

Considered: \_\_\_\_\_

WATER PERMIT NO. 25/3A-3

Phone: \_\_\_\_\_

Name of Applicant: Wendell F. Isburg

Post Office Address: N Rt. Box 61, Chamberlain SD 57325

Amount of Water Claimed: no add'l Total Acres: no add'l

Source of Water Supply: Missouri River

Water to be used for: Irrigation County: Buffalo

About 13 miles North of Chamberlain

PROOF OF PUBLICATION: Received \_\_\_\_\_ Not Received \_\_\_\_\_

APPLICATION: Approved \_\_\_\_\_ Subject to \_\_\_\_\_

F.F. & G/.L. Adopted \_\_\_\_\_ Not Approved \_\_\_\_\_ Deferred \_\_\_\_\_

PRIORITY Date Received: 6-12-92 Fee: \$50 Remarks Correct

location of 22 acres irrigated by Permit No. 25/3-3

Corrected Application Received \_\_\_\_\_ Period of Annual Use April 1 - Sept 30

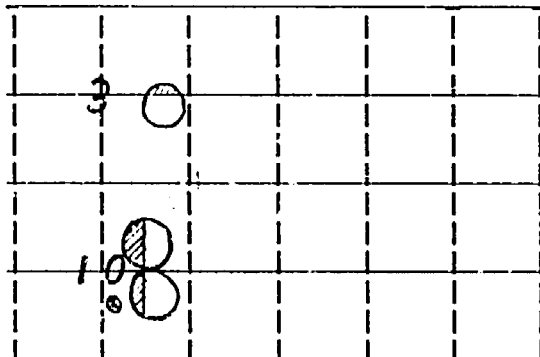
WATER QUALITY APPROVAL RECEIVED \_\_\_\_\_ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES \_\_\_\_\_ NO \_\_\_\_\_ REMARKS \_\_\_\_\_

Diversion Point: NW 1/4 SE 1/4 Sec 10-T106N-R71W

Land to be Irrigated: SW 1/4 NE 1/4 NW 1/4 SE 1/4

Sec 10; SE 1/4 NE 1/4 Sec 3; all T106N-R71W



Well Log: Driller: \_\_\_\_\_ Licensed YES \_\_\_\_\_ NO \_\_\_\_\_

Depth of Well: \_\_\_\_\_ REMARKS \_\_\_\_\_

Type of Map: aerial PREPARED BY: Norma Job Reviewed and the Number

Assigned on 7-8-92 By Karen Schlaak

STATE OF SOUTH DAKOTA  
WATER LICENSE NO. 2573A-3

(1) Wendell F. Isburg of N St Rt 61, Chamberlain, SD 57325 made Application No. 2573A-3, June 12, 1992 for a water permit to appropriate no additional cubic feet of water per second from the Missouri River, Buffalo County, South Dakota for irrigation purposes. Permit No. 2573A-3 with a priority date of February 26, 1976 was approved August 18, 1992 and issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 2573A-3 specified the correct location of acreage developed under Water Permit No. 2573-3. No. 2573A-3 did not allow for an increase in diversion rate or acres irrigated.

The applicable portions of Water Permit No. 2573-3 are incorporated into this Water License No. 2573A-3.

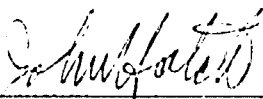
(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.48 cubic feet of water per second for beneficial use. The location of the diversion point is: 1810 feet north and 23 1/5 feet west of the SE corner Section 10, T106N, R71W (NW 1/4 SE 1/4).

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

|                       |               |           |
|-----------------------|---------------|-----------|
| T106N, R71W Section 3 | NE 1/4 SE 1/4 | 29 Acres  |
|                       | SE 1/4 NE 1/4 | 4 Acres   |
| Section 10            | SW 1/4 NE 1/4 | 11 Acres  |
|                       | SE 1/4 NE 1/4 | 24 Acres  |
|                       | NW 1/4 SE 1/4 | 7 Acres   |
|                       | NE 1/4 SE 1/4 | 29 Acres  |
|                       | Total-----    | 104 Acres |

(4) Pursuant to Section 46-5-30.1 Wendell F. Isburg of N St Rt 61, Chamberlain, SD 57325 the holder(s) and/or owner(s) of Incorporated Water Permit No. 2573A-3 is issued a license to appropriate water, the right to use 1.48 cubic feet of water per second from the Missouri River with a priority date of February 26, 1976 from the location specified in (2) of this license. The

water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 2573A-3 and subject to South Dakota State Law.

 DEC 4 1992  
\_\_\_\_\_  
JOHN HATCH, Chief Engineer  
Water Rights Division  
Department of Environment and  
Natural Resources

SOUTH DAKOTA  
WATER PERMIT No. 2573A-3 FOR IRRIGATION

Date of first receipt of application June 12, 1992.

Date Soil/Water Compatibility Permit received July 13, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2573A-3 to Wendell F. Isburg, N Rt, Box 61, Chamberlain SD 57325 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2573A-3 specifies the correct location of irrigated acreage. Water Permit No. 2573-3 appropriates 2.75 cubic feet of water per second (cfs) to irrigate 192 acres located in the NE 1/4 SE 1/4, E 1/2 NE 1/4 Section 10 and E 1/2 SE 1/4 Section 3; all in T106N-R71W from the Missouri River. The location of the point of diversion is the NW 1/4 SE 1/4 Section 10-T106N-R71W. An inspection of Permit No. 2573-3 found 1.48 cfs being diverted from the Missouri River to irrigate 104 acres. This permit corrects the location of 22 acres of the 104 acres irrigated. The correct location of the 22 acres is the SW 1/4 NE 1/4, NW 1/4 SE 1/4 Section 10 and the SE 1/4 NE 1/4 Section 3; all in T106N-R71W. No increase in the diversion rate or number of acres being irrigated is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - September 30.
3. The date from which applicant may claim right is February 26, 1976.
4. The date of approval of Permit No. 2573A-3 is August 18, 1992.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Approval of Permit No. 2573A-3 is in addition to any reserved Tribal water rights that may be claimed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: \_\_\_\_\_

John Hatch  
John Hatch, Chief Engineer, Water Rights Division  
Department of Environment and Natural Resources

NCV 17 1992

\_\_\_\_\_  
date

Mail to: Water Rights Div.  
523 E. Capitol  
Pierre, SD 57501  
(605) 773-3352

No. 2573-3 Hydrologic Unit 1106N-R71W  
Basin Missouri River  
Newspaper Water Rights Div. Box 556



# Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

- Type of Application:
- ☐ New ☐ Vested Right ☒ Amend Permit No. 2573-3
- ☒ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
- ☐ Add Acreage ☐ Increase diversion rate ☐ Other \_\_\_\_\_

- Name of Applicant Wendell F. Isburn Phone No. \_\_\_\_\_  
Post Office Address 11 RTE Box 61 Chamberlain State SD 57325  
(Street, RR or Box) (City) Zip Code
- Amount of water claimed (c.f.s.) no add'l Total acres irrigated no add'l
- Source of Water supply Missouri River
- Location of point of diversion NW 1/4 SE 1/4 Section 10-T106N-R71W  
County Buffalo
- Counties where water will be used Buffalo
- Annual period during which water is to be used April 1 - Sept. 30
- 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. |
|----------------------|----------------|
| SW 1/4 NE 1/4 Sec 10 | 11             |
| NW 1/4 SE 1/4 Sec 10 | 7              |
| SE 1/4 NE 1/4 Sec 3  | 4              |
| all in T106N-R71W    |                |

| Land Description | No. Acres Irr. |
|------------------|----------------|
|                  |                |
|                  |                |
|                  |                |
|                  |                |

Attach sheet if more space is needed

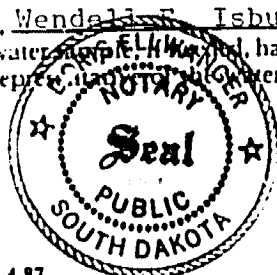
- Type of Irrigation: Gravity: \_\_\_\_\_ Towline: \_\_\_\_\_ Center Pivot: ☒ Other: \_\_\_\_\_  
Gan: \_\_\_\_\_ (Specify) \_\_\_\_\_
- Crops to be Irrigated: \_\_\_\_\_
- Give a description of proposed project. (Attach sheet if more space is needed)

This permit application is to correct the location of 22 acres authorized by Water Permit No. 2573-3.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)  
County of BURLE)<sup>ss</sup>

I, Wendell F. Isburn, the applicant, certify that I have read this application and examined the attached maps, that the water supply has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.



Signed Wendell F. Isburn  
4th day of June 19 92  
Doris Ellwanger  
Notary Public

REPORT ON WATER PERMIT APPLICATION NO. 2573A-3  
WENDELL F. ISBURG  
JULY 14, 1992

Application No. 2573A-3, Wendell F. Isburg, specifies the correct location of irrigated acreage. Water Permit No. 2573-3 appropriates 2.75 cubic feet of water per second (cfs) to irrigate 192 acres located in the NE 1/4 SE 1/4, E 1/2 NE 1/4 Section 10 and E 1/2 SE 1/4 Section 3; all in T106N-R71W from the Missouri River. The location of the point of diversion is the NW 1/4 SE 1/4 Section 10-T106N-R71W. An inspection of Permit No. 2573-3 found 2.33 cfs being diverted from the Missouri River to irrigate 104 acres. This application is to correct the location of 22 acres of the 104 being irrigated. The correct location of the 22 acres is the SW 1/4 NE 1/4, NW 1/4 SE 1/4 Section 10 and the SE 1/4 NE 1/4 Section 3, all in T106N-R71W. No increased diversion rate or number of acres being irrigated is authorized by this application.

Water Source

The water source is the Missouri River, which is known to have ample supplies of unappropriated water available. This application is located approximately five miles southeast of Fort Thompson, SD in Buffalo County.

Review of Water Rights/Permits

This application requests no additional water and no additional acreage over that approved for Water Permit No. 2573-3. There are numerous water rights/permits diverting from the Missouri River below Application No. 2573A-3. Because there is ample water in the Missouri River, Application No. 2573A-3 is unlikely to cause adverse effects on the downstream water rights/permits. There have been no complaints reported on the Missouri River.

Conclusions

1. The Missouri River is known to have ample supplies of unappropriated water available; therefore, water is available from the Missouri River to meet the needs of Water Permit Application No. 2573A-3 during the irrigation season.
2. An inspection of Water Permit No. 2573-3 found the applicant diverting 2.33 cfs to irrigate 104 acres. The statutory limit for 104 acres is 1.48 cfs and should be licensed for 1.48 cfs.
3. If Water Permit Application No. 2573A-3 is approved, it should contain the following qualifications:
  - a. Subject to the irrigation questionnaire being submitted every year.

- b. Water Permit No. 2573-3 and Water Permit Application No. 2573A-3 should be incorporated into one Water License for 1.48 cfs to irrigate 104 acres.

*Norma C. Job*

NORMA C. JOB  
Natural Resources Engineer II

Approved by:

*Delvin D. Brosz*

DELVIN D. BROSZ, PE  
Natural Resources Engineer IV

References

Job, Norma C., 1991, Report on Application No. 3375A-3, SD DENR,  
Division of Water Rights, Joe Foss Building, Pierre, SD  
57501

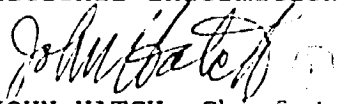
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 2573A-3, Wendell F. Isburg

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 2573A-3, Wendell F. Isburg, N Rt. Box 61, Chamberlain, SD 57325.

The Chief Engineer is recommending APPROVAL of Application No. 2573A-3 because 1) the proposed diversion has been developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. Approval of Permit No. 2573A-3 is in addition to any reserved Tribal water rights that may be claimed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

  
JOHN HATCH, Chief Engineer  
July 15, 1992



2573A-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

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

July 16, 1992

Wendell R. Isburg  
N Rt Box 61  
Chamberlain, SD 57325

Dear Mr. Isburg:

Water Permit Application No. 2573A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Chamberlain Register printed at Chamberlain, SD (Ph # 734-6360). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

*Eric Gronlund*  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

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



25731-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

July 16, 1992

Chamberlain Register  
Box 550  
Chamberlain, SD 57325

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2573A-3 to be published twice. Please publish the first notice on July 22, 1992, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Wendell R. Isburg, N Rt. Box 61, Chamberlain, SD 57325.

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

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

Sincerely,

*Eric Gronlund*

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

FIRST TRANSMITTAL NOTICE

No. \_\_\_\_\_

Date \_\_\_\_\_

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

Name \_\_\_\_\_

Newspaper \_\_\_\_\_

Instruction to Newspaper - Publish first Notice on July 22, 1992, with the second publication 7 days later. The applicant is responsible for payment.

2573A-3

NOTICE OF HEARING on Application No. 2573A-3 to Appropriate Water  
and to Amend Water Permit No. 2573-3

Notice is given that Wendell R. Isburg, N Rt. Box 61, Chamberlain, SD 57325 has filed an application for a water permit to specify the correct location of the irrigated acreage. Water Permit No. 2573-3 appropriates 2.75 cubic feet of water per second (cfs) to irrigate 192 acres located in the NE 1/4 SE 1/4, E 1/2 NE 1/4 Section 10 and E 1/2 SE 1/4 Section 3; all in T106N-R71W from the Missouri River. The location of the point of diversion is the NW 1/4 SE 1/4 Section 10-T106N-R71W. An inspection of Permit No. 2573-3 found 1.48 cfs authorized to be diverted from the Missouri River to irrigate 104 acres. This application is to correct the location of 22 acres of the 104 being irrigated. The correction of the 22 acres is the SW 1/4 NE 1/4, NW 1/4 SE 1/4 Section 10 and the SE 1/4 NE 1/4 Section 3; all in T106N-R71W. No increase in the diversion rate or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2573A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 10, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 2573A-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for August 18, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the August 18, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The August 18, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by August 10, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Bruce ) ss.

I, Pat Hayes

certify that the attached printed Notice was taken from the Chamberlain Record

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

July 23, 1992

July 30, 1992

Pat Hayes  
(Signature)

Pat Hayes  
(Title)

July 30  
(Date Signed)

Cost of Printing: 6.12



NOTICE OF HEARING  
on Application No. 2573A-3 to Appropriate Water and to Amend Water Permit No. 2573-3

