

2166-3

1. Considered JANUARY 28 1975
2. Name of Applicant WENDELL SKEVLAND
3. Post Office Address BRUCE
4. Amount of water claimed 2.10
5. Source of water supply GROUND WATER (40')
6. Water to be used for IRRIGATION
Acres to be irrigated 14.7
7. Water to be diverted and used in BROCKING county
about 4.11 E miles of BRUCE
8. Proof of Publication Received 1-3-75
Not received _____
9. Application Approved _____
Subject to _____
Not Approved _____

10. Remarks

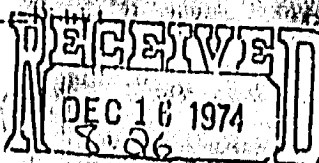
2166-3 We fill Shoshone, Idaho
12-73 well to 100 ft - 100 ft
capacity. 100 ft per sample
40 ft per well time

No. 2166-3

Map No. 1558-3 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)

- Name of Applicant Wendell Skouland
Post office address Bruce, State South Dakota
If a corporation show date and place of incorporation _____
- Method of accomplishing work (contract, employment of others, or by direct labor) Employment of others
- Name of diversion work Wendell Skouland Irrigation Project #1
- Amount of water claimed (cubic feet per second) 2.1
- Source of water supply Well
- Location of point of diversion 2050' N 130° W to NE corner of Sec 30 - 112 - 50
County Brookings
- Annual period or periods during which water is to be used April through October
- Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
- For irrigation use, Total number of acres to be irrigated 147

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE 1/4 of NE 1/4 Sec 30 - 112 - 50	35		
NE 1/4 of NE 1/4 Sec 30 - 112 - 50	38		
SW 1/4 of NE 1/4 Sec 30 - 112 - 50	35		
SE 1/4 of NE 1/4 Sec 30	39		

Attach sheet if more space is needed

- Time required by complete construction of water supply system Five years. Additional time required to complete application of water to the proposed beneficial use three years.
- Choice of newspaper for Notice of Intent to Appropriate Water publication Brookings Register
- Principal Features of the Proposed Water Supply System.
 - Works proposed to divert water from its natural source. well with deep well turbine powered with electric motor
 - Works proposed to transport water to place of use. closed conduit - Aluminum pipe
 - Works proposed to apply water to beneficial use. E-Z Rain hose gull machine with hydraulic sprinkler

Estimated Total Cost \$ 16,000

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

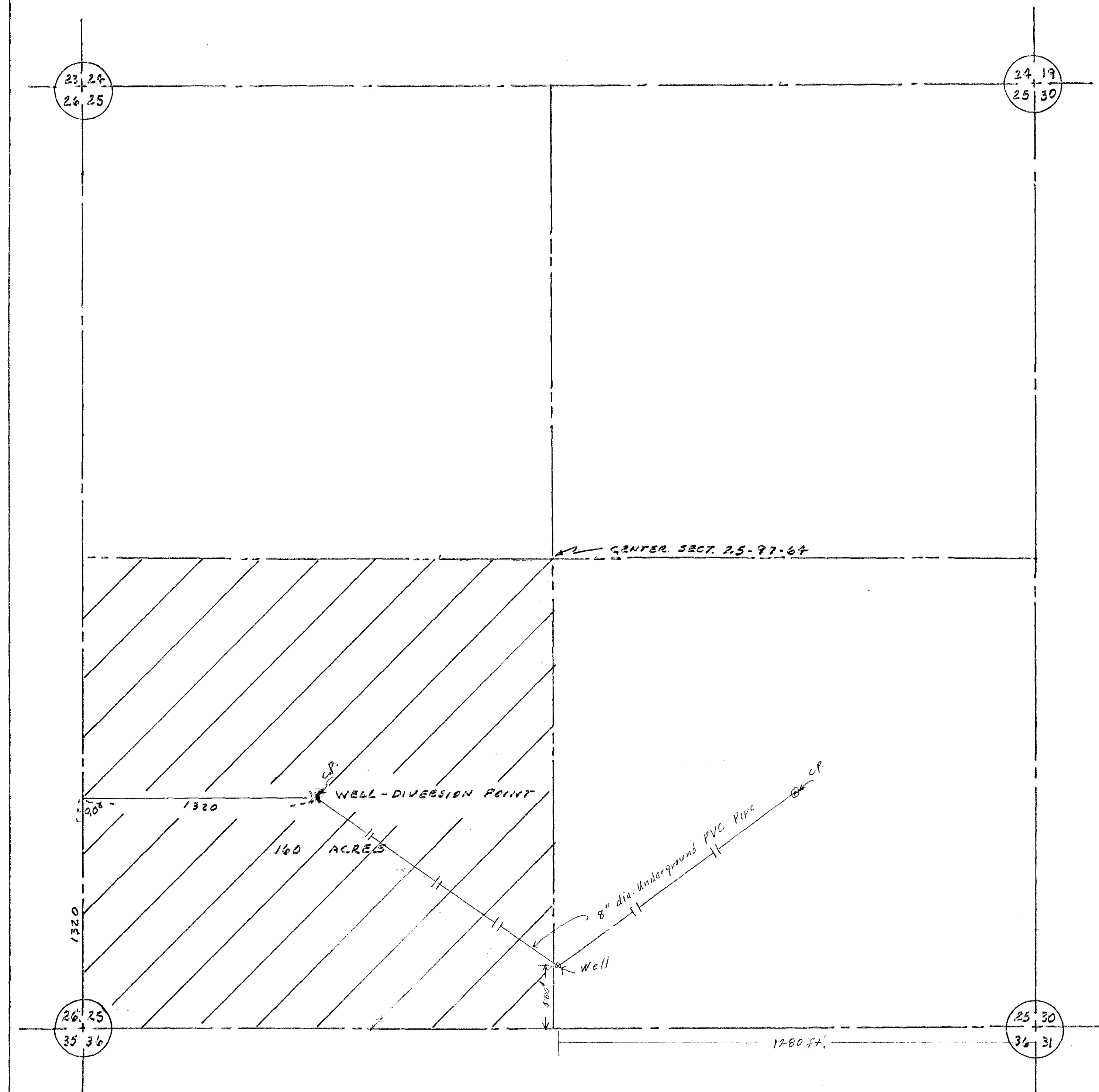
County of Brookings

I, Wendell Skouland, 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 Wendell Skouland

Subscribed and sworn to before me this 30 day of November 19 74

Allen Evilev
Notary



AREA BY LEGAL SUBDIVISION
160 ACRES: S.W. 1/4 SECTION 25, T97N, R64W, 5TH RM.

