

1. Considered 5-18, 1966
2. Name of Applicant Leo & Barbara Anden
3. Post Office Address Lake Anden
4. Amount of water claimed 1.71
5. Source of water supply ground water
6. Water to be used for irrigation

Acres to be irrigated 120

7. Water to be diverted and used in Chas River County about
1.5 30 miles of River

8. Procl of Publication Received ☒
- Not Received ☐

9. Application Approved ☐
- Subject to ☐

Not Approved ☐

Action deferred ☐

10. Remarks:

Application is better

No. 1252-3Water Division No. 3 MISSOURI RIVER District
(Banks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

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

1. Name of applicant Leo F. and Barbara J. Soulek
Postoffice address Lake Andos, County Charles Mix, State So Dak

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

2. Name of diversion work Soulek # 1
1.71 MAXIMUM ALLOWABLE
 3. Amount of water claimed 2.0 cubic feet per second
 4. Source of water supply Well
 5. Location of point of diversion Northwest quarter of the Southwest Quarter
Section 35 T97N R61W of the 5th P.M. bank Charles Mix County
 6. Annual period or periods during which water is to be used During Growing Season
 7. To be used for:

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

- (a) Number of acres to be irrigated in 120 acres.

- (b) Legal subdivisions to be irrigated W. of the SW and SE of the NW 35-27-61

(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.) _____

II. 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 872-3

8. Estimated cost of work:

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

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

(c) Fluming, \$..... (d) Canal-earth, \$.....

Rock, \$.....

(e) Other structures \$.....

Total, \$.....

9. Description of diversion works:

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

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottom feet; length at topfeet; thickness at bottomfeet; thickness at topfeet; slope at front water face; slope at back face material used in construction

(b) Reservoir: Capacity when filledacre 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; heightfeet;
Material

(d) Canal: Total lengthmiles.

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 Three years.

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

12. Choice of newspaper for publication of notice of intention to appropriate
Lake Andes Wave, Lake Andes, S. Dak.

STATE OF SOUTH DAKOTA

County of Charles Mix ss.

I, Leo F. Soulek & Barbara J. Soulek, 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 8th day of February 1966

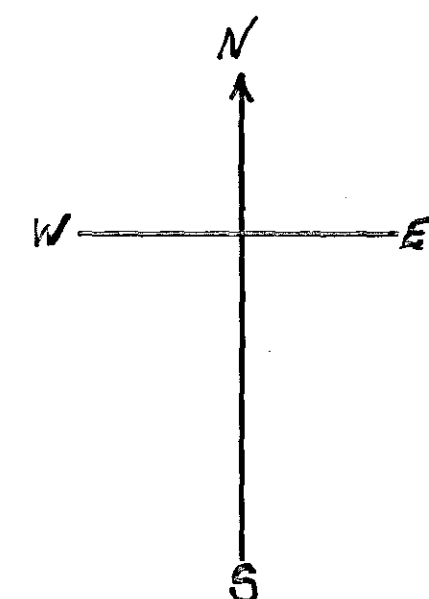
Notary Public (or other qualified official) -

South Dakota

Commission expires Apr 5-1967

*Each diversion must have a headgate or measuring device.

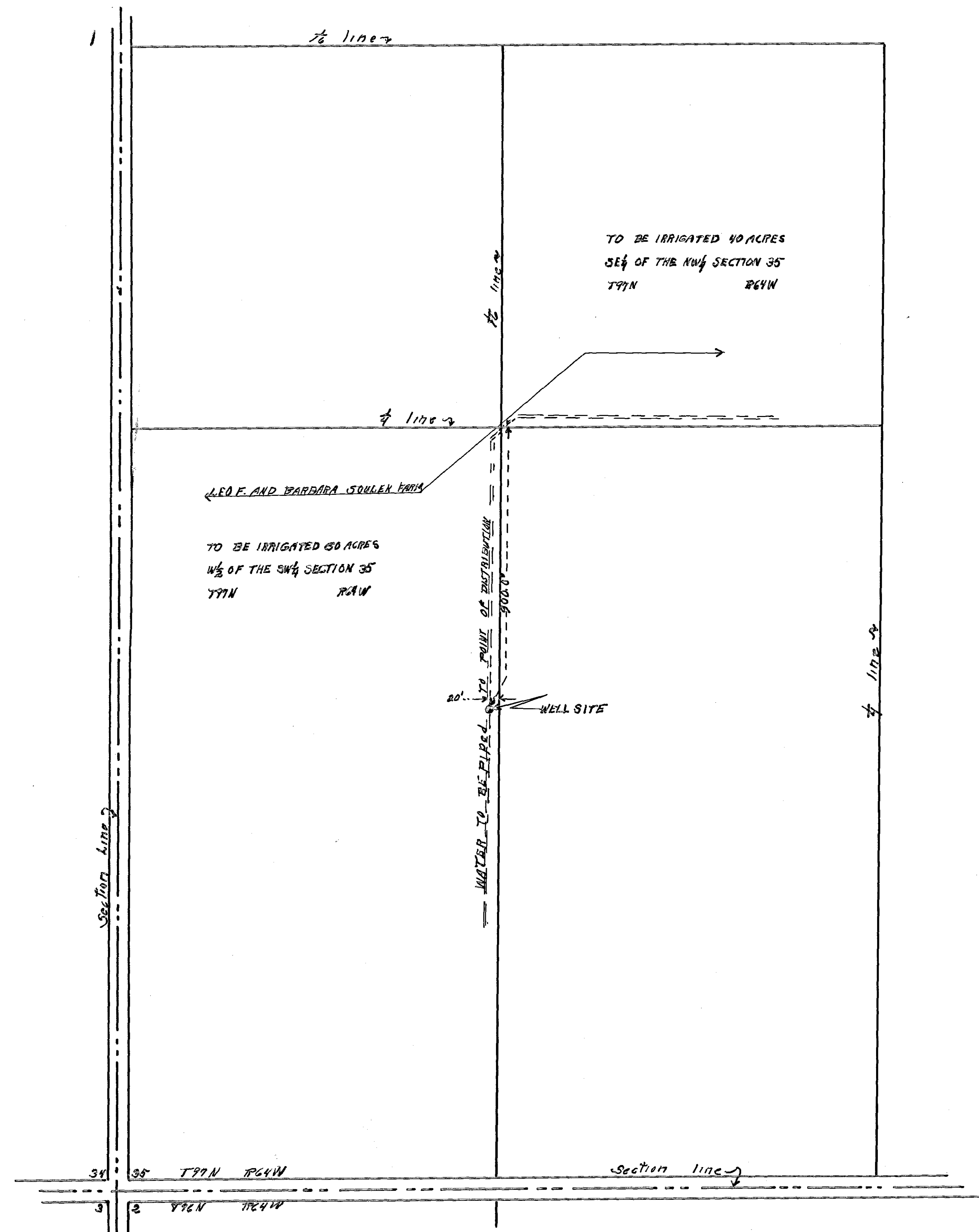
PLAT OF
COMBINATION SYSTEM OF IRRIGATION
SPRINKLING AND GRAVITY
LEO F. AND BARBARA SOULEK FARM
W $\frac{1}{2}$ OF THE SW $\frac{1}{4}$ AND THE SE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$
ALL IN SECTION 35 T97N R64W
OF THE 5TH RA.



