

Received 4-10-75
C#

80' Pond with 10' concrete wall
Circuitry house 8' Pond = 113428076192
Ponded 14, 75HP GE Elec motor
720' 8" PVC Pipe to CP Pond
Loc. 3000 CH 11 and 7
Pond located 720' N. of Center of
N.E. 1/4 2

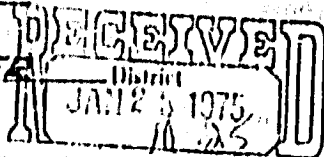
H. 757-7267
J. 757-7267

2193-3 JAMES & HENRY MCMILLAN
Beresford, S.D. 57004
At 10-75

2193-3

1. Considered 3-19, 1975
2. Name of Applicant JAMES & HENRY MUHLENKORT
3. Post Office Address BERESFORD
4. Amount of water claimed 2.28
5. Source of water supply GROUNDWATER
6. Water to be used for IRRIGATION
Acres to be irrigated 160
7. Water to be diverted and used in UNION county
about 2E, 65 miles of BERESFORD
8. Proof of Publication
Received 2-21-75
Not received _____
9. Application
Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 2793-3
 Map No. 1594.3 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 COMM.
SOUTH DAKOTA

To appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant James and Henry Muhlentort
 Postoffice address 405 2nd st. Borasford State South Dakota 57021
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) contract
 3. Name of diversion work Muhlentort Irrigation Project NE 26 21
 4. Amount of water claimed (cubic feet per second) 1000 gpm / min 2.73 MAXIMUM ALLOWABLE
 5. Source of water supply well
 6. Location of point of diversion 2100' south & 2000' east of the NW corner of Sec. 2 T94N R50 W

- County Union
 7. Annual period or periods during which water is to be used May thru August
 8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
 9. For irrigation use, Total number of acres to be irrigated 160

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>S 1/2 NE 1/4 & NE 1/4 SW 1/4 Sec 2 T94N R50 W</u>	<u>160</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 Additional time required to complete application of water to the proposed beneficial use 5 years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Leader Courier, Elk Point, S.D.
57025
 12. Principal Features of the Proposed Water Supply System.

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

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

Underground pipe

C. Works proposed to apply water to beneficial use.

center pivotEstimated Total Cost \$ 9000.00

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 Union

I, Henry Muhlentort 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 Henry MuhlentortSubscribed and sworn to before me this 22nd day of Jan 1975

Martha M. Melling
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2193-3
JAMES & HENRY MUHLENKORT 403 7th ST. BERESFORD,
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57004 With the following modifications:
 (State)

The irrigation well approved under this Permit is located near domestic 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.

Date of first receipt of application JANUARY 23 19 75
 Date of return to applicant for correction, amendments or changes required --- 19 ---
 Date of receipt of corrected application --- 19 ---
 Approved MARCH 20 19 75 Recorded in Book 13 Page 247

WATER RIGHT PERMIT NO. 2193-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2193-3 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 JANUARY 23 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 20 19 77
3. The whole of said work is to be completed on or before MARCH 20 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 20 19 80
5. The water appropriated shall be used for the purpose of IRRIGATION

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

7. The amount of the appropriation herein granted shall not exceed 2.28 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MARCH 20 19 80; said water to be used during the following described annual period: MAY THRU AUGUST

Witness my hand this 9TH day of APRIL 19 75

WATER RIGHTS COMMISSION

By:

Donald D. Powell
 Chief Engineer, Executive Officer

Certificate of Construction Issued JANUARY 29 19 80

Water License Issued JANUARY 29 19 80

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates.

- (1) Drill Hole, Diameter 30", Depth 50'
- (2) Casing, Type concrete Diameter 12" Thickness 2 1/2"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type slotted, Diameter 18", Length 30'
- (4) Gravel Pack. Thickness 8-9", Length of gravel pack 30'

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 50' no test well

Depth to top of water bearing material 20'

Depth to bottom of water bearing material 50'

Thickness of water bearing material 30'

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

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

On same owner's property 40 rds. On property owned by others 170 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.

James M. Muhlentert

Henry Muhlentert

Signature of Applicant

WATER LICENSE NO. 2193-3

(1) WHEREAS, On the 23rd day of January A. D. 19 75

made Water Right Application No. 2193-3 for a permit to use 2.28 cubic feet per second of the waters of groundwater (one well)

County of Union, State of South Dakota, for irrigation purposes; and

(2) WHEREAS, On the 20th day of March A. D. 19 75

Permit No. 2193-3, with a date of priority of January 23, 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 A. D. 19 80 and for the

application to beneficial use of said water on or before the 20th day of March A. D. 19 80

and;

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.94 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 a 136 acre circle in the NW $\frac{1}{4}$, Section 2 - T94N - R50W.

* NOTE: This acreage is also covered under Water License No. 605-3

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to James and Henry Muhlenkort of Bereford, SD the holder and owner of said permit No. 2193-3 a water right dating from January 23, 1975 to use of 1.04 cubic feet per second of the waters of groundwater (one well) in the County of Union and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 720 ft. East of the Center of the NW 1/4, Section 2 - T94N - R50W and conduct^{ed} to and upon a 136 acre circle in the NW 1/4, Section 2 - T94N - R50W for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 2193-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota this 29th day of January A. D. Nineteen Hundred and Eighty

Board of Water Management
By: John Hatch
Chief Engineer JOHN HATCH

Permit No. 2193-3

Water Diversion No. 3 Big Sioux River Water District

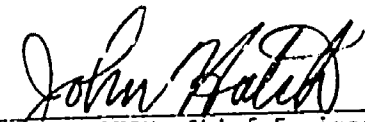
CERTIFICATE OF CONSTRUCTION

This is to Certify, That James and Henry Muhlenkort

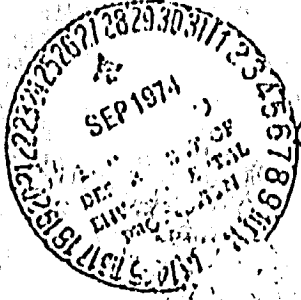
_____ the holder _____ of
Permit No. 2193-3, issued upon Application No. 2193-3, bearing date of priority of January 23, 1975
_____ authorizing the diversion of 2.28 cu. ft. per second of the waters of _____
groundwater (one well) County of Union, State of South Dakota at a
point 720 ft. East of the Center of the NW $\frac{1}{4}$, Section 2 - T94N - R50W
_____, for irrigation

_____, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.0 cu. ft. per second of water.

Date January 29, 1980



JOHN HATCH, Chief Engineer
Water Rights, WMD



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)

