

2693.3

1. Considered MAY 20, 1976
2. Name of Applicant JOHN BROEK
3. Post Office Address ORANGE CITY, IA.
4. Amount of water claimed 2.4
5. Source of water supply 56' WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 170
7. Water to be diverted and used in BROOKINGS county
about 14N, 3E miles of BROOKINGS.
8. Proof of Publication Received 5-17-76
Not received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

Map No. 2055-3 Water Division No. 3 BIG SIOUX RIVER District 1
 (Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant John Brook
 Postoffice address 108 Lower Ave NW State Orange City Iowa 50091
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & Direct Labor
 3. Name of diversion work John Brook Irrigation Project #1
 4. Amount of water claimed (cubic feet per second) 2.4
 5. Source of water supply Well
 6. Location of point of diversion 920' N 146' W of NW corner
Sec 17-112-49

- County Brookings
 7. Annual period or periods during which water is to be used April through October
 8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
 9. For irrigation use, Total number of acres to be irrigated 170
 List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE 1/4 NW 1/4 Sec 17-112-49	4	NE 1/4 NW 1/4 Sec 17-112-49	22
SW 1/4 NW 1/4 " " " "	12	SW 1/4 NW 1/4 " " " "	40
SE 1/4 NW 1/4 " " " "	30	SE 1/4 NW 1/4 " " " "	40

Attach sheet if more space is needed

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

- A. Works proposed to divert water from its natural source. Well with deep well turbine
 B. Works proposed to transport water to place of use. closed can ditch
 C. Works proposed to apply water to beneficial use. Hose pull big gun & center pivot

Estimated Total Cost \$ 60,000

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

STATE OF SOUTH DAKOTA

County of Brookings

I, John Brook 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 John BrookSubscribed and sworn to before me this 4 day of April 1976

Notary Public (or other qualified officer)

P. F. #1916

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 2693-3

JOHN BROEK
(Applicant)

108 IOWA AVE. NW., ORANGE CITY,
(Post Office Address)

IOWA 51041
(State)

With the following modifications:

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

Date of first receipt of application APRIL 14, 1976

Date of return to applicant for correction (amendments or changes required) —, 19 —

Date of receipt of corrected application APRIL 27, 1976

Approved MAY 20, 1976 Recorded in Book 15 Page 139

WATER RIGHT PERMIT NO. 2693-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 2693-3 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 APRIL 14, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 20, 1978
3. The whole of said work is to be completed on or before MAY 20, 1981
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 20, 1984
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 2.4 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 MAY 20, 1984; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 8TH day of JUNE, 19 76

WATER RESOURCES COMMISSION

By:

John H. [Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19 —

Water License Issued —, 19 —

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates

(1) Drill Hole, Diameter 30", Depth 46'
(2) Casing Type Steel (wood, concrete, steel, etc), Diameter 14", Thickness 3/16"
(3) Perforated Screen.
Type Continuous Slot, Diameter 14", Length 16'
(4) Gravel Pack, Thickness 7", Length of gravel pack 20'

E. Dugout Information or Estimates

(1) Surface dimensions , Depth

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

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

Character of Water bearing materials 0' to 4' clay; 4' to 10' silty clay + sand; 10' to 56' mixed sand & gravel; over 56' is clay

Depth to top of water bearing material 10'

Depth to bottom of water bearing material 56'

Thickness of water bearing material 46'

Depth to water (ground surface to water level) 5'

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

On same owner's property 60 rds. On property owned by others 290 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.

John B. Reed
Signature of Applicant

Form 2A Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 30", Depth 56'
- (2) Casing Type Steel, Diameter 14", Thickness 3/16"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type 1 1/2" x 1/4" Slot, Diameter 14", Length 10'
- (4) Gravel Pack, Thickness 7", Length of gravel pack 20'

E. Dugout Information or Estimates

- (1) Surface dimensions , Depth

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

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

Character of Water bearing materials 0' to 4' clay; 4' to 10' silty
clay + sand; 10' to 56' mixed sand + gravel;
over 56' is clay

Depth to top of water bearing material 10'

Depth to bottom of water bearing material 56'

Thickness of water bearing material 46'

Depth to water (ground surface to water level) 5'

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

On same owner's property 60 rds. On property owned by others 290 rds.

