

NO. 115-2Water Division No. 3
(Blanks to be filled by the State Engineer.)

District

RECEIVED

MAR 12 1911

MAR 12 1911

OFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

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

1. Name of applicant David R. Flittie
Post office address Brookings, County Brookings, State So. Dak.

- I. ~~If a corporation~~ SDSU
- (a) ~~Name of same~~ Ag. Eng. Dept
- (b) ~~Date and place of incorporation~~ Brookings 57007
- (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) Direct Labor
- (b) Cash on hand, \$ 500.00 (c) Treasury stock \$
- (d) Bonds to be issued, \$ (e) Other resources, \$ 5000.00
2. Name of diversion work (4th Div. #1) 4 miles
2. Quantity of water claimed 550 gallons per minute
cubic feet per second
4. Source of water supply Sioux River
5. Location of point of diversion: as shown on map—(attached)
on East or West bank.
6. Annual periods during which it is to be used May thru August
7. To be used for:

I. Irrigation or domestic use:

- 96.08 Acres - less 2195 yds. etc.
Approximate 85
- (a) Number of acres to be irrigated acres
Brookings County NW 1/4 of SW 1/4 SE 1/4 of SW 1/4
- (b) Legal subdivisions to be irrigated all in Sec. 15-107-50
To be used for
- (c) Statement as to domestic use (giving location, etc.) CROPS only.

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

II. Mining, power, manufacturing, transportation, or other purposes:

- (a) ~~Nature of use~~
- (b) ~~Amount of power to be generated~~ horse power.
- (c) ~~Location of plant~~
- (d) ~~Method of developing power~~
- (e) ~~Point where water will be returned to stream~~

and sprinkler Type, irrigator
(b) Pumping plant, \$.....10000.00

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

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

Total, \$.....

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

Sprinkler Type irrigation system

(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 of back face; material used in construction~~

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

[illegible]

Material

(d) Canal: Total length miles.

[illegible]

(Give dimensions where reductions in size are made.)

11. Time required for complete application of water to the proposed beneficial use *immediate* years.

12. Choice of newspaper for publication of notice of intention to appropriate Local paper

Brookings Register

County of Brockings

I, James K. Little being first duly sworn

on my oath depose and say: That my relation to the above described undertaking is that of

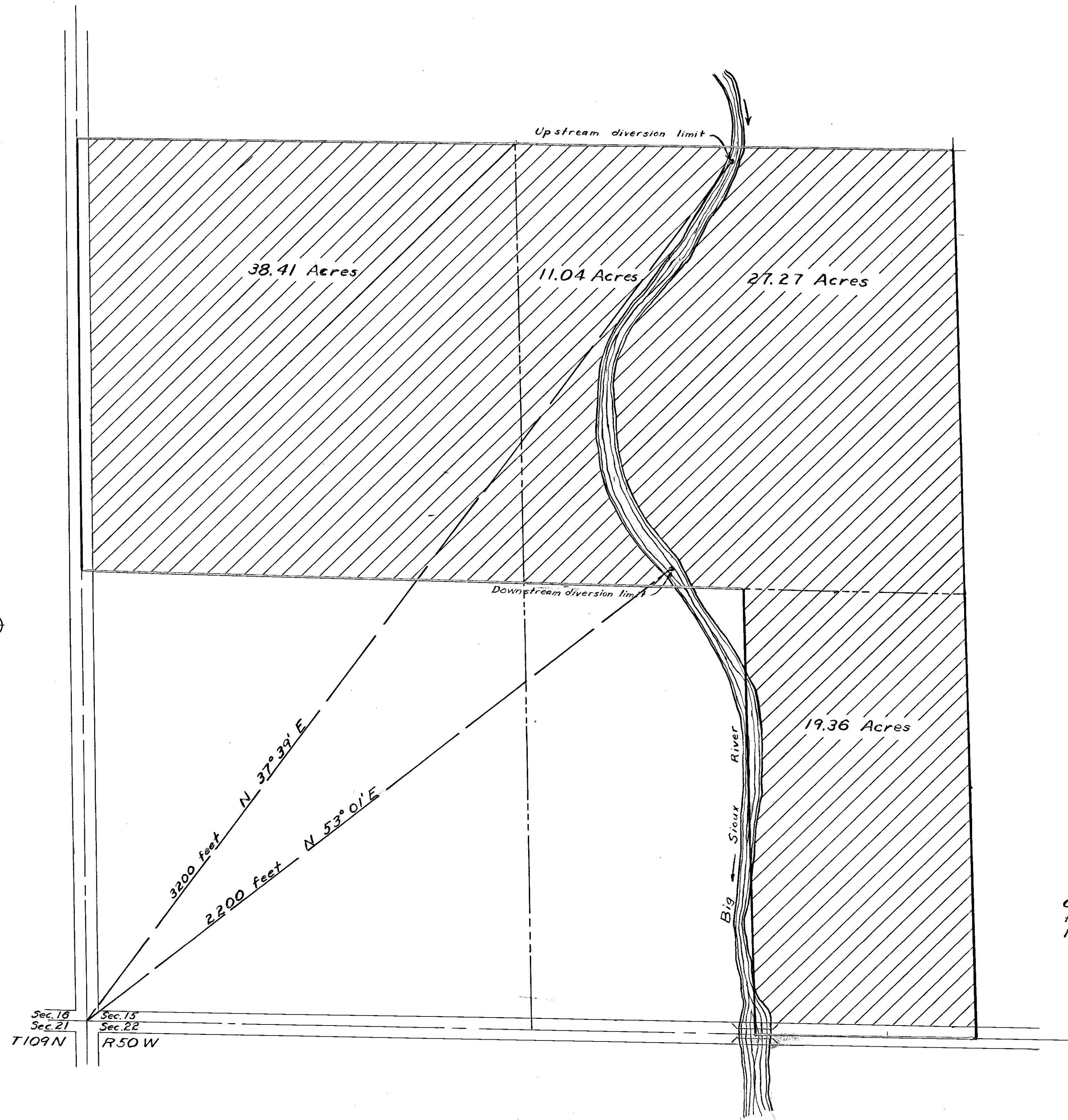
foregoing statement, and examined the map accompanying the same, and that I know of my own personal knowledge that the matters herein state and shown are true.

