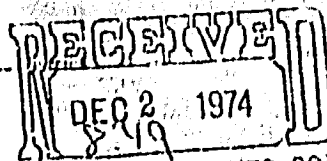


2153-3

1. Considered 3-19, 1975
2. Name of Applicant H. Phil GROSS
3. Post Office Address SIoux FALLS
4. Amount of water claimed 1.70
5. Source of water supply GROUNDWATER
6. Water to be used for IRRIGATION
- Acres to be irrigated 120
7. Water to be diverted and used in MOODY county
about EDGE miles of EGAN
8. Proof of Publication Received SP 3-20-75
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

Map No. 1547-3 Water Division No. 3 BIG SIOUX RIVER
(Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT STATE WATER RIGHTS COMMISSION PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant H. Phil Gross
Postoffice address 1400 S. First Street, State Sioux Falls South Dakota
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor
3. Name of diversion work H. Phil Gross 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 2000' N. 156° W. of N.E. corner
and Section 7 - 106-48
County Madison

7. Annual period or periods during which water is to be used May through October
8. Use to be of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use, Total number of acres to be irrigated _____

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.
NE 1/4 of NE 1/4 of Sec 7	2.5		
SE 1/4 of NE 1/4 of Sec 7	3.8		
NW 1/4 of SE 1/4 of Sec 7	1.8		
NE 1/4 of SE 1/4 of Sec 7	3.9		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Five years. Additional time required to complete application of water to the proposed beneficial use None years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Madison County Enterprise
12. Principal Features of the Proposed Water Supply System:

A. Works proposed to divert water from its natural source well with deep well turbine
powered with 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-2 Rain Hose put with
hydraulic gun

Estimated Total Cost \$15000

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 Madison

I, H. Phil Gross 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

Subscribed and sworn to before me this 19th day of April 1974

ERVIN E. HANSEN
Notary Public, South Dakota
My Commission Expires Jan 30 1975

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 2153-3
H. PHIL GROSS % Owner, Ag. Interest 1900 S. 1st AVE, SIOUX FALLS,
 (Applicant) 3905 S. COURT (Post Office Address)
SOUTH DAKOTA 57105 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 DECEMBER 2, 1974
 Date of return to applicant for correction, amendments or changes required DECEMBER 31, 1974
 Date of receipt of corrected application FEBRUARY 28, 1975
 Approved MARCH 20, 1975 Recorded in Book 13 Page 240

WATER RIGHT PERMIT NO. 2153-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 2153-3 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 FEBRUARY 28, 1975
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 20, 1977
3. The whole of said work is to be completed on or before MARCH 20, 1980
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 20, 1983
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-seventh (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 MARCH 20, 1983; said water to be used during the following described annual period: MAY THRU OCTOBER

Witness my hand this 24TH day of MARCH 19 75

WATER RESOURCES COMMISSION

By:

Donald Dineen
 Chief Engineer, Executive Officer

Certificate of Construction Filed _____, 19____
 Water Right Issued _____, 19____

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

D. Well Information or Estimates.

- (1) Drill Hole, Diameter 20", Depth 41'
- (2) Casing, Type 8" Joe 1 Diameter 14" Thickness 3/16"
(wood, concrete, steel, etc)
- (3) Perforated Screen,
Type Johnson, Irrigalix, Diameter 12", Length 20'
- (4) Gravel Pack, Thickness 3", Length of gravel pack 25'

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 0' to 3' Lap sand, 3' to 10' gravel
and sand, 10' to 41' water bearing gravel,
over 41' blue clay

Depth to top of water bearing material 10'

Depth to bottom of water bearing material 41'

Thickness of water bearing material 31'

Depth to water (ground surface to water level) 10'

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

On same owner's property 0.6 rds. On property owned by others 8.5 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.

X H. P. Rulfsen
Signature of Applicant

Subscribed & sworn before me this 19th day of November 1982

Ernest E. Hansen

Conservation
Commission
Form WI #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

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: W. J. H. H.

