

1095-3

1. Considered 5-6, 1941
2. Name of Applicant Eck & Theo Kroll
3. Post Office Address Lake Andes
4. Amount of Water Claimed 362
5. Source of water supply Ground water (Gardner)
6. Water to be used for Irrigation
Acres to be irrigated 253
7. Water to be diverted and used in Charles Mix County about
1/2N 3E Miles of Lake Andes
8. Proof of Publication Received ☒
Not Received
9. Application Approved
Subject to
Not Approved
Action deferred
10. Remarks:

No. 1095-3Water Division No. 3 Missouri River District 3
(Blanks to be Filled by the Engineer for the W. R. C.)

APR 2 1964

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTAAPPLICATION FOR PERMIT
To Appropriate Water within the State of South Dakota

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

1. Name of applicant Theodore H. Kroll and Edward E. Kroll
R.R. 1, Box 152
 Postoffice address Lake Andrus, County Charles Mix, State So. Dakota

- I. If a corporation _____
- (a) Name of same _____
- (b) Date and place of incorporation _____
- (c) Amount of capital stock _____
- (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) _____

- (b) Cash on hand, \$ Adequate (c) Treasury stock, \$ _____
- (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Kroll Irrigation System
3. Amount of water claimed 3.68 cubic feet per second
4. Source of water supply Two wells
Well #1--1985 ft. west, thence 660 ft. south of N.E. corner, Sec. 1, T96N65
5. Location of point of diversion Well #2--1991 ft. west, thence 660 ft. north of N.E. corner, Sec. 1, T96N65
on bank Chas. Mix County.

6. Annual period or periods during which water is to be used March 1 to December

7. To be used for:
- I. Irrigation or domestic use: Gravity overhead sprinkling or combination system? _____
- (a) Number of acres to be irrigated 258 acres.

LEGAL SUBDIVISION TO BE IRRIGATED:

Owned by Theodore H. Kroll

Lot No. 3 and W $\frac{1}{2}$ Lot No. 2, Sec. 1, T96N-R65
 SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 36, T97N-R65

Owned by Edward E. Kroll

Lot No. 1 and E $\frac{1}{2}$ Lot No. 2, Sec. 1, T96N-R65
 SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 36, T97N-R65

- (c) Point where water will be returned to stream _____

Map No 729-B

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-----
 (c) Fluming, \$----- (d) Canal-earth, \$-----
 (e) Other structures ----- \$-----
 Total, \$ 25,000.00

9. Description of diversion works:

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

Turbine pump

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

(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 ----- Lake Arden Wave -----

STATE OF SOUTH DAKOTA

County of ----- Charles Mix ----- } ss.

I, Theodore H. Krell and Edward E. Krell, 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, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

