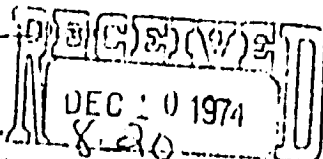


2208-3

1. Considered 3-19, 1975
2. Name of Applicant DUANE A. WILSON
3. Post Office Address FRANKFORT
4. Amount of water claimed 2.28
5. Source of water supply GROUNDWATER
6. Water to be used for IRRIGATION
Acres to be irrigated 1600
7. Water to be diverted and used in SPINK county
about 4E & 2S miles of FRANKFORT
8. Proof of Publication Received 3-17-75
Not received
9. Application Approved
Subject to
Not Approved
Action deferred
10. Remarks:

No. 2208-3Map No. 1607-3 Water Division No. 3 JAMES RIVER
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant Duane A. Wilson
Postoffice address Frankfort, State So Dak
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Duane A Wilson Irrigation Project # 2
4. Amount of water claimed (cubic feet per second) 3002.28 MAXIMUM ALLOWABLE
5. Source of water supply ground water Well
6. Location of point of diversion 74.2 ft west of the NE corner of the NW 1/4 of Sec. 19 T. 116 R. 6E
County Spink
7. Annual period or periods during which water is to be used April through Oct
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>NW 1/4 Sec 19, 116, 6E</u>	<u>160</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use 1 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Redfield Press
12. Principal Features of the Proposed Water Supply System.

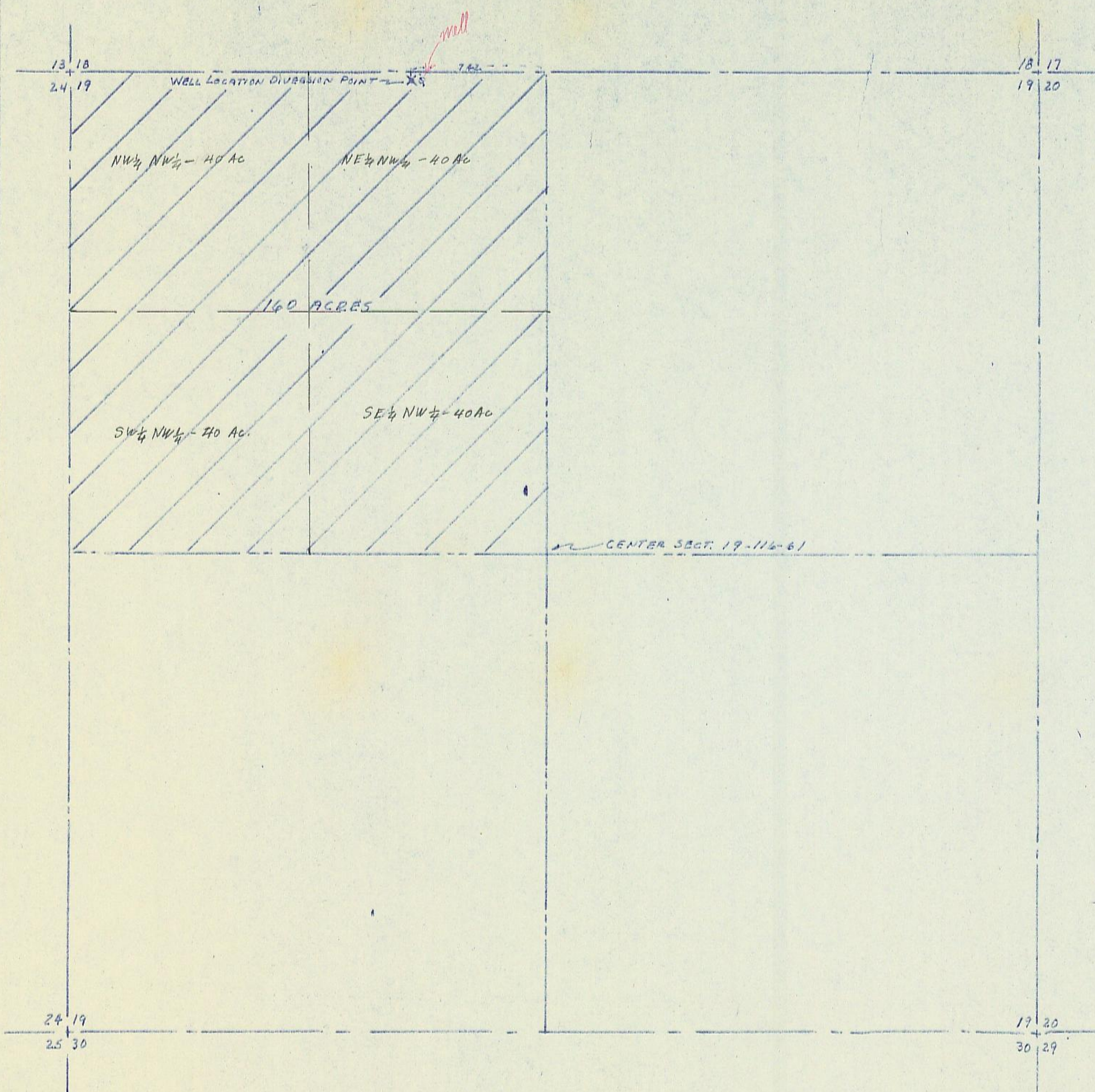
A. Works proposed to divert water from its natural source.