Subscribed and sworn to before me this 2nd day of March 1954

*Each diversion must have a headgate or means or device.

Notary Public (or other qualified officer.)

James L. Butler



SURVEYOR'S CERTIFICATE

State of South Dakota } ss
County of Brookings }

I, Emory E. Johnson, a Registered Land Surveyor in the State of South Dakota, do hereby certify that, at the request of David Richard Flittie and Ruth K. Flittie, owners, I surveyed the irrigable land within their ownership boundaries on May 16, 1953, for which application for appropriate water right is made and that this map is a true representation thereof.

In Witness Whereof, I have hereunto set my hand and seal this 13th day of June, 1953.

Emory E. Johnson
Registered Land Surveyor

State of South Dakota } ss
County of Brookings }

On this day, before me, the undersigned, a Notary Public within and for the said State and County, personally appeared Emory E. Johnson, known to me to be the person who executed the foregoing Surveyor's Certificate and acknowledged to me that he executed the same.

Witness My Hand, I have hereunto set my hand and seal this 13th day of June, 1953.

W E Watson
Notary Public

My Commission Expires October 12, 1953.

AREAS BY LEGAL SUBDIVISION

NW 1/4 of SW 1/4	38.41 Acres
NE 1/4 of SW 1/4	38.31 "
SE 1/4 of SW 1/4	19.36 "

Total 96.08 Acres

Ownership boundaries include the N 1/2 of SW 1/4 and the E 1/2 of SE 1/4 of SW 1/4 all in Section 15, T109N, R50W, 5th P.M. Brookings county.

Water Right - #113-3

Map # 92-3

MAP

SHOWING AREA AND DIVERSION POINTS
FOR PERMIT TO APPROPRIATE WATER

DAVID RICHARD FLITTIE - RUTH K. FLITTIE
OWNERS

SCALE 1"=200'

MAP PREPARED BY
Emory E. Johnson
Registered Engineer and
Land Surveyor

(WR=113-3)

Remarks by State Engineer:

No written or oral objections were received. However, Carl A. Ann, Brookings, Owner of the Hanson Nursery who uses water, without a permit, adjacent to the location of this application and has, according to his statement, for at least two years, called via the telephone on April 24, 1954 and stated that he would file an application for a permit and would attempt to establish a first priority by virtue of his use of water over a period of years. This application will respect the prior rights of all persons who may have or may hereafter establish their right to the use of water prior to this right.

STATE OF SOUTH DAKOTA,

County of Hughes } ss.

Pierre, South Dakota, April 26, 1954.

This is to certify that the foregoing application was received at this office at 9:00 o'clock a.m. upon the 4th day of March, 1954 and that after examination it was found to comply with the South Dakota water laws, was published in accordance with the provisions thereof and consideration given to any and all information presented.

Dean W. Loucks
DEAN W. LOUCKS,

State Engineer.