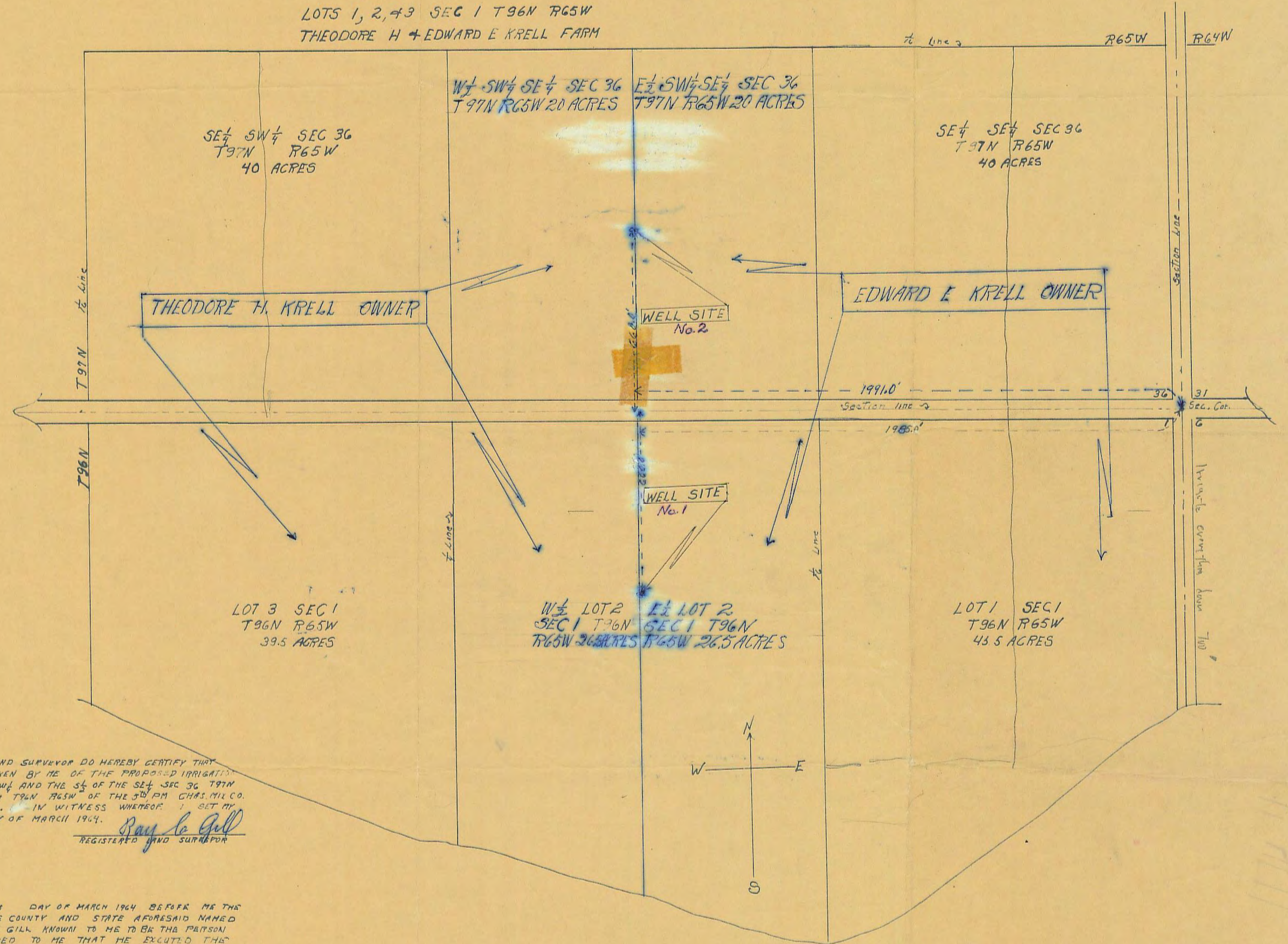
Signed

Subscribed and sworn to before me this

day of

Notary Public (or other qualified officer.)

PLAT OF IRRIGATION SYSTEM
OF OVERHEAD SPRINKLING
S $\frac{1}{2}$ OF THE SE $\frac{1}{4}$ AND SE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$
SEC. 36 T97N R65W
LOTS 1, 2, & 3 SEC 1 T96N R65W
THEODORE H & EDWARD E KRELL FARM



I, RAY C GILL, A DULY REGISTERED LAND SURVEYOR DO HEREBY CERTIFY THAT I HAVE PLATTED FROM NOTES TAKEN BY ME OF THE PROPOSED IRRIGATION SYSTEM LOCATED IN THE SE $\frac{1}{4}$ OF SW $\frac{1}{4}$ AND THE S $\frac{1}{2}$ OF THE SE $\frac{1}{4}$ SEC 36 T97N R65W AND LOTS 1, 2, & 3 SEC 1 T96N R65W OF THE 3RD PM CHAS. MIX CO. SD. DAK. TOTAL OF 258 ACRES. IN WITNESS WHEREOF I SET MY HAND AND SEAL THIS 6th DAY OF MARCH 1964.

