

Permit No. 2341A-3Big Sioux River Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day made a thorough examination of the water use system constructed by Alvin Howe of Hinton, Iowa holder of Permit No. 2341A-3, bearing the priority of August 29, 1975 authorizing the diversion of 2.16 cu. ft. per second and/or the storage of acre-feet of the waters of ground water for irrigation purposes, in Union County.

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

A. Works used to divert the water:

1 Well 104' deep with Floway Pump 1200 GPM and White Diesel 6 cyl. Model No. D4800Serial No. 4002873

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

6480' of 160 psi 8" PVC pipe

C. Works used to apply water to beneficial use:

2 Lindsey Pivots 6 towers and 1100' each 1100 gpm @ 3" psi Lindsey nozzles; and Water Winch Gun 1" nozzle 4" hose 500' long 850-900 gpm

The system is in the following condition excellent. The point of diversion is located 3030' E and 1200' N of the SW corner of Section 6-T89N-R48W. The works are capable of diverting and conveying to the place of use 2.44 cu. ft. per second of water and/or storing acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 6-T89N-R48W (Portions also described as Section 25-T30N-R7E off Nebraska Survey)NW1/4 SW1/4 - 30 acresSW1/4 SW1/4 - 27 acresNE1/4 SW1/4 - 27 acresSE1/4 SW1/4 - 25 acresNW1/4 SE1/4 - 30 acresSW1/4 SE1/4 - 30 acres

NE1/4 SE1/4 - 24 acres

SE1/4 SE1/4 - 22 acres

comprising a total of 216 acres of land and the license should be issued for 1.94 cfs and/or acre-feet of storage.

Application permit qualifications have been complied with ☒ Yes No

Exceptions to compliance are: None Date 8/7/91



Gregory C. Johnston
Natural Resources Engineer
DENR, Water Rights Division

LICENSE FOR PERMIT NUMBER #2341A-3

1. Legal location of wells: 3030'E and 1200'N of the SW corner of Section 6-T89N-R48W, Union County, SD

Dams and Structures

2. Well Information: Well Drilling Firm N/A

Completion Report? Yes No X No. of Wells 1 Depth(s) 104 (est) feet

Casing a) diameter N/A inches Screen a) type Unknown

b) length feet b) length feet

c) type Static Water Level feet

Pump a) make Floway Motor a) make White Diesel

b) model Unknown b) model no. D4800

c) size 8" c) horsepower rating Unknown

d) capacity 1200 GPM d) serial no. 4002873

e) turbine pump - no. of stages Unknown

f) operating PSI 35-40

3. Distribution lines or canals

a) size 8" inches

b) type PVC

c) length 6480 feet

4. System Type a) sideroll:

b) towline:

c)gun:

d) center pivot: (2 Center Pivots)

1) make Water Winch

1) make Lindsey

2) nozzle size 1"

2) number of towers 6 each

3) capacity (GPM) 500

3) distance between towers

- 4) hose size 4 inches 4) overall length 1100 feet
- 5) hose length 850-900 feet 5) end gun (Y/N) y
- e) gated pipe: 6) high or low pressure low (35psi)
- 1) length feet 7) make and size of nozzles:
- 2) diameter inches Lindsey
- 3) spacing of gates inches 8) capacity (GPM) 1100

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

Indicate any other permit(s) which are associated with project 2341 3 and 2341B-3

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

REMARKS: 272 acres presently being irrigated by Alvin Howe who purchased 240 acres (216 of which are irrigated now) out of 300 total acres (272 of which are presently being irrigated). The entire 300 acres are covered under No. 2341-3. Will transfer 216 acres to Alvin Howe (No. 2341A-3) and leave remaining 36 acres in name of Harvey Beaver (No. 2341B-3). No. 2341-3 appropriated 2.70 cfs for 300 total acres. I have proportioned 2.44 cfs for the total 272 acres now being irrigated and have broken that down into 1.94 cfs for the 216⁷/₈ acres held by Alvin Howe and 0.50 cfs for the 56 acres held by Harvey Beavers.

