

07000003

Water Right No. 2245-3A

1. Considered _____ 19 ____
2. Name of Applicant Atino Brothers
3. Post Office Address Clear Lake, ID.
4. Amount of Water Claimed 2.2 (no add'l)
5. Source of Water Supply 105' well - 1 Existing 57' well
6. Water to be used for Irrigation
7. Acres to be irrigated No add'l (156) maximum acre feet _____
8. Water to be diverted and used in Nevel County about SE, 1 mile NORTH of Clear Lake
9. PROOF OF PUBLICATION Received 12/3-27-81
Not Received _____
- APPLICATION Approved _____
Subject to _____
Not Approved _____
Action deferred _____

W-1
2245-3
1981

Priority _____ Date Received May 1, 1979 Application Complete yes _____ no 1 FEE 150.00

Remarks add well on Permit # 2245-3. well in different aquifer needs WQ

Date information and/or fee or corrected Application received _____
Period of Annual use May 15 - Oct 1st

WATER QUALITY

Received yes 3/5/81 no _____ APPROVED/CONDITIONAL (Circle one)

W-1 Description same as application yes _____ no _____ Remarks _____

Disapproved _____

Returned _____

Diversion Point Both
Wells in the approximate center of NE 1/4 Section 18-T115N-R48W

Lands to be irrigated NE 1/4 Section 18-T115N-R48W

WELL LOG

Remarks _____

Driller Emery Dr. Co. Licensed (yes) _____ no _____

Depth 105' (new) 57' existing 10' from top of hole

Water Right No. _____

MAP

Map No. 16383 Map located in Water Right ✓ Map file _____

Type of Map Arroyo Prepared by Wicksman

+++++

REVIEWED

This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 3/25/81.

[Signature]
(Signed)

+++++

PROTESTS

Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS

F.F. & C

OF LAW,

FINAL

DECISIONS

ETC.

Date Final Decision, including F.F. & C of Law were adopted _____

Date Final Decision mailed to parties and/or parties notified that Final Decision

was adopted _____

Remarks _____

Map No. 1638-3 Water Division No. 3 MINNESOTA RIVER District 07020003
 (Blanks to be Filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

- Name of Applicant Atyeo Brothers
 Postoffice address Clear Lake, State South Dakota 57226
 If a corporation show date and place of incorporation _____
- Method of accomplishing work (contract, employment of others, or by direct labor) completed
- Name of diversion work Atyeo Brothers System No. 1
- Amount of water claimed (cubic feet per second) 2.2
two wells
- Source of water supply _____
- Location of point of diversion Well #1: 1340 feet s and 1320 feet w of the NE Sec. 18-T115N-R48W. Well #2: 1300 feet w and 1330 feet s of the NE corner of Sec 18, T115N, R48W. County Deuel
May 15 to October 1
- Annual period or periods during which water is to be used irrigation
- Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) 156
- For irrigation use, _____
 Total number of acres to be irrigated _____
 List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NW 1/4 NE 1/4 18-T115N-R48W	39		
NE 1/4 NE 1/4 18-T115N-R48W	38		
SE 1/4 NE 1/4 18-T115N-R48W	39		
SW 1/4 NE 1/4 18-T115N-R48W	40		

Attach sheet if more space is needed

- Time required to complete construction of water supply system completed years. Additional time required to complete application of water to the proposed beneficial use _____ years.
- Choice of newspaper for Notice of Intent to Appropriate Water publication Clear Lake Courier
- Principal Features of the Proposed Water Supply System.

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

two pumps and two motors

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

pipe to center pivot

C. Works proposed to apply water to beneficial use.

center pivot

NOTE: This application is for an additional well for Permit No. 2245-3. All pertinent information of Permit No. 2245-3 is included in this application.

Estimated Total Cost \$ 2200

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 Deuel

I, Atyeo Brothers, 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 Atyeo Brothers by Robert S. Clayton

Subscribed and sworn to before me this 30th day of April, 1979

James E. Law
 Notary Public (or other qualified officer)

JAMES E. LAW
 Notary Public, South Dakota
 My Comm. exp. Sept 28, 1984

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2245-3A
ATYEO BROS. CLEAR LAKE
 (Applicant) (Post Office Address)

SOUTH DAKOTA 57226 With the following modifications.
 (State)

LANDS COVERED UNDER THIS PERMIT ARE ALSO COVERED UNDER PERMIT N° 2245-3. COMBINATIONS OF DIVERSION UNDER THE TWO PERMITS SHALL NOT EXCEED THE STATUTORY LIMIT OF CFS FOR EACH 70 ACRES.

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 adequate domestic wells or in irrigation wells having prior water rights.

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application MAY 1 1979
 Date of return to applicant for correction, amendments or changes required MAY 1 1979
 Date of receipt of corrected application MARCH 5 1981
 Approved MARCH 25 1981, Recorded in Book 22 Page 62

WATER RIGHT PERMIT NO. 2245-3A

The Water Rights Commission hereby grants and issues this Water Right Permit N° 2245-3A 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 MARCH 5 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before COMPLETED 19
3. The whole of said work is to be completed on or before COMPLETED 19
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED 19
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 2.2 ~~10 ADDITIONAL~~ 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 2 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 THIS DATE 19 ; said water to be used during the following described annual period: MAY 15 - OCTOBER 1

Witness my hand this 17TH day of APRIL 1981

WATER RIGHTS COMMISSION

By John Walsh
 Chief Engineer, Executive Officer

Certificate of Construction Issued 19
 Water License Issued 19

APR 1976
RECEIVED
STATE WATER
RIGHTS COMM.
Pleito, S.D.