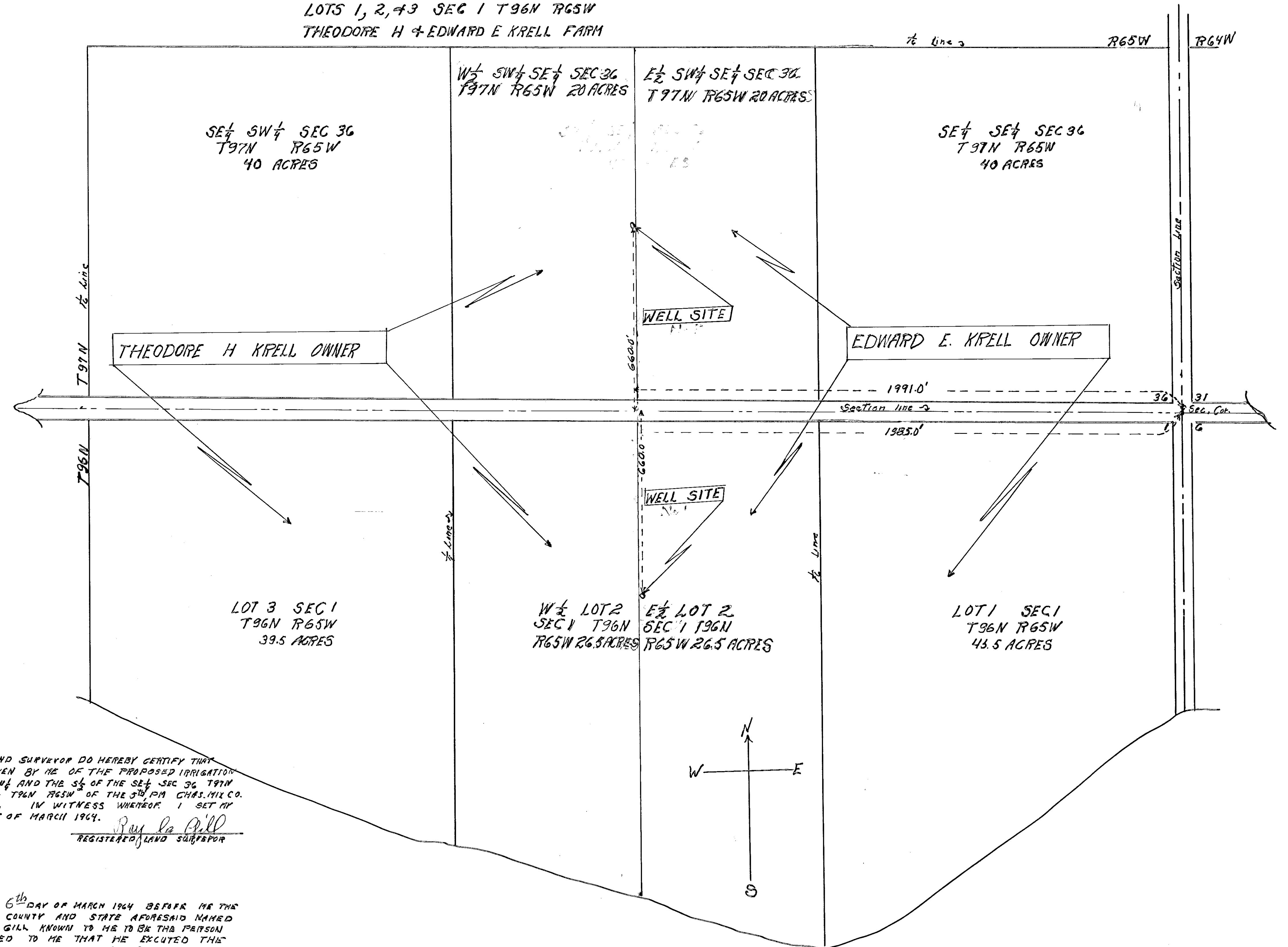
Ray C Gill
REGISTERED LAND SURVEYOR

STATE OF SOUTH DAKOTA }
COUNTY OF CHARLES MIX }
ON THIS DAY OF MARCH 1964 BEFORE ME THE
UNDERSIGNED OFFICER WITHIN AND FOR THE COUNTY AND STATE AFORESAID NAMED
PERSONALLY APPEARED RAY C GILL KNOWN TO ME TO BE THE PERSON
DESCRIBED IN WHA ACKNOWLEDGED TO ME THAT HE EXECUTED THE
WITHIN INSTRUMENT.

L. B. Quinn
NOTARY PUBLIC

Map No 729-3
(Appl No 1095-3)

PLAT OF IRRIGATION SYSTEM
OF OVERHEAD SPRINKLING
S $\frac{1}{2}$ OF THE SE $\frac{1}{4}$ AND SE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$
SEC. 36 T97N R65W
LOTS 1, 2, & 3 SEC 1 T96N R65W
THEODORE H & EDWARD E KRELL FARM



I, RAY C GILL, A DULY REGISTERED LAND SURVEYOR DO HEREBY CERTIFY THAT I HAVE PLATTED FROM NOTES TAKEN BY ME OF THE PROPOSED IRRIGATION SYSTEM LOCATED IN THE SE $\frac{1}{4}$ OF SW $\frac{1}{4}$ AND THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ SEC 36 T97N R65W AND LOTS 1, 2, & 3 SEC 1 T96N R65W OF THE 30 PM CHAS. MILCO. SD. DRY. TOTAL OF 258 ACRES. IN WITNESS WHEREOF I SET MY HAND AND SEAL THIS 6th DAY OF MARCH 1964.