I, RAY G. GILL, A DULY REGISTERED LAND SURVEYOR, DO HEREBY
CERTIFY THAT I HAVE PLATTED FROM NOTES TAKEN BY ME JAN 31 1966
FOR THE LEO F. AND BARBARA J. SOULEK FARM. W $\frac{1}{2}$ OF THE SW $\frac{1}{4}$ AND THE SE $\frac{1}{4}$
OF THE NW $\frac{1}{4}$ SECTION 35 T97N R64W OF THE 5TH P.M. THE SAME TO BE A
GRAVITY AND SPRINKLER SYSTEM. CONDITIONS ARE AS SHOWN ON PLAT.
IN WITNESS WHEREOF I HAVE SET MY HAND AND SEAL THIS 2TH
DAY OF FEBRUARY 1966.
STATE OF SOUTH DAKOTA
COUNTY OF CHARLES MIX
ON THIS 2ND DAY OF FEBRUARY 1966 BEFORE ME, THE
UNDERSIGNED OFFICER WITHIN AND FOR THE COUNTY AND STATE AFORESAID NAMED,
PERSONALLY APPEARED RAY G. GILL KNOWN TO ME TO BE THE PERSON DESCRIBED
IN WHO EXECUTED THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT
HE EXECUTED THE SAME.
MY COMMISSION EXPIRES 4/5/67

Ray G. Gill
REGISTERED LAND SURVEYOR

L. H. Belcher
L. H. BELCHER NOTARY PUBLIC



Remarks by State Water Resources Commission:

The well granted under this Permit is located near domestic wells and other irrigation wells which may obtain water from the same aquifer. If the well covered by this Permit depletes the domestic supplies or interferes with prior water rights, restrictions, to the extent necessary, or the capacity of the well or periods of operation or other arrangements will be required to protect these water supplies.

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, JUNE 6, 1966

This is to certify that the foregoing application was received by the Commission at 8:12 o'clock
9 a.m. upon the 15TH day of FEBRUARY, 1966

State Water Resources Commission

By:

[Signature]
for Chief Engineer, Executive Officer

Number of permit 1252.3

Date of first receipt of application FEBRUARY 15, 1966

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 FEBRUARY 15, 1966

Approved MAY 18, 1966 Recorded in Book 9 Page 132

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 18, 1967

2nd. The whole of said work is to be completed on or before MAY 18, 1969

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is MAY 18, 1971

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 3.75 cfs 1.71 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 18, 1971; said water to be used during the following described annual period:

DURING GROWING SEASON

Witness my hand this 6TH day of JUNE, 1966

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued DECEMBER 30, 1966

Water License Issued DECEMBER 30, 1966

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications No. 1

(a) Hole and casing

Size of drill hole or excavation 36 inch , Depth 230 ft.

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

Size of casing 20 inch , Thickness of casing 2 1/2 inch

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

(b) Screens

Type of perforated screen Perforated sections of concrete, 1/8" x 1" slots.

Size of perforated screen 20 inch 12 ft.
(diameter) (length)

Thickness of gravel pack 8" , length of gravel pack 200 ft.

(c) Water Bearing Materials

Distance to water 160 ft. . Character of water bearing materials

Sand and gravel

Thickness of water bearing material 35 ft.

(d) Pump and Motor

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

Name of pump Western Land Roller , size 10 inch

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

Horsepower 110 , Name of Motor Chrysler Industrial

(e) Complete well

Capacity 900 at drawdown of 60 . Estimated cost 3000.00

(f) Owner of land upon which well is located Leo F. & Barbara J. Soulek
Name

Lake Andes, S. Dak.
Address

(g) Distance to nearest existing wells

On same owner's property None rods. On property owned by others 160 rods

Permit No. 1252-3Water Division No. 3 Missouri River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Leo F. and Barbara J. Sovlekof Lake Andes, County of Charles Mix, and State of South Dakotathe holder of Permit No. 1252-3, issued upon Application No. 1252-3, bearing date of priority of February 15, 1966authorizing the diversion of ground waterCounty of Charles Mix, State of South Dakota, at a point 1300'E and 1750'N of the SW corner, Section 35, T97N, R64Wfor irrigation

purposes, have 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 3.00 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: All in Section 35, T97N, R64W

SE 1/4 NW 1/4 40 acres

W 1/2 SW 1/4 80 "

Total - 120 "

Witness my hand this 30th day of December A. D. 1966

State Water Resources Commission

By:

J. W. GRIMES

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 1252-3

WHEREAS, On the 15th day of February A. D. 1966
Leo F. and Barbara J. Soulek
 of Lake Andes County of Charles Mix and State of
South Dakota duly made application (No. 1252-3) to us for a permit to use 1.71
 cubic feet per second of the waters of ground water
 County of Charles Mix State of South Dakota, for irrigation
 purposes; and

WHEREAS, On the 18th day of May A. D. 1966
 Permit No. 1252-3 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 18th day of
May A. D. 1969 and for the application to beneficial use of said
 water on or before the 18th day of May A. D. 1971
 and,

WHEREAS, On the 29th day of December A. D. 1966
 the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.00
 cubic feet per second of said waters, as evidenced by our Certificate No. 1252-3
 dated December 30, 1966 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 3.00 cubic feet per second of water, with date of
 priority of February 15, 1966 and,

WHEREAS, On the 29th day of December A. D. 1966
 proof was duly made of the application to beneficial use of 1.71 cubic feet per second of said water;
for irrigating 120 acres in the W $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, T97N, R64W

NOW, THEREFORE, By the virtue of the authority vested in us by the law, of the State of South Dakota,
We hereby grant and confirm to **Leo P. and Barbara J. Soulek**

of **Lake Andes** the holder ^H and owner ^A of said permit No. **1252-3**

a water right, dating from **February 15, 1966** to the use of **1.71**

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

necessray for the purposes hereinbelow mentioned, to be diverted at **a point 1300'E and 1750'N of the SW corner, Section 35, T97N, R64W**

and conducted to and upon **the W $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, T97N, R64W**

for the purpose of **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 our office at Pierre, South Dakota,
this **30th** day of **December** A. D. Nineteen
Hundred and **Sixty-Six**

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 _____

on or before
(First Publication)

April 24

, 19⁶⁶

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak.,

March 29

, 19⁶⁶

Notice is hereby given that Leo F. and Barbara J. Soulek whose postoffice address is Lake Andes 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 2.0 cubic feet of water per second of time from the ground water through the Soulek #1, the point of diversion of which is to be located on the ~~bank of said stream~~ in the 11W $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35 Twp. 97N Range 64W. Said water to be used for the purpose of providing irrigation on the following described land:

W $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, T97N, R64W~~XXXXXX~~~~purpose~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 18th day of May, 19⁶⁶, at 2 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 SpecialistCC: Ervin E. Palmer, Publisher
Lake Andes News
Lake Andes, S.D.