G. Water Storage Dams.

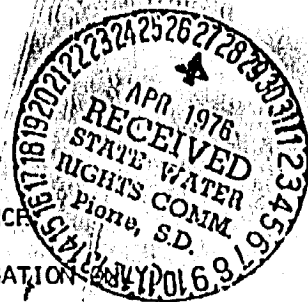
If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

John Dices
Signature of Applicant

CONSERVATION
COMMISSION
FORM W1 #1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED

(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION)



NAME John BROOK
ADDRESS 108 TOWH AVE NW ORANGE CITY Iowa 51041
COUNTY SIOUX

LEGAL DESCRIPTION

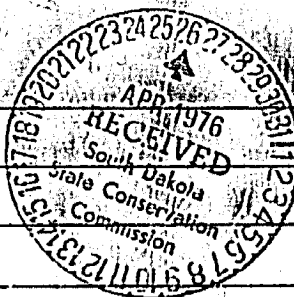
1. WELL LOCATION NW corner of NW 1/4 of sec 17 - 112 - 49
2. LOCATION OF AREA TO BE IRRIGATED NORTH 1/2 OF SECTION 17 Twp 112 R 49
See reverse side Brookings SD.

TYPE OF IRRIGATION

3. GRAVITY TOWLINE ✓ CENTER PIVOT ✓ GUN ✓
4. CROPS TO BE IRRIGATED Corn, alfalfa

WATER QUALITY

5. SAMPLE NUMBER 76-300
6. SALINITY (EC X 10⁶) 677 (medium)
7. SODIUM (SAR) 0.17 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0



I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and; the soil's information has been acquired from Brookings Conservation District, County Extension office or Soil Conservation Service.
and:
that the legal description for the location of the well and land to be irrigated is true and correct.

[Signature]
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
4 DAY OF April 1976.

[Signature]
(TITLE OR SEAL)

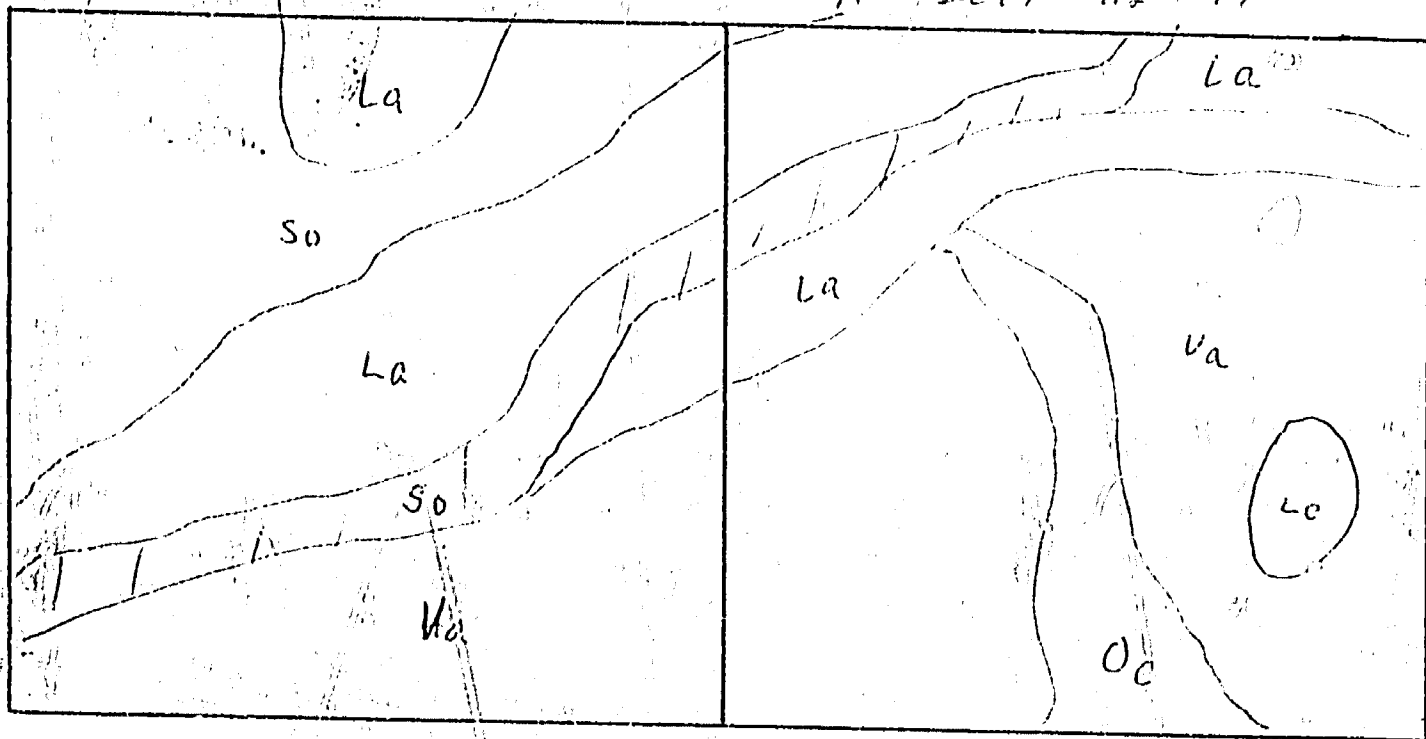
[Signature]
APPROVED/DIRECTOR

(SOILS INFORMATION ON REVERSE SIDE)

