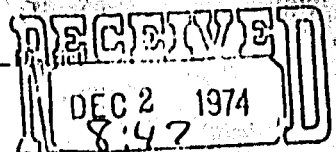


1. Considered JANUARY 22, 1973 2150-3
2. Name of Applicant RONALD F. ESTER
3. Post Office Address ESTELLINE
4. Amount of water claimed 1.70
5. Source of water supply GROUND WATER (33')
6. Water to be used for IRRIGATION
- Acres to be irrigated 119
7. Water to be diverted and used in HAMLIN county
about 3.5, 1E miles of ESTELLINE
8. Proof of Publication Received 12.24.74
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

ADVERTISED AS SE^d.
SHOULD BE NE^d.

No. 2150-3
 Map No. 1544.3 Water Division No. 3 BIG SIOUX RIVER
 (Blanks to be filled by the Engineer for the W. P. C.)

 APPLICATION FOR PERMIT STATE WATER RIGHTS COMM.
 PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Ronald Foster
- Postoffice address RR#2 Estelline, State South Dakota
- If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Employment of others
3. Name of diversion work Foster Irrigation Project #1
4. Amount of water claimed (cubic feet per second) 1.7
5. Source of water supply well
6. Location of point of diversion 1940' S 44° W of NE corner of section 1
T 112 N R 51 W
- County Brookings
7. Annual period or periods during which water is to be used High Channel October
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use, _____ Total number of acres to be irrigated 119

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.
NW 1/4 of Sec 1 - 112-51	23		
NE 1/4 of Sec 1 - 112-51	23		
SW 1/4 of Sec 1 - 112-51	23		
SE 1/4 of Sec 1 - 112-51	29		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Three years. Additional time required to complete application of water to the proposed beneficial use Five years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Brookings Register
12. Principal Features of the Proposed Water Supply System.
- A. Works proposed to divert water from its natural source. Deep well turbine & Electric Motor
- B. Works proposed to transport water to place of use. closed conduit - Aluminum Pipe
- C. Works proposed to apply water to beneficial use. E-Z Rain Traveler Hose Pull with Nilson Volume Gun

Estimated Total Cost \$ 15,000
 Attachments: 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 Brookings
 I, Ronald Foster 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 Ronald FosterSubscribed and sworn to before me this 14 day of November 1974
Shirley Wilcox
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 2150-3

RONALD FOSTER
(Applicant)

R.P.#2 ESTELLINE
(Post Office Address)

SOUTH DAKOTA 57234
(State)

With the following modifications:

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 DECEMBER 2, 19 74

Date of return to applicant for correction, amendments or changes required _____, 19 _____

Date of receipt of corrected application _____, 19 _____

Approved JANUARY 23, 19 75, Recorded in Book 13 Page 153

WATER RIGHT PERMIT NO. 2150-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 2150-3 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 DECEMBER 2, 19 74
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 23, 19 76
3. The whole of said work is to be completed on or before JANUARY 23, 19 78
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 23, 19 80
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 1.7 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 JANUARY 23, 19 80; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 24TH day of JANUARY, 19 75

WATER RESOURCES COMMISSION

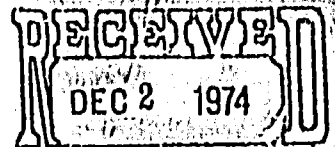
By:

Donald Marshall
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

November 22, 1974



STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

Mr. Ronald Foster
Escelline, SD 57342

Dear Mr. Foster:

We have received the WI-1 form in support for your application of a water use permit in Sec 1 T112N R51W.

A copy of this letter and the water analysis and the WI-1 form are being sent to the State Conservation Commission.

There is no chemical problem with the water that would cause difficulty in either salt accumulation or soil dispersion. There is, however, some of the soil in the NE 1/4 of this section that is very questionable as far as irrigation is concerned. I am referring to the Volga silty clay loam, somewhat poorly drained, which extends on a northwest to southeast axis through the quarter and occupies a considerable bit of land, perhaps as much as 50 or 60 acres. This land is characteristically poorly drained with high water table at times causing a delay in planting or the use of only late season crops. You are, of course, very much aware of this and the possibility exists that a slight elevation of the water table due to irrigation will aggravate the problem in certain spring seasons.

Therefore, I recommend that you consider this factor very carefully before investing in irrigation equipment. You perhaps know the land very well so have already considered this.

Sincerely yours,

L. O. Fine
Water Quality Lab

LOF:111

Enclosures

CC: State Conservation Commission
Al Aho, Brookings County Agent
Darrel Pahl

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: _____

Water Quality: _____

Soils Capability: _____

Approved: Allen Allen
11/27/79

Disapproved: _____

NAME: Ronald Foster
ADDRESS: Estelline South Dakota
COUNTY: Brookings

LEGAL DESCRIPTION

1. WELL LOCATION: 1940' S 41°W of NE corner Sec 1 - 112-51
2. AREA TO BE IRRIGATED: 119 acres of NE 1/4 of Sec 1 - 112-51

TYPE OF IRRIGATION

3. GRAVITY _____ SPRINKLER (Indicate Type): Hose pull
4. CROPS TO BE IRRIGATED: corn & alfalfa

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: All less than 3%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Fordville loam } II + III
Lamoure silty lo }
(Vp) Volga silty clay loam, poorly drained - IV

WATER QUALITY (To Be Completed by Commission)

7. SAMPLE NO: 74-935
8. SALINITY: EC = 859 micromhos/cm (med-high)
9. SODIUM: SAR = 0.38 (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

Exp 513 Bulletin 468 - Brookings County Soil Survey.
and:

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

Ronald Foster

Subscribed and sworn before me this

14 day of November 1974.