Disapproved: _____

NAME: H. Phil Gross
ADDRESS: Eden, South Dakota
COUNTY: Moodie

LEGAL DESCRIPTION

1. WELL LOCATION: _____

2. AREA TO BE IRRIGATED: _____

TYPE OF IRRIGATION

3. GRAVITY

SPRINKLER (Indicate Type):

4. CROPS TO BE IRRIGATED: _____

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: _____

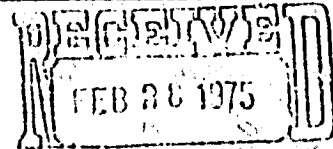
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: _____

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 74-925

8. SALINITY: EC = 788 micromhos/cm (medium)

9. SODIUM: SA R = 0.20 (low)



STATE WATER RIGHTS COMM.
SOUTH DAKOTA

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

and:

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

H. R. Ruffin

Subscribed and sworn before me this

9th day of December 1974.

E. J. Hansen

Notary Public, South Dakota
My Commission Expires 12/31/1975

(Title)

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

Submitted by: **H. Phil Gross**
 Address: **1900 S. 1st. Ave.**
Sioux Falls, SD 57101

Date Rec'd **November 5, 1974**
 Sample No. **74-925**
 Identification Well-
NE1, Sec. 7, T. 106N, R. 43E

WATER ANALYSIS

Calcium (Ca)	150	ppm*	7.50	me/l**
Magnesium (Mg)	48	ppm	3.94	me/l
Sodium (Na)	11	ppm	0.48	me/l
Potassium (K)	4	ppm	0.09	me/l
Sulfate (SO ₄)	78	ppm	1.62	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	18	ppm	0.50	me/l
Bicarbonate (HCO ₃)	366	ppm	6.00	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		g.p.g.***
Hardness (EDTA as CaCO ₃)		ppm		
Alkalinity (Methyl Orange)	300	ppm (as CaCO ₃)		
Alkalinity (Penolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	788	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.20			
Sodium	3.99	% of cations		
Residual sodium carbonate	6.00	me/l		
pH	7.35			
Others:				

*ppm=parts per million
 **me/l=milliequivalents per liter

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

COMMENTS: Total cations **12.01 me/l**
 Total anions **8.12 me/l**

By: **Shirley Litten**

Service Performed	Amount Due
Irrigation analysis	\$6.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. **74-925**

Amount Enclosed

Signed

WATER LICENSE NO. 2153-3

(1) WHEREAS, On the 2nd day of December 74 A. D. 1974
R Phil Gross
 made Water Right Application No. 2153-3 for a permit to use 1.7 cubic feet per second of the waters
 of groundwater (one well)
 County of Moody, State of South Dakota, for irrigation
 purposes; and
 (2) WHEREAS, On the 20th day of March 75 A. D. 1975
 Permit No. 2153-3, with a date of priority of February 28, 1975
 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 20th day of March 80 A. D. 1980 and for the
 application to beneficial use of said water on or before the 20th day of March 83 A. D. 1983

and,

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
1.22 relating to completion of the construction of the water supply system and is entitled to divert 1.22 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,

to irrigate the following lands all in Section 7, T106N, R48W

NE 1/4 NE 1/4 (AA)	16.5 acres
SE 1/4 NE 1/4 (AD)	20.0 "
NW 1/4 SE 1/4 (DE)	12.8 "
NE 1/4 SE 1/4 (DA)	36.0 "

TOTAL 65.5 acres

(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 H Phil Grogg

_____ of Sioux Falls SD
the holder _____ and owner _____ of said permit No. 2153-3 a water right, dating from February 28, 1975
_____ to use of 1.22 cubic feet per second of the water
of groundwater (one well)
in the County of Moddy and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned to be diverted at a point 750' East and 1850' South of the NE
corner, Section 7, T106N, R48W

and conducted to and upon portions of land in Section 7, T106N, R48W more fully
described on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 2153-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 22nd day of December A. D.
Nineteen Hundred and Eighty-one

WATER MANAGEMENT BOARD

By: [Signature]
Chief Engineer, Executive Officer
JOHN BATCHE

Permit No. 2153-3

Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That H Phil Gross

the holder of
Permit No. 2153-3, issued upon Application No. 2153-3, bearing date of priority of February 23,
1975 authorizing the diversion of 1.70 cu. ft. per second of the waters of
groundwater (1 well) County of Moody, State of South Dakota at
a point 750' west and 1850' south of the NE corner, Section 7, R106N, R46W
(AD)

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 1.22 cu. ft. per second of water.