PROOF OF PUBLICATION

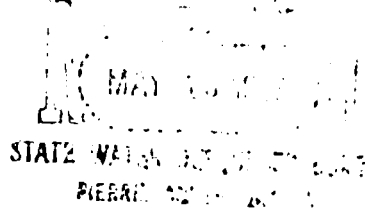
STATE OF SOUTH DAKOTA

County Charles Mix } ss.E. E. Palmer being duly sworn, deposes and says the annexed printed copy of Notice

of 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 thecity 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 6, 1966April 13, 1966April 20, 1966April 27, 1966in each and every issue of the full number thereof, the first publication being made on the 6th day of April1966 and the last publication on the 27th day ofApril 1966, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication hewas Creditor the printer and publisher of the said newspaper.E. E. PalmerSubscribed and sworn to before me this 30 day of April A. D. 19 66Notary Public Charles Mix County, S. D.

APPROPRIATION OF WATER

Office of State Water Resources Commission, Pierre, S. Dak., March 29, 1966.

Notice is hereby given that Leo F. and Barbara J. Soulek whose post-office address is Lake Andes, 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 2.0 cubic feet of water per second of time from ground water through the Soulek #1, the point of diversion of which is to be located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Twp. 97N, Range 61W. Said water to be used for the purpose of providing irrigation on the following described land:

W $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, T97N, R64W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of May, 1966, at 2 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 Specialist

April 6-13-20-27

STATE OF SOUTH DAKOTA

Office of
WATER RESOURCES COMMISSION
Pierre, S. D.

June 10, 1966

Mr. Leo F. Soulek

Lake Andes, S.D.

Dear Mr. Soulek:

Enclosed herewith please find your application No. 1252-3 for a permit to appropriate 1.71 cubic feet of water per second through the Soulek #1

to which we have given our approval, thus authorizing you to make the appropriation requested under the Conditions therein stated. As soon as the construction nears completion, this office should be notified so that inspections may be made with a view to issuing you a final water license. For your convenience, we are enclosing blank forms which you may wish to use when notifying us that you are ready for the inspection of your irrigation works and beneficial use of water.

Very respectfully,

State Water Resources Commission

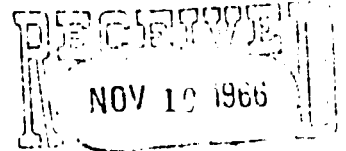
By: J. W. GRIMES
Chief Engineer, Executive Officer

P.S. All indications are that your proposed irrigation well will tap water contained in a shallow artesian basin. If there are nearby domestic wells tapping this same shallow artesian basin, it is probable that normal irrigation withdrawals from your proposed irrigation well will lower the water level in such domestic wells. In such case you are to reduce the amount of water withdrawn from your proposed irrigation well so that water, as was previously available, will be available as needed for domestic use purposes in the nearby affected domestic wells. The intent of this postscript is to be sure you are aware of the factors involved before making your investment.

Encls: Application
Forms 16 & 17

Lake Andes, South Dakota

November 9, 1966



Mr. Burton Jones
Water Resources Commission
Pierre, S. Dak.

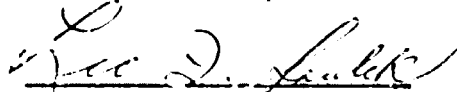
Dear Mr. Jones:

I would like to have you send me a copy of the booklet, "Water Laws, State of South Dakota, Water Rights Law, 1966".

We have just recently completed drilling my Irrigation Well, legal description being on the $W\frac{1}{2}$ of the $SW\frac{1}{4}$ and $SE\frac{1}{4}$ of the $NW\frac{1}{4}$, 35-97-64, in Charles Mix County.

A neighbor of mine, who has land adjacent to mine, 80 acres, has indicated a desire to me, to work out some type of arrangement with me in which I would farm his 80 acres and irrigate same, What would be the proper steps for us to take with your department to bring his unit with mine. May I hear from you soon in regards to this matter.

Yours very truly,


Leo F. Soulek

Lake Andes, S. Dak.

November 10, 1966

Mr Leo P. Soulek
Lake Andes, S.D.

Dear Mr. Soulek:

Reference is made to your letter of November 9th, regarding the irrigation of an additional 80 acres adjacent to your project.

This requires that a water right be obtained in the same manner as you went through, ie: map, application forms, publication notice, etc. The point of diversion will be shown as your existing well

I am enclosing the water laws, as well as the necessary forms and instructions for the application.

Should you have further questions, feel free to contact this office.

Sincerely,

BURTON F. JONES
Water Right Specialist

BFJ:mf
Encis: Form 2 (2)
Form 2-A (2)
Instruction Sheet
Water Laws

Permit No. 1252-3
MISSOURIWater Division No. 3 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 authorization dated _____

19____, I have this day made a thorough examination of the diversion works constructed by LEO F. & BARBARA J. SOULEK of LAKE ANDES CHARLES MIX County, South Dakota, holder of Permit No. 1252-3, issued upon Application No. 1252-3, bearing date of priority of FEBRUARY 15, 1966, authorizing the diversion of 1.71 cu. f. 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: 262' WELL, WESTERN LAND ROLLER 10" (3 STAGE-12" BOWLS) PUMP #F66141, POWERED BY CHRYSLER INDUSTRIAL MOTOR MODEL HT413-201, 2000' OF 10" GATED PIPE W/ 30" GATES. ALL OF THE 120 ACRES LEVELLED

and the system is in the following condition: EXCELLENT

The point of diversion is located 1300' E & 1750' N OF THE SW CORNER, SECTION 35, T97N, R64W

The works are capable of diverting and conveying to the place of use 3.0 cu. ft. per second of water, which is to be used for IRRIGATION

The legal sub-divisions to be irrigated are: 1/4 SW 1/4 & SE 1/4 NW 1/4, SECTION 35, T97N, R64W

_____ comprising a total of 120 acres of land.

The domestic use intended comprises: _____

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

Witness my hand this 29TH day of DECEMBER 1966

--SEAL--

Barton Jones
Examining Engineer
OFFICER.

