

1362-3

1. Considered May 15, 1967
2. Name of Applicant Ward E. Edsell Ranch Judge
3. Post Office Address Elkton
4. Amount of water claimed 8.0
5. Source of water supply Ground
6. Water to be used for irrigation
- Acres to be irrigated 560
7. Water to diverted and used in Darwin County
about 2 1/2 miles 4 W of Elkton.
8. Proof of Publication Received May 14
Not Received _____
9. Application Approved X May 18
Subject to _____
Not Approved _____
Action deferred ✓
10. Remarks: No objection

No. 1362-3Water Division No. 3James River District

(Blanks 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 Cecil E. & Edna C. Cambridge
 Postoffice address Ethron County Darwin State SD

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)

Contract & Direct Labor(b) Cash on hand, \$ 25,000.00

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Cambridge Irrigation Project No. 13. Amount of water claimed 8 cubic feet per second4. Source of water supply 2 Wells5. Location of point of diversion SE Corner Sec 7, T101N R60W6. Annual period or periods during which water is to be used April 1st to Nov 1st

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Combination(a) Number of acres to be irrigated 570 acres.(b) Legal subdivisions to be irrigated T101N R60W

(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 # 972-3

5. Location of point of diversion - Well No. 1, 2150 feet East and 825 feet north of the SW corner, Section 7;

Well No. 2, 900 feet East and 1120 feet South of the NE corner, Section 7, T101N, R60E

Remarks by State Water Resources Commission:

----- This permit authorizes the construction of two irrigation wells at -----
----- locations approximately as noted in this permit. These two wells -----
----- shall not extend more than two feet below the "chalk" formation. -----
----- This well is located near domestic wells which may obtain water -----
----- from the same aquifer. If the well covered by this permit to -----
----- appropriate water depletes the domestic water supply, restrictions -----
----- to the extent necessary of the capacity of this well or periods of -----
----- operation or other arrangements will be required to protect the -----
----- domestic water supply. -----

STATE OF SOUTH DAKOTA }
County of Hughes } ss.

Pierre, South Dakota, May 22, 1967

This is to certify that the foregoing application was received by the Commission at 9:15 o'clock
A.m. upon the 14th day of February, 1967.

State Water Resources Commission

By: Richard D. Schroyer
For Chief Engineer, Executive Officer

Number of permit 1362-3

Date of first receipt of application February 14, 1967

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 14, 1967

Approved May 17, 1967, Recorded in Book 9 Page 267

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 12, 1968

2nd. The whole of said work is to be completed on or before May 17, 1970

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

May 17, 1972

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 8.0 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 17, 1972; said water to be used during the following described annual period:

April 1st through November 1st
22nd
Witness my hand this 22nd day of May, 1967

State Water Resources Commission

By: Richard D. Schroyer
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30", Depth 160'

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

Size of casing 16", Thickness of casing .219

Length of casing 140' If collection gallery, length, size and depth of gallery _____

(b) Screens

Type of perforated screen Johnson Irrigator

Size of perforated screen 16" (diameter) 20' (length)

Thickness of gravel pack 2", length of gravel pack 160'

(c) Water Bearing Materials

Distance to water 60' Character of water bearing materials _____

0-120' - till - 120 to 160 gravel - sand

Thickness of water bearing material 40'

(d) Pump and Motor

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

Name of pump Layne-Bowles, size 8" Column / 2" Bore

Kind of motor Chrysler L.P. Gas
(gasoline, electric, diesel, etc.)