SURVEYOR'S CERTIFICATE
STATE OF SOUTH DAKOTA) ss
COUNTY OF MINNEHAHA)
I, HARLAN W. MEYER, A REGISTERED LAND SURVEYOR
IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY
CERTIFY THAT AT THE REQUEST OF CHARLES EITEMILLER,
SOLE OWNER, I HAVE SHOWN THE LAND PROPOSED TO BE IRRIGATED
WITHIN HIS OWNERSHIP BOUNDARIES ON DEC 8, 1974 FOR WHICH
APPLICATION FOR APPROPRIATIVE WATER RIGHT IS MADE AND
THIS MAP IS A TRUE REPRESENTATION OF THE SAME.
WITNESS MY HAND AND SEAL THIS 8TH DAY OF DEC. 1974

Harlan W. Meyer
REG. L.S. # 495



SCALE: 1" = 400'

CHARLES EITEMILLER IRRIGATION PROJECT # 2
SHOWS AREA TO BE IRRIGATED & WELL DIVERSION POINT
FOR PERMIT TO APPROPRIATE WATER

OWNER
SURVEYOR

CHARLES EITEMILLER
HARLAN W. MEYER

(APP # 2217-3) 74

MAP NO 1557-3 (APPL NO 2165-3)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 2166-3

WENDELL SKOVLUND
(Applicant)

BRUCE
(Post Office Address)

SOUTH DAKOTA 57220 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 16, 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 162

WATER RIGHT PERMIT NO. 2166-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 2166-3 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 16, 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 77
3. The whole of said work is to be completed on or before JANUARY 23, 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 23, 19 83
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 2.1 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 use, 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 83; said water to be used during the following described annual periods: APRIL THRU OCTOBER

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

WATER RESOURCES COMMISSION

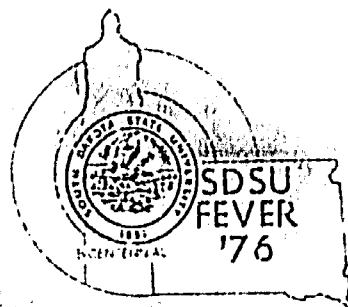
By:

Donald H. Quisell
Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19 —

Water License Issued —, 19 —

WATER RESOURCES RESEARCH INSTITUTE.



**"Fever"—From Experience—
Vision in Education and Research**

RECEIVED
DEC 9 1974

STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA.

I am returning the original copies of the analysis reports on the wells in Sec 30 T112N R50W and Sec 2 T111N R51W. First, with respect to that in Sec 2. The soils which you intend to irrigate are both suitable and unsuitable. The Kranzburg and Estelline soils in the Brookings County Survey are good to very good. The Brookings silty clay loam and Lamoure silty clay loam, nearly level, are moderately poorly drained and are only fair to poor prospects. Therefore, you should be aware that you are going to have a high water table occasionally under these soils and irrigation will not be a satisfactory venture. I note that with the hose pull system you can do a little sorting of the land to receive water.

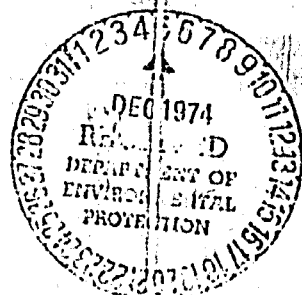
A copy of this letter and the WI-1 form and a copy of the analysis are being sent to the State Conservation Commission. There is no chemical property of the soil or water which should cause any difficulty in salt accumulation or soil dispersion.

L.O. Fend

L. O. Fine
Water Quality Lab

Enclosures

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



December 2, 1974

Mr. Wendell Skovland
Bruce, SD 57220

Dear Mr. Skovland:

This letter pertains to the land in the NW $\frac{1}{4}$ of Sec 30 T112N R50W. The WI-1 form and a copy of the water analysis as well as a copy of this letter are being sent to the State Conservation Commission.

There is no chemical property of the water or any known chemical difficulty of the soils you intend to irrigate with this water. Therefore, as far as salt accumulation or structure deterioration are concerned, there should be no difficulty. However, you should be advised that the Solomon clay soil through the drainage way is a very poor to unsuitable prospect for irrigation. And, that the Volga silty clay loam and the Lamoure silty clay loam soils are only fair to poor in suitability for irrigation. Thus, if there is any way you can manipulate or maneuver your irrigation operation to avoid irrigating those soils and raising the water table in those areas, you will have more satisfactory performance.

A copy of Extension Circular 654 is enclosed for your use.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOF:111

Enclosures

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

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 ONLY

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: Steve Dyer

Disapproved: _____

NAME: Wendell Skotum
ADDRESS: Box South Dakota
COUNTY: Brookings

LEGAL DESCRIPTION

1. WELL LOCATION: NW 1/4 of Sec 30 - 12-50 - Corner of quarter
2. AREA TO BE IRRIGATED: NW 1/4 of Sec 30 - 12-50

TYPE OF IRRIGATION

3. GRAVITY _____ SPRINKLER (Indicate Type): 14 inch
4. CROPS TO BE IRRIGATED: Corn & Alfalfa

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: All soils 3% or less
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Fordville loam = good to very good
Volga silty clay loam, somewhat poorly drained = fair to poor;
Lansdown silty clay loam = poor to unsuitable
Salomon clay = poor to unsuitable

WATER QUALITY (To Be Completed by Commission)

7. SAMPLE NO: 74-957
8. SALINITY: EC = 564 - micro mhos/cm (medium - low)
9. SODIUM: Sodium adsorption ratio = 0.22 (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

ing Sta Bulletin 468
and:

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

Wendell H. Hubbard

Subscribed and sworn before me this

20 day of November 19 24.

Glenn Melick

Notary Public

(Title)

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

Submitted by: Wendell Kevland Date Rec'd November 21, 1974
 Address: Sioux, SD 57220 Sample No. 74-957
 Identification Well-
NE 1/4, Sec. 30, T. 112N, R. 50W

WATER ANALYSIS

Calcium (Ca)	83	ppm*	4.15	me/l**
Magnesium (Mg)	28	ppm	2.30	me/l
Sodium (Na)	9	ppm	0.39	me/l
Potassium (K)	3	ppm	0.08	me/l
Sulfate (SO ₄)	78	ppm	1.62	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	3	ppm	0.09	me/l
Bicarbonate (HCO ₃)	295	ppm	4.86	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)	244	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	564	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.27			
Sodium	6.63	% of cations		
Residual sodium carbonate	6.00	me/l		
pH	7.68			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

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

COMMENTS: Total cations 6.92 me/l
 Total anions 6.59 me/l

By: Shirley Litten

Service Performed	Amount Due
Irrigation analysis	10.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 74-957

Amount Enclosed \$

Signed

2166-3

Publish first publication, on or before January 8, 1975

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

December 16, 1974

Notice is hereby given that Vendell Skovlynd

whose post office address is Bruce, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

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

near the center of the NE 1/4

of Section 30, Twp. 112N, Range 50W. Said water to be used for the purpose of providing irrigation on the following described land:

NE 1/4, Section 30, T112N, R50W

This application No. 2166-3 will be considered by the Water Resources Commission at their office at Pierre upon the 22nd day of January, 1975 at 2:30 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