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

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ _____

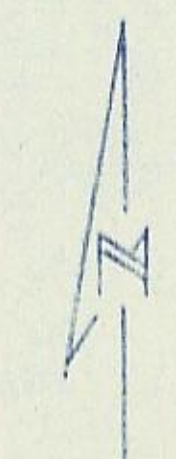
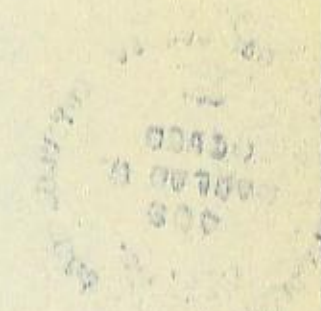
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)STATE OF SOUTH DAKOTA)
) ss.County of Spink)I, Duane A. Wilson, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Duane A. WilsonSubscribed and sworn to before me this 3 day of December 1974Wm. Evelyn Nash
Notary Public (or other qualified officer)



AREA BY LEGAL SUBDIVISION
160 ACRES : N.W. 1/4, SECTION 19, T18N, R61W, S14M.

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

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



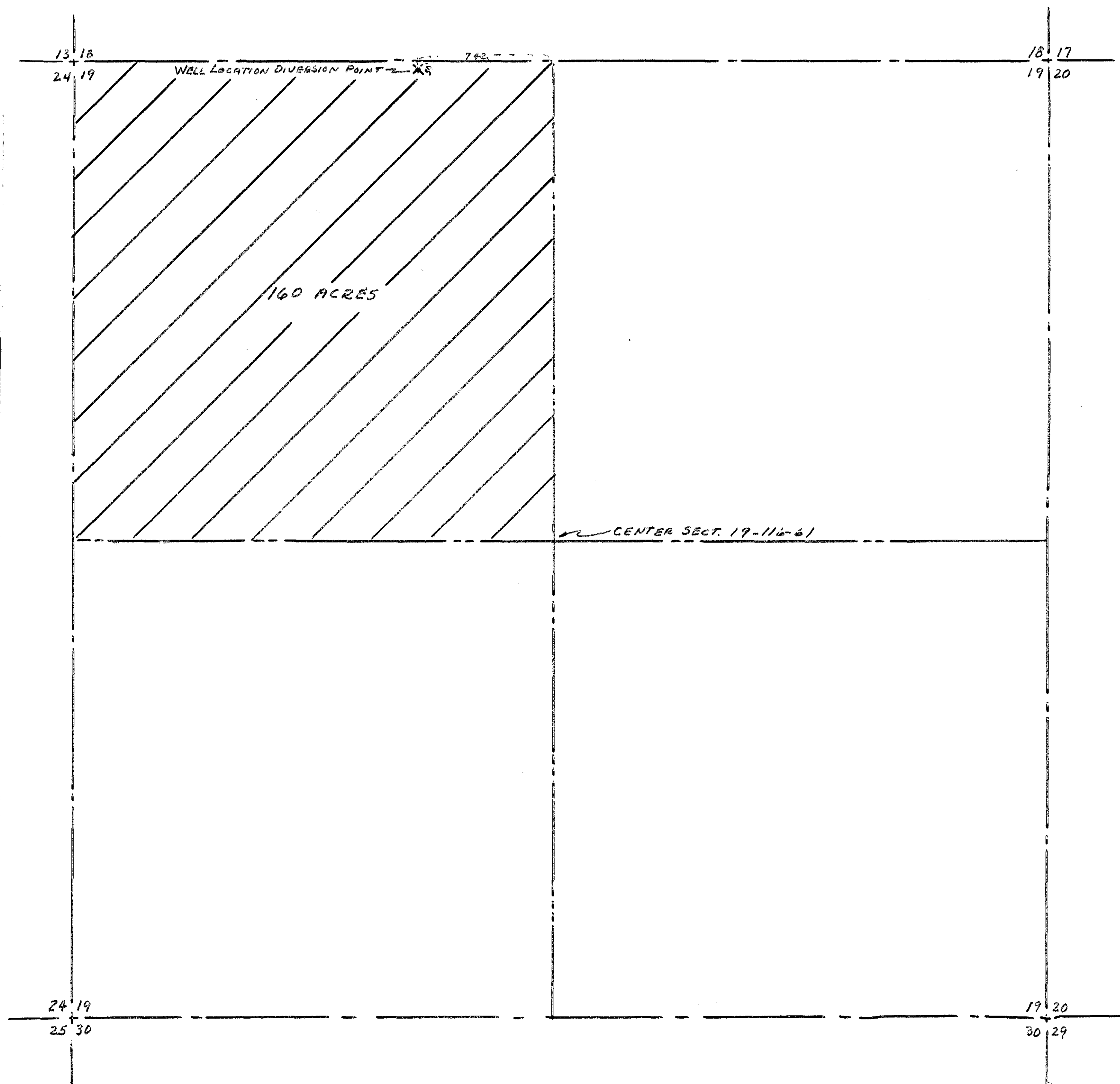
SCALE 1" = 400'

DUANE A. WILSON IRRIGATION PROJECT #2
SHOW AREA TO BE IRRIGATED & WELL DIVERSION POINT,
FOR PERMIT TO APPROPRIATE WATER

OWNER
SURVEYOR

DUANE A. WILSON
WARLAN W. MEYER

DEC. 1974



AREA BY LEGAL SUBDIVISION
160 ACRES : N.W. 14, SECTION 19, T16N, R61W, STH.M.