File No. 2341-3A

Water Rights Division -DENR

Conversation or File Documentation

NAME OF PERSON OR FILE: Alvin Howe/ Harvey Beavers

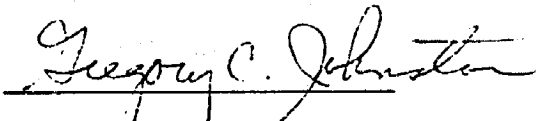
ADDRESS: Hinton, IA COUNTY: Union

DATE: 10/29/91 TELEPHONE:

RE: Legal Description of land held by Alvin Howe and Harvey
Beavers

COMMENTS:

Alvin Howe purchased 240 of 300 total acres from Harvey Beavers described as Beavers Tract 1, less Howe Tract 1 - 240 acres, Section 25-T30N-R7E, Nebraska Survey. This description corresponds to Section 6-T89N-R48W, Union County, SD. Mr. Howe is currently irrigating a portion of the 240 acres, and License No. 2341-3 which covers the 300 total acres will be broken into two portions - 2341A-3 (Howe) and 2341B-3 (Beavers)


Gregory C. Johnston

Natural Resources Engineer

DENR, Water Rights Division

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2341A-3
DIVISION OF NO. 2341-3 INTO NOS. 2341A-3 AND 2341B-3**

(1) Harvey Beavers was issued Water License No. 2341-3 on February 3, 1978 for a water right to appropriate 2.70 cubic feet of water per second (cfs) from groundwater (one well), Union County, South Dakota for irrigation purposes. Water License No. 2341-3, with a priority date of August 29, 1975 was issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

In 1991, an inspection of the water use system, to identify specific ownership of the land and the extent of irrigation still being done, found a total of 272 acres being irrigated at a diversion rate of 2.44 cfs. On September 12, 1991, a portion of the land described in Water Right No. 2341-3 was transferred to Alvin Howe. Water License No. 2341-3 is being divided and reissued as No. 2341A-3, Alvin Howe and No. 2341B-3, Harvey Beavers.

Water License No. 2341A-3 is being issued for diversion of 1.94 cfs to irrigate 216 acres (acreage described in (3) of this license.

Water License No. 2341B-3 is being issued for diversion of 0.50 cfs to irrigate 56 acres (acreage described in (3) of this license.

(2) It is certified that Water License No. 2341A-3 authorizes diversion of 1.94 cubic feet of water per second for beneficial use. The location of the diversion point is 3030 feet east and 1200 feet north of the SW corner of Section 6, T89N, R48W (SW 1/4 SE 1/4).

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

T89N, R48W	Section 6	NW 1/4 SW 1/4	30 acres	
		SW 1/4 SW 1/4	27 acres	
		NE 1/4 SW 1/4	27 acres	
		SE 1/4 SW 1/4	26 acres	
		NW 1/4 SE 1/4	30 acres	
		SW 1/4 SE 1/4	30 acres	
		NE 1/4 SE 1/4	24 acres	
		SE 1/4 SE 1/4	22 acres	
		Total	216 acres	

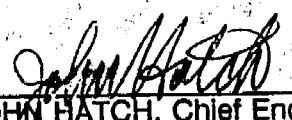
WATER LICENSE NO. 2341A-3

ALVIN J HOWE

PAGE 2

(4) Pursuant to South Dakota Water Law 46-5-30.1 Alvin J Howe of RR #2 Box 41, Hinton, IA 51024 the holder and/or owner of Water Right No. 2341A-3 is issued a license to appropriate water, the right to use 1.94 cubic feet of water per second from groundwater (one well) with a priority date of August 29, 1975 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 2341-3 and subject to South Dakota State Law.

SEP 20 1993



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



2341A-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 20 1993

Alvin J Howe
RR #1 Box 41
Hinton, IA 51024

Harvey L Beavers
3400 S Ironwood, #126
Apache Junction, AZ 85220

Dear Mr. Howe and Mr. Beavers:

Enclosed are your Water License Nos. 2341A-3 "or" 2341B-3. Water License No. 2341-3 was divided and reissued to reflect separate ownership of the land.

The licenses were issued as follows:

No. 2341A-3 - Alvin J Howe - irrigation of 216 acres in portions of the S 1/2 Section 6, T89N, R48W at a diversion rate of 1.94 cfs;

No. 2341B-3 - Harvey L Beavers - irrigation of 56 acres in portions of the E 1/2 SE 1/4 Section 6 and W 1/2 SW 1/4 Section 5, T89N, R48W.