1252-3
1355-3

August 21, 1967

Mr. Leo F. Soulek
Lake Andes, S.D. 57356

Dear Mr. Soulek:

It has been reported to this office that the SW $\frac{1}{4}$ NW $\frac{1}{4}$, of Section 35, T97N, R64W had been irrigated by withdrawals of water from your irrigation well in the W $\frac{1}{2}$ SW $\frac{1}{4}$, of Section 35, T97N, R64W.

A representative of this Office checked the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, T97N, R64W on August 17, 1967. At that time this 40 acre tract was not being irrigated. However it was evident that it had been irrigated, presumably from your irrigation well.

Mr. Dale Leonard, Wagner, South Dakota had made water right application 1355-3 to irrigate the 40 acres described above, from your irrigation well. This application was deferred by the Water Resources Commission on March 15, 1967, and to date no such irrigation has been authorized.

Such irrigation is a violation of your water permit 1252-3. Such violations can result in revocation of your water permit No. 1252-3.

It is expected that henceforth, irrigation as authorized in your water permit No. 1252-3 will comply with the terms of such permit.

Sincerely,

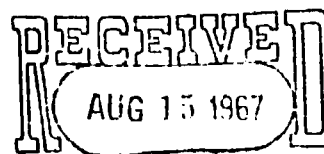
J.W. GRIMES

JWG/DD/dw
cc: Mr. Dale Leonard, Wagner, S.D.

bc: to Vincent Kerberna, Wagner, S.D.

Wagner, So. Dak.
Aug. 14, 1967

Water Resources Commission
State Office Building
Pierre, South Dakota 57501



STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

Dear Sirs;

It was reported to me day before yesterday by a neighbor of Dale Leonard that Mr. Leonard and Mr. Leo Soulek were irrigating the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ sec. 35-27-64 (Howard Twp. Chas Mix Co.). This forty acres is owned by Mr. Leonard and rented by Mr. Soulek. As I understand the situation, Mr. Leonard applied for permission from the Water Resources Commission to irrigate this tract from a well located on the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ Sec. 35-27-64. This permission was refused by the Commission last spring as I was told by delegates to the meeting. Mr. Soulek would probably like to call the water on Mr. Leonard's land run-off water but as I understand it has been running clear across Mr. Leonard's land onto land north of it and that they have received a complaint from the land owner.

I could not believe that anyone would so flagrantly violate a ruling of the Commission so yesterday I drove past the land in question. I found that apparently Mr. Soulek had laid a huge pipe along the fence line between the two tracts. I did not get out of the car to see if water was being forced out of the pipe to the north as I did not want to trespass. I did however, drive on to the north of Mr. Leonard's forty acres and saw two men in a pick-up truck and a third man wearing rubber boots cleaning off a shovel.

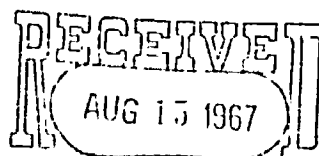
The way the situation looks to me it would be well for the Commission to investigate it immediately and if Mr. Soulek and Mr. Leonard are found guilty of a violation that Mr. Soulek's water rights on the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ Sec. 35 be recalled. I could not understand why our water level here dropped so fast and so far especially, after all the rain we had in June, until I received this information. If they have been pumping excessively, I can readily see the reason for it.

Sincerely yours,

Vincent D. Koberna
Vincent D. Koberna

Wagner, So. Dak.
Aug. 14, 1967

Mr. J. W. Gimes
Water Resources Commission
State Office Building
Pierre, South Dakota 57501



STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

Dear Sir;

It was reported to me day before yesterday by a neighbor of Dale Leonard that Mr. Leonard and Mr. Leo Soulek were irrigating the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ sec. 35-97-64 (Howard Twp. Chas Mix Co.). This forty acres is owned by Mr. Leonard and rented by Mr. Soulek. As I understand the situation, Mr. Leonard applied for permission from the Water Resources Commission to irrigate this tract from a well located on the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ Sec. 35-97-64. This permission was refused by the Commission last spring as I was told by delegates to the meeting. Mr. Soulek would probably like to call the water on Mr. Leonard's land run-off water but as I understand it has been running clear across Mr. Leonard's land onto land north of it and that they have received a complaint from the land owner.

I could not believe that anyone would so flagrantly violate a ruling of the Commission so yesterday I drove past the land in question. I found that apparently Mr. Soulek had laid a huge pipe along the fence line between the two tracts. I did not get out of the car to see if water was being forced out of the pipe to the north as I did not want to trespass. I did however, drive on to the north of Mr. Leonard's forty acres and saw two men in a pick-up truck and a third man wearing rubber boots cleaning off a shovel.

The way the situation looks to me it would be well for the Commission to investigate it immediately and if Mr. Soulek and Mr. Leonard are found guilty of a violation that Mr. Soulek's water rights on the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ Sec. 35 be recalled. I could not understand why our water level here dropped so fast and so far especially, after all the rain we had in June, untill I received this information. If they have been pumping excessively, I can readily see the reason for it.

Sincerely yours,

Vincent D. Kaberna
Vincent D. Kaberna

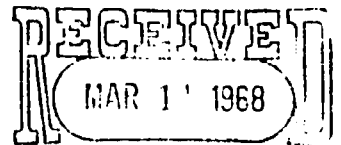
P.S. You once told me that if I saw any violations in this vicinity you would appreciate my reporting them to you. I'm sorry that I didn't hear of this sooner. The way the pipes were out in the open right by the road they may be through irrigating or almost through irrigating the Leonard land but I'm sure that if they have been you should be able to tell very easily. If I can be of any help please feel free to call on me. Vince

V.K.

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY
THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILLED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS. REDUCTION 25:1 ROLL NO 27 DATE MICROFILMED 4-8-82
Don S. Smith
CAMERA OPERATOR

Lake Andes, S. Dak.

March 12, 1968



STATE WATER RESOURCES
PIERRE, SOUTH DAKOTA

Mr. Joe Grimes
S. D. Water Resources Commission
Pierre, S. Dak.

Dear Mr. Grimes:

Enclosed find a map and photos which pertain to the irrigation project of Mr. Dale Leonard and myself.

Would you please give this material some study, and present this to the Water Resources Board at your meeting of next March 20th?

We would certainly appreciate your approval and recommendation of the permit now pending for Mr. Leonard.

May I hear from you, Mr. Grimes, prior to the Commission meeting with regards to this request?

Mr. Leonard and myself would appreciate the opportunity to appear at this hearing and talk to the Commission if you think it may be necessary to do so.

Yours very truly,

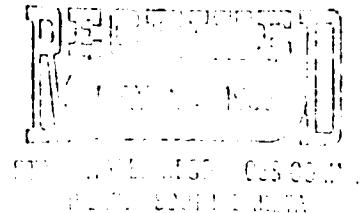
A handwritten signature in cursive script, appearing to read "Leo Soulek".

