

Water Right Number 2412-3

1. Considered November 12, 1975
2. Name of Applicant Poinsett Hutterian Brethern
3. Post Office Address Estelline, SD
4. Amount of water claimed 2.43
5. Source of water supply well (30' DEEP WELL)
6. Water to be used for irrigation
Acres to be irrigated 170
7. Water to be diverted and used in Hamlin County
about 1 1/2 W Miles of ESTELLINE
8. Proof of Publication Received 11-12-75
Not received _____
9. Application Approved _____

10. Remarks:

*2412-3 - Keith & Leland Johnson
and correspondence to:
Poinsett Hutterian Brethern
7. Jackson Wallman
Estelline, S.D.
(they farm land for
Johnson Bros.)*

No. 2412-3
 Map No. 1789-3 Water Division No. 3 BIG SIOUX RIVER District
 (Blank to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Johnson Brothers, Keith & Leland Johnson
 Postoffice address XXXXXXXXXXXXXXXXXX Box AB, Spearfish, State South Dakota XXXXXXXXXXXX
57783

If a corporation show date and place of incorporation

2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct labor
 3. Name of diversion work Poinsett Hallerian Brothers Ass'n Irrigation Project
Niemeyer Co.

4. Amount of water claimed (cubic feet per second) 2.43

5. Source of water supply Well

6. Location of point of diversion 2080' N 123° W of NE corner of Section
22-113-51 or NW 1/4 of NE 1/4 of Sec 22-113-51

County Hamlin

7. Annual period or periods during which water is to be used April through October

8. Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation

9. For irrigation use, Total number of acres to be irrigated: 170

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 NW 1/4 Sec 22-113-51	2.6	NW 1/4 of NE 1/4 of Sec 22-113-51	3.9
		NE 1/4 of NW 1/4 of Sec 22	3.8
		SW 1/4 of NE 1/4 of Sec 22	2.8
		SE 1/4 of NE 1/4 of Sec 22	3.9

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 3 years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication Waterman Public Opinion

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 pump

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

closed conduit

C. Works proposed to apply water to beneficial use.

center pivot irrigation machine

Estimated Total Cost \$ 40,000

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Brackley

I, Arthur Williams, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Arthur Williams

Subscribed and sworn to before me this 9 day of July, 1975

John Williams
 Notary Public for other qualified officers

WATER RIGHT APPLICATION APPROVAL

Johnson Brothers, Keith & Leland Johnson,

The Water Resources Commission hereby approves Water Right Application No. 2412-3

~~JOHNSON BROTHERS, KEITH & LELAND JOHNSON~~
(Applicant)

~~EXTENSION~~
(Post Office Address)

Box AB, Spearfish

SOUTH DAKOTA ~~57783~~
(State)

With the following modifications:

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

Date of first receipt of application JULY 14, 1975
Date of return to applicant for correction, amendments or changes required 0, 1975
Date of receipt of corrected application OCTOBER 16, 1975
Approved NOVEMBER 13, 1975, Recorded in Book 14, Page 142

WATER RIGHT PERMIT NO. 2412-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 2412-3 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 OCTOBER 16, 1975
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 13, 1978
3. The whole of said work is to be completed on or before NOVEMBER 13, 1980
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 13, 1983
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 2.43 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 use, 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, 1983; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 21ST day of NOVEMBER, 1975

WATER RESOURCES COMMISSION

By:

J. L. H. H. H.
Chief Engineer, Executive Officer

Certificate of Construction Issued, _____, 19____

Water License Issued, _____, 19____

Present to _____ # 6

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 22", Depth 30'
- (2) Casing, Type Steel, Diameter 16", Thickness 3/16"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type Continuous slot, Diameter 16", Length 10'
- (4) Gravel Pack, Thickness 3", Length of gravel pack 20'

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 coarse gravel & some
in the stones & boulders as depth increased

Depth to top of water bearing material 10'

Depth to bottom of water bearing material 30'

Thickness of water bearing material 20'

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

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

On same owner's property none rds. On property owned by others 100 rds.
no other supply

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.

Joshua Williams
Signature of Applicant

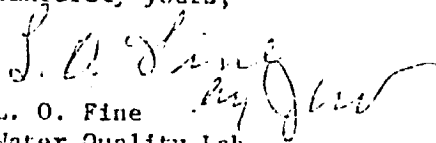
October 24, 1975

Poinsett Colony
Estelline, SD 57234

Dear Sirs:

Enclosed please find the report of analysis of the water sample #75-610 for use on Sec. 22-113-51. The electrical conductivity of 663 and the sodium adsorption ratio of 0.27 indicate this to be a moderately good water and should cause no difficulty when used in the east central portion of the state. When I saw no difficulty I am referring to the question of salt accumulations or of sodium-caused dispersion of soil structure. There should be no difficulty either way here. If there is any further question, please contact me.

Sincerely yours,


L. O. Fine
Water Quality Lab

LOF:ckb

Enclosures

cc: State Conservation Commission

D. Pahl

Harold Campbell, County Extension Agent

Conservation
Commission
Form WL #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 OF

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: SEP 8 1985

Disapproved: _____

NAME: Poinsett Herman Brothers A.S.S.
ADDRESS: Estelline South Dakota
COUNTY: Harrison

LEGAL DESCRIPTION

1. WELL LOCATION: 2080' N 123° W of NE corner Sec 22 - 13
2. AREA TO BE IRRIGATED: NE 1/4 + NE 1/4 NW 1/4 Sec 22 - 13 - 5'

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: _____
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: _____

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 75-610
8. SALINITY: EC = 663 μ mhos/cm (medium)
9. SODIUM: SAR = 0.27 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

and:

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

Joseph H. Hollmann
Owner

Subscribed and sworn before me this

7 day of Jan. 1975
Laurence Gratz

Notary

(Title)