Horsepower 104 Name of Motor Chrysler

(e) Complete well

Capacity 1600' at drawdown of 150' Estimated cost 7200
Cost of Borehole

(f) Owner of land upon which well is located Samuel C. Brownbridge
Name

Arthur S. Dick
Address

(g) Distance to nearest existing wells

On same owner's property 20 rods. On property owned by others 100 rods

On or before February 21, 1967
(First Publication _____)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., February 15, 1967

Notice is hereby given that Cecil and Edsell Bainbridge whose postoffice address is Ethan 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 3.0 cubic feet of water per second of time from xx ground water through the Bainbridge Irrigation Project #1 are in NE 1/4 SW 1/4, Section 7; in the center SE 1/4, Section 7; and xx the point of diversion of which xx is to be located xx the center xx of the NW 1/4 of Section 8, all in 101N 60W portions of Twp. _____ Range _____ Said water to be used for the purpose of providing irrigation on the following described land:

S $\frac{1}{2}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ Section 7; and NW $\frac{1}{4}$ Section 8, all in T101N, R60W.

~~XXXXXXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of March, 1967, 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

Lv:

~~CONFIDENTIAL~~
 CHIEF, Engineer, I.D.C. Office
 RICHARD D. SCHMOYER
 Water Right Specialist

CC: Mr. E. M. Brady, Publisher
Daily Republic
Mitchell, S.D.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Davison } ss.

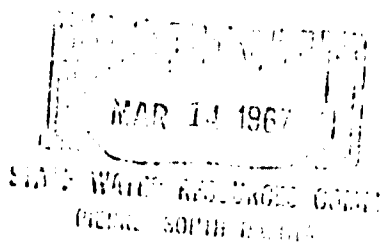
A. F. Brady being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Daily Republic a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the City of Mitchell County of Davison and State of South Dakota; that the said notice was published in said newspaper on the following dates:

February 18, 25, March 4, 11, 1967

in each and every issue of the full number thereof, the first publication being made on the 18th day of February 1967 and the last publication on the 11th day of March 1967, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was General Manager the printer and publisher of the said newspaper.

E. F. Brady

Subscribed and sworn to before me this 13th day of March A. D. 1967



E. F. Brady
Notary Public Davison County, S. D.

APPROPRIATION OF WATER
No. 1362-3

Office of State Water Resources Commission, Pierre, S. Dak., February 15, 1967.

Notice is hereby given that Cecil and Edsell Bainbridge whose postoffice address is Ethan, 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 30 cubic feet of water per second of time from ground water through the Bainbridge Irrigation Project No. 1, the points of diversion of which are to be located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7; in the center SE $\frac{1}{4}$, Section 7; and in the center of the NW $\frac{1}{4}$ of Section 8, all in Twp 101N, Range 60W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

S $\frac{1}{2}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ Section 7; and NW $\frac{1}{4}$ Section 8, all in T101N R60W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of March, 1967, 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: Richard D. Schmoyer
Water Right Specialist

Water Right Application 1362-3 & 1363-3, Cecil & Edsell Bainbridge

At their March 1967 meeting the Commission considered water right application 1362-3 to irrigate 560 acres of land from three wells and water right application 1363-3 to irrigate 200 acres of land from one well. Four residents from the area appeared to inquire what formation was to be tapped for the proposed irrigation and wondered if the irrigation withdrawals would affect their domestic wells, particularly those into the "sandrock formation". The Commission Staff did not have first hand information on the area. The Commission deferred further consideration of the two applications pending investigation by the Commission Staff.

A sketch map is attached to aid in explaining the conditions. The area under consideration is located about 4 miles west and one mile north of Ethan, South Dakota. Apparently there are two shallow aquifers generally in the area. The top formation produces water from the 80 to 100 foot depths. Wells to this formation are known as "chalk" wells. The water from this formation is considered to be quite hard. Wells No's 1 and 2 on the sketch map indicate two wells which are considered as "chalk" wells. Well No. 3 may, or may not, tap the "chalk" formation, it is about the right depth, but the "chalk" formation may be pinched out at this location. Well No. 4 indicates a new well at a location where the owner says no chalk formation was encountered. The second formation produces water from the 120 to 140 foot depths. Wells to this formation are known as "sandrock" wells. The water from this formation is considered relatively soft. The majority of domestic and livestock watering wells in this area are these "sandrock" wells. In both the "chalk" and "sandrock" wells, the water raises, in the well to a considerable height above the elevation where the water was tapped.