Date December 22, 1981

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

No. 2153-3

Publish first publication, on or before March 8, 1975

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 28, 1975

Notice is hereby given that H. Phil Gross
whose post office address is Sioux Falls, 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 xx ground water through the
Gross Irrigation Project #1, the point of diversion of which is to be located in the

SE 1/4 NE 1/4
of Section 7, Twp. 106N, Range 46W. Said water to be used for the purpose
of providing irrigation on portions of the following described land:

SE 1/4 NE 1/4, NE 1/4 SE 1/4, Section 7, T106N, R46W

This application No. 2153-3 will be considered by the Water Rights Commission at its office at
Pierre upon the 19th day of March, 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: H. Phil Gross, 1900 S. 1st Ave., Sioux Falls, S.D. 57105

No. 2153-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Moody) ss.

I, Dorothy M. Lyford, bookkeeper hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Moody County Enterprise

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 Flandreau

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

March 5, 1975

March 12, 1975

Dorothy M. Lyford
(Signature)

Bookkeeper
(Title)

March 12, 1975
(Date Signed)

No. 2153-3

NOTICE
INTENT TO APPROPRIATE WATER
Pierre, South Dakota 57501
February 28, 1975

NOTICE IS HEREBY GIVEN that H. Phil Gross whose post office address is Sioux Falls, 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 Gross Irrigation Project No. 1, the point of diversion of which is to be located in the SE 1/4, NE 1/4 of Section 7, Twp. 106N, Range 48W. Said water to be used for the purpose of providing irrigation of portions of the following described land: E 1/2 NE 1/4, N 1/2, SE 1/4, Section 7, T106N, R48W. This application No. 2153-3 will be considered by the Water Rights Commission at its office at Pierre upon the 19th day of March, 1975, at 2:30 P.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION
By: BURTON F. JONES
Water Rights Specialist
(March 5-12)

RECEIVED
MAR 20 1975

STATE WATER RIGHTS COM.
PIERRE, SOUTH DAKOTA.

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8596

PIERRE, December 18, 1981

RECEIVED OF H. Phil Gross, % Doane Ag Service, 3905 S. Western Ave.
the following amount in fees for services rendered as provided for by law: Sioux Falls, SD 57101

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)	2153-3	50.00
Fee for inspecting Construction, and Issuing Cert. of Construction No.	2153-3	
Fee for inspecting Beneficial Use, and Issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL		50.00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH / DE

Permit No 2153-3Water Division 3 Big Sioux River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by A. Paul
GROSS of IN DRANE AG SERVICE, SIOUX FALLS holder
of Permit No. 2153-3, bearing date of priority of FEBRUARY 28, 1975
authorizing the diversion of 1.7 cu. ft. per second of the waters of GROUNDDWATER
for IRRIGATION purposes, in MCCOY 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:
41' DEEP WELL WITH 14" STEEL CASING - 20' JOHNSON IR. SCREEN
NATIONAL PUMP CO 6" PUMP - MODEL N2606
POWERED BY 40HP US ELECTRIC MOTOR @ 1765 RPM
- B. Works used to transport water to place of use,
APPROX 5600' OF 6" BURIED PVC PIPE WITH
12 HYDRAUNT TYPE HOODCOPS.
- C. Works used to apply water to beneficial use.
EZ-RAIN TRAVELLING GUN TYPE SPRINKLER SYSTEM
MODEL MK 54-
NELSON P-150 BIG GUN WITH 1 3/8" NOZZLE

The system is in the following condition, GOOD

The point of diversion is located 750' W & 1250' S. of NE CORNER
SECTION 7, TOWN 24E-W

The works are capable of diverting and conveying to the place of use 1.22 (550 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 7, TOWN 24E-W

<u>NE^{1/4} NE^{1/4}</u>	<u>16.5</u>
<u>SE^{1/4} NE^{1/4}</u>	<u>20.0</u>
<u>NW^{1/4} SE^{1/4}</u>	<u>12.8</u>
<u>NE^{1/4} SE^{1/4}</u>	<u>26.0</u>

comprising a total of 85.3 acres of land.

