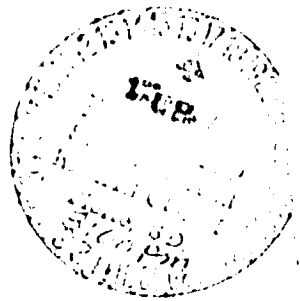


1. Considered 3-17, 1976 2598.3
2. Name of Applicant CLARENCE J. ROST
3. Post Office Address HOVEN
4. Amount of water claimed 3.5
5. Source of water supply GROUND WATER (3-55' WELLS)
6. Water to be used for IRRIGATION
- Acres to be irrigated 257
7. Water to be diverted and used in POTTER county
about 1/2 S miles of HOVEN
8. Proof of Publication Received 3-15-76
 Not Received
9. Application Approved
 Subject to
 Not Approved
 Action deferred
10. Remarks:

No. 2598-8Map No. 1260-3 Water Division No. 3 MISSOURI RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriately Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Clarence Frost
 Post-office address Hoven, State South Dakota
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) _____
3. Name of diversion work Frost Irrigation Project
4. Amount of water claimed (cubic feet per second) 3.5
5. Source of water supply ground water
6. Location of point of diversion Wells located in the NW 1/4 SE 1/4 and SE 1/4 NW 1/4, Section 4, T120N, R74W
 _____ County Potter
7. Annual period or periods during which water is to be used April thru 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 257

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.
SW 1/4	102		
SE 1/4	155		
Sec. 4, T120N, R74W			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
11. Choice of newspaper for Notice of Intent to Appropriately Water publication Hoven Review, Hoven, S.D.
12. Principal Features of the Proposed Water Supply System.

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

Wells, pumps and motors

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

Mainline to pivots and or sideroll

C. Works proposed to apply water to beneficial use.

Center pivot sprinkler system, possible side roll

Estimated Total Cost \$ _____

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

STATE OF SOUTH DAKOTA)
) s.
 County of Hughes)

I, Clarence Frost, 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 Clarence FrostSubscribed and sworn to before me this 17th day of February, 19 76

Notary Public (or other qualified officer)

BETTY WESTLUND, Land/Water Clerk II

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2598-3

CLARENCE FROST
(Applicant)

HONEN
(Post Office Address)

SOUTH DAKOTA 57450
(State)

With the following modifications:

The irrigation well approved under this Permit will be located near domestic wells and other irrigation 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 or in irrigation wells having prior water rights.

Date of first receipt of application FEBRUARY 17, 1976

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

Date of receipt of corrected application MARCH 1, 1976

Approved MARCH 18, 1976, Recorded in Book 15 Page 23

WATER RIGHT PERMIT NO. 2598-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2598-3 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 FEBRUARY 17, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 18, 1978
3. The whole of said work is to be completed on or before MARCH 18, 1981
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 18, 1985
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 3.5 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 MARCH 18, 1985; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 24TH day of MARCH, 1976

WATER RIGHTS COMMISSION

By: [Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

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

D. Well Information or Estimates

- (1) Drill Hole: Diameter 30" Depth 55'
- (2) Casing, Type STEEL Diameter 16" Thickness
(wood, concrete, steel, etc.)
- (3) Perforated Screen.
Type SLOTTED SCREEN Diameter 16" Length 20'
- (4) Gravel Pack: Thickness , Length of gravel pack

E. Dugout Information or Estimates.

- (1) Surface dimensions , Depth

F. Fill out for Either a Well or a Dugout.

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

Character of Water bearing materials 0-12 SAND-CL LOAM -
12-55 SANDS & GRAVELS

Depth to top of water bearing material 12'

Depth to bottom of water bearing material 55

Thickness of water bearing material 40

Depth to water (ground surface to water level) 12'

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

On same owner's property 70 rds. On property owned by others 90 rds.

G. Water Storage Dams.

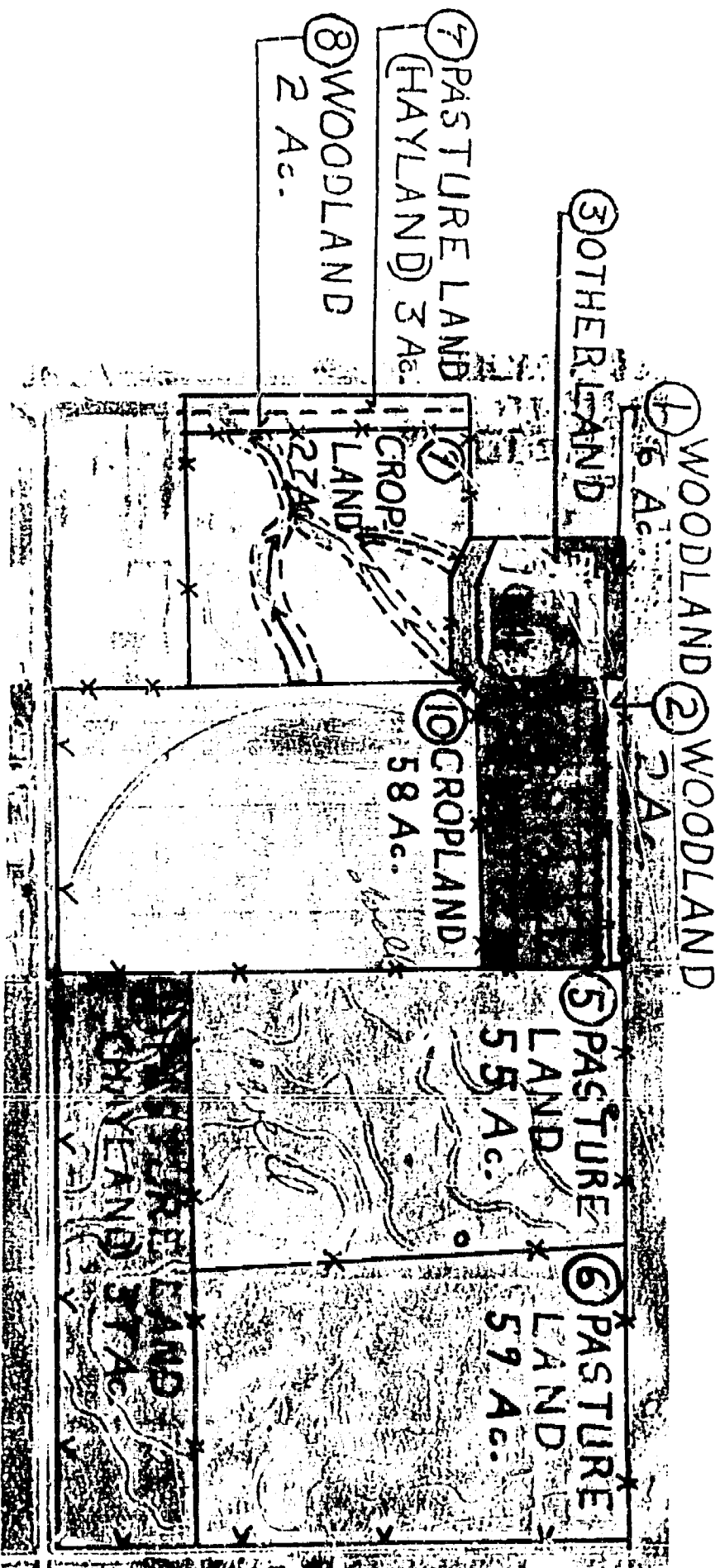
If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

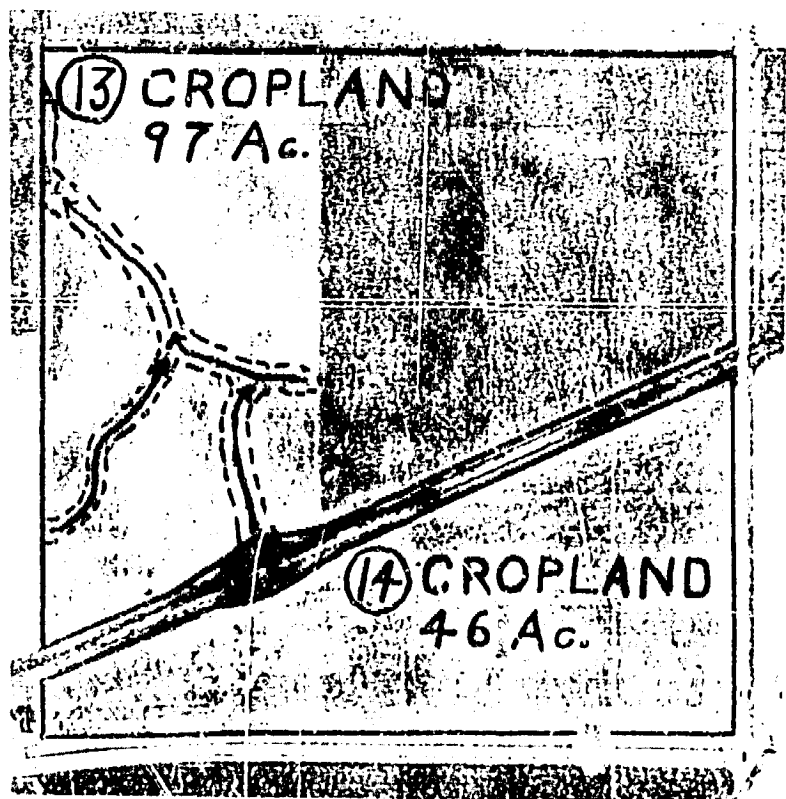
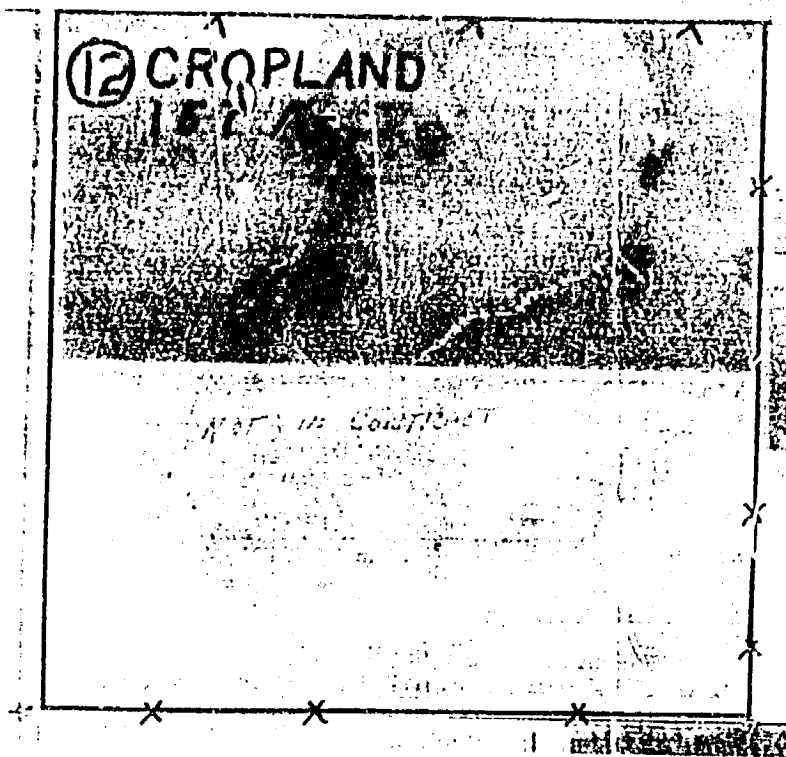
Harmon J. Davis
Signature of Applicant

CONSERVATION PLAN MAP

Conservation District

Owner _____ Operator _____
County _____ State _____ Photo Nos. _____
Date prepared _____ Approx. Scale 8" = 1 mile _____
PREPARED BY U.S. DEPARTMENT OF AGRICULTURE, SOIL CONSERVATION SERVICE





I have shown the land to be irrigated in
the SW of Sec. 4 T 120 N 97h W.