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: 10/2/74

Disapproved: _____

NAME: James H. Smith

ADDRESS: 1000 1st St. N. Pierre, SD 57501

COUNTY: Butte

LEGAL DESCRIPTION

1. WELL LOCATION: Sample 1 (1) 100' from the corner of Sec 7 & T 24 N R 66 E

2. AREA TO BE IRRIGATED: 100' x 100' = 10,000 sq ft

TYPE OF IRRIGATION

3. GRAVITY ☐ SPRINKLER (Indicate Type): Center Pivot

4. CROPS TO BE IRRIGATED: Wheat

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 1.2%

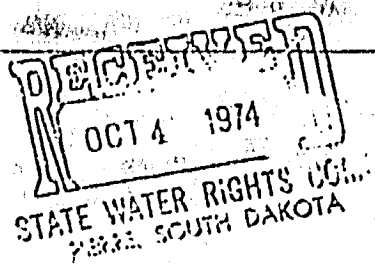
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Entic Haplo - Brown, medium, fine sandy & loamy, 0-10" from surface over gravel. Depth to gravel 16" = 5.6"

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 1.0 = Sec 74-601

8. SALINITY: EC = 1231 (high)

9. SODIUM: SAR = 0.66 (low)



August 20, 1974

Mr. Henry Muhlentort
Berzard, SD 57004

Dear Mr. Muhlentort:

This is in relationship to the application submitted by you and your brother James for a water use permit in Sec. 2 T94N R50W.

A copy of this letter and your WI-1 form and a copy of the irrigation analysis are being sent to the State Conservation Commission for their action and recommendation to the Water Resources Commission.

The water which you have submitted is fairly high in total salt. The electrical conductivity of 1231 micromhos per cm puts it in the high category of water classification but there should be no problem in irrigating with this water on the Eschelline soil, which the soil scientist has stated to be in the land which you intend to irrigate.

The sodium adsorption ratio, which is the index of the alkali problem or possibility of dispersion, is 0.66 which is low. As a consequence, I am recommending that you go ahead with this and I'm recommending the same to the State Conservation Commission. You should await word from the State Water Resources Commission, however, before making any further steps of development.

I'm enclosing a copy of Extension Circular 654, which gives some information on the management of water and the relationships of waters and soils and some other technical information. The quality of your particular sample is denoted by the encircled red cross on the water quality diagram on the back cover of this circular. I hope the information enclosed therein is of use to you and I wish you success in your irrigation venture.

Sincerely,

L. C. Fine

L. C. Fine
Water Quality Lab

LOP:111

Enclosures

CC: -State Conservation Commission
Louie DeSmet, Union County Agent
Barrel Pahl



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

Submitted by: Henry Kuhlert
Address: Brookings, South Dakota
57004

Date Rec'd: August 8, 1974
Sample No.: 74-601
Identification #2 Well-51
Sec. 2, T. 94N, R. 50E

WATER ANALYSIS

Calcium (Ca)	220	ppm*	11.00	me/l**
Magnesium (Mg)	54	ppm	4.43	me/l
Sodium (Na)	42	ppm	1.83	me/l
Potassium (K)	5	ppm	0.13	me/l
Sulfate (SO ₄)	410	ppm	8.53	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	4	ppm	0.09	me/l
Bicarbonate (HCO ₃)	420	ppm	6.38	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)	344	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1231	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.66			
Sodium	10.52	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.28			
Others:				

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

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

COMMENTS: Total cations 17.39 me/l
Total anions 15.50 me/l

*low sodium water - should be no problem on most
crops in Brookings area (D. Fine)*

By: Shirley Mittan

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. 74-601

Amount Enclosed \$

Signed

2193-3

Publish first publication, on or before March 6, 1975

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 3, 1975

Notice is hereby given that James and Henry Fuhlenkott
whose post office address is Beresford, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

2.28 cubic feet of water per second of time from the ground water through the
Fuhlenkott Well #1, the point of diversion of which is to be located in the

S1/4 S1/4

of Section 2, Twp. 94N, Range 50W. Said water to be used for the purpose
of providing irrigation on the following described land:

S1/4 N1/4 and N1/4 SW1/4, Section 2, T94N, R50W

This application No. 2193-3 will be considered by the Water Resources Commission at their office at
Pierre upon the 19th day of March, 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/bw

cc: Henry W. Fuhlenkott, 407 S. 2nd Street, Beresford, S.D. 57004

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Union) ss.

I, Byron Helgerson hereby

certify that the annexed printed copy of Notice of Intent to Appropriate Water was taken from the The Leader Courier

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

city Elk Point

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

February 13, 1975

February 20, 1975

(Signature)

(Title)

2 20 '75

(Date Signed)

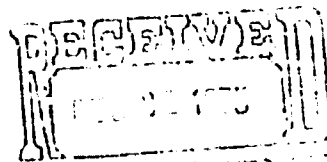
NOTICE INTENT TO APPROPRIATE WATER
Pierre, South Dakota 57501
February 3, 1975

Notice is hereby given that James and Henry Muhlenkort (whose post office address is Beresford, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.28 cubic feet of water per second of time from the ground water through the Muhlenkort Well #1, the point of diversion of which is to be located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Twp. 94N, Range 50W. Said water to be used for the purpose of providing irrigation on the following described land: S $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 2, T 94N, R 50W.

This application No. 2193-3 will be considered by the Water Resources Commission at their office at Pierre upon the 19th day of March, 1975, at 2:30 p.m. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

Burton F. Jones
Water Rights Specialist
Publish: Feb. 13 & 20



STATE WATER RIGHTS COMMISSION
PIERRE, SOUTH DAKOTA

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7241

PIERRE, January 22, 1980

RECEIVED OF Henry W. Mollenkort, RR #1, Box 78, Beresford, SD 57004
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No. 2193-3		
Fee for inspecting Beneficial Use, and issuing Water License No. 2193-3	50	00
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 (97)

Permit No. 2193-3Water Division 3 Big Sioux River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by JAMES E. HENRY
MUHLENKORT of BERESFORD holder
of Permit No. 2193-3, bearing date of priority of JANUARY 73, 1975
authorizing the diversion of 2.26 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in UNION County.

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

The Water Use System consists of,

A. Works used to divert the water:

80' DEEP WELL WITH 18" CONCRETE CASING
FAIRBANKS MORSE 8" PUMP #N342807619X
POWERED BY 75HP GEELECTRIC MOTOR

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

120' OF 8" BURIED PVC PIPE TO CENTER OF ROOT PAD

C. Works used to apply water to beneficial use.

LOCKWOOD CENTER PLOT, ELECTRIC DRIVE WITH END GUN

The system is in the following condition: GOOD

The point of diversion is located 720' E. OF THE CENTER OF THE NW⁴
SECTION 2, T94N, R50W

The works are capable of diverting and conveying to the place of use 2.0cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows:

FOR IRRIGATING A 136 ACRE CIRCLE IN THE NW⁴ *
SECTION 2, T94N, R50W

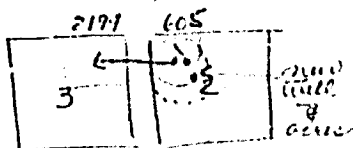
comprising a total of 136 acres of land.