Helen Wilcox

Notary Public

(Title)

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006

Submitted by: Ronald Foster
Address: Rt. 2
Estelline, SD 57234

Date Rec'd: November 7, 1974
Sample No.: 74-935
Identification: Well-33'
NE 1/4, Sec. 1, T. 112N, R. 51W

WATER ANALYSIS

Calcium (Ca)	130	ppm*	6.50	me/l**
Magnesium (Mg)	45	ppm	3.69	me/l
Sodium (Na)	20	ppm	0.87	me/l
Potassium (K)	4	ppm	0.12	me/l
Sulfate (SO ₄)	156	ppm	3.24	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	14	ppm	0.38	me/l
Bicarbonate (HCO ₃)	395	ppm	6.48	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	324	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	859	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.38			
Sodium	7.78	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.30			
Others:				

*ppm=parts per million

***g.p.g.=grains per gallon

**me/l=milliequivalents per liter

COMMENTS: Total cations 11.18 me/l
Total anions 10.10 me/l

By: Shirley Mitten

Service Performed

Amount Due

Irrigation analysis

\$6.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 74-935

Amount Enclosed \$

Signed

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 20", Depth 33'
- (2) Casing, Type Steel (wood, concrete, steel, etc), Diameter 12", Thickness 3/16"
- (3) Perforated Screen.
Type Johnson Irrigator, Diameter 12", Length 10'
- (4) Gravel Pack, Thickness 2 1/2', Length of gravel pack 20'

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 Coarse Gravel - 1/2" to 3/16"
with small amount of fines

Depth to top of water bearing material 6'

Depth to bottom of water bearing material 33'

Thickness of water bearing material 2.7'

Depth to water (ground surface to water level) 6'

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

On same owner's property 100 rds. On property owned by others 100 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.

Ronald G. Foster
Signature of Applicant

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brookings) ss.

I, James M. McLellan Jr. hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Brookings Daily Register

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

_____ City _____ of Brookings

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

Dec. 16, 1974

Dec. 23, 1974

James M. McLellan Jr.
(Signature)
General Manager
(Title)
December 23, 1974
(Date Signed)

No. 139- Dec. 16 & 23, 1974
NOTICE
INTENT TO APPROPRIATE WATER
Pierre, South Dakota 57501
December 2, 1974
Notice is hereby given that Ronald
Foster, whose post office address is
Eitelville, 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 1.7 cubic feet of water
per second of time from ground water
through the Foster Irrigation Project
No. 7, the point of diversion of which is
to be located in the SE 1/4 SE 1/4 of
Section 17, T112N, R51W, NE 4, NE 4
This application No. 2150-3, will be
considered by the Water Rights
Commission at its office at Pierre upon
the 22nd day of January, 1975, at 2:30
P.M. All interested persons may
appear and be heard.
WATER RIGHTS
COMMISSION
By: BURTON F. JONES
Water Rights Specialist

RECEIVED
DEC 21 1974

STATE WATER RIGHTS COM.
PIERRE, SOUTH DAKOTA

Form 5 - Notice of Intent to Appropriate Water

No. 2150-3

Publish first publication, on or before January 8, 1975

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

December 2, 1974

Notice is hereby given that Ronald Foster

whose post office address is Estelline, 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

1.7 cubic feet of water per second of time from the ground water through the Foster Irrigation Project #1, the point of diversion of which is to be located in the

SE $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 1, Twp. 112N, Range 51W. Said water to be used for the purpose of providing irrigation on a portion of the following described land:

SE $\frac{1}{4}$, Section 1, T112N, R51W

This application No. 2150-3 will be considered by the Water Rights Commission at its office at Pierre upon the 22nd day of January, 1975, at 2:30 P. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

**BURTON F. JONES
Water Rights Specialist**

BFJ/bw

cc: Ronald Foster, R.R. #2, Estelline, S.D. 57234

June 19, 1978

Ronald Foster
RR #2
Estelline, SD 57234

Dear Mr. Foster:

Enclosed please find our Form 18, "Application for Extension of Time".

Please complete the partially filled out Form 18, sign and return to this office with a fee of \$2.50. This extension of time will come up at the July 26-27, 1978, meeting of the Water Rights Commission at the Ramada Inn in Sioux Falls, South Dakota if the signed form and fee is received before this date.

Sincerely,

Betty Westlund
Water Rights Specialist

BW:plh

Enclosure

2150-2. Royal Estate

well. 37 ft, 1/2 ft. 1/2 ft.
1/2 ft. 1/2 ft. 1/2 ft. 1/2 ft.
1/2 ft. 1/2 ft. 1/2 ft. 1/2 ft.

Wrote after in a. 10 Jan 23
1960. 2. 1/2 ft. 1/2 ft. 1/2 ft.
approve

Le Roy.

Time is up - never

received an extension of
time appl.

Should be cancelled?

