

Water Right Number 2333-3

NOV. 12, 19 75

1. Considered _____
2. Name of Applicant JANSSEN RANCH, LYMAN JANSSEN
3. Post Office Address SOUTH SHORE, S.D.
4. Amount of water claimed 1.93
5. Source of water supply GROUND WATER (83' DEEP WELL)
6. Water to be used for IRRIGATION
Acres to be irrigated 135
7. Water to be diverted and used in GRANT County
about 7W 3N Miles of SOUTH SHORE
8. Proof of Publication
Received 10-2-75
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

No. 2333-3Map No. 1713-3 Water Division No. 3 BIG SIOUX RIVER District

(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)

Lakeview Ranch Inc., & Donald Caraway

1. Name of Applicant Lakeview Ranch Inc., & Donald CarawayPostoffice address 57556-54 RR #1, Marion, IA 52302 State S. Dakota 57-26-3

If a corporation show date and place of incorporation

2. Method of accomplishing work (contract, employment of others, or by direct labor) direct labor3. Name of diversion work Sanison Ranch Irrigation Project #24. Amount of water claimed (cubic feet per second) 1.935. Source of water supply well6. Location of point of diversion 2180' N 126° 4' of Northeast cornerof sec 34-120-51County Grant7. Annual period or periods during which water is to be used April through October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use. Total number of acres to be irrigated 135

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE 1/4 of NE 1/4 sec 34-120-51	20		
SE 1/4 of NE 1/4 sec 34	36		
NE 1/4 of SE 1/4 sec 34	40		
SE 1/4 of SE 1/4 sec 34	39		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Five years. Additional time required to complete application of water to the proposed beneficial use 1 year years.11. Choice of newspaper for Notice of Intent to Appropriate Water publication Grant County Review

12. Principal Features of the Proposed Water Supply System.

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

well with electrically driven deep well turbine
- May use diesel engine instead

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

closed conduit

C. Works proposed to apply water to beneficial use.

center pivot irrigation machineEstimated Total Cost \$ 40,000Attachments: 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 BrookingsI, Lynna Jean Soren, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction

Subscribed and sworn to before me this

Signed Lynna Jean Soren

Notary Public (or other qualified officer)

P.E. # 1916

LaKey Jew Ranch Inc.
% Donald Caraway, President
RR #1
Marion, IA. 52302

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approve Water Right Application No. 2333-3

JANESSEN RANCH
(Applicant)

SOUTH DAKOTA
(Post Office Address)

SOUTH DAKOTA 57263
(State)

With the following modifications:

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

Date of first receipt of application AUGUST 18, 19 75

Date of return to applicant for correction, amendments or changes required _____, 19 _____

Date of receipt of corrected application SEPTEMBER 4, 19 75

Approved NOVEMBER 13, 19 75, Recorded in Book 14 Page 70

WATER RIGHT PERMIT NO. 2333-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 2333-3 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 AUGUST 18, 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 13, 19 78
3. The whole of said work is to be completed on or before NOVEMBER 13, 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 13, 19 83
5. The water appropriated shall be used for the purpose of IRRIGATION

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

7. The amount of the appropriation herein granted shall not exceed 1.93 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 NOVEMBER 13, 19 83; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 17th day of NOVEMBER, 19 75

WATER RESOURCES COMMISSION

By:

John H. H. H.
Chief Engineer, Executive Officer

Certificate of Construction Issued OCTOBER 27, 19 81

Water License Issued OCTOBER 27, 19 81

NOTICE OF WELL CONSTRUCTION

2333-3

(1) WELL CONSTRUCTION

Location of well: 1/4 1/4 NE Section 34 Township 120 Range 51
 Well owner: Lymann Oanssen South Shore, SD 57263
 Date well drilling completed: 11/7/75 Purpose of well: Irrigation #1
 (Name) (Address)
 (domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer	ft.
0-2	top soil	38	
2-13	sand & gravel	22' 4"	
13-30	yellow clay	5' 7"	
30-57	sand & gravel	5' 7"	

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

0-37 16" O.D. Steel

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

37-57 16" Johnson Irrigator Screen

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

Empire Irrigation Drilling Co. Inc.
 Name of Drilling Contractor

(2) PUMP INSTALLATION

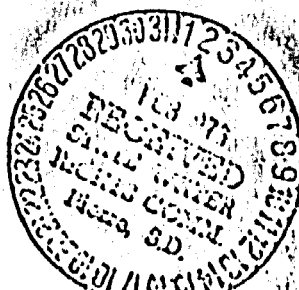
Company name and size of pump: Not done by Empire HP _____
 Type of pump: _____ Capacity of installed pump: _____ G.P.M.
 Depth of pump placement: _____ ft., Date of pump installation: _____

(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: _____

 Name of Pump Installation Contractor



2333-3

(I) WELL CONSTRUCTION

WELL CONSTRUCTION

Location of well: 1/4 1/4 NW Section 34 Township 120 Range 51

Well owner Lymann Jensen 504th St., S.W. 517263
(Name) (Address)

Date well drilling completed 11/17/75 Purpose of well Domestication #2
(domestic, irrigation, municipal, industrial, other)

WELL LOG

[illegible]

Attach sheet if more space is needed

Empire Irrigation Drilling Co.
Name of Drilling Contractor None

(2) PUMP INSTALLATION

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

(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

P. O. Box 1252

Huron, South Dakota 57350

Ph. 352-4587

DRILLING REPORT

Location of Well: _____ 1/4, _____ NE _____ 1/4, Section _____ 34 _____, Township _____ 120 _____, Range _____ 50 _____

Well to be drilled for: Lyman Jansson South Shore
(Name) (Address)

(County) WY (State) WY
Date well drilling started February 17, 1975 finished February 17, 1975

Purpose of well _____
(domestic, irrigation, industrial, other)

Depth _____ ft. Casing Diameter _____ inches

Slot Size _____ Screen Size _____

Screen Depth: From _____ ft. to _____ ft.

Remarks: _____					
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NORTH

REPORT OF FINAL PUMPING TEST

Write Additional Times and Readings on Back of Page

Date 11/11/2011

Elapsed Time From Start of Pumping	Water Level	Discharge
---------------------------------------	-------------	-----------

O hr.	O min.	ft.	in.	(Static)
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hr.	min.	ft.	in.	GPM
1	10	10	10	10
2	20	20	20	20
3	30	30	30	30
4	40	40	40	40
5	50	50	50	50
6	60	60	60	60
7	70	70	70	70
8	80	80	80	80
9	90	90	90	90
10	100	100	100	100
11	110	110	110	110
12	120	120	120	120
13	130	130	130	130
14	140	140	140	140
15	150	150	150	150
16	160	160	160	160
17	170	170	170	170
18	180	180	180	180
19	190	190	190	190
20	200	200	200	200
21	210	210	210	210
22	220	220	220	220
23	230	230	230	230
24	240	240	240	240
25	250	250	250	250
26	260	260	260	260
27	270	270	270	270
28	280	280	280	280
29	290	290	290	290
30	300	300	300	300
31	310	310	310	310
32	320	320	320	320
33	330	330	330	330
34	340	340	340	340
35	350	350	350	350
36	360	360	360	360
37	370	370	370	370
38	380	380	380	380
39	390	390	390	390
40	400	400	400	400
41	410	410	410	410
42	420	420	420	420
43	430	430	430	430
44	440	440	440	440
45	450	450	450	450
46	460	460	460	460
47	470	470	470	470
48	480	480	480	480
49	490	490	490	490
50	500	500	500	500
51	510	510	510	510
52	520	520	520	520
53	530	530	530	530
54	540	540	540	540
55	550	550	550	550
56	560	560	560	560
57	570	570	570	570
58	580	580	580	580
59	590	590	590	590
60	600	600	600	600
61	610	610	610	610
62	620	620	620	620
63	630	630	630	630
64	640	640	640	640
65	650	650	650	650
66	660	660	660	660
67	670	670	670	670
68	680	680	680	680
69	690	690	690	690
70	700	700	700	700
71	710	710	710	710
72	720	720	720	720
73	730	730	730	730
74	740	740	740	740
75	750	750	750	750
76	760	760	760	760
77	770	770	770	770
78	780	780	780	780
79	790	790	790	790
80	800	800	800	800

hr.	min.	ft.	in.	GPM
-----	------	-----	-----	-----

hr.	min.	ft.	in.	GPS
-----	------	-----	-----	-----

hr.	min.	ft.	in.
-----	------	-----	-----

RECOVERY

[illegible]

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

D. Well Information or Estimates.

- (1) Drill Hole, Diameter 30", Depth 83'
- (2) Casing, Type steel, Diameter 14", Thickness 10 gauge
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type Continuous slot, Diameter 14", Length 25'
- (4) Gravel Pack, Thickness 8", Length of gravel pack 30'

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials See attached material

Depth to top of water bearing material 15'

Depth to bottom of water bearing material 83'

Thickness of water bearing material 52'

Depth to water (ground surface to water level) 15'

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

On same owner's property 280 rds. On property owned by others 280 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.