WELL CONSTRUCTION

Location of well: _____ 1/4 _____ 1/4 _____ NE _____ Section _____ 18 _____ Township _____ 119 _____ Range _____ 10 _____

Well owner _____ (Name) _____ (Address) _____

Date well drilling completed _____ 1/26/1916 _____ Purpose of well _____ (domestic, irrigation, municipal, industrial, other) _____

Layers, top to bottom in feet	Description of layer
0-2	100' fill
2-5.6	sand & gravel
5.6-9.2	Gravel 19" fill
9.2-10.5	Gravel
10.5-	Gravel fill

Depth to top of water producing aquifer 5170 ft.
Depth to static water level _____ ft.
Name of producing aquifer (if known) Gravelly Sand
Total depth of drill hole 5105 ft.
Depth to bottom of casing 1005 ft.

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

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

If a flowing well, flow of completed well _____ O.P. 11

Attach sheet if more space is needed

Emmett C. (Capt.) Drilling Co., Inc.
Name of Drilling Contractor

PUMP INSTALLATION
 Company name and size of pump not done by Engineer HP _____
 Type of pump _____ Capacity of installed pump _____ G.P.M. _____
 Depth of pump placement _____ ft., Date of pump installation _____

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 _____.

Name of Pump Installation Contractor

NOTICE OF WELL CONSTRUCTION

2245-3

(1) WELL CONSTRUCTION

Location of well: 1/4 1/4 NE Section 18 Township 115N Range 48W
 Well owner: Atty & Brothers Clear Lake 57266
 Date well drilling completed: 4-28-75 Purpose of well: Irrigation
 (domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer
0-2	top soil
2-8	sandy clay
8-15	clay
15-25	sandy clay
25-54	sandy gravel
54-57	clay

Attach sheet if more space is needed

Depth to top of water producing aquifer: 25 ft.
 Depth to static water level: 23' 4" ft.
 Name of producing aquifer (if known): gravel
 Total depth of drill hole: 57 ft.
 Depth to bottom of casing: 57 ft.

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

D-56 16" Fiberglass

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

56-57 Fiberglass bottom

If a flowing well, flow of completed well: 6.50 G.P.M.

Empire Irrigation Drilling Co. Inc.
 Name of drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump: Fairbanks Morse HP: 7.5
 Type of pump: turbine Capacity of installed pump: 700 G.P.M.
 Depth of pump placement: 40 ft., Date of pump installation: 6-21-75

(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

SOIL/WATER COMPATIBILITY APPLICATION FORM

Charles Ayres STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Ayres Brothers OWNERS ADDRESS: _____
COUNTY LAND LOCATED IN: Lincoln PHONE: 824-7498
TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

(Permit No 2245-3)

In accordance with State Law SDCL 46-5-6.5, if a water right is granted with a conditional permit (Soil/Water Compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.
This action must be taken by the holder of a water right within 6 months of receipt of such water right.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres.)

1. WELL LOCATION OR DIVERSION POINT: Center of NE 1/4 Sec 18 T15N R48E
2. SURFACE WATER SOURCE: _____
3. LOCATION OF AREA TO BE IRRIGATED: N 1/2 Sec 18 T15N R48E
4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.)
- TYPE OF IRRIGATION: (Show approximate acres under each type of system)
5. GRAVITY _____ TOWLINE _____ CENTER PIVOT 120 GUN _____ OTHER (Specify) _____
6. CROPS TO BE IRRIGATED: corn + alfalfa
7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAP OBTAINED: 1975
LAND: _____
IN WHAT NAME: Ayres Brothers

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

8. SAMPLE NUMBER: 79-676
9. SALINITY (EC X 10⁶): 1073
10. SODIUM (SAR): 0.30 ADJUSTED (SAR): 0.80

RECEIVED

FEB 25 1981

South Dakota

Division of Conservation

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at 11 A.M./P.M., on 2/18/81, 1981, at the following location: N 1/2 Sec 18 T15N R48E, by Charles Ayres (Individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I also hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from _____ Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS
DAY OF February, 1981.

Dale W. Vaitala
(NOTARY PUBLIC)

Charles Ayres
APPLICANT'S SIGNATURE
Jack M. Lohr
Director, Division of Conservation

APPROVED

DISAPPROVED

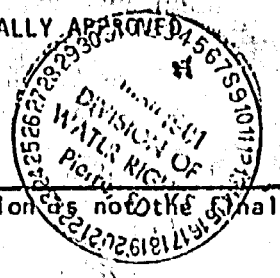
☒ CONDITIONALLY APPROVED

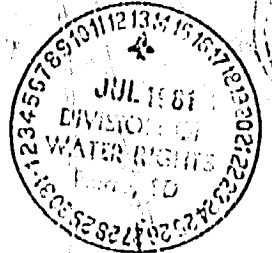
DALE W. VAITALA
Notary Public, South Dakota
My Commission Expires April 25, 1982

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application.

In all cases a WATER RIGHT must be gained from the State Water Right Commission.



NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USEPost Office Clare, SD 57226Date 7-9-81TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent. It is going to be used, not exceeding the amounts as specified in Water Right No. 2245-3A.

Water Right Permit No. 2245-3A states that the diversion system is to be constructed by Completed -, and that the water is put to beneficial use by Completed -.

The diversion system was completed on Jul 1975 / Nov 76 Applying the water to beneficial use was completed on Jul 75 & Aug 76.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Robert S. Clayton
(Signature)
Robert S. Clayton

205-874-2496

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6907

PIERRE, May 1, 1979

RECEIVED OF Atyeo Brothers, Clear Lake SD 57226

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

Fee for Application for Permit to appropriate Water No. 2245-3A (examination, processing, recording and filing)	150	00
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	150	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH k.j.w

Publish first publication, on or before March 12, 1981NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 6, 1981

Notice is hereby given that Atyeo Brothers whose post office address is Clear Lake, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use no add'l cubic feet of water per second of time from groundwater (two wells-one existing) through the Atyeo Bros. System No.1, to add an additional point of diversion on an existing permit of which both wells are to be located in the approximate center of the NE $\frac{1}{4}$

of Section 18, Twp. 115N, Range 43W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE $\frac{1}{4}$, Section 18, T115N, R43W

This Application No. 2245-3A will be considered by the Water Management Board at the Holiday Inn, Sandy Shore Room Watertown, SD upon the 25th day of March, 1981

at 1:00 P.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Atyeo Brothers
Clear Lake, SD 57226

BETTY WESTLUND
Water Rights Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Deuel) ss.

NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501
March 6, 1981

I, Gary DeJong hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Clear Lake 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 Clear Lake of Deuel

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

March 18, 1981

March 19, 1981

Gary DeJong
(Signature)

Publisher
(Title)

March 18, 1981
(Date Signed)

Notice is hereby given that Atycos Brothers whose post office address is Clear Lake, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-1 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-6; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rule ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use no add'l cubic feet of water per second of time from groundwater (two wells- one existing) through the Atycos Bros. System No. 1, to add an additional point of diversion on an existing permit of which both wells are to be located in the approximate center of the NE 1/4 of Section 18, Twp. 115N, Range 48W. Said water to be used for the purpose of providing irrigation on portions of the following described land: NE 1/4, Section 17, T115N, R48W

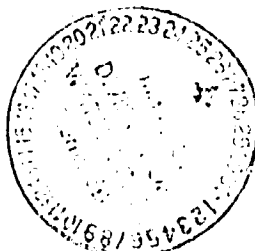
This Application No. 2245-3A will be considered by the Water Management Board at the Holiday Inn Sandy Shore Room, Watertown, S.D., upon the 25th day of March, 1981 at 1 p.m. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWRN, Joe Foss Building, Pierre, S.D. prior to the hearing date for assistance to assure access to the hearing.

Water Management Board
BETTY WESTLUND
Water Rights Specialist

Mar. 12 & 19



March 25, 1951

709 North St. West

Clear Lake, S.L. 51226

2245-3A Atlys Bros.

I think Atlys use of the water should be closed down if it affects local wells.
I own land on section 19, directly south of section 18
in which Atlys Bros. intend to irrigate.

I am concerned that the existing wells may go dry
when so much water is used for irrigation.

It is almost impossible to raise livestock with
no water on the farm. I feel that it is cheaper to
get water from a well than to buy "Rural Water".

The "Rural Water System", has a well or wells
in section 18, which may be affected also.

The water from the well on my farm seemed to
be filled up (not clear) when three neighbors
on adjoining farms were all irrigating. I
have not measured the water level in my well
because my husband is dead and I have no one to
help me.

Gordon Gunderson, Attorney at Law, told me the
wells in the Estelina and Bruce area did go dry
and irrigation had to be closed down.

I feel the value of land will drop in my area
if the wells go dry. Who will pay for the new
wells? I know they will have to be much deeper.

When the well on my father's farm went dry in 1932
he had to go to a depth of over 500 feet to
obtain water. This was 6 miles N.W. of Clear Lake.

I believe in conserving our natural resources, and
read articles to the effect the underground water supply
may give out.

Marjorie B. Paulson

September 5, 1980

Robert Atyeo
Atyco Bros.
Clear Lake SD 57326

Dear Sir:

The Soil/Water Compatibility permit approval on your application for the additional well on your Permit No. 2245-3, still has not been received from the State Conservation Commission.

Since this additional well located in the approximate center of the ME4, Section 18, T115N, R48W is in a different formation than the one approved on your Permit No. 2245-3, it will be necessary to have soil/water compatibility approval from the State Conservation Commission.

If you use the well during the next irrigation season without the proper permit you will be in violation of South Dakota Water Laws.

If you have any questions please contact this office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:BW:lw

cc: Lynn Sudtelgte
State Conservation Commission

May 1, 1979

Atyeo Brothers
Clear Lake SD 57226

Dear Sirs:

We have received your application for an additional diversion on your permit No. 2245-3. Since this well is in a different formation than the one approved on your permit, it will be necessary to have the water quality approval from the State Conservation Commission before we can process this application.

A water sample from the new well should be sent into the water quality lab at Brookings with the WI-1 form from the State Conservation Commission. Your County Agent can help you with this or the WI-1 form can be obtained from the State Conservation Commission, Anderson bldg., Pierre SD 57501.

Upon receipt of the water quality approval, further processing of your application will proceed. If you have any questions feel free to contact this office.

Sincerely,

Betty Westlund
Water Rights Specialist I

BV:k'w

October 22, 1979

Robert S. Atyeo
Atyco Bros.
Clear Lake SD 57226

Dear Mr. Atyeo:

As of this date we have not received the water/soil compatability approval from the State Conservation Commission on your application for the additional diversion on your permit No. 2245-3, located in NE $\frac{1}{4}$, Section 18, T115N, R48W.

If you plan on using this additional well, next year, for irrigation a permit will be required.

Sincerely,

BETTY WESTLUND
Water Rights Specialist

BW:kw

cc: John Wiersma

bcc: Soil Conservation Comm.

January 8, 1979

Atyeo Brothers
Attn: Charles Atyeo
Clear Lake SD 57226

Dear Mr. Atyeo:

On June 15, 1978 I inspected your Irrigation Permit No. 2245-3. I found that you have two wells whereas your permit is for one well. The South Dakota Water Laws state that each point of diversion needs to be covered by a Water Permit. Therefore, it will be necessary for you to submit an application for the second well.

Enclosed is a completed form 2, "Application for Permit" that we have filled out for you. Please check it out, make any corrections necessary, sign, notarize and return it to this office with a check for \$150.00 to cover the cost of filing the application. The map enclosed is for you to make any necessary corrections for well locations.

When the application is approved your permit No. 2245-3 will be cancelled and all pertinent information will be on the new permit. The two wells then will retain the priority date of April 8, 1975.

If you have any questions regarding this matter please feel free to contact this office.

Sincerely,

LeRoy J. Hernaugh
Water Resources Engineer

LJH:kjw

enclosures

April 5, 1979

Atyeo Brothers
Clear Lake SD 57226

ATTN: Charles Atyeo

Dear Mr. Atyeo:

In following up on our telephone conversation of April 5, 1979 I discussed the matter with Burton Jones of this office. He remembered the phone conversation with you. At the time he was under the impression the second well would be in the same aquifer as the first.

