

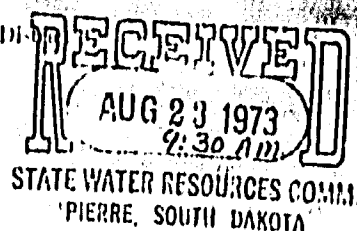
Water Right Number 2008-3

1. Considered November 14, 19 73
2. Name of Applicant Richard Ballinger
3. Post Office Address Rt. #1, Jefferson, S.D.
4. Amount of Water claimed 2.28
5. Source of Water supply ground water
6. Water to be used for irrigation
Acres to be irrigated 150.00
7. Water to be diverted and used in _____ Union _____ County
about 28 1/4 miles _____ of JEFFERSON
8. Proof of Publication Received 11-8-73
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

10. Remarks:

No. 2008-3Map No. 1421-3 Water Division No. 3 BIG SIOUX RIVER
(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 R. J. Ballinger
 Postoffice address R# 1 Jefferson, So. Dak. State So. Dak.
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract3. Name of diversion work Well - Ballinger Diversion Well4. Amount of water claimed (cubic feet per second) 1200 gal/min. 2.285. Source of water supply Ground Water6. Location of point of diversion 1320' West & 1320' North of the Southeast
Corner of Section 26 T90 - R49County Yonkers7. Annual period or periods during which water is to be used June Through August8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 160

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>SE 1/4 of Sec. 26 T90 - R49</u>	<u>160</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 5 years.11. Choice of newspaper for Notice of Intent to Appropriate Water publication Leader Courier, Elk Point, So. Dak.

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

B. Works proposed to transport water to place of use.

C. Works proposed to apply water to beneficial use.

Well with Sprinkler SystemEstimated Total Cost \$ 1200.00Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of DAKEI, RICHARD BALLINGER the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Richard BallingerSubscribed and sworn to before me this 21 day of MAY 19 73William L. Burwell
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 2008-3

RICHARD BALLINGER
(Applicant)

JEFFERSON
(Post Office Address)

SOUTH DAKOTA 57038 With the following modifications
(State)

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application AUGUST 23 19 73
Date of return to applicant for correction, amendments or changes required AUGUST 30 19 73
Date of receipt of corrected application OCTOBER 12 19 73
Approved NOVEMBER 14 19 73 Recorded in Book 12 Page 271

WATER RIGHT PERMIT NO. 2008-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 2008-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is AUGUST 23 19 73
2. The equivalent of at least one-fifth of the work here specified is to be completed on or before MAY 14 19 76
3. The whole of said work is to be completed on or before NOVEMBER 14 19 78
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 14 19 78
5. The water appropriated shall be used for the purpose of IRRIGATION
6. 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.
7. The amount of the appropriation herein granted shall not exceed 2.28 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and 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 NOVEMBER 14 19 78 said water to be used during the following described annual period: JUNE THREE AUGUST

Witness my hand this 15TH day of NOVEMBER 19 73

WATER RESOURCES COMMISSION

By:

Donald Wiscoll
Chief Engineer, Executive Officer

Certificate of Construction Issued FEBRUARY 2 19 78

Water License Issued FEBRUARY 2 19 78

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter 36", Depth 105 Feet
- (2) Casing, Type Concrete, Diameter 18", Thickness 2 1/2"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type slotted, Diameter 18", Length 40'
- (4) Gravel Pack, Thickness 18", Length of gravel pack 40'

E. Dugout Information or Estimates.

- (1) Surface dimensions, _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Bedrock

Depth to top of water bearing material 14'

Depth to bottom of water bearing material 105'

Thickness of water bearing material 14'

Depth to water (ground surface to water level) 14'

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property 40 rds. On property owned by others 120 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Richard Ballinger
Signature of Applicant

Conservation
Commission
Form VI #1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE ONLY

Irrigation System: SW

Water Quality: Fair

Soils Capability: good

Approved: 9/17/73

Disapproved: SPH

NAME: Richard Ballinger

ADDRESS: R# 1 Jefferson, So. Dak.

COUNTY: Union

LEGAL DESCRIPTION

1. WELL LOCATION: 1320' West & 1320' North of the Southeast Corner of Sec 26 T90 R49

2. AREA TO BE IRRIGATED: SE 1/4 of Sec. 26 T90 R49

TYPE OF IRRIGATION

3. CROPPING: SPRINKLER (Indicate Type): Sprinkler - Pivot

4. CROPS TO BE IRRIGATED: Row crop

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0 to 1%

6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Deep, loamy, well and moderately well drained bottom land soils. Few or no limitations in use.