**BURTON F. JONES
Water Rights Specialist**

BFJ/bv

cc: Vendell Skovlynd, Bruce, S.D. 57220

No. 2166-3

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. 24, 1974

Dec. 31, 1974

James M. McLellan Jr.
(Signature)
General Manager
(Title)
Dec 31, 1974
(Date Signed)

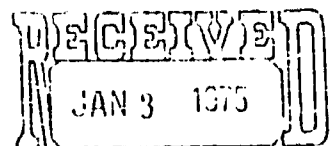
No. 158—Dec. 24 & 31

NOTICE
INTENT TO APPROPRIATE WATER
Pierre, South Dakota 57501
December 16, 1974

Notice is hereby given that Wendell Skovlund whose post office address is Bruce, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.1 cubic feet of water per second of time from ground water through the Wendell Skovlund Irrigation Project No. 1, the point of diversion of which is to be located near the center of the NE $\frac{1}{4}$ of Section 30, Twp. 112N, Range 50W. Said water to be used for the purpose of providing irrigation on the following described land: NE $\frac{1}{4}$, Section 30, T112N, R50W.

This application No. 2166-3 will be considered by the Water Resources Commission at their office at Pierre upon the 22nd day of January, 1975, at 2:30 P.M. All interested persons may appear and be heard.

WATER RESOURCES
COMMISSION
By: BUPTU JONES
Water Rights Specialist



STATE WATER RIGHTS COMMISSION
PIERRE, SOUTH DAKOTA

South Dakota
Department of
Water & Natural Resources

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

2166-3

August 14, 1984

Wendell Skovlund
RR #1 Box 13
Bruce, S.D. 57220

RE: Soil/water for NE 1/4 30-112-50
Brookings County

Dear Mr. Skovlund:

In checking your water permit No. 2166-3 to irrigate the NE 1/4, Section 30-T112N-R50W from a well in the approximate center of the same quarter, it has been discovered you do not have soil and water compatibility approval from the State Conservation Commission. The soil/water approval in your file is for the NW 1/4, Section 30-112-50.

In order to bring your permit into compliance with State Law soil/water compatibility approval must be acquired from the State Conservation Commission. For procedures and forms, contact Jim Stukel, Division of Conservation, Anderson Building, Pierre, S.D. 57501, phone no. 773-3259.

Sincerely,

Betty Westlund
Natural Resource Analyst III

cc: Jim Stukel, Division of Conservation

South Dakota
Department of
Water & Natural Resources

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

March 23, 1987

WENDELL SKOVLAND
RR #1 BOX 13
BRUCE, SD 57220

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) 2166-3. 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). 2166-3 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
505 773-3352

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.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3161

May 13, 1987

NOTICE OF AMENDMENT TO WATER PERMIT(s)

TO: WENDELL SKOVLAND
RR #1 BOX 13
BRUCE, SD 57220

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Amendment to Water Permit No(s). 2166-3 and 2167-3

Pursuant to the provisions of the notice dated March 23, 1987, and following the Hearing May 6, 1987, the Water Management Board has amended Water Permit No(s). 2166-3 and 2167-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in **SUSPENSION** of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

Attachment to Water Permit No. 2166-3

Pursuant to the provisions of the notice dated March 23, 1987 and following the Hearing May 6, 1987, the Water Management Board has amended Water Permit No. 2166-3 to add the following qualification:

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

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. ☐ 2. ☐ Restricted Delivery.

3. Article Addressed to: WENDELL SKOVLAND RR #1 BOX 13 BRUCE, SD 57220	4. Article Number P 576 309 744 Type of Service: ☐ Registered ☐ Insured ☐ Certified ☐ COD ☐ Express Mail Always obtain signature of addressee or agent and DATE DELIVERED .
5. Signature - Addressee X <i>Wendell Skovland</i>	8. Addressee's Address (ONLY if requested and fee paid) Rt 2 Box 218 Bruce SD 57220
6. Signature - Agent X	
7. Date of Delivery 5-14-87	



Department of Water & Natural Resources

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

2166-3

January 29, 1988

WENDELL SKOVLUND
RR #2 BOX 218
BRUCE, SD 57220

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 2166-3 and 2167-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 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 9:00 am, March 2, 1988 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. There 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). 2166-3 and 2167-3 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 March 2 hearing date, your name will be deleted from the agenda for the hearing.

**South Dakota Department of
Water & Natural Resources**

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

March 14, 1988

NOTICE OF AMENDMENT TO WATER PERMIT(S)

TO: WENDELL SKOVLUND
RR 2 BOX 218
BRUCE, SD 57220

FROM: John Hatch, Chief Engineer
Water Rights Division
773-3352



SUBJECT: Amendment to Water Permit No(s). (2166-3) and 2167-3

Pursuant to the provisions of the notice dated January 29, 1988 and following the Hearing March 2, 1988, the Water Management Board has amended Water Permit No(s). 2166-3 and 2167-3 to add the following qualification to each:

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

The addition of this qualification to your Permit(s) means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

 **Department of
Water & Natural Resources**

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

Attachment to Water Permit No(s). 2166-3

Pursuant to the provisions of the notice dated January 29, 1988 and following the Hearing March 2, 1988, the Water Management Board has amended Water Permit No(s). 2166-3 to add the following qualification to each:

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

PS Form 381, Dec. 1980

2166-3 2167-3

• **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space
on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

- ☒ Show to whom and date delivered —c
☐ Show to whom, date, and address of delivery.. —c
..... —c

WENDELL SKOVLUND
RR 2 BOX 218
BRUCE, SD 57220

- ☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL

P464 786 463

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Wendell Skovlund

DATE OF DELIVERY
MAR. 16 1988

8. ADDRESSEE'S ADDRESS (Only if requested)

POSTMARKED
MAR
16
1988

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S
INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

 **Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 2, 1989

2166-3

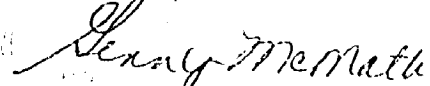
Wendell Skovlund
RR 2, Box 218
Bruce SD 57220

Dear Mr. Skovlund:

Your 1988 irrigation questionnaires were received December 28, 1988, along with your electric bills from Sioux Valley Electric. The forms were then completed with the information you provided.

Enclosed are the two bills you included with the questionnaires. We no longer need them, and since they appear to be originals, I thought perhaps you may need them for your files.

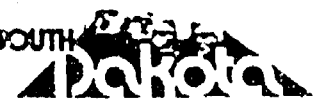
Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure.





Department of Water & Natural Resources

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

February 17, 1989

Wendell Skovland
RR 2, Box 218
Bruce, SD 57220

Dear Mr. Skovland:

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

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

The new standards include:

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

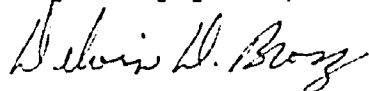


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch", is written over the typed name.

