

RECORDED
C/

Nov 25, 1975

33-10-113

33-10-113 16" PAPER
CAND. 100' 100' 100' 100'
100' 100' 100' 100'
100' 100' 100' 100'

10-30-75

JULARE, S.D. 57476

2428-3. J. PAUL E. ANDERSON

Water Right Number 2428-3

1. Considered November 12, 19 75
2. Name of Applicant J. Paul E. Anderson
3. Post Office Address Tulare, SD
4. Amount of water claimed 1.95
5. Source of water supply ground water (60' DEEP WELL)
6. Water to be used for irrigation
Acres to be irrigated 136
7. Water to be diverted and used in Spink County
about 4E Miles 11 of TULARE
8. Proof of Publication
Received 15T
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

No. 2428-3Map No. 1805-3 Water Division No. 3 JAMES RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota ^{8:37}

(NOTE - Draw a line through items not applicable)

1. Name of Applicant J. Paul E. Anderson
Postoffice address Tulare, State So. Dakota
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 J. Paul E. Anderson Unit No. 1
4. Amount of water claimed (cubic feet per second) 1.95
5. Source of water supply Ground water
6. Location of point of diversion A POINT IN THE NW 1/4, SECTION 29, T115N, R163W
- County Spink
7. Annual period or periods during which water is to be used May - 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 136 acres

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.
<u>W 1/2 SE 29-115-63</u>	<u>136</u>
<u>SW 1/4 29-115-63</u>	<u>40</u>

Land Description	No. Acres Irr.
<u>PER PHONE CALL FROM MR. ANDERSON</u>	<u>40</u>
<u>10-29-75</u>	<u>ASD</u>

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 2 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Daily Plainsman-Huron
12. Principal Features of the Proposed Water Supply System.

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

Bowl Pumps

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

Main line

C. Works proposed to apply water to beneficial use.

Center Pivot

Estimated Total Cost \$ _____

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

STATE OF SOUTH DAKOTA

County of SpinkI, J. Paul E. Anderson 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 J. Paul E. AndersonSubscribed and sworn to before me this 17 day of October, 1975

Notary Public (or other qualified officer)

Comm. Expires Nov. 1976

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2428-3J. PAUL E. ANDERSON
(Applicant)TULARE
(Post Office Address)SOUTH DAKOTA 57476 With the following modifications:
(State)

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 OCTOBER 30, 19 75
 Date of return to applicant for correction, amendments or changes required _____, 19 ____
 Date of receipt of corrected application _____, 19 ____
 Approved NOVEMBER 13, 19 75, Recorded in Book 14 Page 155

WATER RIGHT PERMIT NO. 2428-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2428-3 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 30, 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 13, 19 78
3. The whole of said work is to be completed on or before NOVEMBER 13, 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 13, 19 82
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 1.95 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before NOVEMBER 13, 19 82; said water to be used during the following described annual period: MAY - OCTOBER

Witness my hand this 21ST day of NOVEMBER, 19 75.

WATER RIGHTS COMMISSION

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

HURON DRILLING INC. DRILLERS LOG

PAGE NO.

J. Paul Anderson

S.E. 29-115-63 Spink Co.

10-10-75

7

Karl Osberg

JOB NAME

LOCATION

DATE _____

RIG NO.

FOREMAN

[illegible]

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____, Diameter _____, Thickness _____
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type _____, Diameter _____, Length _____
- (4) Gravel Pack Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout. *Log will be furnished by driller.*

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

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

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

On same owner's property 405 rds. On property owned by others 150 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

J. P. P. & Co.
Signature of Applicant

October 24, 1975



Mr. J. Paul Anderson
Tulare, SD 57476

Dear Mr. Anderson:

Enclosed please find the original report of analysis of your water sample (75-1008), your receipt for payment, and a copy of extension circular 654. Please retain the analysis report, but in correspondence with this laboratory or the State Conservation Commission, refer to sample 075-1008. See the outside back cover of EC 654 for a plot of the water quality.

The water is not prohibitively bad. Although the total salt load is high (EC=1661), water this salty can be used if the soils are suitable. The SE 1/4 sec. 29-115-63 has a large area of saline soils almost through the center of the quarter. These soils are absolutely unsuitable for irrigation, and thus only about 40% along the west side of the quarter could feasibly be irrigated.

The information on your WI-1 is not really clear as to what area you intend to irrigate, but it appears it is the SE 1/4. If it is the SW 1/4, this land is fairly good, and could be irrigated, provided certain management practices are observed.

If you intend to irrigate the SW 1/4, call Mr. Al Griffiths, State Conservation Commission, Department of Agriculture, Pierre, and so inform him. The proper changes can be made on your WI-1, which is being sent today, along with a copy of this letter, a copy of the water analysis, and all your other application materials.

Sincerely yours,

L.O. Fine

L. O. Fine
Water Quality Lab

LOF:ckb

Enclosures

cc: State Conservation Commission

D. Pahl

Robert Sampson, County Extension Agent
Huron Drilling Co., Inc.

Conservation
Commission
Form WI 71

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

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: [Signature]

Disapproved: _____

NAME: J. Paul E. Anderson

ADDRESS: Tulare, S. Dakota

COUNTY: Spink

LEGAL DESCRIPTION W 1/2 SE 1/4 and E 1/2 SW 1/4

1. WELL LOCATION: 29-115-63

2. AREA TO BE IRRIGATED: 136 acres

TYPE OF IRRIGATION

3. GRAVITY _____ SPRINKLER (Indicate Type): Pivot

4. CROPS TO BE IRRIGATED: Corn

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: attached sheet

6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Large Area of Extreme
soil thru the quarter makes this land unsuitable for irrigation

WATER QUALITY (To Be Completed by Commission)

7. SAMPLE NO: 75-1008

8. SALINITY: EC = 1661 (high)

9. SODIUM: SAR = 1.0 (low)

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

Submitted by: J. Paul Anderson Date Rec'd October 20, 1975
 Address: Tulare, SD 57476 Sample No. 75-1008
cc: Huron Drilling Inc. Identification Unit 11 Well-
P.O. Box 1422 Sec. 29, T 115N, R 63W
Huron, SD 57350

WATER ANALYSIS

Calcium (Ca)	230	ppm*	11.50	me/l**
Magnesium (Mg)	73	ppm	6.40	me/l
Sodium (Na)	59	ppm	3.00	me/l
Potassium (K)	14	ppm	0.35	me/l
Sulfate (SO ₄)	630	ppm	13.10	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	7	ppm	0.20	me/l
Bicarbonate (HCO ₃)	415	ppm	6.40	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)	340	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1661	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.00			
Sodium	14.11	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	6.90			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

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

COMMENTS: Total cations 21.25 me/l
 Total anions 20.10 me/l

By: Shirley Mitten

Service Performed

Amount Due

Irrigation Analysis

86.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 75-1008

Amount Enclosed \$

Signed

INTERPRETIVE
GROUPING

LAND USES AND SOILS INFORMATION ON YOUR OPERATING UNIT

Paul E. Anderson

Normal precipitation in this part of the state limits maximum yields on all soil; except for some with (w) subclass.

II c2 

16 Beotia
18 Beotia
30 Houdek 40%

Deep, and moderately deep, loamy, well drained soils on nearly level (0 to 2%) uplands. Moisture is inadequate in most years and these soils have slight to moderate wind erosion hazard.

II c3 

23 Bonilla-Houdek
94 LaPrairie 65%

Deep, loamy, well to moderately well drained soils in upland swales that receive beneficial moisture. However, moisture is still inadequate in most years.

II e1 

40 Eokman
47 Great Bend
110 Great Bend-part

Deep and moderately deep, loamy soils on gently sloping (2 to 6%) uplands. They have moderate wind and water erosion hazards.

II e1 

8 Beadle
9 Beadle

Deep, well to moderately well drained soils with loamy to clayey surfaces and clayey or claypan subsoils. Slopes are nearly level (0 to 2%). Clay subsoils limits rooting, water intake, and moisture release to plants. These soils have a moderate wind erosion hazard.

II w1 

31 Tetonka-part
94 Tetonka 35%
103 Tetonka

Deep, loamy, somewhat poorly to poorly drained soils on flat slopes and in depressions. Choice of crops and time of tillage are sometimes limited by wetness.

II w2 

44 Lamoure 15%

Deep, loamy, poorly drained, limy, nearly level soils on bottom lands. High water table and occasional flooding influences choice of plants and time of tillage.

III e8 

74 Houdek-Bonilla

Deep and moderately deep, moderately sandy soils on gently undulating (2 to 6%) uplands and eroded phases of these soils on nearly level (0 to 2%) uplands. They have a severe wind erosion hazard.

III e1 

1 Aberdeen

Deep, loamy soils on nearly level (0 to 2%) uplands that have claypan subsoils. The clayey subsoils restrict rooting, water penetration, and water release to plants. They have a slight to moderate wind erosion hazard.

III s2 

105 Wessington-part
107 Wessington

Soils with 20 to 40 inches of loamy material over sand and gravel on nearly level (0 to 2%) uplands. The porous substrata limits water storage capacity and rooting depth. These soils have a moderate wind erosion hazard.

INTERPRETIVE GROUPING	LAND USES AND SOILS INFORMATION ON YOUR OPERATING UNIT
III w2  104 Tetonka	Deep, clayey, poorly drained soils in depressions that are ponded by runoff water. Land operations are often delayed by wetness and choice of crops may be limited.
IV e2  110 Zoll-part	Deep, loamy soils on gently undulating and gently sloping (2 to 6%) uplands. These soils have thin, liny surfaces. They have severe wind erosion and moderate water erosion hazards.
IV s1  105 Twin Lakes	Soils with 10 to 20 inches of loamy material over sand and gravel on nearly level (0 to 2%) uplands. The porous substrata limits rooting and water storage capacity. These soils have moderate wind erosion hazards.
IV e2  30 Cavour 60%	Moderately well drained soils with 4 to 10 inches of friable, loamy surface layers over dense, very slowly permeable, claypan subsoils that contain salts. They occur in nearly level (0 to 2%) upland swales and on uplands.
VI s1  31 Cavour-part 44 Exline 85%	Moderately well to poorly drained soils on nearly level to sloping (0 to 9%) uplands or in depressions. Dense, compact subsoils near the surface, salts, or ponding, or a combination of these limitations make these soils generally unsuited for cultivation.

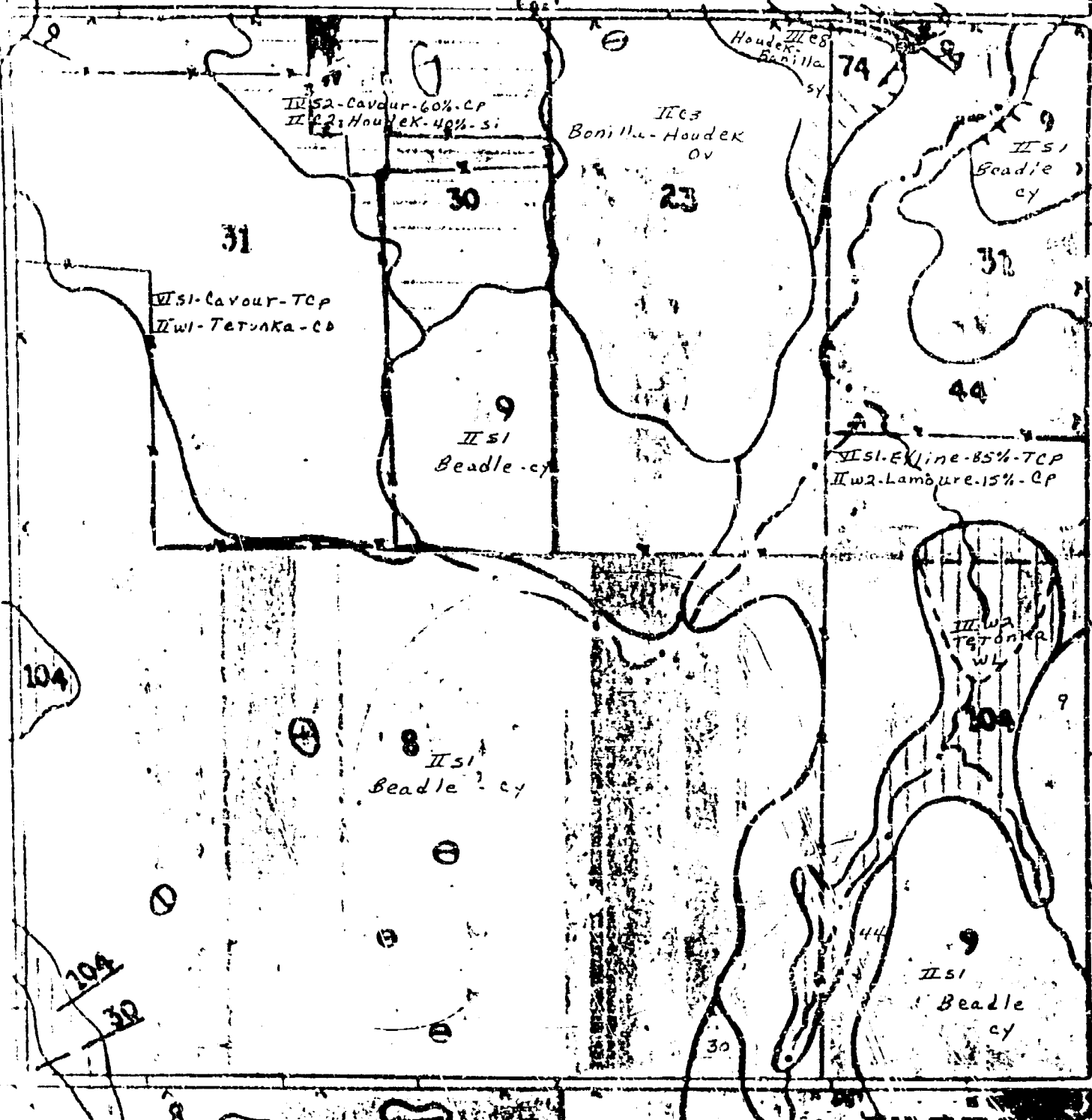
Sec. 29-115-63 R. 15 E. 2 S. E. 1/4

CRANDON

115N

R6W

529



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2428-3

(1) WHEREAS, On the 30th day of October A. D. 19 75
J. Paul E. Anderson

made Water Right Application No. 2426-3 for a permit to use 1.95 cubic feet per second of the waters of groundwater (one well)

County of Spink, State of South Dakota, for Irrigation purposes; and

(2) WHEREAS, On the 13 day of November A. D. 19 75

Permit No. 2428-3, with a date of priority of October 30, 1975
 was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 13 day of November A. D. 19 80 and for the application to beneficial use of said water on or before the 13 day of November A. D. 19 82

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet per second of water for beneficial use and,

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

to irrigate 136 acre circle in the W $\frac{1}{2}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$, Section 29, T115N, R63W

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to J. Paul E. Anderson

_____ of Tulare, South Dakota
_____ of 2428-3 a water right, dating from October 30, 1975
the holder _____ and owner _____ of said permit No. 1.78
_____ to use of _____ cubic feet per second of the waters
of groundwater (one well)
in the County of Spink and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at the approximate center of the S $\frac{1}{2}$, Section 29,
T115N, R63W

_____ and conduct to and upon a 136 acre circle in W $\frac{1}{2}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 29, T115N, R63W

_____ for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 2428-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 4th day of January Seventy-nine A. D.
Nineteen Hundred and _____

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer Executive Officer

JOHN HATCH

Permit No. 2428-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That J. Paul E. Anderson

_____ the holder _____ of
Permit No. 2428-3, issued upon Application No. 2428-3, bearing date of priority of _____
October 30, 1975 authorizing the diversion of 2428-3 cu. ft. per second of the waters of _____
groundwater (one well) County of Spink, State of South Dakota at _____
the approximate center of the S $\frac{1}{4}$, Section 29, T115N, R63W

_____, for Irrigation

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.78 cu. ft. per second of water.

Date January 4, 1979

By:

WATER RIGHTS COMMISSION

John Hatch
JOHN HATCH, Chief Engineer

2428-3

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

Pierre, South Dakota 57501

October 30, 1975Notice is hereby given that J. Paul E. Andersonwhose post office address is Tulare, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use1.95 cubic feet of water per second of time from the ground water through the Anderson #1

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

NW 1/4 SE 1/4of Section 29, Twp. 115N, Range 63W. Said water to be used for the purpose of providing irrigation on portions of the following described land:
E 1/2 SW 1/4 and W 1/2 SE 1/4, Section 29, T115N, R63W

2428-3

This application No. _____ 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 Specialist

BFJ/bw

cc:

J. Paul E. Anderson, Tulare, S.D. 57476

No. 2428-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Beadle) ss.

I, Dorothy Murney hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Huron Daily Plainsman

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 Huron

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

November 3, 1975

November 10, 1975

Dorothy Murney
(Signature)

Bookkeeper
(Title)

11-10-75

(Date Signed)

F.P. 11-175
NOTICE INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
October 30, 1975

Notice is hereby given that J. Paul
E. Anderson whose post office ad-
dress is Tulare, South Dakota, has
made an application in accordance
with the provisions of the water laws
of South Dakota for a permit to
appropriate for beneficial use 1.95
cubic feet of water per second of
time from ground water through the
Anderson No. 1, the point of diver-
sion of which is to be located in the
NW 1/4 SE 1/4, of Section 29, Twp. 115N,
Range 63W. Said water to be used for
the purpose of providing irrigation
on portions of the following
described land: E 1/2 SW 1/4 and W 1/2
SE 1/4, Section 29, T115N, R63W.

This application No. 2428-3 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 Specialist

cc: J. Paul E. Anderson, Tulare,
S.D. 57476.

No. 582 (adv.)

RECEIVED
NOV 17 1975

WATER RIGHTS
SOUTH DAKOTA

Permit No. 2428-3Water Division 3 JAMES RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by J. PAUL E.ANDERSON of TULARE holderof Permit No. 2428-3, bearing date of priority of OCTOBER 30, 1975authorizing the diversion of 1.95 cu. ft. per second of the waters of GROUND WATERfor IRRIGATION purposes, in SPINK County.

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

The Water Use System consists of,

A. Works used to divert the water:

62' DEEP WELL W/ 16" FIBREGLAS CASING
LAYNE BOWLER 8" PUMP, POWERED BY 60HP,
U.S. ELECTRIC MOTOR

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

100' OF 10" BURIED MAINLINE

C. Works used to apply water to beneficial use.

VALLEY WATER DRIVE CENTER PILOT SPRINKLER
SYSTEM W/ END GUNThe system is in the following condition: GOODThe point of diversion is located APPROXIMATE CENTER OF THE
S¹/₂, SECTION 29, T115N, R63WThe works are capable of diverting and conveying to the place of use 1.78 (800GPM)cu. ft. per second of water which is to be used for IRRIGATION

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

136 ACRE CIRCLE IN THE W²SE⁴ AND E²SW⁴,
SECTION 29, T115N, R63Wcomprising a total of 136 acres of land.Date OCTOBER 19, 1978Burton J. Jones
(Signature)
WATER RIGHT SPECIALIST

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

N2 4 6607

PIERRE, December 14, 1978

RECEIVED OF Paul E. Anderson, Route 2, Tulare, SD 57476

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. (2428-3) _____	50	00
Fee for Inspecting Beneficial Use, and Issuing Water License No. (2428-2) _____		
Fee for Issuing Location Certificate-Dry Draw, No. _____		
Fee for filing _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH 97

 **Department of
Water & Natural Resources**

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

June 23, 1989

2428-3
2485-3

Dean Rogers
1502 S Main, Apt 6
Aberdeen, SD 57401

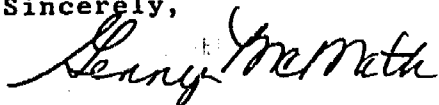
Dear Mr. Rogers:

In response to your telephone conversation with Ron Duvall, enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 2428-3 and 2485-3. Please check over the forms and have the new owner sign them in the presence of a notary public. Upon completion of the forms, return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

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

If you have any questions, please contact me.

Sincerely,

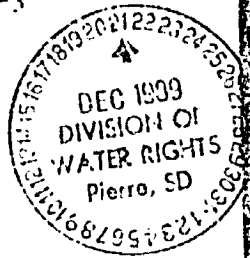


GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



NO. 2428-3



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 12-3-89

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

136 acres - W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 29, T115N, R63W

formerly owned by J Paul E Anderson

has been transferred to Barbara J. Anderson 1408 South Main St. Apt 10
(please include complete mailing address) Aberdeen, SD 57401
together with any rights to the beneficial use of water thereon as evidenced by

Water Right ~~XXXX~~ No. 2428-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of Brown) ss.

I, Barbara J. Anderson 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.

Barbara J. Anderson
(Signed)

Subscribed and sworn to before me this 6th Day of December, 1989.

Lorelei Becker
(Notary Public)

My Commission Expires 9/7/95

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412004

Pierre, December 22, 1929

RECEIVED OF Barbara J. Anderson 1408 S. Main St. Aberdeen, SD 574019

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form Water Right No. 2428-3	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By

John H. Hatcher
Chief Engineer

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

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

January 12, 1990

2428-3
2485-3

Barbara J. Anderson
1408 S Main St Apt. #10
Aberdeen, SD 57401

Dear Ms. Anderson:

Enclosed are Receipt Nos. 412004 and 412005 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 2428-3 and 2485-3.

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

Sincerely,

Marie R. Arthur

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

enclosure





2428-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2000

NOTICE

TO: BARBARA J ROGERS, 419 S 10TH ST, ABERDEEN, SD 57401
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaires

Our records indicate that the 1999 Irrigation Questionnaires have not been submitted for Permit Nos. 5301-3, 2428-3 & 2485-3. The request for the Questionnaires was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2428-3 & 2485-3 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) 5301-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5301-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2428-3 & 2485-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



2428-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 3, 2000

2428-3
2485-3
5301-3

Barbara J Rogers
419 S 10th St
Aberdeen, SD 57401

Dear Ms. Rogers:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit Nos. 2428-3, 2485-3 and 5301-3.

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

Thank you for the notation about the change of ownership for the two systems in Section 29, T115N, R63W. I will contact Mr. Gatzke to follow-up on the transfer.

If you have any questions, please contact me.

Sincerely,

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

2428-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 3, 2000

2428-3
2485-3

Lee Gatzke
18479 389th Ave
Tulare, SD 57476

Dear Mr. Gatzke:

I am contacting you in regard to ownership of land described in Water Right Nos. 2428-3 and 2485-3. Barbara Rogers notified us when returning her 1999 irrigation questionnaires that the water rights for land in Section 29, T115N, R63W should be transferred to your name.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership change. Please review the transfer forms and complete as needed. 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). The check or money order for the filing fee can be made payable to the Water Rights Program.

As soon as we receive the completed forms and the required filing fee of \$5.00, Water Right Nos. 2428-3 and 2485-3 will be transferred to your name. If you have any questions about the water rights or with completion of the forms, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 2428-3

Date: 2-25-00

I/We request that Water Right No. 2428-3

formerly owned by: Barbara J Rogers, 419 S 10th St, Aberdeen, SD 57401

be transferred to: (name & address) Lee Gatzke

18479 389TH AV. Tulare

Telephone No. 665-266-3790

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

136 acres in the W 1/4 SE 1/4 and E 1/4 SW 1/4 Section 29, T115N, R63W

I/We understand that the validity of Water Right No. 2428-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

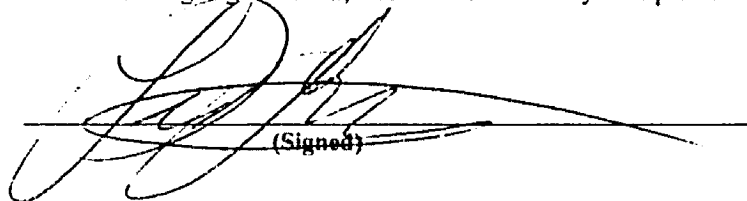
You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

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

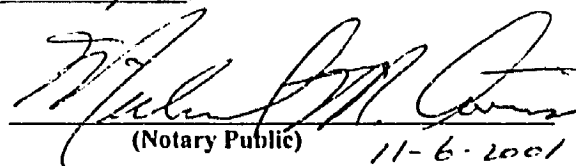
STATE OF SOUTH DAKOTA)

County of Spink)

I/We Lee Gatzke being first duly sworn or 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.


(Signed)

Subscribed and sworn to before me this 25 day of February, 2000.


(Notary Public) 11-6-2001

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

N^o 416397

Pierre, February 28, 2000

RECEIVED OF Lee Gatzke, 18479 389th Ave., Tulare, SD 57476-7700
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 Water Right No. 2428-3

2 50

Fee for Filing Extension Request _____

Fee for _____

(Are Other Work Provided by Law)

Total

2 50

By Harold E. Eberly
Chief Engineer



2428-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 28, 2000

2428-3
2485-3

Lee Gatzke
18479 389th Ave
Tulare, SD 57476

Dear Mr. Gatzke:

Thank you for following up on the ownership changes for Water Right Nos. 2428-3 and 2485-3. The transfers have been completed and the water rights are now listed in your name.

Enclosed are your Receipt Nos. 416397 and 416398. You may keep these for your records.

If you have any questions about the water rights, please contact me.

Sincerely,

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

enclosures



2428-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-5182
www.state.sd.us/denr

AUG 13 2001

2428A-3

Lee Gatzke
18479 389th Ave.
Tulare, SD 57476

Dear Mr. Gatzke:

Enclosed is Water License No. 2428A-3. This is the final water right document completing your process of obtaining a Water Right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

NOTE: The applicable portions of No. 2428-3 are incorporated into Water License No. 2428A-3.

enclosures

4.5

1720

10.9

18.9

20.1

35.9

27.0

32.9

17.5

11.3 79.1

18.4

125.3

29

77.0

100%
NEW C.P.