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

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



SCALE 1" = 400'

DUANE A. WILSON IRRIGATION PROJECT #2
SHOWS AREA TO BE IRRIGATED & WELL DIVERSION POINT,
FOR PERMIT TO APPROPRIATE WATER

OWNER
SURVEYOR

DUANE A. WILSON
HARLAN W. MEYER

DEC 8 1974

MAP #1607-3 (APPL #2208-3)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 2208-3
DWANE A. WILSON FRANKFORT
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57440 With the following modifications:
 (State)

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

Date of first receipt of application DECEMBER 10 19 74
 Date of return to applicant for correction, amendments or changes required — 19 —
 Date of receipt of corrected application FEBRUARY 24 19 75
 Approved MARCH 20 19 75 Recorded in Book 13 Page 227

WATER RIGHT PERMIT NO. 2208-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 2208-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is FEBRUARY 24 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 75
3. The whole of said work is to be completed on or before MARCH 20 19 76
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 20 19 77
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 2.28 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MARCH 20 19 77; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 24TH day of MARCH 19 75

WATER RESOURCES COMMISSION

By: Donald Driscoll
 Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 15 19 77
 Water License Issued SEPTEMBER 15 19 77

NOTICE OF WELL CONSTRUCTION

2208-3

(1) WELL CONSTRUCTION

Location of well: 1/4 1/4 Section Frankfort, SD Township 57 Range 40
 Well owner Duane Wilson (Name)
 Date well drilling completed 1/15/75 Purpose of well Irrigation (domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth - top of water producing aquifer	ft.
0-2	Top Soil	19	ft.
2-35	Sandy Clay	19	ft.
35-60	Sand & Gravel	gravel	
60-	Shale	60	ft.
		60	ft.

Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.
0-400' I.D. fiberglass

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

40-60 16" I.D. fiberglass

If a flowing well, flow of completed well _____ G.P.M.

Empire Irrigation Drilling Co, Inc
 Name of Drilling Contractor

Attach sheet if more space is needed

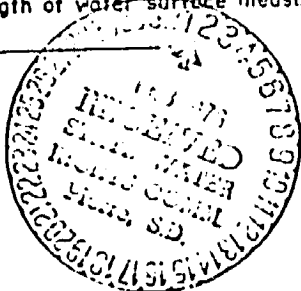
(2) PUMP INSTALLATION

Company name and size of pump Layne Bowler HP 15
 Type of pump turbine Capacity of installed pump 300 G.P.M.
 Depth of pump placement 40 ft., Date of pump installation July 1974

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

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



Empire Irrigation Drilling Co, Inc
 Name of Pump Installation Contractor

22 Feb 73

(1) WELL CONSTRUCTION

WELL CONSTRUCTION
Location of well _____ 1/4 _____ 1/4 SE Section 13 Township 116 Range 61

Well owner Duane Wilson Frankfort, SD
(Name) (Address)

Date well drilling completed 3/19/74 Purpose of well Irrigation
(domestic, irrigation, municipal, industrial, other)

WELL LOG

[illegible]

Attach sheet if more space is needed

Depth to top of water producing aquifer _____ 35 ft.

Depth to static water level _____ 27 ft.

Name of producing aquifer (if known) not known

Total depth of drill hole _____ 60 ft.

Depth to bottom of casing _____ 60 ft.

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

0-40 feet 6" plain plastic casing

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

40-60 feet 6" factory perf. plastic

well screen

If a flowing well, flow of completed well _____ O.P.M.

Empire Irrigation Drilling Co., Inc.
Name of Drilling Contractor

(2) PUMP INSTALLATION

PUMP INSTALLATION
Company name and size of pump 1/4" Layne & Bowler pump HP. 15

Company name and size of pump _____
Type of pump Turbine-3 sta. 6 RH Capacity of installed pump 300 _____ G.P.M.

Depth of pump placement 64 ft., Date of pump installation July 1974

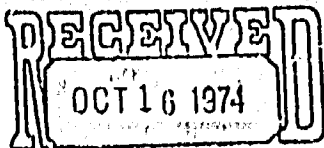
(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.40B of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

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

Empire Irrigation Drilling Co., Inc.
Name of Pump Installation Contractor





STATE WATER RIGHTS COMM.