THIS ACREAGE IS COVERED UNDER
THIS PERMIT AND WATER LICENSE N° 605-3

Date OCTOBER 3, 1979
Austin Jones
(Signature)

Henry Muhlenkort and his father were in the office September 16, 1980 and made application on the NW 1/4, Section 26-T95N-R50W to cover land not covered under Permit No. 2007-3.

Also on applications 605-3, 2193-3 and 2194-3, the Well covered under 605-3 is irrigating the NE 1/4 Section 3-94-50 and well under 2193-3 is irrigating the NW 1/4 of Section 3. The application 2193-3 is licensed and the well location is 72' from the center well. The well that was to be used for 2193-3 was never drilled and he is making application for additional diversion and 40 acres in the SW 1/4 that is not covered under the water licenst. This well was to be drilled by March 1980, so time ran out.



2193-3

SOUTH DAKOTA
Department of
Water & Natural Resources

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

April 14, 1987

Merle Miller, Trustee
Union County Land Trust
3317 South West Ave
Sioux Falls SD 57105

Dear Mr. Miller:

Enclosed are copies of Notice of Transfer of Water Permit forms. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 each (\$15.00 total).

Upon receipt of the enclosed forms and filing fees the permits will be transferred to the proper name. 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.

Please advise if you have any questions.

Sincerely,

Genny McMath

GENNY MCMATH
Natural Resources Analyst

enclosures

NO. 2193-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501



Date: 4-15-87

This is to notify you that the title to the lands described as follows:

136 acres - NW 1/4 Section 2, T94N, R50W

formerly owned by James & Henry Muhlenkort
has been transferred to Union County Land Trust, 3317 So. West Ave.,
Siooux Falls, S.D. 57105
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 2193-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of Minnehaha) ss.

I, Merle W. Miller being first duly sworn on my oath despose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

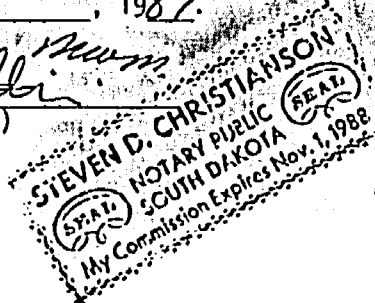
Merle W. Miller, Trustee
(Signed)

Subscribed and sworn to before me this 1st Day of May, 1987.

Steve D. Christian

Merle W. Miller
(Notary Public)

Commission Expires 9-10-93



RECEIPT

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

410073

Pierre, May 11, 1997

RECEIVED OF Merle W. Miller, Trustee, Union County Land Trust, 3317 South West Avenue
the following amount in fees for services rendered as provided for by law: Sioux Falls, SD 57105

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>2193-3</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
Chief Engineer JOHN HATCH (MS)



**Department of
Water & Natural Resources**

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

WATER RIGHTS DIVISION
(605) 773-3352

May 12, 1987

Merle W. Miller, Trustee
Union County Land Trust
3317 South West Avenue
Sioux Falls, South Dakota 57105

Dear Mr. Miller:

Enclosed are receipt Nos. 410876, 410877, 410878, 410879, 410880 and 410881 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 605-3, 2007-3, 2193-3, 2194-3, 4685-3 and 4684-3.

Our records now show Union County Land Trust as owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

2193-3

South Dakota
Department of
Water & Natural Resources

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

March 23, 1987

HENRY MUHLENKORT
RR #1 BOX 78
BERESFORD, SD 57004

NOTICE

Re: Violation of Water Permit(s). 4685-3, 4684-3 and 1986
Irrigation
Questionnaire Requirements.

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 4685-3, 4684-3. 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 permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4685-3, 4684-3 qualification:

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

The hearing will also be to determine if Permit No(s). 605-3, 2193-3, and 2194-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

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

The hearing(s) 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 hearings(s), the Water Management Board can:

1. Suspend Permit No(s). 4685-3, 4684-3 until either the 1986 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s). 605-3, 2193-3 and 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. 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.

A handwritten signature in cursive script, appearing to read "John Hatch".

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

NOTE: If the questionnaire(s) are received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

South Dakota Department of
Water & Natural Resources

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

May 5, 1987

605-3 2007-3
2193-3 2194-3
4684-3 4685-3

Merle Miller
Union County Land Trust
3317 S West Ave
Sioux Falls, SD 57105

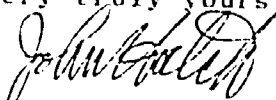
Dear :

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to James, Henry, & Leo Muhlenkort March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 605-3, 2007-3, 2193-3, 2194-3, 4684-3 and 4685-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

The notice dated March 23, 1987 can be disregarded. These permit numbers have 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

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

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

February 8, 1989

MERLE MILLER
UNION COUNTY LAND TRUST
3317 SO WEST AV
SIOUX FALLS, SD 57105

NOTICE

RE: Violation of Water Permit No(s). 4634-3, 4685-3 and 1988 Irrigation Questionnaire Requirements

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 4684-3, 4685-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board has 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). 4684-3, 4685-3 qualification:

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

The hearing will also be to determine if Permit No. 605-3, 2007-3, 2193-3, 2194-3 should be amended with the qualification to require the Questionnaire to be submitted each year. The hearing will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

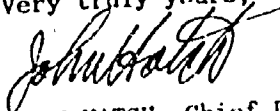
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 4684-3, 4685-3 until the 1988 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Amend Permit No(s). 605-3, 2007-3, 2193-3, 2194-3 also held by UNION COUNTY LAND TRUST to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. 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 1st 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



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

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

March 6, 1989

605-3	2194-3
2007-3	4684-3
2193-3	4685-3

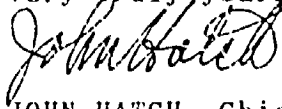
Merle Miller
Union County Land Trust
3317 So West Ave
Sioux Falls, SD 57105

Dear Mr. Miller:

I am writing to acknowledge receipt of your 1988 irrigation questionnaires for Water Permit Nos. 605-3, 2007-3, 2193-3, 2194-3, 4684-3 and 4685-3. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. Your questionnaires were 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.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division



DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

February 1, 1991

UNION COUNTY LAND TRUST
3317 SO WEST AV
SIOUX FALLS SD 57105

NOTICE

RE: Violation of Water Permit No(s) 605-3, 2007-3, 2193-3, 2194-3, 4684-3, 4685-3 and 1990 Irrigation Questionnaire Requirements

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 605-3, 2007-3, 2193-3, 2194-3, 4684-3, 4685-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 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) 4684-3, 4685-3 qualification:

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

The hearing will also be to determine if Permit No(s) 605-3, 2007-3, 2193-3, 2194-3 should be amended with the qualification to require the Questionnaire to be submitted each year. The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, 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, the Water Management Board can:

1. Suspend Permit No(s) 4684-3, 4685-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Amend Permit No(s) 605-3, 2007-3, 2193-3, 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the February 27th 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,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



Department of Water & Natural Resources

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

March 5, 1991

Merle Miller
Union County Land Trust
3317 So. West Avenue
Sioux Falls, SD 57105

RE: Receipt of Irrigation Questionnaires for Water Permit Nos.
605-3, 2007-3, 2193-3, 2194-3, 4684-3 and 4685-3

Dear Mr. Miller:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Permit Nos. 605-3, 2007-3, 2193-3, 2194-3, 4684-3 and 4685-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

2193-3



January 29, 1993

NOTICE

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

TO: UNION COUNTY LAND TRUST
3317 SO WEST AV
SIOUX FALLS SD 57105

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Water Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3, 4685-3 and 1992
Irrigation Questionnaire Requirements

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3, 4685-3. The request for the Questionnaires was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4685-3 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4685-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaires are received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.