JOHN HATCH, Chief Engineer
Water Rights Division

SOUTH DAKOTA
Department of
Water & Natural Resources

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

August 25, 1987

Wendell Skovlund
Rural Route 1, Box 13
Bruce, SD 57220

Dear Mr. Skovlund:

The Water Rights Office is presently completing work on Water Permit No. 2166-3 in order to issue you the water license for this permit. Before the license can be issued, a permit must be in compliance with state water laws.

A final inspection of your irrigation works was conducted on April 3, 1987 which revealed that your system does meet the requirements listed in the permit application, except for soil and water compatibility approval. The soil/water compatibility approved under your permit is for a well and lands in the NW 1/4 of Section 30-T112N-R50W while your well and irrigated lands are actually located in the NE 1/4 of Section 30-T112N-R50W. Although the legal location on the soil/water application form was probably just an inadvertent error in writing it down (as you explained it to me when I inspected your works back in April), it must be corrected in order to be in compliance with state law and for us to issue you the final water license.

I spoke with Mr. Jim Stukel of the State Conservation Commission and he informed me that you would not need to send in another irrigation water sample. You do need to reapply for soil/water approval on the lands in the NE 1/4 of Section 30-T112N-R50W. You may get the forms from Mr. Stukel's office, your county agent, or the Water Resources Institute in Brookings.

If you have further questions on this matter please contact Mr. Jim Stukel, Division of Conservation, Anderson Building, Pierre, SD 57501 (phone-773-3259). Enclosed are copies of past correspondence on this matter which may help you understand the situation better.

Sincerely,

Tom Brandner

Tom Brandner
Natural Resources Engineer
605 773-3352

cc. Jim Stukel, Division of Conservation

Enclosure



Department of Water & Natural Resources

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



October 14, 1987

Lacey Well Drilling
P.O. Box 796
Trent, SD 57065

Dear Mr. Lacey:

On August 26, 1987 I called your office requesting well logs on a number of irrigation production wells in the area around Bruce, SD in Brookings County. You stated your intentions to send the logs but as of this date I have not received any material from you.

It is essential for our office to have these logs in order for us to issue the final license to the farmers, thus completing their Water Right.

Listed below are the irrigators and locations of their production wells. We would very much appreciate it if you could take the time to send these logs to our office. As you stated in our phone conversation, you have sent logs to us in the past, but we have not received the data on these particular wells.

<u>Name</u>	<u>Well Location</u>	<u>Township</u>
Howard Skovlund	NW1/4, Sec.2, T111N, R51W	Oakwood
Wendell Skovlund	NE1/4, Sec.30, T112N, R50W	Eureka
Herman Rasmussen	NE1/4, Sec.19, T112N, R50W	Eureka
Edmund Kreyger	NE1/4, Sec.7, T112N, R50W	Eureka

Thank you for your quick response on this matter.

Sincerely,

Tom Brandner

Tom Brandner
Natural Resources Engineer
605 773-3352

cc: Howard Skovlund
Wendell Skovlund
Herman Rasmussen
Edmund Kreyger

*Tom - I cannot find any
copies of these logs
however, in the time these
wells were drilled, we used
14" steel casing + 10" x 14"
triangular steel spreader
over*

These wells are all about 40
feet deep with a static water level
of 8-10" and these wells are
good for (when drilled) at 500
to 750 gpm - other than that
I can't help you out

SOUTH DAKOTA
Department of
Water & Natural Resources

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

December 10, 1987

2166-3

Wendell Skovlund
RR #1 Box 13
Bruce, SD 57220

Dear Mr. Skovlund:

I am contacting you with regard to soil/water compatibility approval which is still needed for Water Permit No. 2166-3. The Division of Conservation has indicated they have not yet received the WI-1 application from you.

Water Permit No. 2166-3 can not be licensed without soil/water compatibility approval for the lands you are irrigating in the NE quarter from the well in the same quarter. Enclosed is a partially completed application form. Since a water sample is not required, all you need to do is sign the form in the presence of a notary public. Once the soil/water compatibility application is signed, please return it to the following address:
Jim Stukel, Division of Conservation, 445 East Capitol,
Pierre, South Dakota 57501. (telephone # (605) 773-3259)

Water Permit Nos. 2166-3 and 2167-3 will be ready for licensing upon approval of the soil/water compatibility permit.

If you have any questions, please contact us.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
605 773-3352

encl

cc: Jim Stukel, Division of Conservation

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4262

WR#

OWNERS NAME: Wenlell Skovlund

OWNERS ADDRESS: RR 1 Box 13

Bruce, SD 57220

COUNTY LAND LOCATED IN: Brookings

PHONE: 627-5530

LEGAL DESCRIPTION:

1. LOCATION

☒ Well

☐ Surface

Depth: _____

Legal Description	Acres	Legal Description	Acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 30-T112N-R50W	16		
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 30-T112N-R50W	33		
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 30-T112N-R50W	33		
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 30-T112N-R50W	33		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ~~XX~~ GUN: _____ OTHER: _____
(Specify)

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: 74-957

7. ADJUSTED (SAR): _____

5. SALINITY (EC X 10⁶): 554

8. PERCENT SODIUM: 5.63

6. SODIUM (SAR): 0.22

Requirements:

The are mapped as Volga silty clay, somewhat poorly drained, and Lamoure silty clay loam, nearly level may be subject to excess wetness and ponding under irrigation. This wetness problem may be addressed through an intensive water management plan but may require artificial drainage (ei. tile drains) on the long term. Artificial drainage will be provided as necessary. Please be advised that this requirement does not consider the Swampbuster provision.



Keith L. Harner
Director, Division of Conservation

7/8/1988
Date

☒ APPROVED
☐ DISAPPROVED
☐ WAIVER

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4262

WR#

OWNERS NAME: Wendell Skovlund OWNERS ADDRESS: RR 1 Box 13
Bruce, SD 57220

COUNTY LAND LOCATED IN: Brookings PHONE: 627-5550

LEGAL DESCRIPTION:

1. LOCATION: NE 1/4 30-T112N-R50W ☒ Well ☐ Surface
Depth: _____

Legal Description	Acres	Legal Description	Acres
NW 1/4 NE 1/4 30-T112N-R50W	16		
NE 1/4 NE 1/4 30-T112N-R50W	38		
SE 1/4 NE 1/4 30-T112N-R50W	39		
SW 1/4 NE 1/4 30-T112N-R50W	30		

2. TYPE OF IRRIGATION: GRAVITY _____ TOWLINE _____ CENTER PIVOT XX GUN: _____ OTHER: _____ (Specify) _____

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: 74-957 7 ADJUSTED (SAR): _____
5. SALINITY (EC X 10⁻¹): 564 8 PERCENT SODIUM: 5.63
6. SODIUM (SAR): 0.22

Requirements:

The are mapped as Volga silty clay, somewhat poorly drained, and Lamoure silty clay loam, nearly level may be subject to excess wetness and ponding under irrigation. This wetness problem may be addressed through an intensive water management plan but may require artificial drainage (ei. tile drains) on the long term. Artificial drainage will be provided as necessary. Please be advised that this requirement does not consider the Swampbuster provision.