Notice is given that Wendell R. Isburg, N.Rt. Box 61, Chamberlain, SD 57325 has filed an application for a water permit to specify the correct location of the irrigated acreage. Water Permit No. 2573-3 appropriates 2.75 cubic feet of water per second (cfs) to irrigate 192 acres located in the NE 1/4 SE 1/4, E 1/2 NE 1/4 Section 10 and E 1/2 SE 1/4 Section 3; all in T106N-R71W from the Missouri River. The location of the point of diversion is the NW 1/4 SE 1/4 Section 10-T106N-R71W. An inspection of Permit No. 2573-3 found 1.48 cfs authorized to be diverted from the Missouri River to irrigate 164 acres. This application is to correct the location of 22 acres of the 104 being irrigated. The correction of the 22 acres is the SW 1/4 NE 1/4, NW 1/4 SE 1/4 Section 10 and the SE 1/4 NE 1/4 Section 3; all in T106N-R71W. No increase in the diversion rate or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-02A-2, the Chief Engineer recommends APPROVAL of Application No. 2573A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 10, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 2573A-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for August 18, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the August 18, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The August 18, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested

person opposing the application. The request for an automatic delay must be filed by August 10, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01-01 thru 74:02:01-15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

(July 23-July 30)

Permit No. 2573-3/2573A-3Missouri River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Wendell F. Isburg of N RTE Box 61, Chamberlain SD 57325 holder of Permit No. 2573-3, bearing the priority of February 26, 1976 authorizing the diversion of 2.75 cu. ft. per second of the waters of Missouri River for irrigation purposes, in Buffalo County.

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

A. Works used to divert the water: A 75 hp Marathon motor Model No. 364TT957315AAW with a Cornell pump model no. 4YB75-2 capable of 1050 gpm.

B. Works used to transport water to place of use: 725 feet of 8 in. aluminum pipe, 1685 feet of 8 in. PVC pipe, 2940 feet of 6 in. PVC pipe and 530 feet of 6 in. aluminum pipe.

C. Works used to apply water to beneficial use:  
1 center pivots: 1. A Minigator Model 111 620 feet long with 4 towers and an end gun capable of 250 gpm (plans to increase to 350 gpm during the 1992 summer). 2. A Renke Zlectrogator Model 2-6E5 630 feet long with 5 towers, an end gun, and capable of 350 gpm. 3. A Minigator Model 3-5E5 620 feet long with 4 towers, an end gun, and capable of 350 gpm.

The system is in the following condition good. The point of diversion is located 1810 feet North and 2375 feet West of the southeast corner Section 10-T106N-R71W. The works are capable of diverting and conveying to the place of use 2.33 cu. ft. per second of water of which is to be used for irrigation.

Water has been put to beneficial use to the maximum extent as follows: All in T106N-R71W

NE 1/4 SE 1/4 29 Acres SE 1/4 NE 1/4 4 Acres: Section 3

SW 1/4 NE 1/4 11 Acres SE 1/4 NE 1/4 24 Acres: Section 10

NW 1/4 SE 1/4 7 Acres NE 1/4 SE 1/4 29 Acres: Section 10

comprising a total of 104 acres of land and the license should be issued for 1.48 cfs.

Applicable permit qualifications have been complied with Yes X No

Exceptions to compliance are:

Date 5-14-1992

*Norma C. Job*

NORMA C. JOB  
Natural Resources Engineer II  
DENR, Water Rights Division

25731-3

REPORT ON INSPECTION OF PERMIT NUMBER 2573-3

DATE 5-14-1992

Other permit(s) associated with the project

DIVERSION POINT LEGAL LOCATION: NW 1/4 SE 1/4 Section 10-T106N-R71W Missouri River

PUMP INFORMATION: River Pump in Section 10

- |           |                                    |                                      |
|-----------|------------------------------------|--------------------------------------|
|           | c) Pump                            | 1) make <u>Cornell</u>               |
|           |                                    | 2) model <u>4YB75-2</u>              |
| e) Motor: |                                    | 3) size <u>8</u> inches              |
|           |                                    | 4) capacity <u>1050</u> GPM          |
|           | 1) make <u>Marathon</u>            | 5) turbine pump - No. of stages      |
|           | 2) model No. <u>364TT957315AAW</u> | 6) operating pressure <u>200</u> PSI |
|           | 3) horsepower rating <u>75</u> hp  |                                      |

DISTRIBUTION LINES OR CANALS:

- |                         |                         |                           |
|-------------------------|-------------------------|---------------------------|
| a) type <u>ALUMINUM</u> | b) size <u>8</u> inches | c) length <u>725</u> feet |
| <u>PVC</u>              | <u>8</u> inches         | <u>1685</u> feet          |
| <u>PVC</u>              | <u>6</u> inches         | <u>2940</u> feet          |
| <u>ALUMINUM</u>         | <u>6</u> inches         | <u>530</u> feet           |

SYSTEM TYPE:

- e) Center pivot: Section 3 T106N-R71W
- |                                                  |                       |
|--------------------------------------------------|-----------------------|
| 1) make <u>Renke Electrotorgator Model 2-6E5</u> |                       |
| 2) overall length <u>630</u> feet                | f) Gun:               |
| 3) number of towers <u>5</u>                     | 1) make               |
| 4) distance between towers <u>120</u> feet       | 2) nozzle size inches |
| 5) end gun <u>Y</u> (Y/N)                        | 3) capacity GPM       |
| 6) high or low pressure <u>high</u>              | 4) hose size inches   |
| 7) capacity <u>350</u> GPM                       | 5) hose length feet   |