See a. 1/2 ft. 1/2 ft. 1/2 ft.
1/2 ft. 1/2 ft. 1/2 ft. 1/2 ft.
1/2 ft. 1/2 ft. 1/2 ft. 1/2 ft.

1/2 ft. 1/2 ft. 1/2 ft. 1/2 ft.

 **Department of
Water & Natural Resources**

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

April 6, 1989

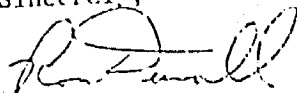
Ronald Foster
RR 2
Estelline SD 57234

Dear Mr. Foster:

Water Permit No. 2150-3 was published with incorrect legal descriptions of the irrigated acreage and the well location. Therefore, the notice of hearing needs to be readvertised with the correct legal descriptions of the irrigated acreage and well location. A notice of hearing has been sent to the Publisher of the Brookings Daily Register printed at Brookings SD. For your information, a copy of the notice is enclosed. The recommendation of the Chief Engineer and a report on the readvertisement will be sent later. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Division of Water Rights. Please contact us if you have any questions.

Sincerely,



Ron Dettall
Natural Resources Engineer
605 773-3352

enclosures



Report on Readvertisement of Water Permit 2150-3
Ronald Foster
April 3, 1989

Readvertisement of the notice of hearing published on December 16 and December 23, 1974 for Ronald Foster of Estelline, South Dakota is required to correct the locations of the well and irrigated acreage approved under Water Permit No. 2150-3. The permit was approved on January 23, 1975 to appropriate 1.70 cubic feet of water per second (cfs) from one well, 33 feet deep, to irrigate 119 acres. An inspection of the permit revealed that 94 acres were being irrigated from one well capable of diverting 1.56 cfs.

The original advertisement incorrectly described the well location as being in the SE1/4 SE1/4 of Section 1, and the lands to be irrigated in the SE1/4 of Section 1, all in T112N, R51W. The correct legal locations of the well and the lands are respectively, the SE1/4 NE1/4 and the NE1/4: all in Section 1, T112N, R51W. This readvertisement does not authorize any increase in the acreage irrigated or water appropriated.

Aquifer Characteristics

The well under Permit No. 2150-3 has been drilled into the Big Sioux Aquifer-Brookings Management Unit. This surficial aquifer, which consists of sand and gravel outwash, is usually found under water table conditions (Hedges, 1982). A log of the irrigation well indicated that the aquifer is under water table conditions in this area. The log also showed an aquifer saturated thickness of approximately 28 feet at the site.

Water Availability

Readvertisement of this application does not require any additional water. The well and irrigation system have been in operation for a number of years with no apparent problems.

Existing Water Permits

A number of other water permits are located in the vicinity, with the nearest ones (2152-3, 2911-3 and 4309-3) approximately 1/2 mile from the applicant's well. No interference is expected (WRD Permit Files, 1989). The applicant's well has been in operation for a number of years and the Water Rights Division has no record of any interference problems with it (WRD Complaint Files, 1989). The readvertised application will retain the original priority date.

Conclusions

1. This permit application was submitted to readvertise Water Permit No. 2150-3 to correct the locations of the diversion point and the lands irrigated.

2. No new water appropriation is authorized.
3. No interference is expected with other water permit holders.
4. This readvertised permit application will retain the priority date of the original Permit No. 2150-3.

Thomas M. Brandner /ks

Thomas M. Brandner
Natural Resources Engineer

Approved by:

James A. Goodman
James A Goodman, P.E.
Hydrologist

References

- Hedges, L., S. Burch, D. Iles, R. Barari, and R. Schoon, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Prepared for U.S. Army Corps of Engineers Planning Division by DWNR Geological Survey, Vermillion, SD.
- Water Rights Division, 1989, Complaint Files, DWNR, Joe Foss Bldg., Pierre, SD.
- Water Rights Division, 1989, Permit Files, DWNR, Joe Foss Bldg., Pierre, SD.

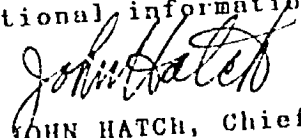
RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER PERMIT
APPLICATION NO. 2150-3, Ronald Foster

Pursuant to SUCR 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Readvertised Water Permit Application No. 2150-3, Ronald Foster, RR 2, Estelline SD.

The Chief Engineer is recommending APPROVAL of Readvertised Application No. 2150-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

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.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
April 4, 1989

 **Department of
Water & Natural Resources**

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

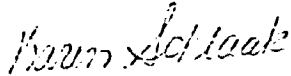
April 26, 1989

Ronald Foster
RR 2
Estelline SD 57234

Dear Mr. Foster:

Enclosed is the Report and the Recommendation of the Chief Engineer for Readvertised Water Permit Application No. 2150-3 which will be considered at the May 10, 1989 Water Management Board Meeting.

Sincerely,



KAREN SCHLAACK
Senior Secretary
605 773-3352

enclosures



Affidavit of Publication

State of South Dakota

County of Brookings

Rob James

of said county, being first duly sworn, on oath, says: That he is one of the editors of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that he has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year next prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed in the office maintained at said place of publication; and that the

Legal NO. 204

100 lines x .425

a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit "A," and is made a part

of this affidavit, was published in said newspaper for TWO

successive week, to-wit:

April 12, 1989 19.....
 April 19, 1989 19.....
 19.....
 19.....