[Signature]
Signature of Applicant

2333-3

August 18, 1975

Lyman Jansson
South Shore, SD 57263

Dear Mr. Jansson:

Enclosed please find the original copy of the report of analysis of the water sample submitted here about a week ago. This is your copy to keep. Also, you will find enclosed, a copy of extension circular #654 with the approximate quality of this water for irrigation purposes designated by the intersection of two lines encircled on the outside back cover of this circular. You will see that it is quite good water and there should be no problem of any kind arising from the use of this water on the Sioux Falls sandy loam. The only difficulty I expect you to experience is the lack of water holding capacity of this soil and the need for frequent irrigation.

A copy of this letter and of the water analysis and your WI-1 form are being forwarded to the State Conservation Commission.

Sincerely yours,

L. O. Fine by Rowman
L. O. Fine
Water Quality Lab

LOP:rt

Enclosures

cc: State Conservation Commission
Vern Beare, Grant County Extension Agent
Darrel Pahl



Conservation
Commission
Form WI #1

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

FOR COMMISSION USE ONLY

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: *[Signature]*

Disapproved: _____

0333-3

NAME: LYMAN JANSSEN

ADDRESS: So. Shore, S.D. 57263

COUNTY: GRANT

LEGAL DESCRIPTION

1. WELL LOCATION: NE 1/4 SEC 34 TWP 120 N R 58 W
2. AREA TO BE IRRIGATED: E 1/2 of NE 1/4 & E 1/2 of SE 1/4 SEC 34 TWP 120 N R 58 W

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): CENTER PIVOT
4. CROPS TO BE IRRIGATED: SOYBEANS WHEAT

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: Slightly Fine sandy Loam nearly level
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: _____

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 75-704
8. SALINITY: EC = 498 (medium)
9. SODIUM: SAR = 0.06 (low)



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

the land capability for irrigation information has been acquired from

the old Grant County Soil Map - 1922.

and:

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

Seymour Jansson.

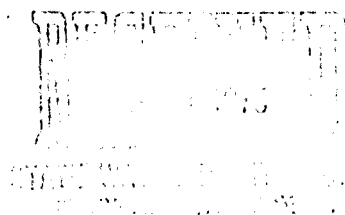
Subscribed and sworn before me this

7 day of Aug 1971.

John J. Wiersma

Reg. Engr. H 1716

(Title)



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

Submitted by: Tyman Janssen
 Address: South Shore, SD 57263

Date Rec'd: August 7, 1975
 Sample No. 75-704
 Identification Well-83
NE 1/4, Sec. 34, T 120N, R 50W

WATER ANALYSIS

Calcium (Ca)	140	ppm*	7.00	me/l**
Magnesium (Mg)	29	ppm	2.38	me/l
Sodium (Na)	3	ppm	0.12	me/l
Potassium (K)	2	ppm	0.05	me/l
Sulfate (SO ₄)	65	ppm	1.35	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	3	ppm	0.09	me/l
Bicarbonate (HCO ₃)	259	ppm	4.24	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	212	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	498	micro mhos per cm at 25° C.		
Sodium Adsorption Ratio	0.06			
Sodium	1.25	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.54			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

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

COMMENTS: Total cations 9.55 me/l
 Total anions 9.68 me/l



By: Shirley Hittan

Service Performed

Amount Due

Irrigation analysis

\$6.00 PAID

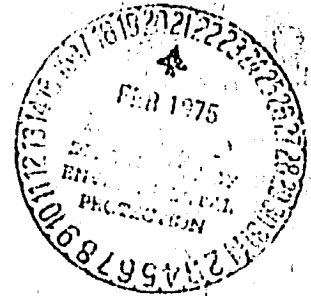
Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 75-704

Amount Enclosed \$

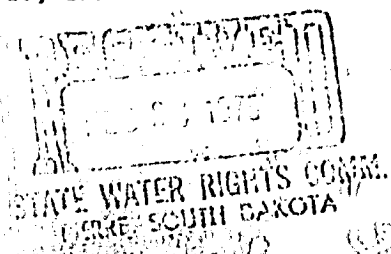
Signed



February 19, 1975

2206-3

Mr. Lyman Janssen
Janssen Ranch
South Shore, S.D. 57263



Dear Mr. Janssen:

The WI-1 form pertaining to your irrigation application has now been received. A copy of it and the water analysis and this letter are being sent to the State Conservation Commission.

The water quality shows total salt content indicating 632 micromhos per cm which is medium and a sodium absorption ratio of 0.17 which is low. Therefore this water should be of good quality for irrigation purposes and there should be no problem in your chemical or physical behavior of the soil as a result of irrigation.

I wish you success in your operation.

Sincerely yours,

L. O. Fine
L. O. Fine
Water Quality Lab

LOF:MRB

Enclosure

cc: State Conservation Commission
Mr. Vern Beare, Grant County Agent
Darrel Pahl

Conservation
Commission
Form WI #1

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

FOR COMMISSION USE ONLY

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: Robert S. Siffert
2/10/75

Disapproved: _____

NAME: Janssen Ranch - Lyman Janssen Ops.
ADDRESS: Sho South Shore, South Dakota 57263
COUNTY: Grant

LEGAL DESCRIPTION

1. WELL LOCATION: Well #1 NE⁴ of NW⁴; Well #2 - NE⁴ of SW⁴ both in Sec 34 - 120-51
2. AREA TO BE IRRIGATED: W¹/₂ and W¹/₂ of E¹/₂ of sec 34-120-51

TYPE OF IRRIGATION

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

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: Nearly level
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Light textured soil

WATER QUALITY (To Be Completed by Commission)

7. SAMPLE NO: ~~74-1020~~ 74-1020
8. SALINITY: EC = 632 micromhos/cm (medium)
9. SODIUM: Sodium Adsorption Ratio = 0.17 (low)

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

the land capability for irrigation information has been acquired from

Soil Conservation Service

and:

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

Lynne Jensen

Subscribed and sworn before me this

14 day of February 19 75.

Helen C. Wick

Notary Public

(Title)

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

Submitted by: Lynn Janssen
 Address: Leuth Shore, SD 57263

Date Rec'd: December 30, 1974
 Sample No.: 74-1020
 Identification: 1011-

WATER ANALYSIS

Calcium (Ca)	100	ppm*	5.00	me/l**
Magnesium (Mg)	32	ppm	2.62	me/l
Sodium (Na)	8	ppm	0.33	me/l
Potassium (K)	3	ppm	0.08	me/l
Sulfate (SO ₄)	118	ppm	2.44	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	3	ppm	0.08	me/l
Bicarbonate (HCO ₃)	305	ppm	5.00	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	250	ppm (as CaCO ₃)		
Alkalinity (Penolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	632	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.17			
Sodium	4.10	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.91			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

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

COMMENTS:

Total cations 8.03 me/l
 Total anions 7.52 me/l

By: Marley Litten

Service Performed	Amount Due
Irrigation analysis	6.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 74-1020

Amount Enclosed \$

Signed

Permit No. 2333-3

Water Diversion No. 3 Minnesota River Water District

CERTIFICATE OF CONSTRUCTION

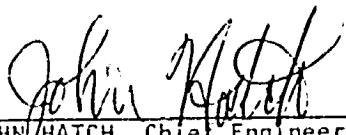
This is to Certify, That Lakeview Ranch, Inc.