Leo Soulek

Lake Andes, S. Dak.

Wagner, So. Dak.
May.20, 1968

Water Resources Commission
State Office Bldg.
Pierre, So. Dak. 57501



Dear Sirs:

Received your report of irrigation and water rights in the Wagner-Lake Andes area. This report is very well constructed and written but I must disagree with some of the recommendations.

On page nine the recommendation is that water right application 1483-3 be approved. I cannot agree with this as it will tap our aquifer at its source and will undoubtedly cause domestic well trouble. This area was included in the proposed Wagner Irrigation District by the steering committee, of which I am a member, purposely because we understood that some of the residents wanted to irrigate. This was done although it will raise the cost per acre of our district. According to Martin Olson of the Bureau of Reclamation it was not included in their original proposal because of poor land quality. We included an area a mile wide along the west side of Lake Andes.

In regard to permit number 1359-3. Some of the residents of this immediate area have had to haul water for domestic use due to other irrigation wells. Another well would add to their problems. The Fort Randall Sub-conservancy District Board is meeting this morning with the engineering firm that constructed The Gray Goose project in the vicinity of Pierre of which you are probably familiar. If a project of this type were developed, possibly the area of 1359-3 would be included.

On page ten I agree with recommendation number one. In regard to number two, I believe that diversion of water from well permit number 1252-3 should be cut still more due to the fact that excess acreage was irrigated and excess water was pumped during 1967.

Recommendation number three looks as if you are recommending a prize for the irrigator who apparently broke your rules and regulations in 1967. In most cases a penalty is the usual result and I fail to see one.

Interest in the proposed Wagner Irrigation District is very high at this time. I have talked to several of the petition carriers and they say they are meeting with practically one hundred percent success. I am enclosing a clipping from The Lake Andes Wave and a map from The Wagner Post. I hope they will be of some help.

My recommendation to the Commission is that they defer all of the above applications at least until the proposed Wagner Irrigation district has had a chance to get on its feet and possibly serve the applicants. If the Commission grants more applications they may prove to be a stumbling block for the proposed district. If the Commission needs more information on the proposed Wagner Irrigation District, I would recommend Leonard Nelson and Robert Hogdahl of Lake Andes or Harold Williams secretary of the Fort Randall Sub-conservancy district Geddes, So. Dak.. Also, I might add that if I can furnish you with any information or cooperate with you in any way, I would be very happy to do so.

Sincerely yours,

Vincent D. Kaberna

1252-3

XXXXXXXXXX
224-3584

October 1, 1968

Mr. Vern Leonard
Wagner, South Dakota 57380

Dear Mr. Leonard:

I appreciate your concern about irrigation wells and their effect upon domestic wells as you expressed in your letter of September 16, 1968.

State law provides that withdrawals of water through irrigation wells be restricted to the extent necessary to avoid interference with domestic water supplies. State law also provides that water supplies be put to beneficial use to the fullest extent. Where and when these two state objectives for water resources development conflict, the Water Resources Commission exercises its judgment as to the degree that both of these objectives can be accomplished. Water use is regulated accordingly.

In your area where large amounts of ground water exist under artesian pressure, solution of water use problems are very difficult. Some applications for new irrigation permits have been deferred by the Water Resources Commission pending a more complete evaluation of the water supplies and current water use. Both domestic users and irrigators have rights and privileges under state law. Neither can be denied in favor of the other even though difficulties exist. The Commission cannot prohibit irrigation using ground water in order to promote Missouri River irrigation development.

Your letter of September 16, 1968, points out some good reasons for favoring the domestic well owner. The Commission has been confronted with similar situations a number of times and believes that irrigation development also has to be considered. The Commission does not enjoy holding back what might be a large number of individual irrigation developments resulting in overall benefit and improvement

Mr. Vern Leonard

2.

October 1, 1968

to any area of the state.

We are trying to obtain information about domestic wells that are affected by irrigation well withdrawals in the Wagner area. It would be appreciated if you would complete the enclosed well information sheet and return it to this office. We would also like your consent to send a copy of your letter and this answer to Mr. Jim Schmidt and Mr. Leo Soulek.

Also, you may be interested in the enclosed information about shallow aquifers in South Dakota used for domestic and irrigation purposes.

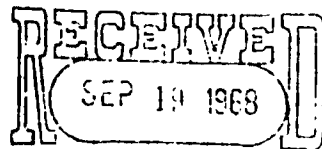
Sincerely,

J. W. GRIMES
Chief Engineer

JWG:ls
Enc's.

Wagner, So. Dak.
Sept. 16, 1968

Water Resources Commission
State Office Bldg.
Pierre, So. Dak. 57501



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Dear Sirs;

I am the owner and operator of a farm in Howard township Sec. 28, Charles Mix County. A few years ago I drilled a new well on the farm and now I wonder if it was worth it or not.

Two years ago this summer the pump started pumping air so, we pulled everything up and added more pipe to the well. This seemed to take care of things for the time being but for the past several weeks I have been plagued with the same thing. air instead of water. I know that this is not due to a faulty sand-point as this not only is a new well but it has been worked on and we find definitely a dropping of the water level.

Who pays for the extra pipes and pump rods and the labor that it takes? The Water Resources Commission, the men who are irrigating from wells or someone else? If you can tell me, let me know and I will gladly send them a bill for the same.

Are Jim Schmidt, Leo Soulek and the rest of the men who are irrigating from wells privileged people who can pump the water out from under our land and not leave enough for our homes or our livestock?

Leo Soulek kept the road ditch full of water for well over a mile all summer. This looks to me to be a waste of a lot of water.

According to F.F. Kerr the irrigators in southern So. Dak. had a profit of 12.8 bu. per acre over dry land farming. We don't have very many people irrigating from wells in this area. However, these few who are have destroyed between forty and fifty flowing wells, caused many stock dams to dry up and above all have stopped the sub-irrigation of thousands of acres on the Choteau Creek bottom lands, where the hay and pasture crop have been cut in half since irrigation from wells began. How do you think these farmers feel after buying this land because it was sub-irrigated and had flowing wells to water their livestock? This has cut our wildlife population because birds and animals cannot get water as they used to. Are these few bushels of extra corn worth the damage that they causing to other interest? Does this add to the economy of the state of South Dakota? I, and a lot of other people in this area do not think so.

There is an interesting article in "Farmland" July 15, 1968 issue printed in Kansas City, Mo. (Coop paper) "West Texans Eye The Mississippi as Water Ebbs" by Frank Whitsitt. I will quote the third paragraph. "Until a few years ago many of us felt we had an everlasting water supply", Said J.S. Newman, coordinator of water utilization who is in charge of irrigation research at the Texas A & M research station near Lubbock. "Even when some wells dropped from 1,000 gal. per minute to 800, few farmers sweated. But then pressure started dropping from 300 to 600 the dangers became apparent to all. Do we want this to happen in South Dakota? It has happened in Nebraska and Colorado and now Texas. Are we next? Does the Commission realize that every new irrigation well is a nail in the wall against the development of irrigation from the Missouri river? Sometimes I can't help but wonder who your engineering department is working for.

