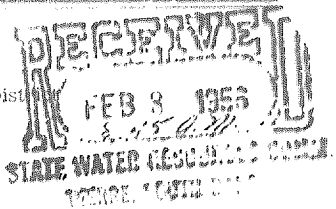


No. 144-3Water Division No. 2 Vermillion River Dist.
(Checks to be filled by the Engineer for the W. P. C.)

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

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

1. Name of applicant JAMES O. EIDEM
 Postoffice address HURLEY County TURNER State S. 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)

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work WELL3. Amount of water claimed 2-0 cubic feet per second4. Source of water supply WELL5. Location of point of diversion S 33rd 55 W 15985 FROM NE CORNER
OF NE 4 S 10 T 98 R 53 bank TURNER County.6. Annual period or periods during which water is to be used APRIL 1 — NOV 30

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? SPRINKLER(a) Number of acres to be irrigated 140 acres.(b) Legal subdivisions to be irrigated NE 4 S 10 T 98 R 53

(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.) FOR DOMESTIC USEIF NECESSARY

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 point _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

Map No. 117-3

8. Estimated cost of work:

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

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

(c) Flumings, \$.....

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

Rock, \$.....

(e) Other structures

Total, \$.....

9. Description of diversion works:

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

II. Dimensions of works:

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

material used in construction

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

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

(c)* Head gate: Width.....feet; height.....feet;

Material

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

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work: APRIL 1-56 years.11. Time required for complete application of water to the proposed beneficial use 5 years.

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

HURLEY LEADER HURLEY S. DAK.