Examined by

IN DRANE AG SERVICE
1001 13th St. S. W. Fargo ND 58103
701-775-1111

Date NOVEMBER 18, 1981
[Signature]
(Signature)

South Dakota
Department of
Water & Natural Resources

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

March 23, 1987

H PHIL GROSS DOANE AG SERVICE
3905 S WESTERN
SIOUX FALLS, SD 57105

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 2153-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 2153-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.



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

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.

cc: H Phil Gross, 1900 S 1st Ave, Sioux Falls SD 57101



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 501-3181

April 15, 1987

2153-3
249-3

Doane Ag Service
3905 S Western Avenue
Sioux Falls, SD 57105

Dear Sirs:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 2153-3 and 249-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

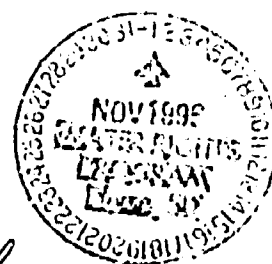
Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

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

cc: Dr. H Phil Gross, 1970 S 1st Avenue, Sioux Falls, SD 57105
Dr. John Billion, 1301 S 9th Avenue, Sioux Falls, SD 57105



Dear Sirs,

The owner of this farm has entered the
irrigated land into a 10 yr. WRP program.

Corn has been planted and the irrigation
well leased to Moody County Rural Water System at
Egan, S.D.

Mike Cuyper

2153-3

**WATER RIGHTS PROGRAM
FILE DOCUMENTATION**

NAME OF PERSON OR FILE: Martin Jarrett, Big Sioux Community Water System

ADDRESS: Egan, SD

COUNTY: Moody

DATE: November 4, 1996

TELEPHONE: (605) 997-2098

RE: status of Water Right No. 2153-3

COMMENTS:

With the 1996 irrigation questionnaire submitted by Farmers National Company (for H. Phil Gross,) Mike Cooper sent a letter stating the owner of the land entered the land into a 10 year "WRP" Program. He also indicated the irrigation well was leased by Moody County RWS (actual name is Big Sioux Community Water System).