LAURENCE GRATZ
Notary Public, Hamlin County, S. D.
My Commission Expires Nov. 17, 1976

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

Submitted by: Colonel Colony
 Address: Brookings, SD 57006

Date Rec'd: July 9, 1975
 Sample No.: 75-610
 Identification: Cell 110
Reg. 22, 1133, 1154

WATER ANALYSIS

Calcium (Ca)	87	ppm*	4.35	me/l**
Magnesium (Mg)	36	ppm	2.75	me/l
Sodium (Na)	18	ppm	0.51	me/l
Potassium (K)	2	ppm	0.06	me/l
Sulfate (SO ₄)	62	ppm	1.30	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	1	ppm	0.13	me/l
Bicarbonate (HCO ₃)	322	ppm	5.28	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)	264	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	663	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.27			
Sodium	6.43	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.91			
Others:				

*ppm=parts per million

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

**me/l=milliequivalents per liter

COMMENTS: Total cations 7.37 me/l
 Total anions 6.71 me/l

By: Shirley Mattan

Service Performed	Amount Due
Irrigation analysis	16.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 75-610

Amount Enclosed \$

Signed

2412-3

Publish first publication on or before November 3, 1975NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 30, 1975Poinsett Hutterian Brethern Association

Notice is hereby given that

whose post office address is Estelline, 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 use2.43 cubic feet of water per second of time from the ground water through the Poinsett Colony #6, the point of diversion of which is to be located in the _____NE¼, NE¼of Section 22, Twp. 113N, Range 51W. Said water to be used for the purpose of providing irrigation on the following described land:NE¼, NE¼ NW¼, Section 22, T113N, R51W

This application No. 2412-3 will be considered by the Water Rights Commission at their office at Pierre upon the 12th day of November, 1975, at 2:30 P. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights SpecialistBFJ/bw
cc:

Poinsett Hutterian Brethern Association, Estelline, S.D. 57234

2412-3 Pennell Hollow Brook Assoc.

6-27-78 Larry Johnson, Brook Associates

Co., 26 Service St.

I should like to have the permit
cancelled as soon as possible.
The 5 completion date was May

13, 1978.

This permit should be
cancelled. I only talked to one of
the operators of the land. Johnson
should be contacted.

Larry J. Mernagh

July 6, 1978

Johnson Brothers Construction Co.
West Hwy 14
Ft. Pierre, South Dakota 57552

Dear Sirs:

On June 27, 1978, Mr. LeRoy Mernaugh of this office contacted one of the operators of Water Permit No. 2412-3 authorizing the diversion of 2.43 cubic feet per second of water from ground water to irrigate 170 acres. He indicated that your Company had purchased the land and construction of the works has never been completed.

South Dakota Water Laws provide that one-fifth of the water diversion system is to be completed within one-half of the time allowed after the water permit is approved. The expiration of the period for completion of one-fifth of the works for Permit No. 2412-3 was May 13, 1978.

Therefore, cancellation of Water Permit No. 2412-3 will be considered by the Water Rights Commission at 10:00 on September 14, 1978 at the 4-H Fairground Meeting Hall in Mitchell, SD.

Very truly yours,

JOHN HATCH, Chief Engineer
WATER RIGHTS COMMISSION

JH/hw/gy



JOHNSON BROS. COMPANY

BOX 636
FT. PIERRE, SOUTH DAKOTA 57532

KEITH JOHNSON, PRESIDENT

LELAND JOHNSON, TREASURER

July 24, 1978



Mr. John Hatch
Chief Engineer
Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Re: Water Permit #2412-3

Dear Sir:

Reference your letter dated July 6, 1978 in regard to cancellation of the above referenced permit.

Please be advised that we worked this permit in July of 1977 in regard to channelization and leveling in preparation for irrigation. Therefore cancellation of this permit should not be considered.

Very truly yours,

KEITH AND LELAND JOHNSON

By 
J.D. Thompson
Box AB
Spearfish, S.D. 57783

DDT:is

November 2, 1979

Johnson Brothers
Keith & Leland Johnson
Box AB
Spearfish, SD 57733

Dear Sirs:

On February 21, 1979 we wrote you concerning the transfer of Water Right No. 2412-3 in the name of Poinsett Hutterian Brethern Assoc. which covers irrigation of 170 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ Sec. 22, T113N, R51W.

We are in the process of up dating our records to enable us to send out our 1979 Irrigation Questionnaire. Since a transfer form has not been submitted to this office, the Permit is still incorrectly listed under Poinsett Hutterian Brethern. Please check over the enclosed transfer form, notarize and return to this office with the required filing fee of \$2.50.

If you are not the present owners of this land, please notify this office as to who does own it. The transfer of this Permit must be in our office within 60 days from the date of this letter or it will be scheduled for cancellation before the Water Management Board.

Sincerely,

GENNY YOUNG
Staff Assistant

gy

encl

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7119

PIERRE, November 11, 1977

RECEIVED OF Johnson Brothers Company, Grading Contractors, Spearfish, SD 57783

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 transfer of water right No. 2412-2	2	00
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	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH (97)

NO. 2412-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 11-6-79

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

170 acres, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ Sec. 22, T113N, R51W

formerly owned by Pocinsett Hutterian Brethern Assoc., Estelline, SD

has been transferred to Johnson Brothers, Keith & Leland Johnson, Box AB
Spearfish, SD 57783
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 2412-3 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 the Board of Water Management 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 Lawrence) ss.

I, Keith Johnson 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.

(Signed)

Subscribed and sworn to before me this 6th Day of November, 1979.