That the full amount of the fee charged for the publication of said Exhibit "A" inures to the sole benefit of the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Forty-two dollars and fifty cents \$42.50 Dollars

Subscribed and sworn to before me this 19th day of

April, 1989

Notary Public in and for the County of Brookings, South Dakota.

My Commission expires 1-14-90

Legal 204, 2x, April 12, 19

Readvertisement of Notice of Hearing for Water Permit No. 2150-3 to Appropriate Water

Notice is given that Ronald Foster, RR 2, Estelline SD 57234 filed an application for a water permit on December 2, 1974. Water Permit No. 2150-3 appropriates 1.70 cubic feet of water per second (cfs) from one well, 33 feet deep, to irrigate 119 acres. An inspection of Permit No. 2150-3 found 94 acres being irrigated from one well capable of diverting 1.56 cfs.

Readvertisement of the notice of hearing published on December 16 and 23, 1974 is needed to correct the legal descriptions of the irrigated acreage and the well location. The correct legal description of the well is the SE 1/4 NE 1/4 and the correct legal description of the acreage is the NE 1/4, All in Section 1-T112N-R51W. This readvertisement does not authorize any increase in the acreage irrigated or any increase in the water appropriation.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of No. 2150-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This readvertisement will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on May 10, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this readvertisement based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by April 28, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal but must include a statement describing the petitioner's interest in the readvertisement, the petitioner's reasons for opposing or supporting the readvertisement and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this readvertisement or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by April 28, 1989.

This readvertisement is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-13, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-21, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-4, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74 (2.01.01 thru 74.02.01.15).

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

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

April 6, 1989

Brookings Daily Register
Box 177
Brookings SD 57006

Dear Sir:

Enclosed is a Readvertisement of Notice of Hearing on Permit No. 2150-3 to be published twice. Please publish the first notice on or before April 12, 1989 with the second publication 7 days later.

Please bill the Water Rights Division for the cost of the advertisement.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

FIRST TRANSMITTAL NOTICE

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Readvertisement of Notice of Hearing to Appropriate Water by Permit No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



Instruction to Newspaper - Publish first Notice on or before April 12, 1989 with 2nd publication 7 days later.

Readvertisement of Notice of Hearing for Water Permit No. 2150-3 to Appropriate Water

Notice is given that Ronald Foster, RR 2, Estelline SD 57234 filed an application for a water permit on December 2, 1974. Water Permit No. 2150-3 appropriates 1.70 cubic feet of water per second (cfs) from one well, 33 feet deep, to irrigate 119 acres. An inspection of Permit No. 2150-3 found 94 acres being irrigated from one well capable of diverting 1.56 cfs. Readvertisement of the notice of hearing published on December 16 and 23, 1974 is needed to correct the legal descriptions of the irrigated acreage and the well location. The correct legal description of the well is the SE 1/4 NE 1/4 and the correct legal description of the acreage is the NE 1/4; all in Section 1-T112N-R51W. This readvertisement does not authorize any increase in the acreage irrigated or any increase in the water appropriation.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of No. 2150-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This readvertisement will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on May 10, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this readvertisement based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by April 28, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the readvertisement, the petitioner's reasons for opposing or supporting the readvertisement and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this readvertisement or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by April 28, 1989.

This readvertisement is made pursuant to SDCL 46-1-1 thru 46-1-3, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

 **Department of
Water & Natural Resources**

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

May 17, 1989

NOTICE

TO: Ronald Foster
RR 2
Estelline SD 57234

FROM: John Hatch, Chief Engineer 
Water Rights Division
Pierre SD 57501

SUBJECT: Approval of the readvertisement of Water Permit
No. 2150-3

This notice is to inform you that on May 10, 1989, the Water Management Board approved readvertised Water Permit No. 2150-3 as qualified in the Chief Engineer's recommendation dated April 4, 1989.



CERTIFICATION

I hereby certify that on May 17, 1989 I have personally deposited with the U.S. Mail a postage prepaid envelope containing a Notice on Approval of the Readvertisement of Water Permit No. 2150-3 addressed as follows:

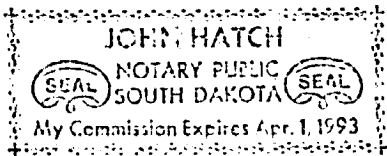
Ronald Foster, RR 2, Estelline SD 57234

Karen Schlaak
KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 19th day of May, 1989.

John H. Allen
Notary Public



 **Department of
Water & Natural Resources**

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

May 30, 1989

2150-3

Ronald Foster
RR #2
Estelline, SD 57234

Dear Mr. Foster

I am contacting you in regard to licensing of Water Permit No. 2150-3. As stated in our letter to you dated May 17, 1989, the Water Management Board approved readvertised Water Permit No. 2150-3 at their May 10th meeting.

Inspection of your water use system and the inspection of the extent of the application of water to beneficial use, as developed under your Water Permit No. 2150-3 has been completed. With the readvertisement and Board approval, 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, your Water License will be sent to you.