Yours very truly,

Vern Leonard

Vern Leonard

1252-3

1355-3

May 24, 1968

Mr. Leo F. Soule
Lake Andes
South Dakota 57356

Mr. Dale Leonard
Wagner
South Dakota 57390

Dear Sir:

This is to inform you that the Water Resources Commission on May 23, 1968, moved, seconded and passed the following motions:

1. That water right application 1355-3 remain in a deferred status;
2. That diversion of water from the irrigation well authorized in permit 1252-3 be limited for the remainder of 1968, to 16 hours per 24 hour period (from 8 P.M. to noon of the following day, C.D.T.);
3. That irrigation of acreage proposed in water right application 1355-3, using the limited diversion of the 1252-3 irrigation well, be authorized on an experimental basis for the 1968 irrigation season.

Sincerely,

J. W. Grimes

JWG/DD/ath

WATER LICENSE 1252-3 DEFERRED WATER RIGHT APPLICATION 1355-3
BRIEF REVIEW OF WAGNER-LAKE ANDES AREA SITUATION

The attached sketch map was a part of a fairly complete report on "Irrigation and Water Right Situation, Wagner and Lake Andes Area" considered by the Commission at its meeting on May 22 and 23, 1968. This May, 1968 report stated:

1. That 1230 acre-feet of water, authorized in eleven permits, was used by irrigators in the area in 1967;
2. Prior to consideration of the report there were seven deferred water right applications plus one, No. 1557 pending in a location a little north of the area shown on the sketch;
3. Four observation wells had large water level drops due to irrigation withdrawals. (See chart later in report.)

At this May, 1968 meeting, the Commission approved water right applications 1359-3, 1483-3 and 1557-3. For each of these, the diversion rate was limited to not exceed 2.28 c.f.s. and the pumping period was limited to be within a specific 18 hour period of each 24 hour day.

Water Permit 1252-3 had been approved for a diversion rate of 1.71 c.f.s. Mr. Leo Soulek, the holder of this permit had reported that he was pumping at a rate of 4.4 c.f.s. Deferred water right application 1355-3 of Dale Leonard proposed the irrigation of 120 acres using the same well and pump supplying water to land authorized for irrigation in Water Permit 1252-3. The Commission at this May, 1968 meeting passed the following motion,

1. That Water Right Application 1355-3 remain in a deferred status;
2. That diversion of water from the irrigation well authorized in Permit 1252-3 be limited for the remainder of 1968, to 16 hours per 24 hour period (from 8 P.M. to noon of the following day).
3. That irrigation of acreage proposed in deferred Water Right Application 1355-3, using the limited diversion of the Permit 1252-3 irrigation well, be authorized on an experimental basis for the 1968 irrigation season.

In 1968 we estimate that the permit holders, shown on the sketch map, pumped about 1350 acre-feet of water.

In 1968 the additional irrigation wells authorized in approved Permits No's. 1359-3, 1483-3 and 1557-3 were not drilled. The irrigation well authorized in Permit 1483-3 was being drilled in April of 1969.

The following chart compares the 1967 and 1968 measurements of four observation wells and shows the highest water level in 1969 measured to date.

Observation Well	1967 High	1968 High	4-10 1969	1967 Drop	1968 Drop
C 15	15.1	17.6	17.6	11.7	13.4
C 17	13.4	15.0	15.3	11.0	12.3
CM67 T	91.8	93.9	95.3	18.4	19.0
CM67 U	95.6	97.7	99.2	17.4	13.1

Note that in each well the 1968 highest level was lower than the 1967 highest reading and that except for well CM67 U, the water level drop was larger in 1968.

Six observation wells drilled in 1968 had water level drops during 1968 of 9.1, 9.3, 14.0, 15.0, 16.6 and 17.5 feet.

The State Geological Survey and the U.S. Geological Survey are now preparing a report on Geology and Water Resources of Charles Mix County. As a part of this work, the U.S.G.S., at the request of the Water Resources Commission, has made an inventory of domestic wells tapping the same outwash, artesian formation that the irrigation wells tap. Within the area represented by the lined portion of the sketch map the inventory lists 140 such domestic wells. While we have received quite a number of domestic well complaints since ground water irrigation started in the Wagner-Lake Andes Area, only one such complaint was received in 1968.

Since May of 1968, the Commission has deferred two additional water right applications, No's. 1632-3 and 1633-3. Two water right applications, No's. 1631-3 and 1665-3 involving three wells tapping a more shallow aquifer have been approved recently by the Commission.

Because of the ground water levels and fluctuations as indicated by the observation wells, because of possible later development of irrigation now authorized and because of potential domestic well interference problems, the recommendation of the Commission Staff is that all of the deferred water right applications for ground water use in the Wagner-Lake Andes area remain in a deferred status for the present.

Reporting on the limited pumping under Water License 1252-3 and the experimental pumping under deferred Water Right Application 1355-3, as authorized by the Commission for the 1968 irrigation season, Mr. Leo Soulek states the 16 hour period was too short a period for him to complete his irrigation runs and that one hour additional time would be very beneficial in obtaining more efficient irrigation.

The recommendation of the Commission Staff is:

1. That water right application 1355-3 remain in a deferred status;
2. That diversion of water from the irrigation well authorized in Water Permit 1252-3 be limited for the remainder of 1969 to 17 hours per 24 hour period (from 7:30 P.M. to 12:30 P.M. of the following day, U.S.T.);
3. That irrigation of acreage proposed in Water Right Application 1355-3, using the limited diversion of the 1252-3 irrigation well, be authorized on an experimental basis for the 1969 irrigation season.

1252-3
1355-3

April 21, 1969

Mr. Leo F. Soulek
Lake Andes
South Dakota 57356

Mr. Dale Leonard
Wagner
South Dakota 57380

Dear Sir:

Enclosed for your information is a copy of the report of the Commission Staff pertaining to Water License 1252-3, Water Right Application 1355-3 and briefly reviewing the Wagner-Lake Andes ground water and water right situation.

This report is scheduled to be considered by the Water Resources Commission at 3:00 P.M., D.S.T., on May 7, 1969 at the Commission office in Pierre, South Dakota.