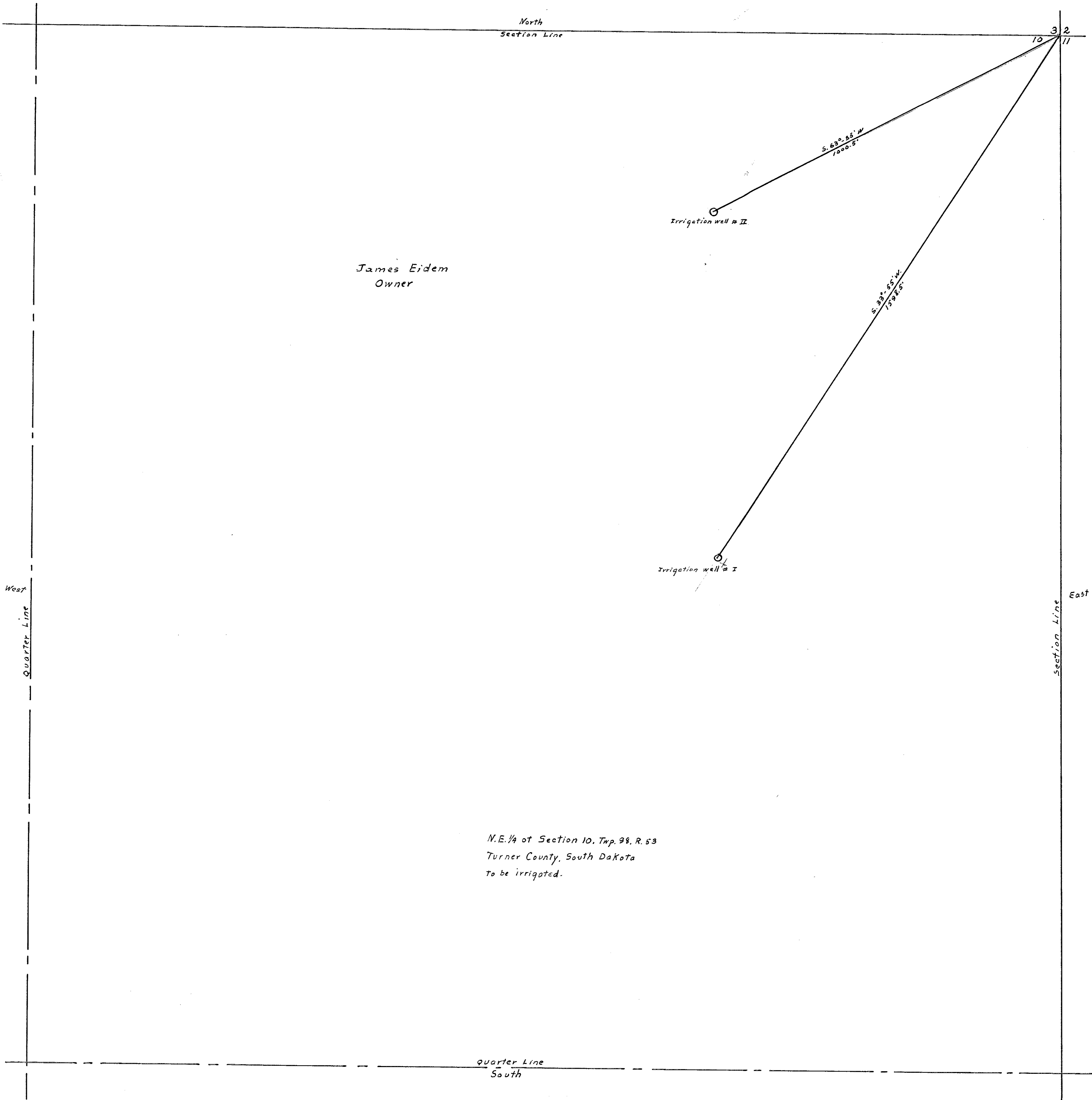
STATE OF SOUTH DAKOTA

County of Lincoln

ss.

I, James O. Edens, 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 James O. EdensSubscribed and sworn to before me this 7th day of February 1956Joseph L. Brown
Notary Public (or other qualified officer.)



I, Ellis V. Nelson, a licensed engineer, hereby certify that I have made a survey of the N.E. 1/4 of Section 10 Township 98, Range 53, Turner County, South Dakota and located irrigation wells #I & II as indicated on the above plot.

Dated at Sioux Falls, South Dakota, December 1, 1955.

Ellis V. Nelson
Licensed Engineer

State of South Dakota ss.
County of Minnehaha

On this 1st day of December, 1955, before me, the undersigned officer, personally appeared Ellis V. Nelson, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Notary Public
Notary Public, Minnehaha
County, South Dakota

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, February 15, 1956

This is to certify that the foregoing application was received by the Commission at 8:45 o'clock
a.m. upon the 8 day of February, 1956

State Water Resources Commission.

By: [Signature]

Chief Engineer, Executive Officer

Number of permit 144-3

Date of first receipt of application February 8, 1956

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 1, 1956

Approved May 7, 1956, Recorded in Book 53 Page 118

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 16, 1956

2nd. The whole of said work is to be completed on or before May 16, 1957

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

May 16, 1961

4th. The water appropriated shall be used for the purpose of Irrigation and Domestic use

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 2.0 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 16, 1961; said water to be used during the following described annual period:

April 1 to November 30

Witness my hand this 16 day of May, 1956

State Water Resources Commission

By: [Signature]

Chief Engineer, Executive Officer

Certificate of Construction Issued NOVEMBER 2, 1970

Water License Issued NOVEMBER 2, 1970

9. (continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 42 IN,

Depth 32

Type of casing CONCRETE + STEEL,
(wood, concrete, steel, etc.)

Size of casing 42 IN, Thickness of casing 2 IN
Length of casing 2 FT. If collection gallery,
length, size, and depth of gallery 30 FT.

(b) Screens

Type of perforated screen STEEL

Size of perforated screen 42 IN, 12 FT
(diameter) (length)

Thickness of gravel pack —, length of gravel
pack —.

(c) Water Bearing Materials

Distance to water 13 FT.

Character of water bearing materials —
—
—

Thickness of water bearing material —

(d) Pump and Motor

Type of pump (centrifugal, propellor, mixed flow, etc.)