Water right applications 1362-3 and 1363-3 were received in February of 1967. Test drilling took place after the applications were submitted. The applicants say because of the results of the test drilling, they would need to change to a considerable degree, the location and depths of the wells from what was originally proposed in the applications.

Water right application 1362-3 originally proposed three irrigation wells, indicated by W, X, & Y, on the sketch map. After the test drilling, the applicants state they would now drill two irrigation wells, locations A and B on the sketch map. The original application estimated the depths of the wells at 160 feet. The applicants state they would now drill "chalk" formation, irrigation wells, 90 foot deep at location A and 80 foot deep at location B.

With the "chalk" wells having the artesian head as mentioned above, the water levels of the small diameter wells indicated by No's 1 and 2, could be lowered to the extent that changes in the present well structure would be necessary if the irrigation proposed in water right application 1362-3 did occur. Small diameter wells No's 1 and 2 are both very old wells, but there appears to be no question but in their present condition they furnish ample water. If the water level were lowered to any degree, lowering of the well cylinders would be the minimum change necessary. On well No. 1, this might, or might not, be an easy task. On well No. 2, it might be that, a rig would have to be moved in and sand removed from the well before the cylinder could be lowered. In any case, under such circumstances South Dakota law indicates that the irrigator is to restrict his irrigation withdrawals so the wells in their present condition will furnish the water needed, or assume the responsibility to see that the wells are improved so they will produce needed water with less restricted irrigation withdrawals.

Water right application 1363-3 proposes one irrigation well, location Z, on the sketch map. After the test drilling, the applicants state they would need to move the well to the location indicated by C. The original application estimated the depth of the well at 156 feet. The applicants state they would now drill a "chalk" formation irrigation well to a depth of 70 feet. The Commission Staff does not have sufficient information to guess how withdrawals for the proposed irrigation well would affect well No. 3, or other wells in the area. In any case the responsibility of the irrigators remains as stated previously. With the changed location of the well, the land proposed for irrigation is not as practical as could be desired.

There is the question: will irrigation pumping from the "chalk" formation affect the many "sandrock" wells in the area? To date in at least three similar situations involving water right permits the "other" formation wells have not been affected. The chances are that they won't be here. However this is one of the risks of the applicants. If the "sandrock" wells are

affected, the responsibility of the irrigators are the same as if the "chalk" wells were affected.

After considering the factors involved, the recommendations of the Commission Staff are listed below.