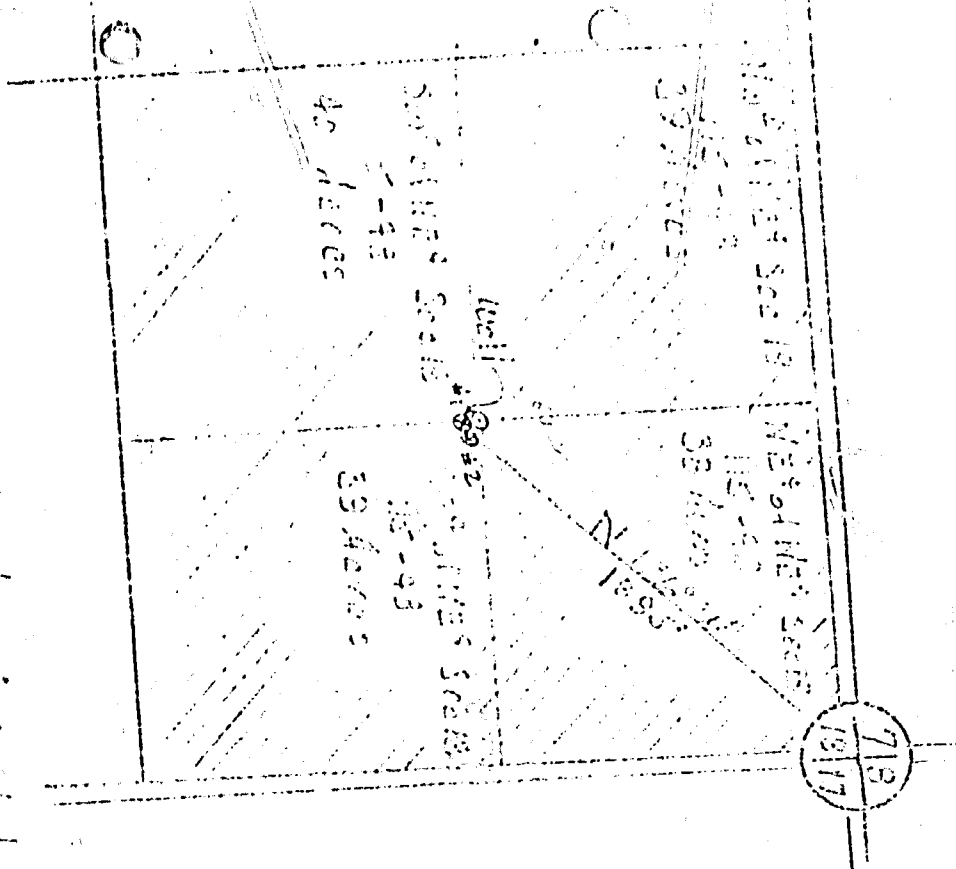
I checked over the well logs and they indicated the second well is in a lower aquifer whereas your Permit No. 2245-3 calls for one well in the upper aquifer. In discussing your permit with Mr. Jones, this constitutes a new diversion point therefore it will be necessary for you to make application for this new diversion point. This is necessary to comply with the South Dakota water statutes and Water Commission Rules.

Sincerely,

LeRoy J. Mernaugh
Water Resource Engineer II

LJM:kjw

Section 18 - 115 - 45
 NE corner of Section 18 - 115 - 45



Case match indicates irrigated area
 3 mile - 8 1/2 mile

Water claim in - 2245
 Acres irrigated - 156

ATYEO BROTHERS

ATYEO BROTHERS SYSTEM # 1

Clear Lake
 By Charles Atyco
 Devel County

Surveyor's Certificate
 I, John L. White, do hereby certify
 that the map represents a true
 accurate record of the land.

Charles Atyco
 Clear Lake 3rd class
 Devel County

John L. White
 Surveyor
 1891-1916-34 APRIL 22-45-3A



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501
March 22, 1983

Water Rights Division
605 773-3352

2245-3A
Atyeo Bros
Clear Lake SD 57226

Dear Sir:

Water Permit No. 2245-3A was approved with the qualification that the irrigation questionnaire be submitted each year. To date we have not received the 1982 questionnaire from you.

Please complete the enclosed questionnaire and return to this office. Failure to return the questionnaire is in violation of the conditions under which the permit was approved.

Please advise, if you have any questions.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks
enclosure

Dakota Department of Water & Natural Resources

Joe Foss Building
1123 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

August 1, 1983

NOTICE

2245-3A

Atyeo Bros
Clear Lake SD 57226

Dear Sir:

July 19, 1983, the Water Management Board passed a motion directing that those persons with water permits that have the qualification:

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

be notified of this requirement.

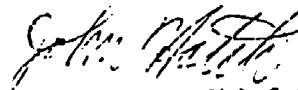
Our records do not show we have received the 1982 Irrigation Questionnaire for Permit No. 2245-3A. The questionnaire was requested on the following dates:

1. September 1982 initial request
2. December 1982 followup request
3. March 22, 1983 Notice that submittal of questionnaire is a qualification to water permit

The Board has directed that owners of permits not in compliance with the Irrigation Questionnaire qualification be given until August 30, 1983 to submit the 1982 questionnaire. Any person not submitting the Questionnaire is to be noticed for hearing before the Board to consider disciplinary action including suspension of the permit.

Another questionnaire is enclosed. Please advise if there are any questions or if you believe our records are not correct.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

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

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

Water Rights Division
605 773-3352

March 7, 1984

NOTICE

Dear Sir:

The Water Management Board has directed that all owners of Water Permits, not in compliance with the Permit qualification:

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

be notified of this requirement.