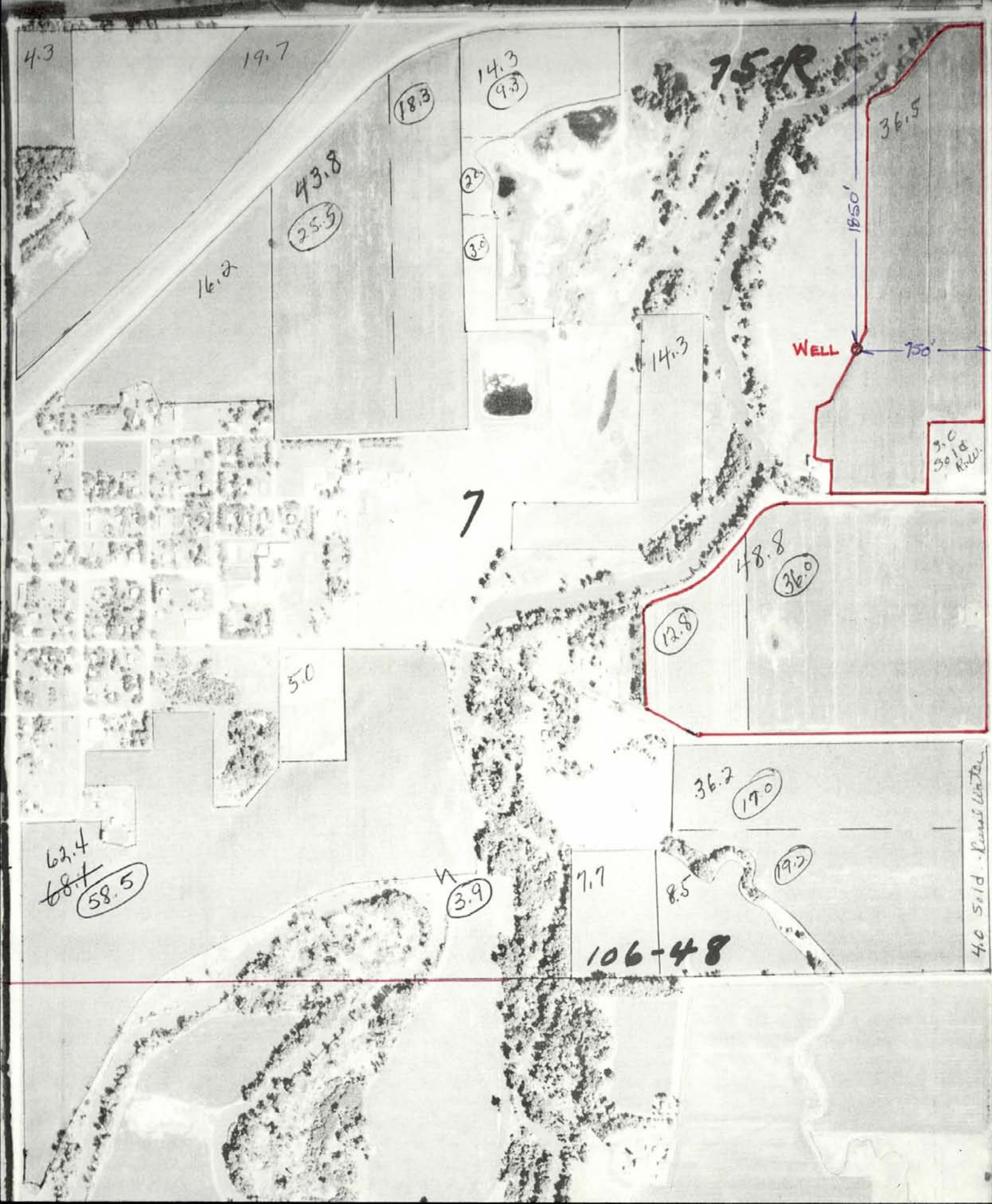
I contacted Martin Jarrett about the use of the well. He indicated that a lease agreement was never worked out and they do not lease the well from Mr. Gross. He stated they may work on purchasing the land if it ever goes up for sale, but to date, they do not have anything to do with it. If they do purchase the land, they would plug the well because it is old and would not meet the needs of the rural water system.