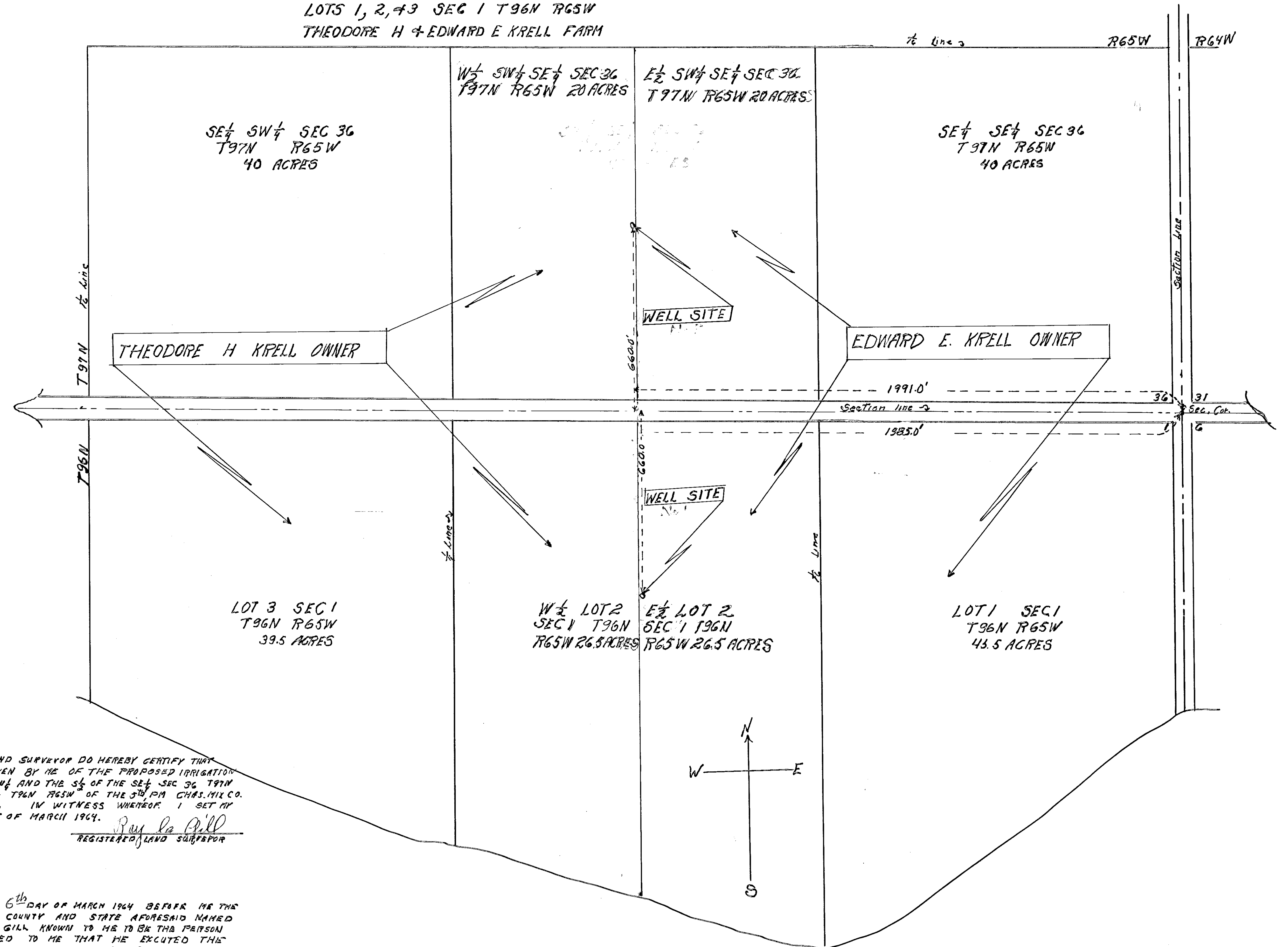
Ray C Gill
REGISTERED LAND SURVEYOR

STATE OF SOUTH DAKOTA }
COUNTY OF CHARLES MIX }
ON THIS 6th DAY OF MARCH 1964 BEFORE ME THE
UNDERSIGNED OFFICER WITHIN AND FOR THE COUNTY AND STATE AFORESAID NAMED
PERSONALLY APPEARED RAY C. GILL KNOWN TO ME TO BE THE PERSON
DESCRIBED IN WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THIS
WITHIN INSTRUMENT
MY COMMISSION EXPIRES Apr 5 1967

L. J. Deane
NOTARY PUBLIC

Map No 729-3
(Appl No 1095-3)

PLAT OF IRRIGATION SYSTEM
OF OVERHEAD SPRINKLING
S $\frac{1}{2}$ OF THE SE $\frac{1}{4}$ AND SE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$
SEC. 36 T97N R65W
LOTS 1, 2, & 3 SEC 1 T96N R65W
THEODORE H & EDWARD E KRELL FARM



I, RAY C GILL, A DULY REGISTERED LAND SURVEYOR DO HEREBY CERTIFY THAT I HAVE PLATTED FROM NOTES TAKEN BY ME OF THE PROPOSED IRRIGATION SYSTEM LOCATED IN THE SE $\frac{1}{4}$ OF SW $\frac{1}{4}$ AND THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ SEC 36 T97N R65W AND LOTS 1, 2, & 3 SEC 1 T96N R65W OF THE 30 PM CHAS. MILCO. SD. DRY. TOTAL OF 258 ACRES. IN WITNESS WHEREOF I SET MY HAND AND SEAL THIS 6th DAY OF MARCH 1964.

Ray C Gill
REGISTERED LAND SURVEYOR

STATE OF SOUTH DAKOTA }
COUNTY OF CHARLES MIX }
ON THIS 6th DAY OF MARCH 1964 BEFORE ME THE
UNDERSIGNED OFFICER WITHIN AND FOR THE COUNTY AND STATE AFORESAID NAMED
PERSONALLY APPEARED RAY C. GILL KNOWN TO ME TO BE THE PERSON
DESCRIBED IN WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THIS
WITHIN INSTRUMENT
MY COMMISSION EXPIRES Apr 5 1967

L. J. Deane
NOTARY PUBLIC

Map No 729-3
(Appl No 1095-3)

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 ss.

Pierre, South Dakota, May 11, 1964

This is to certify that the foregoing application was received by the Commission at 1:00 o'clock
P.m. upon the 2nd day of April, 1964

State Water Resources Commission

By:

Burton Jones
Chief Engineer, Executive Officer

Number of permit: 1095-3

Date of first receipt of application April 2, 1964

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 April 2, 1964

Approved May 12, 1964, Recorded in Book 8 Page 194

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 6, 1965

2nd. The whole of said work is to be completed on or before May 6, 1967

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

May 6, 1967

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 3.68 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 6, 1967, said water to be used during the following described annual period:

March 1 to December 1

Witness my hand this 11th day of May, 1964

State Water Resources Commission

By:

Burton Jones
Chief Engineer, Executive Officer

Certificate of Construction issued NOVEMBER 16, 1970

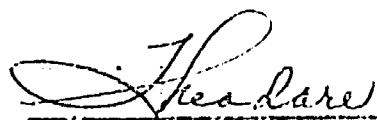
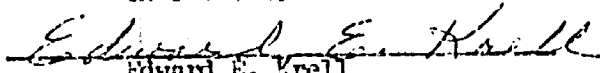
Water License issued NOVEMBER 16, 1970

Remarks by the Applicant:

It is mutually agreed and understood that the applicants, Theodore H. Krell and Edward E. Krell, shall have equal rights to the water appropriated from both wells afore described. It is further agreed and understood that the water right, if granted, shall be for the beneficial use of water on lands owned by both parties. And that, according to State law, the water right shall follow the lands as described in this application.

Signed this 1st day of April, 1964,

by

()
(Theodore H. Krell)
()
(Edward E. Krell)

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications No. 1

(a) Hole and casing

Size of drill hole or excavation 30 inches , Depth 215 ft.

Type of casing steel
(wood, concrete, steel, etc.)

Size of casing 18 inches , Thickness of casing 10 gauge

Length of casing 195 ft. If collection gallery, length, size and depth of
gallery

(b) Screens

Type of perforated screen slotted

Size of perforated screen 3/16 inch , 1 inch
(diameter) (length)

Thickness of gravel pack 6 inches , length of gravel pack 215 ft.

(c) Water Bearing Materials

Distance to water 175 ft. Character of water bearing materials
sand and coarse gravel

Thickness of water bearing material 40 ft.