_____ the holder _____ of
Permit No. 2333-3, issued upon Application No. 2333-3, bearing date of priority of February 18,
1975 & Aug. 18, 1975 authorizing the diversion of 8.23* cu. ft. per second of the waters of _____
groundwater (two wells) County of Grant, State of South Dakota at _____
the south well - 1880 feet north & 1320 feet east; north well - 4000 feet
north & 1320 feet east, both from the SW corner, Section 34, T120N, R51W *
_____, for _____ irrigation

_____ purposes, has ye 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 4.0 / (900 gpm. - per pivot) cu. ft. per second of water.

Date October 27, 1981

* The applicable portions of
Permit No. 2206-3 have been
incorporated into this Water
License.



JOHN HATCH, Chief Engineer
Water Rights Division

WATER LICENSE NO. 2333-3

(1) WHEREAS, On the 18th day of February A. D. 1975
Jansson Ranch

made Water Right Application No. 2333-3 for a permit to use 8,238 cubic feet per second of the waters of groundwater (two wells)

County of Grant, State of South Dakota, for irrigation
purpose; and

(2) WHEREAS, On the 13th day of November A. D. 1975
Permit No. 2333-3, with a date of priority of February 19, 1975
was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 13th day of November A. D. 1980 and for the application to beneficial use of said water on or before the 13th day of November A. D. 1983

WHEREAS, on May 4, 1981 this permit was transferred to Lakeview Ranch, Inc.,
% Donald Caraway, President, RR #1, Marion IA 52302

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

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

to irrigate the following lands all in Section 34, T120N, R51W

NW 1/4 NW 1/4 33 ac	NW 1/4 SW 1/4 37 ac
NE 1/4 NW 1/4 36 ac	NE 1/4 SW 1/4 37 ac
SW 1/4 NW 1/4 35 ac	SW 1/4 SW 1/4 19 ac
SE 1/4 NW 1/4 36 ac	SE 1/4 SW 1/4 19 ac
NW 1/4 NE 1/4 37 ac	NW 1/4 SE 1/4 33 ac
NE 1/4 NE 1/4 21 ac	NE 1/4 SE 1/4 33 ac
SW 1/4 NE 1/4 37 ac	SW 1/4 SE 1/4 33 ac
SE 1/4 NE 1/4 21 ac	SE 1/4 SE 1/4 33 ac

TOTAL 500 acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Lakeview Ranch, Inc.

_____ of Varian, IA

the holder 3 and owner 3 of said permit No. 2333-3 a water right, dating from February 10, 1975

and August 18, 1975 to use of 4.0 cubic feet per second of the waters of groundwater (two wells)

in the County of Grant and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at the south well - 1380 feet north & 1320 feet east;

north well - 4060 feet north & 1320 feet east, both from the SW corner,

Section 34, T120N, R51W

and conducted to and upon on portions of land all in Section 34, T120N, R51W, more
fully described on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 2333-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 27th day of October A. D.
Nineteen Hundred and Eighty-one

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

Publish first publication, on or before October 30, 1975NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 17, 1975Notice is hereby given that Janssen Ranchwhose post office address is South Shore, 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 use1.93cubic feet of water per second of time from the ground water through theJanssen Ranch Project #2

the point of diversion of which is to be located in the _____

N $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, Twp. 120N, Range 51W. Said water to be used for the purposeof providing irrigation on all or portions of the following described land:E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 34, T120N, R51WThis application No. 2333-3 will be considered by the Water Resources Commission at their office atPierre upon the 12th day of November, 1975, at 2:30 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFJ/bw

cc: Lyman Janssen, Janssen Ranch, South Shore, S.D. 57263

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

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Grant) ss.

I, Clarence Justice hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Grant County Review

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

Sept. 8 24, 1975

Oct. 1, 1975

Clarence Justice
(Signature)

Forman
(Title)

Oct. 1, 1975
(Date Signed)

NOTICE OF INTENT
TO APPROPRIATE WATER

September 17, 1975
Notice is hereby given that
Janssen ranch, whose post office
address is South Shore, South
Dakota, has made an application
in accordance with the provisions
of the water laws of South Dakota
for a permit to appropriate for
beneficial use 1.93 cubic feet of
water per second of time from
ground water through the Jans-
sen Ranch Project No. 2, the
point of diversion of which is to be
located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of
Section 34, Twp. 120N, Range
51W. Said water to be used for the
purpose of providing irrigation on
all or portions of the following
described land: E $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{4}$
SE $\frac{1}{4}$, Section 34, T120N, R51W.
This application No. 2333-3 will
be considered by the Water Re-
sources Commission at their of-
fice at Pierre upon the 12th day of
November, 1975, at 2:30 p.m. All
interested persons may appear
and be heard.

Water Resources Commission
By: Burton F. Jones,
Water Rights Specialist

 **Department of
Water & Natural Resources**

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3352

October 29, 1981

Donald Caraway, President
Lake View Ranch
RR #1
Marion IA 52302

Dear Mr. Caraway:

Enclosed herewith are, Water License No. 2333-3 and Certificate of Construction.

Water License No. 2333-3 is the final water right document completing your process of obtaining a water right.

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.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ks

enclosures

NOTE: The applicable portions of Permit No. 2206-3 have been incorporated into this Water License.

WNR-817-7/79
Transmittal of Water License

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8516

PIERRE, October 9, 1931

RECEIVED OF Donald Caraway, President; Lake View Ranch, South Shore, SD 57263
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No. 2333-3	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 2333-2		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filling		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

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

Permit No. 2333-3Water Division 3 Big Sioux River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by LAKEVIEW RANCH, INC. of MARION, IA. holderof Permit No. 2333-3, bearing date of priority of FEBRUARY 18, 1975 & AUGUST 18, 1975 *authorizing the diversion of 8.23 * cu. ft. per second of the waters of GROUNDWATER for IRRIGATION purposes, in GRANT 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:

S. WELL - 52' DEEP WITH 16" STEEL CASING - 15' SS SCREEN
WESTERN LAND ROLLER 8" PUMP - 610CH, POWERED BY
DEUTZ DIESEL 85HP ENGINE
N. WELL - 57' DEEP WITH 16" STEEL CASING - 15' SS SCREEN
WESTERN LAND ROLLER 8" PUMP - 812HM, POWERED BY
DEUTZ DIESEL 85HP ENGINE

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

S. WELL - 30' OF 10" ALUMINUM PIPE TO PIVOT PAD IN SW⁴
2680' OF 8" BURIED PVC PIPE TO PIVOT PAD IN SE⁴
N. WELL - 40' OF 10" ALUMINUM PIPE TO PIVOT PAD IN NW⁴
2200' OF 8" BURIED PVC PIPE TO PIVOT PAD IN NE⁴

C. Works used to apply water to beneficial use.

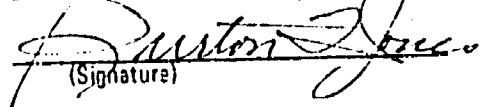
TWO GIFFORD HILL MODEL 360 - 10 TOWER CENTER PIVOTS,
BOTH WITH NELSON #100 END GUNS. ONE TOWED BETWEEN
NE⁴ & NW⁴, AND ONE TOWED BETWEEN SW⁴ & SE⁴

The system is in the following condition: GOODThe point of diversion is located S. WELL - 1880' N & 1320' E, N. WELL - 4000' N & 1320' E, BOTH FROM THE SW CORNER, SECTION 34, T120N, R51WThe works are capable of diverting and conveying to the place of use 4.0 (400GPM PER PIVOT) cu. 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 34, T120N, R51W

NW ⁴ NW ⁴	33 AC.	NW ⁴ NE ⁴	27 AC.	NW ⁴ SW ⁴	37 AC.	NW ⁴ SE ⁴	33 AC.
NE ⁴ NW ⁴	36 AC.	NE ⁴ NE ⁴	21 AC.	NE ⁴ SW ⁴	37 AC.	NE ⁴ SE ⁴	23 AC.
SW ⁴ NW ⁴	35 AC.	SW ⁴ NE ⁴	37 AC.	SW ⁴ SW ⁴	19 AC.	SW ⁴ SE ⁴	23 AC.
SE ⁴ NW ⁴	36 AC.	SE ⁴ NE ⁴	21 AC.	SE ⁴ SW ⁴	19 AC.	SE ⁴ SE ⁴	33 AC.

comprising a total of 500 acres of land.