Number of permit 113-3

Date of first receipt of application March 4, 1954

Date of return to applicant for correction _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right March 4, 1954, 1954

Approved April 26, 1954, Recorded in Book 3 Page 64

This is to certify that I have examined the foregoing application for a permit to appropriate water of the state of South Dakota, and I 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 October 26, 1954

2d. The whole of said work is to be completed on or before April 26, 1955

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is April 26, 1955

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

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 1.2 cubic feet of water per second of time; 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 April 26, 1955; said water to be used during the following described annual period:

May through August inclusive.

Witness my hand this 26 day of April, 1954

Dean W. Loucks
DEAN W. LOUCKS

State Engineer.

Certificate of Construction issued November 23, 1954

Water License issued December 18, 1954

Permit No. 113-3Water Division No. 3 Sioux River Water District

Certificate of Construction of Works.

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That

DAVID R. FLITTEof Brookings County of Brookings, and State ofSouth Dakota the holder of Permit No. 113-3, issued upon ApplicationNo. 113-3, bearing date of priority of March 4, 1954, authorizing the diversion of1.2 second-feet of the waters of Sioux RiverCounty of Brookings State of South Dakota, at between a point 3200' N37° 39' E and a point 2200' N 53° 1' E of the SW corner of Section 15 T 109N R 50Wfor sprinkler

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 adequate for diverting and conveying to the place of intended use 1.3

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

to-wit: NE 1/4 SECTION 15 T109N R50W 38.41 acres.NE 1/4 SECTION 15 T109N R50W 38.31 acresE 1/4 SECTION 15 T109N R 50W 19.36 acresTOTAL 96.08 acresLESS BLDG. AREA APPROX. 11.03 acresLAND IRRIGATED 85.00 acresWitness my hand this 23rd day of November A. D. 19 54cc: Emory E. Johnson
djr

DEAN W. LOUCKS, State Engineer of South Dakota.

STATE OF SOUTH DAKOTA

WATER LICENSE No. 113-3

WHEREAS, On the 2nd day of March A. D. 19 54

DAVID R. FLITTE

of Brookings County of Brookings and State of South Dakota duly made application (No. 113-3) to me for a permit to use 550 gal. per min. ⁱⁿ ~~(1.2 cubic feet per second)~~ of the waters of Sioux River County of Brookings, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 26th day of April A. D., 19 54 Permit No. 113-3 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 26th day of April A. D. 19 55 and for the application to beneficial use of said water on or before the 26th day of April A. D. 19 55 and,

WHEREAS, On the 19th day of November A. D. 19 54 the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.2 cubic feet per second of said waters, as evidenced by my Certificate No. 113-3 dated November 23, 1954 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.2 cubic feet per second of water, with date of priority of March 4, 1954 and,

WHEREAS, On the 29th day of November A. D. 19 54 proof was duly made of the application to beneficial use of 1.2 cubic feet per second of said water;

NOW, THEREFORE, By the virtue of the authority vested in me by the laws of the State of South Dakota, I hereby grant and confirm to David R. Flittie of Brookings the holder and owner of said permit No. 113-3 a water right, dating from March 4, 1954 to the use of 1.2 cubic feet per second of the waters of the Sioux River in the County of Brookings and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at between a point 3200' N 37° 39' E and a point 2200' N - 53° 1' E of the SW corner of Section 15-T109N-R50W. and conducted to and upon NW 1/4 SECTION 15-T109N-R50W. 38.41 acres. NE 1/4 SECTION 15-T109N-R50W. 38.41 acres. SE 1/4 SECTION 15-T109N-R50W. 12.26 acres. TOTAL 96.08 acres. LESS BLDG. AREA APPROX. 11.08 acres. LAND IRRIGATED 85.00 acres. for the purpose of sprinkler irrigation

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 my office at Pierre, South Dakota, this 8th day of December A. D. Nineteen Hundred and Fifty-four


DEAN W. LOUCKS

State Engineer.

djr

STATE OF SOUTH DAKOTA

Water License No. 113-3

To DAVID R. FLITTIE

BROOKINGS, SOUTH DAKOTA

BROOKINGS COUNTY

Source of Supply Sioux River

Brookings County

Am't 1.2 Sec. Feet

Point of Diversion
(See Water License)

Place of Use (See Water License)

Purpose sprinkler irrigation

Date of Priority March 4, 1954

Recorded, 12-8-54
(Water License)

in Book _____ of _____ Pages

(First Publication _____ 19____)

APPROPRIATION OF WATER

Office of State Engineer,

Pierre, S. Dak., March 12, 1954

Notice is hereby given that David B. Flittie whose postoffice address is Brookings, 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 1.1 cubic feet of water per second of time from the Big Sioux River through the Flittie Diversion No. 1, the point of diversion of which is to be located 3545 ft. ~~downstream~~ in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 15 Twp. 109N Range 50W. Said water to be used for the purpose of providing sprinkler irrigation on the following described land:

38.41 acres in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$
38.31 acres in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$
19.36 acres in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$
all of Sec. 15 - T 109N - R 50 W
and for irrigation purposes

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 21st day of April, 1954, at 10:00 A. M. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

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

DWAIN W. LOUCKS

State Engineer

cc: Emory E. Johnson, Engineer

rw

PROOF OF PUBLICATION

RECEIVED

APR 9 1954

OFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER

Office of State Engineer,

Pierre, S. D.,

March 12, 1954

Notice is hereby given that David R. Little whose postoffice address is Brookings, S. D., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.1 cubic feet of water per second of time from the Missouri River through the Little Diversion No. 1, the point of diversion of which is to be located at South End and North End of NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 15, Township 102N, Range 60W. Said water to be used for the purpose of providing sprinkler irrigation through 36 No. 20 sprinkler nozzles at a pressure of 50 pounds per square inch as shown on plans on file in the office of the State Engineer on the following described land:

38.41 acres in the NW $\frac{1}{4}$ of theSW $\frac{1}{4}$, 38.31 acres in the NE $\frac{1}{4}$ of theSW $\frac{1}{4}$, 19.30 acres in the SE $\frac{1}{4}$ of theSW $\frac{1}{4}$, all of Section 15, Town-

ship 102N, Range 60W.

This application will be taken up by the state engineer at his office at Pierre for consideration upon the 21st day of April, 1954, at 10 a.m. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the state engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further the information presented.

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

DEAN W. LOUCKS,

State Engineer.

(March 17, 24, 31; April 7)

STATE OF SOUTH DAKOTA }
County of Brookings } ss.

CHARLES A. MITCHELL, being duly

sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

Brookings Register 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 Brookings County ofBrookings and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

March 17, 1954March 24, 1954March 31, 1954April 7, 1954in each and every issue of the full number thereof, the first publication being made on the 17th day of March1954 and the last publication on the 7th day ofApril 1954, upon which days or times

of publication aforesaid the newspaper was regularly pub-

lished, and that during the whole time of said publication he

was Editor the printer and publisher of

the said newspaper.

Charles A. MitchellSubscribed and sworn to before me this 17th day of April A. D. 1954Dean W. LoucksNotary Public Brookings County, S. D.

Permit No. 113-3
 Water Division No. 3 Sioux River Water District

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated May 5, 1954
1954, I have this day made a thorough examination of the diversion works constructed by David R. Flittie and Ruth K. Flittie, of Brookings
Brookings County, South Dakota, holders of Permit No. 113-3, issued
 upon Application No. 113-3, having date of priority of April 30, 1954, authorizing the
 diversion of 1.2 second feet of the waters of Sioux River for irrigation
 purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Fairbanks Morse 4" Centrifugal pump with metal
suction line to stream bed.

and the system is in the following condition: Good

The point of diversion is located at points along the Sioux River in the NW 1/4 of
the SW 1/4

The works are capable of diverting and conveying to the place of use 1.3 second-feet of water,
 which is to be used for irrigation

The legal subdivisions to be irrigated are: NW 1/4 of SW 1/4, NE 1/4 of SW 1/4, and
SE 1/4 of SW 1/4, all in Section 15, T 109 N, R 50 W, of the 5th P.M.

comprising a total of 96.08 acres of land.

The domestic use intended comprises X X X X X X

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

Witness my hand, this 19th day of November, A. D. 1954

Ernest E. Johnson
 Examining Engineer.

CERTIFICATE OF APPLICATION RECEIVED OF WATER TO BENEFICIAL USE

NOV 30 1954

DEPOSITION OF HOLDER

OFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. David R. Flittie, Brookings, S.D.
Farming -

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. None - for myself only -

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 113-3 - March-4-1954

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Sioux River - between a point 3200' N
37°39'E and a point 2200' N - 53°1'E of SW corner - 15-109

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Sprinkler system - aluminum pipe -
1.3 sec. ft. per

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. all for irrigation - to date have
irrigated approximately 600 acres.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. None

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 1.2 sec. ft.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. None -

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Have irrigated 37 acres this past summer (1954) putting on about 3 1/2" water per 2-acres every 5 hrs - all used for irrigating crops.

(Sign.) J. B. Flittie

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to

before me, at my office in Brookings S.D., County of Brookings S.

State of South Dakota, on this 29 day of November A.D., 1954

L. J. Manning
Notary Public

Permit No. 113-3

Proof of Application of Water to
Beneficial Use.

DEPOSITION OF HOLDER.