115-63

155.0

1720

~~map # 1805-3~~

w/r 2428-3

0.12

28.7

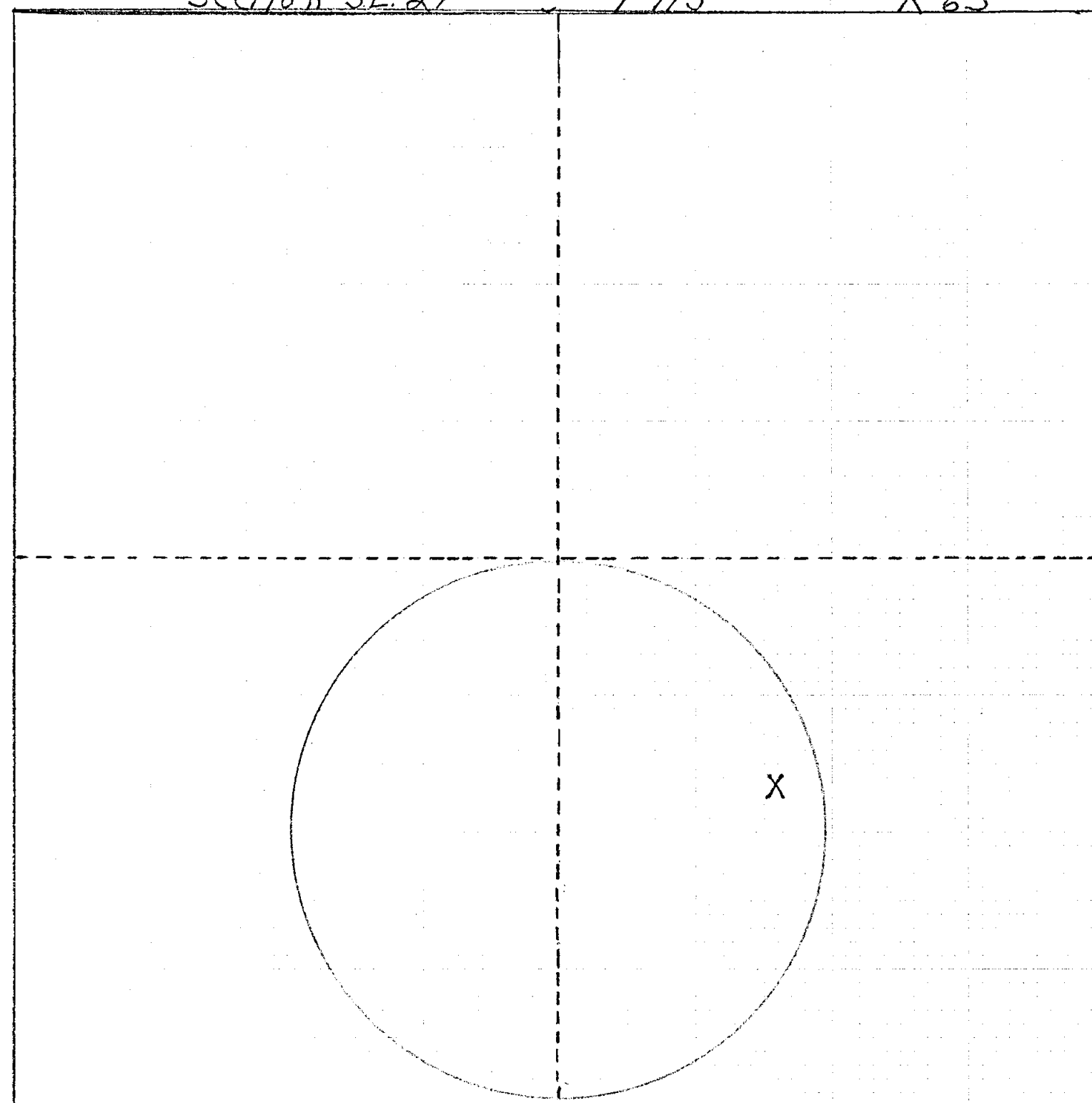
Prepared by Dick Fadden, Beadle Co. Extension Agent
Dick Fadden

J. Paul E. Anderson Unit No. 1

Section SE. 29

T 115

R 63



X Proposed Well
Location