Donald D. Longman
(Notary Public)

Permit No. 2412-3Water Division 3 Big Sioux River Water District

**REPORT 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 JOHNSON
BROTHERS of SPEARFISH holder
of Permit No. 2412-3, hearing date of priority of OCTOBER 16, 1975
authorizing the diversion of 2.43 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in HAMLIN County.

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

The Water Use System consists of, NE WELL - 35' DEEP WITH 16" PLASTIC CASING - 10'
OF SS SCREEN - VALLEY 6" PUMP #8HHE-5A2B
A. Works used to divert the water: POWERED BY 20 HP U.S. ELECTRIC MOTOR

S WELL - 35' DEEP WITH 16" PLASTIC CASING - 10' SS SCREEN
VALLEY 6" PUMP - #8HHE-5A2B WITH 20HP US ELECTRIC MOTOR
IN WELL - 40' DEEP WITH 16" PLASTIC CASING - 10' SS SCREEN
VALLEY 8" PUMP - #8512A HM WITH 40 HP US ELECTRIC MOTOR

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

C. Works used to apply water to beneficial use.

The system is in the following condition: GOOD

The point of diversion is located _____

The works are capable of diverting and conveying to the place of use 3.38

cu. ft. per second of water which is to be used for _____

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

comprising a total of _____ acres of land.

Date _____

(Signature) _____

Water Rights Division
605 773-3352

November 19, 1984

2412-3

Lake Poinsett Hutterian Brethern
Estelline,
South Dakota 57234

Gentlemen:

This letter is in reference to the 1984 Irrigation Questionnaire pertaining to Water Permit No. 2412-3 listed in the name of Keith and Leland Johnson. Mr. Keith Johnson called our office and indicated the questionnaire should be sent directly to you as the operators.

Enclosed is a copy of the Irrigation questionnaire. Please complete the questionnaire pertaining to any Irrigation done under Water Permit No. 2412-3. The following is a listing of the lands covered under the permit: NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Section 22, T113N, R51W.

The questionnaire should be returned to office by December 31, 1984. A postage paid envelope is enclosed for your convenience.

Sincerely,

GENNY MCMATH
Natural Resources Analyst

GM:ks
enclosures

 **Department of
Water & Natural Resources**

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

January 29, 1988

POINSETT HUTTERIAN BRETHERN - Joshua Wollman
RR #1 BOX 146
ESTELLINE, SD 57234

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

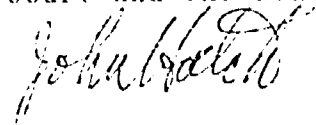
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). (2412-3). The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given 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 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

1. Amend Permit No(s). 2412-3 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.

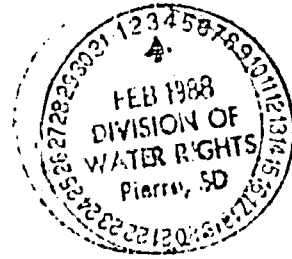


JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

cc: Keith Johnson, Box AB, Spearfish, SD 57783

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

February 1, 1988



Mr. John Hatch
S.D. Dept. of Water and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Sir:

We received a Notice of Violation from you regarding
Permit No. 2412-3.

The questionnaire was sent to the wrong person.

Please send request to Kenneth Foster, P.O. Box 254
at Estelline, SD 57234, as he is the operator of
the land and irrigation system.

Yours truly,

Keith Johnson
P.O. Box 1011
Spearfish, SD 57783

SOUTH Dakota Department of
Water & Natural Resources

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

February 4, 1988

2412-3

Kenny Foster
PO Box 254
Estelline, SD 57234

Dear Mr. Foster:

Enclosed is a copy of Water Permit No. 2412-3 listed under Johnson Brothers, Spearfish, SD. Following our telephone conversation, your name was added to the permit file as that of operator.

If you have any questions concerning the permit, please contact me.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst

enclosure



Department of Water & Natural Resources

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

February 9, 1988

2412-3

Kenneth Foster
PO Box 254
Estelline SD 57234

Dear Mr. Foster:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 2412-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

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

cc: Keith Johnson
PO Box 1011
Spearfish SD 57783

File No. 2412-3

Water Rights Division -DWRNR
Conversation or File Documentation

NAME OF PERSON OR FILE: Keith & Leland Johnson

ADDRESS: Box AB, Spearfish, SD 57783

COUNTY: Hamlin

DATE: August 14, 1991

TELEPHONE:

RE: readvertisement

COMMENTS:

In reviewing the permit, inspection report and advertisement prior to writing for the license fee, I found an error in the public notice with regard to the legal description of the irrigated acreage.

Water Permit No. 2412-3 authorizes irrigation of 170 acres in the following legal description:

NE 1/4 NW 1/4 and NE 1/4 Section 22, T113N, R51W

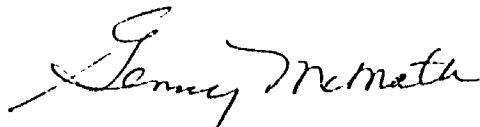
The advertisement (published November 1 & 8, 1975) describes the acreage as:

NE 1/4 NW 1/4 and NE 1/4 Section 11, T113N, R51W

Note: The advertisement placed commas within the quarter-quarters which were not correct.

CONCLUSION:

Water Permit No. 2412-3 should be readvertised prior to writing for the license fee and issuance of the water license.



Genny McMath
Natural Resource Analyst

REPORT OF WATER PERMIT NO. 2412-3
KEITH & LELAND JOHNSON
August 19, 1991

Water Permit No. 2412-3 appropriates 2.43 cubic feet of water per second from one well, 32 feet deep located in the NW1/4 NE1/4 Section 22, T113N, R51W to irrigate 170 acres. Readvertisement of this Permit is necessary to correct the location of the irrigated acreage prior to issuance of the water license. The irrigated acreage is located in the NE1/4 NW1/4, NE1/4 Section 22, T113N, R51W and was incorrectly advertised on November 1 & 8, 1975 in the Watertown Public Opinion as being located in the NE1/4, NW1/4, NE1/4 Section 11, T113N, R51W. This readvertisement does not authorize any increase in the developed water appropriation or irrigated acreage.