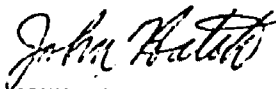
Our records show we have not received the 1983 Irrigation Questionnaire for your Permit. The Questionnaire was requested:

- 1) November, 1983 initial request
- 2) December, 1983 followup request

Owners of water permits not in compliance with the Irrigation Questionnaire qualification are being given until April 2, 1984 to submit the 1983 questionnaire. The Board will consider disciplinary action including possible suspension of the permit on April 25, 1984 at 10:30 am in Room 216, Joe Foss Building, 523 E Capitol, Pierre, SD for all permits without questionnaires returned by April 2.

Another questionnaire is enclosed. Please advise if there are any questions or if you believe our records are not correct.

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

Water Rights Division
605 773-3352

March 22, 1984

2245-3
2245-3A
2991-3

Atyeo Brothers
Clear Lake,
South Dakota 57226

Dear Sirs:

This letter will acknowledge receipt of and thank you for the return of your 1983 Irrigation Questionnaires. A notice was sent to you March 7, 1984 regarding the Irrigation Questionnaire submittal violation of Permit No. 2245-3A and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation. Notice was also sent to you concerning possible Board action to amend Water Permit Nos. 2245-3 and 2991-3 if the questionnaires were not received. Our records now show that you have returned the 1983 Irrigation Questionnaires and are no longer in violation.

Please disregard the notices sent to you dated March 7, 1984. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:GM:ks

NOTICE OF TRANSFER OF OWNERSHIP

No. 2245-3A

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: 7-20-90

I/We request that Water Permit/Right No. 2245-A

formerly owned by: Atyeo Brothers

be transferred to: (name & address) Chuck Atyeo

R.2 Box 5 (near lake), S.D. 57226 (telephone No.) 974-2204

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

NE 1/4 Section 18, T115N, R48W

I/We understand that the validity of Water Permit/Right No. 2245-3A has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 6-2-13.

STATE OF SOUTH DAKOTA

County of Deuel

I/We Chuck Atyeo, 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.

Chuck Atyeo
(Signed)

Subscribed and sworn to before me this 20th day of August, 1990.

Notary Public in and for
the State of South Dakota

Shirley J. Anderson
(Notary Public)

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

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____, 19__

RECEIVED OF _____

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____

Fee for Filing Transfer Form _____

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

By _____

Chief Engineer



Department of Water & Natural Resources

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

2991-3
2245-3
2245-3A

September 28, 1990

Charles Atyeo
RR #2 Box 15
Clear Lake SD 57226

Dear Mr. Atyeo:

Enclosed are Receipt Nos. 412347, 412348 and 412349 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 2991-3, 2245-3 and 2245-3A.

Our records now reflect you as the owner of these Water Rights.

Marie R. Arthur

MARIE R. ARTHUR
Secretary
Water Rights Division
(605) 773-3352

enclosure

 **Department of
Water & Natural Resources**

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

May 3, 1996

2245-3A

Charles Atyeo
Atyeo Brothers
RR #2 Box 5
Clear Lake, SD 57226

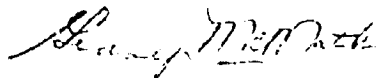
Dear Mr. Atyeo:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 2245-3 and 2245-3A, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing Water License No. 2245-3A. Upon licensing, the applicable portions of Water Permit No. 2245-3 will be incorporated into Water License No. 2245-3A.

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

Sincerely,



Genny McMath
Natural Resources Analyst
(605) 773-3352

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



Department of Water & Natural Resources

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

June 8, 1990

2245-3
2245-3A
2991-3

Charles Atyeo
RR #2 Box 5
Clear Lake, SD 57226

Dear Mr. Atyeo:

Enclosed are partially completed "Notice of Transfer" forms for use in filing ownership changes on Water Permit Nos. 2245-3, 2245-3A and 2991-3. Mark Rath, with our office, indicated he spoke with you concerning these permits and you stated you wanted them listed under your name rather than Atyeo Brothers.

The transfer forms should be checked over for accuracy and signed in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$7.50).

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

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. (Consult postmaster for fees and check box(es) for additional service(s) requested.

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

3. Article Addressed to:
Charles Atyeo
RR 2, Box 5
Clear Lake SD 57226

4. Article Number
P 997 218 508

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

5. Signature - Addressee
X Charles Atyeo

6. Signature - Agent
X

7. Date of Delivery
18 Aug 90

8. Addressee's Address (ONLY if requested, fee paid)
1890
PM
87226



Department of Water & Natural Resources

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

August 16, 1990

SECOND NOTICE
Permit No. 2245-3A

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Charles Atyeo
RR #2 Box 5
Clear Lake, SD 57226

Dear Mr. Atyeo:

May 3, 1990, you were notified the final inspection fee of \$50.00 is due before Water License No. 2245-3A can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

Ron Duvall
Natural Resources Engineer
for John Hatch, Chief Engineer

Phone: (605) 773-3352

NOTE: We have not yet received the "Notice of Transfer of Ownership" forms from you for Permit Nos. 2245-3, 2245-3A and 2991-3. These were mailed to you on June 8, 1990.

Permit No. 2246 3 2295 34Bu. Small River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by ATYCO BROS
CHARLES ATYCO of CLARET LAKE South Dakota holder of
 Permit No. 2246 3 2295 34, bearing the priority of March 5, 1901 19____ authorizing
 the diversion of 2.2 cu. ft. per second of the waters of Granny Water
 for IRRIGATION purposes, in Deuel County.

