDRESS: PO Box 61, DeSmet, SD 57231

COUNTY: Spink

DATE: October 17, 1990

TELEPHONE: 854-3772

RE: status of Water Right No. 1033-3

COMMENTS:

The 1990 irrigation questionnaire and chemical application form sent to Elmer Wipf (Clinton Wipf, operator) was returned to the office indicating the irrigation system had been sold.

The Spink County Assessor had Leslie and Beverly Grabowska as owners of the land.

I spoke with Les Grabowska on the phone October 17th. He indicated his wife owned the land, however the irrigation system had been sold separately. He indicated they did not intend to irrigate. I told him the water right would be scheduled for cancellation consideration and he stated this was fine.

Genny McMath

Genny McMath
Natural Resources Analyst

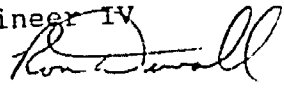
SOUTH DAKOTA
Department of
Water & Natural Resources

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

October 31, 1990

NOTICE OF CANCELLATION

TO: Leslie & Beverly Grabowska, PO Box 61, DeSmet, SD 57231

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

SUBJECT: Cancellation of Water Right No. 1033-3

The Water Management Board will consider cancellation of Water Right No. 1033-3 at 9:00 am, December 5, 1990, Deerfield Room, Hilton Inn, 445 Mt Rushmore Road, Rapid City, SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

The Chief Engineer of the Water Rights Division is recommending cancellation of Water Right No. 1033-3 due to abandonment and/or forfeiture.

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 1033-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by Water Right No. 1033-3. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by November 23, 1990. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained. The Board may consider any abandoned or forfeited water to be available for appropriation subject to the provisions of SDCL 46-1, 46-2, 46-2A and 46-5.

These hearings are adversary proceedings. Any party has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

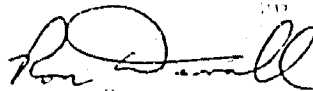
Further information on the proposed cancellation or to assure access to the hearing by the handicapped can be obtained by contacting the Water Rights Division, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) for assistance prior to the hearing. The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting held February 27-28, 1991, in Pierre, SD. Any request for extension must be filed with the Chief Engineer by November 23, 1990.

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

RECOMMENDATION OF CHIEF ENGINEER
FOR WATER RIGHT NO. 1033-3, ELMER J WIPF

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Right No. 1033-3, now owned by Beverly Grabowska.

The Chief Engineer is recommending cancellation of the above Water Right due to abandonment and/or forfeiture. In an October 17, 1990 telephone conversation with Genny McMath, of the office, Mr. Grabowska stated they did not purchase the irrigation system with the land and did not intend to irrigate.



RON DUVAL, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
October 31, 1990

File No. 1033-3
Water Rights Division -DWNR
Conversation or File Documentation

NAME OF PERSON OR FILE: Clinton Wipf

ADDRESS: RR #1 Box 70, Frankfort, SD 57440

COUNTY: Spink

DATE: November 16, 1990

TELEPHONE: 256-2556

RE: cancellation of Water Right No. 1033-3

COMMENTS:

Mr. Wipf called concerning the cancellation notice sent to his sister, Beverly Grabowska. He stated that his father had given the land and the water right to him and his sister, Beverly. He did not want to lose the water right.

I explained to Mr. Wipf that Water Right No. 1033-3 was scheduled for cancellation based upon my telephone conversation with Leslie Grabowska. Mr. Grabowska had told me that the irrigation system was sold from the land and they did not intend to irrigate. Mr. Wipf stated he understood this, however they may want to irrigate the land in the future.

Mr. Wipf stated the irrigation system was sold a year ago. He stated that the land had been irrigated prior to that time because he was the one who had been operating the system. He stated he is currently farming the land and may want to irrigate again.

I explained to him that in order for the water right to remain valid, the land has to be irrigated at least once every three years. I also explained to him the legal excuse reasons which would suspend the three year period of nonuse.

I told Mr. Wipf the Water Right would not be considered for cancellation at the December 5, 1990 Water Management Board Meeting; however, unless irrigation takes place within the next couple years, the water right will again be scheduled for cancellation.