(d) Pump and Motor

Type of pump turbine
(centrifugal, propeller, mixed flow, etc.)

Name of pump Western Land Roller , size 8 inches

Kind of motor propane
(gasoline, electric, diesel, etc.)

Horsepower 120 , Name of Motor Chrysler Industrial

(e) Complete well

Capacity 1000 GPM at drawdown of 56 ft. Estimated cost \$3000.00

(f) Owner of land upon which well is located Edward E. Krell
Name

..... Lake Anxles, So. Dakota
Address

(g) Distance to nearest existing wells

On same owner's property 100 rods. On property owned by others 120 rods

Form 2A -- Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications No. 2

(a) Hole and casing

Size of drill hole or excavation 30 inches , Depth 220 ft.

Type of casing steel
(wood, concrete, steel, etc.)

Size of casing 18 inches ; Thickness of casing 10 gauge

Length of casing 200 ft. If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen slotted

Size of perforated screen 2/16 inch 1 inch
(diameter) (length)

Thickness of gravel pack 6 inches , length of gravel pack 200 ft.

(c) Water Bearing Materials

Distance to water 180 ft. Character of water bearing materials
sand and coarse gravel

Thickness of water bearing material 40 ft.

(d) Pump and Motor

Type of pump Turbine
(centrifugal, propeller, mixed flow, etc.)

Name of pump Western Land Roller , size 6 inch

Kind of motor gasoline
(gasoline, electric, diesel, etc.)

Horsepower 120 , Name of Motor Chrysler Industrial

(e) Complete well

Capacity 1000 Gall at drawdown of 50 ft. Estimated cost \$5100.00

(f) Owner of land upon which well is located Theodore H. Krell
Name

Box 256, Lake Arthur, Louisiana
Address

(g) Distance to nearest existing wells

On same owner's property 0 rods. On property owned by others 110 rods

Form 15.

Permit No. 1095-3

Water Diversion No. 3 MISSOURI RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That X Theodore H. and Edward E. Krell

the holder g of
Permit No. 1095-3, issued upon Application No. 1095-3, bearing date of priority of April 2, 1964
authorizing the diversion of 3.68 cu. ft. per second of the waters of ground water
County of Charles Mix, State of South Dakota at a point from the NE Corner, Section 1, T96N, R65W, 1985 feet West and 660 feet south.

for irrigation

purposes, have 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 2.0 cu. ft. per second of water.

Date November 11, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1095-3

(1) WHEREAS, On the 2nd day of April A. D. 19 64
Theodore H. and Edward E. Krell
made Water Right Application No. 1095-3 for a permit to use 2.68 cubic feet per second of the waters
of ground water
County of Charles Mix, State of South Dakota, for irrigation
purposes; and
(2) WHEREAS, On the 11th day of May A. D. 19 64
Permit No. 1095-3 with a date of priority of April 2, 1964
was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 6th day of May A. D. 19 67 and for the
application to beneficial use of said water on or before the 6th day of May A. D. 19 69

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 2.0 cubic feet
per second of water for beneficial use and.

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent.

for irrigating the following described land:

Section 1, T96R, R65W	Lot 1	22 acres
	lot 2	22 acres
	Lot 3	22 acres
Section 36, T97N, R65W	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40 acres
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	40 acres
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40 acres
	Total	186 acres

(5) 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 Theodore H. and Edward E. Krell

_____ of Lake Andes, S.D.

the holder A and owner B of said permit No. 1095-3 a water right, dating from April 2, 1964

_____ to use of 2.0 cubic feet per second of the waters of ground water

in the County of Charles Mix and State of South Dakota, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted at a point from the NE Corner, Section 1, T96N, R65W, 1985 feet West and 660 feet south.

and conduct to and upon portions of Section 1, T96N, R65W and Section 36, T97N, R65W, described on the face of this license,

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1095-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 10th day of November A. D.
Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By: _____
Chief Engineer, Executive Officer J.W. GRINES

on or before
(First Publication April 9, 1964)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., April 2, 1964.

Notice is hereby given that Theodore H. and Edward E. Krell whose postoffice address is Lake Andes S. Dak., ~~has~~ **have** made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.68 cubic feet of water per second of time from ~~the~~ ground water through the Krell Irrigation System, the point of diversion of which is to be located on the SW 1/4 of Section 36, T96N, R65W and ~~in the SW 1/4 of the SE 1/4 of Section 36~~ in Lot 2, Section 1, T96N, R65W and Twp. 97N Range 65W Said water to be used for the purpose of providing irrigation on the following described land:

SW 1/4 and SE 1/4 SW 1/4, Section 36, T96N, R65W, and Lots 1, 2 and 3, Section 1, T97N, R65W

~~and for~~ ~~XXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 6th day of May, 1964, at 2:00 P.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.

cc: **A.P. Breen-Publisher**
Lake Andes Wave
Lake Andes, South Dakota

State Water Resources Commission

By:

~~XXXXXXXXXXXXXXXXXXXX~~
BURTON F. JONES
Water Rights Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Charles Mix } ss.Edith H. Palmer being duly sworn, deposes and says the annexed printed copy of Noticeof Intention to Appropriate Water was taken from the _____
Lake Andes News 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 Lake Andes County of Charles Mix and State of South Dakota; that the said notice was published in said newspaper on the following dates:April 9, 1964April 16, 1964April 23, 1964April 29, 1964in each and every issue of the full number thereof, the first publication being made on the 9 day of April 1964 and the last publication on the 29 day of April 1964, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Edith H. Palmer the printer and publisher of the said newspaper.