Name of pump GERMAN ROPP, size 6 IN

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

Horsepower 75

Name of motor MINNEAPOLIS

(e) Complete well

Capacity 1000 at drawdown of 5 6 FT

Estimated cost 600.00

(f) Owner of land upon which well is located JAMES
Name

FIDEM, HURLEY S. DAK
Address

(g) Distance to nearest existing wells

On same Owner's property 30 rods Stock

On property owned by others 120 rods Stock

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 144-2

(1) WHEREAS, On the 8th day of February A. D. 19 56
James O. Eiden

made Water Right Application No. 144-3 for a permit to use 2.0 cubic feet per second of the waters
of ground water
County of Turner, State of South Dakota, for irrigation
_____ purposes; and

(2) WHEREAS, On the 16th day of May A. D. 19 56
Permit No. 144-3, with a date of priority of February 8, 1956
was issued to said applicant _____ for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 16th day of May, A. D. 19 57 and for the
application to beneficial use of said water on or before the 16th day of May, A. D. 19 61

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 1.9 cubic feet
per second of water for beneficial use and.

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

for irrigating 160 acres in the NE $\frac{1}{4}$, Section 10, T98N, R53W

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to James O. Eidem

_____ of Hurley, S.D.

the holder _____ as owner _____ of said permit No. 144-3 a water right, dating from February 8, 1956

_____ to use of 1.9 cubic feet per second of the water of ground water

in the County of Turner and State of South Dakota, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted at a point 1599 feet South 33° 55' West from the NE Corner, Section 10, T98N, R53W

and conduct to and upon the NE 1/4, Section 10, T98N, R53W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 144-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 2nd day of November A. D.
Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. GRIMES

(First Publication ~~not later than Apr. 19 56~~)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., March 1, 1956

Notice is hereby given that James O. Eidem whose postoffice address is Hurley 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 a well, the point of diversion of which is to be located on the bank of said stream in the NE $\frac{1}{4}$ of the XXXXXX $\frac{1}{4}$ of Section 10 Twp. 98N Range 53W. Said water to be used for the purpose of providing irrigation on the following described land:

NE $\frac{1}{4}$, Sec. 10, T 98N, R 53Wand for domestic purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of May, 1956, at 2:00 P.M. All interested persons may appear and be heard.

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

State Water Resources Commission

By:

J. W. Grimes,

Chief Engineer, Executive Officer

cc: L. D. Hofmeister
Hurley Leader
Hurley, South Dakota

Permit No. 144-3

Water District version No. 3 VERMILLION RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That James O. Eidem

_____ the holder _____ of
Permit No. 144-3, issued upon Application No. 144-3, bearing date of priority of February 8,
1956 authorizing the diversion of 2.0 cu. ft. per second of the waters of _____
ground water _____ County of Turner, State of South Dakota at _____
a point 1599 feet, South 33° 55' West from the NE Corner, Section 10, T98N,
R53W
_____, for irrigation

_____ purposes, has _____ 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 1.9 cu. ft. per second of water.

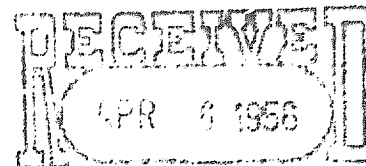
Date November 2, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

PROOF OF PUBLICATION



STATE OF SOUTH DAKOTA }
County Turner } ss.

L. D. Hofmeister being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the

Hurley Leader a newspaper which during the whole itme of publication of said notice herein after stated, has been and is printed and published in the

City of Hurley County of Turner and State of South Dakota;

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

Thurs. Mar. 8, 1956
Thurs. Mar. 15, 1956
Thurs. Mar. 22, 1956
Thurs. Mar. 29, 1956

in each and every issue of the full number thereof, the first publication being made on the 8th day of March 1956 and the last publication on the 29th day of

March 1956, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was sole owner the printer and publisher of the said newspaper.