2193-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 1993

Union County Land Trust
3317 S West Avenue
Sioux Falls, SD 57105

RE: Water Permit Nos. 605-3, 2007-3, 2193-3, 2194-3 & 4685-3

Dear Sirs:

I am writing to acknowledge receipt your 1992 irrigation questionnaires. You may disregard the January 29, 1993, Notice of violation of the Requirement to Submit the 1992 Irrigation Questionnaires.

The questionnaires were received prior to the Water Management Board meeting, and your name was deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352



2193-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

UNION COUNTY LAND TRUST
MERLE MILLER
3801 S WESTERN
SIOUX FALLS SD 57105 6510

NOTICE

RE / Violation of Water Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3, 4685-3 and 1994 Irrigation Questionnaire Requirements

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3, 4685-3. The request for the Questionnaires was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4685-3 qualification:

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

The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4685-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ror Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



2193-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 28, 1995

Merle Miller
Union County Land Trust
3801 S Western
Sioux Falls, SD 57105-6510

RE: Water Permit Nos. 605-3, 2007-3, 2193-3, 2194-3 and 4685-3

Dear Mr. Miller:

I am writing to acknowledge receipt of your 1994 irrigation questionnaires. You may disregard the February 7, 1995, **Notice of Violation of Water Permit and or the Requirement to Submit the 1994 Irrigation Questionnaires.**

The questionnaire were received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



2193-3

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

January 30, 1996

NOTICE

TO: UNION COUNTY LAND TRUST, MERLE MILLER, 3801 S WESTERN, SIOUX FALLS, SD
57105 6510

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 4685-3, 605-3, 2007-3, 2193-3 & 2194-3 and 1995 Irrigation Questionnaire Requirements

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 4685-3, 605-3, 2007-3, 2193-3 & 2194-3. The request for the Questionnaires was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4685-3 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4685-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office on/or before March 1, 1996, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



2193-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 1, 1996

Merle Miller
Union County Land Trust
3801 S Western
Sioux Falls, SD 57105-6510

RE: Irrigation Questionnaires for Water Permit Nos. 605-3, 2007-3, 2193-3, 2194-3 and 4685-3

Dear Mr. Miller:

I am writing to acknowledge receipt of your 1995 irrigation questionnaires. You may disregard the January 30, 1996, Notice of Violation of Water Permits and Violation of the requirements to submit the 1995 irrigation questionnaires.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



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

605-3

2193-3

2194-3

Larry Andrews
RR 1 Box 68
Beresford, SD 57004

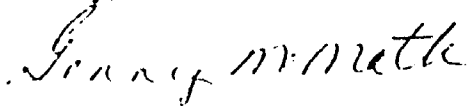
Dear Mr. Andrews:

Enclosed are three partially completed "Notice of Transfer of Ownership" forms for use in filing ownership changes with Water Right Nos. 605-3, 2193-3 and 2194-3. The water rights are currently listed in the name of Union County Land Trust. These forms are being sent to you in follow-up to your conversation with Barry McLaury.

Please review the forms for accuracy and make any necessary corrections. Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$7.50).

Thank you for your assistance in this matter. If you have any questions, please contact me.

Sincerely,



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

enclosures

2193-3

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 2193-3

Date: 7-30-96

I/We request that Water Right No. 2193-3

formerly owned by: Union County Land Trust

be transferred to: (name & address) Larry Andrews, RR 1 Box 68, Beresford, SD 57004

Telephone No. (605) 253-2216

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

NW¼ Section 2, T94N, R50W

I/We understand that the validity of Water Right No. 2193-3 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 attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Union)

I, Larry Andrews 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.

Larry Andrews
(Signed)

Subscribed and sworn to before me this 30 day of July, 19 96.

D. D. H. H.
(Notary Public)
Expiration: 9-2-2002

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

415038

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 7, 19 96

RECEIVED OF Larry Andrews, RR 1, Box 68, Beresford, SD 57004-9735

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 2193-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By

Chief Engineer

John Hatcher



2193-3

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

October 4, 1996

Nos. 605-3

2193-3

2194-3

Larry Andrews
RR 1, Box 68
Beresford, SD 57004

Dear Mr. Andrews:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 605-3, 2193-3 and 2194-3.

Our records now show you as the owner of Water Right Nos. 605-3, 2193-3 and 2194-3.

Sincerely,

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

enclosure



January 22, 1999

2193-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: LARRY D ANDREWS, RR 1 BOX 68, BERESFORD, SD 57004 9735

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaires

Our records indicate that the 1998 Irrigation Questionnaires have not been submitted for Permit Nos. 4684-3 & 5950-3, 605-3, 2193-3 & 2194-3. The request for the Questionnaires was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 605-3, 2193-3 & 2194-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4684-3 & 5950-3 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4684-3 & 5950-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 605-3, 2193-3 & 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office on/or before March 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



2193-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 28, 1999

Larry D Andrews
30077 471st Ave
Beresford, SD 57004

RE: Water Permit/Right Nos. 605-3, 2193-3, 2194-3, 4684-3 & 5950-3

Dear Mr. Andrews:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Permit/Right Nos. 605-3, 2193-3, 2194-3, 4684-3 and 5950-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



2193-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 17, 2003

NOTICE

TO: LARRY D ANDREWS, 30077 471st AVE, BERESFORD, SD 57004 9735

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaires

Our records indicate that the 2002 Irrigation Questionnaires have not been submitted for Permit Nos. 5950-3, 605-3, 2193-3 & 2194-3. The request for the Questionnaires was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 605-3, 2193-3 & 2194-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5950-3 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 5, 2003 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5950-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 605-3, 2193-3 & 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office on/or before **February 28, 2003**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 2003

605-3
2193-3
2194-3
5950-3

Larry D Andrews
30077 471st Ave
Beresford SD 57006 9735

Dear Mr. Andrews:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right Nos. 605-3, 2193-3, 2194-3 and 5950-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Ron Duvall, with our program, spoke with you concerning reissuing a couple of the water rights to incorporate them together since they are for the same land and system. The incorporated water license will be sent to you under separate cover when we have it completed.

If you have any questions, please contact me.