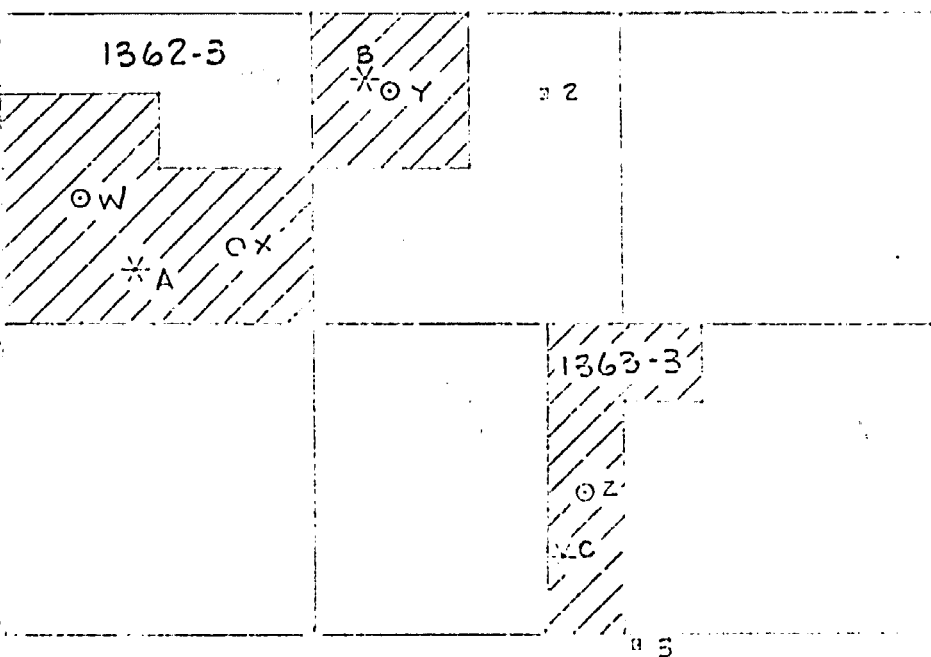
Water Right Application No. 1362-3

X It is recommended that this permit be approved with the following wordage, "This permit authorizes the construction of two irrigation wells at locations approximately as noted in this permit. These two wells shall not extend more than two feet below the "chalk" formation. This well is located near domestic wells which may obtain water from the same aquifer. If the well covered by this Permit to Appropriate Water depletes the domestic water supply, restrictions, to the extent necessary, of the capacity of this well or periods of operation or other arrangements will be required to protect the domestic water supply".

Water Right Application No. 1363-3

It is recommended that further consideration of this permit be deferred for a period not exceeding two years to allow the results of approval of water right application No. 1362-3 to be first observed.

1



4

MITCHELL
9 MILES



LOCATION SKETCH

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

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

November 7, 1990

1362-3
1363-3

Lewis G Bainbridge
RR #1 Box 51
Ethan, SD 57334

Dear Mr. Bainbridge:

In response to your 1990 irrigation questionnaires, enclosed are partially completed "Notice of Transfer" forms for use in filing ownership changes on Water Permit Nos. 1362-3 and 1363-3.

The transfer forms should be checked over for accuracy and signed 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 \$5.00).

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.

If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure

File No. 1362-3

Water Rights Division -DENR

Conversation or File Documentation

NAME OF PERSON OR FILE: Edsell Bainbridge

ADDRESS: Ethan, SD 57334 COUNTY: Davison

DATE: 7-29-91 TELEPHONE:

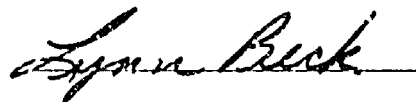
RE: Licensing

COMMENTS:

Spoke with Mrs. Bainbridge (Edsell's wife) she didn't know much about the irrigation. Nephew, Lewis Bainbridge runs the firm.

I found the diversion point in the NW1/4 Section 8 T101N, R60W. Irrigation system was operating. Couldn't find the diversion point in Section 7, no obvious signs of irrigation in the S1/2 NW1/4 and S1/2 Section 7. Will return to speak with Lewis Bainbridge.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.



Lynn Beck

Natural Resources Engineer III
DENR, Water Rights Division

File No. 1362-3

Water Rights Division -DENR

Conversation or File Documentation

NAME OF PERSON OR FILE: Lewis Bainbridge (Edsell Bainbridge
owner)

ADDRESS: Ethan, SD 57334 COUNTY: Davison

DATE: 8-20-91 TELEPHONE: 605 227-4640

RE: Licensing

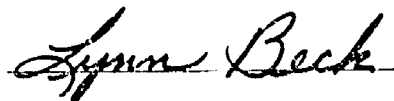
COMMENTS:

The well in Section 7 was never developed nor were the lands in the S1/2 NW1/4 and S1/2 of Section 7 ever irrigated. Lewis Bainbridge is in the process of purchasing the lands under Permit No. 1362-3 from his uncle Edsell Brainbridge. He would like to keep the lands never developed under the permit. I told him that the time limit for putting water to beneficial use had lapsed and the license would be for the NW1/4 Section 8, but I would look into the matter.

Mr. Bainbridge requested information on applying for a Water Permit.

9-12-91 Spoke with Lewis Bainbridge on the phone to confirm the fact that he would have to apply for a permit for the lands in Section 7. I sent the information he had requested today.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.