L. D. Hofmeister

Subscribed and sworn to before me this 2 day of April A. D. 1956

My Commission Expires 3/17/60

J. G. Green
Notary Public Turner County, S. D.

STATE WATER RESOURCES COMM.
SOUTH DAKOTA
APPROPRIATION OF WATER
Office of State Water Resources Commission
Pierre, South Dakota
March 1, 1956
Notice is hereby given that James O. Eldem whose postoffice address is Hurley, 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 a well, the point of diversion of which is to be located in the NE 1/4 of Section 10, Twp. 98N Range 53W. Said water to be used for the purpose of providing irrigation on the following described land: NE 1/4, Sec. 10, Twp. 98N, R 53W and for domestic purposes. This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of May, 1956, at 2:00 P.M. All interested persons may appear and be heard. Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.
State Water Resources Commission
By: J. W. Grimes, Chief Engineer, Executive Officer (Mar. 8-15-22-29)

Permit No. 144-3Water Division 3 VERMILLION RIVER Water District

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

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

I have this day made a thorough examination of the water use system constructed by James O. Eidem
 _____ of Hurley, S.D. _____ holder _____
 of Permit No. 144-3, bearing date of priority of February 8, 1956
 authorizing the diversion of 2.0 cu. ft. per second of the waters of ground water
 for irrigation purposes, in Turner County.

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

The Water Use System consists of,

A. Works used to divert the water:

Well 42 feet deep - 18 inch steel casing
 Western Land Roller pump, 6 inch
 G.E. Electric Motor, 40 HP, Type K.

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

C. Works used to apply water to beneficial use.

1970 feet of 5 inch aluminum main line
 160 rods of 4 inch aluminum sprinkler pipe (hand moved)

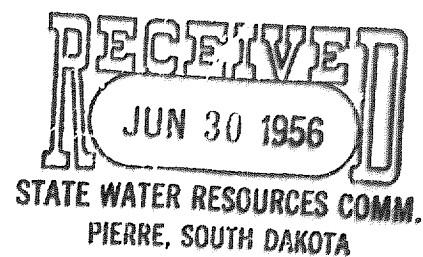
The system is in the following condition: good
 The point of diversion is located 1599 feet South 33° 55' West from the NE Corner,
Section 10, T98N, R53W

The works are capable of diverting and conveying to the place of use 1.9
 cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows: _____
NE½, Section 10, T98N, R53W

_____ comprising a total of 160 acres of land.

James E. Eden No 410-98-53



PRESSURE - DISCHARGE DATA FOR SPRINKLERS

Rainbird Model 30W

Pressure Psi	Discharge 3/16	gpm 13/64	for 7/32	various 1/4	nozzles
25	5.00	5.89	6.83	8.90	
30	5.50	6.51	7.58	9.80	
35	5.97	7.08	8.26	10.6	
40	6.41	7.60	8.87	11.4	
45	6.81	8.07	9.41	12.1	
50	7.18	8.49	9.98	12.8	
55	7.51	8.87	10.3	13.4	

Rainbird Model 40

Pressure Psi	Discharge 3/16 x 3/32	gpm 13/64 x 1/8	13/32 x 5/32	7/32 x 5/32
25	6.31	7.12	8.2	9.2
30	6.98	7.85	9.1	10.1
35	7.57	8.52	9.8	11.2
40	8.10	9.16	10.2	11.8
45	8.62	9.80	11.2	12.6
50	9.10	10.4	11.7	13.3
55	9.56	10.9	12.2	14.1
60	10.0	11.5	12.7	14.7

Rainbird Model 70 B

Pressure Psi	Discharge, 7/32 x 3/16	gpm, 1/4 x 3/16	1/4 x 7/32	9/32 x 7/32	5/16 x 7/32
30	13.1	15.2	17.0	19.4	21.8
35	14.2	16.5	18.5	21.0	23.7
40	15.2	17.7	19.9	22.6	25.4
45	16.2	18.8	21.1	24.0	27.1
50	17.1	20.0	22.3	25.4	28.7
55	17.9	21.1	23.5	26.8	30.2
60	18.8	22.0	24.6	28.0	31.7
65	19.6	22.9	25.7	29.2	33.1

Model and nozzles used No 30W Rainbird 32.

Number of sprinklers 43.

Average operating pressure 35 Psi.



Chief Engineer, Executive Officer
Water Resources Commission - State Capital Building
State Capital Building
Pierre, S.D. - 57501. Re: Water License 144-3.

Dear Sir: -

Relative to the above water license, we are asking your confirmation that our permit is in compliance with vested water rights.