PIERRE, SOUTH DAKOTA October 4, 1974



Mr. Duane A. Wilson
Frankfort, SD 57440

Dear Mr. Wilson:

A report on the analysis of your water sample submitted September 4 was sent to you about three weeks ago. We now have received the WI-1. It will be forwarded, with a copy of the analysis report and a copy of this letter, to the State Conservation Commission. The approximate quality for irrigation use is plotted by a red encircled cross on the back cover of Extension Circular 654, enclosed.

The water is "very high" in total salinity (all salts contained) and "medium" in the specific sodium hazard. This means that two kinds of problems will arise when it is used for irrigation.

First, general salt accumulation will occur in the root zone unless an underground drain tile system is installed and specific irrigation applications are made to remove salts from the soil. This will require periodic leachings with enough water to completely fill the zone above tile level and about 15% to 20% average above the annual consumptive use of water. The salt accumulation may occur as soon as 4 or 5 years after the start of irrigation, or it may take 8-12 years to be significant.

Second, the sodium content of the water is high enough so that there is a real danger of soil dispersion and loss of tilth, aeration and desirable physical characteristics. In other words, a breakdown of soil structure is apt to occur, with subsequent decrease in infiltration rate, aeration in the root zone, soil workability, etc. We already have farms in South Dakota on which this has occurred, using similar quality water. On some farms it has happened as soon as 4-5 years after starting irrigation, and the irrigation had to be discontinued. One or two cases are in Spink County. With a soil as fine-textured as Aberdeen silty clay loam, which you have, the danger is great indeed.

For the above reasons, I recommend against further steps in development of your irrigation project. I do so reluctantly, but our present state of information and knowledge indicates this is the proper direction.

Sincerely yours,

L. O. Fine
L. O. Fine

Water Quality Lab

LOF:lll
Enclosures

CC: State Conservation Commission
Robert Sampson, Spink County Agent
Darrel Pahl

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

Irrigation System: _____
Water Quality: _____
Soils Capability: _____
Approved: ALLEN J. P. D.
Disapproved: _____

NAME: Duane A. Wilson

ADDRESS: Frankfort So Dak

COUNTY: Spink

LEGAL DESCRIPTION

1. WELL LOCATION: NW 1/4 19-116-61
2. AREA TO BE IRRIGATED: NW 1/4 19-116-61

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): Sprinkler
4. CROPS TO BE IRRIGATED: Alfalfa

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 1%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Albermarle Silt Clay Loam

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 74-721
8. SALINITY: EC = 244 (very high)
9. SODIUM: SAR = 4.69 (medium)

I do hereby certify that a chemical analysis of the ground water to be
acquired for irrigation from South Dakota State University and:

the land capability for irrigation information has been acquired from

Spink County Soil Conservation District

and:

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

Dwaine C. Wilson

Subscribed and sworn before me this

1st day of Oct 1974.

J. R. Smith

Notary

(Title)

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

Submitted by: Duane Wilson
 Address: Frankfort, SD 57440

Date Rec'd: September 4, 1974

Sample No. 74-721

Identification _____

WATER ANALYSIS

Calcium (Ca)	190	ppm*	9.50	me/l**
Magnesium (Mg)	62	ppm	5.08	me/l
Sodium (Na)	291	ppm	12.66	me/l
Potassium (K)	18	ppm	0.46	me/l
Sulfate (SO ₄)	988	ppm	20.54	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	41	ppm	1.15	me/l
Bicarbonate (HCO ₃)	586	ppm	9.60	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)	480	ppm (as CaCO ₃)		
Alkalinity (Penolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	2441	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	4.69			
Sodium	45.70	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.18			
Others:				

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

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

COMMENTS: Total cations 27.70 me/l
 Total anions 31.29 me/l

Please fill in the enclosed questionnaire and return with your payment.

By: Shirley Kitten

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. 74-721

Amount Enclosed \$ _____

Signed _____

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 28", Depth 620 ft.
(2) Casing, Type Fiberglass (wood, concrete, steel, etc) Diameter 16" I.D. Thickness 1/4"
(3) Perforated Screen.
Type new 16" I.D. fiberglass Diameter 16" I.D. Length 20 ft.
(4) Gravel Pack. Thickness 5 1/2", Length of gravel pack to the top.

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 sand, gravel & lignite

Depth to top of water bearing material 23 ft.
Depth to bottom of water bearing material 1.3 ft.
Thickness of water bearing material 24 ft.
Depth to water (ground surface to water level) 23 ft.

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

On same owner's property 240 rds. On property owned by others 340 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.

Duane A. Wilson
Signature of Applicant

WATER LICENSE NO. 2208-3

(1) WHEREAS, On the 10th day of December A. D. 19 74
Duane A. Wilson

made Water Right Application No. 2208-3 for a permit to use 2.28 cubic feet per second of the waters
of ground water
County of Spink, State of South Dakota, for irrigation

purposes; and
(2) WHEREAS, On the 20th day of March A. D. 19 75
Permit No. 2208-3, with a date of priority of December 10, 1974
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 76 and for the
application to beneficial use of said water on or before the 20th day of March A. D. 19 77

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 1.67 cubic feet
per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent,

for irrigating 160 acres in the NW $\frac{1}{4}$, Section 19, T116N, R61W

(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 Duane A. Wilson

Frankfort

the holder _____ and owner _____ of said permit No. 2208-3 a water right, dating from December 10, 1974
to use of 1.67 cubic feet per second of the waters
of ground water

in the County of Spink and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at _____

a point 742W & 50'S of the N $\frac{1}{2}$ corner, Section 19, T116N, R61W

and conduct to and upon 160 acres in the NW $\frac{1}{4}$, Section 19, T116N, R61W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 2208-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 15th day of September A. D.