Lynn Beck

Natural Resources Engineer III

DENR, Water Rights Division

Permit No. 1362-3

James River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Edsell Bainbridge of Ethan, SD 57334 holder of Permit No. 1362-3, bearing the priority of February 14, 1967 authorizing the diversion of 8.0 cu. ft. per second and/or the storage of acre-feet of the waters of N/A for irrigation purposes, in Davison County.

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

A. Works used to divert the water:

60' deep well with 16" steel casing and 16" steel screen. Amarillo pump with a 650 GPM capacity. Dayton motor model no. 3N038, 100 HP.

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

100' of 9" PVC

C. Works used to apply water to beneficial use:

6 tower Valley 5000 1042' long with end gun adding an additional 95' radius, low pressure nozzles and a capacity of 500 GPM.

The system is in the following condition good. The point of diversion is located 900' E and 1120' S of the NW corner Section 8, T101N, R60W. The works are capable of diverting and conveying to the place of use 1.11 cu. ft. per second of water and/or storing N/A acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in Section 8, T101N, R60W

NE1/4 NW1/4 14 acres

SE1/4 NW1/4 22 acres

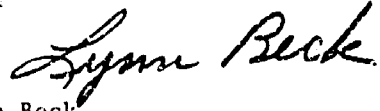
SW1/4 NW1/4 35 acres

NW1/4 NW1/4 22 acres

comprising a total of 93 acres of land and the license should be issued for 1.11 cfs and/or N/A acre-feet of storage.

Application permit qualifications have been complied with ☒ Yes No

Exceptions to compliance are: Date 8-20-91



Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Division

LICENSE FOR PERMIT NUMBER 1362-3

1. Legal location of wells: NW1/4 NW1/4 Section 8, T101N, R60W

Dams and Structures N/A

2. Well Information: Well Drilling Firm unknown

Completion Report? Yes No X No. of Wells 1 Depth(s) 60 feet

Casing a) diameter 16 inches Screen a) type 16" steel

b) length feet b) length feet

c) type steel Static Water Level 30 feet

Pump a) make Amarillo Motor a) make Dayton

b) model b) model no. 3N038

c) size c) horsepower rating 50

d) capacity 650 GPM d) serial no.

e) turbine pump - no. of stages

f) operating PSI

3. Distribution lines or canals

a) size 9 inches

b) type PVC

c) length 100 feet

4. System Type a) sideroll:

1) length feet

2) diameter of pipe inches

3) make, model & number of
sprinklers

4) spacing of sprinklers feet

5) nozzle size

- b) towline:

1) length feet

2) make, model & number of
sprinklers

3) spacing of sprinklers

4) nozzle size

- | | |
|--|---|
| <p>c)gun:</p> <p>1) make</p> <p>2) nozzle size</p> <p>3) capacity (GPM)</p> <p>4) hose size inches</p> <p>5) hose length feet</p> <p> e) gated pipe:</p> <p>1) length feet</p> <p>2) diameter inches</p> <p>3) spacing of gates inches</p> | <p>d) center pivot:</p> <p>1) make <u>Valley 6000</u></p> <p>2) number of towers <u>6</u></p> <p>3) distance between towers</p> <p>4) overall length <u>1042</u> feet</p> <p>5) end gun (Y/N) <u>Y</u></p> <p>6) high or low pressure <u>low</u></p> <p>7) make and size of nozzles:</p> <p>8) capacity (GPM) <u>500</u></p> |
|--|---|

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project

Yes No Check Items

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
- X 2. Special qualifications to permit being abided by?
- X 3. All structures, wells and lands on map?
- *X 4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
- X 5. Is chemigation used?
6. If yes, does equipment comply with chemigation rules?