Our water license 144-3 with a priority date of 2/8/56 reads from your letter: "Water license no. 144-3 is the final water right document completing your process of obtaining of water right, in accordance with Section 61.0112 of Chapter 430 of the Session Laws of 1955. As long as you use the water beneficially, as stated in said license, the State Water Laws provide that you have a continuing right to use the water." Signed J.W. Grinn, Ex. Officer Chief Engineer.

This date was confirmed in our phone conversation with your office in July 1975.

Thank you for your assistance. James O. Eddin:
Hurley, S.D. 57036

April 21, 1977

James O. Eidem
Hurley, South Dakota 57036

Dear Mr. Eidem:

This acknowledges your letter of April 12, 1977 pertaining to Water License No. 14402. The Water License was issued to you on the 2nd day of November, 1970. Your priority date on your water right is February 8, 1956.

Water License No. 144-3 is in compliance with the water rights laws of South Dakota and will be considered a continuing right to use the water as long as the water is used beneficially with not over a period of three consecutive years of nonuse.

Water License No. 144-3 allows diversion of water from a depth of 32 feet at a rate of 1.9 c.f.s. from a point 1599 feet South 30° 55' West from the NE Corner of Section 10, T98N, R53W to irrigate 160 acres in the NE¼ of Section 10, T98N, R53W.

Please advise this office of any questions.

Sincerely,

JAMES WINTERTON
Water Rights Specialist

JW/bw



1988 WATER MANAGEMENT BOARD ACTIONS

The Water Management Board suspended 108 water rights and water permits at the March 2, 1988 Board meeting. The suspensions were for one year for not returning the 1987 irrigation questionnaire. After receiving requests from suspended water right and permit holders and testimony given by the holders at Board meetings, the Board rescinded the suspensions on 38 water rights and water permits at the May 11 and July 27, 1988 meetings. Upon rescinding the suspensions, the Board passed a motion stating that failure to submit future required irrigation questionnaires will result in possible cancellation of a water right for repeated violations or a one year suspension without reinstatement.

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules established equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals with the irrigation water. The rules require check valves in the irrigation water pipeline and in the chemical injection pipeline, an interlock between the irrigation pump and the chemical injection pump, a low pressure drain, a vacuum relief valve and an inspection port. A copy of the rules will be provided to all irrigators that use chemigation.

October 26, 1988

Oct 28 1988

Dear Mr. Hatch-

I have never used any chemicals through my Center Pivot-

My Irrigation Pump has been in about 10 years. I have made arrangements to pull it out for inspection, any day now as this would be the time to add the back Flow Prevention equipment, check valves etc.

Please send me all instructions, rules and standards times to be added.

Jim Erdem RI Box 11
Haley SD.

also water law and water rights

57036



Department of Water & Natural Resources

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

#144-3
#3099-3

February 17, 1989

James O Eidem
Rt. 1, Box 11
Hurley, SD 57036

Dear Mr. Eidem:

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

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

The new standards include:

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

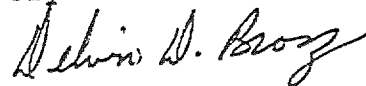


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix 1 contains diagrams of the arrangements of these anti-pollution devices.

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

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

Very truly yours,



for JOHN HATCH, Chief Engineer
Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 7, 1992

144-3
3899-3

Jon Benson
RR #1 Box 11
Hurley, SD 57036

Dear Mr. Benson:

I am contacting you in regard to ownership of land described in Water Right Nos. 144-3 and 3899-3. They are currently listed in the name of James O Eidem. You indicated on last year's irrigation questionnaires that you were the "owner" and not the "operator" of the land.

In order to change the name on the water rights, you will need to file a "Notice of Transfer of Ownership" with each water right. I have enclosed partially completed transfer forms. Please review the forms to ensure their accuracy and then sign them in the presence of a notary. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$5.00).