Nineteen Hundred and seventy-seven

WATER RIGHTS COMMISSION

By:

John Hatch
(Chief Engineer, Executive Officer JOHN HATCH)

Permit No. 2208-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Duane A. Wilson

_____ the holder _____ of
Permit No. 2208-3, issued upon Application No. 2208-3, bearing date of priority of December 10,
1974 authorizing the diversion of 2.28 cu. ft. per second of the waters of _____
ground water County of Spink, State of South Dakota at _____
a point 742W & 50'S of the NW corner, Section 19, T116N, R61W

_____, for irrigation

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.67 cu. ft. per second of water.

Date September 15, 1977

By:

WATER RIGHTS COMMISSION

John Hatch

JOHN HATCH, Chief Engineer

Publish first publication, on or before March 6, 1975

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 20, 1975

Notice is hereby given that Duane A. Wilson

whose post office address is Frankfort, 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 Wilson Irrigation Project #2, the point of diversion of which is to be located in the

NE 1/4 NW 1/4

of Section 19, Twp. 116N, Range 6E. Said water to be used for the purpose of providing irrigation on the following described land:

NW 1/4, Section 19, T116N, R6E

This application No. 2208-3 will be considered by the Water Rights Commission at its office at Pierre upon the 19th day of March, 1975, at 2:00 P. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Duane A. Wilson, Frankfort, S.D. 57440

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 2208-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Spink) ss.

I, Harold D. Jones hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Redfield Press

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

City of Redfield

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

March 6, 1975

March 13, 1975

Harold D. Jones
(Signature)

EDITOR
(Title)

MARCH 13, 1975
(Date Signed)

No. 2208-3 Date March 13, 1975

NOTICE
INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501

February 25, 1975

Notice is hereby given that
Duane A. Wilson whose post
office address is Frankfort, 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 2.25 cubic feet of

water per second of time from
ground water through the Wilson
Irrigation Project No. 2, the point
of diversion of which is to be
located in the NE 1/4 NW 1/4 of
Section 19, Twp. 116N, Range
61W. Said water to be used for the
purpose of providing irrigation on
the following described land:
NW 1/4, Section 19, T116N,
R61W.

This application No. 2208-3 will
be considered by the Water
Rights Commission at its office at
Pierre upon the 19th day of
March, 1975, at 2:30 P. M. All
interested persons may appear
and be heard.

WATER RIGHTS
COMMISSION
By:
BURTON F. JONES
Water Rights
Specialist
(March 6, 13)

22083 DUNE "A. Wilson"

9-29-76 Hott 58° 26 ft

Coast 18° 26 ft

Water 800 ppm

Pump 750 ppm

Water Sand Ratio

Level 16.327, Head 8.11

3 12B H

Yellow Light 21.5 Meters

H.P. 60 ; 1800 RPM

Shuttlecock the water pump

4- 4" Dia. Iron Line = 1324 ft long

Line speed 40 ft/sec Nozzle 1/32

1 1/16. Reel 30

Mining Case 1000' 8" 16 40' 6" Dia

Iron pipe

Permit No. 2208-3Water Division 3 James River Water District

REPORT 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 Duane A. Wilson of Frankfort, S. Dak. 57440 holder of Permit No. 2208-3, bearing date of priority of December 10, 1976 authorizing the diversion of 2.28 cu. ft. per second of the waters of Ground for Irrigation purposes, in SPINK 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: Pump: Western Land Roller Head #8M 3 12B H pumping 750 gpm
Motor: Hollow Shaft, US Motor HP-60, RPM 1800
- B. Works used to transport water to place of use, 1000 ft of 8" dia. and 1640 ft. of 6" dia. aluminum pipe.
- C. Works used to apply water to beneficial use. 4 - 4" dia. Tow Lines, 1320 ft long - Sprinkler spacing 40 ft. Rainbird sprinkler heads. Nozzle sizes $\frac{1}{32}$ + $\frac{3}{16}$

The system is in the following condition: GoodThe point of diversion is located 742 ft West and 50 ft South of the NE corner of the NW $\frac{1}{4}$ of Section 19, T 116N R 61WThe works are capable of diverting and conveying to the place of use 1.67cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in Sec. 19 T116N R61W NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 40 Ac, NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 40 Ac, SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 40 Ac, SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 40 Ac.comprising a total of 160 acres of land.