Sincerely,

J. W. Grimes

JWG/DE/sjb
Enclosure

1252-3 & 1355-3

SOUTH DAKOTA

State Water Resources Commission

STATE OFFICE BUILDING

PIERRE, SOUTH DAKOTA

May 21, 1969

Mr. Leo F. Soulek
Lake Andes, South Dakota 57356

Mr. Dale Leonard
Wagner, South Dakota 57380

Dear Sirs:

This is to inform you that the Water Resources Commission on May 7, 1969 moved, seconded and passed the following:

1. That water right application 1355-3 remain in a deferred status;
2. That diversion of water from the irrigation well authorized in Water Permit 1252-3 be limited for the remainder of 1969 to 17 hours per 24 hour period (from 7:30 P.M. to 12:30 P.M. of the following day, D.S.T.);
3. That irrigation of acreage proposed in Water Right Application 1355-3, using the limited diversion of the 1252-3 irrigation well, be authorized on an experimental basis for the 1969 irrigation season.

Sincerely,

J.W. CHENIS

/dw

1252-3) & 1355-3

June 12, 1970

Mr. Leo F. Soulel.
Lake Andes, S.D. 57356

Mr. Dale Leonard
Wagner, S.D. 57380

Dear Sirs:

This is to inform you that the Water Resources Commission on May 20, 1970 passed the following motion,

1. While the prime requirement in the operation of the irrigation well authorized in Water License No. 1252-3 and also used on an experimental basis to irrigate land proposed for irrigation in Water Right Application No. 1355-3, is that water supplies are not reduced to an extent lower than needed in neighboring domestic wells, it is recommended, until further notice that the irrigation withdrawals generally do not exceed 19 hours of pumping per 24 hour day.
2. That a record be kept and made available to the Commission upon request of the time, number of hours per day and rate that the irrigation well is pumped.
3. That copies of the 1970 special weekly measurements of observation wells in the Wagner-Lake Andes Area be sent to those irrigators in that area using irrigation wells.

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

Sincerely,

J.W. GRIMES

JWG/DD/bw
Encl: As stated

July 24, 1970

Mr. Leo Soulek
Lake Andes
South Dakota 57356

Dear Mr. Soulek:

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'	25½'	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

1252-3

August 19, 1975

Mr. Leo Soulek
Lake Andes, SD 57356

Dear Mr. Soulek:

This letter is to confirm the verbal order given by my representative, Burton Jones, regarding your irrigation pumping under water rights Nos. 1252-3, 1355-3, and 1379-3. 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



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

1252-3
1355-3
1594-3

November 21, 1986

Barbara J. Soulek
Route 1, Box 75
Lake Andes, South Dakota 57356

Dear Mrs. Soulek:

Please find enclosed copies of Notice of Transfer of Water Permit forms. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 for each transfer, total of \$7.50.

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

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc. 3

Equal Opportunity Employer

4
JAN 1987
DIVISION OF
WATER RIGHTS
Pierre, SE

T0: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

120 acres - W¹/₂SW¹/₄ and SE¹/₂NW¹/₄ Section 35, T97N-R64W

formerly owned by Leo F. and Barbara J. Soulek

has been transferred to Barbara J. Soulek, Route 1, Box 75, Lake Andes, SD 57356
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1252-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

[illegible]

I, Barbara J. Soulek 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.

B. L. L. L. L.
(Signed)

Subscribed and sworn to before me this 10th Day of December, 1966.


(Notary Public)

RECEIPT

Division of Water Rights

410714

South Dakota Department of Water and Natural Resources

Pierre, _____ January 14, 1977.

RECEIVED OF Barbara J. Soulek, Route 1, Box 75, Lake Andes, SD 57356

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1252-3</u>		2 50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH

105



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

1252-3
1355-3
4594-3

January 16, 1987

Barbara J. Soulek
Route 1, Box 75
Lake Andes, South Dakota 57356

Dear Mrs. Soulek:

Enclosed are receipt Nos. 410714, 410713 and 410712 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 1252-3, 1355-3 and 4594-3

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

Sincerely,

Maxine Stirling
Secretary

ms
Enc.



DAVE KOKESH, RENTER
RT 1
WAGNER SD 57380

1252-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

RE: Violation of Water Permit Nos 1252-3, 4594-3 and 1991 Irrigation
Questionnaire Requirements

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit Nos 1252-3, 4594-3. The request for the Questionnaires was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 1252-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4594-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 4594-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1252-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

Very truly yours,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 1992

NOTICE OF AMENDMENT TO WATER PERMIT(S)

TO: DAVE KOKESH, RENTER
RT 1
WAGNER, SD 57380

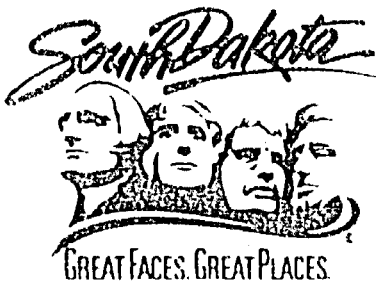
FROM: Ron Duvall, Natural Resources Engineer IV
Water Rights Division
(605) 773-3352 *[Signature]*

SUBJECT: Amendment to Water Permit No(s). 1252-3

Pursuant to the provisions of the Notice dated January 27, 1992, and following the hearing March 4, 1992, the Water Management Board has amended Water Permit No(s). 1252-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit future irrigation questionnaires could result in suspension of the water permit and no use of water for up to one year for the first violation.



1252-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: DAVE KOKESH, RENTER
RT 1
WAGNER SD 57380

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Water Permit No(s) 1252-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 1252-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1252-3 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1252-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

3. Article Addressed to:

DAVE KOKESH, RENTER
RT 1
WAGNER SD 57380

5. Signature (Addressee)

Dave Kokesh

6. Signature (Agent)

1252-3

4a. Article Number

P.906 520 146

4b. Service Type

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

7. Date of Delivery

2-18-93 JB

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

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

1. ☐ Addressee's Address
2. ☐ Restricted Delivery
Consult postmaster for fee.

Thank you for using Return Receipt Service.



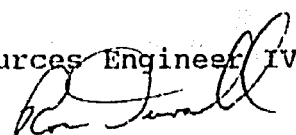
1252-3

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

March 9, 1993

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: DAVE KOKESH, RENTER
RT 1
WAGNER SD 57380

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

SUBJECT: One Year Suspension of Water Permit No. 1252-3

Pursuant to the provisions of the notices dated January 29, 1993, and following the hearing of March 3, 1993, the Water Management Board has ordered:

That Water Permit No. 1252-3 be SUSPENDED until December 31, 1993. Suspension of the permit does not excuse the permit owner from the requirement to submit the 1992 irrigation questionnaire.

Suspension of a permit means water may not be pumped during the 1993 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension(s), you will need to submit a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 5-6, 1993 in Pierre. The letter should include your reasons for not completing the irrigation questionnaire prior to the March Board meeting.

CERTIFICATION

4651-3: Donald Abraham, RR 2, Box 64, Elk Point, SD 57025.

833-2: Sadie & Bob Assman, RR 3, Box 144, Winner, SD 57580.