* THE APPLICABLE PORTIONS OF PERMIT NO 2206-3 HAVE BEEN INCORPORATED INTO THIS WATER LICENSE

Date AUGUST 27, 1981

(Signature)

March 13, 1981

Lakeview Ranch Inc.
South Shore, SD 57263

Gentlemen:

Our 1980 Irrigation Questionnaire was sent out in February. The data sheets for Permit Nos. 2206-3 and 2333-3 were returned by Lyman Janssen indicating that he had sold his farm to Lakeview Ranch which in turn was later sold to a party in North Dakota.

It is very important that we keep our records up-to-date concerning land ownership covered under Water Rights. If you could forward the name and mailing address of the person(s) who now own the land (Permit No. 2333-3-- E $\frac{1}{2}$ NE $\frac{1}{4}$ & E $\frac{1}{2}$ SE $\frac{1}{4}$ 34-120-51; Permit No. 2206-3---NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, & W $\frac{1}{2}$ SE $\frac{1}{4}$ 34-120-51) it would be greatly appreciated. If you do not know who owns it now, please indicate also, so that we may proceed in checking other sources.

A postage-paid envelope is enclosed for your convenience in replying. If you have any questions, please contact this office.

Sincerely,

GENNY YOUNG
Staff Assistant

gy

 **Department of
Water & Natural Resources**
Joa Foss Building Water Rights Division (605) 773-3352
Pierre, South Dakota 57501

April 23, 1981

Lake View Ranch, Inc.
/ Donald M. Caraway, Pres.
RR #1
Marion, IA 52302

Dear Mr. Caraway:

This is in reference to your letter which you indicated that Lake View Ranch, Inc., was the owner of the land covered under Permit No. 2206-3 and 2333-3.

Enclosed are two "Notice of Transfer of Water Permit" forms which you should check over, date, sign and have notarized. Return the forms to this office with a \$2.50 filing fee for each one (\$5.00 total). Upon receipt of the transfer forms and the filing fees, the permits will be transferred to the correct name(s).

In your letter, you were concerned with the expiration date of Permit No. 4334-3, and requested an extension of time. Permit No. 4334-3 has three wells authorized and covers irrigation of 440 acres of land. The Permit can be extended to the five year time limit. An extension of time form was sent to Jess Lamp of Gottshaik Home & Land Co. April 10, 1981 for this Permit.

I am enclosing an additional extension of time form, you should probably contact Mr. Lamp (711 E Hiway 212, Watertown) to see if he is going to send in the form. This office only requires one form, either yourself or Mr. Lamp could file the extension.

If you have any questions, please contact this office.

Sincerely,

GENNY YOUNG
Staff Assistant

GY

enci

Equal Opportunity Employer

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8204

PIERRE, May 4, 1951

RECEIVED OF Lake View Ranch Inc., c/o Donald H. Caraway, Pres., RR #1, Marion, IA 52302
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to appropriate Water No. _____ (examination processing, recording and filing) _____		
Fee for inspecting Construction, and issuing Cert. of Construction No. _____		
Fee for inspecting Beneficial Use, and issuing Water License No. _____		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing <u>transfer of WR# 2333-3</u>	2	50
Fee for certified copy of _____		
Fee for print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By (Signature)
Chief Engineer, Executive Officer

(Signature)

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 4/28/81

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

135 acres - E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 34, T120N, R51W

formerly owned by Janssen Ranch, South Shore

has been transferred to Lake View Ranch Inc., Donald M. Caraway, Pres., RR #1, Marion, IA

22302

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 2333-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF ~~SOUTH~~-DAKOTA)
County of LINN) ss.

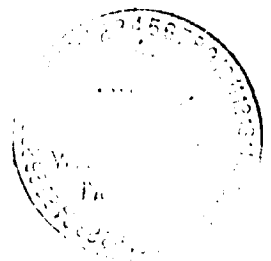
I, DONALD M. CARAWAY being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

[Signature]
(Signed)

Subscribed and sworn to before me this 28th Day of April, 1981.



Doris E. Russell
(Notary Public)



SOUTH DAKOTA
Department of
Water & Natural Resources
 Joe Foss Building
 523 East Capitol
 Pierre, South Dakota 57501
 Water Rights Division
 605 773-3352

April 6, 1983

Maken Brothers
 % Richard Maken
 Clark SD 57225

Dear Mr. Maken:

This letter is in reference to Water Permit Nos. 2207-3, 2333-3, 3782-3 and 4334-3 listed in the name of Donald Caraway, Lakeview Ranch, Marion, Iowa. Mr. Caraway contacted our office and indicated he had sold his land to you.

The water right permits should be transferred over to your name. Enclosed please find a notice of transfer for each of the permits. Please check over date, sign, have notarized and return them to this office with a \$2.50 filing fee for each transfer (total of \$10.00). The transfers will be processed and filed as soon as the forms and fee is received in this office.

In writing up the water license for Permit No. 3782-3, it was discovered that there was no soil/water compatibility approval for lands in the SW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 28, T120N, R51W from wells in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33, T120N, R51W.

LakeView Ranch was notified of this requirement in 1981, but never obtained the required approval from the State Conservation Commission. Permit No. 3782-3 can not be licensed nor is it a valid permit without acquiring the needed soil/water compatibility approval.

Enclosed is a partially completed WI-1 form and an instruction sheet. Please check over the WI-1 form, sign and have notarized. A water sample will need to be obtained for each well. Follow the instructions on the instruction sheet for obtaining the samples. The WI-1 form and water sample should be sent to the Water Quality Lab in Brookings, (see instruction sheet for address).

If you have any questions, please advise.

Sincerely,

GENNY YOUNG
 Water Rights Specialist

Gy:ks
 enclosures



Department of Water & Natural Resources

Joe Foss Building
625 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

2207-3
~~2333-3~~
3782-3
4334-3

September 5, 1983

SECOND NOTICE

Makens Brothers
2 Richard and/or Michael Makens
Clark SD 57225

Gentlemen:

On April 6, 1983, notice was sent to you concerning the transfer of Water Permit Nos. 2207-3, 2333-3, 3782-3 and 4334-3 in the name of Lake View Ranch, which covers irrigation of portions of Sections 20, 21, 28, 33 and 34, T120N, R51W. To date, we have not heard from you on this matter.

Transfer forms were previously sent to you, enclosed are additional forms. These forms should be signed, dated and notarized before returning them to this office with a filing fee of \$2.50 each (total of \$10.00). The permits can then be transferred to your name(s). If you are not the present owner of the land covered by these Permits, please notify this office. South Dakota Water Law 6-5-30.3 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.

The water system authorized under Permit No. 3782-3 was inspected in August of 1981, and the filing fee (\$50.00) was paid for inspection and issuance of the Water License.

However, as stated to you in our letter dated April 6, 1983, the Water License can not be issued without first obtaining soil/water compatibility approval for lands in the SW $\frac{1}{4}$ and NE $\frac{1}{4}$ Section 28, T120N, R51W from wells in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33, T120N, R51W.

Enclosed is a partially completed soil/water compatibility application (WI-1) and instruction sheet. Please read over the instruction sheet and complete the application accordingly. A water sample will need to be obtained from each of the wells. The instruction sheet shows the sampling procedures and gives the address for sending the WI-1, water samples and soils information.

If you have any questions concerning the transfers, please contact this office. If you need assistance with the soil/water compatibility application, you may contact the Division of Conservation directly, at the Anderson Building, Pierre SD 57501 (605 773-3259).

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:G7:ks
cc: Jim Cukel, Div of Conservation

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 10-3-83

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

500 acres - Section 34, T120N, R51W

formerly owned by Lake View Ranch, Donald Caraway, Marion IA

has been transferred to Richard J. Makens Michael R. Makens
1997 Meadow Court 800 N. Lake Dr.
Bloomfield Hills, Mn 48013 Watertown, SD 57201

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 2333-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
) ss.
County of Clark)

I, Michael R. Makens 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 I know of my own personal knowledge that the information herein stated is true.

Michael R. Makens
(Signed)

Subscribed and sworn to before me this 3rd Day of October, 1983.