Keith L. Harner
Director, Division of Conservation

7/8/1988

☒ APPROVED
☐ DISAPPROVED
☐ WAIVER

☒ REQUIRED
☐ EXEMPT



Soil water permit will be recorded by the Department of Agriculture in the County Register of Deeds.

MANAGEMENT FORM

4262

APPROVED with requirements

NAME OF APPLICANT: Wendell Skovlund

LEGAL DESCRIPTION: NE1/4 30-T112N-R50W

REQUIREMENTS:

The area mapped as Volga silty clay, somewhat poorly drained, and Lamoure silty clay loam, nearly level may be subject to excess wetness and ponding under irrigation. This wetness problem may be addressed through an intensive water management plan but may require artificial drainage (ei. tile drains) on the long term. Artificial drainage will be provided as necessary. Please be advised that this requirement does not consider the Swampbuster provision.

MANAGEMENT RECOMMENDATIONS:

We recommend that a form of conservation tillage be used to conserve soil moisture and control erosion. We also recommend that your water management of the area be split with the area mapped as Fordville being managed differently than the Lamoure and Volga.



DATE

7/8/88

SIGNATURE

James L. H. H. H.

Permit No. 2166-3BIG SIOUX RIVER Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by WENDELL
SKOVLUND of BRUCE, SD ^{RP #1 120413} holder of
Permit No. 2166-3, bearing the priority of DECEMBER 16, 1974 authorizing
the diversion of 2.1 cu. ft. per second of the waters of GROUNDWATER (ONE 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 42' DEEP WELL WITH 14" CASING - 10' JOHNSON SS SCREEN
WESTERN LAND ROLLER PUMP, 7-8 STAGES, 2000 GPM CAPACITY
POWERED BY 60 HP U.S. ELECTRIC "HIGH THRUST" MOTOR, ID # R-6234-02-130

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

6000' OF 6" ALUMINUM MAINLINE PIPE
660' OF 6" FLEXIBLE RUBBER HOSE

R 2109502

C. Works used to apply water to beneficial use:

E-Z RAIN WATER DRIVER TRAVELING GUN, ID # N-22149
4"-6" NOZZLE, 120 PSI AT PUMP, 450 GPM CAPACITY, 1750 RPM

The system is in the following condition GOOD

The point of diversion is located 1525' W AND 1250' S OF THE NE CORNER
OF SECTION 30, T112N, R50W. (NW 1/4 NE 1/4)

The works are capable of diverting and conveying to the place of use 1.00 (450 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 30, T112N, R50WNW 1/4 NE 1/4 - 16 ACRESNE 1/4 NE 1/4 - 38 ACRESSE 1/4 NE 1/4 - 39 ACRESSW 1/4 NE 1/4 - 30 ACREScomprising a total of 123 acres of land and the license should be issued for 1.00 cfsApplicable permit qualifications have been complied with Yes ☒ No

Exceptions to compliance are: NEEDS NEW SOIL-WATER Date 4-3-87
COMPATIBILITY APPROVAL

*received July 11, 1988

Corrected Copy Received. Dec. 30, 1988

Thomas M. Brandner
(signature)

(Other Information on)
Examination Report

LICENSE FOR PERMIT NUMBER 2166-3 (Wendell Skovlund)

1. Legal location of wells: 1 well, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section
30, T112N, R50W.

dams & structures: _____

2. Well Information: Well Drilling Firm Lacey

No. of wells 1 Depth 42'

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 2000 GPM d) motor efficiency rating _____
e) turbine pump
no. of stages _____

3. Distribution lines:
a) size of lines _____
b) type _____
c) length _____

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 _____

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 _____

* Mr. Skovlund stated that his well could pump 2000 GPM but that he only pumps the 450 GPM that the traveling gun is capable of handling. Lacey drilled the well, but has no log on it. He thought the well was good for 500-750 GPM.

i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

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. ☒ YES ☐ NO
2. Special Qualifications to permit being abided by. ☒ YES ☐ NO
3. All Structures, wells and lands on map. ☒ YES ☐ NO

REMARKS:

Needs new soil/water compatibility approval

No well log, but Lacey did write giving some information about the wells in the area.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 2166-3

August 10, 1988

Wendell Skovlund
RR 1, Box 13
Bruce, South Dakota 57220

Dear Mr. Skovlund:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 2166-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing 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,

Maxine Stirling
Secretary

ms/

NOTE: On check or money order, please indicate the number of the water permit. This insures proper handling of the fee.

DWNR-814 8/83

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411569

Pierre, December 28, 1988

RECEIVED OF Wendell Skovlund, RR 1, Box 13, Bruce SD 57220

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. 2166-3

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

50 00

50 00

By

John Hatch
Chief Engineer

KS

SOUTH DAKOTA
Department of
Water & Natural Resources

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

MAR 22 1989

Wendell Skovlund
RR #1, Box 13
Bruce, SD 57220

Dear Mr. Skovlund:

Enclosed is Water License No. 2166-3. This is the final water right document completing your process of obtaining a Water Right.

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. 2166-3, 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

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2166-3

(1) Wendell Skovlund of RR #1, Box 13, Bruce, SD 57220 made Application No. 2166-3, December 16, 1974 for a water permit to appropriate 2.10 cubic feet of water per second from groundwater (one well), Brookings County, South Dakota for irrigation purposes. Permit No. 2166-3 with a priority date of December 16, 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, 1980 and for the application to beneficial use of said water on or before January 23, 1983.

(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 1.00 cubic feet of water per second for beneficial use. The location of the diversion point is: 1525'W and 1250'S of the NE corner of Section 30, T112N, R50W (NW1/4 NE/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 in T112N, R50W:

Section 30, NW1/4 NE1/4	16 acres
NE1/4 NE1/4	38 acres
SE1/4 NE1/4	39 acres
SW1/4 NE1/4	30 acres
Total	123 acres

(4) Pursuant to Section 46-5-30 1 Wendell Skovlund of RR #1, Box 13, Bruce, SD 57220 the holder(s) and/or owner(s) of Water Permit No. 2166-3 is issued a license to appropriate water, the right to use 1.00 cubic feet of water per second from groundwater (one well) with a priority date of December 16, 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. 2166-3 and subject to South Dakota State Law.



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

MAR 22 1989



Department of Water & Natural Resources

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

February 9, 1990

WENDELL SKOVLUND
RR #1 BOX 13
BRUCE, SD 57220

NOTICE

RE: Violation of Water Permit No(s). 2166-3, 2167-3

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 2166-3, 2167-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 2166-3, 2167-3 qualification:

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

The hearing will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City 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, the Water Management Board can:

1. Suspend Permit No(s). 2166-3, 2167-3 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
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 is received in this office before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

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

 **Department of
Water & Natural Resources**

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

February 23, 1990

2166-3
2167-3

Wendell Skovlund
RR 2, Box 218
Bruce SD 57220

Dear Mr. Skovlund:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit Nos. 2166-3 and 2167-3. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Duval

RON DUVAL
Natural Resources Engineer
Water Rights Division

South Dakota

GREAT FACES. GREAT PLACES.