Well Data:

Depth 58 ft.Depth to Water 26 ft.Casing 18" dia Fiber Glass.Tested 800 gpm.Date Oct 1, 1976
LeRoy J. Mernagh
(Signature)

2208-3



January 29, 1993

NOTICE

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

TO: DUANE A. WILSON
BOX 49
FRANKFORT SD 57440

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

RE: Violation of Water Permit No(s) 1700-3 & 2208-3, 4772-3 and 1992 Irrigation
Questionnaire Requirements

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 1700-3 & 2208-3, 4772-3. 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) 1700-3 & 2208-3 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) 4772-3 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) 4772-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1700-3 & 2208-3 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.



2208-3

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

February 26, 1993

Dan & Duane Wilson
RR #1 Box 49
Frankfort, SD 57440

RE: Water Permit Nos. 1700-3, 2208-3, 4772-3 (Duane Wilson)
Water Permit Nos. 3175-3, 3490-3, 3490-3A & 5280-3
(Dan Wilson)

I am writing to acknowledge receipt of the 1992 irrigation questionnaires for the above listed water permits. You may disregard the January 29, 1993 Notices for Violation of Water Permits and 1992 Irrigation Questionnaire Requirements.

The questionnaires were received prior to the Water Management Board Meeting and your names have been deleted from the agenda.

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

Sincerely,

Genny McMath
Genny McMath
Natural Resources Analyst
Water Rights Division



2208-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 4, 1994

Mrs. Gene Wilson
RR #1 Box 48
Frankfort, SD 57440

Dear Mrs. Wilson:

Enclosed, as we discussed, are copies of the following water rights or permits and the names they are listed in:

Water Right No. 1700-3	Duane A Wilson
Water Right No. 2208-3	Duane A Wilson
Water Right No. 3175-3	Dan R & Gene A Wilson

Water Permit No. 3490-3	Dan R Wilson
Water Permit No. 3490-3A	Dan R Wilson
Water Permit No. 4772-3	Duane A Wilson
Water Permit No. 5280-3	Dan R Wilson

In reviewing the files, I found that Water Permit Nos. 3490-3, 4772-3 and 5280-3 are ready for licensing. The permits were to be incorporated into one water license since they pertain to the same irrigation system. The license fee has already been paid, however the license was not issued due to a discrepancy in the names they were listed under.

In our telephone conversation, you indicated Duane was retired. If this is the case and Dan now owns or manages the land under Water Permit No. 4772-3, the permit could be transferred to Dan. This would allow the water license to be issued.

Please review the enclosed copies and let me know if any name changes should occur. If changes need to be made, whoever now owns the land will need to file a "Notice of Transfer of Ownership". I am enclosing a few forms in the event they are needed.

I appreciate you taking time to review the permits and licenses. If I can answer any questions for you, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division



February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

 JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
NOTICE
TO: DAN WILSON, RR 1 BOX 49, FRANKFORT, SD 57440

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

SUBJECT: Violation of Water Permit No(s) 3490-3, 3490A-3, 4772-3 & 5280-3, 1700-3, 2208-3 & 3175-3 and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 3490-3, 3490A-3, 4772-3 & 5280-3, 1700-3, 2208-3 & 3175-3. The request for the Questionnaires was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 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) 1700-3, 2208-3 & 3175-3 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) 3490-3, 3490A-3, 4772-3 & 5280-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 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) 3490-3 3490A-3, 4772-3 & 5280-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1700-3, 2208-3 & 3175-3 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, 1997, 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 57501-3181

February 19, 1997

Dan Wilson
RR 1 Box 49
Frankfort, SD 57440

RE: Water Permit Nos. 1700-3, 2208-3, 3175-3, 3490-3, 3490A-3, 4772-3 & 5280-3

Dear Mr. Wilson:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, Notice of Violation.

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



January 9, 1998

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: DAN WILSON, RR 1 BOX 49, FRANKFORT, SD 57440

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

Our records indicate that the 1997 Irrigation Questionnaires have not been submitted for Permit Nos. 3490-3, 3490A-3, 4772-3 & 5280-3, 1700-3, 2208-3 & 3175-3. The request for the Questionnaires was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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) 1700-3, 2208-3 & 3175-3 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) 3490-3, 3490A-3, 4772-3 & 5280-3 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, February 25, 1998 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) 3490-3, 3490A-3, 4772-3 & 5280-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1700-3, 2208-3 & 3175-3 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 20, 1998, 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.



2208-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 13, 1998

Dan Wilson
RR 1 Box 49
Frankfort, SD 57440

RE: Water Permit Nos. 1700-3, 2208-3, 3175-3, 3490-3, 3490A-3, 4772-3 & 5280-3

Dear Mr. Wilson:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 1700-3, 2208-3, 3175-3, 3490-3, 3490A-3, 4772-3 & 5280-3.

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

Thank you and if you have any questions, please contact me.