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

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

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

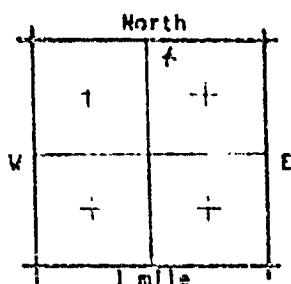


STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

Location Brookings Sec 1 Twp 112 Rg 51

County Brookings
Preston Twp

Please mark well location with an "X"



Well Completion Date 7-9-82

PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

WELL CONSTRUCTION:

Diameter of hole 8 inches Depth 24 feet

Casing: ☐ Steel ☒ Plastic ☐ Other
Specify CI 160

Pipe Weight Diameter From To
lb/ft inches feet feet
lb/ft inches feet feet

Was a well screen used? ☒ Yes ☐ No

If Not Specify

Screen Type PVC Slot Size 100
Length 5 Diameter 8"

Was Casing left open end? ☐ Yes ☒ No

Was a Packer or seal used? ☐ Yes ☒ No

If so what material?

Was well gravel packed? ☒ Yes ☐ No

Was well grouted? ☐ Yes ☐ No

Describe grouting procedure

To what depth? feet

What was grouting material?

If cement, how many sacks?

Location of packer(s) and screen or perforated pipe

Was well plugged or abandoned? ☐ Yes ☐ No
If so how and with what material?

Well Owner:

Name Ken Foster

Address RR Estelline SD

Well Log:

Depth

Formation	From	To
<u>0-6" Topsoil</u>		
<u>CLEAN SAND</u>	<u>6'</u>	<u>10'</u>
<u>OPEN COARSE GRAVEL</u>	<u>10</u>	<u>24</u>

STATIC WATER LEVEL 9' Feet

If flowing: closed in pressure PSI

GPM flow through inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify

Can well be completely shut off?

WELL TEST DATA:

☒ Pumped

☐ Bailed

☐ Other

Describe:

Pumping Level Below Land Surface

12 ft. After 2 Hrs. pumped 120 GPM

ft. After Hrs. pumped GPM

ft. After Hrs. pumped GPM

Remarks:

This well was drilled under license 111

and this report is true and accurate.

Drilling Firm Ken Foster Signed by Ken Foster

Date 7-9-82

Date

;

(1) WELL CONSTRUCTION

WELL CONSTRUCTION
Location of well: N 1/4 SE 4 1/4 NE 7 Section 1 Township 112-N Range 51-W

Well owner Ray Foster Estelline, South Dakota
(Name) (Address)

Date well drilling completed 6-29-76 Purpose of well irrigation
(domestic, irrigation, municipal, industrial, other)

WELL LOG

[illegible]

Depth to top of water producing aquifer 51 ft.
 Depth to static water level 51 ft.
 Name of producing aquifer (if known) _____
 True depth of drill hole 23 ft.
 Depth to bottom of casing 5 ft.

Coating information: In the space below show kind, size, weight, lengths per diameter, etc., for production coating and surface coating, if used.

23'6" x 14" x 1/4" steel casing

Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.

10' x 14" x .100 Johnson
Irrigation
Stream

is a flowing well, flow of completed well Screen @ 12.22

Attach sheet if more space is needed

Ed. H. Hines & Sons
Name of Drilling Contractor

(2) PUMP INSTALLATION

PUMP INSTALLATION _____ HP _____
Company name and size of pump _____ GPM _____

Company name and size of pump _____
Type of pump _____ Capacity, of installed pump _____ G.P.M.

Depth of pump placement _____ ft, Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells on air-tight water surface measuring tube is required: See Section 45.40B of Chapter 45.4, MINIMUM WELL CONSTRUCTION STANDARDS.

WELL CONSTRUCTION STANDARDS:
Show exact vertical length of water surface measuring tube, when installed _____ ft, tube diameter _____
tube material _____.

Name of Pump Installation Contractor:

Permit No. 2150-3BIG SIOUX RIVER Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by RONALD
FOSTER of ESTELLINE holder of
 Permit No. 2150-3 bearing the priority of DECEMBER 2, 1974 authorizing
 the diversion of 1.7 cu. ft. per second of the waters of GROUNDWATER (1 WELL)
 for IRRIGATION purposes, in BROOKINGS County.

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

A. Works used to divert the water:

1 33' DEEP WELL WITH 14" SS CASING + 10' JOHNSON : SCREEN
A WESTERN LAND ROLLER PUMP, HEAD N. 6M 510C-HC, 750 GPM CAPACITY, SERIAL # C77177
POWERED BY A 40 HP U.S. ELECTRIC "HIGH THRUST" MOTOR, 1765 RPM, TYPE-RU, DESIGN #

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

75' OF BURIED 3" SS PIPE BETWEEN WELL AND CENTER PIVOT
 ID# R-6229-01-057 R2.05554

C. Works used to apply water to beneficial use:

AN 8 TOWER VALLEY CENTER PIVOT WITH NELSON 100 END GUN.
1184' LONG, HIGH PRESSURE (65 PSI), 680-700 GPM CAPACITY
MODEL - 4071, SERIAL # 23063
 The system is in the following condition GOOD

The point of diversion is located 1050' W AND 1550' S OF THE NE
CORNER OF SECTION 1, T112N, R51W.