Sincerely,

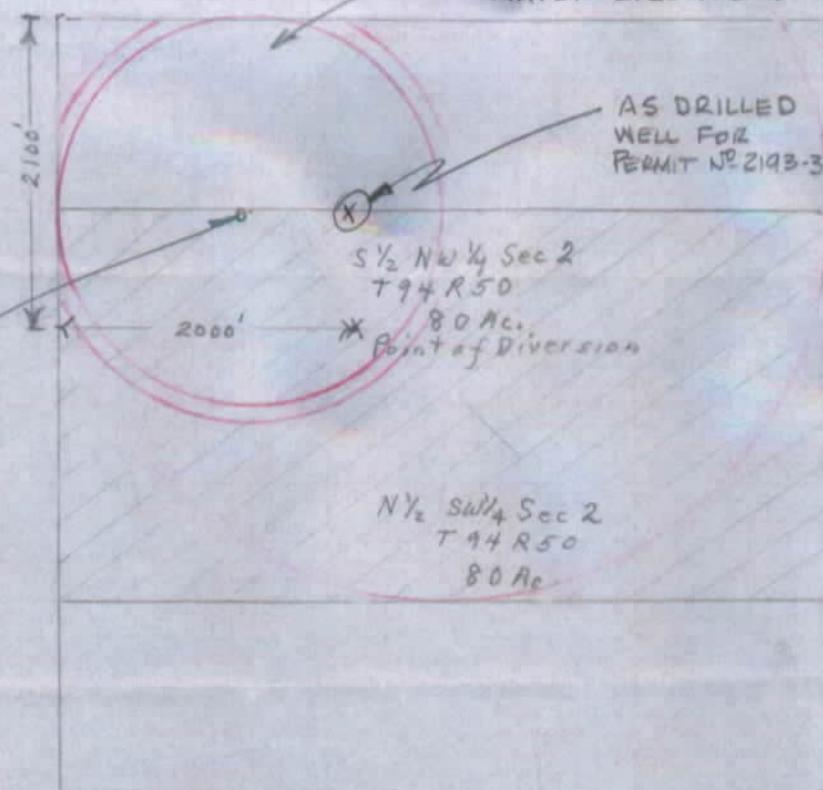
Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

NW Corner of
Sec 2 T94 R50

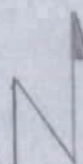
THIS AREA COVERED UNDER
WATER LICENSE N° 605-3

AS DRILLED
WELL FOR
PERMIT N° 2193-3

WELL FOR
PERMIT N° 2194-3



160 Acres to be irrigated



Scale 4" = 1 Mi

James + Henry Muhlenkert
405 2nd St.
Beresford, So. Dak 57004
• Muhlenkert Irrigation Project
S 1/2 NW 1/4 + N 1/2 SW 1/4 Sec 2 T94 R50
160 Acres to be irrigated

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

C. K. Dahlgren 1-7-75
C. K. Dahlgren 1-7-75

C. K. Dahlgren
District Conservationist

~~MAP N° 1394-3~~ APPL N° 2193-3

Water Rights Program -- File Documentation

NAME: Larry D Andrews

ADDRESS: 30077 471st Avenue, Beresford SD 57004

DATE: February 4, 2003 COUNTY: Union TELEPHONE: 605 253-2032

RE: Incorporation of No. 605-3 into Water Right No. 2193-3

COMMENTS:

In response to questions posed on Mr. Andrews 2002 irrigation questionnaires, I contacted Mr. Andrews to discuss what acreage is covered by what wells according to his water rights. Water Right No. 605-3 authorizes irrigation of 140 acres in the NW $\frac{1}{4}$ section 2-94N-49W (correct range is 50W) from one well 50 feet deep (Brule Creek aquifer) near the center of the NW $\frac{1}{4}$ section 2 with a diversion rate of 0.89 cfs. The water license was issued January 4, 1971 and has a priority date of May 2, 1959.

On January 23, 1975, application was made for irrigation of 160 acres in the S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ section 2-94N-50W from one well to be located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ section 2 according to the permit application. The legal publication notice specified the well incorrectly as being located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 2. On January 29, 1980, a water license was issued for No. 2193-3 for irrigation of 136 acres in the NW $\frac{1}{4}$ section 2-94N-50W with a diversion rate of 1.94 cfs from one well 80 feet deep (Brule Creek aquifer) located approximately 720 feet East of the center of the NW $\frac{1}{4}$ section 2. A priority date of January 23, 1975 is assigned to No. 2193-3. Even though the N $\frac{1}{2}$ NW $\frac{1}{4}$ was not included on the application and the published legal is incorrect, the current license is valid pursuant to SDCL 46-5-4.1 This statute provides that:

“Any license issued prior to January 1, 1983, by the chief engineer or the water management board is hereby cured, legalized and validated as fully as if the license had been issued in full compliance with all existing provisions of this title.”

The acreage covered by No. 605-3 and as licensed on No. 2193-3 are identical. According to Jim Goodman, staff engineer, the water source from both wells is likely from the Brule Creek aquifer. According to Mr. Andrews, use of the well authorized by No. 605-3 was abandoned in favor of the newer well authorized by No. 2193-3. The well authorized by No. 605-3 remains in place but is no longer used for irrigation. Another well authorized by Water Right No. 2194-3 is located next to the abandoned well and is used to irrigate the NE $\frac{1}{4}$ in the adjoining section 3.

RECOMMENDED ACTION:

Water Right No. 2193-3 needs to be reissued incorporating the diversion rate and priority date authorized by No. 605-3. To the best of our knowledge, there was no intervening period of time when use of water under No. 605-3 ended and use under No. 2193-3 began resulting in forfeiture of No. 605-3. After reissuance, Water Right No. 2193-3 will authorize irrigation of 136 acres in the NW $\frac{1}{4}$ section 2-94N-50W with a priority date of May 2, 1959 for 0.89 cfs and a priority date of January 23, 1975 for $(1.94 - 0.89 = 1.05)$ cfs from one well 720 feet E of the center of the NW $\frac{1}{4}$ section 2. The well authorized by No. 605-3 should be plugged if no future use is planned from the well.



Ron Duvall, Natural Resources Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 13 2003

2193-3 & 605-3

Larry D Andrews
30077 471st Ave
Beresford SD 57004

Dear Mr. Andrews:

Enclosed is Reissued Water License No. 2193-3. Water License is being reissued to incorporate the diversion rate and priority date authorized by No. 605-3. The applicable portions of No. 605-3 are incorporated into No. 2193-3.

Also, enclosed is a copy of the map and Water License No. 5950-3.

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. 605-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged if no future use is planned from the well.

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.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

REISSUED
STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2193-3

(1) James & Henry Muhlenkort were issued Water License No. 2193-3, January 29, 1980 for a water right to divert 1.94 cubic feet of water per second (cfs) from groundwater (one well), Union County, South Dakota for irrigation purposes. Water License No. 2193-2, with a priority date of January 23, 1975 was issued with construction of the described water supply system and the application to beneficial use of water completed.

On August 7, 1996, Water License No. 2193-3 was transferred to Larry Andrews, 30077 471st Ave, Beresford SD 57004.