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

- A. Works used to divert the water: On 1/15/01 3 miles upstream from point where it
600 Acres from main channel, on the 1/15/01 3 miles upstream from point where it
with a 300 Acres from main channel.
- B. Works used to transport water to place of use: SE 1/4 of 6 Town 40N Range 10E
- C. Works used to apply water to beneficial use: 1/15/01 3 miles upstream from point where it

The system is in the following condition Good

The point of diversion is located The Diversion Point located from the NW corner of
Section 15, T18N R9W 130 feet above 130 feet from NW corner of
and 130 feet south

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

Water has been put to beneficial use to the maximum extent as follows: No lands located to

SECTION 15 - T18N R9W NW 1/4 - 34.0 ac
NW 1/4 NW 1/4 - 34.4 ac
SE 1/4 NW 1/4 - 33.3 ac
SW 1/4 NW 1/4 - 33.3 ac

comprising a total of 135 acres of land and the license should be issued for 1.93 ctsApplicable permit qualifications have been complied with 1 Yes 1 NoExceptions to compliance are: _____ Date 4/15/91

[Signature]
 (Signature)

LICENSE FOR PERMIT NUMBER 22455 1240-28

1. Legal location of wells: From The NE Corner of Section 18-T4N-R48W
1320 East 11th Ave 12th E. 20th S
dams & structures: _____

2. Well Information: Well Drilling Firm FAIRFAX FERTIGATION DRILLING CO. INC.

Completion Report Yes X No _____ No. of Wells 1 Depth 54'

Casing a) diameter 16" Screen a) type FAIRFAX PERFORATED

b) length 54' b) length 1'

c) type PERFORATED Static Water Level 23' 4"

Pump a) make FAIRFAX MOTOR Motor a) make FAIRFAX

b) model _____ b) model No. 7096

c) size 12 in c) horsepower rating 75

d) capacity 600 gpm

e) turbine pump - no. of stages 3

f) operating PSI 85

3. Distribution lines or canals

a) size 8"

b) type ALUMINUM

c) length 55'

4. Dam Information:

a) height to crest _____ m) Outlet tubes:

b) height to primary spillway _____ 1) diameter _____

c) height to secondary spillway _____ 2) type _____

d) crest width _____ 3) valved (Y/N) _____

e) crest length _____ 4) valve type _____

f) spillway length _____ 5) location on structure _____

g) spillway width _____

h) approx. storage _____ n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

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

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____
- 2) make, model & number of sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make ELECTRIGATOR
- 2) number of towers 10
- 3) distance between towers _____
- 4) overall length 1284'
- 5) end gun (Y/N) Y
- 6) high or low pressure HIGH
- 7) make & size of nozzles RAMBRO NEUTRAL
- 8) capacity (GPM) 7000

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
<u>X</u>	---	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>X</u>	---	2. Special qualifications to permit being abided by?
<u>X</u>	---	3. All structures, wells and lands on map?
<u>X</u>	---	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
---	<u>X</u>	5. Is chemigation used?
---	<u>NR</u>	6. If yes, does equipment comply with chemigation rules?

REMARKS:

LICENSE FOR PERMIT NUMBER 2070 5 2 2144 21 1000000

1. Legal location of wells: From The Mt. Curve 1 Section 17 T4N R4W
1300 West Ave 1390 East Section
dams & structures: _____

2. Well Information: Well Drilling Firm Frank Thompson Drilling Co. Inc.

Completion Report Yes 1 No _____ No. of Wells 1 Depth 105'
Casing a) diameter 6" Screen a) type Plastic
b) length 92' b) length 13'
c) type Plastic Static Water Level 92'
Pump a) make Emerson Motor Motor a) make US Electrical
b) model 31 b) model No. 284 TPA
c) size 6" c) horsepower rating 30
d) capacity 300 gpm
e) turbine pump - no. of stages 2
f) operating PSI 85

3. Distribution lines or canals

a) size 6"
b) type Plastic
c) length 30'

4. Dam Information:

a) height to crest _____
b) height to primary spillway _____
c) height to secondary spillway _____
d) crest width _____
e) crest length _____
f) spillway length _____
g) spillway width _____
h) approx. storage _____
i) approx. storage to crest _____
j) date constructed _____
k) inspection sheet completed (Y/N) _____
l) Name of Contractor _____

m) Outlet tubes:

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

n) Category of Dam _____

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

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

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____

- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
<u>X</u>	---	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>X</u>	---	2. Special qualifications to permit being abided by?
<u>X</u>	---	3. All structures, wells and lands on map?
<u>X</u>	---	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
---	<u>X</u>	5. Is chemigation used?
---	<u>X</u>	6. If yes, does equipment comply with chemigation rules?

REMARKS:

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2245-3A

(1) Atyeo Brothers of RR #2 Box 5, Clear Lake SD 57226 made Application No. 2245-3A, May 1, 1979 for a water permit to appropriate 2.2 cubic feet of water per second from groundwater, Deuel County, South Dakota for irrigation purposes. Permit No. 2245-3A with a priority date of March 5, 1981 was approved March 25, 1981 and issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 2245-3A authorized an additional point of diversion on Permit No. 2245-3 to irrigate the same acreage covered by No. 2245-3.

Water Permit Nos. 2245-3 and 2245-3A were transferred August 21, 1990 to Chuck Atyeo.

The applicable portions of Water Permit No. 2245-3 are incorporated into this Water License No. 2245-3A. A priority date of April 8, 1975, as established by Permit No. 2245-3, is retained for diversion of water from Well #1 (54' well) and a priority date of March 5, 1981, as established by Permit No. 2245-3A is retained for diversion from Well #2 (105' well).

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.93 cubic feet of water per second for beneficial use. The location of the diversion points are: 1320'W and 1370'S of the NE corner; Well #2 - 1300'W and 1340'S of the NE corner, both in Section 18, T115N, R48W.

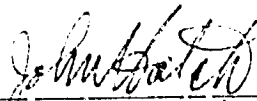
(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T115N, R48W Section 18	NW1/4 NE1/4	34.0	acres
	NE1/4 NE1/4	34.4	"
	SE1/4 NE1/4	33.3	"
	SW1/4 NE1/4	33.3	"
	Total	135.0	acres

page 2

Water License No. 2245-3A

(4) Pursuant to Section 46-5-30.1 Chuck Atyeo of RR #2 Box 5, Clear Lake SD 57226 the holder(s) and/or owner(s) of Incorporated No. 2245-3A is issued a license to appropriate water, the right to use 1.93 cubic feet of water per second from groundwater (two wells) with priority dates of April 8, 1975 and March 5, 1981 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated No. 2245-3A and subject to South Dakota State Law.