Amount of water second feet

Source

County

Purpose

Place of Use

Date of priority

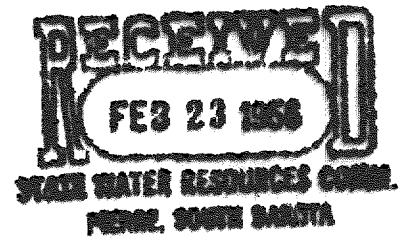
Received and filed

SOUTH DAKOTA STATE COLLEGE
OF AGRICULTURE AND MECHANIC ARTS
BROOKINGS, SOUTH DAKOTA

February 20, 1956

AGRICULTURAL EXPERIMENT STATION
DEPARTMENT OF AGRICULTURAL ENGINEERING

*Ans
2-23-56*



Mr. J. W. Grimes
State Water Resources Commission
Pierre, South Dakota

Dear Mr. Grimes:

You will find enclosed a program for the irrigation clinic which will be held March 15. We will have standard projection equipment available for those who desire to use it and also plenty of blackboard space. If anything else is needed let me know in advance so that we can take care of it.

There is another matter which I would like to confer with you about. This can probably wait to the 15th, but in essence this is it: the college through the State College Development Association bought some land from David Flittie located in Section 15 T 109 N R 50W Brookings County. This land carries water permit No. 113-3, dated November 23, 1954. We naturally would like to get this permit in proper status and would, therefore like to know just what must be done. We will be taking possession about March 10, so don't suppose there is a big hurry.

Very truly yours,

John L. Wiersma

John L. Wiersma, Assoc. Prof.
in Agricultural Engineering

JLW/je

Enc.

NOTICE OF TRANSFER OF WATER PERMIT

April 20, 1956

TO: Office of State Water Resources Commission
Pierre, South Dakota

This is to notify you that David R. Flittie

who previously owned the land described below has sold his interests to
State College Development Association

together with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 113-3
and as provided for in section 61.0141 of the SDC of 1939 and elsewhere as stated as amended in
sections 61.0102, 61.0109 and 61.0123 - 1 of Supplement to the South Dakota
Code of 1939, and As also provided for in section 61.0127 of the amendment code.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at
the OFFICE OF WATER RESOURCES COMMISSION as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 55.1806 of the SDC of 1939.

STATE OF SOUTH DAKOTA
County of Brookings } ss.

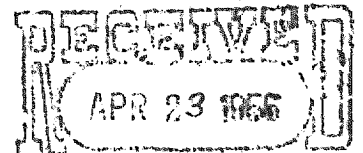
I, David R. Flittie being first duly sworn on my
oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the
above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Signed

David R. Flittie

Subscribed and sworn to before me this 21 day of April, 1956.

Frank L. Latta
Notary Public



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

24 Jan 83



Genny Young
Water Rights
Department of Water
& Natural Resources
Foss Building
Pierre, South Dakota 57501

Dear Genny:

The Water Management Board data sheets should be sent to the following people to assure a more rapid response to your questionnaire.

Permit No.

Contact Person

113-3 and 113-3A

Tom Klosterman
Agricultural Engineering Farm Supt.
Department of Agricultural Engineering
Box 2120
South Dakota State University
Brookings, SD 57007

1344-3

James Waples
Department of Horticulture-Forestry
Box 2207
South Dakota State University
Brookings, SD 57007

4079-3

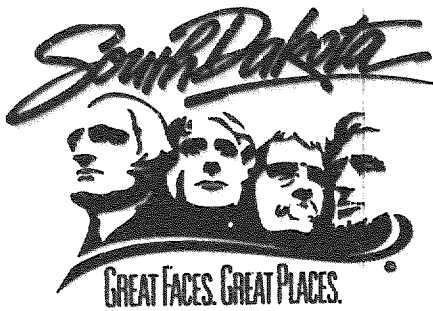
Theodore Hauge
Farm Manager
Box 2207
South Dakota State University
Brookings, SD 57007

Sincerely,

A handwritten signature in cursive script that reads "Darrell W. DeBoer".

Darrell W. DeBoer, Professor
Agricultural Engineering Department

DWD:dh



113-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2000

NOTICE

TO: TOM KLOSTERMAN, MGR, FARM DEPARTMENT, BOX 2207, BROOKINGS, SD 57007

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

Ron Duvall

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire has not been submitted for Permit No(s) 113-3, 113-3A & 4079-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

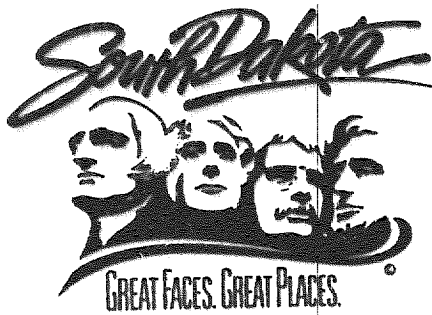
The hearing will be held at 1:30 pm, March 1, 2000, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 113-3, 113-3A & 4079-3 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 28, 2000, 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.