Marilyn J. Swanson
(Notary Public)
Marilyn J. Swanson, Notary Public,
Clark County, South Dakota.
My Com. Expires: June 28, 1987.



RECEIPT

Division of Water Rights

N2 4 9376

South Dakota Department of Water and Natural Resources

Pierre, October 5, 1983, 19

RECEIVED OF Michael R. Nakens, 600 N. Lake Dr., Watertown, SD 57201

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 for WR# 2333-3	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	2	50

By John Hatch
Chief Engineer JOHN HATCH (MS)

No. _____



3782-3
2207-3
4334-3
2333-3

Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division

Phone (605) 773-3352

February 14, 1984

Richard J. Makens
1997 Meadow Court
Bloomfield Hills, Minnesota 48013

Michael R. Makens
800 N. Lake Drive
Watertown, South Dakota 57201

Dear Sirs:

4-9373, 4 9374, total of \$10.00
Enclosed is receipt No. 4-9375 & 4 9376 in the amount of \$ 2.50 each which you
paid for transfer of Water Right No. 3782-3, 2207-3, 4334-3 & 2333-3.

Our records now show ^{both of} you as the owners ^{these} of ~~this~~ Water Rights.

Sincerely,

Genny McMath
Water Resources Analyst

GM:ms
Enc. 4



Department of Water & Natural Resources

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

April 12, 1985

Richard & Michael Makens
800 N Lake Dr
Watertown SD 57201

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s). 2333-3, 3782-3 & 4334-3. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

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

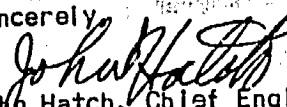
1. Amend Permit No(s). 2333-3, 3782-3 & 4334-3 to require the Irrigation Water Use Questionnaire to be submitted each year;

2. Postpone any action;

3. Take no action.

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

Sincerely,


John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

NOTE: If the questionnaire(s) is received in this office before the May 15th hearing date, your name will be deleted from the agenda for the hearings.



Department of Water & Natural Resources

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

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Michael & Richard Makens
800 N Lake Drive
Watertown, SD 57201

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

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

SUBJECT: Amendment to Water Permit No(s). 3782-3, 2333-3 & 4334-3.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 3782-3, 2333-3 & 4334-3 to add the following qualification:

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

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



Department of Water & Natural Resources

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

Attachment to Water Permit No(s). 3782-3, 2333-3 & 4334-3

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 3782-3, 2333-3 & 4334-3 to add the following qualification:

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

Water Rights Division - DWR
Conversation or File Documentation

2333-3
File No. 3782-3
4334-3

NAME OF PERSON OR FILE: Mike Mokens
ADDRESS: 23225 Northwestern Hwy, Southfield, Michigan 48075
DATE: February 28, 1986 TELEPHONE 313-352-4950
RE: Status

COMMENTS:

Mr. Mokens indicated they did not irrigate in 1985 but may irrigate in the future depending on if they can get a renter. I indicated to him that the Yearly Irrigation Questionnaire could be sent to the renter if he wanted to do it that way. He would notify us if he ~~wanted~~ obtained a renter.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Henry McBeth



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 2333-3

October 1, 1987

James D. Arthur
RR 1, Box 56
Clark, South Dakota 57225

Dear Mr. Arthur:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Secretary

ms/

Enc.

DWNR-820A-8/83

L



Department of Water & Natural Resources

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

May 4, 1988

Second Notice
Permit Nos. 3781-3
2478-3
2333-3

James Arthur
RR #1 Box 56
Clark, SD 57225

Dear Mr. Arthur:

On October 1, 1987, notice was sent to you concerning the transfer of Water Right No. 2333-3 listed in the name of Richard and Michael Makens. The water right authorizes irrigation of 500 acres in Section 34, T120N, R51W. On October 21, 1987, notice was sent to you concerning the transfer of Water Right Nos. 3781-3 and 2478-3 in the name of David Groneberg which covers irrigation of lands in the NE 1/4 Section 3, NW 1/4 Section 2, T119N, R51W and the SW 1/4 Section 35, T120N, R51W. To date, we have not heard from you regarding these transfers.

Enclosed are partially completed transfer forms. Please sign, have notarized and return them to this office with a required filing fee of \$2.50 each (total of \$7.50). The water rights can then be transferred to your name. If you are not the present owner of the land covered under Water Right Nos. 2333-3, 2478-3 and 3781-3, please notify our office. It is very important that ownership records be kept current.

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 us.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

enclosures



PS Form 3811, Dec. 1987

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

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☒ Show to whom and date delivered —c
☐ Show to whom, date, and address of delivery.. —c
2. ☐ **RESTRICTED DELIVERY** —c
(The restricted delivery fee is charged in addition to
the return receipt fee.)

TOTAL \$

3. **ARTICLE ADDRESSED TO:**

James Arthur
R.R. Box 56
Clark, SD 57225

4. **TYPE OF SERVICE:**

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

ARTICLE NUMBER

P 404 786 490

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

James D. Arthur

5. DATE OF DELIVERY

5-7-88

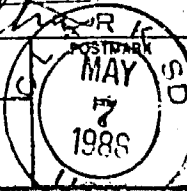
6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

8. EMPLOYEE'S
INITIALS

CLL

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL





Department of Water & Natural Resources

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

September 7, 1988

2333-3
2478-3
3781-3

Jim Arthur
PR #1 Box 56
Clark, SD 57225

Dear Mr. Arthur:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 2333-3, 2478-3 and 3781-3. The forms should be checked over and signed in the presence of a notary public by the owner of the land. Upon completion of the forms, return them to our office with a required filing fee of \$2.50 for each (total of \$7.50). The water rights will then be transferred to the proper name(s).

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.

I checked through our files, after your last visit to our office, and could not find that these transfers were already filed. If you have any questions, please contact us.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



 **Department of
Water & Natural Resources**

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

November 21, 1988

3781-3
2478-3
2333-3

John & Joe Arthur
RR #1 Box 56
Clark, SD 57225

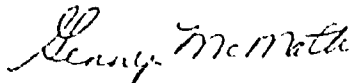
Dear Sirs:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 3781-3, 2478-3 and 2333-3. Water Right Nos. 3781-3 and 2478-3 are currently listed in the name of David Groneberg. Water Right No. 2333-3 is listed in the names of Richard and Michael Maken.

Please complete the forms and sign them in the presence of a notary public. Upon completion, return the transfer forms to our office with a required filing fee of \$2.50 each (total of \$7.50). The water rights will be transferred to your names upon receipt of the completed forms and filing fees in our office.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosures





Department of Water & Natural Resources

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

February 6, 1989

2478-3
2333-3
3781-3

Joe & John Arthur
RR #1 Box 7
South Shore, SD 57263

Dear Sirs:

I am writing to you in response to the 1988 irrigation questionnaires you submitted to our office for Water Right Nos. 2333-3, 2478-3 and 3781-3. You indicated on the forms that there is an ownership and address change.

We are aware that the water rights need to be transferred and have sent several transfer forms to James Arthur for use in filing the ownership changes. To date, we have not received the forms.

Enclosed is an additional set of partially completed "Notice of Transfer" forms. Please check them over, sign in the presence of a notary and return the forms to our office. A \$2.50 filing fee is required for filing each transfer.

Please submit a total of \$7.50 when returning the transfer forms. Upon receipt of the completed forms and filing fees, Water Right Nos. 2333-3, 2478-3 and 3781-3 will be transferred to you.

If you have any questions, please contact me.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

en.losures



#2333-3
#2478-3

 **Department of
Water & Natural Resources**

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

February 17, 1989

James Arthur, Operator
RR 1, Box 56
Clark, SD 57225

Dear Mr. Arthur:

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

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

The new standards include:

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

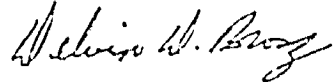


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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

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

Very truly yours,



for JOHN HATCH, Chief Engineer
Water Rights Division

 **Department of
Water & Natural Resources**

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

September 14, 1989

2333-3
2478-3
3781-3

John & Joe Arthur
RR #1 Box 56
Clark, SD 57225

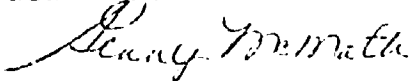
Dear Sirs:

In response to a telephone conversation with Mrs. Joe Arthur, September 13, 1989, enclosed are additional transfer forms for use in filing ownership changes on Water Right Nos. 2333-3, 2478-3 and 3781-3.