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 73-591 moderately

8. SALINITY: EC = 1157 (high)

9. SODIUM: SAR = 3.41 (Low)

I do hereby certify that a chemical analysis of the ground water to be
acquired for irrigation from South Dakota State University and:
the land capability for irrigation information has been acquired from
Union County Soil Conservation Service, Elk Point, SD

that the legal description for the location of the well and land to be
irrigated is true and correct.

Richard B. Klinger

Subscribed and sworn before me this

12 day of Sept 19 73.

Lewis D. Weinberg

Notary Public, Union County, South Dakota
(Title) Mag. Commission Expires 2-17-79

RECEIVED
OCT 1 1973

STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

September 26, 1973

Mr. Richard Ballinger
RE 1
Jefferson, South Dakota 57038

Dear Mr. Ballinger:

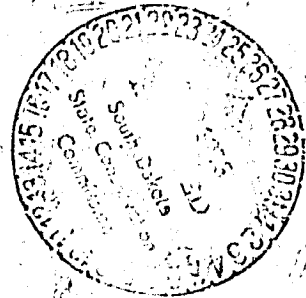
Your water quality "Report of Analysis" is enclosed herewith, also Extension Circular 204, with the quality designated by the encircled red cross on the back cover.

This water is moderately high in total salinity, but low in sodium, so the hazard in using it is a moderate one in the possible development of soil salinity. The key to prevention of this is lateral soil drainage. If there is permeable soil all the way down to the water table, or to a gravel or sand layer below the top 3-5 feet, salts will probably never become a problem in the root zones of most crops. However, a drainage impediment within the soil profile will increase salt build-up. The soils information is that your soils are well- and moderately well- drained, so with judicious use (relatively large applications of water and occasional fall irrigations to encourage leaching) you should have no trouble. If salts do begin to show up in the future, contact your county agent or an irrigation extension specialist.

Sincerely yours,

Lawrence O. Fine
(Enc.)
Lawrence O. Fine, In Charge
Water Quality Lab

1 OF 1 Lab
Inclosures
cc: State Conservation Commission
Darrel Pahl
Louie DeSmet, Union County Agent



Form 15.

Permit No. 2008-3

Water Diversion No. 9 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Richard Ballinger

_____ the holder _____ of
Permit No. 2008-3, issued upon Application No. 2008-3, hearing date of priority of August 23,
1973 authorizing the diversion of 2.28 cu. ft. per second of the waters of _____
ground water County of Union, State of South Dakota at _____
a point 1300'N and 1320'W of the SE corner, Section 20, T90N, R49W
_____, for irrigation

_____ 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 2.0 cu. ft. per second of water.

Date February 12, 1976

By:

WATER RIGHTS COMMISSION

John Hatch
JOHN HATCH, Chief Engineer

WATER LICENSE NO. 3008-3

(1) WHEREAS, On the 23rd day of August A. D. 19 73.

Richard Ballinger

made Water Right Application No. 2008-3 for a permit to use 3.28 cubic feet per second of the waters of groundwater County of Union, State of South Dakota, for irrigation purposes; and

(2) WHEREAS, On the 16th day of November A. D. 19 73

Permit No. 2008-3, with a date of priority of August 23, 1973

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 14th day of November A. D. 19 78 and for the application to beneficial use of said water on or before the 14th day of November A. D. 19 78

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 1.93 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 a 132 acre circle in the SE1/4, Section 26, T90N, R49W

(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 Richard Ballinger

_____ of Jefferson
the holder _____ and owner _____ of said permit No. 2008-3 a water right, dating from August 23, 1973
_____ to use of 1.03 cubic feet per second of the waters
of ground water
in the County of Union and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinafter mentioned, to be diverted at a point 1300' N and 1320' W of the SE corner,
Section 26, T90N, R49E.

and conduct to and upon drill at a circle in the SE 1/4, Section 26, T90N, R49W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 4003-3 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 February A. D.
Nineteen Hundred and Seventy-eight

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Form 6 - Notice of Intent to Appropriate Water

No. 2008-3

Publish first publication, on or before October 25, 19 73

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

October 15, 19 73

Notice is hereby given that Richard Ballinger
whose post office address is Jefferson, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
2.28 cubic feet of water per second of time from the ground water through the
Ballinger Irrigation Well, the point of diversion of which is to be located in the _____

Center of the SE 1/4
of Section 26, Twp. 90N, Range 49W. Said water to be used for the purpose
of providing irrigation on the following described land:

SE 1/4, Section 26, T90N, R49W

This application No. 2008-3 will be considered by the Water ~~Resources~~ ^{Rights} Commission at their office at
Pierre upon the 14th day of November, 19 73, at 2:30 P. M. All interested
persons may appear and be heard.