Genny McMath

Genny McMath
Natural Resources Analyst
November 16, 1990



Department of Water & Natural Resources

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

November 21, 1990

NOTICE

TO: Leslie & Beverly Grabowska, PO Box 61, DeSmet, SD 57231
Clinton Wipf, RR #1 Box 70, Frankfort, SD 57440

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

SUBJECT: Cancellation of Water Right No. 1033-3

Pursuant to a November 12, 1990 telephone conversation between Clinton Wipf and Genny McMath, of this office, the cancellation consideration of Water Right No. 1033-3, originally scheduled for December 5, 1990, will not be held.

During the telephone conversation, Mr. Wipf explained the irrigation system had been sold a year ago and he had been operating the system prior to that time. Our understanding from the conversation was that the land may be irrigated in the near future. Please be aware that water use is a requirement for keeping a water right active. SDCL 46-5-37 notes that a person who fails to beneficially use appropriated water for a period of three years or longer may lose their right to the use of the water. If the land is not irrigated within the next couple years, the water right will again be scheduled for cancellation.

Water Right No. 1033-3 is currently listed in the name of Elmer J Wipf. Since Mrs. Grabowska now owns the land, the water right should be transferred to her name. Enclosed is a partially completed "Notice of Transfer of Ownership" form. Mrs. Grabowska will need to check over the form and sign in the presence of a notary. Upon completion, return the form to us with a required filing fee of \$2.50.

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

CERTIFICATION

I hereby certify that on November 21, 1990, I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice regarding cancellation of Water Right No. 1033-3 addressed as stated on the Notice.

JACI KONOP
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 21st day of November, 1990.

Karen Schlaack
Notary Public

SOUTH DAKOTA
WATER PERMIT No. 1033A-3 FOR IRRIGATION

Date of first receipt of application October 30, 1991.

Date Soil/Water Compatibility Permit received January 10, 1977.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1033A-3 to Larry Wipf, RR 1, Box 77, Frankfort SD 57440 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. 1033A-3 transfers the irrigated acreage authorized by Water Right No. 1033-3. Water Right No. 1033-3 appropriates 2.2 cubic feet of water per second (cfs) from one well (Tulare East James Aquifer) located in the NW 1/4 NE 1/4 Section 32 to irrigate 320 acres in the SE 1/4 Section 29 and the NE 1/4 Section 32; all in T115N-R61W. This permit transfers 1.94 cfs authorized by Water Right No. 1033-3 for irrigation of 136 acres located in the SE 1/4 Section 25 from one well 103 feet deep (Tulare East James Aquifer) located in the NW 1/4 SE 1/4 Section 25; all in T115N-R62W. This permit incorporates the applicable portions of Water Right No. 1033-3 into No. 1033A-3 with the remaining portions of No. 1033-3 to be declared abandoned and cancelled.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - September 30.
3. The date from which applicant may claim right is April 5, 1963.
4. The date of approval of Permit No. 1033A-3 is February 4, 1992.
5. One-fifth of the construction is to be completed on or before August 4, 1994.
6. All construction is to be completed on or before February 4, 1997.
7. Water is to be put to beneficial use on or before February 4, 2001.
8. 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 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.

(continued)

2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. 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.
4. Approval of Permit No. 1033A-3 incorporates the applicable portions of Water Right No. 1033-3 into No. 1033A-3 and the remaining portions of No. 1033-3 are declared to be abandoned and cancelled.

WATER MANAGEMENT BOARD

By:

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

FEB 18 1992

date



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 11, 1992

Larry Wipf
RR #1 Box 77
Frankfort, SD 57440

Dear Mr. Wipf:

Enclosed are the Notice of Transfer forms and your check in the amount of \$2.50 you submitted for filing an ownership change on Water Right No. 1033-3.

Water Permit No. 1033A-3, approved February 4, 1992, transferred the irrigated acreage authorized by Water Right No. 1033-3. Upon approval, the applicable portions of Water Right No. 1033-3 were incorporated into the new permit with the remaining portions of No. 1033-3 declared abandoned and cancelled.

Since Water Right No. 1033-3 has been cancelled and Water Permit No. 1033A-3 is already listed under your name, there is no longer a reason to file the "Notice of Transfer". I believe the paper work on Water Permit No. 1033A-3 is up-to-date until your project is completed and an inspection is done for licensing purposes.

If you have any questions, please contact me.

Sincerely,

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

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures