

2496-3

1. Considered 1-22, 1976
2. Name of Applicant HOWARD HAYWOOD
3. Post Office Address ESTHERVILLE, IOWA
4. Amount of water claimed 6.6
5. Source of water supply GROUND WATER (3-68' DEEP WELLS)
6. Water to be used for IRRIGATION
Acres to be irrigated 463
7. Water to be diverted and used in BROOKINGS county
about 8N, 5W miles of BRUCE
8. Proof of Publication Received 1-16-76
Not received
9. Application Approved
Subject to
Not Approved
Action deferred
10. Remarks:

No. 2496-3Map No. 18683 Water Division No. 3 BIG SIOUX 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

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

1. Name of Applicant Howard Haywood
Postoffice address Estherville, State Iowa - 51337
If a corporation show date and place of incorporation nd
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract Direct Labor
3. Name of diversion work Howard Paul Irrigation Project H1
4. Amount of water claimed (cubic feet per second) 6.6
5. Source of water supply 3 wells
6. Location of point of diversion H1 - 1870' N46°E of SW corner Sec 5 - 112-51
H2 - 1860' N45°W of SE corner Sec 5 - 112-51, H-3 1860' N45°E
of SW corner Sec 4 - 112-51 County Brookings
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 463

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.
<u>See a Hatch</u>	<u>Sheet</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Five years. Additional time required to complete application of water to the proposed beneficial use three years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Brookings Register
12. Principal Features of the Proposed Water Supply System.

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

3 wells with electrically driven deep well turbines

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

closed conduit

C. Works proposed to apply water to beneficial use.

3 center pivot irrigation machinesEstimated Total Cost \$ 140,000Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of BrookingsI, Howard Haywood 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 Howard HaywoodSubscribed and sworn to before me this 9 day of Dec 1971John W. Wiggins
Notary Public (or other qualified officer)

P. E. H 1976

The Water Rights Commission hereby approves Water Right Application No. 2496-3HOWARD HAYWOOD

(Applicant)

Rte #1 FISTHERVILLE

(Post Office Address)

IOWA 51334

(State)

With the following modifications:

THIS PERMIT IS APPROVED FOR ONE WELL ONLY
(WELL #3 ON THE APPLICATION) WITH THE OTHER TWO
WELLS BEING DEFERRED.

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.

ACTION BY THE WATER RIGHTS COMMISSION ON MARCH 17, 1976 APPROVED CONSTRUCTION OF THE TWO WELLS WHICH WERE DEFERRED, AND GRANTED A TOTAL OF 6.6 C.F.S. TO IRRIGATE THE THREE QUARTER SECTIONS PROPOSED IN THE APPLICATION.

Date of first receipt of application DECEMBER 15, 19 75Date of return to applicant for correction, amendments or changes required , 19 Date of receipt of corrected application DECEMBER 24, 19 75Approved JANUARY 22, 19 76, Recorded in Book 14 Page 253WATER RIGHT PERMIT NO. 2496-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2496-3, 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 DECEMBER 15, 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 22, 19 78
3. The whole of said work is to be completed on or before JANUARY 22, 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 22, 19 84
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.

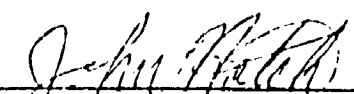
7. The amount of the appropriation herein granted shall not exceed 6.6 ~~2.2~~ cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation 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 JANUARY 22, 19 84, said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 2ND day of FEBRUARY, 19 76

WATER RIGHTS COMMISSION

By:


Chief Engineer, Executive Officer
Certificate of Construction Issued SEPTEMBER 23, 19 81Water License Issued SEPTEMBER 23, 19 81

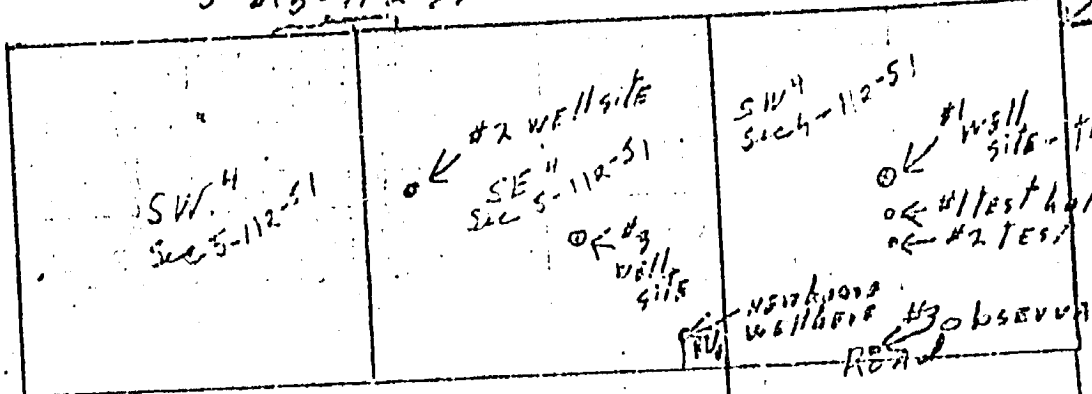
Howard Haywood - Estherville Iowa Area to be Irrigated

Land Description	Acres Irrigated
NW ¹ & SW ¹ Sec 5 - 112-51	39
NE ¹ of SW ¹ Sec 5	40
SW ¹ of SW ¹ Sec 5	38
SE ¹ of SW ¹ Sec 5	39
NW ¹ of SE ¹ Sec 5 - 112-51	40
NE ¹ of SE ¹ Sec 5	39
SW ¹ of SE ¹ Sec 5	39
SE ¹ of SE ¹ Sec 5	33
NW ¹ & SW ¹ Sec 4 - 112-51	39
NE ¹ of SW ¹ Sec 4	40
SW ¹ of SW ¹ Sec 4	38
SE ¹ of SW ¹ Sec 4	39

S 2 of 5-112-51

↑ N SW 44-112-51

Howard Hays
Baker



Log on observation
well in field edge

0-2' Topsoil

2'-4' yellow clay

4'-14' coarse rusty gravel NW 49-112-51

14-18' fine grey sand

18-30' blue clay

30-45' gray sand fairly coarse

pushed sand point to roughly

38' this was checked periodically
during the 48 hrs and did not vary
only when the weather change
came in the afternoon of 2-27

Jack Waborg well
45' to water 47-48'
8' of sand in both
fine sand from

NOTICE OF WELL CONSTRUCTION

2446-3 112-51 W
to water
SE 1/4 Section 5
112-51 W

1) WELL CONSTRUCTION

Location of well: SE 1/4 SE 1/4 Section 5 Township 112 Range 51 N
Well owner: Howard Haywood Ellenville, Iowa
Date well drilling completed: 4-29-76 Purpose of well: for water
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Depth, top to top in feet	Description of layer
0-2	Black top soil
2-4 1/2	Clay & limestone
4-29	fine grey sand
29-41 3/4	Blue clay
41-50	uniform sand
50-58	coarse sand
58-70	coarse gravel

Attach sheet if more space is needed

Depth to top of water producing casing: 41' ft.
Depth to static water level: 71' ft.
Name of producing casing (if known):
Total depth of drill hole: 76 ft.
Depth to bottom of casing: 76 ft.

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

14" x 14" wall steel (56')

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

15' of 14" Johnson Trivert
well screen

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

E. H. L. & Sons
Name of Drilling Contractor Jim Tracy

(2) PUMP INSTALLATION

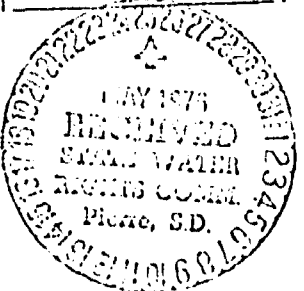
Company name and size of pump: Valley Pump HP 75
Type of pump: Vertical Capacity of installed pump: 750 G.P.M.
Depth of pump placement: 50 ft., Date of pump installation: 5-20-76

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.405 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____

E. H. L. & Sons
Name of Pump Installation Contractor



NOTICE OF WELL CONSTRUCTION

COPY

(1) WELL CONSTRUCTION

Location of well: NW 1/4 SW 1/4 Section 4 Township 112-N Range 51-W
 Well owner: Howard Haywood, Etherville, Ia
 Date well drilling completed: 2-24-76 Purpose of well: irrigation
(Name) (Address) (domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer	
0-1	Top soil	32	ft.
1-3	clay	25	ft.
3-7	small (2' stone)	7	ft.
7-14	COARSE SAND	62	ft.
14-22	FINE GREY SAND		
22-31	Blue clay		
31-36	FINE SAND		
36-41	COARSE SAND		
41-62	COARSE GRAVEL		
62-68	CLAY		

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

14" x 11/2" wall steel, welded joints 48'

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

15" x 14" - 10' of 100 slot
 5' of 50 slot Johnson
 Irrigation

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

Attach sheet if more space is needed

Ed H. Lacey & Sons
 Name of Drilling Contractor

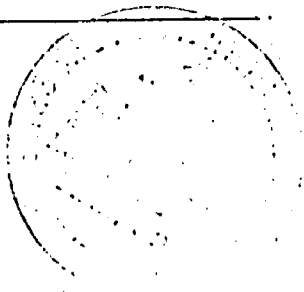
(2) PUMP INSTALLATION

Company name and size of pump: Western Land Roller HP: 75
 Type of pump: Turbine Capacity of installed pump: 700 G.P.M.
 Depth of pump placement: 50 ft., Date of pump installation: _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required. See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material: _____



Ed H. Lacey & Sons
 Name of Pump Installation Contractor

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

D. Well Information or Estimates

(1) Drill Hole, Diameter 3 1/2", Depth 68'
 (2) Casing, Type Steel Diameter 1 1/2" Thickness 3/16"
 (wood, concrete, steel, etc)
 (3) Perforated Screen, Type Continuous slot, Diameter 1 1/2", Length 25'
 (4) Gravel Pack, Thickness 5", Length of gravel pack 40'

E. Dugout Information or Estimates.

(1) Surface dimensions N/A, Depth N/A

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 0'-10'-top material, 10'-35'
sand and fine gravel, 35'-45' clay, 45'-68'
mixed sand and gravel

Depth to top of water bearing material 10'
 Depth to bottom of water bearing material 68'
 Thickness of water bearing material 48'
 Depth to water (ground surface to water level) 10'

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

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

* Well # 1	Well # 2	Well # 3	
180 rds	80 rds	85 rds	Distance to nearest property
280	160 rds	160 rds	Distance to nearest property

Harold Playwood
 Signature of Applicant

NOTICE OF WELL CONSTRUCTION

to WATER 511-4
SECTION 5 112-5112

(1) WELL CONSTRUCTION

Location of well: SW 1/4 SE 1/4 Section Five Township 112 Range 51-12
Well owner: Howard Howard (Name) Edna H. Jones (Address)
Date well drilling completed: 5-7-76 Purpose of well: Domestic
(Domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to bottom in feet	Description of layer	Depth to top of water producing aquifer	ft.
0-3	Topsoil	Depth to static water level	30
3-10	clayey gravel/sand	Depth of producing aquifer (if known)	
10-20	clayey sand	Total depth of drill hole	69
20-34	blue clay	Depth to bottom of casing	69
34-69	section completed	Casing information: In the space below show kind, size, weight, length per diameter, etc., for production casing and surface casing, if used.	
		54' x 14" x 1/2" all steel casing	
		Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.	
		15' x 1.00 slot x 14" Johnson	
		Perforator	
		If a flowing well, flow of completed well	
		G.P.M.	

Attach sheet if more space is needed

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

Ed H. Lacey & Sons
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump: Valley Pump HP 75
Type of pump: Turbine Capacity of installed pump: 750 G.P.M.
Depth of pump placement: 55 ft., Date of pump installation: 5-20-76

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____



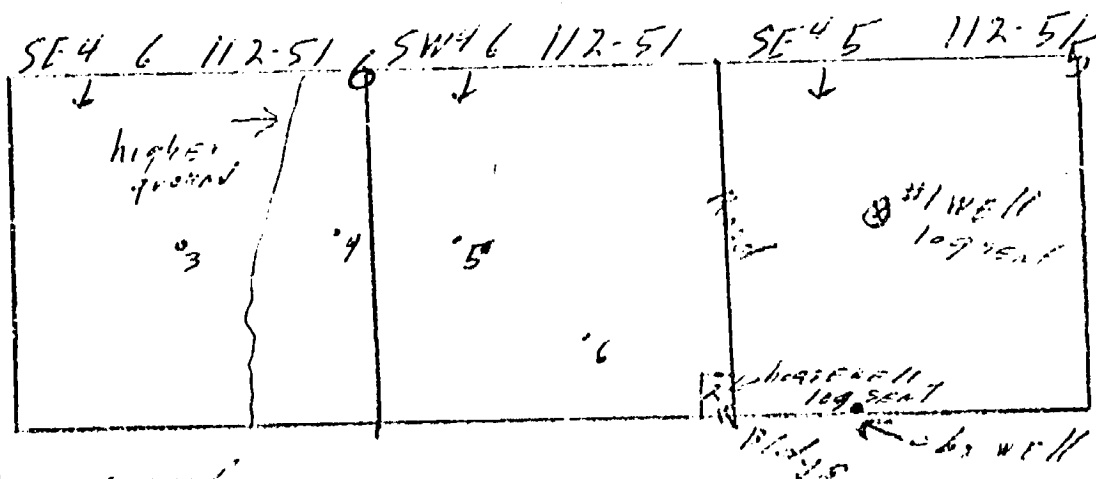
Ed H. Lacey & Sons
Name of Pump Installation Contractor

From Tim Lacey

3-12-76

8/22/76

John- There are some test holes logs and locations on the back of Haywood. Draw some pictures. These are from over by White, S.D. Below are some from Haywood's other quarters with rough locations.



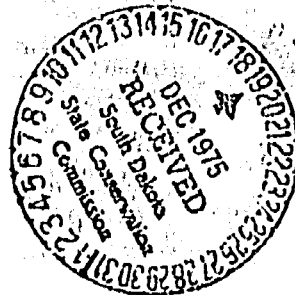
③ 0-20 sand
20-37 clay
dry hole

④ 0-2 topsoil
2-38 sand
38-50 clay blue
50-60 fine sand
60-62 Blue clay
very sandy sand

⑤ 0-28 sand 15' static
28-40' clay
40-72 coarse sand - quit drilling

⑥ 0-3 topsoil
3-25 sand (fine)
25-39 clay
39-72 very coarse sand - quit drilling

December 16, 1975



Mr. Howard Haywood, Jr.
R.R. #1
Estherville, Iowa 51334

Dear Mr. Haywood:

The water sample received here December 8 has been analyzed and the report of analysis is enclosed for your use and keeping. I am also enclosing a copy of extension circular 554 with the quality of this water designated by a red cross in the diagram on the outside back cover.

Although this water is moderately high in total salinity, it is low in sodium and it should present no hazard to the use for irrigation on Estaline in the climate which prevails in Bookings County. The salts which are added in the water will normally be leached out occasionally by the heavy rains which sometimes occur here April, May or June. I would caution you, however, to use the water in fairly substantial amounts each time you irrigate (3 inches or more) and as infrequently as possible, by this I mean, 3 times or less in any one growing season. The use of this water frequently in small amounts will accelerate the trend for salt accumulation in the upper parts of the soil and might lead to a salt problem after 10 or 12 years of irrigation, especially if we have 10 or 12 dry years in that time.

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

Sincerely yours,

L. O. Pine

L. O. Pine
Water Quality Lab

LOP:ckb

Enclosures

cc: State Conservation Commission

D. Pahl

Donald Boone, County Extension Agent

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

FOR COMMISSION USE ONLY

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: Wesley D. Smith

Disapproved: _____

NAME: Howard Howard Jr

ADDRESS: Rt 1 Fisherville Iowa 51334

COUNTY: Land in Breckinridge County

LEGAL DESCRIPTION

- (4 hres wells)
1. WELL LOCATION: Center of SW¹ sec 4, SE¹ sec 5, SW¹ sec 5 - 112-51
 2. AREA TO BE IRRIGATED: SW¹ sec 4 + SE¹ sec 5 - 112-51

TYPE OF IRRIGATION

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

LAND CAPABILITY FOR IRRIGATION

- see pages 2 & 3 of Breckinridge county soil map
5. PERCENTAGE OF SLOPE: Nearly Level
 6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: All soil is Esthlin silt loam
About 20 acres has 0-3% slope with rest level

WATER QUALITY (To Be Completed by Commission)

7. SAMPLE NO: 75-1112
8. SALINITY: EC = 1268 micromhos/cm (high)
9. SODIUM: SAR = 0.16 (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

Brookings County Soils Map Evg. Sheet 468

and:

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

Harold Haywood

Subscribed and sworn before me this

5 day of Dec 19 75.

John L. Lawrence

P. R. H. 1716

(Title)

REPORT OF ANALYSIS

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

Submitted by: Howard H. Hagedorn
Address: Box 1
Waterburyville, Iowa 51334

Date Rec'd: Aug 11, 1975
Sample No.: 72-1112
Identification: 111-61
Aug 14, 1975, R 51

WATER ANALYSIS

Calcium (Ca)	180	ppm*	9.00	me/l**
Magnesium (Mg)	62	ppm	3.00	me/l
Sodium (Na)	10	ppm	0.41	me/l
Potassium (K)	7	ppm	0.38	me/l
Sulfate (SO ₄)	100	ppm	4.76	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	31	ppm	0.87	me/l
Bicarbonate (HCO ₃)	181	ppm	2.86	me/l
Carbonate (CO ₃)	24	ppm	0.60	me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		g.p.g.***
Hardness (EDTA as CaCO ₃)	148	ppm (as CaCO ₃)		
Alkalinity (Methyl Orange)	40	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	1268	micromhos per cm at 25° C.		
Electrical Conductivity	0.16			
Sodium Adsorption Ratio	2.65	% of cations		
Sodium	1.00	me/l		
Residual sodium carbonate	0.38			
pH				
Others:				

*ppm=parts per million
**me/l=millequivalents per liter
***g.p.g.=grains per gallon

COMMENTS:

By: Whitney H. Hagedorn

Service Performed	Amount Due
Irrigation only is	5.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 72-1112

Amount Enclosed \$

Signed

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2496-3

(1) WHEREAS, On the 15th day of December A. D. 19 75
Howard Haywood

made Water Right Application No. 2496-3 for a permit to use 6.6 cubic feet per second of the waters
of groundwater (three wells)

County of Brookings, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 22nd day of January A. D. 19 76

Permit No. 2496-3, with a date of priority of December 15, 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 22nd day of January A. D. 19 81 and for the
application to beneficial use of said water on or before the 22nd day of January A. D. 19 84

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

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent,
to irrigate the following lands all in T112N, R51W

Section 5 SW $\frac{1}{4}$ 132 acres

SE $\frac{1}{4}$ 132 acres

Section 4 SW $\frac{1}{4}$ 132 acres

TOTAL: 396 acres

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

_____ of Estervilla, Iowa
the holder _____ and owner _____ of said permit No. 2495-3 a water right, dating from December 15, 1975
_____ to use of 5.64 cubic feet per second of the waters
of groundwater (three wells)

in the County of Brookings and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at Well #1- 90'S of center of SW, Section 4; Well #2-

R25'W & 740'N; Well #3- 2000'W & 1580'N both from the SE corner, Section 5,
all in T112N, R51W

and conducted to and upon portions of lands in Section 4 & 5, T112N, R51W, more
fully described on the face of this license

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 2495-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 23rd day of September A. D.
Nineteen Hundred and Eighty-one

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

Permit No. 2496-3

Water Diversion No. 3 Big Sioux River Water District

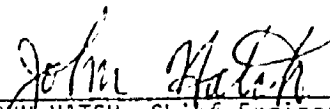
CERTIFICATE OF CONSTRUCTION

This is to Certify, That Howard Haywood

_____ the holder _____ of
Permit No. 2496-3, issued upon Application No. 2496-3, bearing date of priority of December 15,
1975 authorizing the diversion of 6.6 cu. ft. per second of the waters of _____
groundwater (three wells) County of Brookings, State of South Dakota at _____
Well #1-90'S of center of SW $\frac{1}{4}$, Section 4; Well #2-825'W & 740'N; Well #3-
2000'W & 1580'N, both from the SE corner, Section 5, all in T.112N, R51W
_____, 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 5.64 cu. ft. per second of water.

Date September 23, 1981


JOHN HATCH, Chief Engineer
Water Rights Division

2496-3
No. _____Publish first publication, on or before January 8, 19 76NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 30, 19 75

Notice is hereby given that Howard Haywood
whose post office address is Estherville, Iowa, 50625 has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
6.6 cubic feet of water per second of time from the ground water (3 wells) through the
Howard & Paul Irrigation Project #1 are
the point of diversion of which is to be located in the
center of the SW $\frac{1}{4}$, Center SE $\frac{1}{4}$, Section 5, and Center of the SW $\frac{1}{4}$

of Section 4, Twp. 112N, Range 51W. Said water to be used for the purpose
of providing irrigation on the following described land:
S $\frac{1}{4}$, Section 5; SW $\frac{1}{4}$ Section 4, T112N, R51W

This application No 2496-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 22nd day of January, 19 76, at 2:30 p. M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

EURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Howard Haywood

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

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brookings) ss.