The forms should be completed, and then signed in the presence of a notary. Upon completion of the forms, return them to us with a \$2.50 filing fee for each (total of \$7.50).

In order for the 1989 irrigation questionnaires to be mailed to you, as the "owner(s)", the enclosed transfer forms and filing fees must be submitted to our office no later than September 29, 1989. If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosures



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

612002

Pierre, December 20, 1989

RECEIVED OF Joe Arthur, RR 1, Box 12, Garden City SD 57236

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 _____ for Water Permit No. 2333-3	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer

JOHN HATCH

ks

NO. 2333-3

NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 2-10-89

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

500 acres - Section 34, T120N, R51W

formerly owned by Richard & Michael Makens

has been transferred to ~~Joe~~ Joe & John Arthur P.R. 1 Box 7 South Shore
(please include complete mailing address) S.D. No. 57263
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 2333-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

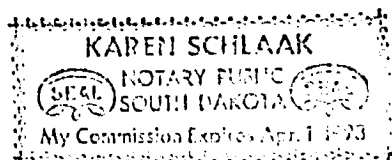
STATE OF SOUTH DAKOTA)
County of Grant) ss.

I, Joe Arthur 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 I know of my own personal knowledge that the information herein stated is true.

Joe Arthur
(Signed)

Subscribed and sworn to before me this 10th Day of November, 1989.

Karen Schlaak
(Notary Public)




DEPARTMENT OF WATER & NATURAL RESOURCES

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



February 1, 1991

JOE, JOHN ARTHUR
RR1 BOX 56
CLARK SD 57225

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s). 2333-3; 2478-3; & 3781-3;

Our records indicate that the 1990 chemigation report(s) has not been received for Permits No(s) 2333-3; 2478-3; & 3781-3;. The request for the chemigation report(s) was dated January 4, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1990 chemigation report(s) be given notice of violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of South Dakota general rule 74:02:09:02(3) requiring chemigation users to report the dates and hours of chemical application.

The hearing(s) will be held at 9:15 am, on February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

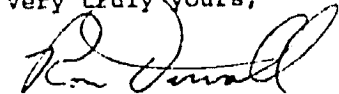
The hearing(s) will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 2333-3; 2478-3; & 3781-3; until either the 1990 chemigation report(s) is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

Very truly yours,



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

NOTE: If the chemigation report(s) is received in this office before the February 27th hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

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. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: Joe, John Arthur RR1 Box 56 Clark, SD 57225	4. Article Number P 430 906 205 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise
5. Signature - Addressee X- <i>Karen Clark</i>	Always obtain signature of addressee or agent and DATE DELIVERED.
6. Signature - Agent X	8. Addressee's Address (ONLY if requested and fee paid) RR1 Box 56 Clark SD 57225
7. Date of Delivery	

PS Form 3811, Apr. 1989

U.S.G.P.O. 1989-238-815

DOMESTIC RETURN RECEIPT



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

2333-3

February 8, 1991

JOE, JOHN ARTHUR
RR1 BOX 56
CLARK SD 57225

Dear Mr. Arthur:

I am writing to acknowledge receipt of your 1990 chemigation report for Water Right No.(s) 2333-3; 2478-3; 3781-3; 5382-3; & 5237-3. You may disregard the February 1, 1991, Notice of failure to report chemical use for 1990. With receipt of the chemigation report, your name has been deleted from the February Water Management Board meeting agenda.

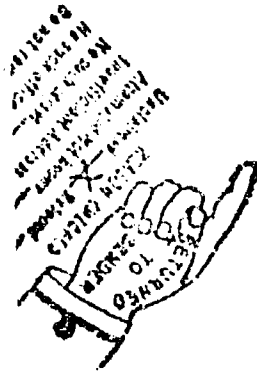
If you have any questions, please contact Regan Fanning at (605) 773-3352.

Sincerely,

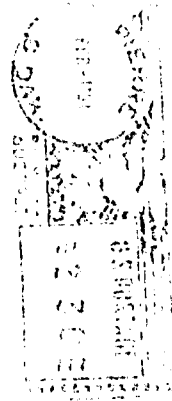
Ron Duvall,
Natural Resources Engineer IV
Water Rights Division



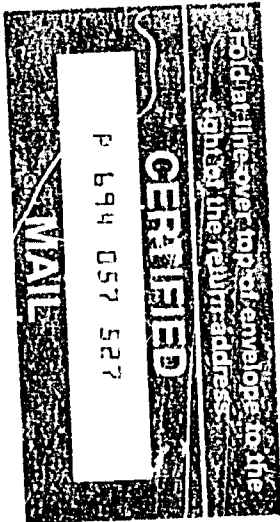
DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181



2346-3



1st Notice 2-7
2nd Notice 2-7
FEB 19 1991



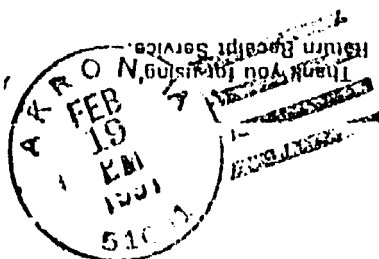
Is your RETURN ADDRESS
completed on the reverse side?

3. Article Addressed to: ROBERT HEBERER RR #2 BOX 3 AKRON IA 51001		4. Article Number P694057 527	
5. Signature — Addressee ☒ X		6. Type of Service: ☐ Registered ☐ Certified ☐ Insured ☐ COD ☐ Return Receipt for Merchandise ☐ Express Mail ☐ Restricted Delivery Always obtain signature of addressee on receipt and DATE DELIVERED.	
7. Signature — Agent ☐ X		B. Addressee's Address (ONLY if requested on reverse side)	
7. Date of Delivery			

PS Form 3811, Apr. 1989

• U.S.G.P.O. 1989-235-915

DOMESTIC RETURN RECEIPT





2333-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501 3181

February 16, 1994

JOE & JOHN ARTHUR
RR #1 BOX 7
SOUTH SHORE SD 57263

NOTICE

RE: Violation of Water Permit No(s) 2478-3 & 3781-3, 2333-3 and 1993 Irrigation
Questionnaire Requirements

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 2478-3 & 3781-3, 2333-3. The request for the Questionnaires was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 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) 2478-3 & 3781-3 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) 2333-3 qualification:

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

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, 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 1-25. 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) 2333-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2478-3 & 3781-3 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 April 1, 1994, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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



2333-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1994

NOTICE

TO: JOE, JOHN ARTHUR
Rt1 BOX 56
CLARK, SD 57225

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

RE: Failure to Report Chemical Use under Water Permit No(s) 2333-3; 2478-3;
3781-3; 5382-3;

The first notice to file chemigation report(s) for Permit No(s) 2333-3; 2478-3; 3781-3; 5382-3; & 5237-3 was dated October 18, 1993. Our records indicate that we have not received the 1993 chemigation report for Permits No(s) 2333-3; 2478-3; 3781-3; 5382-3. The Water Management Board has directed that owners of water permits who have not submitted the 1993 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 8:45 A.M. on April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). 2333-3; 2478-3; 3781-3; 5382-3; 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. Prior to April 1, 1994, 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 chemigation report(s) is(are) received by this office prior to April 1, 1994, you will no longer be in violation and your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this 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:

JOE & JOHN ARTHUR
RR #1 BOX 7
SOUTH SHORE SD 57263

8333-3

4a. Article Number

P 837 692 575

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

2-17-94

5. Signature (Addressee)

6. Signature (Agent)

Tammy Arthur

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

Thank you for using Return Receipt Service.

PS Form 3811, December 1991 ★ U.S.G.P.O.: 1992-307-530

DOMESTIC RETURN RECEIPT



2333-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501 3181

March 23, 1994

2333-3
2478-3
3781-3

Joe Arthur
RR #1 Box 7
South Shore, SD 57263

Dear Mr. Arthur:

I am writing to acknowledge receipt of your 1993 irrigation questionnaires and chemical reporting forms for Water Permit Nos. 2333-3, 2478-3 and 3781-3. You may disregard the February 16, 1994, **Notice of Violation of Water Permits and 1993 Irrigation Questionnaire Requirements and also the Notice of Failure to Report Chemical Use.**

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

If you have any questions, please contact me.