The land on which he is applying for
appropriation of water rights is
owned by Clarence Frost.

Larry Madsen
Larry Madsen,

County Extension Agent



February 26, 1976

Mr. Clarence Frost
Hoven, SD 57450

Dear Mr. Frost:

I am enclosing herewith a copy of the water analysis for sample #76-129 submitted by you a few days ago. I am also enclosing a receipt for your payment on this analysis.

On the outside back cover of AES publication #13 enclosed for your use, you will see a red cross in the water quality chart denoting the approximate quality of this water sample for irrigation purposes. You will note it is in the lower part of the high salinity bracket, but also in the low sodium category.

By looking at the water analysis sheet, you will see that the electrical conductivity of this sample is 832. This denotes the approximate total salt load of the water. Inasmuch as the sodium adsorption ratio on the next line is 0.83, the proportion of all of the salt which is sodium is very low and there is practically no hazard whatever that sodium will cause dispersion of your soil and loss of soil structure.

Because most of your land is nearly level and is silty over sand and gravel, the internal drainage of the soils should be adequate for the use of this water, and there should be no problem of accumulation of salts in the soil profile. However, if such does occur, you should begin to irrigate in less frequent fashion, but with heavier applications each time, and try to irrigate late in the fall about 1 year out of 3, to completely fill the soil profile and cause leaching of salts. If this difficulty does arise, you might wish to get in touch with someone in extension, Water Resources, or soils work for more precise advice on how to manage the water to eliminate the salt problem.

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

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOF:ckb

Enclosures

cc: State Conservation Commission

D. Pahl, and Lawrence Madsen (County Extension Agent)

Conservation
Commission
Form WL 21

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

FOR COMMISSION USE OF

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: [Signature]

Disapproved: _____

NAME: Clarence Frost
ADDRESS: Houma, S.D. 57450
COUNTY: Potter

LEGAL DESCRIPTION

1. WELL LOCATION: E 1/2 of SW 1/4 Sec 4 T120N R74E ^{multiple wells}
2. AREA TO BE IRRIGATED: 5 1/2 ac Sec 4 T120N R74E ^{center pivot}

TYPE OF IRRIGATION

3. GRAVITY _____ SPRINKLER (Indicate Type): center pivot
4. CROPS TO BE IRRIGATED: Corn and Alfalfa
Wheat

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 2-7%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: medium level
silty silt loam over sand and gravel

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 76-129
8. SALINITY: EC = 832 μ mhos/cm (med-high)
9. SODIUM: SAR = 0.83 (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

Soil Conservation Service,

and:

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

Clarence J. Drost

Subscribed and sworn before me this

19 day of Feb. 1976.

Daine Starkson

Register of Deeds

(Title)



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

Submitted by: CLARKSON, David Date Rec'd: February 20, 1976
 Address: Hoven, SD 57450 Sample No. 76-129
 Identification: 1212
EE, 1-3, 4, T 1201, R 74

WATER ANALYSIS

Calcium (Ca)	140	ppm*	7.00	me/l**
Magnesium (Mg)	33	ppm	2.71	me/l
Sodium (Na)	42	ppm	1.83	me/l
Potassium (K)	8	ppm	0.31	me/l
Sulfate (SO ₄)	156	ppm	2.83	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	3	ppm	0.08	me/l
Bicarbonate (HCO ₃)	444	ppm	7.13	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	364	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	622	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.83			
Sodium	14.7	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	6.99			
Others:				

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



COMMENTS: Total Hardness 11.75 me/l
 Total Alkalinity 10.19 me/l

By: Harley L. Luman

Service Performed

Amount Due

Irrigation analysis

\$8.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-129

Amount Enclosed \$

Signed

Form 6 - Notice of Intent to Appropriate Water

No. 2598-2

Publish first publication, on or before March 4, 19 76

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 1, 19 76

Notice is hereby given that Clarence Frost
whose post office address is Hoven, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
3.6 cubic feet of water per second of time from the ground water through the
Frost Irrigation Project, the point of diversion of which is to be located in the

N7 1/2 SE 1/4, SE 1/4 SW 1/4
of Section 4, Twp. 120N, Range 74E. Said water to be used for the purpose
of providing irrigation on ^{portions of} the following described land:

S 1/2, Sec. 4, T120N, R74W

This application No. 2598-2 will be considered by the Water Rights Commission at their office at
Pierre upon the 17th day of March, 19 76, at 1:00 P.M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Clarence J. Frost
Hoven, SD 57450

No. 2598-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Potter) ss.

I, Daniel W. Holsinger hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Hoven Review

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 Hoven

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

March 4 & 11, 1976

Daniel W. Holsinger
(Signature)

Publisher
(Title)

March 15, 1976
(Date Signed)

No. 2598-3
NOTICE
INTENT TO APPROPRIATE
WATER

Pierre, South Dakota 57501

March 1, 1976

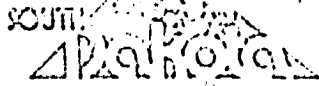
Notice is hereby given that
Clarence Frost whose post of-
fice address is Hoven, South Da-
kota, has made an application
in accordance with the provi-
sions of the water laws of South
Dakota for a permit to appro-
priate for beneficial use 3.5 cu-
bic feet of water per second of
time from the ground water
through the Frost Irrigation
Project, the point of diversion
of which is to be located in the
NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec-
tion 4, Twp. 120N, Range 74W.
Said water to be used for the
purpose of providing irrigation
on portions of the following de-
scribed land:

S $\frac{1}{2}$ Sec. 2, T120N, R74W

This application No. 2598-3
will be considered by the Wa-
ter Rights Commission at their
office at Pierre upon the 17th
day of March, 1976, at 1:00 P.M.
All interested persons may ap-
pear and be heard.

By: BURTON F. JONES
Water Rights Specialist
(March 4 & 11)





1622-3, 1623-3
1704-3, 2271, 2598-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

April 6, 1977

Rory King, Attorney
415 South Main
Aberdeen, S.D. 57401

Ron Wheeler, Attorney
201 Farmers & Merchants Bank Bldg.
Huron, South Dakota 57350

Gentlemen:

The Water Rights Commission will not at this time, meet to reconsider their action taken March 24, 1977 concerning ground water Water Rights held by Messrs. Zweber, Frost, Turner and Hageman. Commission Members have been contacted and all are willing to hold a special meeting; however, they do not believe a meeting should be scheduled, unless new information can be presented.

The Commission Staff is to continue to monitor ground water levels in the Hoven area. If water levels show noticeable recovery, the Chief Engineer could authorize pumping by Messrs. Frost, Turner and Hageman on a restricted or full-time basis following contact with and agreement by Commission Members.

The Staff also intends to make final inspections for licensing of Water Rights held by Messrs. Zweber, Turner, Frost and Hageman. Since their permits are new, Messrs. Frost and Hageman are authorized up to five years to complete their projects. However, unless their projects are not complete, we would expect to make final inspections at this time. The permit holders are authorized, but not entitled to, a specified number of cubic feet per second (cfs) based upon the number of acres authorized. The amount of water licensed on each permit is based upon well capacity, providing the cfs is the same or less than the authorized cfs. We would expect that Mr. Zweber (No. 1622-3) will be licensed for four wells based upon his statements at the March 24, 1977 meeting, that Mr. Turner will be licensed for one well, Mr. Hageman for three wells and Mr. Frost for three wells. Any Additional wells would have to be either replacement wells for older abandoned wells or a new water right permit would be required before new wells could be pumped.

Mr. Rory King, Attorney
Mr. Ron Wheeler, Attorney
April 5, 1977

Page 2.

We also intend to recommend to the Commission that measurement devices be required for all irrigation projects in the Hoven South Aquifer to allow well production to be monitored. This would be done in accordance with SDCL 46-2-9 and 46-2-11.

Attached is a copy of the Excerpts from the March 23-24, 1977 Water Rights Commission meeting which pertain to the Willard Zweber matter. The Excerpts have not been approved by the Commission and are submitted for your information only.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission
Department of Natural Resource
Development
Foss Building
Pierre, South Dakota 57501

JH/bw
Encl: As stated
cc: Water Rights Commission
Willard Zweber
Allen Turner
Gillis Hageman
Clarence Frost



Department of Natural Resource Development

2598-3

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

August 9, 1977

Mr. Clarence Frost
Heaven, SD 57450

Dear Mr. Frost:

This letter will confirm the telephone call from Jim Winterton of the Water Rights Commission Staff ordering the cessation of pumping of your irrigation system as of 6:00 pm on August 9, 1977, until further notice.

Under the decision by the Commission, when water levels in Observation well SW-4 reads below 9 feet from the top of the pipe, the systems with later priorities shall be restricted to the extent necessary to prevent annual withdrawals in excess of the estimated average annual recharge. The August 8th reading on well #SW-4 was 9.7 feet below the top of the pipe.

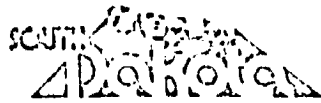
The Commission Staff will be monitoring the water levels as closely as we can, and subsequent action on the restriction will be based upon recovery of water levels in the observation wells.

If you have questions, feel free to contact this office.

Sincerely,

Vern W. Butler
Secretary

VWB:pth



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

January 31, 1978

Mr. Clarence Frost
Hoven,
South Dakota 57450

RE: 2598-3

Dear Mr. Frost:

January 26, 1978, the Water Rights Commission passed a motion to prohibit any irrigation pumping by irrigators in the Hoven South Aquifer until the May 1978 water levels in each irrigation well and initial meter readings have been recorded by the Staff.

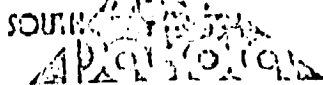
Therefore, before you begin operation of your system in 1978, you must notify the Staff so the above measurements and meter readings can be made.