113-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 2000

113-3
113-3A
4079-3

Kevin Kephart
SDSU – Farm Department
PO Box 2207
Brookings, SD 57007

Dear Mr. Kephart:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. I completed forms for you based on our January 19th telephone conversation.

You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit Nos. 113-3, 113-3A and 4079-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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



113-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

August 6, 2012

Dear Water Right Holder;

Due to low flows I am advising water right holders on the Big Sioux River of the possibility of shutoff orders in 2012 for the river reach from Watertown through Sioux Falls. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Big Sioux River basin remain well below the historical average. The forecast for improved conditions for the near future is not favorable.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing real-time river flows at 159 stream gauging stations across the state including three gages sites on the Big Sioux River. To access this information go to <http://waterdata.usgs.gov/sd/nwis/rt> and click on the link "Statewide Streamflow Current Conditions Table".

Thank you for your cooperation. If you have any questions, please contact Lynn Beck or Mark Rath at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on August 6, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated August 6, 2012 regarding shut off warnings on Big Sioux River addressed as stated below:

permitno	fname	lname	addrss2	city	state	zip
1696-3	DONALD G	AHLERS	22920 SD HWY 13	FLANDREAU	SD	57028
5530-3	TERRY & DENISE	ANDERSON	47558 237TH ST 26534 N SHORE PLACE	TRENT	SD	57065
6192-3	BERNE B	BAHNSON	PO BOX 366	HARTFORD	SD	57033
3806-3	BERNARD	BERGDALE	47948 232ND ST	ALCESTER	SD	57001
1175-3	HAROLD	BOEVER	4162 BIRCH AVE	FLANDREAU	SD	57028
4895-3	BILL B	BOYER	403 16TH ST	HAWARDEN	IA	51023
284-3	LUKE	BOYER, MGR	24482 482ND AVE	HAWARDEN	IA	51023
7110-3	BRIAN	BURKHART	32650 480TH AVE	DELL RAPIDS	SD	57022
5760-3	BRIAN	CHICOINE	29509 488TH AVE	ELK POINT	SD	57025
2255-3	JAMES H	COLE	47364 GOLF VIEW DR	HUDSON	SD	57034
6124-3		DELLS ROCKY RUN GOLF COURSE		DELL RAPIDS	SD	57022
4969-3	JOHN GILMAN	FRAZIER FARMS	BOX 423	PARKSTON	SD	57366
4969-3	JOHN TROY D & SANDY F	GILMAN	4162 BIRCH	HAWARDEN	IA	51023
249-3	DARREN & ALLISON	HAHN	6762 SMITH DR	WENTWORTH	SD	57075
2065-3		HAMILTON	22615 480TH AVE	FLANDREAU	SD	57028
2952-3, 956-3	WAYNE	HEADRICK	47926 SD HWY 32	FLANDREAU	SD	57028
279-3	ROBERT	JAGER, MGR	48495 299th ST	HAWARDEN	IA	51023
1350-3, 6042-3	RAYMOND D	JENSEN	24348 478TH AVE	HAWARDEN	SD	57022
1302-3	LARRY J	JORGENSEN	24048 477TH AVE	DELL RAPIDS	SD	57065
1500-3, 213-3	TED	LACEY	24064 478TH AVE	TRENT	SD	57065
	EUGENE	MOLLET	48011 332ND ST	TRENT	SD	57038
3433-3	VIRGIL L	MOLLET JR	47991 334TH ST	JEFFERSON	SD	57038
1801-3	GAIL	MUNK	803 DAKOTA	JEFFERSON	SD	57022
113-3	PATTI	NASH	21660 469TH AVE	DELL RAPIDS	SD	57006
3914-3	OMAR F	PETTERSON	48378 276TH ST	BROOKINGS	SD	57013
2350-3		RIVER VALLEY FARMS	CANTON	SD	57001	
1801-3	HARVEY JOHN T & MELISSA R	SCHMIDT, OPERATOR	PO BOX 486	ALCESTER	SD	57022
1454-3		SCHUTTE	47528 244TH ST	DELL RAPIDS	SD	57013
5814-3	PATRICK V	WALSH, OPERATOR	47973 W 5TH ST 47844 COUNTY RD 1B	CANTON	SD	57025
597-3	DAN & JUDY	WHIPPLE WILLOW RUN MANAGEMENT COMPANY	11726 NORWAY ST NW	ELK POINT COON RAPIDS	SD MN	55448
5055-3		XCEL ENERGY	8000 E HWY 42	SIoux FALLS	SD	57110
519-3A		NORTHERN STATES POWER COMPANY	7100 E RICE ST	SIoux FALLS	SD	57110
43-3, 519-3 5698-3, 6210-3	GREG ANDERSON	CITY SIOUX FALLS	414 NICOLLET MALL	MINNEAPOLIS	MN	55401
			224 W 9TH ST	SIoux FALLS	SD	57102