December 3, 1991

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

2166-3

Jim Peterson
Burlage - Peterson Realty
317 4th Street
Brookings, SD 57006

Dear Mr. Peterson:

Enclosed, as we discussed in our December 3rd telephone conversation, is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 2166-3. The water right is currently listed in the name of Wendell Skovlund.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Genny McMath

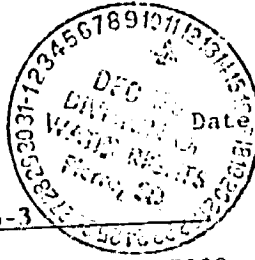
Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

No. 2166-3

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



Date: Dec. 9, 1991

I/~~we~~ request that Water Right No. 2166-3

formerly owned by: Wendell Skovlund, Bruce, SD 57220

be transferred to: (name & address) Katherine J. Summa - 501 South Broadway

Larchwood, Iowa 51241 (Telephone No.) (712) 477-2751

Title to the following described land(s)/property has been transferred as described above:
110

12.3 acres - NE 1/4 Section 30, T112N, R50W

I/~~we~~ understand that the validity of Water Right No. 2166-3 has not been determined by this transfer action. If I/~~we~~ have any questions on validity, I/~~we~~ understand that only the Water Management Board has the authority to determine if a water permit/ right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF ~~SOUTH DAKOTA~~ IOWA)

County of ~~XXXXXXXX~~ LYON)

I/~~we~~ Katherine J. Summa being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Katherine J. Summa
(Signed)

Subscribed and sworn to before me this 9th day of December, 19 91.

M.A. Bontje
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:
1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412933

Pierre, _____ December 11, 1921

RECEIVED OF Lowell or Katharine Summa, 502 S. Broadway, Larchwood, IA 50124
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. _____		
Fee for Filing Transfer Form <u>Water Right No. 2166-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John H. H. H.
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 2, 1992

No. 2166-3

Katharine J. Summa
501 South Broadway
Larchwood, IA 51241

Dear Ms. Summa:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 2166-3.

Our records now show you as the owner of Water Right No. 2166-3.

Sincerely,

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 21, 1992

No. 2166-3
4894-3

Lowell W. Summa
P.O. Box 305
Larchwood, IA 51241-0305

Dear Mr. Summa:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 2166-3 and 4894-3. The water rights are currently listed in the name of Katharine J. Summa.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 per "Notice of Transfer" (total of \$5.00).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

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

enclosure

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

Pierre, _____ July 27, 1992

RECEIVED OF Lowell W Summa, 501 S Broadway, Larchwood, IA 51241

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. _____		
Fee for Filing Transfer Form <u>Water Right No. 2166-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch/Sinh
Chief Engineer

REPRODUCTION, REDUCTION

23.1

ROLL NO. 4-27

DATE MICROFILMED

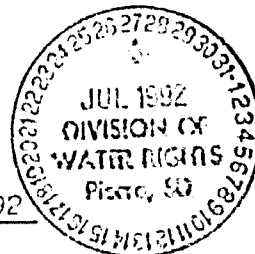
CAMERA OPERATOR

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2166-3

Date: July 24, 1992



X[We request that Water Right No. 2166-3

formerly owned by: Katharine J Summa, PO Box 305, Larchwood, IA 51241
Lowell W. Summa and Katharine J. Summa,
be transferred to: (name & address) Trustees of the Lowell W. Summa Living Trust
501 So. Broadway-P.O. Box 273
Larchwood, Ia. 51241-0273 (Telephone No.) (712) 477-2754

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

110 acres in the NW-1/4 Section 30, T112N, R50W

NE 1/4

[X] We understand that the validity of Water Right No. 2166-3 has not been determined by this transfer action.
If [X] We have any questions on validity, [X] We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

IOWA
STATE OF ~~SOUTH DAKOTA~~
County of LYON)
SS

I/We Lowell W. Summa being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Lowell W. Summa, Trustee
for the Lowell W. Summa Living Trust
(Signed)

Subscribed and sworn to before me this 24th day of July, 19 92.

M. A. Bontje
(Notary Public)

NOTE:

Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 4, 1992

No. 2166-3
4894-3

Lowell W. Summa
P.O. Box 273
Larchwood, IA 51241-0273

Dear Mr. Summa:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 2166-3 and 4894-3.

Our records now show Lowell W. Summa Living Trust as the owner of Water Right Nos. 2166-3 and 4894-3.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl F. Frost".

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

enclosure



2166-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

August 10, 1994

2166-3

Harvey Cunningham
RR #2 Box 372
Bruce, SD 57220

Dear Mr. Cunningham:

Enclosed, as we discussed, is a copy of Water Management Board Rules, Chapter 74:02:09 concerning Chemigation.

In our August 10th telephone conversation, you indicated that you rent from Lowell Summa under Water Right No. 2166-3. You inquired about the use of water relating to an irrigation permit and how often water had to be diverted to maintain a water permit. Under South Dakota Water Law 46-5-37, a permit holder must divert water, for the purpose it was appropriated, at least once every three years in order for the permit to remain valid.

Water Management Board Rule 74:02:01:37.01 states that legal excuse for non use of water suspends the period of nonuse specified in SDCL 46-5-37. Legal excuses for nonuse of water include, but are not limited to the following: 1) Unavailability of water to satisfy a permit or right; 2) legal proceedings which prevent the use of water; and 3) water use under existing climatic conditions would result in a waste of water.

In the past couple of years, certain areas of the state have received more than ample rainfall. Past irrigation questionnaires submitted for No. 2166-3 reflect that no irrigation occurred due to excessive rainfall. According to the Water Management Board Rule, no irrigation due to excess rainfall would constitute legal excuse.

I hope I have addressed your concerns. If you have any further questions, please contact me.

Sincerely,

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



2166-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 7, 1994

2166-3

Harvey Cunningham
RR #2 Box 372
Bruce, SD 57220

Dear Mr. Cunningham:

Enclosed is the 1994 irrigation questionnaire for Water Right No. 2166-3 listed in the name of Lowell Summa Living Trust. Mr. Summa has contacted our office and requested that the questionnaire be mailed directly to you.

If you have any questions, please contact me.