Booster Pump location: Pivot in Section 3-T106N-R71W

- |           |                                      |                                      |
|-----------|--------------------------------------|--------------------------------------|
|           | c) Generator                         | 1) make <u>Fidelity Load Star</u>    |
|           |                                      | 2) model <u>59-46-162</u>            |
| e) Motor: |                                      | 3) size inches                       |
|           | 1) make <u>Diesel Lister</u>         | 4) capacity GPM                      |
|           | 2) model No. <u>US9756 ST2A31-12</u> | 5) turbine pump - No. of stages      |
|           | 3) horsepower rating <u>14.6</u> hp  | 6) operating pressure <u>200</u> PSI |

e) Center pivot: South Pivot Section 10-T106N-R71W

- |                                     |                       |
|-------------------------------------|-----------------------|
| 1) make <u>Minigator Model 111</u>  |                       |
| 2) overall length <u>620</u> feet   | f) Gun:               |
| 3) number of towers <u>4</u>        | 1) make               |
| 4) distance between towers feet     | 2) nozzle size inches |
| 5) end gun <u>Y</u> (Y/N)           | 3) capacity GPM       |
| 6) high or low pressure <u>high</u> | 4) hose size inches   |
| 7) capacity <u>250</u> GPM          | 5) hose length feet   |

e) Center pivot: North Pivot in Section 10-T106N-R71W

- |                                      |                       |
|--------------------------------------|-----------------------|
| 1) make <u>Minigator Model 3-5E5</u> |                       |
| 2) overall length <u>620</u> feet    | f) Gun:               |
| 3) number of towers <u>4</u>         | 1) make               |
| 4) distance between towers feet      | 2) nozzle size inches |
| 5) end gun <u>Y</u> (Y/N)            | 3) capacity GPM       |
| 6) high or low pressure <u>high</u>  | 4) hose size inches   |
| 7) capacity <u>350</u> GPM           | 5) hose length feet   |

CHEMIGATION EQUIPMENT:

- a) does chemigate N (Y/N)

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y (Y/N) Correction acreage received waiver and the rest did not need s/w.
- b) Special qualifications to permit being abided by Y (Y/N)
- c) All structures, wells and lands on map Y (Y/N)
- d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y (Y/N)



2573A-3

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

May 29, 1992

Wendell F. Isburg  
N RTE Box 61  
Chamberlain, SD 57325

Dear Mr. Isburg:

This letter is in regard to my inspection of Water Permit No. 2573-3 on May 14, 1992. This inspection found more lands developed outside the permitted acres than what I had mentioned on May 14th. I have enclosed an application to correct the location of 22 acres located in the SW 1/4 NE 1/4, NW 1/4 SE 1/4 Section 10 and the SE 1/4 NE 1/4 Section 3; all in T106N-R71W.

Please review the enclosed applications and maps carefully, then have the applications signed in the presence of a notary public. Return the applications, along with a soils map for the two sections which can be obtained from the SCS office and a \$50.00 filing fee to this office.

If you have any questions, feel free to contact me.

Sincerely,

Norma C. Job  
Natural Resources Engineer II  
Division of Water Rights  
(605) 773-3352

enclosures



2573A-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

NOV 17 1992

Wendell F. Isburg  
N Rt Box 61  
Chamberlain, SD 57325

Dear Mr. Isburg:

Enclosed is Water Permit No. 2573A-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures

# RECEIPT

41351.4

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, \_\_\_\_\_ November 23, 19 92

RECEIVED OF Wendell Isburg, N Star Rt Box 61, Chamberlain, SD 57325

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. <u>2575A-3</u>         | 50    | 00    |
| Fee for Filing Transfer Form _____                                                                                   |       |       |
| Fee for Filing Extension Request _____                                                                               |       |       |
| Fee for _____                                                                                                        |       |       |
| _____                                                                                                                |       |       |
| _____                                                                                                                |       |       |
| (Any Other Work Provided by Law)                                                                                     | Total | 50 00 |

By *John W. H. [Signature]*  
Chief Engineer



2573A-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

DEC 4 1992

2573A-3

Wendell F. Isburg  
N St Rt 61  
Chamberlain, SD 57325

Dear Mr. Isburg:

Enclosed is Water License No. 2573A-3 and Receipt No. 413514 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 2573A-3 is the final document which completes the 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.

Very truly yours,

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

enclosures

NOTE: The applicable portions of Water Permit No. 2573-3 are incorporated into this Water License No. 2573A-3.