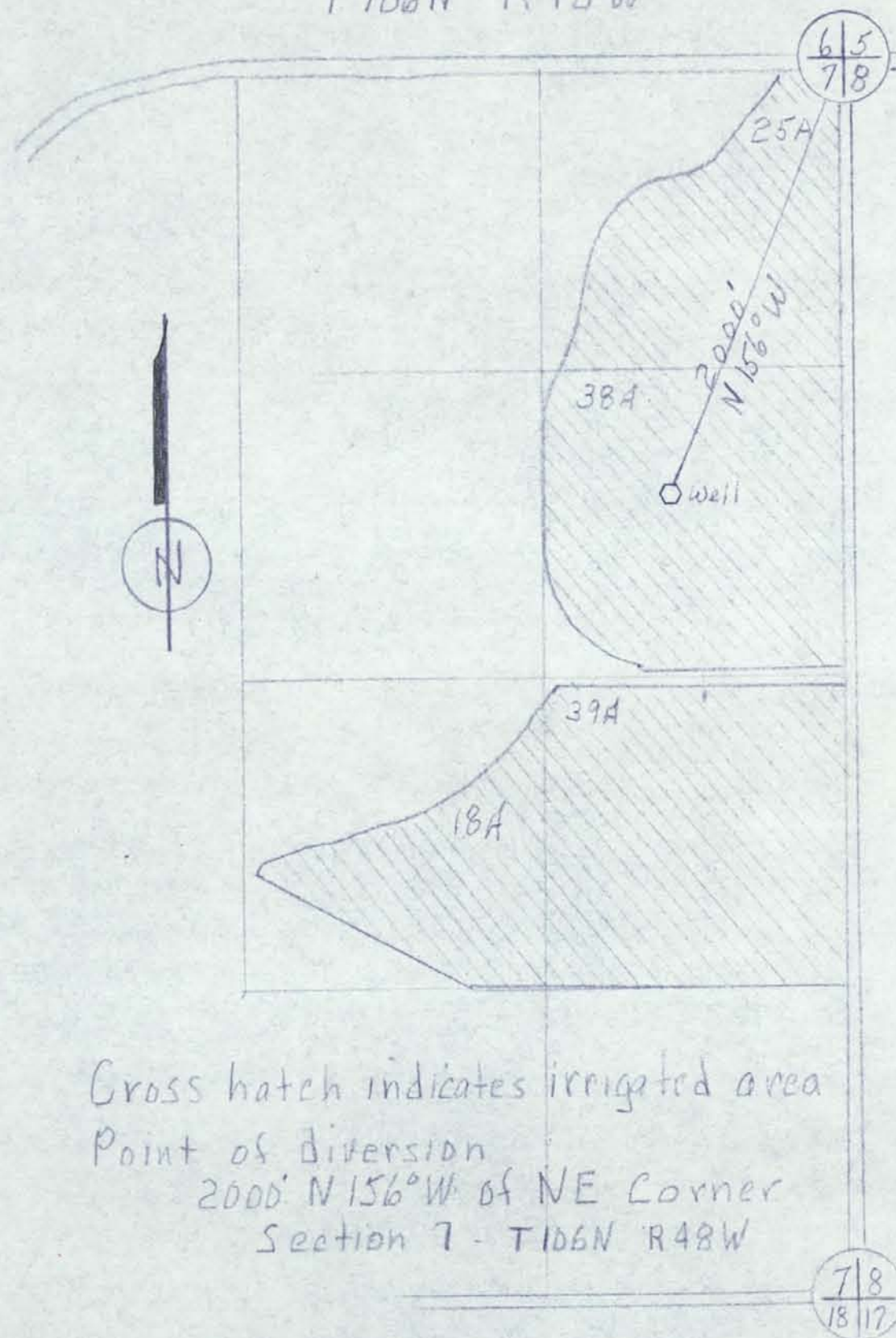
Genny McMath
Environmental Scientist

NOT TO SCALE

2153-3



T 106N R 48W



Cross hatch indicates irrigated area
Point of Diversion
2000' N 156° W of NE Corner
Section 7 - T106N R48W

H. PHIL GROSS
IRRIGATION PROJECT #1
SIDUX FALLS SOUTH DAKOTA
LAND LOCATED IN MOODY CO.

Land Description Acres Irrigated	
NE 1/4 of NE 1/4 Sec 7	25
SE 1/4 of NE 1/4 Sec 7	38
NW 1/4 of SE 1/4 Sec 7	18
NE 1/4 of SE 1/4 Sec 7	39
Total Acres	120

Water Claimed 1.7 cfs

Surveyor's Certificate
I, John L. Wiersma, do hereby certify that
this map identifies a reasonably accurate
record of the land of:

H. Phil Gross
Sidux Falls S.D. Land in Moody County
Drawn by J. L. W.
John L. Wiersma
Brookings S.D.
11-15-74
P.E. #1916

MAP # 1547-3 APPL # 2153-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

RE: Water Right No. 2153-3, H Phil Gross

DATE: July 5, 2006

COMMENTS:

A review of the water right found the land has been in CRP for 10 years (through 2006). The last information we had concerning the water right was that Big Sioux Community Water System may purchase the land if it comes up for sale (see file doc dated November 4, 1996).