Water License No. 605-3, with a priority of May 2, 1959 authorized 0.89 cfs from one well located in the center of the NW ¼ Section 2 to irrigate 140 acres located in the NW ¼ Section 2; all in T94N-R50W (same acreage authorized by No. 2193-3). No. 2193-3 authorized an additional well. The well authorized by No. 605-3 was abandoned for the newer well.

Water License is being reissued to incorporate the diversion rate and priority date authorized by No. 605-3. The applicable portions of No. 605-3 are incorporated into No. 2193-3.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 2193-3 is issued a license to divert 1.94 cfs from groundwater (one well) bearing priority dates of May 2, 1959 (0.89 cfs) and January 23, 1975 (1.05 cfs) to irrigate 136 acres.

The diversion point is located: 720 feet east of the center of the NW ¼ Section 2-T94N-R50W. The acres authorized for irrigation are as follows:

NW ¼ Section 2-T94N-R50W 136 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 2193-3 including the following now applicable qualification:

- The irrigation well approved under this Permit is located near domestic 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.

Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 13 2003

date





2193-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: LARRY D ANDREWS, 30077 471st AVE, BERESFORD, SD 57004 9735

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaires

Our records indicate that the 2002 Irrigation Questionnaires have not been submitted for Permit Nos. 5950-3, 605-3, 2193-3 & 2194-3. The request for the Questionnaires was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 605-3, 2193-3 & 2194-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5950-3 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 5, 2003 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5950-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 605-3, 2193-3 & 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office on/or before February 28, 2003, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 2003

605-3
2193-3
2194-3
5950-3

Larry D Andrews
30077 471st Ave
Beresford SD 57006 9735

Dear Mr. Andrews:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right Nos. 605-3, 2193-3, 2194-3 and 5950-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Ron Duvall, with our program, spoke with you concerning reissuing a couple of the water rights to incorporate them together since they are for the same land and system. The incorporated water license will be sent to you under separate cover when we have it completed.

If you have any questions, please contact me.

Sincerely,

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

Water Rights Program -- File Documentation

NAME: Larry D Andrews

ADDRESS: 30077 471st Avenue, Beresford SD 57004

DATE: February 4, 2003 COUNTY: Union TELEPHONE: 605 253-2032

RE: Incorporation of No. 605-3 into Water Right No. 2193-3

COMMENTS:

In response to questions posed on Mr. Andrews 2002 irrigation questionnaires, I contacted Mr. Andrews to discuss what acreage is covered by what wells according to his water rights. Water Right No. 605-3 authorizes irrigation of 140 acres in the NW¼ section 2-94N-49W (correct range is 50W) from one well 50 feet deep (Brule Creek aquifer) near the center of the NW¼ section 2 with a diversion rate of 0.89 cfs. The water license was issued January 4, 1971 and has a priority date of May 2, 1959.

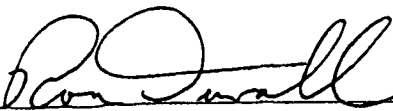
On January 23, 1975, application was made for irrigation of 160 acres in the S½NW¼, N½SW¼ section 2-94N-50W from one well to be located in the SE¼NW¼ section 2 according to the permit application. The legal publication notice specified the well incorrectly as being located in the SE¼SW¼ of section 2. On January 29, 1980, a water license was issued for No. 2193-3 for irrigation of 136 acres in the NW¼ section 2-94N-50W with a diversion rate of 1.94 cfs from one well 80 feet deep (Brule Creek aquifer) located approximately 720 feet East of the center of the NW¼ section 2. A priority date of January 23, 1975 is assigned to No. 2193-3. Even though the N½NW¼ was not included on the application and the published legal is incorrect, the current license is valid pursuant to SDCL 46-5-4.1 This statute provides that:

"Any license issued prior to January 1, 1983, by the chief engineer or the water management board is hereby cured, legalized and validated as fully as if the license had been issued in full compliance with all existing provisions of this title."

The acreage covered by No. 605-3 and as licensed on No. 2193-3 are identical. According to Jim Goodman, staff engineer, the water source from both wells is likely from the Brule Creek aquifer. According to Mr. Andrews, use of the well authorized by No. 605-3 was abandoned in favor of the newer well authorized by No. 2193-3. The well authorized by No. 605-3 is remains in place but is no longer used for irrigation. Another well authorized by Water Right No. 2194-3 is located next to the abandoned well and is used to irrigate the NE¼ in the adjoining section 3.

RECOMMENDED ACTION:

Water Right No. 2193-3 needs to be reissued incorporating the diversion rate and priority date authorized by No. 605-3. To the best of our knowledge, there was no intervening period of time when use of water under No. 605-3 ended and use under No. 2193-3 began resulting in forfeiture of No. 605-3. After reissuance, Water Right No. 2193-3 will authorize irrigation of 136 acres in the NW¼ section 2-94N-50W with a priority date of May 2, 1959 for 0.89 cfs and a priority date of January 23, 1975 for $(1.94 - 0.89 = 1.05)$ cfs from one well 720 feet E of the center of the NW¼ section 2. The well authorized by No. 605-3 should be plugged if no future use is planned from the well.



Ron Duvall, Natural Resources Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 13 2003

2193-3 & 605-3

Larry D Andrews
30077 471st Ave
Beresford SD 57004

Dear Mr. Andrews:

Enclosed is Reissued Water License No. 2193-3. Water License is being reissued to incorporate the diversion rate and priority date authorized by No. 605-3. The applicable portions of No. 605-3 are incorporated into No. 2193-3.

Also, enclosed is a copy of the map and Water License No. 5950-3.

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. 605-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged if no future use is planned from the well.

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.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

REISSUED
STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2193-3

(1) James & Henry Muhlenkort were issued Water License No. 2193-3, January 29, 1980 for a water right to divert 1.94 cubic feet of water per second (cfs) from groundwater (one well), Union County, South Dakota for irrigation purposes. Water License No. 2193-2, with a priority date of January 23, 1975 was issued with construction of the described water supply system and the application to beneficial use of water completed.

On August 7, 1996, Water License No. 2193-3 was transferred to Larry Andrews, 30077 471st Ave, Beresford SD 57004.

Water License No. 605-3, with a priority of May 2, 1959 authorized 0.89 cfs from one well located in the center of the NW ¼ Section 2 to irrigate 140 acres located in the NW ¼ Section 2; all in T94N-R50W (same acreage authorized by No. 2193-3). No. 2193-3 authorized an additional well. The well authorized by No. 605-3 was abandoned for the newer well.

Water License is being reissued to incorporate the diversion rate and priority date authorized by No. 605-3. The applicable portions of No. 605-3 are incorporated into No. 2193-3.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 2193-3 is issued a license to divert 1.94 cfs from groundwater (one well) bearing priority dates of May 2, 1959 (0.89 cfs) and January 23, 1975 (1.05 cfs) to irrigate 136 acres.