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, \_\_\_\_\_ June 12, 1992

RECEIVED OF Wendell Isbary, N St Rt Box 61, Chamberlain SD 57325

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

|                                                                                                                                     |       |       |
|-------------------------------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. <u>1573A-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____ | 50    | 00    |
| 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 _____                                                                                                  |       |       |
| Fee for Filing Extension Request _____                                                                                              |       |       |
| Fee for Certified Copy of _____                                                                                                     |       |       |
| Fee for Print Copy of Map _____                                                                                                     |       |       |
| Fee for Certifying _____                                                                                                            |       |       |
| Fee for _____                                                                                                                       |       |       |
| (Any Other Work Provided by Law)                                                                                                    | Total | 50 00 |

By *John H. Hinkle*  
Chief Engineer

2573A-3

PERMIT JUL 1992  
DIVISION OF  
WATER RIGHTS  
Pinto, SD

4710

WR#

COUNTY LAND LOCATED IN CHIEFALO PHONE                     

☐ Well

☐ Surface

1. LOCATION Off Sta. 12-0000-0700

| Legal Description     | Acres | Legal Description | Acres |
|-----------------------|-------|-------------------|-------|
| S½ NE¼ 10-T106N-R71W  | 11    |                   |       |
| NE¼ SE¼ 10-T106N-R71W | 7     |                   |       |
| SW¼ NE¼ 3-T106N-R71W  | 4     |                   |       |
|                       |       |                   |       |

2. TYPE OF IRRIGATION: GRAVITY \_\_\_\_\_ TOWLINE \_\_\_\_\_ CENTER PIVOT ✓ GUN \_\_\_\_\_ OTHER \_\_\_\_\_ (Specify) \_\_\_\_\_

3. CROPS TO BE IRRIGATED \_\_\_\_\_

WATER QUALITY:

4. WATER SAMPLE NUMBER 15550010101 7. ADJUSTED (SAR): \_\_\_\_\_

5. SALINITY (EC X 10<sup>-1</sup>): \_\_\_\_\_ 8. PERCENT SODIUM: \_\_\_\_\_

6. SODIUM (SAR) \_\_\_\_\_

### Requirements:

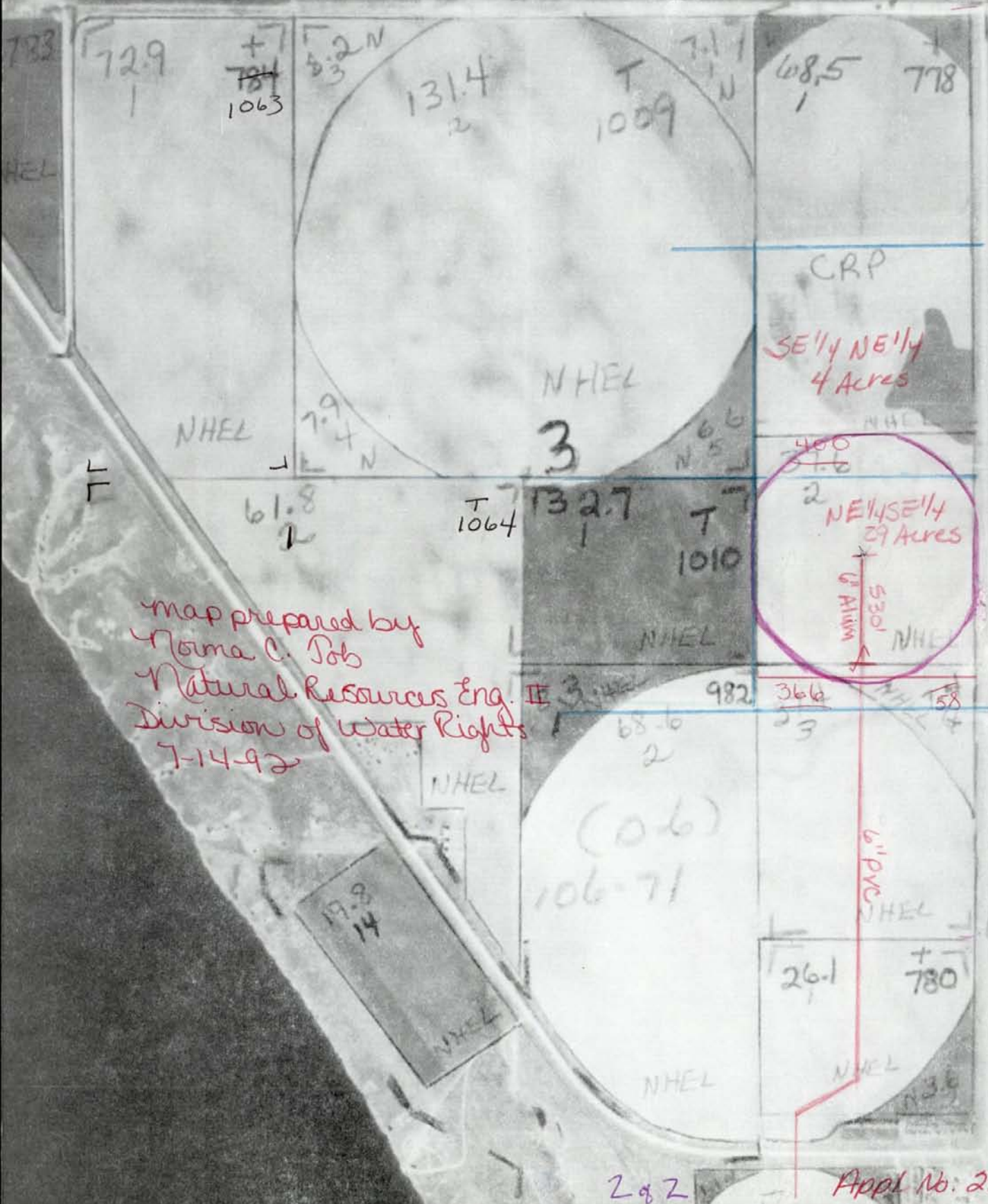
Director, Division of Conservation

Date \_\_\_\_\_

☐ APPROVED                      ☐ REQUIREMENTS  
☐ DISAPPROVED  
☒ WAIVER

Soil water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

# NOT TO SCALE



NOT TO SCALE

-map prepared by  
Norma C. Job  
Natural Resources Engineer II  
Division of Water Rights  
7-1492

SW 1/4 NE 1/4  
11 Acres

SE 1/4 NE 1/4  
24 Acres  
6" PVC  
8" PVC

NW 1/4 SE 1/4  
7 Acres

NE 1/4 SE 1/4  
29 Acres  
8" PVC  
8" PVC

(0-6)  
106-71

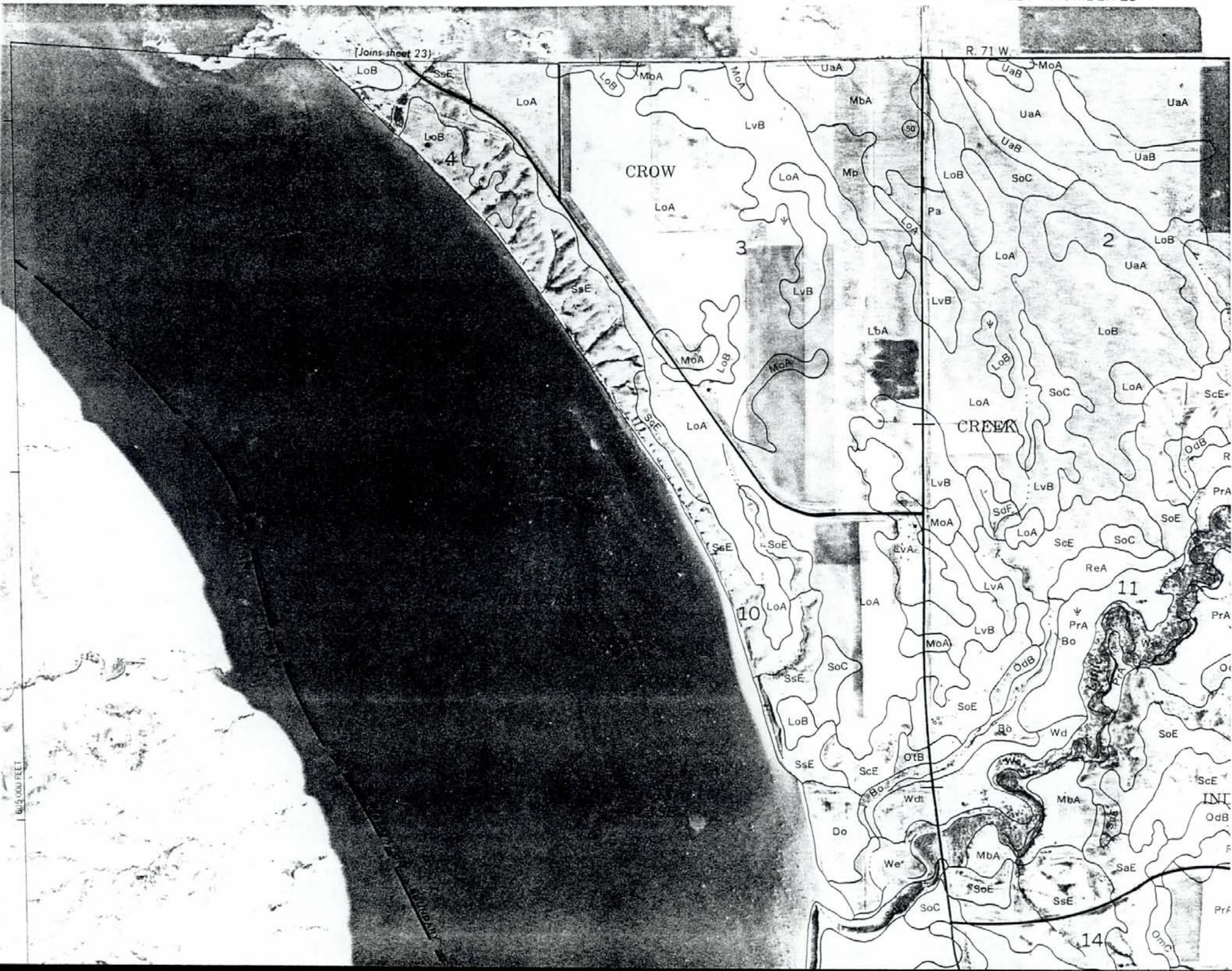
2573A-3

1 & 2

Appl. No. 2573A3

State 1:20000

1:20000 FEET





DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
denr.sd.gov



April 8, 2014

2619-3  
2573A-3

Steve & Lori Breeding  
23825 SD Hwy 50  
Chamberlain SD 57325

Dear Mr. & Mrs. Breeding:

I am writing in follow-up to the 2013 irrigation questionnaires you submitted for Water Right Nos. 2619-3 and 2573A-3.