APPROPRIATION OF WATER

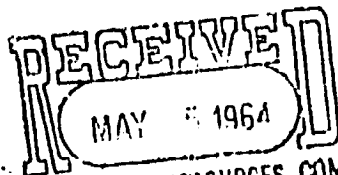
Office of State Water Resources Commission, Pierre, S. Dak., April 2, 1964.

Notice is hereby given that Theodore H. and Edward E. Krell whose postoffice address is Lake Andes, S. Dak. have made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.68 cubic feet of water per second of time from ground water through the Krell Irrigation System, the point of diversion of which is to be located in Lot 2, Section 1, T96N, R65W and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 36, Twp. 11N Range 65W. Said water to be used for the purpose of providing irrigation on the following described land:S $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36, 97N, R65W, and Lots 1, 2 and 3, Section 1, T96N, R65W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 8th day of May, 1964, at 2:00 p.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: BURTON F. JONES
Water Right SpecialistSubscribed and sworn to before me this 4 day of May 1964 A. D.STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Notary Public

Charles Mix County, S. D.

July 24, 1970

Mr. Ted Krell
Lake Andes
South Dakota 57356

Dear Mr. Krell:

This spring we sent you a sketch map showing the location of observation wells in your area and since then we have been sending you the weekly measurements of these wells. Enclosed are the latest measurements.

I believe that you should be informed that the fast drop in these observation wells has occurred about one month sooner than in previous years. Also, the water level drops generally have been larger and to a lower depth than at any time since we started weekly measurements in 1967, or on wells drilled after 1967, since the measurements were started.

Following is a summary of the water level drops in key observation wells.

<u>Well No.</u>	<u>6-6-70 Measurement</u>	<u>7-22-70 Measurement</u>	<u>Drop</u>
D 69G	60'	68½'	8½'
C 15	16'	26½'	10½'
C 17	14'	24½'	10½'
C 68P	91'	105'	16'
C 68O	48'	61'	13'
C 67U	98'	115½'	17½'
C 67T	94'	114½'	20½'
C 68L	89'	105½'	16½'
C 69H	96'	111'	15'
C 69K	63'	83'	19'
C 69J	71'	91'	20'
C 68M	85'	100½'	15½'
C 69L	64'	72½'	8½'
C 68N	98'	104'	6'

Some of these are quite drastic drops in water level and we ask that you conduct your irrigation operations as conservatively as you can and I hope you get some good rains soon.

Sincerely,

J. W. Grimes

JWG/DD/sjb
Enclosure

June 11, 1970

Mr. Ted Krell
Lake Andes
South Dakota 57356

Dear Mr. Krell:

For several years the Water Resources Commission has been making special measurements (often on a weekly basis) of observation wells in the Wagner-Lake Andes Area.

In this area the irrigation wells also tap the same formation which provides water for a large number of domestic wells. Measurements of the observation wells in past years have shown that the irrigation withdrawals do cause considerable lowering of the water level.

This year as a matter of information to you, copies of the special measurements of the observation wells will be sent to you.

Enclosed for your information is a map showing the location of the observation wells and also enclosed are the recent measurements of these observation wells.

Sincerely,

J. W. Grimes

JWG/DD/sjh
Enclosure

Permit No. 1095-3
 Water Division 3 MISSOURI RIVER Water District

REPORT OF EXAMINATION OF WORKS
 AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Theodore & Edward Krell of Lake Andes, South Dakota holder of Permit No. 1095-3, bearing date of priority of April 2,, 1964 authorizing the diversion of 3.68 cu. ft. per second of the waters of two wells for irrigation purposes, in Charles Mix County.

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

The Water Use System consists of,

A. Works used to divert the water:
 One well 176 feet deep, 20 inch concrete casing.
 Western Land Roller pump, 10" - Mod. 7 10C H
 Hollowshaft Gear Drive, Type 6P
 Chrysler Industrial Engine, propane, 108 HP

B. Works used to transport water to place of use,
 660 feet of 8 inch aluminum main line
 450 feet of 6 inch aluminum main line

C. Works used to apply water to beneficial use.
 four 1240 feet long two lines, each of 4 inch diameter

The system is in the following condition: good
 The point of diversion is located from NE of Section 1, T96N, R65W; 1985 feet west,
660 feet south

The works are capable of diverting and conveying to the place of use 2.0
 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:

In Section 36, T97N, R65W		In Section 1, T96N, R65W	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	40 acres	Lot 1	22 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	40 acres	Lot 2	22 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$	40 acres	Lot 3	22 acres

comprising a total of 186 acres of land.

Date October 14, 1970
Donald Driscoll
 (Signature)
 DONALD DRISCOLL, Deputy Chief Engineer
 Water Resources Commission

1095-3

August 19, 1975

Messrs. Theodore H. & Edward E. Krell
Lake Andes, South Dakota 57356

Dear Messrs. Krell:

This letter is to confirm the verbal order given by my representative, Burton Jones, regarding your irrigation pumping under water right No. 1095-3. You were to cease pumping from noon Friday, August 15, to 6:00 p.m., August 16, 1975. Also you are to restrict your pumping to 18 hours or less per day with no pumping from 12:00 noon to 6:00 p.m. each day.

This action is taken to protect to the extent possible water supplies for existing domestic and livestock wells.

Your continued cooperation in this difficult regulatory action is greatly appreciated.