Conclusions

1. This is a readvertisement of the Notice of Hearing for Water Permit No. 2827-3.
2. This readvertisement is necessary to correct the legal description of the lands being irrigated prior to issuance of a water license.
3. The correct legal description of the land to be irrigated is the NE1/4 NW1/4, NE1/4 Section 22, T113N, R51W.

Eric Gronlund
Eric Gronlund
Natural Resources Engineer

Ron Duvall
Ron Duvall
Natural Resources Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER
PERMIT NO. 2412-3, Keith & Leland Johnson

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 2412-3, Keith & Leland Johnson, Box AB, Spearfish, SD 57783.

The Chief Engineer is recommending APPROVAL of Readvertised Application No. 2412-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

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

See report on application for additional information.



JOHN HATCH, Chief Engineer
August 28, 1991



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

August 29, 1991

Keith and Leland Johnson
Box AB
Spearfish, SD 57783

Dear Mr. Johnson:

Water Permit Application No. 2412-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Watertown Public Opinion printed at Watertown, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 29, 1991

Watertown Public Opinion
P.O. Box 10
Watertown, SD 57201-0010

ATTENTION: Legal Department

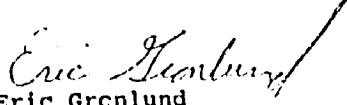
Enclosed is a Notice of Hearing on Application No. 2412-3 to be published twice. Please publish the first notice on September 4, 1991 with the second publication 7 days later.

Please BILL the Division of Water Rights for the cost of publication.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

FIRST TRANSMITTAL NOTICE

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on September 4, 1991 with the second publication 7 days later.

NOTICE OF HEARING on Application 1 . 2412-3 to Appropriate Water
and/or to Amend Water Permit or Water Right No. 2412-3

Notice is given that Keith & Leland Johnson, Box AB, Spearfish, SD 57783 has filed an application for a water permit July 14, 1975. Water Permit No. 2412-3 appropriates 2.43 cubic feet of water per second from one well, 32 feet deep located in the NW1/4 NE1/4 Section 22, T113N, R51W to irrigate 170 acres. Readvertisement of this Permit is necessary to correct the location of the lands being irrigated. The lands being irrigated are located in the NE1/4 NW1/4, NE1/4 Section 22, T113N, R51W and were incorrectly advertised on November 1 & 8, 1975 in the Watertown Public Opinion as being in the NE1/4, NE1/4, NW1/4 Section 11, T113N, R51W. This readvertisement does not authorize any increase in the developed water appropriation or irrigated acreage.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2412-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 23, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application on October 1, 1991, at 10:00 a.m., Embassy 1 & 2, Holiday Inn City Centre, 100 West 8th St., Sioux Falls, SD. If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The October 1, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by September 23, 1991.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Codington) ss.



I, Monica K. Saathoff

certify that the attached printed Notice was taken
from the Watertown Public Opinion

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 _____ Watertown

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

September 4th, 1991

September 11th, 1991

(Signature)

Bookkeeper
(Title)

September 11th, 1991
(Date Signed)

Cost of Printing: 131.28

Shaw-Messer
ESTABLISHED IN 1904
Funeral
WATERTOWN, SOUTH DAKOTA

IN APPRECIATION

Perhaps you sent a lovely card
Or sat quietly in a chair.
Perhaps you sent a floral piece
If so we saw it there.
Perhaps you spoke the
words,
As any friend could say;
Perhaps you were not there at
Just thought of us that day.
Whatever you did to comfort
hearts,
We thank you so much, what
part.

The Family of Pearl Anti

Wight & To
Funeral Chapel, Inc.
10 Second Street Southeast

GRACE B. THOMPSON

Age 88, of 1186 4th St. NW,
away Tuesday. Funeral
Saturday, 10:30 a.m., Holy
Catholic Church. Interment
Mary's Cemetery. Visitation
2-5 & 7-9 p.m., our Chapel
Saturday prior to services
church. Rosary service 8:
Friday in our Chapel. Rela
quested to meet at the
Saturday at 10 a.m. to attend

Supporters of the application must first
require the Board to hear the
application.

Any person interested in
opposing or supporting this
application must file a written
petition with BOTH the applicant
and Chief Engineer. The applicant
must also file a petition if opposed
to the Chief Engineer's
recommendation. The Chief
Engineer's address is "Water
Rights Division, Foss Building, 523
E. Capitol, Pierre, SD 57501 (605-
773-3352)" and the applicant's
mailing address is given above. A
petition filed by either an interested
person or the applicant must be
filed by September 23, 1991. The
petition may be informal, but must
include a statement describing the
petitioner's interest in the
application, the petitioner's
reasons for opposing or
supporting the application, and the
signature and mailing address of
the petitioner or the petitioner's
legal counsel, if legal counsel is
obtained.

If a petition is filed opposing the
application or the applicant files a
petition contesting the chief
engineer's recommendation, the
Board will consider this application
on October 1, 1991, at 10:00 a.m.,
Embassy 1 & 2, Holiday Inn City
Centre, 100 West 8th St., Sioux

Permit No. 2412-3Big Sioux Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Keith & Leland JohnsonBox AB of Spearfish, SD 57783 holder ofPermit No. 2412-3, bearing the priority of Oct 16 19 75 authorizingthe diversion of 2.43 cu. ft. per second of the waters of groundwaterfor irrigation purposes, in Hamlin County.