If you have any questions, please contact our office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH:GNS:plh



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

August 18, 1978

WATER RIGHTS COMMISSION

Gentlemen:

August 16, 1978, Marvin Knecht of this office was in the Hoven area and measured water levels in the Zweber, Hageman, Frost and Turner irrigation wells. We had some- body in the area August 7; however, the electric reader wire became entangled in one of Mr. Zweber's wells and the bottom portion of lead wire was broken off. Since our other electric readers had been used in the Carl Estabrook pump test and then for a pump test being supervised by the State Geological Survey, the broken reader was the only reader available. We were unable to get the electric reader repaired until August 11. The other electric readers have since been returned; however, in the meantime, Mr. Zweber contacted several Commission members.

Mr. Zweber had reported that Turner and Hageman were pumping air. Mr. Hageman, Mr. Turner, and Mr. Frost each reported they have had mechanical problems, not water shortage problems.

Measurements taken during 1978 have been as follows:

Zweber 1622-3 (Home place)							
<u>date</u>	<u>gpm</u>	<u>Well #1</u> 59' deep	<u>Well #2</u> 64' deep	<u>Well #3</u> 68' deep	<u>Main</u> <u>Well #4</u>	<u>Well</u> <u>#5</u>	<u>Meter reading</u> <u>(gallons)</u>
5-24		45.8'	47.1'	51.9'	55.3'	50.1'	not installed (zero)
not pumping		(47.5' 10-25-76)	(53.8' 10-25-76)				
6-20	600 ⁺	53.86'	53.51'	60.12'	65.16'	61.96'	2,624,900
pumping							
7-6	600	55.5'	54.2'	60.08'	65.3'	61.37'	4,492,500
pumping							
8-7	600	57.32'	55.86'		wire caught in well		9,874,800
pumping							
8-16	600	55.2'	61.01'	62.39'	69.1'	65.1'	11,766,100
pumping		(pumping restricted because well pumping air)			(after gpm reduced to 580 gpm)		

Zweber 1623-3 (north permit)			
<u>date</u>	<u>gpm</u>	<u>main well</u> 30' deep	<u>east</u> <u>well</u> <u>meter reading</u> <u>(gallons)</u>
5-24		4.10'	4.25'
not pumping			not installed (zero)
6-20		4.87'	6.58'
not pumping			229,900
7-6		3.91'	5.7'
not pumping			499,000

August 18, 1978
James River Irrigators
page 2

Zweber 1623-3 (north permit) cont.

date	gpm	main well 30' deep	east well	meter reading (gallons)
8-7 (pumping)	450			3,833,400
8-16(not pumping)		7.43'	8.28'	4,982,900

Hageman 2271-3

date	gpm	main well	SE of main well	NW of main well	South (infield)	meter readings (gallons)	observation wells near main well used for pump test	
5-24		15.3'	18.4'	15.7'	18.4'	not installed	South(closest)	North
not pumping							15.6'	15.1'
6-20	600	31.95'	25.26'	33.44'	25.49'	11,666,500	21.54'	20.1'
pumping								
7-6						15,970,500		
not pumping								
8-7	600					32,182,800		
pumping								
8-16		19.2'	21.9'	19.23'		36,591,100	19.25'	18.81'
not pumping								

Frost 2598-3

date	gpm	#1 north well	#3 1st well SE pivot	#4 2nd well SE of pivot	#2 NW of pivot	#5 SE of pivot	meter readings (gallons)
5-24		48.6'	50.2'	53.0'	40.2'	50.8'	not installed
not pumping							
6-20	600	56.77'	wire hangup-	60.0'	50.0'	63.83'	41,158,300
pumping			no reading				
7-6	600						47,834,300
pumping							
8-7	500		pump motor				70,671,600
pumping			defective				
			well out				
			of service				
8-16		52.01'	54.51'	56.15'	44.7'		74,771,700
not pumping							

Turner 1704-3

date	gpm	well	meter reading (gallons)
5-24		28.4'	not installed
not pumping			(zero)
6-20		26.63'	4,027,400
pump pulled (acidizing well)			
7-6 (not pumping)			4,567,300
8-7	400		13,984,400
pumping			
8-16(not pumping)		28.25'	17,277,900

Observation Well Measurements

PT 76H located corner of Zweber's home place between Zweber's and Hageman's land.

1-9	29.8'
3-22	no reading
4-11	29.5'
6-12	29.2'
6-20	29.5'
7-6	29.6'
8-7	29.8'
8-16	29.5'

PT 76B located about $\frac{1}{2}$ mile west of PT 76H and Northeast from Hageman's wells (this well is within the Hageman irrigation wells cone of influence)

1-9	18.8'
3-22	no reading
4-11	18.2'
6-1	18.3'
6-12	18.1'
6-8	18.6'
6-12	18.1'
6-20	19.0'
6-28	19.3'
7-6	19.2'
7-10	18.9'
7-25	19.5'
8-7	20.0'
8-16	20.2'

SW 6A located on corner west of Hageman's (Hageman, Turner, & Frost to be shut off if water level drops to 21.5')

1-9	20.3'
3-22	18.7'
4-11	19.4'
6-12	19.4'
6-20	19.5'
7-6	19.5'
8-7	19.8'
8-16	19.7'

SW 4 (Hageman, Turner & Frost to be shut off if waterlevel drops to 9.0')
located west of SW-6A

1-9	7.8'
3-2	7.2'
4-1	5.3'
6-12	6.4'
6-20	7.0'
7-6	6.2'
8-7	7.1'
8-16	7.3'

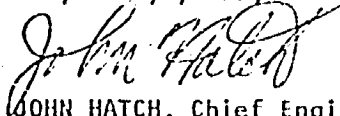
August 18, 1978
James River Irrigators
page 4

Information thus far indicates that Mr. Zweber's water shortage problems at the home place are within his own well field. If other irrigation pumping was affecting Mr. Zweber's pumping, then observation well PT 76H should be dropping also. In order to maintain the 600 gpm he needs for his center pivot, the water levels in his wells have continued to drop even though the water level in PT 76H has not dropped.

At this time, even if Frost, Hageman and Turner were shut off, Mr. Zweber would still experience the same water shortage conditions. During those years when ground water levels are high, the water levels in Mr. Zweber's wells will still drop and if he were to pump enough water we would still expect him to experience water shortage problems even though PT-76H would still reflect the higher water levels.

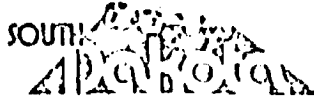
The primary problem is that the sand and gravel materials in the Zweber well field are not the type that high capacity wells can be developed in to provide the amount of water necessary for sustained pumping at the continuous rate necessary for irrigation with a center pivot.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Commission

JH/gy



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

May 9, 1979

TO: Permit Holders in the Hoven South Aquifer

FROM: John Hatch, Chief Engineer, Water Rights Commission

Willard Zweber has indicated that he does not think the Commission Staff has monitored pumping and water levels in the Hoven South Aquifer as thoroughly as it should be, and has requested time to discuss this with the Commission.

The Water Rights Commission will discuss water rights in the Hoven South Aquifer at 10:45 a.m., May 25, 1979 at the Lincoln Room, Howard Johnson Hotel, 2211 LaCrosse, Rapid City, South Dakota.

This hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-14; 46-2-9 thru 46-2-11; 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22; 46-5-41; 46-6-3; 46-6-5; 46-6-6.1; 46-6-10; 46-6-3.1; 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13.

After consideration of the testimony the Commission can alter, conditionally alter, or continue the operating procedure adopted at a previous hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH:kjw



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/773-8X51 3352

June 19, 1979

TO: Water Right Permit Owners, Hoven South Aquifer, No. 1622-3 & 1623-3, Willard Zweber, No. 1704-3 & 2270-3, Allen Turner, No. 2271-3, Gillis Hageman, No. 2598-3, Clarence Frost

FROM: John Hatch, Chief Engineer, Water Rights Commission

SUBJECT: Consideration and Adoption of Final Decision to Include Findings of Fact and Conclusions of Law in Matter of Hoven South Aquifer

The Chairman of the South Dakota Water Rights Commission, Mr. Stanley Jensen has called a Special Meeting of the Water Rights Commission in accordance with § 46-2-2 to consider and adopt a Final Decision including Findings of Fact and Conclusions of Law in the matter of the Hoven South Aquifer. The meeting will be at 1:00 p.m., June 27, 1979 in Room 468, State Capitol Building, Pierre, South Dakota.

This hearing will be conducted in accordance with the provisions of § 46-1-1 thru 46-1-9; 46-1-14; 46-2-9 thru 46-2-11; 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22; 46-5-41; 46-6-3; 46-6-5; 46-6-6.1; 46-6-10; 46-6-3.1; 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13.

The Water Rights Commission at its meeting May 25, 1979 following a public hearing ordered that the 9.0 foot shut off level established May 10, 1977 for observation well SW-4 be raised to 7.0 feet. When the water level drops to 7.0 feet or below, irrigation pumping authorized by Water Right Permits No. 1704-3 & 2270-3, Allen Turner; No. 2271-3, Gillis Hageman and No. 2598-3, Clarence Frost is to be shut off. Adoption of a Final Decision, including Findings of Fact and Conclusions of Law will modify the 9.0 foot shut off order issued May 10, 1977. All parties may submit or mail proposed Decisions, Findings and Conclusions to the Commission members (mailing addresses enclosed) prior to consideration by the Commission, if they wish.

Following consideration of proposed Decision, Findings and Conclusions, the Commission can adopt a Decision, make Findings and Conclusions to implement the 7.0 foot level, change the shut off level or rehear the entire matter.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

Very truly yours,

A handwritten signature in cursive script, reading "John Hatch", is written over the typed name.

JOHN HATCH, Chief Engineer
Water Rights Commission

JH:kjw

2578-3

**SOUTH DAKOTA Department of
Water & Natural Resources**
Joe Foss Building
Pierre, South Dakota 57501

Copy of Record in
46-16-25-3

Division of Water Rights
605 773-3352

January 12, 1980

TO: People Interested in Hoven Area Water Supplies & Deferred Applications

FROM: John Hatch, Chief Engineer, Water Rights Division

SUBJECT: Review of Water Status and Reconsideration of Deferred Applications

The Water Management Board will reconsider deferred water permit applications in the Hoven Area in Potter & Walworth Counties at 8:30 am on January 29, 1981 at Meeting Room #1, Kneip Building, Church & Illinois, Pierre SD.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-14; 46-2-9 thru 46-2-11; 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22; 46-5-41; 46-6-3; 46-6-5; 46-6-6.1; 46-6-10; 46-6-3.1; 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13.

These applications were previously deferred by the Board pending staff investigation. A report on the deferred applications has been prepared by the Water Rights Staff and is enclosed.