~~WATER RESOURCES COMMISSION~~
WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFS/lw

cc: Richard Ballinger, Jefferson, S.D. 57038

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Union) ss.

I, Byron Helgerson hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Leader Courier

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 Elk Point

County of Union and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

November 1, 1973

November 8, 1973

Byron Helgerson
(Signature)

Owner
(Title)

November 8, 1973

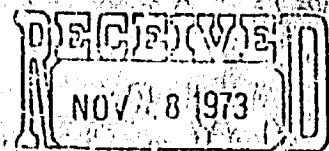
(Date Signed)

NOTICE
INTENT TO APPROPRIATE
WATER

Notice is hereby given that Richard Ballinger, whose post office address is Jefferson, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota, for a permit to appropriate for beneficial use 2.28 cubic feet of water per second of flow from ground water through the Ballinger Irrigation Well, the point of diversion of which is located in the center of the SE 1/4 of Section 20, Twp. 20N, Range 49W. Said water to be used for the purpose of providing irrigation on the following described land: SE 1/4, Section 26, T90N, R49W, S. 49.

This application No. 2008-3 will be considered by the Water Rights Commission at their office at Pierre on the 14th day of November, 1973, at 2:30 p.m. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION
By: Burton F. J. Adams
Water Rights Specialist
(Publish Nov. 1 & 8)



STATE WATER RIGHTS COMMISSION
PIERRE, SOUTH DAKOTA

Permit No. 2008-3Water Division 3 Big Sioux River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TC: 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 Richard Ballinger of RR #1, Jefferson, S. Dak. 57038 holder of Permit No. 2008-7, bearing date of priority of August 23, 1973 authorizing the diversion of 2.28 cu. ft. per second of the waters of Ground for Irrigation purposes, in Union County.