NOV 7 1990

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

 **Department of
Water & Natural Resources**

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

2245-3A

NOV 2 1990

Chuck Atyeo
RR #2 Box 5
Clear Lake SD 57226

Dear Mr. Atyeo:

Enclosed is Water License No. 2245-3A. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412350 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2245-3A, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,



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

enclosures

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____, 19____

RECEIVED OF

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years. _____

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____

Fee for Filing Transfer Form _____

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

By _____

Chief Engineer



Department of Water & Natural Resources

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

2245-3A

NOV 7 1990

Chuck Atyeo
RR #2 Box 5
Clear Lake SD 57226

Dear Mr. Atyeo:

Enclosed is Water License No. 2245-3A. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412350 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2245-3A, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3357

enclosures



2245-3A

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 1999

NOTICE

TO: CHARLES ATYEO, RR 2 BOX 5, CLEAR LAKE, SD 57226 9703

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2245-3A & 2991A-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2245-3A & 2991A-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 the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2245-3A & 2991A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 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 at (605) 773-3352.

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

2245-3A

Is your RETURN ADDRESS completed on the reverse also?

SENDER:

- Complete Items 1 and/or 2 for additional services.
- Complete Items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return the card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

CHARLES ATYEO
RR 2 BOX 5
CLEAR LAKE SD 57226 9703

4a. Article Number

2119141639

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

7-23-99

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X Charles Aty eo

PS Form 3811, December 1994

102505-97-B-01/99

Domestic Return Receipt

Thank you for using Return Receipt Service.



2245-3A
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 9, 1999

2245-3A
2991A-3

Charles Atyco
RR 2 Box 5
Clear Lake, SD 57226-9703

Dear Mr. Atyco:

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 Nos. 2245-3A and 2991A-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

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 2245-3A

Date: 1-4-2001

I/We request that Water Right No. 2245-3A

formerly owned by: Chuck Atyeo

be transferred to: (name & address) Brookings-Deuel RWS, Pat Gilligan, Manager

Toronto 57249
RR #2 Box 84, Brookings, SD 57006

Telephone No. _____

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

135 acres - NE 1/4 Section 18, T115N, R48W

I/We understand that the validity of Water Right No. 2245-3A 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.

STATE OF SOUTH DAKOTA)

County of Deuel)

Patrick N. Gilligan 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.

Patrick N. Gilligan - Agent
(Signed)
Brookings-Deuel RWS

Subscribed and sworn to before me this 10th day of January, 2000.

Laurie L. Santvoort
(Notary Public)
Commission expires 5-16-2004

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

Water Rights Program

South Dakota Department of Environment and Natural Resources

416721

Pierre, JANUARY 4, 2001

RECEIVED OF Brookings--Deuel KWS, RR 2 Box 84, Brookings, SD 57006

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

(Chuck Atyeo)

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 2245-2A

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By Donald E. Erbe
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2001

Pat Gilligan, Manager
Brookings-Deuel RWS
P.R 2 Box 84
Toronto, SD 57268

Dear Mr. Gilligan:

Thank you for following up on the ownership change for Water Right No. 2245-3A. The transfer has been completed and the water right is now listed in the name of Brookings-Deuel RWS.

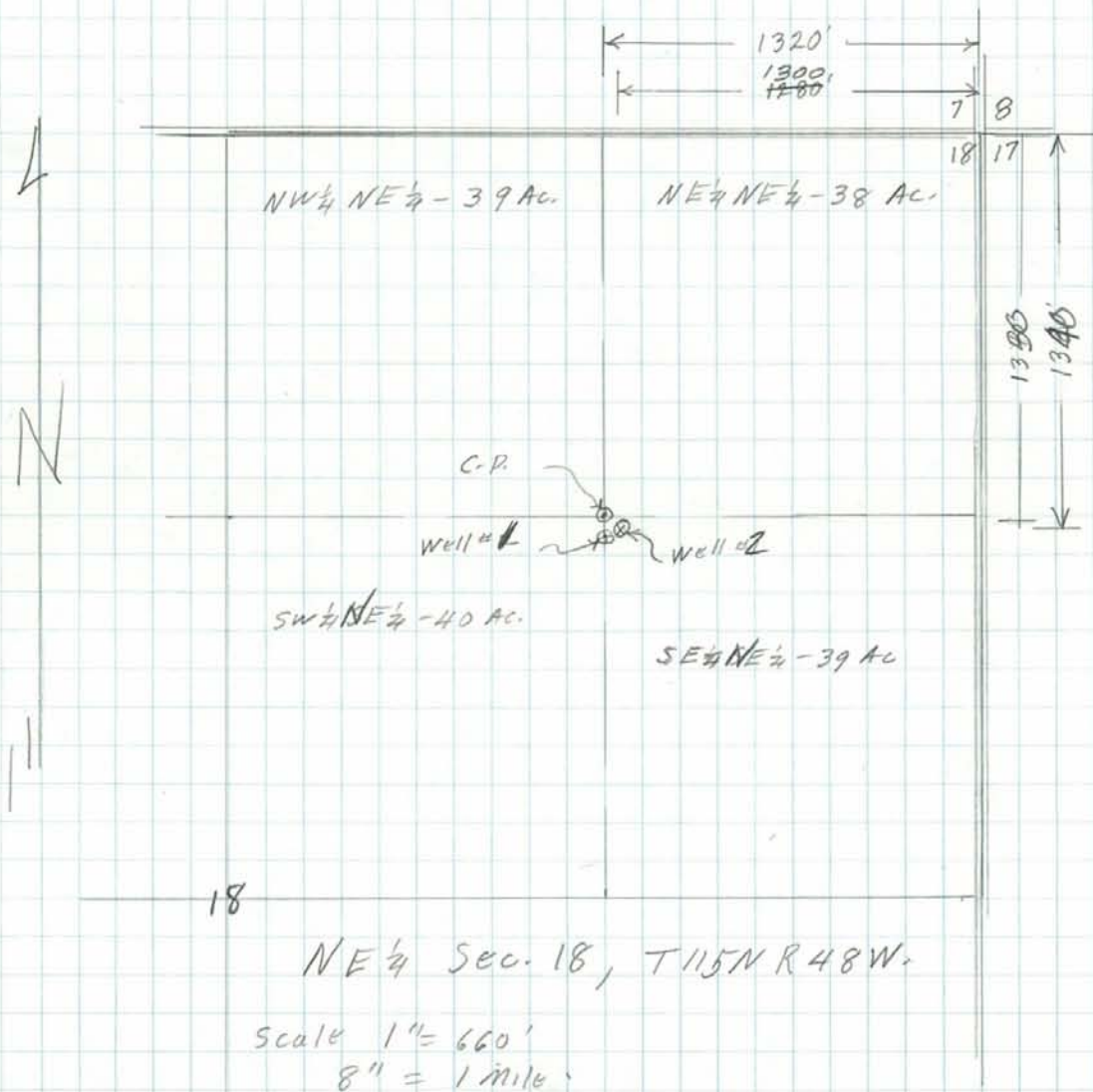
Enclosed is your Receipt No. 416721 in the amount of \$2.50. You may keep this for your records.