Gail Jacobson

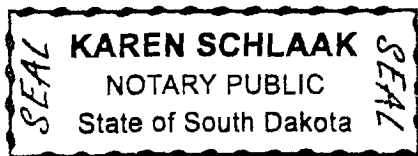
Gail Jacobson
Secretary/Water Rights

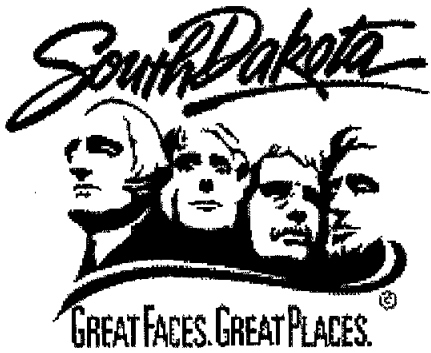
STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of August, 2012.

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2013





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 31, 2018

113-3

SDSU AG & BIO SYSTEMS ENGR
BOX 2120
BROOKINGS SD 57007

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear SIR,

I am writing to inform you of an effort the SD Dept. of Environment and Natural Resources Water Rights Program is undertaking to review and update a number of water right permits authorized to pump water from the Big Sioux River. Since your water right does not have a bypass qualification, we **are not** proposing to amend your permit by adding a bypass qualification. However, I do want to make you aware of what we are proposing for several other junior priority Big Sioux River permits.

When a number of these Big Sioux River permits were issued, they contained a qualification requiring a minimum flow bypass before the user is able to pump water from the river. The bypass qualification was placed on these permits to protect the use of water by downstream senior priority water right holders and domestic water users, which includes livestock watering. The review found, with the passage of time, a number of senior water right permits have been cancelled due to abandonment or forfeiture. Consequently, it may be possible to lower the flow bypass limitation on the remaining permits. In other words, the amount of flow in the river can be lower and pumping will still be allowed. The review also found an inconsistency between permits on where the bypass flow is to be measured. The intent of this effort is to standardize and make consistent the bypass requirements for the remaining water users.

In order to amend a qualification on an existing water right permit, formal action by the SD Water Management Board is needed. In the next few weeks, you can expect to receive official notification scheduling a hearing before the Water Management Board. Again this does not pertain to amending your permit, only junior permit holders. If you wish to participate in the hearing you can, but you are not required to. There will be instructions with the notification on how to participate in the hearing if you so choose.

If you have any questions concerning this effort, please contact Mark Rath of the Water Rights Program at phone (605) 773-3352.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 12, 2018

113-3

SDSU AG & Bio Systems Engr
Box 2120
Brookings SD 57007

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear Sir:

The SD Department of Environment and Natural Resources (DENR) has evaluated the minimum flow bypass condition on water rights that pump from the Big Sioux River. The Chief Engineer is recommending amending the bypass qualification on 21 Big Sioux River water rights. The intent is to bring uniformity to the bypass requirement placed on water rights in past years. The water right you own or operate does not have a bypass qualification and will not be amended by the proposed action.

Even though your water right is not being amended, DENR wants to keep you informed of the proposed action since it involves the Big Sioux River. Enclosed is a notice to be published on or before February 15, 2018, in one newspaper from each of the seven counties that the Big Sioux River flows through. Also, the staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Mark Rath at 605 773-3352 or mark.rath@state.sd.us.

A hearing before the Water Management Board is scheduled at 11:30 AM, Wednesday, March 7, 2018 in the Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. The enclosed notice provides information on the hearing and ability to file a petition in either support or opposition to the proposed amendment. The filing of a petition must be postmarked by February 26, 2018. Additionally filing a petition affords you the opportunity to participate in the March 7th hearing before the Board if you choose.

Again, this does not pertain to amending your water right, only junior water right holders with existing bypass requirements. If you have questions, please call. DENR is willing to work to answer any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosure

Dewell, Amanda

From: Dewell, Amanda
Sent: Wednesday, April 10, 2024 4:49 PM
To: patti@cabanabanners.com
Subject: Water Rights

Patti –

Thank you again for taking a moment this morning in regard to your property, obtained from South Dakota State University.