Sincerely,

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

Note: We still have not received a 1993 irrigation questionnaire and chemical reporting form for Water Permit No. 5382-3 (listed under Joe & John Arthur)



2333.3

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

February 7, 1995

NOTICE

TO: JOE, JOHN ARTHUR
RR1 BOX 7
SOUTH SHORE, SD 57263

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

RE: Failure to Report Chemical Use under Water Permit No(s) 2333-3; 2478-3;
3781-3; 5382-3

The first notice to file chemigation report(s) for Permit No(s) 2333-3; 2478-3; 3781-3; 5382-3; & 5237-3A was dated November 3, 1994. Our records indicate that we have not received the 1994 chemigation report for Permits No(s) 2333-3; 2478-3; 3781-3; 5382-3. The Water Management Board has directed that owners of water permits who have not submitted the 1994 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:30 A.M. on March 8, 1995, in the Crown Room, 3RD Floor, Kings Inn Best Western Convention Center, 220 South Pierre Street, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). 2333-3; 2478-3; 3781-3; 5382-3 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. Prior to March 3, 1995, 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 chemigation report(s) is(are) received by this office prior to March 3, 1995, you will no longer be in violation and your name will be deleted from the Board agenda.



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

February 7, 1995

JOE/JOHN ARTHUR
RR 1 BOX 7
SOUTH SHORE SD 57263

NOTICE

RE: Violation of Water Permit No(s) 2478-3 & 3781-3, 2333-3 & 5382-3 and 1994 Irrigation Questionnaire Requirements

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No(s) 2478-3 & 3781-3, 2333-3 & 5382-3. The request for the Questionnaires was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 2478-3 & 3781-3 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) 2333-3 & 5332-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 2333-3 & 5382-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2478-3 & 3781-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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

2333-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 21, 1995

2333-3 2478-3
3781-3 5382-3

Joe Arthur
PO Box 578
South Shore, SD 57263

Dear Mr. Arthur:

I am writing to acknowledge receipt of your 1994 irrigation questionnaires and chemical reporting forms. You may disregard the February 7, 1995, **Notice of Violation of Water Permit and the Requirements to Submit the 1994 Irrigation Questionnaires and also the Notice of Failure to Report Chemical Use.**

The questionnaires and chemical reporting forms were received in our office prior to the Water Management Board meeting and your name was deleted from the agenda.

Your water permits or rights are currently listed in the name of Joe and John Arthur. You made notations on a couple of your irrigation questionnaires changing the address from RR #1 Box 7 to Post Office Box 578, South Shore. The addresses have been changed, however, I was not able to determine from your notes whether the water rights should be transferred from Joe and John Arthur to Joe Arthur or whether you were only making an address change.

If you want the actual names on the water rights/permits to change, I will need to send you forms for use in filing an ownership change. These forms are available upon request.

If you have any questions, please contact me.

Sincerely,

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



2333-3

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

January 30, 1996

NOTICE

TO: JOE/JOHN ARTHUR, PO BOX 578, SOUTH SHORE, SD 57263 0578
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 2333-3, 2478-3, 3781-3 & 5382-3 and 1995 Irrigation Questionnaire Requirements

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 2333-3, 2478-3, 3781-3 & 5382-3. The request for the Questionnaires was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 2478-3, 3781-3 & 5382-3 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) 2333-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 2333-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2478-3, 3781-3 & 5382-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 1, 1996, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



January 30, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: JOE/JOHN ARTHUR
PO BOX 578
SOUTH SHORE SD 57263

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

RE: Failure to Report Chemical Use under Water Permit No(s) 2333-3; 2478-3; 3781-3; 5382-3; & 5237-3A

The first notice to file chemigation report(s) for Permit No(s) 2333-3; 2478-3; 3781-3; 5382-3; & 5237-3A was dated 10/20/95. Our records indicate that we have not received the 1995 chemigation report for Permits No(s) 2333-3; 2478-3; 3781-3; 5382-3; & 5237-3A. The Water Management Board has directed that owners of water permits who have not submitted the 1995 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:45 A.M. on March 6, 1996, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). 2333-3; 2478-3; 3781-3; 5382-3; & 5237-3A 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 chemigation report(s) is(are) received by this office on/or before March 1, 1996 your name will be deleted from the board agenda.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 East 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.

2333-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 23, 1996

Joe & John Arthur
PO Box 578
South Shore, SD 57263

Dear Sirs:

I am writing to acknowledge receipt of your 1995 irrigation questionnaires and chemigation reports. You may disregard the January 30, 1996, Notice of Violation of Water Permit Nos. 2333-3, 2478-3, 3781-3 and 5382-3.

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,

A handwritten signature in cursive script that reads "Genny McMath".

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



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

February 4, 1997

NOTICE

TO: JOE/JOHN ARTHUR
PO BOX 578
SOUTH SHORE SD 57263

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

RE: Failure to Report Chemical Use under Water Permit No(s) 2333-3; 2478-3; 3781-3 & 5382-3

The first notice to file chemigation report(s) for Permit No(s) 2333-3; 2478-3; 3781-3 & 5382-3 was dated 10/24/96. Our records indicate that we have not received the 1996 chemigation report for Permits No(s) 2333-3; 2478-3; 3781-3 & 5382-3. The Water Management Board has directed that owners of water permits who have not submitted the 1996 chemigation report(s) be given notice of violation and hearing before the board. The hearing held by the board is to determine what action is to be taken concerning violation of Administrative Rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical applied.

The hearing will be held at 2:30 PM on March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). 2333-3; 2478-3; 3781-3 & 5382-3 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 chemigation report(s) is(are) received by this office on/or before February 28, 1997 your name will be deleted from the board agenda.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 East 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.



February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: JOE/JOHN ARTHUR, PO BOX 578, SOUTH SHORE, SD 57263 0578

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

SUBJECT: Violation of Water Permit No(s) 2333-3 & 5382-3, 2478-3 & 3781-3 and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 2333-3 & 5382-3, 2478-3 & 3781-3. 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) 2478-3 & 3781-3 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) 2333-3 & 5382-3 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) 2333-3 & 5382-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2478-3 & 3781-3 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 25, 1997

2333-3

2478-3

3781-3

5382-3

Joe & John Arthur
PO Box 578
South Shore, SD 57263-0578

Dear Sirs:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires and chemical reporting forms. You may disregard the February 4, 1997, Notices of Violation of Water Permits, the 1996 Irrigation Questionnaire Requirements and Failure to Report Chemical Use.

The information was received in our office prior to the Water Management Board meeting and your names have 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



2333-3

January 9, 1998

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

TO: JOE/JOHN ARTHUR, PO BOX 578, SOUTH SHORE, SD 57263 0578

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. 2333-3 & 5382-3, 2478-3 & 3781-3. 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) 2478-3 & 3781-3 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) 2333-3 & 5382-3 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) 2333-3 & 5382-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2478-3 & 3781-3 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.



2333-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 9, 1998

NOTICE

TO: JOE/JOHN ARTHUR, PO BOX 578, SOUTH SHORE SD 57263

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

RE: Requirement to Report 1997 Chemical Use

The first notice to file chemigation report(s) for Permit No(s) 2333-3, 2478-3, 3781-3 & 5382-3 was dated October 17, 1997. Our records indicate that we have not received your 1997 chemigation report(s). The Water Management Board has directed that owners of water permits who have not submitted the 1997 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application

The hearing will be held at 9:45 am, February 25, 1998, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). 2333-3, 2478-3, 3781-3 & 5382-3 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. Prior to February 20, 1998, contact the Water Rights Program, 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 chemigation report(s) is(are) received by this office prior to February 20, 1998 you will no longer be in violation and your name will be deleted from the Board agenda.