I contacted Martin Jarrett with Big Sioux Community Water System – he indicated the RWS purchased a small piece of the land where the well is located but did not buy the rest. They did not use the existing well but put in a new production well close by.

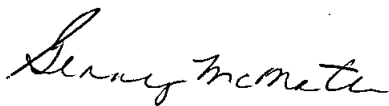
Mr. Jarrett indicated that the remaining land formerly owned by Phil Gross was purchased by Judge Larry Piersol. Contact information for Judge Piersol: Home phone: 338-7245; office phone: 605 330-4505 and office address is 400 S Phillips Ave., Sioux Falls SD 57104.

I indicated to Mr. Jarrett that unless Judge Piersol intended to put in another well and irrigate, the water right may be subject to cancellation. If this was the case, Big Sioux Community Water System, Judge Piersol and the former owner of the land would receive a cancellation notice sometime in the future.

July 10, 2006:

I called and spoke with Larry Piersol. He confirmed he does own the land and that he and the rural water system did a small land swap and the RWS now owns a small parcel of land where the well is located. He still owns all of the irrigable portion of the land. He indicated that he had re-enrolled the land in CRP for another 10 year term.

We discussed him filing a "Notice of Transfer of Ownership" to get the water right listed in his name and at the end of the CRP he could decide what to do with the water right.



Genny McMath
Water Rights Program



July 10, 2006

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

RECEIVED

AUG - 4 2006

WATER RIGHTS
PROGRAM

2153-3

Larry Piersol
400 S Phillips Ave
Sioux Falls SD 57104

Thank you for taking the time to visit with me about Water Right No. 2153-3. Enclosed is a copy of the water right for your records.

Also 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 \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

You indicated that the land has been re-enrolled for another term in the CRP Program. When you return the transfer form and filing fee, please include a note on what year the land will come out of CRP. Typically, irrigators are required to submit an annual irrigation questionnaire. When land covered under a water right is placed in CRP, we hold up mailing the annual questionnaire until the land is again eligible for irrigation.

If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath

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

enclosures

Aug 7, 2006

Dear Mr. McMath,
The land will come
out of CRP in 10 years--
2015.
Thank you.
Larry Piersol
(P.S. check and
form enclosed)
605.330.4505
(daytime)

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED
AUG - 4 2003
WATER RIGHTS
PROGRAM

No. 2153-3

Date: _____

I/We request that Water Right No. 2153-3

formerly owned by: H Phil Gross

be transferred to: (name & address) LAWRENCE PIERSON
400 South Phillips Avenue, Spear Falls, South Dakota 57104

Telephone No. 605. 330. 4505
(daytime)

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

85.3 acres - E 1/2 NE 1/4 and N 1/2 SE 1/4 Section 7, T106N, R48W

I/We understand that the validity of Water Right No. 2153-3 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 with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/~~we~~ Lawrence Pierson, the new owner, certify that the above information is true and correct.

Lawrence Pierson
(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 August 4, 20 06

RECEIVED OF Larry Petersol, 400 S Phillips Ave, Sioux Falls SD 57104

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>2153-3</u>	2	50
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	2.50

No.

0253

By

Harland Ebel

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 4, 2006

2153-3

Larry Piersol
400 S Phillips Ave
Sioux Falls SD 57104

Dear Mr. Piersol:

I am writing to acknowledge receipt of the ownership change and filing fee you submitted for transferring Water Right No. 2153-3. The transfer has been completed. The water right, formerly held by H Phil Gross is now listed in your name.

Enclosed is your Receipt No. 02531 in the amount of \$2.50. You may keep this for your records.

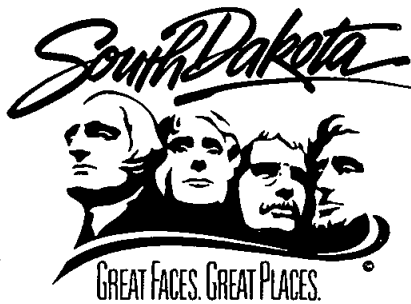
Thank you for sending along the information about CRP enrollment for the land described in the water right. We will hold up on mailing an annual irrigation questionnaire to you until the land comes out of CRP.