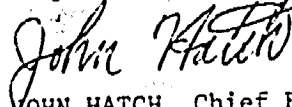
After reconsideration of the deferred applications the Board can approve, conditionally approve, defer, or deny all or part of the Applications.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

You are also notified that SDCL 1-26 provides any interested party the opportunity to meet informally with the Water Rights Division Staff to discuss proposed recommendations by the staff to the Board prior to the scheduled hearing. If we do not hear from you, we will assume that the opportunity for an informal meeting is being waived and you wish to proceed directly to the hearing on the applications before the Board.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

kw

enclosure

Equal Opportunity Employer

STATE OF SOUTH DAKOTA
WATER RIGHTS COMMISSION

IN THE MATTER OF THE
COMPLAINT OF WILLARD ZWEBER

)

FINAL DECISION

This matter was brought on for hearing before the commission on May 25, 1979, on the complaint of Willard Zweber. Notice of the hearing was sent to the complainant, Willard Zweber, and to respondents Clarence Frost, Allen Turner, and Gillis Hageman on May 9, 1979. The complainant, Willard Zweber, and the respondents Clarence Frost, Allen Turner, and Gillis Hageman appeared in person, and the Department of Natural Resource Development appeared through the chief engineer of the water rights commission, John Hatch. Having heard and considered the evidence presented by the parties at such hearing, the commission hereby makes its final decision consisting of the following:

FINDINGS OF FACT

1. Willard Zweber, Allen Turner, Gillis Hageman, and Clarence Frost are all farmers in the Hoven, South Dakota area, and all have been issued permits to appropriate water for the purpose of irrigation from the Hoven South Aquifer as follows:

<u>NAME</u>	<u>WATER RIGHT NO.</u>	<u>PRIORITY DATE</u>	<u>C.F.S.</u>
Willard Zweber	1622-3	10/07/68	3.42
Willard Zweber	1623-3	10/07/68	0.35
Allen Turner	1704-3	11/18/69	1.38
Allen Turner	2270-3	5/01/75	4.50
Gillis Hageman	2271-3	5/01/75	4.30
Clarence Frost	2598-3	2/17/76	3.50

Over the last two years, all of the above have in fact diverted water for irrigation from the Hoven South Aquifer from high capacity wells.

2. Following a hearing held on May 10, 1977, on a previous complaint of Willard Zweber, the commission issued a decision requiring Allen Turner, Gillis Hageman, and Clarence Frost to restrict pumping from their high capacity irrigation wells when

either the water level in observation well #SW4 reaches a level of 9 feet below the pipe top or the water level in observation well #SW6A reaches a level of 21.5 feet below the pipe top. The decision further required all four individuals to equip their wells with flow meters.

3. Willard Zweber appeared before the commission on March 29, 1979, and complained that pumping from the Hoven South Aquifer by irrigators junior in right to himself had caused a decline in the water level in the aquifer in his area and had seriously impaired his rights and that the staff had not been diligent in monitoring the water levels in wells #SW4 and #SW6A and the pumping rates of the irrigators in the aquifer pursuant to the commission's decision of May 25, 1977.

4. On May 9, 1979, notice was served on Gillis Hageman, Clarence Frost, Allen Turner and Willard Zweber that a hearing would be held on May 25, 1979, at the Howard Johnson Hotel in Rapid City to address Mr. Zweber's complaints. Willard Zweber, Clarence Frost, Allen Turner, and Gillis Hageman appeared in person at that May 25, 1979 hearing.

5. In the period from 1968 to spring of 1973, the static water level in the Hoven South Aquifer was higher than at any other time in recorded history. By August of 1977, the aquifer had declined to an all time low; in the vicinity of complainant's wells, the aquifer experienced a decline of about six feet. Since September of 1977, water levels in all observation wells in the Hoven South Aquifer except in the area of complainant's wells, have slightly recovered.

6. The drop in the overall water level in the Hoven South Aquifer corresponds with a period of low precipitation experienced over the last several years in that area. The principal reason for the failure of the water levels in complainant's area to recover at the same rate as other areas is the slope of the aquifer from east to west. Since complainant is located in the east margin

of the aquifer, recharge to his area must come from a limited area on the eastern fringe of the aquifer.

7. The pumping of high capacity irrigation wells in the Hoven South Aquifer has significantly contributed to the decline in static water level observed in the aquifer. Although an aquifer test conducted by the commission's staff in January, 1977, indicated that the cones of depression of respondent's high capacity wells should not directly interfere with complainant's well, respondents' pumping, at least in years of below average precipitation, can cause a decline or significantly exaggerate a naturally occurring decline in the static water level over the entire Hoven South Aquifer.

8. A decline in the water level of a water table well reduces the amount of water that the well will yield. Under the water levels established for the Hoven South Aquifer by the commission's decision of May 25, 1977, complainant has been unable to obtain the quantity of water to which he has rights pursuant to his Permits Nos. 1622-3 and 1623-3.

9. Raising the cut-off levels in observation well #SW4 to 7 feet below the pipe top and in observation well #SW6A to ~~19.5~~^{20.0} feet below the pipe top should eventually result in an increase in the water level in the area of complainant's wells which should in turn allow complainant to obtain the quantity of water to which his permits entitle him.

WHEREFORE, the commission makes the following:

CONCLUSIONS OF LAW

I.

All notices required by law in this matter have been duly given.

II.

The parties to this action are Willard Zweber, complainant, and Allen Turner, Gillis Hageman, and Clarence Frost, respondents.

III.

The Water Rights Commission has jurisdiction over the parties to this action and over the subject matter of this action pursuant to ARSD 52:01:05:03.

IV.

Complainant's rights under Permits Nos. 1622-3 and 1623-3 are senior to respondents' rights under their respective permits.

V.

Complainant Willard Zweber's rights under Permits Nos. 1622-3 and 1623-3 have been impaired by respondents' diversions under the limits established in the commission's Decision of May 25, 1977.

VI.

The commission hereby ORDERS that pumping by the respondents Allen Turner, Gillis Hageman and Clarence Frost shall cease when either the water level in observation well #SW4 declines to a level of 7 feet below the pipe top or the water level in observation well #SW6A declines to a level of ^{20.0}~~19.5~~ feet below the pipe top, in order to prevent the water level in the Hoven South Aquifer in the area of complainant's wells from declining to the point where his rights under Permits Nos. 1622-3 and 1623-3 are impaired.

VII.

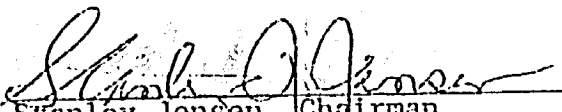
The commission FURTHER ORDERS that it shall be the responsibility of the commission staff to monitor observation wells #SW4 and #SW6A to insure that the levels fixed in paragraph VI are not exceeded. The chief engineer of the Water Rights Commission shall cause observation wells #SW4 and #SW6A to be measured with sufficient frequency to insure that the aforementioned levels are

not exceeded. If the chief engineer, from such measurements, shall determine that the levels set in paragraph VI. for either observation well #SW4 or observation well #SW6A has reached the level set in paragraph VI., he shall immediately order the respondents to cease pumping until such time as they shall receive a further order from the chief engineer. When the chief engineer shall determine that respondents may resume pumping at the levels fixed in their permits or at such lesser level to be fixed by the chief engineer, the chief engineer shall issue an order permitting pumping by the respondents at a rate, up to the rates specified in their permits, that the chief engineer determines can safely be maintained without reaching the limits fixed in paragraph VI.

VIII.

The commission FURTHER ORDERS that the commission staff shall conduct a continuing study of the Hoven South Aquifer in conjunction with the South Dakota Geological Survey and make a full report to the commission prior to April 1, 1980.

Dated this 27th day of June, 1979.


Stanley Jensen, Chairman
Water Rights Commission
State of South Dakota

MINUTES OF THE 10TH MEETING OF THE SOUTH DAKOTA WATER MANAGEMENT BOARD
DULY CALLED BY CHAIRMAN DENNIS DECKER AND HELD AT
THE KNEIP BUILDING, PIERRE, SOUTH DAKOTA

JANUARY 28 & 29, 1981

Those present for the Water Management Board meeting were: Board Members Dennis Decker, Leland Harms, Robert Arend, Ray Rylance and Merwyn Walter.

Water Quality Staff

Mark Stelchen

Water Rights Staff

John Hatch, Burt Jones, Jim Winterton, Gale Selken, Jim Goodman, Betty Westlund, Marv Knecht, Jerry Steffen, Tim Schaal, Kevin Larson, Tim Redmond, LeRoy Merneugh, Karen Wernsmann

Assistant Attorneys General

Curt Wilson, Dan Doyle, Roxanne Gledde

Geological Survey Staff

Merlin Tipton, Lynn Hedges, Assad Barari, Derric Hies

W. R. Application No. 1203-1

R. Thornton Valley, Nisland, SD

W. R. Application No. 1207-1

Fred Brady, Spearfish, SD

W. R. Permit No. 0170-2

Clarence Foos, Nisland, SD

W. R. Permit No. 88-2 & 974-2

John C. Scheuer, Custer, SD

W. R. Application No. 1460-2

Wanyce L. Helne, Bonesteel, SD

Walter L. Helne, Bonesteel, SD

Jack Gunvordahl, Burke, SD

Tom Marts, Bonesteel, SD

W. R. Application No. 1509-2

Lowell C. Kern, Naper, NE

W. R. Application No. 1739-2

Maynard Downen, Fairburn, SD

W. R. Application No. 1740-2

Walter Benson, Clearfield, SD

W. R. Application No. 1741-2

Franklin Wolbaum, Edgemont, SD

Mr. Selken stated this has been an experimental permit since 1975. They pumped for two years but quit when all the trouble started occurring in the area. They would like to pump. There is no other irrigation in the area. The formation is not clean and Mr. Hoven will probably not get that amount of water from the well.

Mr. Arend MOVED, SECONDED by Mr. Rylance that Application No. 2185-3 be APPROVED with the Well Interference Qualification. MOTION CARRIED.

4199-3, Collins Hereford Ranch, Hoven, SD

Application is for 5.75 cfs of water from two 75 foot deep wells to irrigate 400 acres. Affidavit of publication received.

Mr. Selken stated there was a letter of opposition from Mr. Vincent Hoven on this application. There are only two applications in the Bowdle aquifer. Collins is approximately 3 miles from Mr. Hoven.

Mr. Arend MOVED, SECONDED by Mr. Harms that Application No. 4199-3 be APPROVED with the Well Interference Qualification. MOTION CARRIED.

3694-3, Randall Simon, Hoven, SD

Mr. Simon stated that after talking with Mr. Hedges it was decided that he should have seven wells.

Mr. Harms MOVED, SECONDED by Mr. Arend that Application No. 3694-3 be APPROVED for seven wells with the Well Interference Qualification. MOTION CARRIED.

Mr. Wheeler stated that Clarence Frost would like an amendment of Application No. 2598-3 to provide for two additional points of diversion which are existing. This request would be within the five year period.

2598-3 { Mr. Walter MOVED, SECONDED by Mr. Harms to grant the request for two additional diversion points on Application No. 2598-3.

Roxanne Gledd, Assistant Attorney General representing the Conservation Commission stated she objected to the issuance of this request based on the fact that the Conservation Commission does not believe that this Board has the jurisdiction to issue an additional point of diversion until after an irrigation permit is received from the Conservation Commission. The Conservation Commission believes that any amendment to a permit has to follow the normal steps for the issuance of a water right.

Mr. Hatch stated the Conservation Commission has no staff qualified to make determinations concerning groundwater hydrology, that the wells are within distance prescribed by the Conservation Commission rules, and no additional soil water compatibility is required.

Mr. Doyle stated by granting the request will not change the date of anyone's priority. It would make things simpler for them to go through the proper application procedures.

Mr. Ryland MOVED for the question. MOTION CARRIED.

Mr. Wheeler stated that Gillis Hageman would like an amendment of Application No. 2271-3 to provide for two additional points of diversion.

Mr. Harms MOVED, SECONDED by Mr. Ryland to DENY the request. MOTION CARRIED.

Mr. Wheeler stated that Allen Turner would like an amendment of Application No. 1704-3 for one additional point of diversion.

Mr. Harms MOVED, SECONDED by Mr. Ryland to DENY the request. MOTION CARRIED.

Chairman Decker stated he was not voting consistent. What the prior Commission did at that time was just and right. That is why Mr. Decker voted to leave it as it was and not to rescind the action that the Board took. He did not make the decision for the other Commission. It was a decision they had made after talking for hours about the situation. However, Mr. Decker stated he was not going to compound the matter by doing it again. He was opposed to granting the additional diversion points in this manner because they have not had an opportunity to look at the situation. When doing this orally you do not have all the facts and information.

Chairman Decker directed the staff to prepare Findings of Fact and Conclusions of Law on the above.

Meeting recessed at 12:20 pm.

Meeting reconvened at 12:50 pm.

RECONSIDERATION OF DEFERRED APPLICATION OF TOWN OF WORTHING AND REQUEST FOR RELIEF FROM CERTAIN CONDITIONS ON SOUTH LINCOLN PERMITS

Jim Goodman gave a brief report (copy on file). Mr. Goodman stated the Town of Worthing could live up to the first two qualifications on the South Lincoln permit, but Worthing would have difficulties with the other five qualifications. Mr. Goodman stated these are two separate issues and the Board should make a decision on the Town of Worthing application independently. The restrictions placed on the South Lincoln Rural Water System would not necessarily apply to the Town of Worthing.

Graig Sewell, representing the Town of Worthing stated the Town would like to request an amendment to the application from .8 cfs to .23 which would be a total of .33 cfs. There is a .1 cfs which they are already entitled to.

Mr. Hatch stated that the Board can amend an application. They can not exceed the diversion rate that the application was advertised for. The Town of Worthing has a priority junior to the SLRWS.



Department of Water & Natural Resources

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

February 17, 1989

Clarence Frost
Box 55
Hoven, SD 57450

Dear Mr. Frost:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1986 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

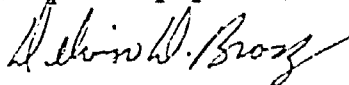


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,



for JOHN HATCH, Chief Engineer
Water Rights Division

2598-3

Clarence Frost Permit No. 2598-3

Permits prior to ^{May of 1975} ~~approximately 1976~~, that were permitted for gas, and not a specific number of wells, were allowed to develop the number of wells necessary to acquire up to the permitted cfs.

Permit No. 2598-3 had 5 wells drilled by the end of the construction period, March 18, 1981. The advertisement locates the wells in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$. All the wells are in the advert. area or within 660'. The application is for g.w. and does not specify the number of wells, the advert. says "the point of div. of which is to be located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ EW $\frac{1}{4}$ of Sec. 4, Twp. 120N, Range 71W." A report on Hovan Aquifer by Gale Selken states that 3 pts. of div. are authorized by permit no. 2598-3. As of May of 75 the number of div. pts. were specified in the Board Mtg. minutes.

Two additional pts. of diversion were approved by Board at Jan 1981 Mtg.

Permit No.	Authorized No. of Wells	cfs.	Priority Date
2598-3	3 at Com. Mtg.	3.5	Feb. 17, 1976
	2 app. Jan 81 Mtg.		
	prior to end of const. period		
	total = 5		

Permit No. ⁹⁸2589-3

Missouri 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 Clarence Frost of Hoven, SD 57450 holder of Permit No. ⁹⁸2589-3, bearing the priority of February 17, 1976 authorizing the diversion of 3.5 cu. ft. per second of the waters of Hoven South Aquifer for irrigation purposes, in Potter County.

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

A. Works used to divert the water:

Well #1 - 70' deep with 50' of 15" pvc casing, 10' of pvc and 10" of stainless steel screen, submersible motor and pump, rated at 7.5 hp and 200 gpm.

Well #2 - Submersible motor and pump rated at 7.5 hp and 200 gpm.

Well #3 - Submersible motor and pump rated at 5 hp and 150 gpm.

Well #4 - Franklin Electric submersible motor, model no. 236616010, rated at 5 hp; submersible pump with a 150 gpm capacity.

Well #5 - 100' deep with 60' of 4" pvc casing and 40' of pvc screen; submersible motor and pump, rated at 7.5 hp and 200 gpm.

Tank - 3000 gallon storage tank with a World Power motor, 60 hp and Peerless pump, model no. 4AD18-2, 800 gpm capacity.

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

2110' of 6" pvc and 1575' of 8" pvc.

C. Works used to apply water to beneficial use:

Valley towable center pivot, 1280' long, 10 tower, with end gun, high pressure system, 800 gpm capacity.

The system is in the following condition good. The point of diversion is located well #1 - 680' S; well #2 - 600' W and 940' S; well #3 - 150' W and 1430' S; well #4 - 95' W and 1470' S; well #5 - 1960' S; storage tank - 1360' S and 190' W all of the center of Sec. 4-T120N-R74W. The works are capable of diverting and conveying to the place of use 1.78

cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

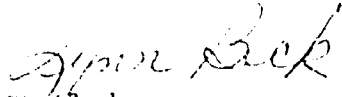
All in Sec. 4-T120N-R74W:

<u>NW 1/4 SW 1/4</u>	<u>3 acres</u>	<u>NW 1/4 SE 1/4</u>	<u>37 acres</u>
<u>NE 1/4</u>	<u>35 "</u>	<u>NE 1/4</u>	<u>31 "</u>
<u>SW 1/4</u>	<u>3 "</u>	<u>SW 1/4</u>	<u>37 "</u>
<u>SE 1/4</u>	<u>35 "</u>	<u>SE 1/4</u>	<u>31 "</u>

comprising a total of 212 acres of land and the license should be issued for 1.78 cfs

Application permit qualifications have been complied with Y Yes No

Exceptions to compliance are: none Date 9-3-92


Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NUMBER ¹⁸2589-3
Other permit(s) associated with the project none

DATE 9-3-92

DIVERSION POINT LEGAL LOCATION: 680' S of the center of Sec. 4-120-74

WELL INFORMATION: Well Drilling Firm Huron Drilling drilled 5-7-77

No. of Well #1 Depth(s) 70

- | | |
|---|---|
| a) Casing: 1) diameter <u>15</u> inches | b) Screen: 1) type <u>pvc and stainless steel</u> |
| 2) length <u>50</u> feet | 2) length <u>10 and 10</u> feet |
| 3) type <u>pvc</u> | c) Pump 1) make <u>Submersible</u> |
| d) Static Water Level feet | 2) model |
| e) Motor: | 3) size inches |
| 1) make <u>Submersible</u> | 4) capacity <u>200</u> GPM |
| 2) model No. | 5) turbine pump - No. of stages |
| 3) horsepower rating <u>7.5</u> hp | 6) operating pressure PSI |

DIVERSION POINT LEGAL LOCATION: 600' W and 940' S of the center of Sec. 4-120-74.

WELL INFORMATION: Well Drilling Firm

No. of Well #2 Depth(s)

- | | |
|------------------------------------|------------------------------------|
| a) Casing: 1) diameter inches | b) Screen: 1) type |
| 2) length feet | 2) length feet |
| 3) type | c) Pump 1) make <u>Submersible</u> |
| d) Static Water Level feet | 2) model |
| e) Motor: | 3) size inches |
| 1) make <u>Submersible</u> | 4) capacity <u>200</u> GPM |
| 2) model No. | 5) turbine pump - No. of stages |
| 3) horsepower rating <u>7.5</u> hp | 6) operating pressure PSI |

DIVERSION POINT LEGAL LOCATION: 150' E and 1430' S of the center of Sec. 4-120-74.

WELL INFORMATION: Well Drilling Firm

No. of Well #3 Depth(s)

- | | |
|----------------------------------|------------------------------------|
| a) Casing: 1) diameter inches | b) Screen: 1) type |
| 2) length feet | 2) length feet |
| 3) type | c) Pump 1) make <u>Submersible</u> |
| d) Static Water Level feet | 2) model |
| e) Motor: | 3) size inches |
| 1) make <u>Submersible</u> | 4) capacity <u>150</u> GPM |
| 2) model No. | 5) turbine pump - No. of stages |
| 3) horsepower rating <u>5</u> hp | 6) operating pressure PSI |

DIVERSION POINT LEGAL LOCATION: 95' W and 1470' S of the center of Sec. 4-120-74

WELL INFORMATION: Well Drilling Firm

No. of Well #4 Depth(s)

- a) Casing: 1) diameter inches b) Screen: 1) type
2) length feet 2) length feet
3) type c) Pump 1) make Submersible
d) Static Water Level feet 2) model
e) Motor: 3) size inches
1) make Franklin Electric 4) capacity 150 GPM
2) model No. 236616010 5) turbine pump - No. of stages
3) horsepower rating 5 hp 6) operating pressure PSI

DIVERSION POINT LEGAL LOCATION: 1960' S of the center of Sec. 4-120-74.

WELL INFORMATION: Well Drilling Firm Huron Drilling drilled 5-10-77

No. of Well #5 Depth(s) 100

- a) Casing: 1) diameter 4 inches b) Screen: 1) type pvc
2) length 60 feet 2) length 40 feet
3) type pvc c) Pump 1) make Submersible
d) Static Water Level feet 2) model
e) Motor: 3) size inches
1) make Submersible 4) capacity 200 GPM
2) model No. 5) turbine pump - No. of stages
3) horsepower rating 7.5 hp 6) operating pressure PSI

DIVERSION POINT LEGAL LOCATION: 3000 gallon tank 40' S and 190' W of the center of Sec. 4-120-74.