The 1992 irrigation questionnaires will be mailed from our office on October 16, 1992. I will leave your name on the mailing list as that of operator until the transfers are filed.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

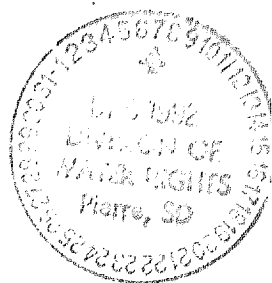
enclosures: two transfer forms

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 144-3

Date. _____



I\We request that Water Right No. 144-3

formerly owned by: James O Eidem

be transferred to: (name & address) Jon Benson, RR #1 Box 11, Hurley, SD 57036 (Telephone No.) 238-5834

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

NE 1/4 Sec. 10, T98N, R53W

I\We understand that the validity of Water Right No. 144-3 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 Turner)

I\We Jonathan Benson 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.

Jonathan Benson
(Signed)

Subscribed and sworn to before me this 4th day of Dec, 1992.

[Signature]
(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

413525

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ December 7, 19 92

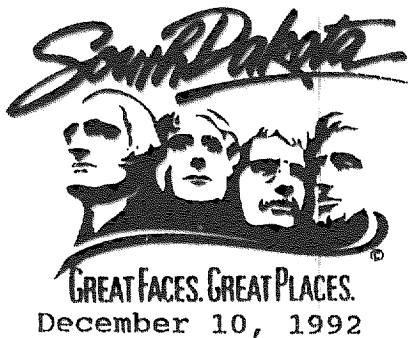
RECEIVED OF Jon C Benson, RR 1 Box 11, Hurley, SD 57036

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 144-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John H. H. H. H.
Chief Engineer



144-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

No. 144-3
3899-3

Jon Benson
RR 1, Box 11
Hurley, SD 57036

Dear Mr. Benson:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 144-3 and 3899-3.

Our records now show you as the owner of Water Right Nos. 144-3 and 3899-3.