Very truly yours,

Vern W. Butler, Acting
Chief Engineer

VWB:yjl

Water Rights Division (605) 773-3352

February 8, 1982

3-DH
c/o Dan Merkwan
Geddes, South Dakota 57342

Dear Mr. Merkwan:

Enclosed is our 1981 Irrigation Questionnaire which was returned to our office by Ed Krell. Mr. Krell indicated you operated his system during the 1981 Irrigation season.

Please complete the questionnaire for our records. If you have not kept accurate records, estimations will be satisfactory. Return the data sheet to our office upon completion.

Your assistance in this matter will be appreciated.

Sincerely,

Genny Young
Water Rights Specialist

GY:ms
enc.

1095-3

Ted H. Krell
Box 471 6413 Fairway Dr.
Black Hawk, SD 57718

Monday, Nov. 7, 1994

Mr. John Hatch Chief Engineer
Water Rights Division

Dear Mr. Hatch:

This is to certify you that all
of the lands covered under water
right No. 1095-3, in Charles Mix County
owned by Ted H. Krell and
Edward and Ardyce Krell was
sold to Hamad Assam Corporation
530 South Philippe Ave., Sioux
Falls S.D. 57102.

To my knowledge no irrigation
was done on that land during
the 1994 season.



Yours truly
Ted H. Krell



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 10, 1994

1095-3

Hamad Assam Corporation
530 South Phillips Avenue
Sioux Falls, SD 57102

Dear Sirs:

I am contacting you in regard to ownership of land described under Water Right No. 1095-3. Mr. Ted Krell, Black Hawk, South Dakota, has notified our office that the land in Charles Mix County owned by Ted, Edward and Ardyce Krell was sold to you.

Enclosed is a copy of Water Right No. 1095-3. In order to have the water right changed to your name, you will need to file a "Notice of Transfer of Ownership". I am also enclosing a partially completed transfer form for use in filing the ownership change.

Please review the form and make any necessary corrections. Complete where needed and then sign the form in the presence of a notary public. Upon completion, return the form to our office with a \$2.50 filing fee.

You may keep the copy of the water right for your records. If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1095-3

Date: November 14, 1994



I/We request that Water Right No. 1095-3

formerly owned by: Theodore H and Edward E Krell

be transferred to: (name & address) Hamad Assam Corporation - 530 S. Phillips Avenue, Sioux Falls,
South Dakota 57102 (Telephone No) 605-334-8040

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

Lot 1, 2 & 3 Section 1, T96N, R65W; SE 1/4 SW 1/4, S 1/2 SE 1/4 Section 36, T97N, R65W

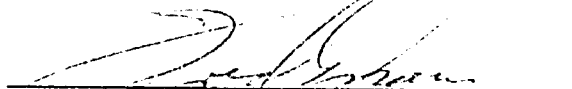
I/We understand that the validity of Water Right No. 1095-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

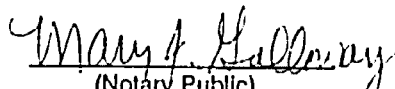
A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Minnehaha)

I/We Fred Assam, President 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.


(Signed)

Subscribed and sworn to before me this 14th day of November, 19 94.


(Notary Public)

My Commission Expires: 12/7/98

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

Division of Water Rights

South Dakota Department of Environment and Natural Resources

414324

Pierre, _____ November 17, 19 93

RECEIVED OF Harad Assan Corporation, 550 S Phillips Ave, Sioux Falls, SD 57102
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 1095-5</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)		
Total	2	50

By *John H. Haddock*
Chief Engineer

1095-3



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

January 4, 1995

No. 1095-3

Hamad Assam Corporation
530 S. Phillips Ave.
Sioux Falls, SD 57102

Dear Sirs:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1095-3.

Our records now show you as the owner of Water Right No. 1095-3.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl F. Frost".

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

enclosure

1095-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 14, 1995

1095-3

Fred Assam
Hamad Assam Corporation
530 S Phillips Avenue
Sioux Falls, SD 57102

Dear Mr. Assam:

Thank you for the prompt return of your 1995 irrigation questionnaire. You indicated on the questionnaire that the present farmers are not currently using the irrigation system. Please keep in mind that irrigation needs to take place at least once every three years, unless legal excuse exists, in order to keep the water right valid.

South Dakota Water Law 46-5-37 states that when any person entitled to the use of appropriated water fails to use beneficially all or any part of such water for the purpose for which it was appropriated, for a period of three years, such unused water shall revert to the public and shall be regarded as unappropriated public water.

If legal excuse exists, then the three year period of nonuse described in SDCL 46-5-37 does not apply. Legal excuses, as defined by Board rule include, but are not limited to 1) unavailability of water to satisfy a permit or right; 2) legal proceedings which prevent the use of water; and 3) water use under existing climatic conditions would result in a waste of water (meaning land was too wet).

Thank you again for returning your questionnaire. If I can answer any questions for you on any of the above information, please contact me.

Sincerely,

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

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



January 9, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: HAMAD ASSAM CORPORATION, FRED ASSAM, PRESIDENT, 530 S PHILLIPS
 AVENUE, SIOUX FALLS, SD 57102

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 has not been submitted for Permit No(s) 1095-3. 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 be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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. Following the hearing, the Water Management Board can:

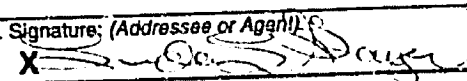
1. Amend Permit No(s) 1095-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, your name will be deleted from the Board agenda. If you have any questions or need assistance with 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.