- c) Pump 1) make Peerless
2) model 4AD18-2
e) Motor: 3) size inches
1) make World Power 4) capacity 800 GPM
2) model No. 5) turbine pump - No. of stages
3) horsepower rating 60 hp 6) operating pressure PSI

DISTRIBUTION LINES OR CANALS:

- a) type pvc b) size 6 inches c) length 2110 feet
a) type pvc b) size 8 inches c) length 1575 feet

SYSTEM TYPE:

1) Center pivot:

- 1) make Valley towable
- 2) overall length 1,280 feet
- 3) number of towers 10
- 4) distance between towers feet
- 5) end gun Y (Y/N)
- 6) high or low pressure high
- 7) capacity 800 GPM

CHEMIGATION EQUIPMENT:

- | | |
|---|--|
| b) main line check valve <u>Y</u> (Y/N) | a) does chemigate <u>Y</u> (Y/N) |
| d) low pressure drain <u>Y</u> (Y/N) | c) inspection port/air relief <u>Y</u> (Y/N) |
| f) interlock type <u>electric</u> | e) discharge is 20' from source <u>N</u> (Y/N) |
| h) injection check valve <u>Y</u> (Y/N) | g) injection pump type <u>piston</u> |
| | i) injection line check valve or positive displacement pump <u>Y</u> (Y/N) |
| j) all chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules <u>N</u> (Y/N) | |
| k) comments : <u>Needs to discharge 20' from the water source.</u> | |

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y (Y/N)
- 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)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 14, 1992

Vergil Worm
Dakota Boring Co.
RR, Box 301
Tolstoy, SD 5757475

Dear Mr. Worm:

Please find enclosed several maps and well information sheets for Clarence Frost, Gillis Hageman and Morris Simon. If you could provide any of the information listed under No. 2 Well Information, it would be greatly appreciated.

Several of these wells have submersible pumps and motors without plates attached. I could not get the information I needed to complete the inspection reports and issue the licenses. Your time and effort in this matter is greatly appreciated.

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

Sincerely,

A handwritten signature in cursive script that reads 'Lynn Beck'.

Lynn Beck
Natural Resources Engineer
Water Rights Division
(605) 773-3352

encl



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 5, 1993

Clarence Frost
Hoven, SD 57450

Dear Mr. Frost:

Well information for Permit No. 2598-3 is needed to complete the inspection report. I have enclosed a map with the wells numbered for ease in identification. The information I need is the diameter, type and length of the casing and screen in the wells. Please indicate which well by number that the data pertains to.

I have also included an example of the inspection sheet and have highlighted the information needed. There are two well log reports on file at this office, but it is hard to tell which wells they are for. Also, many of our pumps and motors are submersible and the only information I was able to obtain during the inspection was the horsepower and capacity. Please include any of the data under item #2 on the inspection sheet, if you have it.

When I have received the information from you, I will then be able to proceed with the inspection report and licensing of Permit No. 2598-3.

Your time and effort concerning the above matter is greatly appreciated, and if you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Lynn Beck'.

Lynn Beck
Natural Resources Engineer
Water Rights Division
(605) 773-3352

encl

HURON DRILLING INC. DRILLERS LOG

PAGE NO.

Clarence Front		SW-4-120-74-Potter		11/1/77		11		Bernard Schlieder	
JOB NAME		LOCATION		DATE		RIG NO.		FOREMAN	
DI. No.	DEPTH	TIME	REMARKS						
	0-10	11:35	Top soil, yellow clay						
	10-20	11:50	Yellow clay, coarse sand						
	20-30	12:10	Yellow, grayish clay and coarse sand						
	30-40	12:25	30-38 Yellow clay						
			38-40 Blue clay						
			40 Coarse sand						
	40-50	12:40	Sand and gravel, good water level, 1" coal flakes						
	50-60	12:55	Sand and gravel good coal to counter						
	60-70	1:15	Dark sand and gravel-coal trace						
			50 Ft. 15" Solid Plastic						
			10 Ft. 50 Slot Stainless Steel Screen						
	TD 70		10 Ft. 15" Plastic Perl.						

202

WELL REPORT

HURON
DRILLING CO.
Huron, S. D.

Clarence Front
OWNER

SW-4-120-74
DESCRIPTION

Nov. 16, 1977
DATE

CASE LOG

Depth	70	ft.							
Flows	gpm.	50	ft. 15" PVC Plastic pipe to	10	ft.				
Pumps	gpm	10	ft. 15" Plastic pipe to	50	ft.				
Head	ft.	10	ft. 15" Plastic pipe to	50	ft.				
10 Ft. Plastic Slotted			ft. 15" Plastic pipe to	50	ft.				
10 Ft. Stainless Steel Screen			ft. 15" Plastic pipe to	50	ft.				

Pressure

2 days

Drilling Time

REMARKS

10 Ft. 16" Stainless Steel Screen-50 Slot

Rig No. 18

Bernard Schlieder
PM Foreman

CLARENCE FRONT Well #1 1977
HURON, SOUTH DAKOTA 573
POTTER COUNTY
Tel. 605-366-2117
env. #1

HURON DRILLING INC. DRILLERS LOG

PAGE NO.

Clarence Frost
JOB NAME

SE-4-120-74-Potter/
LOCATION: County

3/10/77
DATE

Everett
Lodmel
FOREMAN

PI No.	DEPTH	TIME	REMARKS
			Test Hole #1
1	0-20		0-2 Top soil
			2-20 Yellow clay (Hard) and fine sand
2	20-40		20-30 Yellow clay (Hard)
			30-40 Blue clay
3	40-60		Rock @ 44 Ft.
			40-50 Blue clay and rock
			50-54 Sand and gravel
			54-60 Blue clay
4	60-80		60-76 Hard Blue clay, gravel streaks and coal.
			76-80 Coarse gravel, Good water loss
5	80-100		Coarse sand and gravel, good water loss with some coal and blue clay
6	100-110		100-101 Gravel
			101-110 Blue clay
			TD 110 Ft.
			Cased to 100' with 4" Plastic
			40 Ft. Slotted
			60 Ft. Blank
			2,000# Concrete Pen Rock
			Pumped 10 GPM
			Waterhead 80 Ft.

Test Hole #1

WELL REPORT

HURON
DRILLING CO.
Huron, S. D.

4750

Clarence Frost
OWNER

Potter County
SE-4-120-74
DESCRIPTION

March 14, 1977
DATE

CASING LOG

Depth	100	ft.				
Flows	gpm	100	ft.	4" Sch. 40	pipe to	100
				Plastic		
Pumps	10	gpm	ft.		pipe to	ft.
Head	80	ft.	ft.		pipe to	ft.
40 Ft. Slotted @ bottom			ft.		pipe to	ft.
Perforations			ft.		pipe to	ft.

REMARKS

2,000# Concrete Sand

Pressure

2 days

Drilling Time

Rig No. 10

Everett Lodmel

EH Foreman



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 22, 1994

2598-3

Clarence Frost
Box 55
Hoven, SD 57450

Dear Mr. Frost:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 2598-3, has been completed. Your final water right document, the Water License, can now be issued.

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

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Division
523 E. Capitol
Pierre, SD 57501-3181

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

Sincerely,

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

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

RECEIPT

414297

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ October 12, 19 94

RECEIVED OF Anna Marie Frost, Box 55, Boyer, SD 57430

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>2598-5</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 [Signature]
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2598-3

(1) Clarence Frost, of PO Box 55, Hoven, SD 57450-0055 made Application No. 2598-3, February 17, 1976 for a water permit to appropriate 3.5 cubic feet of water per second from groundwater (three wells), Potter County, South Dakota for irrigation purposes. Permit No. 2598-3, with a priority date of February 17, 1976 was approved March 18, 1976 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 18, 1981 and for the application to beneficial use of said water on or before March 18, 1985.

At the January 26-29, 1981, Water Management Board Meeting, the Board authorized an additional two diversion points, for a total of five wells on Water Permit No. 2598-3.

(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 1.78 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 - 680'S of the center of Section 4; Well #2 - 600'W and 940'S of the center of Section 4; Well #3 - 150'W and 1430'S of the center of Section 4; Well #4 - 95'W and 1470'S of the center of Section 4; Well #5 - 1960'S of the center of Section 4; storage tank - 1360'S and 190'W of the center of Section 4; all in T120N, R74W (E 1/2 SW 1/4 Section 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 212 acres all in Section 4, T120N, R74W:

NW 1/4 SW 1/4	3 acres	NW 1/4 SE 1/4	37 acres
NE 1/4 SW 1/4	35 acres	NE 1/4 SE 1/4	31 acres
SW 1/4 SW 1/4	3 acres	SW 1/4 SE 1/4	37 acres
SE 1/4 SW 1/4	35 acres	SE 1/4 SE 1/4	31 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Clarence Frost of PO Box 55, Hoven, SD 57450-0055 the holder and/or owner of Water Permit No. 2598-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater (five wells) with a priority date of February 17, 1976 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 2598-3 and subject to South Dakota State Law.



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

NOV 14 1994

date



2598-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 14 1994

2598-3

Clarence Frost
PO Box 55
Hoven, SD 57450-0055

Dear Mr. Frost:

Enclosed is your Water License No. 2598-3. This is the final water right document completing your process of obtaining a Water Right. Also enclosed, is Receipt No. 414297 in the amount of \$50.00 which you paid for the inspection and issuance of the water license.

For your information, SDCL 46-6-27 requires that if the owner of existing wells, such as the wells authorized by Water Right No. 2598-3, constructs a replacement well(s) and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

gm
enclosures

NOTE: The inspection of your water use system, which includes your chemigation equipment found the chemigation equipment did not comply with the Water Management Board chemigation rules. The rules require the equipment to include a tube, pipe, or similar conduit be used to discharge solution at least 20 feet from the water source. Prior to any future chemigation, you must install a tube or pipe to ensure that the discharge is at least 20 feet from the water source. Please notify our office when the equipment has been installed.

2598-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 26, 1995

Water Right No. 2598-3

Clarence Frost
Box 55
Hoven SD 57450

Dear Mr. Frost:

I am writing in regard to our office visit on May 26, 1995, concerning the location of your low pressure drain with respect to your irrigation well. Correspondence dated November 14, 1994, indicated that the low pressure drain needs to be located at least 20 feet from your water source.

According to information supplied to me and looking at your map, the drain is over one hundred feet from the well and complies with the chemigation rules as constructed. Therefore, you may disregard the November 14, 1994, letter. I apologize for any confusion this may have caused. Thank you for responding to the letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ron Duvall', is written over the word 'Sincerely,'.

Ron Duvall
Natural Resources Engineer
Water Rights Division



2598-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2004

NOTICE

TO: CLARENCE FROST, PO BOX 55, HOVEN, SD 57450 0055

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire has not been submitted for Permit No(s) 2598-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 3, 2004, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2598-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **February 27, 2004**, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



2598-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 8336

Your item was delivered at 10:14 am on January 15, 2004 in HOVEN, SD 57450. The item was signed for by A FROST.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

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▶ Request Proof of Delivery

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 8336

CLARENCE FROST
PO BOX 55
HOVEN SD 57450 0055

ore mailing.

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail®
☐ Package Services

PS Form 153, July 2001

(See Reverse)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 11, 2004

2598-3

Anna Marie Frost
PO Box 55
Hoven SD 57450-0055

Dear Mrs. Frost:

The 2003 irrigation questionnaire for Water Right No. 2598-3 has been received. You may disregard the January 14th notice concerning violation of the water right. The issue has been taken care of.