2333-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 13, 1998

2333-3

2478-3

3781-3

5382-3

Joe & John Arthur
PO Box 578
South Shore, SD 57263-0578

Dear Sirs:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires and chemical reporting forms. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 2333-3, 2478-3, 3781-3 and 5382-3.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2000

NOTICE

TO: JOE/JOHN ARTHUR, PO BOX 578, SOUTH SHORE, SD 57263 0578
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaires

Our records indicate that the 1999 Irrigation Questionnaires have not been submitted for Permit Nos. 2333-3 & 5382-3, 2478-3 & 3781-3. The request for the Questionnaires was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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) 2478-3 & 3781-3 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) 2333-3 & 5382-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 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) 2333-3 & 5382-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2478-3 & 3781-3 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, 2000, 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.



2333-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2000

Joe & John Arthur
PO Box 578
South Shore, SD 57263-0578

RE: Water Permit Nos. 2333-3, 2478-3, 3781-3 and 5382-3

Dear Sirs:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit Nos. 2333-3, 2478-3, 3781-3 and 5382-3.

The information was received in our office prior to the Water Management Board meeting and your names have 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

2333-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: JOE/JOHN ARTHUR, 46409 154TH ST, SOUTH SHORE, SD 57263

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. 2333-3 & 5382-3, 2478-3 & 3781-3. 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) 2478-3 & 3781-3 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) 2333-3 & 5382-3 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) 2333-3 & 5382-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2478-3 & 3781-3 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.



2333-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 7728

Your item was delivered at 1:36 pm on January 29, 2004 in SOUTH SHORE, SD 57263. The item was signed for by J ARTHUR.

[Shipment Details >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

Notification Options

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SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 7728

JOE/JOHN ARTHUR
46409 154TH ST
SOUTH SHORE SD 57263

alling.

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

☐ Priority Mail®
☐ Package Services



2333-3

**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 27, 2004

2333-3
2478-3
3781-3
5382-3

Joe & John Arthur
46409 154th St
South Shore SD 57263

Dear Sirs:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Permit or Right Nos. 2333-3, 2478-3, 3781-3 and 5382-3.

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

JANSSEN RANCH

IRRIGATION PROJECT #2

Lyman Janssen - opr
 South Shore South Dakota
 57263
 Grant County

Cross Hatch Indicates Irrigated Area
 Point of Diversion 2180' N126°W of
 North East corner of Sec 34-120-51

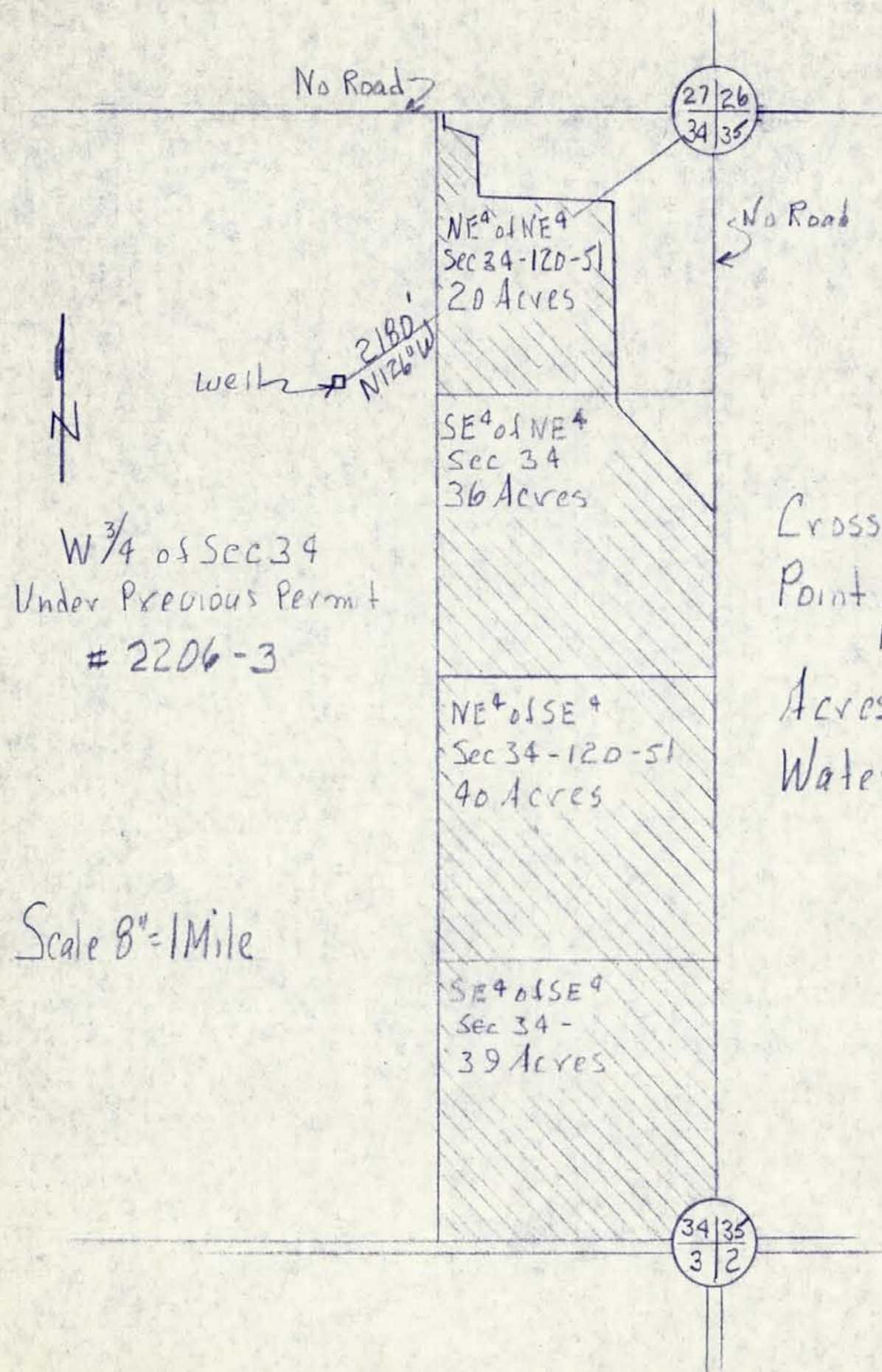
Acres to be Irrigated - 135
 Water claimed - 1.93 cfs

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

Janssen Ranch

Lyman Janssen - opr South Shore S.D.
 Drawn by J.L.W. Aug. 13, 1975
 John L. Wiersma P.E. #1916
 Brookings S.D.

MAP #2113-3 APR. N. 57006
 2333-3





2333-3

**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 24, 2006

NOTICE

TO: JOE/JOHN ARTHUR, 46409 154TH ST, SOUTH SHORE, SD 57263

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaires

Our records indicate that the 2005 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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) 2478-3 & 3781-3 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) 2333-3 & 5382-3 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 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) 2333-3 & 5382-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2478-3 & 3781-3 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 24, 2006**, 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.



Track & Confirm

Current Status

You entered 2303 2160 0000 0799 3759

Your item was delivered at 8:06 am on January 30, 2006 in SOUTH SHORE, SD 57263. The item was signed for by J ARTHUR.

[Shipment Details >](#)

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SIGNATURE CONFIRMATION NUMBER:
4556 4440 0000 0912 EDE2
4556 4440 0000 0799 3759

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SOUTH SHORE SD 57263

Waiver of Signature ☐ YES ☐ NO

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PS Form 153, May 2002

(See Reverse)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 2, 2006

2333-3
2478-3
3781-3
5382-3

Joe & John Arthur
46409 154th St
South Shore SD 57263

Dear Sirs:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Permit or Right Nos. 2333-3, 2478-3, 3781-3 and 5382-3.

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

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

No. 2333-3
5382-3

August 4, 2016

John & Joe Arthur
46409 154th St
South Shore SD 57263

Dear Sirs:

On July 20, 2016, a staff member from the Department of Environment and Natural Resources (DENR) observed overspray from the irrigation system located in the SW 1/4 Section 34-T120N-R51W onto the adjacent north/south road (see attached photo). This irrigation system is covered by Water Right Nos. 2333-3 and 5382-3.

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

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

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

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosure

Overspray Report

Date of Picture: 7/20/2016

County: Grant

Water Right/Permit No.: 2333-3 and 5382-3 (additional wells)

Reported by: Watertown Seasonal Observation Well Technician



Description from summer help: 45.155, -96.945 are the coordinates, picture is facing north

Notes: it appears to be the pivot in the SW ¼