I, James M. McLaughlin, Jr., hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Brookings Daily Register

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 Brookings of Brookings

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

Jan. 8, 1976

Jan. 15, 1976

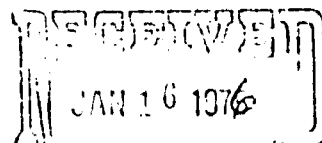
James M. McLaughlin, Jr.
(Signature)
Gen Mgr.
(Title)
1/15/76
(Date Signed)

Legal No. 6 -- Jan. 8 & 15

NOTICE
INTENT TO APPROPRIATE WATER

December 30, 1975
Notice is hereby given that Howard
Haywood whose post office address is
Eatherville, Iowa, has made an
application in accordance with the
provisions of the water laws of South
Dakota for a permit to appropriate for
beneficial use 6.6 cubic feet of water per
second of time from ground water (3
wells) through the Howard & Paul
Irrigation Project No. 1, the points of
diversion of which are to be located in
the center of the SW $\frac{1}{4}$ Center 8E $\frac{1}{4}$,
Section 5, and Center of the SW $\frac{1}{4}$ of
Section 4, Twp. 112N, Range 51W, Said
water to be used for the purpose of
providing irrigation on the portions of
the following described land: S $\frac{1}{2}$,
Section 5; SW $\frac{1}{4}$ Section 4, T112N, R51W.
This application No. 2496-3 will be
considered by the Water Rights
Commission at their office at Pierre
upon the 2nd day of January, 1976, at
2:30 p.m. All interested persons may
appear and be heard.

Water Rights Commission
Burton F. Jones
Water Rights Specialist



STATE WATER RIGHTS COM
PIERRE, SOUTH DAKOTA

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

Memorandum

Subject : Field Survey of Haywood Irrigation,
Brookings County

To : File

From : Van W. Butler

Date : June 12, 1971

1. On Thursday afternoon June 10 Mrs Jack Waitberg, Brook contacted ~~me~~ me while I was in Brookings stating that their new well ~~to~~ had less than 3 feet of water in it on Wednesday June 9 evening. Was concerned about running out of water. New well was constructed two weeks ago by Tony Rust Well Drilling from Brookings.
2. Called Don Rust, well driller, stated he had dug well for Jack Waitberg this spring. Well was 46 feet deep with 31-32 feet of clay and 14 feet of sand and gravel. Did not penetrate full depth of sand and gravel. Well was 30 inch diameter with 26 inch concrete casing. 3' from bottom 3 feet. Placed 10 gpm pump and hook in well and tied it into the house. When installed the well

had 14 feet of water. Waitloy later said the cost was \$1260.

3. Friday about 11:00 a.m. drove to Paul Haywood's place. Center pivot was running and he said had been turned on that morning. Wednesday they had received 1.42 inches of Rainfall so turned off all three pumps. Had not desalted east or west wells. One east well which could be measured had started pump weeks prior with W.L. at 3'1". After one week pumping W.L. stabilized at 43' for 9' drawdown in well. Had not checked observation well. Indicated he had requested Ed Farney to come back in and install two additional observation wells. His own house well was installed at line of east well about 60 feet deep. Had not run out of water.

4. Visited with ~~Waitloy's~~ Waitloy's, Bird and Mr. Schwartz, and Mr. ~~Waitloy~~ ^{Waitloy's} fatherland Andersen came by. Checked Waitloy's old well north of house. Very small quantity of water in bottom. Believed less than 1 foot. Used no fishing line dropped in well. New well had about 6 feet of water, plus or minus $\frac{1}{2}$ foot. This was 3 feet $\pm \frac{1}{4}$

more than measured by Waltham's knot
on fishing line on Wednesday evening.
Had no equipment to take accurate
measurements. Also noted Bird's
place. They had about 9 feet of water
 $\pm 0.5'$ and increase of $1\frac{1}{2}$ feet $\pm \frac{1}{4}'$ over
Wednesday's night measurement by Bird.
Both Bird and Waltham believe the
shutting down of Haywood's pumps on Wed
caused the recovery. Both agreed had
about 15 inches of rain.

5 Indicated I would not shut down
Haywood's pumps yet. Would check
again first of week. If Waltham's
water dropped to 3' or less I'd call
Athol for permission to measure wells
and was so granted. Also asked for
permission to drill test holes & observation
wells on place and also granted. Indicated
would try to tie well and water levels
to same datum. I think ~~maybe~~
there may be a small elevation here
on Waltham's well and may be Bird
affected by Haywood's pumping but did
not tell them this theory. I

6. I later stopped in EDCSD office and obtained the following water level readings on the observation well:

Date	Depth to W.L. from M.P.
4/16/76	25.8
5/4/76	25.91
5/18/76	26.29
6/1/76	27.02

Observation well located ~~at~~ along south border of SW 1/4 Sec 4 - T112N - R51W. It is 37 feet deep with 25.8 feet to water at time of construction ~~and 27.2 feet~~ with M.P. 2.2 feet above ground level. No other wells reading in immediate area.

6-14-76	26.2'
6-16-76	32.0'



February 27, 1976

Mr. Howard Haywood
Estherville,
Iowa 51334

Dear Mr. Haywood:

Based on our recent conversations concerning the ground-water availability in T112N, R51W, sections 4 and 5, in Brookings County, South Dakota, I would again like to recommend that you send us the logs of the test holes and wells from the area.

The information from the well logs is essential for a proper aquifer test design. Jim Lacey called this morning and wanted some advice concerning the observation wells near your new irrigation well. I suggested the wells be cleaned out so some response from the pumping could be measured but it is difficult for me to advise you about any testing without the well log.

I am assuming after all the wells are cleaned out and the pumping rate set that you will run an aquifer test. If that is the case, we will be glad to help you with the specifics of running a test. Again, if you have any questions, please do not hesitate to write or call.

Sincerely,

Dennis R. Beissel
Geologist

For the State Geologist

DRB:co

cc: John Hatch

Application No. 2496-3 for three wells applied for by Howard and Paul of Estherville, Iowa to appropriate for beneficial use 6.5 cubic feet of water per second of time from ground water through the Howard and Paul Irrigation Project Co. The points of diversion of which are to be located in the center of the SE $\frac{1}{4}$ center SE $\frac{1}{4}$, Section 5 and center of the SW $\frac{1}{4}$ of Section 4, Twp. 112N, Range 51E and portion of Section 5, SW $\frac{1}{4}$ Section 4, Twp. 112N, R 51E.

No. 2496-3
The undersigned object to this application on the grounds of endanger the domestic water supply and lowering the water table which exists under the surrounding area.

According to the information received from the water resource maps the reservoir that the proposed wells will be drawing water from is approximately 2 square miles.

- Jack C. Worley $\frac{1}{4}$ mile from nearest well
Bruce So Pak NW of 9 TWP 112 R 51
- Ralph Schwartz - $\frac{3}{4}$ mile from nearest well
Bruce So Pak SE of 33 Twp 113 R 51
- ~~Dwight Kinning $\frac{1}{4}$ mile from nearest well~~
Feb 23, 1926
Swift Kinning
- ~~NE $\frac{1}{4}$ sec 9 Twp 112 R 51~~
- Wm. F. Bird 1 mile from well
Bruce, S.D. - SW of 9 ~~112~~ TWP 112; R 51
- Richard Swift $1\frac{1}{4}$ mile from well
Bruce S.D NE $\frac{1}{4}$ sec 10 - TWP 112 R 51

Frank Cook 80 Rods from close well
~~Bruce~~ Bruce SPok NE of. 7 TWP

112 R 51

Mrs. Mary Johnson - Estelline, S.D. Dak.
NE - 31 - 113 - 51 Estelline Co. 1 1/2 miles from
nearest well.

12 Eric Johnson
NE - 31 - 113 - 51 Estelline, S.D. Dak.
SE - 31 - 113 - 51 80 Rods from well

Harold J. McKean
NW 33 - 113 - 51 Estelline
1 mile 1/2

Richard Schwartz
NW 34 - 113 - 51 Estelline
3/4 mile from nearest well

10 Ernest A. Rieck NE 33 - 113 - 51
Estelline S.D. Dak.
1 3/4 miles from nearest well

11 David Reed 3/4 mile from nearest well
NW 1/4 3 - TWP 112 - R 51
Bruce Co 2 Dak

Canal Anderson

2123-3

was in 1-13-76

Wondering if there

will be enough water?

J.H.

REPORT ON
HOWARD HAYWOOD APPLICATION NO. 2496-3
RAYMOND BLUMEYER APPLICATION NO. 2594-3 AND
LEONARD CALLESON APPLICATION NO. 2593-3

MARCH 15, 1976

The Water Rights Commission deferred action on a portion of the Howard Haywood application No. 2496-3 at the January 22-23, 1976 meeting. Well No. 3 was approved with the other two wells deferred. Since the January meeting, we have also received applications from Raymond Blumeyer No. 2594-3 and Leonard Calleson No. 2593-3, which are in the same area as the Haywood application. Please see attachment for locations.

A petition was received at the January meeting from persons located near the proposed Haywood wells, the protestors are shown on the attachment. The Commission Staff conducted investigations in this area February 27, 1976 and March 9, 1976. On February 27, Mr. Dwight Kenny, one of the protestors, asked that his name be removed from the list of protestors to this project.

Discussion

Since the January meeting, Mr. Haywood has had well No. 3 drilled and a 48 hour pump test run from 4:00 PM February 25, 1976 until 3:26 PM February 27, 1976. There are two water bearing sand deposits in this area. The well log is as follows:

0-1'	top soil	
1'-3'	yellow clay	
3'-7'	fine sand	)
7'-14'	coarse sand	) Static water level at 7'
14'-22'	fine grey sand	) 15' of water
22'-31'	blue clay	
31'-36'	fine sand	) Static water level at 25'
36'-41'	coarser sand	) 6' of head on water
41'-67'	very coarse sand	) 36' of sand

The upper water level was sealed from the lower water level when the well was constructed and the well was developed in the lower water bearing sands. During the pump test and after 48 hours of pumping, the water level dropped from a static level of 25 feet to 37.7 feet. The drawdown was fairly well stabilized after only 4 hours of pumping at 11.7 feet of drawdown, with an increase in drawdown of only 1.0 feet in the next 44 hours.