[Water Right No. 113-3](#) authorizes the appropriation of 1.2 cfs from the Big Sioux River for the irrigation of 96.08 acres located in the SW ¼ Section 15-T109N-R50W, Brookings County.

[Water Right No. 113-3A](#) authorizes the appropriation of 1.21 cfs from 2 wells (completed into the Big Sioux: Brookings Aquifer) for irrigation of 85 acres located in the SW ¼ Section 15-T109N-R50W, Brookings County.

The Lat/Long for each well was recorded in 1992 when the system was inspected for licensing. I've inserted into this email a map with blue pins at those locations, however they could be off by 100+ feet in any direction as GPS wasn't great in 1992.

When we spoke on the phone, you said that Lacey Well Drilling had constructed 2 wells for you in 2000. I am not able to find any well completion reports in Section 15, other than those done for SDSU. I will attempt to track those down thru Lacey this week. If the well driller provided those to you at the time the wells were drilled, I would love a copy. We need to know the depth of the wells to identify the aquifer they are completed into.

As we discussed this morning, it is possible that the water right SDSU had for irrigation from the wells could be transferred to you, covering your irrigation project. However, we would need to confirm that the water is being appropriated from the same source, your wells do not produce more than what is authorized (1.21 cfs/545 gpm), and we would want one of our sessional permit inspectors to come view your irrigation project and make sure it aligns with what is covered under Water Right No. 113-3A.

You had also said on the phone that you do not appropriate any water from the Big Sioux River for irrigation. With that, we will schedule Water Right No. 113-3 for cancellation before the Water Management Board. A "Notice of Cancellation" will be sent to you, the property owner, before any action is taken. No action would be required on your part and cancellation of that water right would have no bearing on your ability to obtain water rights in the future.

Thank you again,



Amanda Dewell

DANR - Water Rights Program

Permitting Administrator

Main Phone: 605 773-3352

Website: danr.sd.gov



Dewell, Amanda

From: Dewell, Amanda
Sent: Tuesday, April 9, 2024 8:14 AM
To: Trooien, Todd todd.trooien@sdstate.edu
Subject: SDSU Water Rights

Good morning,

My name is Amanda, and I am the Permitting Administrator of the South Dakota Water Rights Program. I am currently in the process of "spring cleaning" so to speak for water rights and I've come across a few that SDSU had acquired through the State College Development Association. Eric Gronlund thought you might be able to help us discern the appropriate point of contact for further questions.

Water Right No. 113-3 authorizes the appropriation of 1.2 cfs from the Big Sioux River for the irrigation of 96.08 acres located in the SW ¼ Section 15-T109N-R50W, Brookings County.

Water Right No. 113-3A authorizes the appropriation of 1.21 cfs from 1 well (completed into the Big Sioux: Brookings Aquifer) for irrigation of 85 acres located in the SW ¼ Section 15-T109N-R50W, Brookings County.

Each of these water rights have a qualification that requires an annual irrigation questionnaire be submit to report water use. These questionnaires were being mailed to the SDSU Farm Department from 1999-2001 and then to Randall & Patti Nash until the mailing ceased in 2007.

The questions I'm trying to find answers for are:

Why did the mailing of irrigation questionnaires stop in 2007? There are no files or notes in the records.

Is irrigation still taking place? SD Water Laws allow for a 3-year period of non-use before water rights are subject to cancellation.

Who is the operator for the irrigation project?

I appreciate any insight you might have.

Amanda Dewell

DANR - Water Rights Program

Main Phone: 605 773-3352

Website: danr.sd.gov



Smith, Miranda

From: Smith, Miranda
Sent: Tuesday, July 22, 2025 8:04 AM
To: Patti@cabanabanners.com
Subject: Water Right No. 113-3
Attachments: 113-3.pdf

Good Morning Patti,

I'm emailing you regarding Water Right No. 113-3. Water Right No. 113-3 authorizes the appropriation of 1.2 cfs from the Big Sioux River for the irrigation of 96.08 acres located in the SW ¼ Section 15, T109N, R50W, Brookings County.

In 2024 you spoke with Permitting Administrator Amanda Dewell about this license. In that correspondence you informed her that you do not appropriate water from the Big Sioux River for irrigation. At that time, you were agreeable to cancellation of this Water Right. I have attached a copy of the email sent in 2024.

I would like to gain confirmation that you are still the owner of this property and that you are still agreeable to cancellation of this Water Right. It was not scheduled for cancellation in 2024, so I would like to get this scheduled for the October 2025 Water Management Board Meeting.

Please let me know.

Thanks,



Miranda Smith
DANR - Water Rights Program
Program Assistant
Main Phone: 605-773-3352
Website: danr.sd.gov