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

A. Works used to divert the water:

40 HP - 14" Valley Pump Co. SN = 14960-N, 10HHE-4A powered by a GE motor Model No. SK6237XN501E capable of 700 gpm

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

8" steel 20' long

C. Works used to apply water to beneficial use:

Zimatic center-pivot with 7 towers and an endgun length of 1000' and capable of 700 gpm.The system is in the following condition GoodThe point of diversion is located 1320' South and 960' West of NE corner Section 22-T113N-R51WThe works are capable of diverting and conveying to the place of use 1.55 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: Section 22-T113N-R51WNW 1/4 NE 1/4 - 26 AcresNE 1/4 NE 1/4 - 39 AcresSW 1/4 NE 1/4 - 25 AcresSE 1/4 NE 1/4 - 39 Acrescomprising a total of 129 acres of land and the license should be issued for 1.55 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date 7/11/1991Norma C. Toib
(Signature)

LICENSE FOR PERMIT NUMBER 2412-3

1. Legal location of wells: NE 1/4 NE 1/4 Section 22 - T113N - R51W

dams & structures: _____

2. Well Information: Well Drilling Firm Grimshaw

Completion Report Yes ___ No ___ No. of Wells 1 Depth 32

Casing a) diameter 16" Screen a) type Stainless Steel

b) length 21' b) length 10'

c) type Steel Static Water Level _____

Pump a) make Valley Pump Co. Motor a) make GE

b) model SN-14-910-M 1D HHE-4A b) model No. SK6237XNS01E

c) size 14" c) horsepower rating 40

d) capacity 700 gpm SN-DPT 426262

e) turbine pump - no. of stages _____

f) operating PSI _____

3. Distribution lines or canals

a) size 8"

b) type Steel

c) length 20'

well west of pivot

4. Dam Information:

a) height to crest _____ m) Outlet tubes:

b) height to primary spillway _____ 1) diameter _____

c) height to secondary spillway _____ 2) type _____

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

e) crest length _____ 4) valve type _____

f) spillway length _____ 5) location on structure _____

g) spillway width _____

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

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

5. System Type a) sideroll:

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

c) gun

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

e) gated pipe

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

f) portable boom

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

b) towline:

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

d) center pivot

- 1) make Zimmatic
- 2) number of towers 7
- 3) distance between towers _____
- 4) overall length 1080'
- 5) end gun (Y/N) Y
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) 700

g) siphons

- 1) size _____
- 2) number _____

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

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

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

REMARKS:



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 4, 1991

2412-3

Johnson Brothers
%Leland Johnson
PO Box 667
Ft Pierre, SD 57532

Dear Mr. Johnson:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 2412-3, has been completed. The permit has been readvertised to correct legal description errors in the original advertisement notice. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

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

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, November 6, 1921

RECEIVED OF Keith or Leland Johnson, Box 667, Ft. Pierre, SD 57532

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. 2412-3	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch *CE*
Chief Engineer

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2412-3

(1) Poinsett Hutterian Brethern Assn of Estelline, SD 57234 made Application No. 2412-3, July 14, 1975 for a water permit to appropriate 2.43 cubic feet of water per second from groundwater, Hamlin County, South Dakota for irrigation purposes. Permit No. 2412-3 with a priority date of October 16, 1975 was approved November 13, 1975 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before November 13, 1980 and for the application to beneficial use of said water on or before November 13, 1983.

On November 8, 1979, Water Permit No. 2412-3 was transferred to Johnson Brothers, Keith or Leland Johnson.

Water Permit No. 2412-3 was readvertised September 4 and 11, 1991 to correct an error in the legal description of the irrigated acreage. The readvertisement, approved October 1, 1991, did not authorize any increase in the developed diversion rate or irrigated acreage.

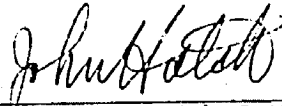
(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.55 cubic feet of water per second for beneficial use. The location of the diversion point is: 1320'S and 960'W of the NE corner Section 22, T113N, R51W.

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

T113N, R51W	Section 22	NW 1/4 NE 1/4	26 Acres
		NE 1/4 NE 1/4	39 Acres
		SW 1/4 NE 1/4	25 Acres
		SE 1/4 NE 1/4	39 Acres
		Total-----	129 Acres

(4) Pursuant to Section 46-5-30.1 Johnson Brothers % Leland Johnson of Box 667, Ft. Pierre, SD 57532 the holder(s) and/or owner(s) of Water Permit No. 2412-3 is issued a license to appropriate water, the right to use 1.55 cubic feet of water per second from groundwater (one well) with a priority date of October 16, 1975 from the location specified in (2) of this license. The water is to be conducted to and upon lands

specified in (3) of this license for the purpose of irrigation.
This license is subject to any limitations or qualifications
listed in Water Permit No. 2412-3 and subject to South Dakota
State Law.



FEB 17 1992

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



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

FEB 17 1992

2412-3

Johnson Brothers
% Leland Johnson
Box 667
Ft. Pierre, SD 57532

Dear Mr. Johnson:

Enclosed is Water License No. 2412-3. This is the final water right document completing your process of obtaining a Water Right.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2412-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

enclosures

GRIMSHAW DRILLING CO.

DRILLING
LOG

24 South Melrose
Sioux Falls, S.D. 57106
Phone 605-332-6974

Mail check to

Name Powisset Colony Date 5-22-77

Address Estelline S.D.

County Harrison Sec. 22 Twp. 113 Range 51

N.E. 1/4 Estelline Township

NO. FT.	DIA.	RATE	CASING	TOTAL
30'	30"	\$25.00	Drilling	\$750.00
10'	16"	\$32.00	Service	\$320.00
21'	16"	\$14.50	Casing	\$304.50
		Test	250.00	250.00
		Gravel pack	150.00	150.00

BALANCE DUE:

\$1774.50

0 ft. to 2 ft. Topsoil ft. to ft.