If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
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

denr.sd.gov

May 12, 2016

2153-3

Lawrence Piersol
400 S Phillips Ave
Sioux Falls SD 57104

Dear Mr. Piersol:

I am contacting you in regard to your Water Right No. 2153-3 (copy enclosed).

Irrigators in South Dakota are required to submit an annual irrigation questionnaire reporting how much water was pumped during the irrigation season. Our records show the land authorized for irrigation under Water Right No. 2153-3 has been in the Conservation Reserve Program through 2015.

The purpose of my letter is to find out the status of irrigation on your property. Please take a few minutes and answer the questions on the attached sheet and return it in the envelope provided. If you have made a decision not to maintain the water right, let me know that as well.

Thank you in advance for your help in updating the water right.

Sincerely,

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

enclosures

RECEIVED

MAY 20 2016

WATER RIGHTS
PROGRAM

Water Right No. 2153-3
Lawrence Piersol

Water Right No. 2153-3 authorizes irrigation of 85.3 acres in the E ½ NE ¼ and N ½ NE ¼ Section 7, T106N, R48W.

Do you still own the land described above?

Yes X (almost all of it) It is actually about 77 acres of land not counting the Big Lost River which is the west border of the property.

No ____ (If no, please list the name and mailing address of the new owner)

Has the land been re-enrolled in CRP:

Yes X through calendar year 2025

No ____

If the land has not been re-enrolled in CRP, we will begin mailing irrigation questionnaires to you for annual reporting. Questionnaires are mailed to irrigators in October each year and are due back in December.

For informational purposes:

46-5-37.2. Exceptions to forfeiture for nonuse. The provisions of § 46-5-37 notwithstanding, no water right or permit may be forfeited for nonuse if land authorized for irrigation by a permit or right is placed under an acreage reserve or production quota program or otherwise withdrawn from use as required for participation in any federal program, if:

- the water source is not fully appropriated
- if the withdrawal from use does not prevent approval of new permits from the same source, and
- if the appropriated water has been applied to beneficial irrigation use prior to participation in a federal program.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

March 31, 2025

Lawrence Piersol
400 S Phillips Ave
Sioux Falls, SD 57104

No. 2153-3

Dear Mr. Piersol:

I am contacting you in regard to Water Right No. 2153-3, authorizing the diversion of 1.22 cubic feet of water per second from groundwater, one well (Big Sioux Moody Aquifer), for the irrigation of 85.3 acres located in the E $\frac{1}{2}$ NE $\frac{1}{4}$ and the W $\frac{1}{2}$ SE $\frac{1}{4}$; all in Section 7, T106N, R48W.

Irrigators in South Dakota are required to submit an annual irrigation questionnaire reporting how much water was pumped during the irrigation season. Our records show the land authorized for irrigation under Water Right No. 2153-3 has been in the Conservation Reserve Program (CRP) through 2025.

The purpose of this letter is to find out the status of irrigation on your property. Please take a few minutes and answer the questions on the attached sheet and return it in the envelope provided. If you have made a decision not to resume irrigaiton, let me know that as well.

Thank you in advance for your help in updating the water right.

Sincerely,

Miranda Smith
Water Rights Program
605 773-3352
Miranda.Smith@state.sd.us

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 7th, 2026

2153-3

Big Sioux Community Water System
23343 479th Ave
Egan, SD 57024

To Whom it may Concern:

The Water Rights Program is in receipt of the 2025 Irrigation Questionnaire you submitted for Water Right No. 2153-3.

Water Right No. 2153-3 authorizes the diversion of 1.22 cfs (550 gpm) from one well for the irrigation of 85.3 acres located in the E1/2 NE1/4, N1/2 SE1/4 Section 7-T106N-R48W, Moody County, SD.

On this year's questionnaire, you reported that this Water right had been sold to you, and that use of the irrigation system had been abandoned.

Please contact me via email or by calling my direct line (605) 773.8204 to discuss potential cancellation of Water Right No. 2153-3.

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us