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

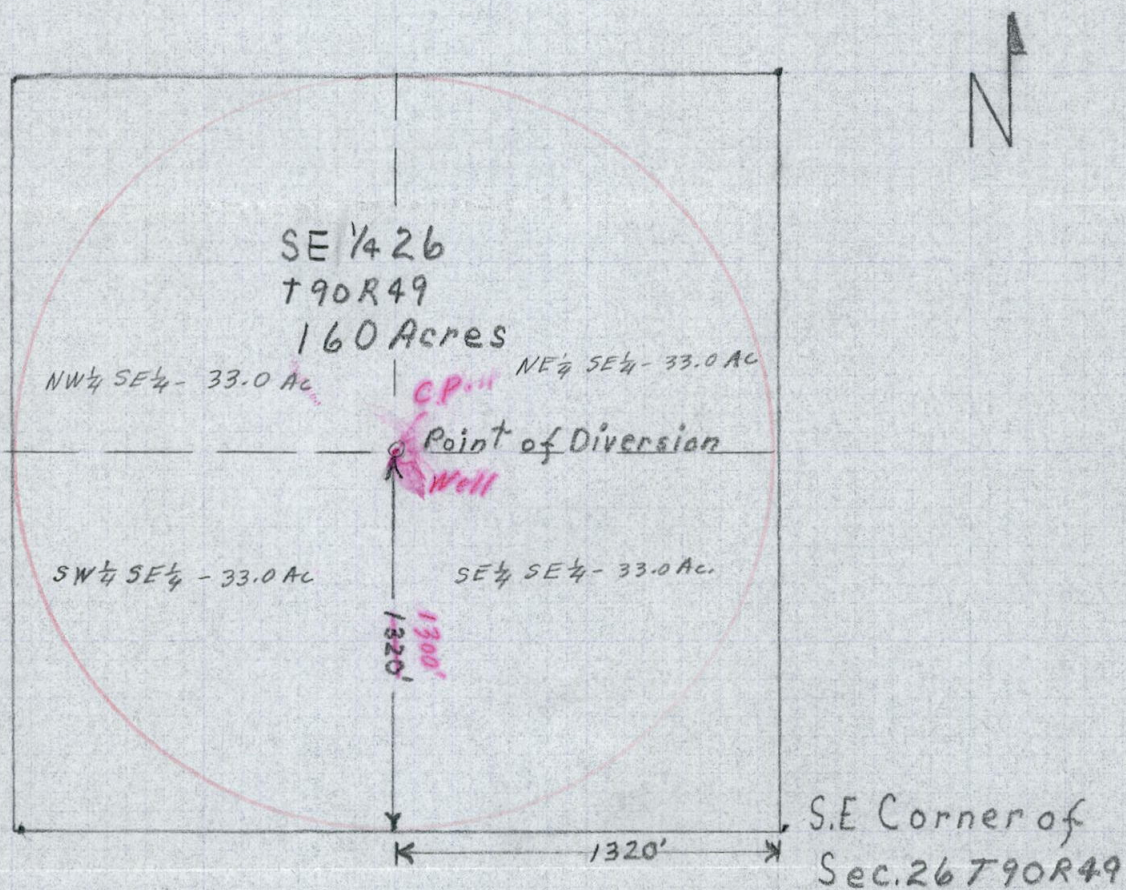
The Water Use System consists of,

- A. Works used to divert the water:
Motor - 26.5 Electrical, ID# R-2842-02-H-385 R 2076064
75 HP, 1770 RPM
Pump - Western Land Roller, Ser. # E 7498
Head - # 8M - 5-12C-H. Pumping - 900 gpm
- B. Works used to transport water to place of use,
8" dia Aluminum Pipe
- C. Works used to apply water to beneficial use.
Electrojetor Center Pivot, Model 5E5 Ser # 5741941

The system is in the following condition: Excellent.The point of diversion is located 1300 ft N and 1320 ft West of the SE Corner of section 26, T90N, R47WThe works are capable of diverting and conveying to the place of use 2.0cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in Section 26, T90N, R47W
NW 1/4 SE 1/4 - 33.0 Ac, NE 1/4 SE 1/4 - 33.0 Ac, SW 1/4 SE 1/4 - 33.0 Ac,
SE 1/4 SE 1/4 - 33.0 Ac.
comprising a total of 132 acres of land.

Well data:

Depth - 105 ft.Pumping 900 gpmDate June 2, 1977
Larry J. Mernough
 (Signature)



Richard Ballinger - Owner
R#1 Jefferson, So. Dak.
Sprinkler Irrigation System
Scale: 8" = 1 mile

U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE

Date		Approved by <u>C.K. Dahlgren</u>	
Designed <u>C.K. Dahlgren</u>	<u>10-10-73</u>	Title <u>District Conservationist</u>	
Drawn <u>C.K. Dahlgren</u>	<u>10-10-73</u>	Title	
Traced		Sheet	Drawing No.
Checked <u>Gary Girard</u>	<u>10-10-73</u>	No <u>1</u>	<u>1</u>
		of <u>1</u>	

MAP N^o 1421A-3 (APPL N^o 2008-3)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 7, 2011

2008-3
3613-3

Rodney Ballinger
48056 332nd St
Jefferson SD 57038

Dear Mr. Ballinger:

Thank you for sending in the 2011 irrigation questionnaires for Water Right Nos. 2008-3 and 3613-3 and for including a notation on the necessary ownership changes.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing an ownership change with each water right. Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

I have included copies of each of the water rights. You may keep them for your records. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

JAN 23 2012

WATER RIGHTS
PROGRAM

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

No. 2008-3

Date: 1-18-12

I/We request that Water Right No. 2008-3

formerly owned by: Richard Ballinger

be transferred to: (name & address) Rodney Ballinger, 48056 332nd St, Jefferson SD 57038

Telephone No. 712 251-8798

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

132 acres – SE ¼ Section 26, T90N, R49W

☒ We understand that the validity of Water Right No. 2008-3 has not been determined by this transfer action. If ☒ We have any questions on validity, ☒ 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 with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

☒ We Rodney Ballinger, the new owner, certify that the above information is true and correct.

Rodney Ballinger
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

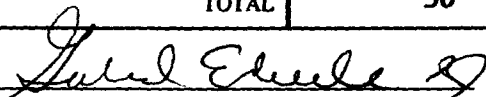
Date 1/23, 20 12

RECEIVED OF Rodney Ballinger 48056 332nd St Jefferson SD 57038

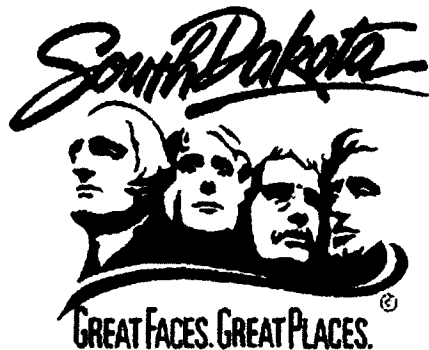
The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
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>2008-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05291**

By 
Chief Engineer

2008-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2012

2008-3
3613-3

Rodney Ballinger
48056 332nd St
Jefferson SD 57038

Dear Mr. Ballinger:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for transferring Water Right Nos. 2008-3 and 3613-3.

The ownership changes have been completed. Water Right Nos. 2008-3 and 3613-3 formerly held by Richard Ballinger are now listed in your name.

Enclosed for your records are Receipt Nos. 05291 and 05292 in the amount of \$50.00 each. If you have any questions, please contact me.

Sincerely,

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

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

enclosures