REMARKS: *Stated on Permit No. 1363-3 in the report that the well dug under Permit No. 1362-3 was operating the summer of 1968 which is within the time limit. Soil and Water Permits were not required at time of application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 24, 1992

1362-3

Edsell Bainbridge
& Lewis Bainbridge
Ethan, SD 57334

Dear Mr. Bainbridge:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 1362-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

The permit is currently listed in the name of Cecil & Edsell Bainbridge. The documentation indicates Lewis was in the process of purchasing the land. To date, we have not yet received a "Notice of Transfer of Ownership". Please contact us to whether or not a transfer is still needed.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3152

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

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1362-3



I\We request that Water Permit No. 1362-3

formerly owned by: Edsell Bainbridge

be transferred to: (name & address) Lewis G. Bainbridge

201 Boush Ferry SD 57374 (Telephone No.) 227-4640

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

NW 1/4 Section 8, T101N, R60W

I\We understand that the validity of Water Permit No. 1362-3 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 Dewey)

I\We Lewis G. Bainbridge 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.

Lewis G. Bainbridge
(Signed)

Subscribed and sworn to before me this 18th day of May, 19 93.

Julie Shlack Henner
(Notary Public) 3-15-94

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 Water and Natural Resources

Pierre, May 20, 1992

RECEIVED OF Lewis Bainbridge, RR 1 Box 51, Ethan SD 57534

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. <u>1362-3</u>	50	00
Fee for Filing Transfer Form <u>Water Permit No. 1362-3</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	52 50

By

John H. H. H. H.
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1362-3

(1) Cecil and Edsell Bainbridge of Ethan, SD 57334 made Application No. 1362-3, February 14, 1967 for a water permit to appropriate 8.0 cubic feet of water per second from groundwater, Davison County, South Dakota for irrigation purposes. Permit No. 1362-3 with a priority date of February 14, 1967 was approved May 17, 1967 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before May 17, 1970 and for the application to beneficial use of said water on or before May 17, 1972.

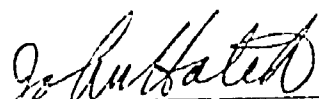
On May 20, 1992 Water Permit No. 1362-3 was transferred to Lewis G. Bainbridge.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.11 cubic feet of water per second for beneficial use. The location of the diversion point is: 900'E and 1120'S of the NW corner Section 8, T101N, R60W (NW 1/4 NW 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T101N, R60W Section 8	NE 1/4 NW 1/4	14 Acres
	SE 1/4 NW 1/4	22 Acres
	SW 1/4 NW 1/4	35 Acres
	NW 1/4 NW 1/4	22 Acres
	Total-----	93 Acres

(4) Pursuant to Section 46-5-30.1 Lewis G. Bainbridge of RR 1, Box 51, Ethan, SD 57334 the holder(s) and/or owner(s) of Water Permit No. 1362-3 is issued a license to appropriate water, the right to use 1.11 cubic feet of water per second from groundwater (one well) with a priority date of February 14, 1967 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 1362-3 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources
JUL 16 1992



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUL 16 1992

1362-3

Lewis G. Bainbridge
RR 1, Box 51
Ethan, SD 57334

Dear Mr. Bainbridge:

Enclosed is Water License No. 1362-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413217 in the amount of \$52.50 which you paid for the inspection, issuance and transfer of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1362-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

enclosures



1362-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: LEWIS BAINBRIDGE, 26355 406TH AVE, ETHAN, SD 57334 6017

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaires

Our records indicate that the 2002 Irrigation Questionnaire has not been submitted for Permit No(s) 1362-3 & 1480-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 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 8:30 am, March 5, 2003, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1362-3 & 1480-3 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, 2003**, 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.



1362-3

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PS Form 153, February 2001

*No record of delivery - however the questionnaires
were received and no further followup is needed.*

Glenn



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 28, 2003

1362-3
1480-3

Lewis Bainbridge
26355 406th Ave
Ethan SD 57334-6017

Dear Mr. Bainbridge:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right Nos. 1362-3 and 1480-3.