754-1: Lloyd & Barbara Campbell, HC 62, Box 8, McIntosh, SD 57641.

978-2: Robert Christensen, HCR 81, Box 47, Kennebec, SD 57544.

2080-2: Gary L. Dickinson, HC 72, Box 23, Tuthill, SD 57574.

4702-3, 5226-3: Dan Hanson, RR 1, Box 6A, Elk Point, SD 57025.

5070-3: Mike Wurtz-Jamesville Colony, RR 1, Box 51, Utica, SD 57067.

884B-1: Dale Johnson, Mgr. RR 3, Box 23AA, Vale, SD 57788.

1252-3: Dave Kokesch, Renter, Rt 1, Wagner, SD 57380.

4948-3: Gerald A. Person, RR 2, Box 123, Britton, SD 57430.

751-1: Prairie View, Inc., HC 75, Box 154, Sturgis, SD 57785.

2137-2: Frank Simpson, 1116 Jackson Bl., Rapid City, SD 57702.

1028-3: William M. Smith, Rt 1, Box 136, Mission Hills, SD 57046.

200-3: Teresa Wessel, RR 1, Box 127, Woonsocket, SD 57385.

5482-3: Wiese Brothers Farms, RR 1, Box 36A, Twin Brooks, SD 57269-9801.

1341-3: Daniel J. Kamphuis, 8513 Keiser SE, Alto, MI 49302-9728.

Cheryl A. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of March, 1993.



John H. H. H.
Notary Public

1252-3

File No. 1252-3

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Barb J Specht

ADDRESS: Box 763, Wagner, SD 57380 COUNTY: Charles Mix

DATE: April 30, 1993

TELEPHONE: 384-5957

RE: Suspension of Water Right No. 1252-3

COMMENTS:

Leo Holzbauer called and indicated that he had spoke with Mrs. Specht about the suspension of her water right. The questionnaire had been mailed to her renter and she was unaware that he had not returned the form. I told him we had tried to mail a notice to her, as listed on the water right, "Barbara J Soulek". Mr. Holzbauer stated that her husband, Leo Soulek, had died and Barbara had remarried and moved to Wagner.

I called Mrs. Specht concerning the suspension and about the three water rights listed under the name of Barbara J Soulek. I told her that I would bring the matter to the attention of the Water Management Board and let them know that she did not receive notice of any action to be taken for nonreturn of the questionnaire, and that we would recommend the water right be reinstated. I told her she did not need to be at the meeting unless she wanted too.

I also indicated I would mail her transfer forms to change the name of the three water rights from Barbara J Soulek to Barbara J Specht. She stated this was fine and she would also request that future irrigation questionnaires be mailed directly to her instead of to a renter. She stated she no longer has Dave Kokesh as a renter.

Genny McMath
Genny McMath
Natural Resources Analyst
DENR, Water Rights Division



1252-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 3, 1993

Barb J Specht
Box 763
Wagner, SD 57380

Dear Ms. Specht:

Enclosed, as we discussed, are three partially completed "Notice of Transfer of Ownership" forms. These forms are for use in changing Water Right Nos. 1252-3, 1355-3 and 4594-3 to your name.

Please complete the forms and sign them in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$7.50).

Also enclosed is a blank 1992 irrigation questionnaire for Water Right No. 1252-3. This was the water right the Board suspended at their March Water Management Board Meeting. Please complete the form and return it along with the transfer forms.

As we discussed, I will speak with the Board at their May 5th meeting concerning the suspension. I will contact you following the hearing concerning the action they take.

If you have any questions, please contact me.

Sincerely,

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

enclosures



1252-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 11, 1993

NOTICE

TO: Barb J Specht, Box 763, Wagner, SD 57380

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

SUBJECT: Reinstatement of Water Right No. 1252-3

On May 5, 1993, the Water Management Board took action to rescind a motion made at the March 3, 1993 meeting to suspend your water right. This action reinstated Water Right No. 1252-3, effective immediately.

Violation of a water right or permit by not returning the annual irrigation questionnaire is very serious and can result in suspension or cancellation of that right. The Board's action to reinstate your water right was based on the following information: 1) the original irrigation questionnaire and follow up notices were mailed to your former renter; 2) copies of those notices were not mailed to you; 3) you did not have the opportunity to submit a questionnaire, attend the hearing or present testimony at the March Water Management Board Meeting relative to why a questionnaire was not returned in a timely manner.

Pursuant to your telephone conversation with Genny McMath, of this office, future irrigation questionnaires will be mailed directly to you. Transfer forms have been forwarded to you for use in changing the name on your water rights from Barbara Soulek to Barbara Specht.

If you have any questions concerning the Board's action or completion of the transfer forms, please contact us.

CERTIFICATION

I hereby certify that on May 11, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, First Class postage, prepaid envelopes containing a Notice dated May 11, 1993, regarding Reinstatement of Water Right No. 1252-3 addressed to:

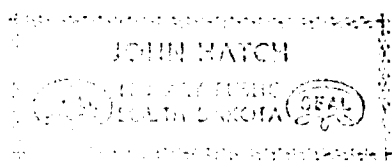
Barb J Specht
Box 763
Wagner, SD 57380

Jaci R Konop

JACI R. KONOP
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 12th day of May, 1993.



John Hated
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

1252-3

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 1252-3
Date: May 5, 1993

I/We request that Water Right No. 1252-3

formerly owned by: Barbara J Soulek

be transferred to: (name & address) Robert L. Soulek Box 763 Wagner, S.D. 57380

(Telephone No) (65-384-5957)

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

SE 1/4 NW 1/4 and W 1/2 SW 1/4 Section 35, T97N, R64W

I/We understand that the validity of Water Right No. 1252-3 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.

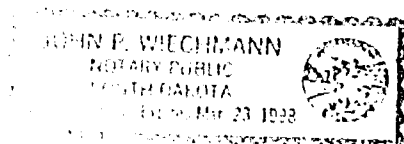
A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of _____)

I/We _____ 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 _____ day of May, 1993.



(Notary Public)

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

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

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

1252-3
413771

Pierre, _____ May 13, 19 93

RECEIVED OF _____, Box 765, Wagner, SD 57380

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 _____	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John H. Heston
Chief Engineer



1252-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 18, 1993

No. 1252-3
1355-3
4594-3

Barbara J. Specht
Box 763
Wagner, SD 57380

Dear Ms. Specht:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 1252-3, 1355-3 and 4594-3.

Our records now show you as the owner of Water Right Nos. 1252-3, 1355-3 and 4594-3.

Sincerely,

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

enclosure

Change of address for
winter permit.

From

Barbara J. Specht
P.O. Box 763 - 107 West Ave. SW.
Wagner, SD 57380

To

Barbara J. Specht
2505 Capital St. #1204
Yankton, S.D. 57018-4874

Plucker!