Observation wells were installed; however, the observation well readings are not dependable as these wells were not installed to the proper levels until after the pump test was started and the observation wells were not properly developed. The observation well near the section line as shown on the attachment was tested March 9, 1976, by Commission Staff. Ten feet of water was poured into the casing and the water level did not drop in 4.5 hours. This observation well will need to be developed and tested by the Commission Staff prior to the irrigation season.

When the irrigation well was shut off after 48 hours, the recovery was very good with about $2\frac{1}{2}$ feet of drawdown remaining after 5 minutes. The following morning, $16\frac{1}{2}$ hours later, the water level was within 10 inches of the original static level. March 9, when the water level was again checked, the static water level was back to 25 feet.

At 2:30 PM February 26, 1976, about $22\frac{1}{2}$ hours after the pump test had started, Mrs. Jack Warborg called the Office and reported that they were out of water. Test records submitted by the well driller, Ed Lacey & Sons, listed the water level in the Warborg well 24 hours after the pumping started as 45 feet, the well is 47 feet deep. The Commission Staff measured the Warborg well, the following day February 27, 1976 about 11:00 AM and the water level was 45 feet.

March 3, 1976, Mrs. Warborg called to advise that they had 4 feet of water in their well. March 9, at 11:00 AM, Commission Staff measured the water level in the Warborg well at 43.5 feet which was 3.5 feet of water in the well. Water was then pumped from the water system into a pail 6 to 7 gallons at a time for a total of about 25 gallons for livestock use. Mr. Warborg did not want to use a hose and waste any water. Following the pumping of 25 gallons of water, the water level in the well had dropped 1.5 feet to 45.0 feet, water was still available. The recovery on the well was checked and the well recovered about 8 inches in a $\frac{1}{2}$ hour.

The difference in elevation between the static water level of the Haywood irrigation well and the Warborg domestic well water level was not measured with survey instruments. The U. S. Geological Survey surface contour lines on the Estelline Quadrangle Map indicates that the static water level of the Haywood well is at least 5 feet higher than the water level in the Warborg well. This would seem that the water bearing sands in which the Warborg well is and the Haywood well sands are not necessarily connected.

The Warborgs have stated that they have always had plenty of water until the pump test was conducted; however, neighbors have reported that the Warborg well has been a source of trouble for many years. One

problem apparently was the pump for the Warborg well was not satisfactory. The pump has since been replaced, but the testing done on the Warborg well indicates that the well is not a dependable well. With additional pumping of the water, the well would continue to drawdown with very slow recovery.

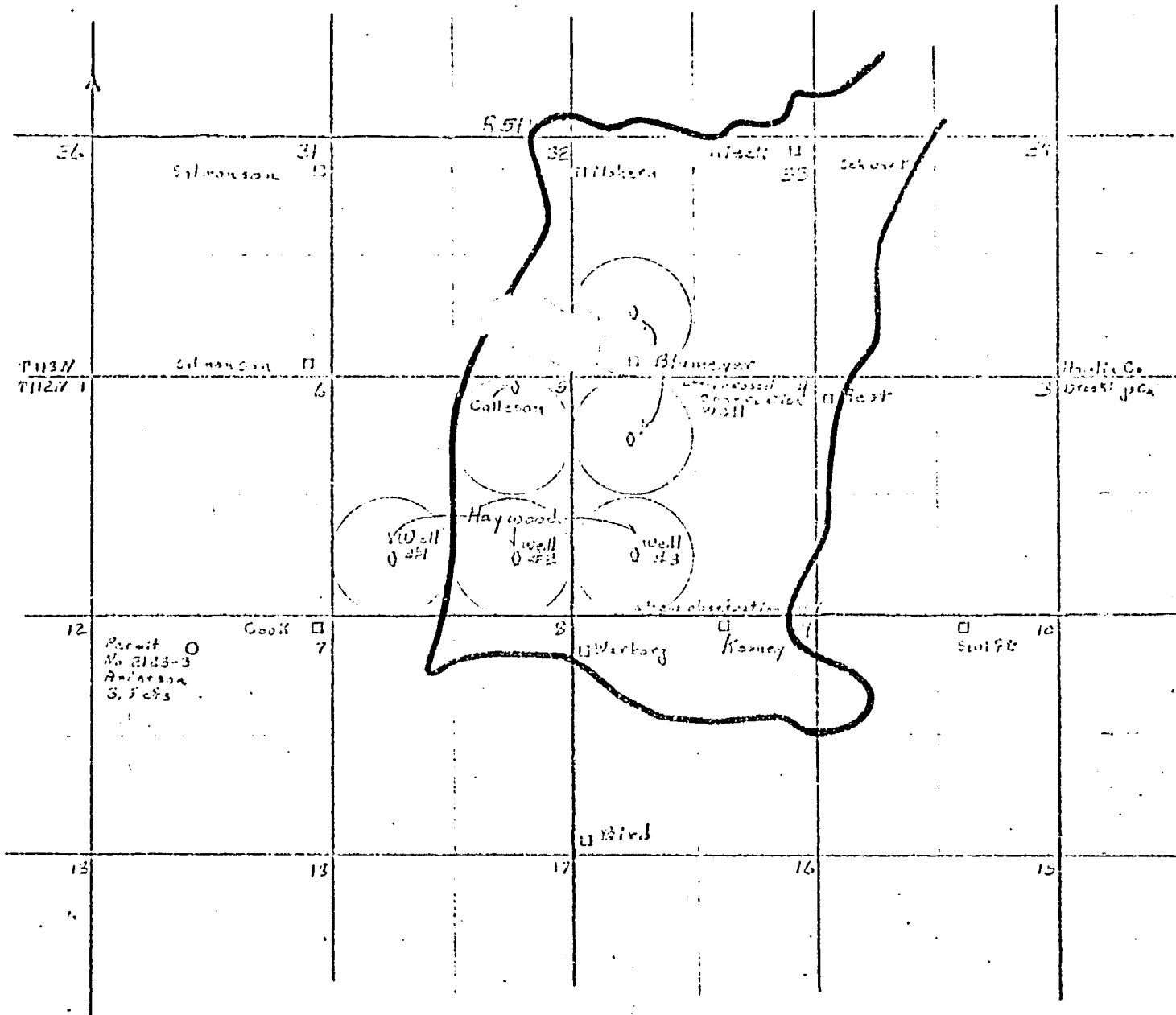
U. S. Geological Survey representatives have advised that the sands and gravel aquifer (marked on attachment) in the area of the Haywood well is connected to the Big Sioux Aquifer. The State Geological Survey had advised that a pump test of the type conducted on a water table well even though there is a slight head, should not affect a well a $\frac{1}{2}$ mile away which is the separation between the Warborg well and the Haywood well. A second observation well is proposed on the north side of Section 4, (please see attachment). Mr. Haywood is providing the observation wells at his own expense for our use.

Conclusions and Recommendations

The Warborg well is a very poor well and the testing indicates that it will pump down whether the Haywood irrigation well is pumping or not. It is doubtful that the Haywood irrigation well affected the Warborg well. Commission Staff could hear water running into the well at the time of the well measurements. The pump test indicates there is adequate water. The Commission Staff believes that all of the wells on the three applications can be approved, since this aquifer is connected to the Big Sioux Aquifer. If the Commission should decide not to approve all of the wells applied for, then the Haywood wells should be approved prior to approval of any other wells.

JOHN HATCH, CHIEF ENGINEER
WATER RIGHTS COMMISSION

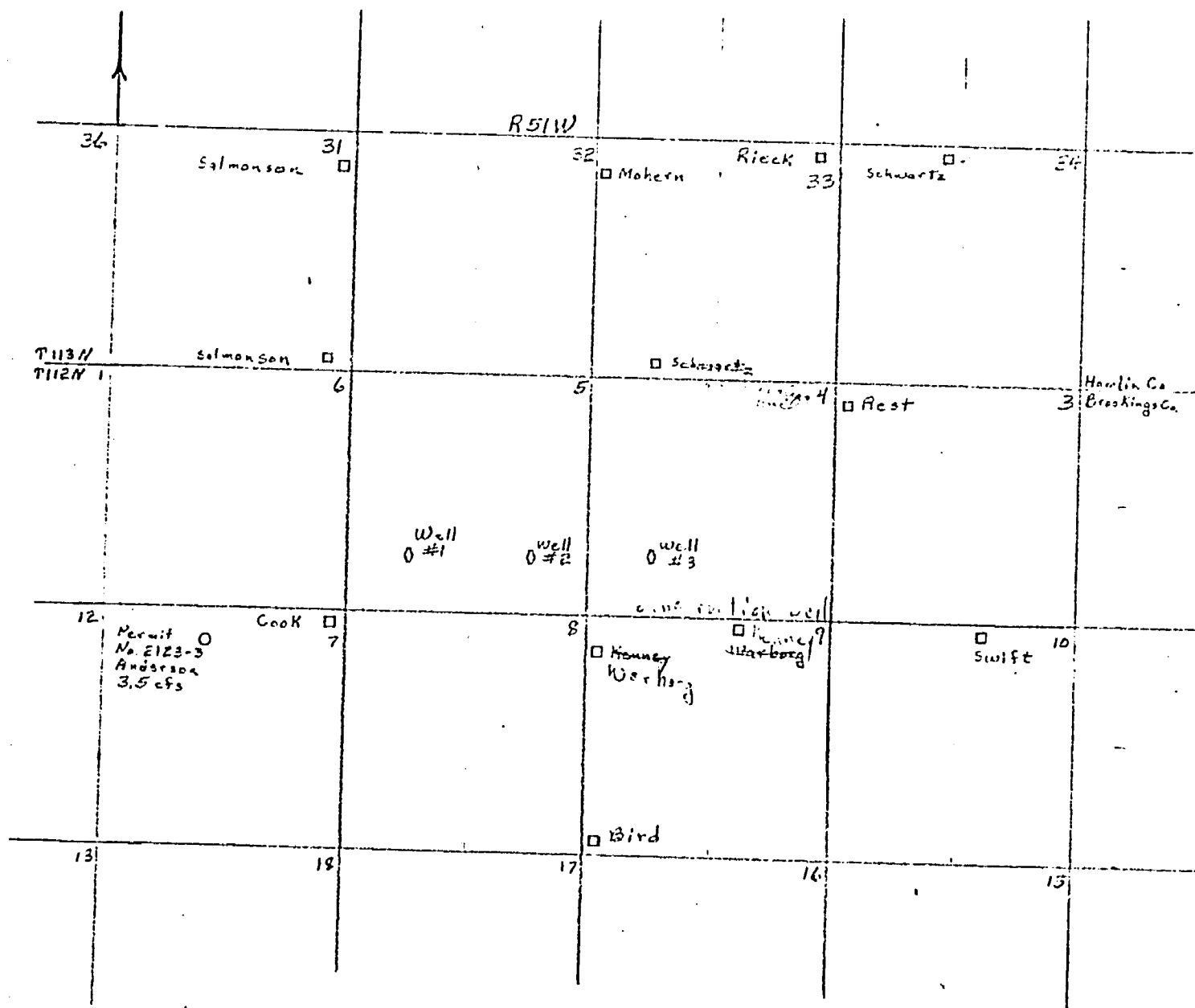
Howard Haywood Application No. 2474-3, 2 Miles North, 5 Miles West of Bruce
Raymond Blumeyer No. 2594-3 & Leonard Callison No. 2593-3