Enclosed, as we discussed, is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

You mentioned on the phone that your land is rented out. If you would send me the name and address of your renter, I will include their name in our records so that the annual irrigation questionnaire will be sent directly to them. You will still retain ownership of the water right; it merely allows me to send correspondence to the person doing the actual irrigation of the land.

If you have any questions, please get in touch with me.

Sincerely,

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

enclosures

RECEIVED

FEB 18 2004

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2598-3

Date: 2-16-04

I/We request that Water Right No. 2598-3

formerly owned by: Clarence Frost

be transferred to: (name & address) Anna Marie Frost, PO Box 55, Hoven SD 57450-0055

Telephone No. 605 948-2117

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

212 acres - S 1/2 Section 4, T120N, R74W

I/We understand that the validity of Water Right No. 2598-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Anna Marie Frost, the new owner, certify that the above information is true and correct.

Anna Marie Frost
(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 February 18, 20 04

RECEIVED OF Anna Marie Frost, Box 55, Hoven SD 57450

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

Fee for Application for Permit No. _____ and to put water to beneficial use	to Appropriate Water, to construct	2.50
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>2598-3</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. _____	2.50
Fee for Renewal of Well Pump Installer's License No. _____	for C.Y. _____	
(Any Other Work Provided by Law)	TOTAL	2.50

No.

001196

By

Darland Ebele
Chief Engineer

RECEIVED

FEB 18 2004

WATER RIGHTS
PROGRAM

2-16-04

Genny McMath

Here is the name & address ^{of} who
will be renting the irrigated land.

Keith Kaup

245 Marsh St

Haven, South Dakota 57450

ph 605-948-2454

If you just want to send the
questionnaire to Keith that would be O.K.

Thanks

Mary Rundell

Anna Marie Frost



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 18, 2004

2598-3

Anna Marie Frost
PO Box 55
Hoven SD 57450-0055

Dear Mrs. Frost:

I am writing to acknowledge receipt of the transfer of ownership form and filing fee for changing ownership of Water Right No. 2598-3. The water right is now listed in your name.

Thank you for the note concerning the renter of your land. I have included his name in our files and will mail the annual irrigation questionnaires directly to him.

Enclosed is your Receipt No. 001196 in the amount of \$2.50. You may keep this for your records.

If you have any questions, please get in touch with me.

Sincerely,

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

enclosure

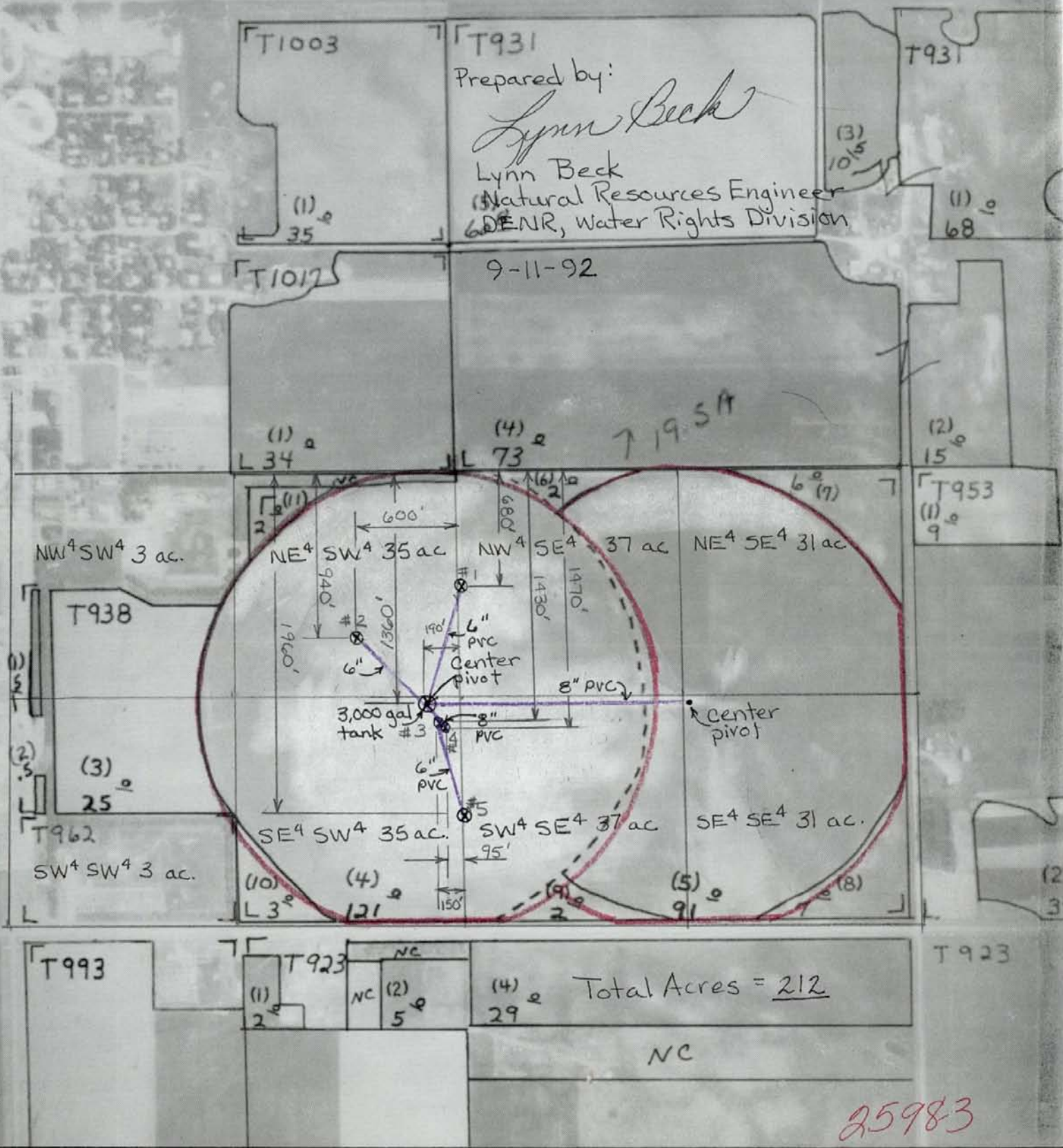
4-120-74 (L-15)

prepared by:
Lynn Beck

Lynn Beck

Lynn Beck
Natural Resources Engineer
DENR, Water Rights Division

9-11-92





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 18, 2008

NOTICE

TO: KEITH KAUP, RENTER, 245 MARSH ST, HOVEN, SD 57450

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire has not been submitted for Permit No(s) 2598-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 11, 2008**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2598-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

c: ANNA MARIE FROST, PO BOX 55, HOVEN SD 57450

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



2598-3

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 4148

KEITH KAUP, RENTER
245 MARSH ST
HOVEN SD 57450

Waiver of Signature ☐ YES ☐ NO

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NO FURTHER ACTION REQUIRED

2598-3

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Label/Receipt Number: 2303 2160 0000 0802 4155
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Your item was delivered at 9:34 AM on January 22, 2008 in HOVEN, SD 57450. The item was signed for by T FROST.

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FOIA

U.S. Postal Service Signature Confirmation® Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 4155

ANNA MARIE FROST
PO BOX 55
HOVEN SD 57450

Waiver of Signature ☐ YES ☐ NOPostmark
Here

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 2008

2598-3

Keith Kaup
245 Marsh St
Hoven SD 57450

Dear Mr. Kaup:

I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 2598-3.

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

If you have any questions, please contact me.

Sincerely,

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

c: Anna Marie Frost



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: KEITH KAUP, RENTER, 245 MARSH ST, HOVEN, SD 57450

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire has not been submitted for Permit No(s) 2598-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 9, 2011**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2598-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

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

c: ANNA MARIE FROST, PO BOX 55, HOVEN SD 57450

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

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Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 1:29 pm on January 24, 2011 in HOVEN, SD 57450. The item was signed for by M KAUP.

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Detailed Results:

- Delivered, January 24, 2011, 1:29 pm, HOVEN, SD 57450
- Notice Left, January 22, 2011, 7:42 am, HOVEN, SD 57450
- Arrival at Post Office, January 22, 2011, 7:20 am, HOVEN, SD 57450

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Signature Confirmation Number: 2303 2160 0000 0802 1048

KEITH KAUP, RENTER
245 MARSH ST
HOVEN SD 57450

Waiver of Signature ☐ YES ☐ NO

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2598-3

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Label/Receipt Number: 2303 2160 0000 0802 1055

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 7:26 am on January 26, 2011 in HOVEN, SD 57450. The item was signed for by T FROST.

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Enter Label/Receipt Number.

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Detailed Results:

- Delivered, January 26, 2011, 7:26 am, HOVEN, SD 57450
- Notice Left, January 22, 2011, 7:42 am, HOVEN, SD 57450
- Arrival at Post Office, January 22, 2011, 7:20 am, HOVEN, SD 57450

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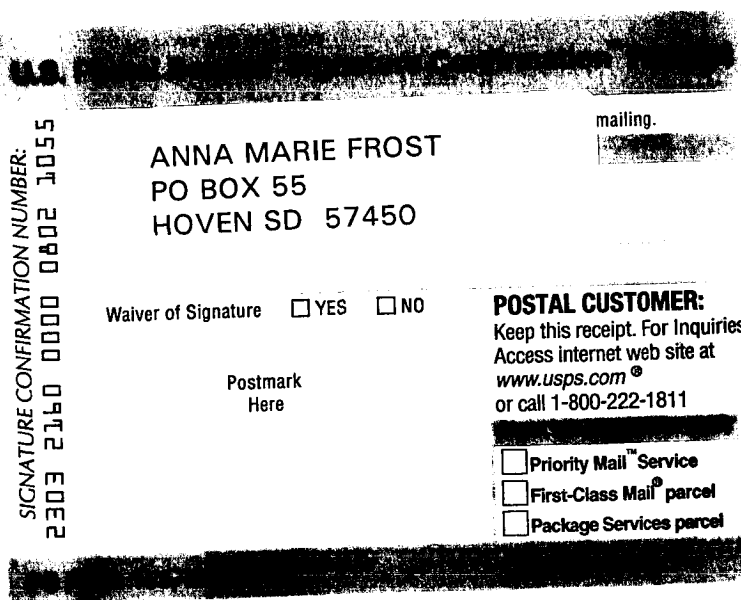
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www.state.sd.us/denr

January 26, 2011

2598-3

Jesse Frost
PO Box 271
Hoven SD 57450

Dear Mr. Frost:

Thank you for calling concerning the ownership change needed for Water Right No. 2598-3. I have included a copy of the water right, map, inspection report and the last ownership change filed with the water right.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

Each year in October we mail out irrigation questionnaires to irrigators to report how much was irrigated during that specific crop year. This information helps us manage the water resources of the state. The form that Kevin Kaup delivered to you is the form due for 2010.