The diversion point is located: 720 feet east of the center of the NW ¼ Section 2-T94N-R50W. The acres authorized for irrigation are as follows:

NW ¼ Section 2-T94N-R50W 136 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 2193-3 including the following now applicable qualification:

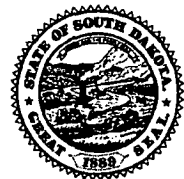
- The irrigation well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells.

Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 13 2003

date





January 26, 2007

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: LARRY D ANDREWS, 30077 471st AVE, BERESFORD, SD 57004 9735

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaires

Our records indicate that the 2006 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2193-3 & 2194-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5950-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5950-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2193-3 & 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 1, 2007**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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



2193-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 2007

2193-3
2194-3
5950-3

Larry D Andrews
30077 471st Ave
Beresford SD 57004-9735

Dear Mr. Andrews:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right Nos. 2193-3, 2194-3 and 5950-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



2193-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: LARRY D ANDREWS, 30077 471st AVE, BERESFORD, SD 57004 9735
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaires

Our records indicate that the 2009 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2193-3 & 2194-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5950-3 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5950-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2193-3 & 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link:
<https://denr.sd.gov/iq.aspx>

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

2193-3

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 9648

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 2:47 PM on January 26, 2010 in
BERESFORD, SD 57004. The item was signed for by L ANDREWS.

Track & Confirm

Enter Label/Receipt Number.

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Detailed Results:

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- Notice Left, January 23, 2010, 10:11 am, BERESFORD, SD 57004
- Out for Delivery or Available at PO Box, January 23, 2010, 8:14 am, BERESFORD, SD 57004
- Sorting Complete, January 23, 2010, 7:44 am, BERESFORD, SD 57004
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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 9648

LARRY D ANDREWS
30077 471st AVE
BERESFORD SD 57004 9735

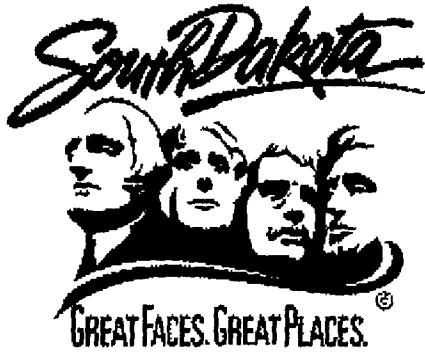
Waiver of Signature ☐ YES ☐ NOPostmark
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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2010

2193-3
2194-3
5950-3

Larry D Andrews
30077 471st Ave
Beresford SD 57004-9735

Dear Mr. Andrews:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 2193-3, 2194-3 and 5950-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

No. 2193-3

July 1, 2016

Larry Andrews
30077 471st Ave
Beresford SD 57004

Dear Mr. Andrews:

The Department of Environment and Natural Resources (DENR) has received information alleging that the irrigation system located in the NW 1/4 Section 2-T94N-R50W had irrigation water from the end gun overspraying on the road (see attached photo). This irrigation system is covered by Water Right No. 2193-3 held by you.

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

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun overspray upon land not authorized by the water right.

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

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

Schlaak, Karen

From: Duvall, Ron
Sent: Friday, July 01, 2016 7:57 AM
To: Gronlund, Eric; Schlaak, Karen
Cc: Smith, Kim (DENR); Goodman, Jeanne
Subject: FW:
Attachments: Center pivot location_000021.pdf; IMG_0049.JPG

Overspray complaint...

NOTE: When replying to this email do NOT click the person's [\[mailto:myname@email.com\]](mailto:myname@email.com) address since this may result in your reply being undeliverable. Either copy and paste just the email address (e.g. myname@email.com) or type just the address into your reply message.

From: Curtis Keiser [<mailto:curtkeiser@gmail.com>]
Sent: Thursday, June 30, 2016 5:46 PM
To: DENR INTERNET INFORMATION
Subject:

I am contacting your department about center pivot end guns creating a dangerous driving situation and road damage on a road we have to use. There are a center pivots on each side that are allowed to spray on the road for several hours each time the pivot goes around. I have attached a picture taken today and a plat map showing location of road being affected. I have just noticed a notice published in local newspaper from DENR saying this not allowable.

Thanks!
Curt Keiser
605-214-7604



2193-3

RECEIVED

MAY - 3 2017

WATER RIGHTS
PROGRAM

April 30, 2017

Eric Gronlund
Water Rights Program, DENR
523 E Capitol Ave
Pierre SD 57501

Dear Eric

I am contacting you regarding center pivot end guns overspray creating a hazard and damage on highly traveled gravel roads.

These are three center pivots in Sections 2 & 3-94-50 in Union County SD.

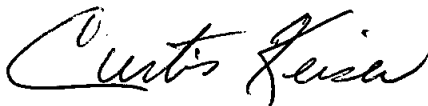
I have attached plat map for you to reference to. Two off these three pivots come directly across from each other and really create a hazard and road damage during irrigation season.

I am aware through notices from your department in local papers this is not allowable and irrigation permits are subject to this.

I am asking your department to investigate this complaint.

Please feel free to contact me regarding this.

Thanks,



Curtis Keiser
30450 474th Ave
Beresford, SD 57004

605-212-3865
curtkeiser@gmail.com

Want a "free" extra book?

By reviewing township Directory maps for correct information before we publish the next issue, FHP will send you a free book of any county in any state printed by FHP for that year.