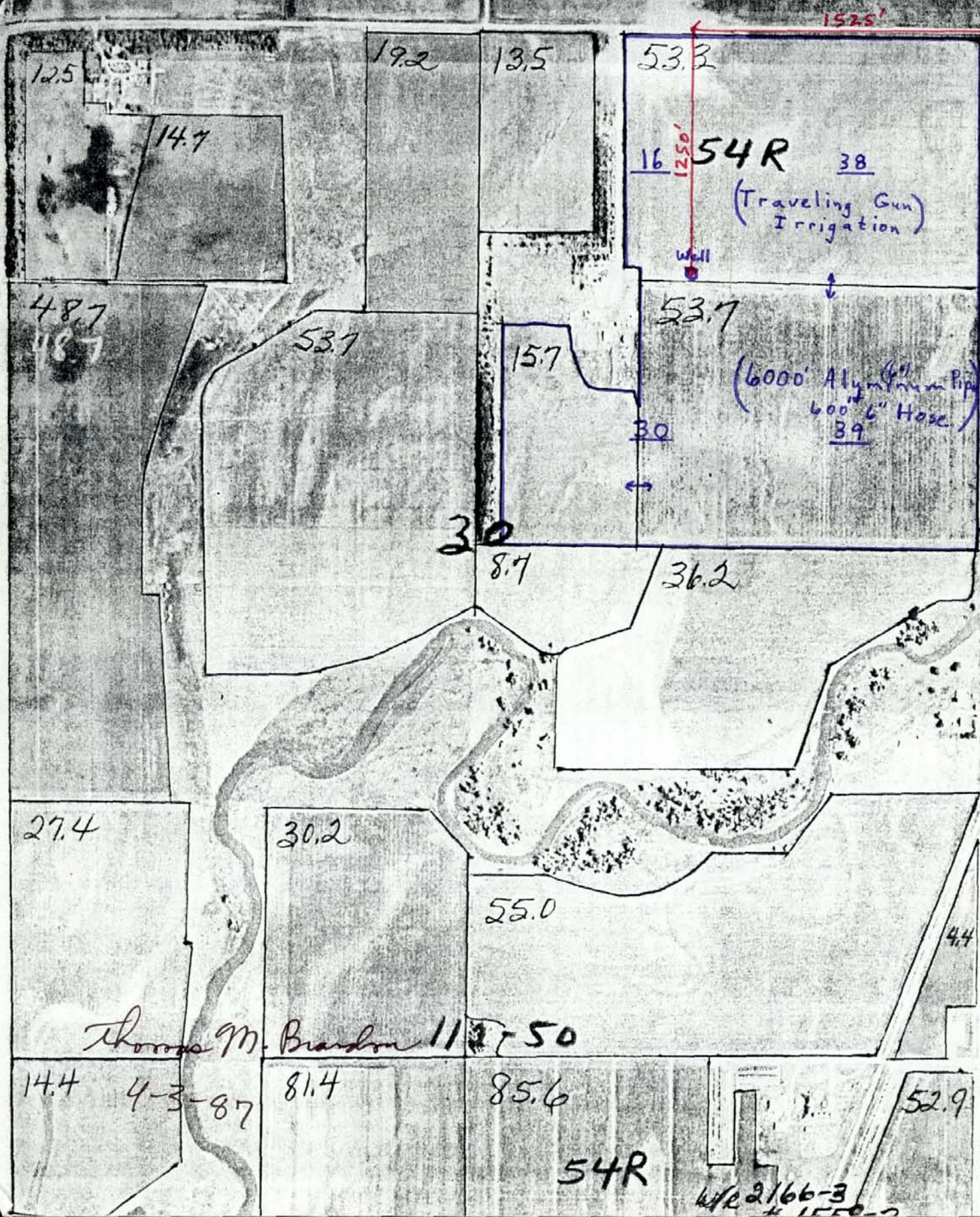
Sincerely,

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

enclosure

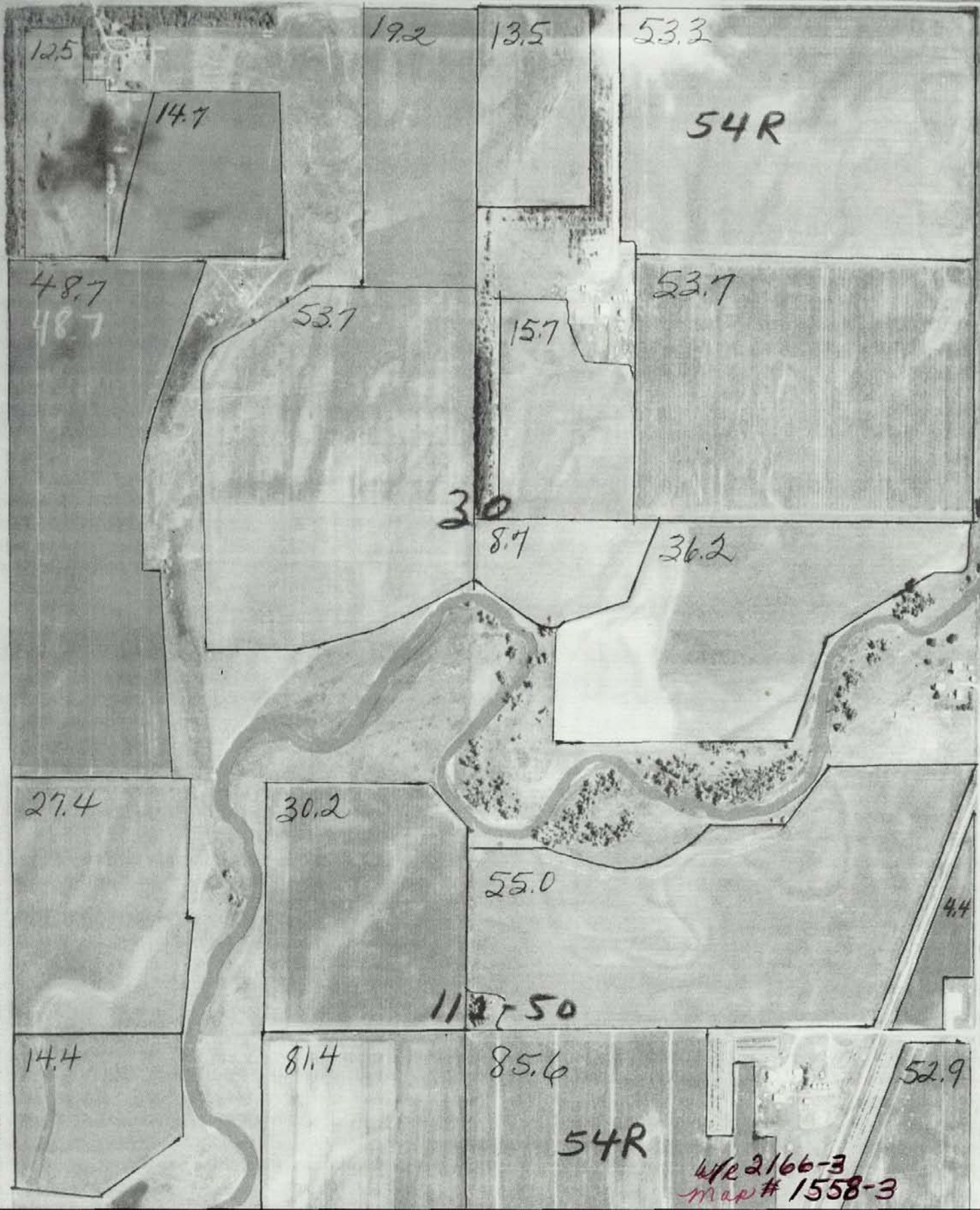
NOT TO SCALE

2166-3



NOT TO SCALE

2166-3



W/ 2166-3
Map # 1558-3

T112 R50

18/20
30/29

36 Acres

38 Acres

2050' N130°W

Farm Store

well

23 Acres

40 Acres

Land description

NW 1/4 NE 1/4 Sec 20 - 112 - 50

NE 1/4 NE 1/4 of 20

SW 1/4 NE 1/4 of 20

SE 1/4 NE 1/4 of 20

Total Acres

Well - 2114

Corner of 100' x 100' grid
Point of Intersection - 2050' N130°W at
NE corner of sec 20 - 112 - 50

Scale - 8" = 1 Mile

WENDELL SKOVlund

IRRIGATION PROJECT

ONE

Project

Project

I, Wendell Skovlund
do hereby certify that the above is a true and correct copy of the original as shown to me.

Wendell Skovlund

Project

Project

Project

Project

MAP 2166-3 APR 2166-3

2166-3

McMath, Genny

From: Layne [captusintl@dakotablue.net]
Sent: Tuesday, July 18, 2006 9:42 PM
To: McMath, Genny
Subject: your water rights inquiry

Hi Genny:

I received your fax today. I apologize that it has been difficult for you to contact me (I'm not sure where you got the Volga address from; I have never lived in Volga). You are correct, I now own the NE ¼ of 29-112-50. Please send your form to:

Layne R. Mostad
46721 200th Street
Bruce, SD 57220.

Phone: 605-690-8785
Fax: 605-627-5427
E-mail: captusintl@dakotablue.net

In addition to the aforementioned property, I also now own the east 110 acres of the NE ¼ of 30-112-50. Maybe my memory is bad, but I do not recall receiving a water rights transfer for that property yet, either (previous owners were Jake and Tom Fretty; the original water rights applicant was Wendell Skovlund about 30 years ago, I think). Anyway, I have a well and center pivot on this property, too, so I think it would be appropriate for the water rights to be in my name for this farm.

You are welcome to reply by e-mail or telephone.

Thank you,

Layne Mostad

07/19/2006



2166-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 19, 2006

2166-3
4462-3A

Layne R Mostad
46721 200th St
Bruce SD 57220

Dear Mr. Mostad:

Enclosed are copies of Water Right Nos. 2166-3 and 4462-3A. These water rights cover the land you own in the NE ¼ Section 29 and the NE ¼ Section 30, T112N, R50W.

Also enclosed are partially completed Notice of Transfer of Ownership forms for filing an ownership change with each one. Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

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

-----Original Message-----

From: Layne [mailto:captusintl@dakotablue.net]

Sent: Wednesday, July 19, 2006 5:17 PM

To: McMath, Genny

Subject: RE: your water rights inquiry

Genny:

For 2006 and onward, you can mail annual surveys to: (2166-3 AND 4462-3A)

Kent Vanderwal
20513 465th Ave.
Bruce, SD 57220
Phone: 605-627-9186

For 2005, NE ¼ of 29-112-50, you can mail your survey to: (4462-3A)

Harold Asmus
21053 487th Ave.
Elkton, SD 57074
Phone: 605-542-3471.

I have not been directly involved with pumping water, so I have no information about how much has been or is being used.

Thank you,

Layne

-----Original Message-----

From: Genny.McMath@state.sd.us [mailto:Genny.McMath@state.sd.us]

Sent: Wednesday, July 19, 2006 8:32 AM

To: captusintl@dakotablue.net

Subject: RE: your water rights inquiry