2 ft. to 31 ft. Sand & gravel ft. to ft.

31 ft. to 32 ft. Clay ft. to ft.

ft. to ft. ft. to ft.

ft. to ft. ft. to ft.

ft. to ft. ft. to ft.

ft. to ft. ft. to ft.

ft. to ft. ft. to ft.

ft. to ft. ft. to ft.

ft. to ft. ft. to ft.

ft. to ft. ft. to ft.

ft. to ft. ft. to ft.

STATIC WATER LEVEL 5 ft.

DRILLER

REMARKS: Estimated shocker steel casing 4080' slot
well by Pavee Well capacity
450 G.P.M.



24/82-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DALE FOSTER, OPERATOR
113 6TH ST S
ESTELLINE SD 57234

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 2412-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2412-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,

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

cc: Leland Johnson, PO Box 667, Ft Pierre, SD 57532-0667

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 Fee will provide you the signature of the person delivered to and the date of delivery.

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:

2412-3
DALE FOSTER, OPERATOR
113 6TH ST S
FSTELLIN, SD 57234

4a. Article Number

P906557630

4b. Service Type

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

7. Date of Delivery

1-31-92

5. Signature (Addressee)

DA FOSTER

6. Signature (Agent)**8. Addressee's Address (Only if requested and fee is paid)**

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 Fee will provide you the signature of the person delivered to and the date of delivery.

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:

Leland Johnson
PO Box 667
Ft. Pierre SD 57532-0667

2412-3

4a. Article Number

P 906 557 844

4b. Service Type

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

7. Date of Delivery**5. Signature (Addressee)**

[Signature]

6. Signature (Agent)**8. Addressee's Address (Only if requested and fee is paid)**

South Dakota

GREAT FACES. GREAT PLACES

2412-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 31, 1992

Dale Foster
113 6th St S
Estelline, SD 57234

Dear Mr. Foster:

Enclosed is a 1991 irrigation questionnaire pertaining to Water Right No. 2412-3. Leland Johnson contacted our office and requested that another questionnaire be forwarded to you.

If you have any questions or need assistance in completing the form, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 24, 1992

2412-3

Dale Foster, Operator
113 6th St S
Estelline, SD 57234

Dear Mr. Foster:

I am writing to acknowledge receipt of your 1991 irrigation questionnaire for Water Right No. 2412-3. The questionnaire was completed during our February 21st telephone conversation. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaire was received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division

cc: Leland Johnson, P.O. Box 667, Ft Pierre, SD 57532-0667



2412-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: DALE FOSTER, OPERATOR
113 6TH ST S
ESTELLINE SD 57234

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

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 2412-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2412-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, your name will be deleted from the Board agenda.

Is your RETURN ADDRESS on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b, if requested.
- 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:

DALE FOSTER, OPERATOR
113 6TH ST S
ESTELLINE SD 57234

4a. Article Number

2412-3 P906 559 999

4b. Service Type

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

7. Date of Delivery

2-2-93

5. Signature (Addressee)

6. Signature (Agent)

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

Thank you for using Return Receipt Service.

2412-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 12, 1993

2412-3
5574-3

Dale Foster
113 6th Street
Estelline, SD 57234

Leland Johnson
PO Box 667
Ft Pierre, SD 57532-0667

Dear Mr. Foster and Mr. Johnson:

I am writing to acknowledge receipt of your 1992 irrigation questionnaires for Water Permit Nos. 2412-3 and 5574-3. You may disregard the January 29, 1993, Notices for Violation of the Requirement to Submit the 1992 Irrigation Questionnaire and Violation of Water Permit No. 5574-3.

The questionnaires were completed February 2, 1993 from information received by telephone from Dale Foster. Since they were received in our office prior to the Water Management Board Meeting, your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: DALE FOSTER, OPERATOR, RR 1 BOX 211, ESTELLINE, SD 57234 9401

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

SUBJECT: Violation of Water Permit No(s) 5574-3, 2412-3 and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 5574-3, 2412-3. 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) 2412-3 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) 5574-3 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) 5574-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2412-3 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 you, 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: LELAND JOHNSON, PO BOX 667, FT PIERRE, SD 57532-0667

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.

2412-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 14, 1997

2412-3
5574-3

Leland Johnson
PO Box 667
Ft Pierre, SD 57532

Dear Mr. Johnson:

I am contacting you in regard to Water Right Nos. 2412-3 and 5574-3. On February 4, 1997, we mailed a "Notice of Violation" to you regarding failure to submit the 1996 irrigation questionnaires. After the notice was mailed, I received a call from Dale Foster indicating that you had sold the land.

Did you still own the land during the 1996 irrigation season, and if so, was the land irrigated? Please take a few minutes to either give me a call or write and let me know who purchased your land. I will need to contact the new owner(s) to arrange to have the water rights transferred to their name.

Any information you have would be very helpful. Thank you for your time and 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

December 23, 1997

2412-3
5574-3

Pine Knoll Inc.
4504 W 12th St
Sioux Falls, SD 57107

Dear Sir:

Enclosed, as we discussed, is a copy of Water Right Nos. 2412-3 and 5574-3, two 1997 irrigation questionnaires and two partially completed "Notice of Transfer of Ownership" forms.

Please review the transfer forms and complete the portion titled "be transferred to: (name and address).....". Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

If you still have records for any irrigation that may have taken place during 1997, please complete the enclosed irrigation questionnaires. You may mail them back to us along with the transfer forms or you can mail them under separate cover.

The copies of the water rights and respective maps are yours to keep. If you have any questions concerning the enclosed materials, please get in touch with me. I appreciate your assistance in this matter.