Since ownership has changed and the questionnaire was mailed to the wrong person, I will remove it from the list of irrigators that are in violation of reporting requirements. You can disregard the letter scheduling the matter for hearing.

If you have any questions about the water right, completion of the transfer form or irrigation questionnaire, please call me.

Sincerely,.

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

FEB - 9 2011

WATER RIGHTS
PROGRAM

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

No. 2598-3

Date: _____

I/We request that Water Right No. 2598-3

formerly owned by: Anna Marie Frost, PO Box 55, Hoven SD 57450

be transferred to: (name & address) Jesse Frost po Box 271 Hoven SD
57450
Telephone No. 605-216-7824

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

212 acres - S 1/2 Section 4, T120N, R74W

I/We understand that the validity of Water Right No. 2598-3 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 Jesse Frost, the new owner, certify that the above information is true and correct.

Jesse Frost
(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 2/9, 20 11

RECEIVED OF Jesse Frost PO Box 271 Hoven SD 57450

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 Inspection Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2598-3</u>	50	00
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. **04931**

By

Garland Erskine
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 9, 2011

2598-3

Jesse Frost
PO Box 271
Hoven SD 57450 0271

Dear Mr. Frost:

I have received the 2010 irrigation questionnaire, the "Notice of Transfer of Ownership" form and the filing fee from you for Water Right No. 2598-3.

The ownership change has been completed. The water right formerly held by Anna Marie Frost is now listed in your name.

Thank you for sending in the materials so quickly. You have met all the current requirements. We will contact you in October, 2011 for this season's irrigation questionnaire.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

encl



**DEPARTMENT of ENVIRONMENT
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October 19, 2011

2598-3

Jesse Frost
PO Box 332
Onida SD 57564 0332

Dear Mr. Frost:

Enclosed is a "Notice" dated October 14, 2011 concerning the 2011 irrigation questionnaire.

The notice was originally mailed to PO Box 271, Hoven SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

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**DEPARTMENT of ENVIRONMENT
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PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 11, 2012

2598-3

Tom Frost
PO Box 202
Hoven SD 57450

Dear Mr. Frost:

Thank you for taking the time to visit with me about irrigation use in 2011. Based on our conversation, I completed an irrigation questionnaire for this past season.

Enclosed as we discussed is a copy of the water right, map and inspection report showing you what is actually covered under the water right. For future reference, I have also included irrigation questionnaires from 2007-2010 to give you an idea of what type of records to keep track of over the season.

Submission of the annual irrigation questionnaire is a requirement for the water right. The questionnaires are mailed out to irrigators in South Dakota in October of each year and are typically due by December 1st.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

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Mr. Varilek MOVED, SECONDED by Mr. Jensen that application No. 2597-3 be APPROVED with the qualification that portions of the lands covered under this permit are also included in Permit No. 1904-3. Combination of diversions under the two permits shall not exceed the statutory limit of 1 cfs for each 70 acres irrigated. MOTION CARRIED.

New Rule Required After July 1, 1976

Mr. Butler indicated that as of July 1, 1976 the Water Rights Commission will have to adopt a rule to handle the diversion rate on the Missouri River. Mr. Butler also indicated that a formal hearing on the new rule will have to be held during the July, 1976 meeting.

2598-3, Clarence Frost, Hoven, South Dakota

Application is for 3.5 cfs of water from ground water (three 55 ft. deep wells) to irrigate 257 acres. Affidavit of publication received.

Mr. Jones indicated that Permit No. 1742-3 should be cancelled prior to the approval of application no. 2598-3.

Mr. Varilek MOVED, SECONDED by Mr. Kleinlein that Permit No. 1742-3 be CANCELLED for non-construction. MOTION CARRIED.

Mr. Varilek MOVED, SECONDED by Mr. Jensen that application No. 2598-3 be APPROVED with the qualification that the irrigation wells approved under this permit will be located near domestic wells and other irrigation 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 or in irrigation wells having prior water rights. MOTION CARRIED.

2599-3, Sidney W. Davis, Alpena, South Dakota

Application is for 1.95 cfs of water from ground water (115 ft. deep well) to irrigate 136 acres. First notice of publication received.

Mr. Jensen MOVED, SECONDED by Mr. Garrett that application No. 2599-3 be APPROVED with the qualification that the irrigation well approved under this permit will be located near domestic wells and other irrigation 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 or in irrigation wells having prior water rights. Approval of this permit is subject to receipt of proof of publication. MOTION CARRIED.

DATE MICROFILMED

CAMERA OPERATOR



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

No. 2598-3

July 13, 2016

Jesse Frost
PO Box 146
Hoven SD 57450

Dear Mr. Frost:

On July 5, 2016, a staff member from the Department of Environment and Natural Resources (DENR) observed overspray from the irrigation system located in the S 1/2 Section 4-T120N-R74W onto the adjacent east/west road (see attached photo). This irrigation system is covered by Water Right No. 2598-3.

It is common for center pivots to have stops which are used to shut off the end gun when the pivot nears a road. Please take steps to insure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun overspray upon land not authorized by the water right.

If you don't believe this irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,


Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosure

Overspray Report

Date of Picture: 7/05/2016

County: Potter

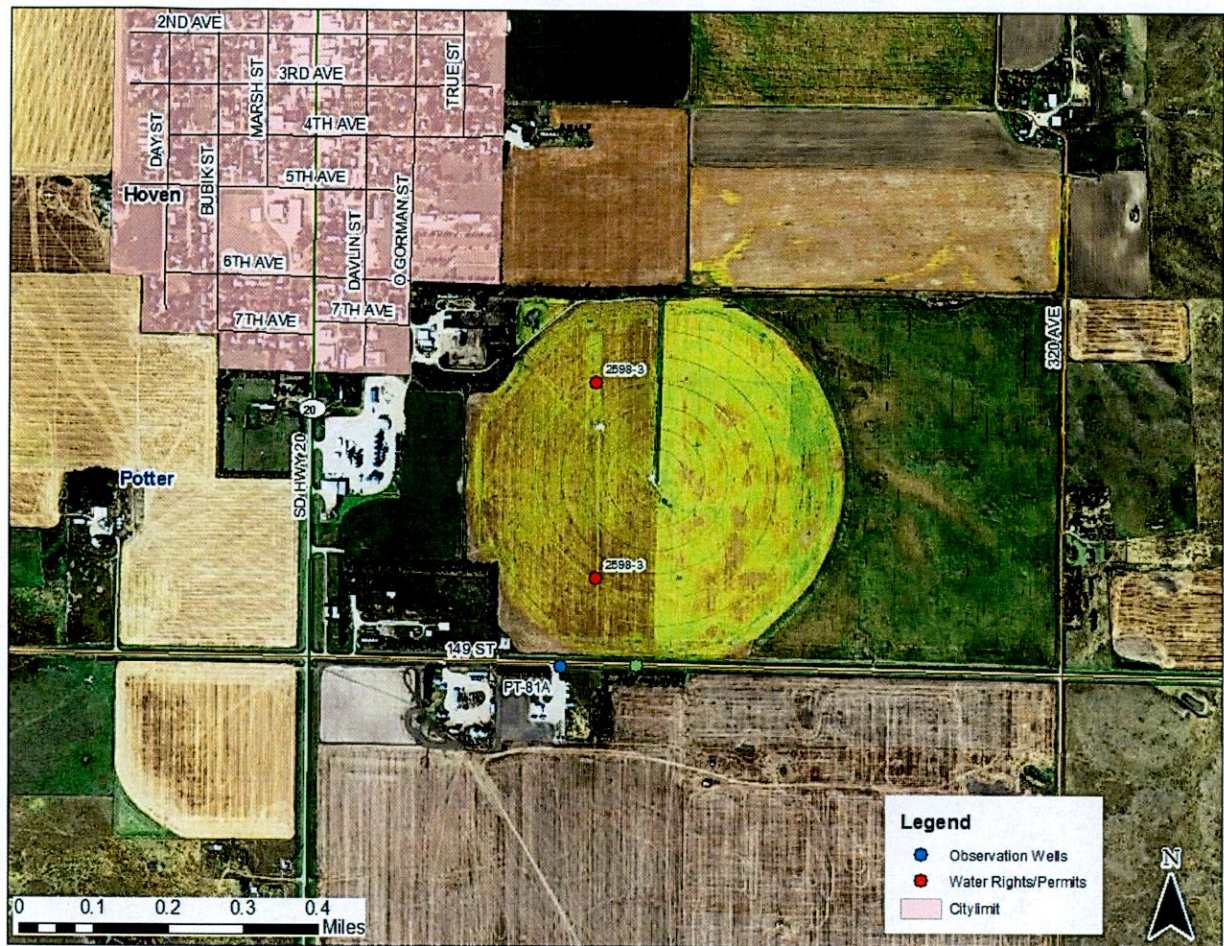
Water Right/Permit No.: 2598-3

Reported by: Pierre Water Rights Program Seasonal Well Technician



Description from summer help: 45.231,-99.768 and picture is facing east

Notes: green dot on map is about where the picture was taken, time of picture matches up within a minute or two of the reading on the nearby observation well



Schlaak, Karen

From: Gronlund, Eric
Sent: Monday, July 23, 2018 1:54 PM
To: Schlaak, Karen
Subject: RE: Overspray

FYI – appears to be WR 2598-3 held by Jesse Frost

From: Gronlund, Eric
Sent: Monday, July 23, 2018 11:51 AM
To: Schlaak, Karen
Subject: FW: Overspray

Please handle

From: Rath, Mark
Sent: Monday, July 23, 2018 11:44 AM
To: Duvall, Ron; Gronlund, Eric
Subject: Overspray

In section 4 just SE of Given across from obs well PT 81A.

Sent from my Verizon, Samsung Galaxy smartphone





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

2598-3

July 25, 2018

Jesse Frost
PO Box 146
Hoven SD 57450

Dear Mr. Frost:

On July 23, 2018, a staff member from the Department of Environment and Natural Resources (DENR) observed overspray from the irrigation system located in the S 1/2 Section 4-T120N-R74W onto the adjacent road (see attached photo). This irrigation system is covered by Water Right No. 2598-3.

It is common for center pivots to have stops which are used to shut off the end gun when the pivot nears a road. Please take steps to insure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to waste water or operate an irrigation system in violation of state water law, which includes end gun overspray upon lands, including roadways, not authorized by the water right. Application of water to a roadway or unauthorized lands is a waste and unreasonable use of water pursuant to SDCL 46-1-4.

If you don't believe this irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

A handwritten signature in black ink that reads "Eric Gronlund".

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosure

2598-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2023

NOTICE

TO: JESSE FROST, PO BOX 146, HOVEN, SD 57450

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire has not been submitted for Permit No(s) 2598-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2598-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: YLDDEW**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 1, 2023

2598-3

Jesse Frost
PO Box 146
Hoven SD 57450-0146

Dear Mr. Frost:

I am writing to acknowledge receipt of your 2022 irrigation questionnaire.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right No. 2598-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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