Contact our updating dept. at

800-685-7432-ext. 2605 or

email: camille.knowles@farmandhomepublishers.com

RECEIVED

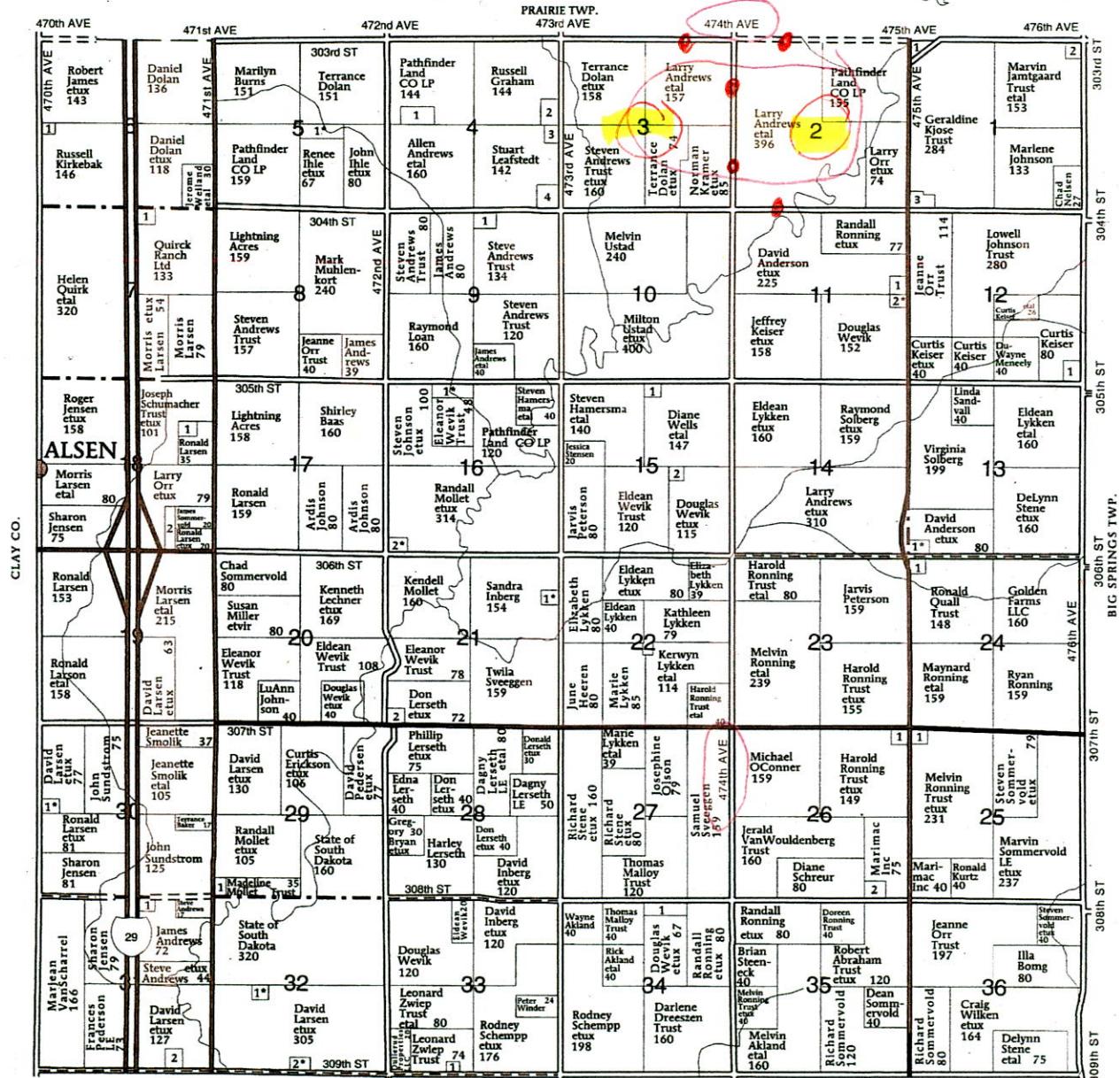
MAY 3 2017

WATER RIGHTS
PROGRAM

T-94-N

EMMET PLAT

R-50-W



EMMET TOWNSHIP

SECTION 1

1. Busch, Todd 7
2. Jackson, Mary 6
3. VanBallegooyen, Harvrad 19

SECTION 4

1. Deen, Gary 15
2. Nelson, Robert 12
3. St Joseph Cemetery 6
4. Schlueter, Ruth 12

SECTION 5

1. Akland, Rick 13

SECTION 6

1. State of South Dakota 6

SECTION 7

1. State of South Dakota 5

SECTION 9

1. Andrews, James 6

SECTION 11

1. Peterson, Jesse 14

SECTION 12

1. Keiser Dairy Inc 13

SECTION 13

1. Pfeiffer, Chris 12

SECTION 15

1. Palmer, Michael 13
2. Rietema, Robert 5

SECTION 16

1. Lagerquist, Jon 12
2. Overmyer, Benjamin 6

SECTION 18

1. Welland, Donald 5
2. Western Contrasting Co 12

SECTION 21

1. Neuman, David 5
2. Roseni Lutheran Church 6

SECTION 24

1. Quall, Mark 10

SECTION 25

1. Bircher, Kenneth 6

SECTION 26

1. Oswald, Leslie 7

SECTION 29

1. Freng, Robert 5
2. Sweeney, James 5

SECTION 30

1. Remund, Allen 7

SECTION 31

1. Wivinis, Jerry 6
2. Beeler, Charles 14

SECTION 32

1. Larsen, Todd 6

SECTION 33

1. Martin, Gloria 6

SECTION 34

1. Maurstad, Douglas 13



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

No. 2193-3
2194-3
5950-3

May 5, 2017

Larry Andrews
30077 471st Ave
Beresford SD 57004

Dear Mr. Andrews:

The Department of Environment and Natural Resources (DENR) received a request to investigate overspray by your irrigation systems located in the NE 1/4 Section 3 and W 1/2 Section 2; all in T94N-R50W. DENR received a similar request last summer and sent you a letter July 1, 2016.

With the start of the irrigation season approaching DENR is again reminding irrigators of their responsibilities as water right holder. Now is the time to take the steps to insure your entire irrigation system is functioning properly. Please include checking the stops which are used to shut off end guns to avoid overspray and subsequent waste of water.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun overspray upon lands, including roadways, not authorized by the water right. If overspray occurs and we receive complaints, it will result in DENR investigating and potential enforcement action.

If you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352



2193-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: LARRY D ANDREWS, 30077 471st AVE, BERESFORD, SD 57004 9735

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2193-3 & 2194-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5950-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5950-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2193-3 & 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: OJSTHX**

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

2193-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 25, 2022

2193-3
2194-3
5950-3

Larry D Andrews
30077 471st Ave
Beresford SD 57004

Dear Mr. Andrews:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 2193-3, 2194-3 and 5950-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

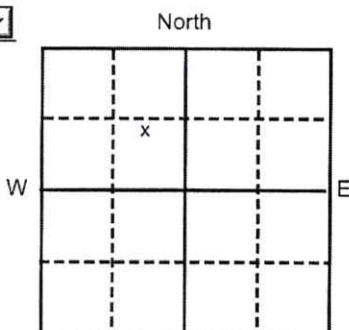
Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

2193-3

SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 NW 1/4 Sec 2 Twp 94N Rg 50WCounty UNIONPlease mark well
location with an "X"

Well Completion Date

6/2/2023

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?

950 ft. from West Brule Creek (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary

CASING DATA:

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>16</u> IN	<u>0</u> FT	<u>50</u> FT	<u>22</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Groutwell DF	<u>19</u>	Lb/gal	<u>0</u> Ft	<u>50</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Tremmie

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16 Inches Length 30 FeetMaterial PVCSlot Size .060 Set From 50 Feet to 80 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION:

Was well disinfected upon completion?

☒ Yes, How? HTH Tablets☐ No, Why Not?Lab to which water
quality sample sent for analysisWell Owner: Larry Andrews

Business Name:

Address: 30077 471 AveCity, State, Zip: Beresford ☒ SD ☒ 57004

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	3
Sand	3	47
Sand - Coarse	47	77
Sand & Clay	77	80

STATIC WATER LEVEL 15 per driller AM 7/7/23 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

Replacement Well for Report 00053730 attached

Latitude: 42.993222

Longitude: -96.719083

Elevation: 1306

This well was drilled under license # 810 and this report is true and accurate.Drilling firm: Heine Electric & Irrigation, Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

RECEIVED

Date: 7-6-23

JUL 06 2023

OFFICE OF
WATER