9 Proposed Irrigation Wells

- Protestors

Howard Haywood Application No. 2496-3, 2 Miles North, 5 Miles West of Bruce



6 Proposed Irrigation Wells

- Protestors

8-3-76
Mrs. Jack W. H. H. H.
873-2816

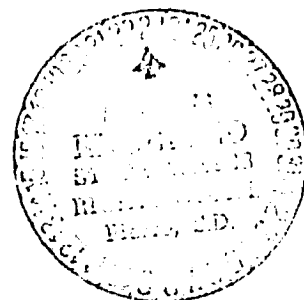
called to advise
they had 4 of water
in their well H. H. H.
Morning

Mrs. Julius Bloomer
is ^{present} owner of farm
873-2353

Howard H. H. H.
Esterville, Ia 712-363-2925
Farm (Esterville) 873-2833

Re. 2496-3

April 22, 1976



The Honorable William Janklow
The Attorney General
State Capitol
Pierre, South Dakota 57501

Dear Sir:

Re: Water permit 2496-3

Some time ago, Mr. Howard Haywood, R. R. 1, Esterville, Iowa applied for an irrigation permit to irrigate three (3) quarters of land located three (3) miles west and three (3) miles south of Estelline, So. Dak. This permit was given the number 2496-3.

Considering the fact that this is the first large amount of water to be pumped out of the aquifer, 6.6 cubic feet per minute, a number of farmers in the vicinity of this irrigation permit are concerned about their domestic wells. We signed a letter of protest to limit Mr. Haywood's irrigation to an experimental well, 2.2 cubic feet per minute, until we had proof and assurance that our domestic wells would not be affected. This letter of protest was presented to the Water Rights Commission at their regular January meeting.

At that time, it was the understanding of those present at the meeting that Mr. Haywood would be granted a permit to operate an experimental well for one year. After that time, he would reapply for the other two (2) wells if the domestic wells in the area were not adversely affected.

On February 26, 1976, Mr. Jack Warborg filed a complaint with the Water Commission, due to lack of water in his domestic well. Mr. Haywood was testing his well. Enclosed is a report by John Hatch, Chief Engineer for the Water Commission.

We, the protesters, were informed by letter that Mr. Haywood's other two (2) wells would be acted upon on March 17, 1976, at 2:30 p.m. Mr. Warborg and I traveled to Pierre to protest the granting of the additional two (2) wells and to defend Mr. Warborg's well.

At this meeting, Mr. Warborg was informed that his well was not dependable. However, this same well has served his needs and previous occupants of that farm for the last twenty (20) years. Some problems, certainly, but serving his needs sufficiently.

April 20, 1976

I have lived at the present location for three (3) years. I, too, have had well problems. I replaced the pump the first few months, and continued to have water problems because of a lowering water table. Last year in May, I had a bored well dug to the depth of forty-five (45) feet. If my well should have problems, would it also be considered and decreed inadequate in order to allow Mr. Haywood to pump all the water he considers necessary for his irrigation project?

Mr. Haywood visited my home one evening in January. He was interested in my feelings about irrigation. At that time, I informed him that I did not object to irrigation as long as domestic wells were not affected. My feelings have not changed. When Mr. Haywood was talking to me, he made the following statement. "I do not want to take anybody's water from them, and the state will not let me." However, when he test pumped, it proved he would be affecting a domestic well. He still wanted his water permit.

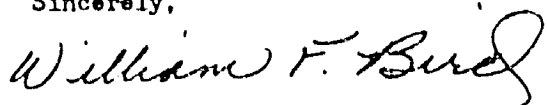
I do not feel the domestic-well qualifications are being upheld in this case. I feel a twenty dollar (\$20) permit means more to the Natural Resource Development than the domestic-well qualifications.

At no time was my well checked during the test-pump period. No other protesters were checked either, except Mr. Warborg. His was checked by the independent well driller. I feel that the Water Commission should have made well checks on the people who protested.

I would like to see some action taken in this matter and our rights restored.

Thank you.

Sincerely,



William F. Bird
R. R. 1
Bruce, So. Dak. 57220

Encl: 4 pp. Water Commission report

CC: The Honorable Richard Kneip
The Honorable Larry Fressler
Water Commission

RECEIVED

MAY 12 1976

DEPT. OF NATURAL
RESOURCE DEVELOPMENT

May 10, 1976

Mr. William Bird
Route #1
Bruce, South Dakota

Dear Mr. Bird:

Thank you for sending me a copy of your April 22nd letter to Attorney General William Janklow regarding water right permit no. 2496-3 to Mr. Howard Haywood.

I am advised that this matter was indeed brought before the members of the Water Rights Commission in accordance with the statutes and rules of the Commission. I can only assume the Commission acted in a fair and equitable manner and in accordance with the statutes of this State. As with any decision of the Executive or Legislative branches of government, the Judicial process is always open for appeals. State water laws specifically provide for such appeals when water rights are considered affected.

I would hope, however, that this matter can be fairly settled through continued cooperation and vigilant action on the part of the Water Rights staff and the Commission and you and your neighbors.

Please accept my best wishes and feel free to call on me if I can be of further assistance.

Sincerely,

RICHARD F. KNEIP
GOVERNOR

RFK/brd

cc: William Janklow, Attorney General
✓ Vern Butler, Secretary, Dept. of Natural Resource Development



STATE OF SOUTH DAKOTA

OFFICE OF ATTORNEY GENERAL

STATE CAPITOL
Pierre, South Dakota 57501

WILLIAM J. JANKLOW
ATTORNEY GENERAL

May 19, 1976

Mr. William F. Bird
Rural Route #1
Bruce, South Dakota 57220

RE: Water Permit 2496-3.

Dear Mr. Bird:

This is in response to your letter of April 22, 1976.

I have discussed the question you raise with Secretary Butler of the Department of Natural Resource Development and Mr. Burt Jones of the Water Rights Commission. From those conversations it appears that the department has issued permits to Mr. Haywood, but has conditioned such permits upon the irrigation wells not interfering with domestic wells in the area. The department also informed me that they had drilled test wells between the irrigation site and where you live, so that if there would be any adverse affect caused by the irrigation wells the affect should also show up in the test wells. Again, relying on what Mr. Butler and Mr. Jones said, there has not appeared to be any adverse affect shown in the test wells by the pumping from the irrigation wells operated by Mr. Haywood.

If you believe that your domestic well has been interfered with by the pumping from Mr. Haywood's irrigation wells, I suggest you contact Mr. Vern Butler, Secretary of the Department of Natural Resource Development, in Pierre and request an appearance before the Water Rights Commission to make your arguments with respect to how your well has been affected.

Mr. Butler and Mr. Jones also informed me that they believe the geological information indicates that the irrigation wells are pumping from a different formation or aquifer than your well pumps from. This information, together with the fact that test wells were drilled and appear to have shown no adverse affect when the irrigation wells of Mr. Haywood were pumped, appear to be the basis for the Water Rights

RECEIVED

MAY 20 1976

DEPT. OF NATURAL
RESOURCE DEVELOPMENT

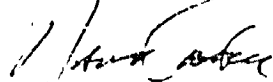
William F. Bird
May 19, 1976
Page 2

Commission's decision. I believe that if you feel that your domestic well has been adversely affected by the Haywood irrigation permits, you should get as much information on the matter as you can and bring it before the South Dakota Water Rights Commission. You could attempt to initiate some court action, but this would be costly and time consuming from your standpoint.

By a copy of this letter sent to the South Dakota Water Rights Commission, I am requesting them to make every reasonable effort to assure that your domestic use wells are not interfered with when granting permits to use well water for irrigation purposes.

Sincerely,

WILLIAM J. JANKLOW
ATTORNEY GENERAL



David O. Carter
Assistant Attorney General

DOC/dh

cc: Burton F. Jones, S.D. Water Rights Commission, Department of Natural Resource Development, Foss Building, Pierre, South Dakota, 57501.

Howard Haywood

Sec. 17 S. 17 T. 112 N. W. R. 2496-3

6-14-76 86 & 811
We measured

William Bird's Well

41' deep

SW 1/4 9-112-51

32' to water, 9' of water

6-14-77

Medford Kinney

in NE 1/4 Sec. 17-112-51

(has not complained)

Well 36.1' deep

26.2' to water, 9.9' of water

1.8' stickup

2496-3

6-17-76

William Bird

873-2817

Estelline 11:00 a.m.

6' of water left in
his well

Warburg's well is
now 62' deep

Haywood 873-2833

obs. well. 1st Night

read 32'

Need obs well ^{between}
Bird & Warburg's

Paul Haywood

started at 30.0'

~~to the~~

6-17-

8:00 33.0

5:00 33.9"

6-18

8:30 34.8"

are going to restrict pumping
to no more than about 35.0'

6-21-76
I called Paul Haywood
he reported no
pumping since 3:00 am
6-21

Observation well
level at 34' 8" at
10:00 a.m.

Center well water
level 43' (static in
morning)

58' when pumping
breakdown
fairly well
stabilized

I told him, he should
not pump until
Friday evening to
give Bick's well a chance
to recover.

6-21-76

Bill Bird

called he is out of
water

They had 1" of rain

6-22-76 water depth 6'4"

6-23 5'9"

6-24 10:00 a.m. 3'11"

pump out of
water

call /
bird at
4:00 p.m.

Reported Hausen's on Boyd
Farm w/ 3 year
old well had a 10'
drop in water level

Dwight Kenny new
well affected.

Bird is going to
deepen his well

called Bird 4:00 p.m. 6-24-76
his water was 5'9"

6-25-76

Paul Hagerood called
Observation well had
Need well at 2:00 a.m. after
to North no pumping since
of Hagerood 3:00 a.m. These morning
6-24-76 was 32°
(w/stickup)

It possible Lacey supposed to
existing be coming Monday.
observation well should
be full, Will need to go down
an put in to help locate well
ditch at and develop observation
deeper well.
w in birds
well is full
with probably
has no water
in existing
the well.