The works are capable of diverting and conveying to the place of use 1.56 (700 GPM)
 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: ALL IN SECTION 1, T112N, R51W

NW 1/4 NE 1/4 - 16 ACRES
NE 1/4 NE 1/4 - 24 ACRES
SE 1/4 NE 1/4 - 34 ACRES
SW 1/4 NE 1/4 - 20 ACRES

comprising a total of 94 acres of land and the license should be issued for 1.34 cfs

Applicable permit qualifications have been complied with Yes ☒ No

Exceptions to compliance are: LANDS + DIVERSION POINT Date 4-2-87
ADVERTISED IN WRONG QUARTER

Permit readvertised
 Approved by WMB May 11, 1987

Thomas M. Brande
 CHIEF ENGINEER

LICENSE FOR PERMIT NUMBER 2150-3

1. Legal location of wells: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 1, T112N, R51W
(1 well)

dams & structures: 1 Center Pivot - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 1, T112N, R51W

2. Well Information: Well Drilling Firm Lacey

No. of wells 1 Depth 33'

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level $\approx 5'$

Pump a) make _____ Motor a) make _____

b) model _____ b) model no. _____

c) size _____ c) horsepower rating _____

d) capacity _____ GPM d) motor efficiency rating _____

e) turbine pump
no. of stages _____

3. Distribution lines:

a) size of lines _____

b) type _____

c) length _____

(Other information on
Examination Report)

4. Dam information:

a) height to crest _____

b) height to spillway _____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

i) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

5. System Type: c) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM _____

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES

NO

Check Items

- | | | |
|-------|-------|---|
| _____ | ✓ | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit. |
| ✓ | _____ | 2. Special Qualifications to permit being abided by. |
| ✓ | _____ | 3. All Structures, wells and lands on map. |

REMARKS:

1. Soil and water permit lands do agree with land actually being irrigated but the lands ^(and well) on the advertisement were for the SE $\frac{1}{4}$ of the Section not the NE $\frac{1}{4}$ as actually developed. It appears to be just an advertising error.

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2150-3

(1) Ronald Fester of RR #1, Box 220C, Estelline SD 57234 made Application No. 2150-3, December 2, 1974 for a water permit to appropriate 1.70 cubic feet of water per second from groundwater (one well), Brookings County, South Dakota for irrigation purposes. Permit No. 2150-3 with a priority date of December 2, 1974 was approved January 23, 1975 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before January 23, 1978 and for the application to beneficial use of said water on or before January 23, 1980.

A review of the permit file, after an April 2, 1987 inspection of the water use system, found errors in the advertising notice. The legal description of the lands to be irrigated and the diversion point were incorrectly advertised (December 16 and 23, 1974).

The permit application was readvertised on April 12 and 19, 1989 to correct these errors. The Water Management Board approved the "Readvertised Water Permit Application" on May 10, 1989.

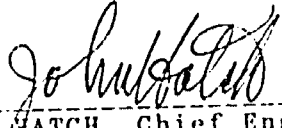
(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.34 cubic feet of water per second for beneficial use. The location of the diversion point is: 1050 feet west and 1550 feet south of the NE corner of Section 1, T112N, R51W (SE 1/4 NE 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:

T112N, R51W Section 1	NW 1/4 NE 1/4	16 acres
	NE 1/4 NE 1/4	24 "
	SE 1/4 NE 1/4	34 "
	SW 1/4 NE 1/4	20 "

TOTAL 94 acres

(4) Pursuant to Section 46-5-30.1 Ronald Foster of RR #1, Box 226C, Estelline SD 57234 the holder(s) and/or owner(s) of Water Permit No. 2150-3 is issued a license to appropriate water, the right to use 1.34 cubic feet of water per second from groundwater (one well) with a priority date of December 2, 1974 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. 2150-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources

SEP 14 1989

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

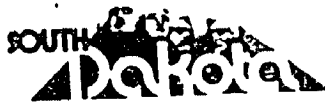
Pierre, June 6, 1989

RECEIVED OF H & H Farms, RR #1 Box 220C, Estelline, SD 57234

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. 2150-3	5000
Fee for Filing Transfer Form _____	
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	5000

By John Hatch/rma
Chief Engineer John Hatch/rma



Department of Water & Natural Resources

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

SEP 14 1989

Ronald Foster
RR #1, Box 220C
Estelline SD 57234

Dear Mr. Foster:

Enclosed is Water License No. 2150-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 411786 in the amount of \$50.00 which you paid for the inspection and issuance 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. 2150-3, 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





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2000

NOTICE

TO: RONALD FOSTER, 46571 196TH ST, ESTELLINE, SD 57234 5102

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire has not been submitted for Permit No(s) 2150-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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

1. Amend Permit No(s) 2150-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

2150-3

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) _____ B. Date of Delivery _____	
1. Article Addressed to: RONALD FOSTER 46571 196TH ST ESTELLINE SD 57234 5102		C. Signature <i>[Signature]</i> ☒ Agent ☐ Addressee	
		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
2. Article Number (Copy from service label) 2227670335		4. Restricted Delivery? (Extra Fee) ☐ Yes	



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 6, 2000

NOTICE OF AMENDMENT OF WATER RIGHT

TO: Ronald Foster, 46571 196th ST, Estelline, SD 57234 5102

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Amendment to Water Right No. 2150-3

Pursuant to the provisions of the notice dated January 14, 2000, and following the hearing March 1, 2000, the Water Management Board has amended Water Right No. 2150-3 to add the following qualification:

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

This action was taken for failure to return the 1999 irrigation questionnaire. The addition of this qualification to your Water Right means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on March 6, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 6, 2000, regarding Amendment to the following Water Rights/Permits, addressed as stated below:

W.R. #424-1: Steve Smeenk, Rt 1, Box 134, Newell, SD 57760.