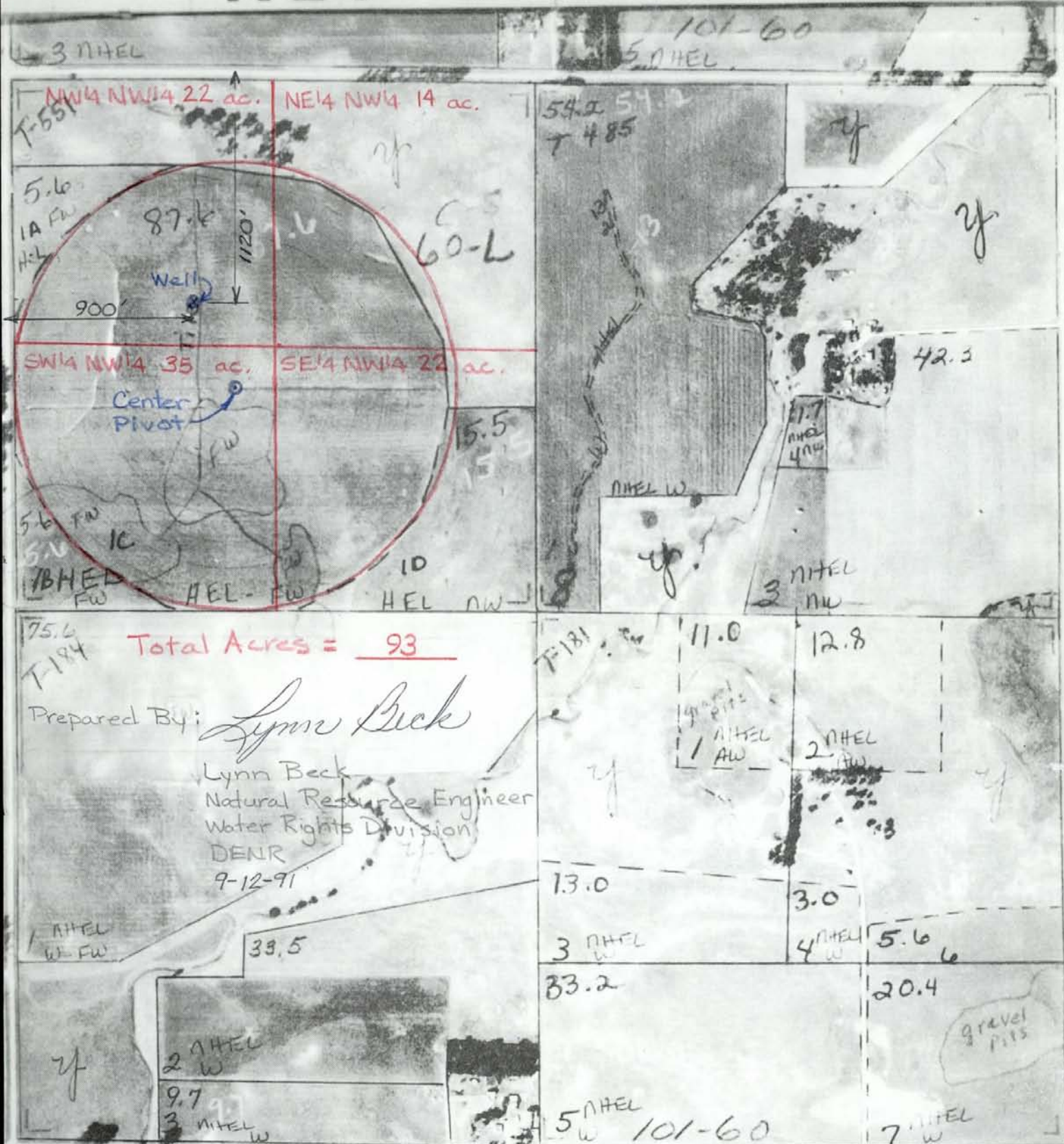
The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

NOT TO SCALE



1362-3