Sincerely,

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

encl

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 2412-3

Date: 12-26-97

I/We request that Water Right No. 2412-3

formerly owned by: Johnson Brothers % Leland Johnson, Box 667, Ft Pierre, SD 57532

be transferred to: (name & address) Pine Knoll Inc. 4504 West 12th St.
Sioux Falls, S.D. 57107 Telephone No. 605-338-1249

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

129 acres - NE 1/4 Section 22, T113N, R51W

I/We understand that the validity of Water Right No. 2412-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Minnehaha)

I/We Pine Knoll Inc. being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Don Boyd, President
(Signed)

Subscribed and sworn to before me this 30th day of December, 1997.

Dallas Vanden Bos
(Notary Public)

My Commission Expires on 5-20-99

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 415587

Pierre, January 7, 1998

RECEIVED OF Pine Knoll Mobile Park, 4504 West 12th St., Sioux Falls, SD 57107
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 2412p3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By _____
Chief Engineer

John Hatch

2412-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 17, 1998

Nos. 2412-3
5574-3

Don Boyd, President
Pine Knoll, Inc.
4504 West 12th St.
Sioux Falls, SD 57107

Dear Mr. Boyd:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 2412-3 and 5574-3.

Our records now show Pine Knoll, Inc. as the owner of Water Right Nos. 2412-3 and 5574-3.

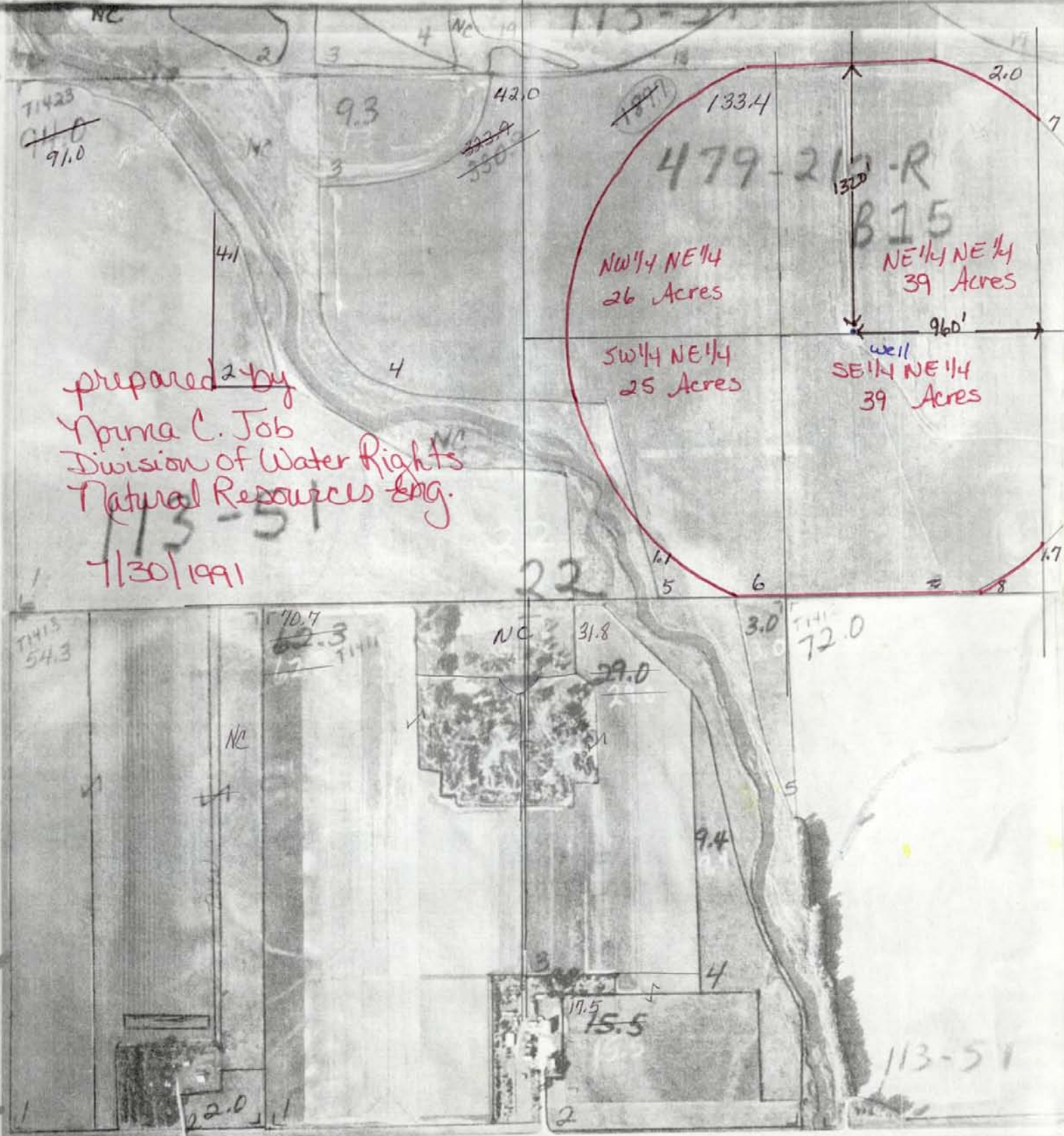
Sincerely,

A handwritten signature in cursive script that reads "Cheryl F. Frost".

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

enclosure

NOT TO SCALE



prepared by
Norma C. Job
Division of Water Rights
Natural Resources Eng.