I told him to go
talk to Bird & have
them call if they have
water problem. 51

June 23, 1976

Mr. William F. Bird
R. R.#1
Bruce, SD 57220

Dear Mr. Bird:

This letter is in regard to your domestic well and the apparent affect on your water level by the Haywood irrigation wells one mile north. After you called Friday, June 18, 1976 and advised that you had six feet of water remaining in your well, I called Paul Haywood and requested that he not permit the drawdown in the observation well south of their East irrigation well to go below 35.5 feet at this time.

Since I did not hear from you this past weekend, this procedure apparently protected your well from additional interference and did not place you in the position of being out of water over the weekend. I also asked Mr. Haywood to contact you in order that you could advise him directly if your well water level was being drawn down too low.

The restriction on Mr. Haywood, with respect to your well, is temporary, about four weeks. You are in an unfortunate position. Your well is new, but apparently is not an adequate well as required in the enclosed rules. Your well driller may not have advised you of the requirement for an adequate well. He was provided with the attached requirements when they were adopted. An adequate well in your area should be to the bottom of the water bearing formation with the pump intake set in the bottom portion of the well.

We have told the Haywoods that the restriction on them to protect your well will be for no more than three to four weeks to allow you time to have your well driller deepen your well.

Another possibility is to allow Haywoods to pump all three of their wells to see if the water level in your well will draw down below your pump intake. This would also permit other domestic wells in your area to be monitored for possible interference. Older wells will have to be protected, or adequate wells, or alternate supplies provided.

Mr. William . Bird

Page 2

June 23, 1976

The second possibility may be the best at this time. You could let Haywood's know if your water level was almost down to the pump intake.

We are providing the Haywoods with a copy of this letter. If you have any questions on this matter, please advise.

Very truly yours,

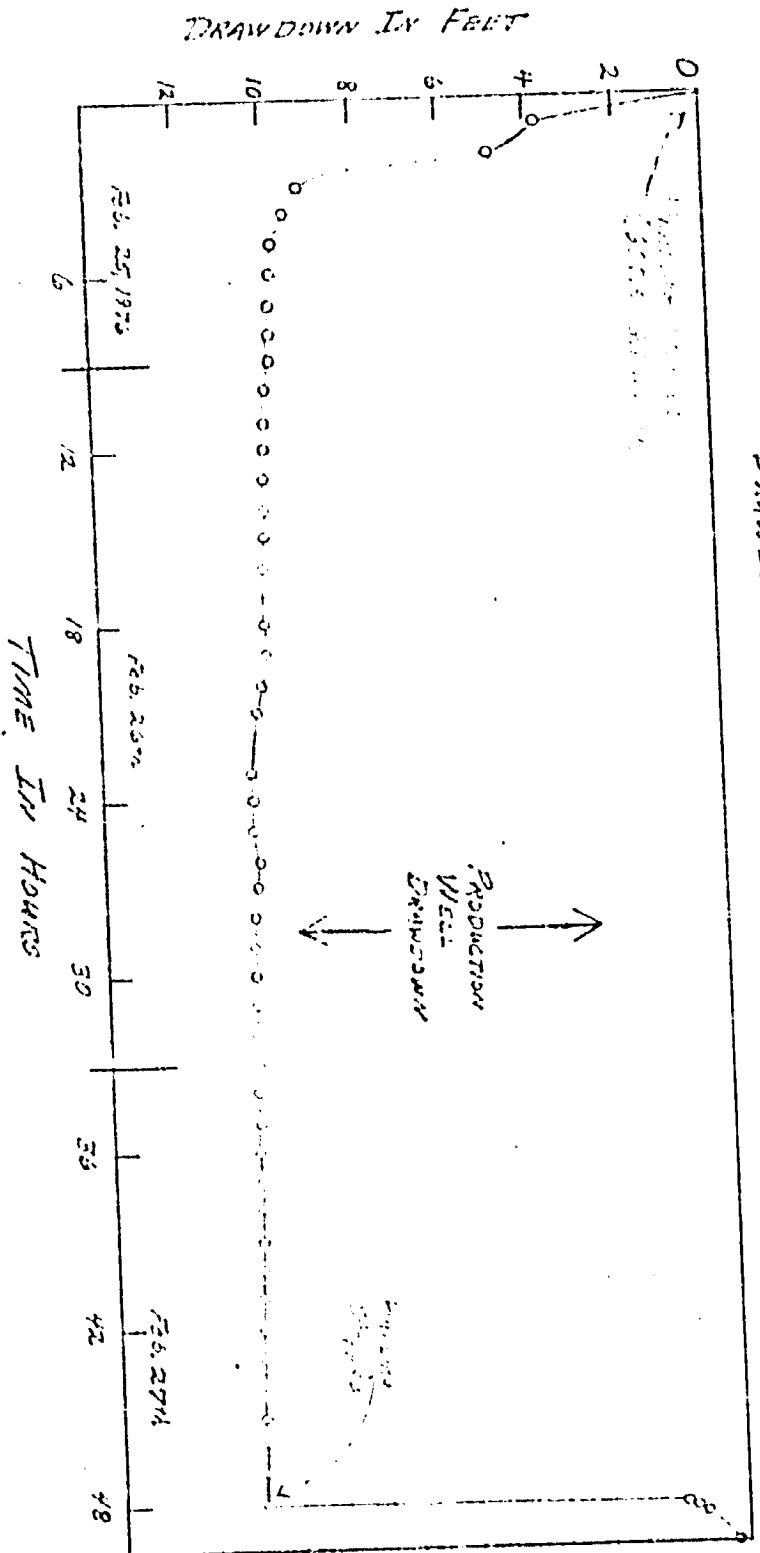
John Hatch, Chief Engineer
Water Rights Commission

JH:nlm

Enclosure

CC: Howard & Paul Haywood

Haywood Irrigation Project - 2nd Cycle SW 1/4 Sec 14, T1N, R1E, S1 1954 Drawdown and Recovery Curve



Observation Tests

DRAWDOWN START		Sandpoint 50'		Sensings 100'		J. Williams Well, 1/2 mi.	
84 hrs. later	45 hrs. later	29'5"	29'6"	29'10 1/2"	29'7 1/2"	45'	45'
5 min. later	2 hrs. later	29'5"	29'4"	28'7 1/2"	28'9"	45'	45'

HOURS	WALL READING	WALL THROW	SP #1 READING	SP #1 THROW	SP #2 READING	SP #2 THROW
0	27'0"	0	27'4"	0	28'0"	0
1	30'8"	3'8"				
2	31'8"	4'8"				
3	35'2"	8'2"				
4	36'5"	9'5"				
5	36'8"	9'8"				
6	36'8"	9'8"				
7	36'10"	9'10"				
8	36'11"	9'11"				
9	36'11"	9'11"				
10	36'11"	9'11"				
11	37'1"	10'1"				
12	37'1"					
13	37'2"	10'3"				
14	37'2"					
15	37'2"					
16	37'3"	10'3"				
17	---					
18	37'4"	10'4"				
19	37'5"	10'5"				
20	37'5"	10'5"				
21	37'5"	10'5"				
22	---					
23	37'7"		27'7"	3"		
24	37'10"		27'5"	1"		
25	37'8"	10'8"	27'4 1/2"	3 1/2"	27'10 1/2"	27 1/2"
26	37'5"	10'5"	27'3 1/2"	- 1/2"	27'4 1/2"	1 1/2"
27	37'5"	10'5"	27'3 1/2"	- 3/8"	27'2 3/4"	
28	37'5"	10'5"	27'4"	0	27'2 3/8"	
29	37'2"		27'4"	0	27'1 1/4"	
30	37'7"				27'7 1/2"	
31	37'7"					
32	37'7"					
33	37'7"		27'4 1/2"	1/4"		
34	37'8"	10'8"	27'3"	1"		
35	37'8"		27'4"	0		
36	37'8"					
37						
38						
39						
40						

41 37'8" 10'8" 27'4" 0

42
43
44
45
46
47

48	37'10"	10'10"	27'5"	2	27'7 1/2"	
DP 2 MIN	28'6"	1'6"				
4 MIN	28'4"	1'4"	27'5"	1"	28'7 1/2"	7 1/2"
14 MIN	27'11 1/2"	11 1/2"				
2 HRS	27'3"	3"	27'11 1/2"	1/2"	28'0"	0
15 MIN	28'2"		26'11"		27'7"	

ASSIGNMENT OF WATER PERMIT AND WATER RIGHTS

For good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, the undersigned, Howard Haywood, Jr., hereby assigns and transfers to Haywood Farms, Inc., a South Dakota Corporation, whose principal place of business is Route #2, Bruce, South Dakota, the water permit issued by the South Dakota Water Rights Commission on February 2, 1976 and March 17, 1976, being attached herewith as Exhibit "A" and included herein by reference, and all rights thereunder.

It is the intent of the undersigned to assign the attached permit in compliance with SDCL 46-5-32 and the undersigned further authorizes this Assignment to be filed for record in the office of the Water Rights Commission of the State of South Dakota.

Dated at Sioux Falls, South Dakota, this 15th day of July, 1976.

Howard Haywood, Jr.
Howard Haywood, Jr.

WITNESS:

Steven W. Sanford

The Water Rights Commission hereby approves Water Right Application No. 24-96-3

EDUARDO HANSEN

(Applicant)

SOUTH DAKOTA

(State)

With the following modifications:

THIS PERMIT IS APPROVED FOR ONE WELL ONLY
(WELL #1 ON THE APPLICATION) WITH THE OTHER TWO
WELLS BEING DEFERRED.

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.

ACTION BY THE WATER RIGHTS COMMISSION ON MARCH 17, 1976 APPROVED
CONSTRUCTION OF THE TWO WELLS WHICH WERE DEFERRED, AND GRANTED
A TOTAL OF 6.6 CFS. TO IRRIGATE THE THREE QUARTER SECTIONS PROPOSED
IN THE APPLICATION.

Date of first receipt of application DECEMBER 15, 1975

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

Date of receipt of corrected application DECEMBER 24, 1975

Approved JANUARY 22, 1976, Recorded in Book 14 Page 253

WATER RIGHT PERMIT NO. 24-96-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 24-96-3 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 DECEMBER 15, 1975
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 22, 1978
3. The whole of said work is to be completed on or before JANUARY 22, 1981
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 22, 1984
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 6.6 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 JANUARY 22, 1984; said water to be used during the
following described annual period: APRIL THROUGH OCTOBER

Witness my hand this 2ND day of FEBRUARY, 1976

WATER RIGHTS COMMISSION

By:

G. J. North
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

Exhibit A

154.0

15

2.4

142.4

2 28

150.5

22.8

24.0

55.4

29.8

112.5

145.0

59.4

2 28

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

Nº 4 8464

PIERRE, September 17, 1931

RECEIVED OF Haywood Farms, Inc, Rural Rt. 2, Bruce, SD 57220

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. 2496-3	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 2496-3		
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 *(Signature)*
Chief Engineer, Executive Officer
JOHN HATCH / *(Signature)*

Permit No. 2496-3Water Division 3 Big Sioux River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by HOWARD
HAYWOOD of ESTHERVILLE, IOWA holder
of Permit No. 2496-3, bearing date of priority of DECEMBER 15, 1975
authorizing the diversion of 6.6 cu. ft. per second of the waters of GROUND WATER
for IRRIGATION purposes, in BROOKINGS County.

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

The Water Use System consists of,

WELL #1 - 62' DEEP WITH 14" DIA STEEL CASING - 25' JOHNSON
SS SCREEN AMES 8" PUMP, POWERED BY 75 HP
GE ELECTRIC MOTOR - MODEL SK6258XH4A

A. Works used to divert the water:

WELL #2 - 70' DEEP WITH 14" STEEL CASING - 25' JOHNSON SS SCREEN. AMES 8" PUMP
POWERED BY 75 HP GE ELECTRIC MOTOR - MODEL SK4258XH4A

WELL #3 68' DEEP WITH 14" STEEL CASING - 25' JOHNSON SS SCREEN - AMES 8" PUMP
POWERED BY 75 HP GE ELECTRIC MOTOR - " SK6258XH4A

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

90' - 8" ALUMINUM MAINLINE TO E PIVOT POINT
700' - 8" BURIED PVC LINE TO CENTER PIVOT
1650' 8" BURIED PVC LINE TO W PIVOT

C. Works used to apply water to beneficial use.

3 - 8 TOWER ELECTROGATOR IRRIGATION CENTER PIVOT SYSTEMS
2 MODEL #265 & ONE MODEL #265-C. ALL THREE SYSTEMS ARE
EQUIPPED WITH #100 END GUNS

The system is in the following condition: GOODThe point of diversion is located #1 90'S OF CENTER OF SW⁴ SEC 4; #2-825' W & 740' N;#3-2500' W & 1580' N. BOTH FROM THE SE CORNER SEC 5, ALL IN T112N, R51WThe works are capable of diverting and conveying to the place of use 5.64 (188 CFS OR 850 GPM)cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN T112N, R51W

SEC 5	SW ⁴	132 ACRES
	SE ⁴	132 "
SEC 4	SW ⁴	132 "

comprising a total of 396 acres of land.Date JUNE 25, 1981

Dustin J. Green
(Signature)



R. L. Federhart
Service Center Administrator

Phyllis J. Dobney
Assistant Service Center Administrator

January 30, 1984

Mortgage and Real Estate Dept. Service Center
Suite 202
201 West University Avenue
Champaign, Illinois 61820
(217) 356-6464

Mr. Kevin C. Larson
Water Resources Engineer, Water Rights Div.
South Dakota Department of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

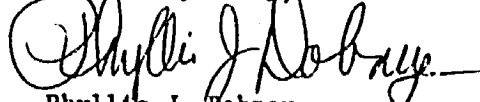
Re: #159807-Haywood Farms, Inc.

Dear Mr. Larson:

We are writing regarding water permit #2496-3. If this permit has gone to license, we would appreciate being furnished a copy for our files.

If it has not gone to license, we would appreciate your advice as to the next steps to be taken before the permit goes to license and an expected time frame in connection therewith.

Yours very truly,



Phyllis J. Dobney

PJD:nlm

cc: Mr. Roger E. Johnson
Sr. Agricultural Investment Officer



2496-3

**WATER RIGHTS DIVISION
(605) 773-3352**

February 6, 1984

**John Hancock Life Insurance Company
Mortgage & Real Estate Department
Suite 202
201 W. University Avenue
Champaign, Illinois 61820**

ATTENTION: Phyllis T. Dobney

Dear Ms. Dobney:

Enclosed please find the license issued to Howard Haywood for Water Permit No. 2496-3. If you have any further questions please contact this office.

Thank you,

**Kevin C. Larson
Water Resources Engineer**

**KCL:ms
Enc.**

2496-3

April 18, 1985

Department of Water & Natural Resources
Joe Rose Building
523 East Capitol
Pierre, South Dakota



John Nitch, Chief Engineer

John, I am writing to tell you of the situation that now exists at our farm. The insurance company has foreclosed on our loan and we no longer own the land. I have taken an agency job in M.W. class and have moved out of South Dakota.

~~section~~ ~~to~~ ~~from~~ ~~the~~ ~~farm~~ ~~and~~ ~~low~~ ~~farm~~ ~~to~~ ~~our~~ ~~home~~. Dad & I really feel bad about the situation but it has gotten out of our hands. We do appreciate the effort you gave in being ~~helping~~ ~~getting~~ our permits. The effort you all put forth must some time feel rewarded but you must know from these efforts.

The land is being rented by
Roger Sautloff, wife, Bruce, S.D.

And he plans on using the system
 this year. I wish to say that
 estimate of the water usage for 1984.
 The amounts were very low as we had
 a high-wind year. I apologize for
 the fairly reports but have had many
 other problems due to this unfortunate
 action.

We wish to thank the water
 commission for their efforts and hope
 you continue to support water development
 in South Dakota.

Sincerely
 Paul Hayward

Permit 2496-3

Contingent <u>gall/acre</u>	used in 1984	H ₂ O Applied
West 1. 750	soy beans	4 in
Center 2. 750	soy beans	2 in
East 3. 750	soy beans	1 in

Conversation or File Documentation

NAME OF PERSON ~~Or file~~ ^{Life} John Hancock Ins. Company

ADDRESS: P.O. Box 3009, Sioux City, IA 51102 COUNTY

DATE: June 6, 1985 TELEPHONE 712-252-4323

RE: status of ownership of Water Right 2496-3, Howard Haywood-Haywood Farms
Bruce, SD

COMMENTS:

Donna Engel of the Sioux City branch of the John Hancock ^{Life} Ins. Company

indicated property owned by Haywood Farms is in the process of being

foreclosed on, however, their redemption rights do not expire until

October, 1985 and until that time, Mr. Haywood still legally owns the

property. Mr. Engel stated Mr. Haywood has also filed for a Chapter 7

bankruptcy and the Insurance Company may not be able to take over the

property until after October, depending on what happens with the

bankruptcy proceedings.

I indicated to Ms. Engel that the water right needs to be transferred to

the current owner, however since Haywood Farms still has control of the

property, no transfer will be needed at this time. At such time as the

foreclosure is actually completed, a transfer should be filed. Ms. Engel

stated we could mail the transfer form to her and she would see that it

is filed at such time as the transaction is completed.

6-6-85, called Roger Saathoff, Bruce, SD concerning leasing of the property,

Mrs. Saathoff indicated they would be renting the land even after the

Insurance Company forecloses on it. She did not know how long they would be

renting, but stated she would let us know, for purposes of the irrigation

questionnaire, if and when they no longer rented the property.

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

NAME: Genny Mamath

June 11, 1985

Donna Engel
John Hancock Life Insurance Company
P.O. Box 3009
Sioux City, Iowa 51102

RE: Water Right No. 2496-3, Haywood Farms, Inc., (Howard Haywood)

Dear Ms. Engel:

Regarding our telephone conversation of June 6, 1985, enclosed is a "Notice of Transfer" for filing an ownership change on Water Right No. 2496-3. Please complete the form and return it to our office when the Insurance Company has legal ownership of the property. Until a transfer is filed Howard Haywood remains the owner of the water right.

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

If you have any questions, please contact us. We appreciate your assistance in this matter.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

File No. 2496-3

Water Rights Division - DVNR
Conversation or File Documentation

NAME OF PERSON OR FILE: Roger Saathoff COUNTY _____

ADDRESS: RR #3 Bruce TELEPHONE 627-5440

DATE: July 16, 1985

RE: Permit 2496-3 - Hollywood Farms

COMMENTS:

On 1984 questionnaire, Hollywood Farms indicated Insurance Co took over - & Roger Saathoff has leased land. Mr. Saathoff indicated during phone conversation he leased the land this year, but with land changing hands in the fall, he may not be leasing in future. After some discussion - we decided to leave the permit as is for now - and either himself or Hollywood Farms would notify ^{us} any changes later.

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

NAME: Jenny McMatra

NO. 2496-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: November 5, 1985

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

396 Acres- S1 Section 5, SW1 Section 4; T112N, R51W

formerly owned by Howard Haywood

has been transferred to John Hancock Life Insurance Co., P.O. Box 3009, Sioux City, IA
(please include complete mailing address) 51102
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 2496-3 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.

IOWA
STATE OF ~~SOUTH DAKOTA~~)
County of Woodbury) ss.

I, Roger E. Johnson Senior Agricultural Investment Officer for John Hancock Mut. Life Ins. Co. 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.

JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY

By: Roger E. Johnson
(Signed)
Roger E. Johnson
Senior Agricultural Investment Officer

Subscribed and sworn to before me this 5th Day of November, 1985.

Jean Anthony
(Notary Public) Jean Anthony
My commission expires: 9-22-86

RECEIPT

Division of Water Rights

No 4 10231

South Dakota Department of Water and Natural Resources

Pierre, November 7, 1985, 19

RECEIVED OF John Hancock Life Insurance Co., PO Box 3009, Sioux City, IA 51102
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 WRP# 2496-3	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	2	50

By John Hatch
Chief Engineer JOHN HATCH (MS)



Department of Water & Natural Resources

Joe Foss Building

Water Rights Division

Pierre, South Dakota 57501

Phone (605) 773-3352

November 7, 1985

John Hancock Life Insurance Company
P.O. Box 3009
Sioux City, Iowa 51102

Dear Sir:

Enclosed is receipt No. 4 10231 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 2496-3.

Our records now show ^{John Hancock Life Insurance Co.} ~~you~~ as the owner of this Water Right.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.



Department of Water & Natural Resources

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

March 23, 1987

ROGER SAATHOFF
RR #1 BOX 21
BRUCE, SD 57220

NOTICE

Re: Violation of Water Permit(s). 4467-3 and 1986 Irrigation
Questionnaire Requirements.

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 4467-3. The request for the questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4467-3 qualification:

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

The hearing will also be to determine if Permit No(s). 2842-3 and 2496-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

The hearing(s) will be at 2:00 pm, May 6, 1987, in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) 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 hearings(s), the Water Management Board can:

1. Suspend Permit No(s). 4467-3 until either the 1986 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s). 2842-3 and 2496-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. 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.