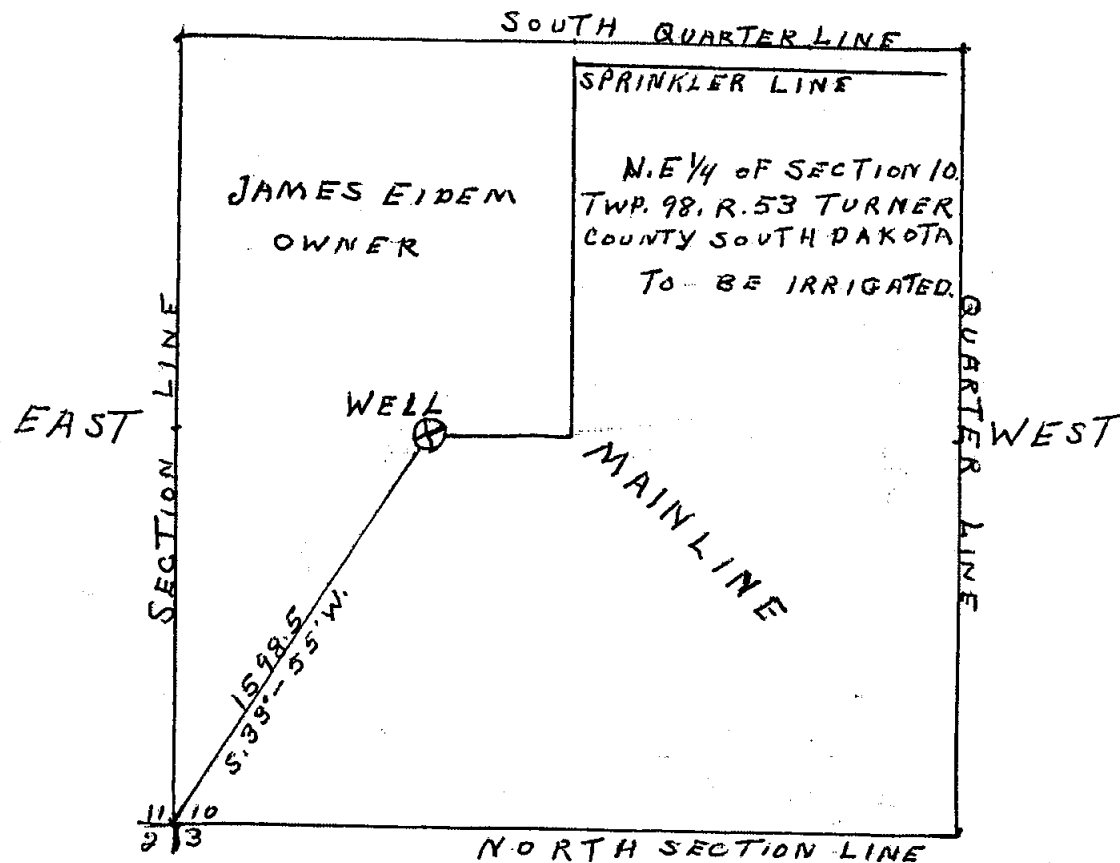
Sincerely,

Cheryl F. Frost

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

enclosure

PROPOSED PLAN OF IRRIGATION MAP



NO OF SPRINKERS ----- 66

NOZZLE SIZE ----- $\frac{13}{64} \times \frac{5}{32}$

MANUFACTURES PRESSURE DISCHARGE DATA

PRESSURE - PSI

DISCHARGE - G.P.M

AVERAGE
OPERATING PRESSURE → 30
35
40
45

10-10
11-20
11-80
12-60

#144-3



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



No. 144-3

August 1, 2014

Jon Benson
28031 Hwy 19
Hurley SD 57036

Dear Mr. Benson:

The irrigation season is in full swing. This has led to the Department of Environment and Natural Resources (DENR) fielding inquiries regarding end gun overspray on to roads. DENR recently distributed the attached press release to the media.

DENR received an inquiry alleging the irrigation system located in the NE ¼ Section 10, T98N, R53W having irrigation water from the end gun hitting 280th Street. The water right for this system is held in your name under Water Right No. 144-3.

It is common for center pivots to have stops which can be engaged to shut off the operation of the end gun when the pivot nears a road. Please take steps to insure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes unauthorized end gun overspray upon land not authorized by the water right. Continued overspray can result in DENR taking enforcement action.

If you don't believe your irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosure

DENR Reminds Irrigators to Avoid Overspray

FOR IMMEDIATE RELEASE: Thursday, July 24, 2014

PIERRE, S.D. – The Department of Environment and Natural Resources (DENR) reminds irrigators to check their center pivots to ensure they are operating properly and are adjusted to spray only upon land authorized for irrigation by their water permit.

“It is important that irrigators do everything they can to avoid overspraying onto nearby roads or neighboring properties,” said DENR Secretary Steve Pirner. “Irrigation overspray can damage roadways, lead to unsafe driving conditions and impact neighbors.”

A water right holder is not allowed to waste water or operate an irrigation system in violation of state water law, which includes spraying water on land not covered by the water permit. Irrigation systems and especially end guns must be constantly monitored to make sure they are not applying water where it is not allowed. Irrigators who fail to prevent overspray can be subject to fines or required to appear before the Water Management Board for possible suspension of their right to irrigate.

South Dakota has nearly 5,300 active irrigation permits authorizing irrigation of up to 879,000 acres.

Gronlund, Eric

From: kknittel@gwtc.net
Sent: Friday, August 01, 2014 7:45 AM
To: Gronlund, Eric
Subject: water sprayed on road

This last week these were spraying water on the roads. They are all in the same township. Hurley Town ship Turner county

T98N R53W

sec 11 nw1/4 of sw 1/4

on hwy 19

sec 10 ne 1/4

on 280th st

sec 11ne 1/4

on 280th st

sec 12ne 1/4

on 280th st

sec 1 se 1/4

on 280th st

sec 35 se 1/4

on hwy 18

sec 3 sw 1/4 of se 1/4

this happen all time during the day and night. you don't see this at night until you hit it and then you can't see the road.

Also this morning I was driving and the same pivot that was over spraying the road that caused my accident was spraying water on the road again. this is the 2nd time that I have had to file a complaint about its in the nw 1/4 of sec 12 T98N R53W. I was told that they wont be doing that anymore and they still are.

If you have any questions just email me or call me at 605 929 6340

thanks

Kelly Knittel