Our records reflect Mr. Howe as the operator for both irrigation systems. The yearly water use questionnaires and chemigation reports will be sent directly to him for both water rights.

As long as you use the water beneficially as stated in the water licenses, SD Water Law allows you a continuing right to the use of the water.

If you have any questions concerning each of the licenses, please contact us.

Very truly yours,

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

enclosures

Harvey Beavers

(Nebraska Survey)
Section 25-T30N-R7E 5th P.M.

NW¼ SW¼

$$1'' = 696'$$

10/31/91

Dorthea E Eevers, LE

SEK/SEK= 77

Total = 216 acres

234114-2

2341B-3

SE 1/4 SE 1/4 = 1200

9101

Total = 56



2341B-3



January 24, 2006

2 341A-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: HANSON FARMS, LEASOR, MIKE HANSON, 33463 480TH AVE, JEFFERSON, SD 57038

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) 2341A-3 & 2858-3 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) 2360-3, 2361-3 & 4745-3 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) 2360-3, 2361-3 & 4745-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2341A-3 & 2858-3 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.

c: ALVIN HOWE, 30778 R 49, HINTON, IA 51024

MCCOOK LAKE IZAAK WALTON LEAGUE, 341 LAKE SHORE DR, MCCOOK LAKE, SD 57049

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**

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

February 6, 2006

Mike Hanson
Hanson Farms
33463 480th Ave
Jefferson SD 57038

RE: Water Right Nos. 2341A-3, 2360-3, 2361-3, 2858-3 and 4745-3

Dear Mr. Hanson:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right Nos. 2341A-3, 2360-3, 2361-3, 2858-3 and 4745-3.

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

c: Alvin Howe
McCook Lake Izaak Walton League

234/A-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date January 31, 2022RECEIVED OF DW Family Ltd Partnership 31202 K49 Hinton IA 51024

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>2341A-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer
me

2341A-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 1, 2022

2341A-3
2858-3

David Howe
DW Family Ltd Partnership
31202 K-49
Hinton IA 51024

Dear Mr. Howe:

Thank you for sending in the transfer of ownership forms and filing fees.

The ownership changes have been completed. The water rights formerly held by Alvin J Howe are now listed under "David Howe, DW Family Ltd Partnership".

Enclosed for your records are receipts for the filing fees you paid. If you have any questions, please let me know.

Sincerely,

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

enclosures

PAID

JAN 31 2022

Ck# 1267

Rec't# _____

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

JAN 31 2022

WATER RIGHTS PROGRAM

No.

2341A-3

Date:

1/29/2022

I/We request that Water Right No. 2341A-3

formerly owned by: Alvin J Howe

be transferred to: (name & address)

David Howe 31202 KY9
Hinton IA 51024 (DW Family Ltd Partnership)
Telephone No. 712-947-4073

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

216 acres - S 1/2 Section 6, T89N, R48W

I/We understand that the validity of Water Right No. 2341A-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We

David Howe

DW Family Ltd Partnership

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

David Howe

(Signed by new owner)

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: KEITH HALL, LEASOR, 912 E WASHINGTON ST, ELK POINT, SD 57025 2269

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2121-3, 2341A-3, 2449-3 & 2858-3 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) 6801-3, 7563-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 6801-3, 7563-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2121-3, 2341A-3, 2449-3 & 2858-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: CPYVTT**

c: ALVIN HOWE, 30778 R 49, HINTON, IA 51024

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.

234/A-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 26, 2022

Keith Hall
912 E Washington St
Elk Point SD 57025-2269

RE: Water Right or Permit Nos. 2121-3, 2341A-3, 2449-3, 2858-3, 6801-3 and 7563-3

Dear Mr. Hall:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for the above listed water permits/rights. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 26, 2022

2341A-3
2858-3

David Howe
DW Family Ltd Partnership
31202 K-49
Hinton IA 51024

Dear Mr. Howe:

Recently after receiving irrigation questionnaires from Keith Hall, we found that two of the water rights he reports for are still listed in Alvin Howe's name. A review of the Union County property records shows you now own the property.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with each water right. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the two water rights for your records. If you do not own the land and we need to be contacting someone else, please let me know.

Thank you in advance for updating the water rights.

Sincerely,

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

enclosures