Sincerely,

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



January 22, 1999

2208-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: DAN WILSON, RR 1 BOX 49, FRANKFORT, SD 57440
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. 3490-3, 3490A-3, 4772-3 & 5280-3, 1700-3, 2208-3 & 3175-3. 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) 1700-3, 2208-3 & 3175-3 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) 3490-3, 3490A-3, 4772-3 & 5280-3 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) 3490-3, 3490A-3, 4772-3 & 5280-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1700-3, 2208-3 & 3175-3 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 1999

Dan Wilson
17463 SD Hwy 37
Frankfort, SD 57440-6806

RE: Water Right/Permit Nos. 1700-3, 2208-3, 3175-3, 3490-3, 3490A-3, 4772-3 & 5280-3

Dear Mr. Wilson:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right/Permit Nos. 1700-3, 2208-3, 3175-3, 3490-3, 3490A-3, 4772-3 & 5280-3.

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



January 14, 2004

NOTICE

2208-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: DAN WILSON, 17463 SD HWY 37, FRANKFORT, SD 57440 6806
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 5280-3, 1700-3, 2208-3 & 3175-3. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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) 1700-3, 2208-3 & 3175-3 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) 5280-3 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 3, 2004 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) 5280-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1700-3, 2208-3 & 3175-3 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 27, 2004**, 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.



2208-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2004

1700-3
2208-3
3175-3
5280-3

Dan Wilson
17463 SD Hwy 37
Frankfort SD 57440-6806

Dear Mr. Wilson:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right Nos. 1700-3, 2208-3, 3175-3 and 5280-3.

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



2208-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 3, 2007

1700-3
2208-3

Gene Wilson
17456 SD Hwy 37
Frankfort SD 57440

Dear Mr. Wilson:

I am contacting you in regard to ownership of land described in Water Right Nos. 1700-3 and 2208-3. The 2006 irrigation questionnaires that were recently submitted indicated ownership changes had occurred on the land described in the water rights.

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

It is our understanding that the leasers of the land will be filing the annual irrigation questionnaires next year. The forms will be directed to the following:

Water Right No. 1700-3 (Section 13): Dan Wilson
17463 SD Hwy 37
Frankfort SD 57440

Water Right No. 2208-3 (Section 18): United Feeders
26410 470th Ave
Morris MN 56267

If you have any questions concerning the enclosed forms, please give me a call. Thank you in advance for your help in updating the water rights.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2208-3

Date: _____

I/We request that Water Right No. 2208-3

formerly owned by: Duane A Wilson

be transferred to: (name & address) Gene Wilson, 17456 SD Hwy 37, Frankfort SD 57440

Telephone No. 605 472-1513

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

160 acres - NW ¼ Section 19, T116N, R61W

I/We understand that the validity of Water Right No. 2208-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Gene & Kaylynn Wilson, the new owner, certify that the above information is true and correct.

RECEIVED

FEB 08 2007

WATER RIGHTS
PROGRAM

Gene A. Wilson Kay Wilson
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date Feb 8, 20 07

RECEIVED OF Gene Wilson, 17456 SD Hwy 37, Frankfort SD 57440

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 2208-3</u>	2	50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

02936

By

Garland Ebele

Chief Engineer

KS



2208-3

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 14, 2007

1700-3
2208-3

Gene Wilson
17456 SD Hwy 37
Frankfort SD 57440

Dear Mr. Wilson:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fees you submitted for transferring Water Right Nos. 1700-3 and 2208-3 to your name. The ownership changes have been completed. The water rights formerly held by Duane A Wilson are now listed in your name.

Enclosed are your Receipt Nos. 02935 and 02936 in the amount of \$2.50 each. You may keep these for your records.

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

JUN 21 2010

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2208-3Date: June 17, 2010

I/We request that Water Right/Permit No. 2208-3 formerly owned by:
Gene Wilson be transferred to:

New Owner Name: Riverview, LLP
Address: 26406 470th Ave
City, State, Zip Morris MN 56267 Telephone No. (320) 392-5609

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

NW 1/4, Section 19, T-116-N, R-61-W

☒ I understand that the validity of Water Right/Permit No. 2208-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Riverview, LLP, the new owner, certify that the above information is true and correct.

Brady Jungen, Partner 6-17-10
(signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/21, 2010

RECEIVED OF Riverview LLP 26406 470th Ave Morris MN 56267

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2208-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **04577**

By *Garland Erbe*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 22, 2010

2208-3

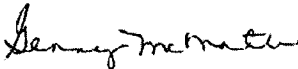
Brady Janzen
Riverview LLP
26406 470th Ave
Morris MN 56267

Dear Mr. Janzen:

Thank you for following up on the ownership change for Water Right No. 2208-3. The transfer has been completed. The water right formerly listed in the name of Gene Wilson is now listed in the name of Riverview LLP.

Enclosed is your Receipt No. 04577 in the amount of \$50.00. If I can answer any questions for you, please contact me.

Sincerely,


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

enclosure

McMath, Genny

From: Brady Janzen <brady.janzen@riverviewllp.com>
Sent: Thursday, July 21, 2011 7:56 AM
To: mikedurre@hotmail.com; Peterson, Mark (DOT); Hicks, Matt;
mcdirector@venturecomm.net; Mohan, Krishna (MDH); Wegleitner, Paul; Myers, Ben;
billkleindl@co.stevens.mn.us; Schwint, George (MPCA); McMath, Genny;
sheri.reuss@state.mn.us; janell.miersch@state.mn.us; Gronlund, Eric; Woodmansey, Kent;
Kindt, Trish
Cc: anthony.ekren@riverviewllp.com; brad.fehr@riverviewllp.com
Subject: Contact Change

Hello,

Just wanted to give everyone notice that Anthony Ekren will be taking over the permitting, zoning, and annual reporting duties here at Riverview. Please direct all future correspondences to him. He can be reached at 320.392.5609 ext 297 (office), 320.287.0978 (cell), or anthony.ekren@riverviewllp.com.