Thank you for the notation about the ownership changes. Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

You had also requested the addition of acreage to the existing water rights. Enclosed are application forms to be used for this purpose. If you are going to be able to use the same diversion point for the additional land, you can put everything on one application.

I have included copies of the existing water rights for your reference. If I can answer any questions, please let me know.

Sincerely,

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

enclosures

**McMath, Genny**

---

**From:** McMath, Genny  
**Sent:** Tuesday, September 02, 2014 3:00 PM  
**To:** 'breedingfarms@dishmail.net'  
**Subject:** transfer of ownership for Isburg Water Rights  
**Attachments:** 2573A-3frm.docx; 2619-3frm.docx

Steve and Lori,

I am just touching base with you regarding two transfer of ownership forms mailed to you back on April 8, 2014. To date, we have not received the ownership changes back from you.

Water Right No. 2573A-3 is listed in the name of Wendell F Isburg and  
Water right No. 2619-3 is listed in the name of Kathryn Isburg

I am attaching another copy of the transfer forms for you to use. Once you have them completed, mail them back to us with a \$50 fee for each one. The check or money order can be made payable to the Water Rights Program. The address for mailing is on the top of the transfer forms.

I note from the past correspondence that you wished to add land to the water rights. If you do not have the set of application forms I mailed to you in April, I can send you another set or you can download them from our website at:  
<http://denr.sd.gov/des/wr/wr.aspx>

If you have any questions, please give me a call.

Genny McMath  
Water Rights Program  
605.773.5455



DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
-denr.sd.gov



October 31, 2014

2619-3  
2573A-3

Steve & Lori Breeding  
23825 SD Hwy 50  
Chamberlain SD 57325

Dear Mr. & Mrs. Breeding:

Enclosed are the 2014 irrigation questionnaires for land authorized for irrigation under Water Right Nos. 2619-3 and 2573A-3. Both are still listed in the names of Wendell and Kathryn Isburg. They questionnaires continue to be sent to Kathryn because ownership has not yet been changed.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

The questionnaires are due back in our office by December 1<sup>st</sup>. If you have any questions concerning the ownership changes or the questionnaires, please give me a call.

Sincerely,

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

enclosures

RECEIVED

NOV 19 2014

WATER RIGHTS  
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2573A-3

Date: 11/12/14

I/We request that Water Right No. 2573A-3

formerly owned by: Wendell Isburg

be transferred to: (name & address) Steve & Lori Breding, 23825 Hwy 50, Chamberlain SD 57325

Telephone No. \_\_\_\_\_

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

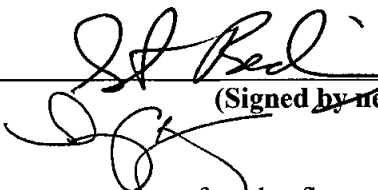
104 acres - NE ¼ SE ¼, SE ¼ NE ¼ Section 3 and S ½ NE ¼, N ½ SE ¼ Section 10, T106N, R71W

I/We understand that the validity of Water Right No. 2573A-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Steve Breding  
Lori Breding-Breding, the new owner, certify that the above information is true and correct.

  
(Signed by new owner)

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

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

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/19, 20 14

RECEIVED OF Breeding Farms 23825 Hwy 50 Chamberlain SD 57325

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 | 50    | 00    |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                   |       |       |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                         |       |       |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____            |       |       |
| Fee for Filing Transfer Form <u>2573A-3</u>                                                                    |       |       |
| Fee for _____                                                                                                  |       |       |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                            |       |       |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                             |       |       |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                         |       |       |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |       |
| (Any Other Work Provided by Law)                                                                               | TOTAL | 50 00 |

No. **06985**

By

  
Chief Engineer



DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
denr.sd.gov



November 25, 2014

2619-3  
2573A-3

Steve & Lori Breeding  
23825 SD Hwy 50  
Chamberlain SD 57325

Dear Mr. & Mrs. Breeding:

I am writing to acknowledge receipt of the 2014 irrigation questionnaires and also the transfer forms and filing fees for Water Right Nos. 2619-3 and 2573A-3.

The ownership changes have been completed. Water Right Nos. 2573A-3 and 2619-3 formerly held by Wendell and/or Kathryn Isburg are now listed in your names.

Enclosed for your records are Receipt Nos. 06984 and 06985 in the amount of \$50 each. If I can answer any questions for you please let me know.

Sincerely,

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

enclosures