A handwritten signature in cursive script, appearing to read "John Hatch".

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

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



Department of Water & Natural Resources

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

April 15, 1987

2496-3
2842-3
4467-3

Roger Saathoff
RR #1 Box 21
Bruce, SD 57220

Dear Mr. Saathoff:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 2496-3, 2842-3 and 4467-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

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



Department of Water & Natural Resources

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

October 13, 1989

2496-3

Todd Boyd
Box 276
Clear Lake, SD 57226

Dear Mr. Boyd:

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 2496-3. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50.

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

If you have any questions, please contact me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 12-6-89

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

396 acres - SW $\frac{1}{4}$ Section 4, and S $\frac{1}{2}$ Section 5, T112N, R51W

formerly owned by John Hancock Mutual Life Ins Co

has been transferred to Roger & Janice Saathoff, Box 59, RR 2, Bruce, SD 57220

(please include complete mailing address)

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

Water Right Permit No. 2496-3 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 DEUEL) ss.

I, Roger W. Saathoff, 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.

Roger W. Saathoff
(Signed)

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

John A. Boyd
(Notary Public)

My Commission expires:

August 4, 1993.

WNR-820-9/83

Notice of Transfer of Water Permit



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411986

Pierre, December 7, 1989, 19 89

RECEIVED OF Gunderson, Evenson, & Boyd, 415 3rd Ave S. Clear Lake, SD 57226

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. _____	2	50
Fee for Filing Transfer Form Water Right No. 2496-3		
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 [Signature]
Chief Engineer Kathleen/mra



Department of Water & Natural Resources

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

December 19, 1989

2496-3

Todd D. Boyd, Attorney
PO Box 276
Clear Lake SD 57226

Dear Mr. Boyd:

Enclosed is the receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 2496-3.

Our records now show Roger and Janice Saathoff as the owners of this Water Right.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
Water Rights Division
605 773-3352

enclosure

cc: Roger and Janice Saathoff



2496-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 8, 1993

2496-3

John Duncan
Farm Credit Services
PO Box 786
Watertown, SD 57201

Dear Mr. Duncan:

Enclosed, as you requested, is a copy of Water Right No. 2496-3.
The Water Right is currently listed in the name of Roger and
Janice Saathoff, Bruce, SD

If you have any questions, please contact me.

Sincerely,

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

enclosures

2496-3

1994 WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE
PLEASE FILL OUT AND RETURN BEFORE DECEMBER 16, 1994

2496-3
 ROGER & JAILICE SAATHOFF
 RR #2 BOX 59
 BRUCE, SD 57220

CHANGES TO ADDRESS LABEL, IF ANY:

COMPLETE AND RETURN THIS FORM TO THE WATER RIGHTS DIVISION AT 523 E CAPITOL, PIERRE, SD 57501-3181 (605) 773-3352
 HAS SYSTEM BEEN CONSTRUCTED? YES _____ NO _____

DID YOU IRRIGATE IN 1994? YES _____ NO _____ IF YES, NUMBER OF ACRES IRRIGATED _____

SOURCE OF WATER _____

DID YOU CHEMIGATE IN 1994? YES _____ NO _____

TYPE OF SYSTEM (CHECK ALL THAT APPLY):
 CENTER PIVOTS _____ TOWNLINES _____ BIG GUN _____
 FLOOD _____ SPRINKLERS _____ OTHER _____

COMMENT SECTION:

Sold to Roger Schwartz 92

Sect 4 & 5 of 112-51

THE PORTION OF THE FORM FOR REPORTING ACRES IRRIGATED IS ON THE BACK OF THIS PAGE. LISTED BELOW ARE TWO EXAMPLES OF HOW TO COMPLETE THE FORM:

EXAMPLE 1: IN JUNE & JULY, 130 ACRES WERE IRRIGATED USING A CENTER PIVOT SYSTEM (70 ACRES OF CORN & 60 ACRES OF BEANS). THE PUMP RATE OF THE PIVOT IS 800 GALLONS PER MINUTE AND YOU PUMPED 10 DAYS (@ 24 HOURS PER DAY) ON THE CORN AND 20 DAYS ON THE BEANS:

MONTH	CROP	ACRES	PUMP RATE	# DAYS	AVE/HRS DAY
JUNE	CORN	70	800 GPM	10	24
	BEANS	60	800 GPM	10	24
JULY	BEANS	60	800 GPM	10	24
	BEANS	60	800 GPM	10	24

EXAMPLE 2: IN JUNE, 40 ACRES OF ALFALFA WERE IRRIGATED (USING GATED PIPE @ 3000 GPM) FOR 10 DAYS 20 HOURS PER DAY; 60 ACRES OF BEANS WERE IRRIGATED (USING BIG GUN @ 500 GPM) FOR 10 DAYS AT 24 HOURS PER DAY:

JUNE	ALFALFA	40	3000 GPM	10	20
	BEANS	60	500 GPM	10	24

NOTE: PLEASE SPECIFY UNDER HOURS PUMPED WHETHER YOU ARE REPORTING IN REGULAR HOURS OR KILOWATT HOURS.



2496-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 1995

2496-3

Roger Schwartz
Box 153
Estelline, SD 57234

Dear Mr. Schwartz:

I am contacting you in regard to ownership of land described in Water Right No. 2496-3. The water right is currently listed in the name of Roger and Janice Saathoff. The Saathoff's have notified our office that they have sold their land in Section 4 and 5, T112N, R51W to you.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review the form and complete as necessary. Upon completion, please sign the form in the presence of a notary public and return it to our office with a \$2.50 filing fee.

I have also included the 1994 irrigation questionnaire for Water Right No. 2496-3. If you would, please complete the form and return it along with the transfer form and filing fee. I am enclosing a postage paid envelope for your convenience.

If you have any questions, please contact me.

Sincerely,

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

enclosures: transfer form and 1994 irrigation questionnaire

2496-3

**DIVISION OF WATER RIGHT NO. 2496-3
INTO NOS. 2496A-3 AND 2496B-3**

Water Right No. 2496-3 authorizes diversion of 5.64 cubic feet of water per second (cfs) from three wells to irrigate 396 acres in the S 1/2 of Section 5 and the SW 1/4 Section 4, T112N, R51W.

On February 6, 1995, Roger and Pamela Schwartz filed a "Notice of Transfer of Ownership" for the S 1/2 of Section 5, T112N, R51W. On July 10, 1995, Rexford R Schwartz filed an ownership change on the remaining land in the SW 1/4 Section 4, T112N, R51W.

Water Right No. 2496-3 is being divided and reissued as follows:

No. 2496A-3 - Roger & Pamela Schwartz: diversion of 3.76 cfs from two wells located in the SE 1/4 Section 5 to irrigate 264 acres located in the S 1/2 Section 5, T112N, R51W.

No. 2496B-3 - Rexford R Schwartz: diversion of 1.88 cfs from one well located in the approximate center of the SW 1/4 Section 4 to irrigate 132 acres located in the SW 1/4 Section 4, T112N, R51W.

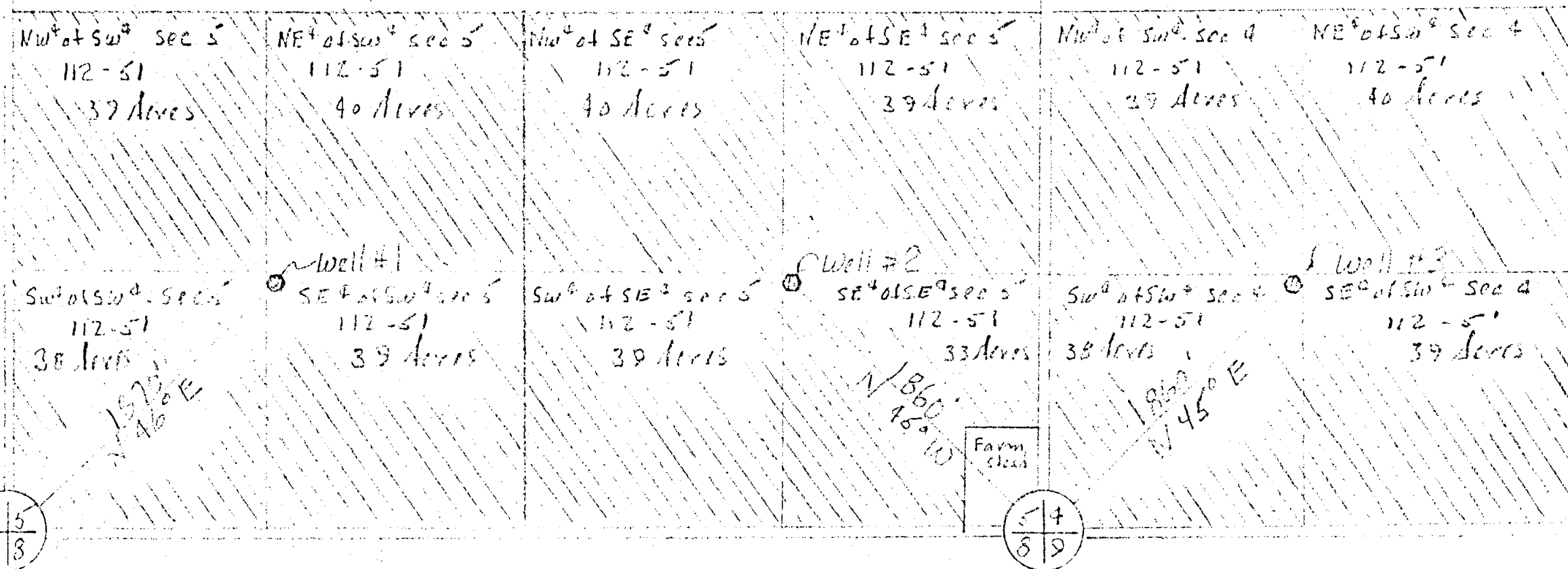
HOWARD + PAUL FARMS

IRRIGATION PROJECT # 1

Land in Brookings Co.
Water claimed - 6.6 cfs
Acres Irrigated - 463

Mail to
Howard Haywood
Estherville 51334

Iowa



Points of Direction - Three Wells

#1 - 1870' N 46° E of SW corner sec 5 - 112-51

#2 - 1860' N 45° W of SE corner sec 8 - 112-51

#3 - 1860' N 45° E of SW corner sec 4 - 112-51

Scale - 8" = 1 Mile

Surveyor's Certificate

I, John L. Wiersma, do hereby certify that this map identifies a reasonably accurate report of the land.

Howard Haywood

Estherville 51334

12-9-75

John L. Wiersma

2000

12-9-75

P.F.H. 1916

MAP NO 1868-3 (APPL NO 2496-3)