7/30/1991

NOT TO SCALE



94.0

9.3
9.3

316.8

479-210-R

316.8

113-51

22

56.4

62.3
62.3

29.0
29.0

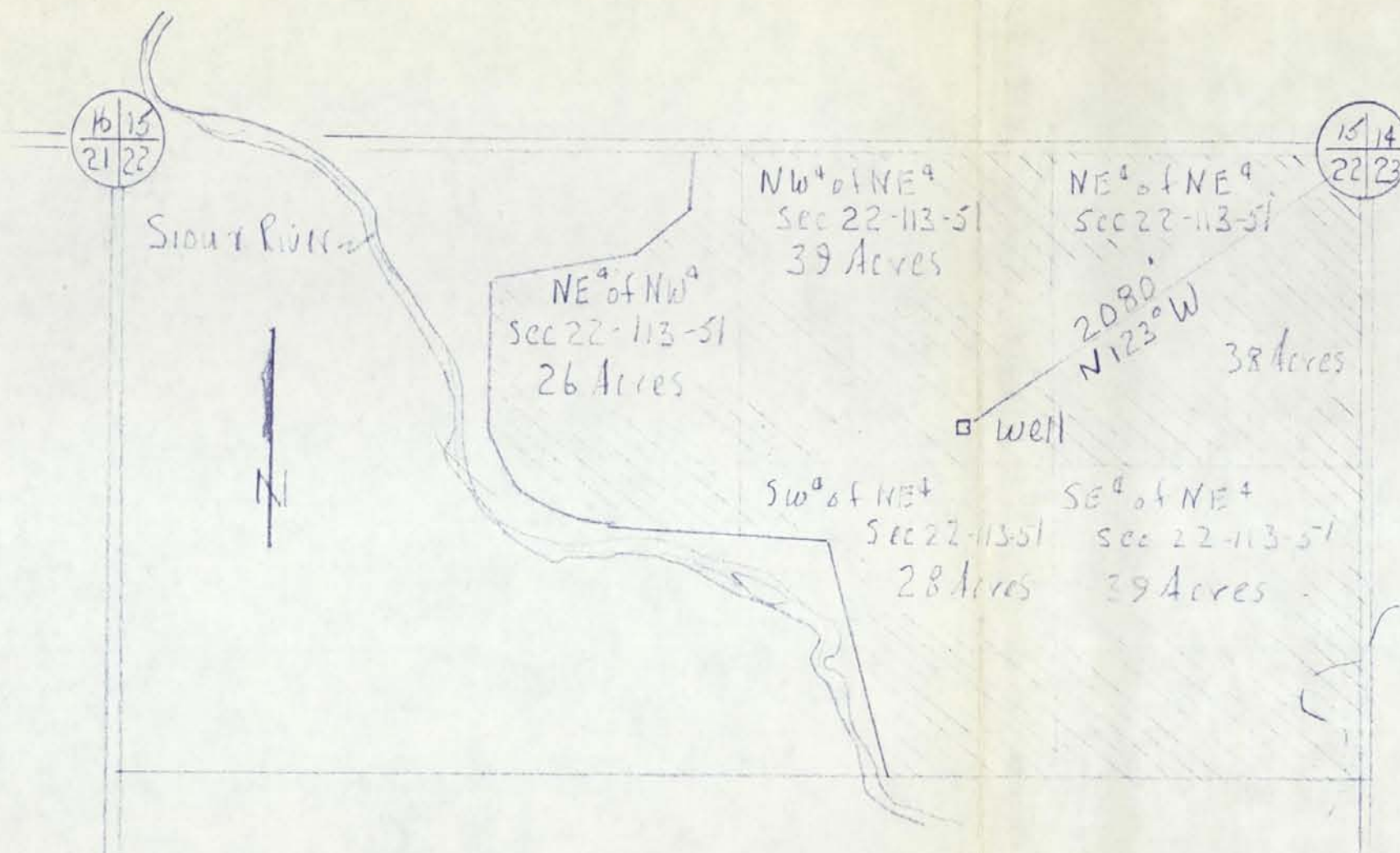
3.0
3.0

72.0

9.4
9.4

15.5
15.5

2.0



Scale 8" = 1 Mile
 Cross Hatch Indicates Irrigated Area
 Acres Irrigated - 170
 Water Claimed - 2.43 CFS
 Point of Diversion - 2080' N 123° W of the NE corner
 of Section 22 - 113-51

POINSETT HUTTERIAN BROTHERN
 ASSOCIATION
 IRRIGATION PROJECT # 6
 Estelline 57234 South Dakota
 Hamlin Co
 Gen. Mgr - Joshua Wollman

Surveyor's Certificate
 I, John L. Wiersma, do hereby certify that
 this map identifies a reasonably accurate
 record of the land of:
 Poinsett Hutterian Brethern Ass'n
 Estelline South Dakota Hamlin county
 Drawn by S.L.W.
 John L. Wiersma
 7-10-70
 P.E. #1916
 Brookings S. Dak

~~MAP N° 1789-3~~ APPL N° 2412-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: PINE KNOLL INC, DON BOYD, 4504 W 12TH ST, SIOUX FALLS, SD 57107

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaires

Our records indicate that the 2010 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 2230-3, 2412-3, 2479-3, 3541-3 & 4342-3 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) 5574-3 & 6853-3 qualification:

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

The hearing will be held at **10:00 am, March 9, 2011** 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) 5574-3 & 6853-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2230-3, 2412-3, 2479-3, 3541-3 & 4342-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2011**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2011

Don Boyd
Pine Knoll Inc
4504 W 12th St
Sioux Falls SD 57107

RE: Water Right or Permit Nos. 2230-3, 2412-3, 2479-3, 3541-3, 4342-3, 5574-3 & 6853-3

Dear Mr. Boyd:

I am writing to acknowledge receipt of your 2010 irrigation questionnaires.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right or Permit Nos. 2230-3, 2412-3, 2479-3, 3541-3, 4342-3, 5574-3 & 6853-3. 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 black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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