1095-3

Is your RETURN	SENDER: ■ Complete Items 1 and/or 2 for additional services. ■ Complete Items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.	
	3. Article Addressed to: HAMAD ASSAM CORPORATION FRED ASSAM, PRESIDENT 530 S PHILLIPS AVENUE SIOUX FALLS SD 57102		4a. Article Number Z179157218	
	5. Received By: (Print Name)		4b. Service Type ☐ Registered ☐ Certified ☐ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD	
	6. Signature: (Addressee or Agent) 		7. Date of Delivery 1-13	
		8. Addressee's Address (Only if requested and fee is paid)		

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 2, 1998

NOTICE OF AMENDMENT OF WATER RIGHT

TO: FRED ASSAM, HAMAD ASSAM CORPORATION, 530 S PHILLIPS
AVENUE, SIOUX FALLS, SD 57102

FROM: John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

SUBJECT: Amendment to Water Right No. 1095-3

Pursuant to the provisions of the notice dated January 9, 1998, and following the hearing February 25, 1998, the Water Management Board has amended Water Right No. 1095-3 to add the following qualification:

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

This action was taken for failure to return the 1997 irrigation questionnaire. The addition of this qualification to your Water Right means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

Please contact Genny McMath (605) 773-3352, if you have any questions.

1095-3

**WATER RIGHTS PROGRAM
FILE DOCUMENTATION**

NAME OF PERSON OR FILE: Sam Assam

ADDRESS: 530 S Phillips, Sioux Falls, SD

DATE: March 6, 1998 **COUNTY:** Minnehaha

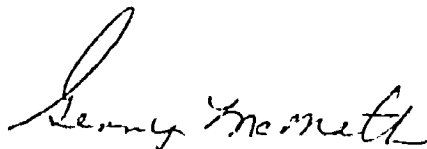
RE: Violation of W/R No. 1095-3

COMMENTS:

Mr. Assam called and indicated the Notices we were sending to Fred Assam were in error. Fred has passed away and any correspondence concerning the Hamad-Assam Corporation should be directed to Sam Assam at the same address.

He asked what had happened to the water right as far as the irrigation questionnaire violation. I explained that the Board amended the water right to include the irrigation questionnaire qualification due to non-return of the 1997 irrigation questionnaire.

I told him the Board's action would not be in affect since we had mailed the questionnaire and follow-up notice to Fred Assam. He said he had found the questionnaire in paperwork of his dad's and would get it filled out and mailed as soon as possible.



Genny McMath
Environmental Scientist



1095-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

May 12, 2016

1095-3

Sam Assam
Hamad Assam Corporation
530 S Phillips Ave
Sioux Falls SD 57102

Dear Mr. Assam:

I am contacting you in regard to your Water Right No. 1095-3 (copy enclosed).

Irrigators in South Dakota are required to submit an annual irrigation questionnaire reporting how much water was pumped during the irrigation season. Our records show the land authorized for irrigation under Water Right No. 1095-3 has been in the Conservation Reserve Program through 2015.

The purpose of my letter is to find out the status of irrigation on your property. Please take a few minutes and answer the questions on the attached sheet and return it in the envelope provided. If you have made a decision not to maintain the water right, let me know that as well.

Thank you in advance for your help in updating the water right.

Sincerely,

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

enclosures

Water Right No. 1095-3
Hamad-Assam Corporation

RECEIVED
JUN 02 2016
WATER RIGHTS
PROGRAM

Water Right No. 1095-3 authorizes diversion of ground water to irrigate 186 acres in Lots 1, 2 & 3, Section 1, T96N, R65W and SE ¼ SW ¼ and S ½ SE ¼ Section 36, T97N, R65W in Charles Mix County.

Do you still own the land described above?

Yes ☒

No ☐ (If no, please list the name and mailing address of the new owner)

Has the land been re-enrolled in CRP?

Yes ☒ through calendar year 2025

No ☐

If the land has not been re-enrolled in CRP, we will begin mailing irrigation questionnaires to you for annual reporting. Questionnaires are mailed to irrigators in October each year and are due back in December.

For informational purposes:

46-5-37.2. Exceptions to forfeiture for nonuse. The provisions of § 46-5-37 notwithstanding, no water right or permit may be forfeited for nonuse if land authorized for irrigation by a permit or right is placed under an acreage reserve or production quota program or otherwise withdrawn from use as required for participation in any federal program, if:

- the water source is not fully appropriated
- if the withdrawal from use does not prevent approval of new permits from the same source, and
- if the appropriated water has been applied to beneficial irrigation use prior to participation in a federal program.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

March 31, 2025

Hamad Assam Corporation
c/o Samuel R Assam
530 S Phillips Ave
Sioux Falls, SD 57102

No. 1095-3

Dear Mr. Assam:

I am contacting you in regard to Water Right No. 1095-3, authorizing the diversion of 2.00 cubic feet of water per second from groundwater, one well (Choteau: West Aquifer), for the irrigation of 186 acres located in portions of Section 1, T96N, R65W and portions of the SE ¼ and SW ¼, Section 36, T97N, R65W.

Irrigators in South Dakota are required to submit an annual irrigation questionnaire reporting how much water was pumped during the irrigation season. Our records show the land authorized for irrigation under Water Right No. 1095-3 has been in the Conservation Reserve Program (CRP) through 2025.

The purpose of this letter is to find out the status of irrigation on your property. Please take a few minutes and answer the questions on the attached sheet and return it in the envelope provided. If you have made a decision not to resume irrigation, let me know that as well.

Thank you in advance for your help in updating the water right.

Sincerely,

Miranda Smith
Water Rights Program
605 773-3352
Miranda.Smith@state.sd.us

enclosure