Do you know if it is possible to obtain the irrigation information for 2005 from that property? What we are looking for is the total amount of water pumped for that year.

In October each year, we mail out the annual irrigation questionnaires to irrigators in SD. Do you want me to mail these forms directly to your tenant or would you prefer them to come to you? I can email you a copy of one of the forms so you'll be able to see what I mean.

-----Original Message-----

From: Layne [mailto:captusintl@dakotablue.net]

Sent: Wednesday, July 19, 2006 9:22 AM

To: McMath, Genny

Subject: RE: your water rights inquiry

Genny:

I have lived a quarter mile from this farm since June 2003, so here is what I have observed:

- Tenant farmer from 2003 through 2005 was Harold Asmus of Elkton
- Pivot ran in 2003 and 2005. In 2004, the pivot did not run at all that year; it was said that a pump was not working.

Starting in 2006, my tenant farmer for this piece is also Vanderwal Yards, Inc. (Kent Vanderwal). The pivot is running this year.

Thanks,

Layne

-----Original Message-----

From: Genny.McMath@state.sd.us [mailto:Genny.McMath@state.sd.us]

Sent: Wednesday, July 19, 2006 6:55 AM

To: captusintl@dakotablue.net

Subject: RE: your water rights inquiry

I forgot to ask a question in my last email. Was the land in the NE ¼ Section 29 (formerly Kenneth & Tamara Krein) irrigated in 2005? I was never able to track down this information for last year and still have the blank form on my desk.

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2166-3

Date: _____

I/We request that Water Right No. 2166-3

formerly owned by: Lowell W Summa & Katharine J Summa Trustees, Lowell W Summa Living Trust, 501 S Broadway, PO Box 273, Larchwood IA 51241-0273

be transferred to: (name & address) Layne R. Mostad
46721 200th St., Bruce, SD 57220
Telephone No. 605-627-5427
605-690-8785

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

110 acres in the NE ¼ Section 30, T112N, R50W

I/We understand that the validity of Water Right No. 2166-3 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 Layne R. Mostad, the new owner, certify that the above information is true and correct.

Layne R. Mostad
(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.

RECEIVED
AUG - 2 2006
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 10, 20 06

RECEIVED OF Layne Mosted, 46721 200th St., Bruce SD 57220

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>2166-3</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.

02543

By

Darland 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 10, 2006

2166-3
4462-3A

Layne R Mostad
46721 200th St
Bruce SD 57220

Dear Mr. Mostad:

I am writing to acknowledge receipt of the ownership changes and filing fees for transferring Water Right Nos. 2166-3 and 4462-3A. The transfers have been completed. The water rights formerly held by Lowell Summa Living Trust (2166-3) and Kenneth & Tamara Krein (4463-3A) are now listed in your name.

Enclosed are your Receipt Nos. 02543 and 02544 in the amounts of \$2.50 each. You may keep these for your records.

As we discussed, the annual irrigation questionnaires will be directed to Kent VanderWal for completion. Typically, the forms are mailed out in mid-October and due by December 1st.

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