Thanks and have a great day!

Brady Janzen
Riverview, LLP
320.392.5609

McMath, Genny

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Sent: Thursday, July 21, 2011 7:56 AM
To: mikedurre@hotmail.com; Peterson, Mark (DOT); Hicks, Matt;
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Thanks and have a great day!

Brady Janzen
Riverview, LLP
320.392.5609

**SOUTH DAKOTA
WATER PERMIT NO. 2208A-3**

Date of first receipt of application March 15, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2208A-3 to Riverview, LLP, 26406 470th Ave, Morris MN 56267 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2208A-3 amends Water Right No. 2208-3. Water Right No. 2208-3 appropriates 1.67 cubic feet of water per second from one well completed into the Tulare:East James Aquifer located in NE1/4 NW1/4 Section 19 to irrigate 160 acres located in the NW1/4 Section 19; all in T116N-R61W. This permit authorizes moving the irrigation project approximately 6 miles to the northeast with the well to be located in the NW1/4 SE1/4 Section 33 to irrigate 132 acres located in the S1/2 NW1/4, N1/2 SW1/4 Section 34; all in T117N-R61W. The water source for this irrigation system is the Tulare:East James Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is December 10, 1974.
4. The date of approval of Permit No. 2208A-3 is June 1, 2010.
5. One-fifth of the construction is to be completed on or before December 1, 2012.
6. All construction is to be completed on or before June 1, 2015.
7. Water is to be put to beneficial use on or before June 1, 2019.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 2208A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUN 21 2010

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAY 22 2019

Anthony Ekren
Riverview LLP
26406 470th Ave
Morris MN 56267

RE: Water Permit/Right Nos. 2208-3, 2208A-3, 3175-3 and 3175A-3

Dear Mr. Ekren:

Enclosed is Water License No. 2208A-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: Upon licensing, the applicable portions of Water Right Nos. 2208-3, 3175-3 and Water Permit No. 3175A-3 were incorporated into Water License No. 2208A-3.

SD DANR, WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Carson Tevelde

ADDRESS: 47853 236th St, Egan SD 57024

DATE: June 10, 2021

TELEPHONE: 559-805-3249

RE: Complaint concerning irrigation of property not covered by a water right

COMMENTS:

Dan Wilson (ph. 605-460-1172) called indicating that the NW1/4 section 19-116N-R61W was being irrigated and the property was no longer covered by a water right.

After reviewing the file, it was found that the property was covered for irrigation from a well in the NE1/4 NW1/4 section 19 completed into the Tulare East James aquifer. The permit authorizing the irrigation was No. 2208-3. An application was filed to transfer the location of the irrigated acreage approximately six miles to the northeast. Application No. 2208A-3 was approved so the NW1/4 section 19 is currently NOT covered for irrigation from the Tulare East James aquifer.

I contacted Dairy Wise Builders (in process of transferring the feedlot to themselves – currently in name of Riverview LLP) and spoke to Carson Tevelde. I informed Mr. Tevelde I had been told that the NW1/4 was being irrigated from the aquifer and not the lagoons. We discussed the transfer of the water right from the NW1/4 and he was aware of that. Mr. Tevelde contacted Eric (the manager) who is learning about operation of the other irrigation water rights (No. 1073-3 and 1072-3) and how the systems are interconnected with the lagoons for disposal of wastewater.

After contacting the manager, Mr. Tevelde confirmed that while experimenting with switching valves water had been diverted from the well in the NE1/4 section 19 to the NW1/4 section 19. The well located in the NE1/4 NW1/4 section 19 which was used under No. 2208-3 is no longer connected to the delivery system. I informed Mr. Tevelde water could not be used under Water Right No. 1073-3 to irrigate the NW1/4 of section 19. Mr. Tevelde indicated that the valve has been closed and the well will not be used to irrigate the NW1/4 which has grass on it. He understood that the only water that could be placed on the NW1/4 would be wastewater from the lagoon system.

I contacted Mr. Wilson and advised him of what I found out and he thanked me. Mr. Wilson also mentioned that the artesian wells used to supply the feedlot had caused his well to stop flowing and he was not pleased about that. Water Permit No. 6724-3 authorizes use of three Dakota aquifer wells to supply the feedlot.

RECOMMENDED ACTION:

Recommending no action provided no further water gets applied from the Tulare East James aquifer on the NW1/4 section 19-T116N-R61W. The initial application may have been inadvertent while learning how the manifold system operates but any future applications may be subject to pursuing board or civil action.



Ron Duvall
Water Rights Permitting Administrator
SD DANR, Water Rights Program