W.R. #968-2: Dwayne Newman, Box 429, Philip, SD 57567-0429.

W.P. #'s 1362-2, 1363-2 & 1365-2: Oakley Eide, RR 2, Box 24, Burke, SD 57523.

W.R. #'s 1045-3 & 1962-3: Alvin Gutormson, 2187 21st SE, Huron, SD 57350.

W.R. #'s 1237-3 & 1395-3: Rolland Vander Pol, Box 32, Corsica, SD 57328.

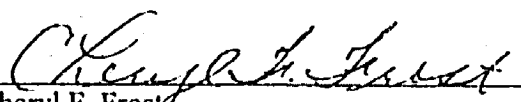
W.R. #'s 2040-3, 2246-3, 4248-3 & 4397-3: Ronald W. Marone, 21536 405th Ave., Cavour, SD 57324-7615.

W.R. #2150-3: Ronald Foster, 46571 196th St., Estelline, SD 57234-5102.

W.R. #'s 2595-3 & 4379-3: James B. Zell, 21795 408th Ave., Cavour, SD 57324.

W.R. #3358-3: Allan Kramer, 2004 Arizona Ave. NW, Orange City, IA 51041.

W.R. #4475-3: John Pillote, HCR 1, Box 886, Michigamme, MI 49861-9600.

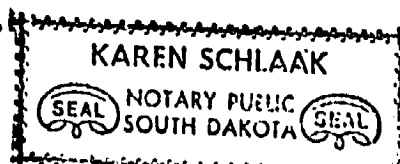

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of March, 2000


Notary Public

KAREN SCHLAACK, Notary Public
My Commission Expires



2150-3

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Received by (Please Print Clearly) _____ B. Date of Delivery _____ C. Signature <u>X</u> <i>Ronald Foster</i> ☐ Agent ☐ Addressee D. Is delivery address different from item 1? ☐ Yes ☒ No If YES, enter delivery address below _____
1. Article Addressed to: RONALD FOSTER 46571 196TH ST ESTELLINE SD 57234 5102	3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes
2. Article Number (Copy from service label) 7000 0600 0026 9814 2546	



2150-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

TO: RONALD FOSTER, 46571 196TH ST, ESTELLINE, SD 57234 5102
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2150-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2150-3 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2150-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 2, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 1, 2001

2150-3

Ronald Foster
46571 196th St
Estelline, SD 57234-5102

Dear Mr. Foster:

I am writing to acknowledge receipt of your 2000 irrigation questionnaire. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right No. 2150-3.

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



2150-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2002

NOTICE

TO: RONALD FOSTER, 46571 196TH ST, ESTELLINE, SD 57234 5102

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2150-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2150-3 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2150-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in 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.

2/50-3

SENDER COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) <u>Ron Foster</u> B. Date of Delivery <u>1-17-02</u> C. Signature <u>[Signature]</u> ☐ Agent ☐ Addressee D. Is delivery address different from item 1? ☒ Yes If YES, enter delivery address below: ☐ No	
1. Article Addressed to: RONALD FOSTER 46571 196TH ST ESTELLINE SD 57234 5102		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. <u>Pierre, SD</u>	
		4. Restricted Delivery? (Extra Fee) <u>21-1661</u> Yes	

2 7001 2510 0004 4797 4364



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 26, 2002

2150-3

Ronald Foster
46571 196th St
Estelline, SD 57234-5102

Dear Mr. Foster:

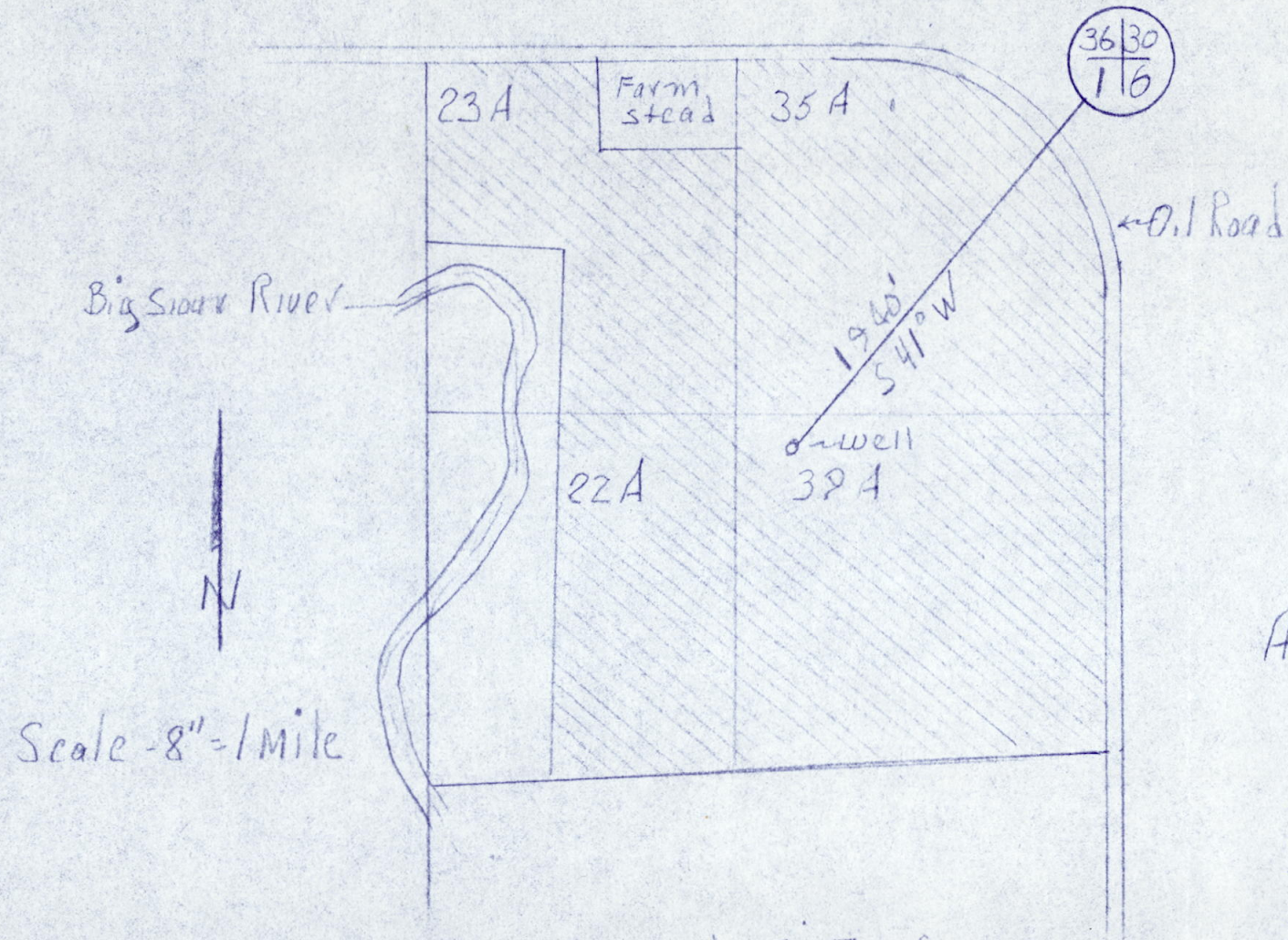
I am writing to acknowledge receipt of your 2001 irrigation questionnaire. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right No. 2150-3.

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



RONALD FOSTER

IRRIGATION PROJECT #1
ESTELLINE SOUTH DAKOTA
BROOKINGS COUNTY

Area to be Irrigated Acres

NW 1/4 of NE 1/4 Sec 1 - T112-R51	23
NE 1/4 of NE 1/4 Sec 1	35
SW 1/4 of NE 1/4 Sec 1	22
SE 1/4 of NE 1/4 Sec 1	39

Total Acres 119

Water claimed 1.7 cfs

Cross hatch indicates Irrigated Acres

Point of Diversion - well - 1940' S 41° W
of NE corner Sec 1-112-51

It is to noted that County correction line
and Big Sioux River disturbs conventional
property lines

Surveyor's Certificate

I, John L. Wiersma, do hereby certify that
This map identifies a reasonably accurate
record of the land of:

Ronald Foster

Estelline S. Dakota

Brookings County

Drawn by J.L.W.

11-14-74

John L. Wiersma

P.E. # 1916

Brookings South Dakota

MAP NO 1544-3 (APP. NO 2150-3)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

November 3, 2005

2150-3

Ronald Foster
511 Main St N
Estelline SD 57234-2015

Dear Mr. Foster:

Enclosed is a "Notice" dated October 28, 2005 concerning the 2005 irrigation questionnaire. The notice was originally mailed to 46571 196th St, Estelline. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures

Replacement

07-92

North

E

1 Mile

Date: 7-12-15



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 25, 2016

2150-3

Jeanette Foster
511 Main St N
Estelline SD 57234

Dear Ms. Foster:

I am contacting you in regard to Water Right No. 2150-3 listed in the name of Ronald Foster. It is our understanding the water right should now be listed in your name.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the water right in the event you do not have one. Thank you for updating the water right and if I can answer any questions for you, please give me a call.

Sincerely,

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

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 2, 2016

2150-3

Jeanette Foster
511 Main St N
Estelline SD 57234

Dear Ms. Foster:

I am writing to acknowledge receipt of the transfer form and fee you submitted for filing the ownership change on Water Right No. 2150-3.

The ownership change has been completed. Water Right No. 2150-3, formerly held by Ronald Foster, is now listed in your name.

Enclosed for your records is Receipt No. 07940 in the amount of \$50 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

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

enclosure

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/1, 20 16

RECEIVED OF Jeannette Foster 511 Main St N Estelline SD 57234

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>2150-3</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. _____	50 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **07940**

By J. Sam. Henderson Jr.
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED
NOV - 1 2016
WATER RIGHTS
PROGRAM

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

No. 2150-3

Date: 10-28-16

☒ We request that Water Right No. 2150-3

formerly owned by: Ronald Foster

be transferred to: (name & address) Jeanette Foster
511 Main St. N.
Estelline, S.D. 57234 Telephone No. 605-873-2245

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

94 acres - NE 1/4 Section 1, T112N, R51W

☒ We understand that the validity of Water Right No. 2150-3 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 Jeanette Foster, the new owner, certify that the above information is true and correct.

Jeanette Foster
(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.