The application you submitted for a change of use from irrigation to rural water system purposes is currently being processed. If you have any questions, please get in touch with me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
email: genny.mcmath@state.sd.us

enclosure



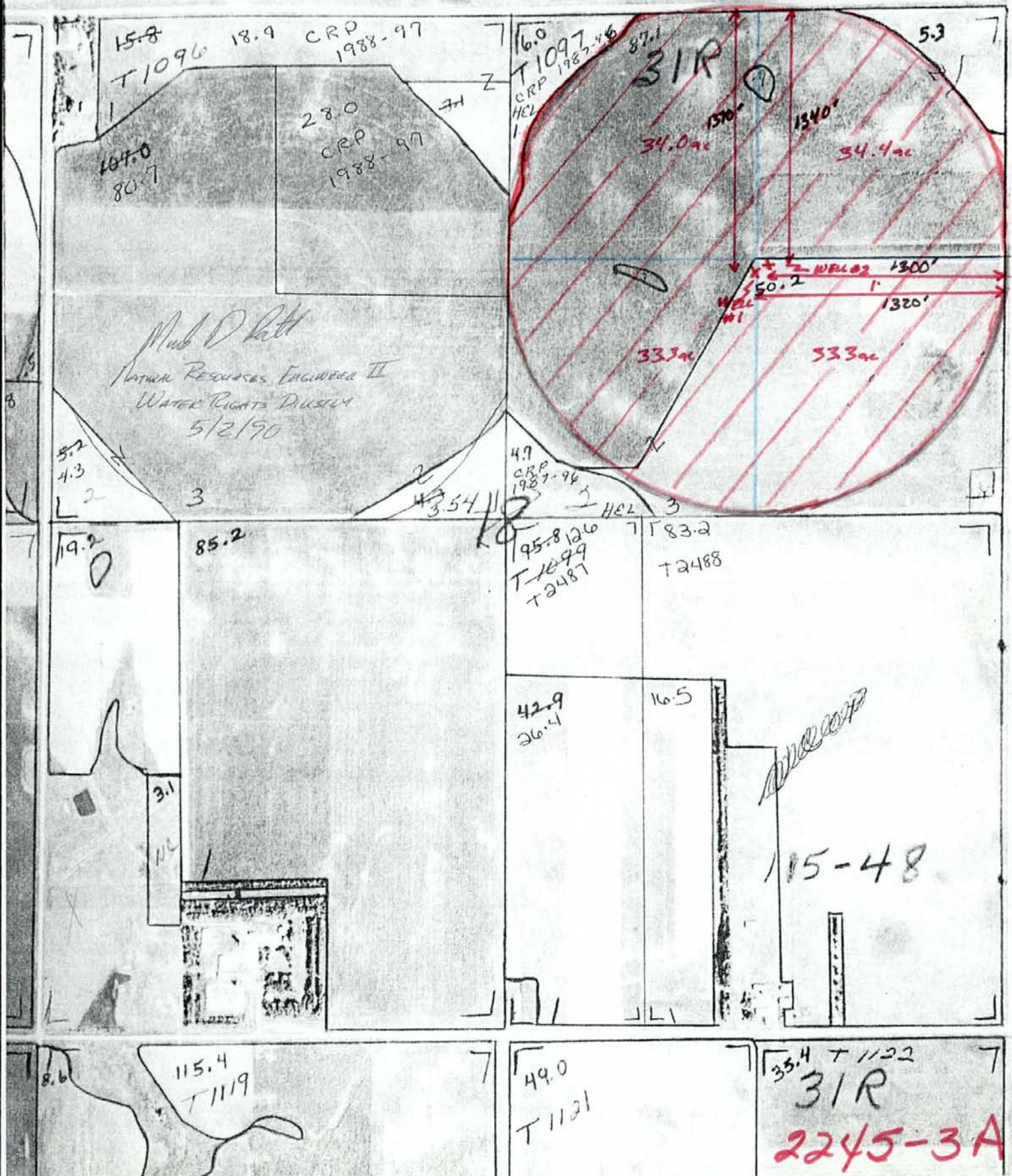
Atyeo Brothers.

Deuel County

Map # 163823A April 2245-3A



NOT TO SCALE



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCESJOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

MAY 22 2019

2245-3A
2245B-3Gene Wilts
Brookings Deuel Rural Water System
47602 SD Hwy 28
Toronto SD 57268

Dear Mr. Wilts:

Enclosed is Water License No. 2245B-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.

The original water permit authorized use of water from either the Big Sioux Brookings or the Pleistocene Unknown aquifer. The field investigation for licensing purposes found the well into the Pleistocene Series Unknown Aquifer (105 feet deep) was abandoned. For your information SDCL 46-6-27 requires that if the owner of an existing well 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 No. 2245-3A were incorporated into No. 2245B-3.