See map 115

MAP

N² See 17 - 112 - 49



NARRATIVE

- So - Solomon clay - nearly level
- La - Lamour silt clay loam - nearly level
- Le - Lismore silt clay loam - nearly level
- Oc - Oldham silt clay loam - nearly level
- Va - Vienna loam - nearly level

! Note - it is the intention to irrigate that portion south of the strip of "cross hatched" Solomon

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

Submitted by: Hans Brock Date Rec'd April 5, 1976
 Address 108 Iowa Ave. NW Sample No. 76-300
Orange City, Iowa 51041 Identification Well-76
 N₂, Sec. 17, T. 112N, R. 49W

WATER ANALYSIS

Calcium (Ca)	97	ppm*	4.85	me/l**
Magnesium (Mg)	38	ppm	3.12	me/l
Sodium (Na)	8	ppm	0.33	me/l
Potassium (K)	2	ppm	0.05	me/l
Sulfate (SO ₄)	61	ppm	1.27	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	4	ppm	0.10	me/l
Bicarbonate (HCO ₃)	332	ppm	5.44	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)	272	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	677	microhmhos per cm at 25° C.		
Sodium Adsorption Ratio	0.17			
Sodium	3.95	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.52			

*ppm=parts per million,

**me/l=millequivalents per liter

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

COMMENTS: Total cations 8.35 me/l
 Total anions 6.81 me/l

By: Shirley Vitten

Service Performed

Amount Due

Irrigation analysis

\$8.00

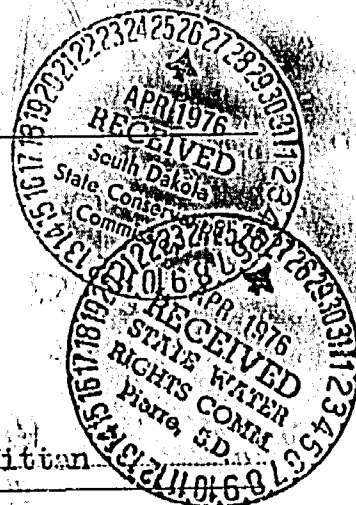
Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-300

Amount Enclosed \$

Signed



Form G - Notice of Intent to Appropriate Water

No. 2693-3

Publish first publication, on or before May 6, 1976

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 28, 1976

Notice is hereby given that John Broek

whose post office address Orange City, Iowa, ~~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

2.4 cubic feet of water per second of time from the ground water through the

Broek #1, the point of diversion of which is to be located in the

NW 1/4 NW 1/4

of Section 17, Twp. 112N, Range 49W. Said water to be used for the purpose of providing irrigation on ^{portions of} the following described land:

NE 1/4, S 1/4 NW 1/4, NE 1/4 NW 1/4, Section 17, T112N, R49W

This application No. 2693-3 will be considered by the Water Rights Commission at their office at Pierre upon the 20th day of May, 1976, at 1:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/ew
cc:

John Broek, 108 Iowa Ave., NW, Orange City, Iowa 51041

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

No. 2693-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brookings) ss.

I, Dennis D. Koenders hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Brookings Daily Register

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

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

May 6, 1976

May 13, 1976

Dennis D. Koenders
(Signature)

Advertising Manager
(Title)

5-13-76

(Date Signed)

No. 228--May 6 & 13

NOTICE
INTENT TO APPROPRIATE WATER
Pierre, South Dakota 57501

April 28, 1976
Notice is hereby given that John Brock
whose post office address is Orange
City, Iowa, has made an application in
accordance with the provisions of the
water laws of South Dakota for a permit
to appropriate for beneficial use 2.4
cubic feet of water per second of time
from ground water through the Brock
no. 1, the point of diversion of which is to
be located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section
17, Twp. 112N, Range 49W. Said water to
be used for the purpose of providing
irrigation on portions of the following
described land: NW $\frac{1}{4}$, S $\frac{1}{2}$, 17W $\frac{1}{4}$, NE $\frac{1}{4}$
NW $\frac{1}{4}$, Section 17, T112N, R49W

This application No. 2693-3 will be
considered by the Water Rights
Commission at their office at Pierre
upon the 20th day of May, 1976, at 1:00
P.M. All interested persons may appear
and be heard.

WATER RESOURCES COMMISSION
By: BURTON F. JONES
Water Rights Specialist



South Dakota
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3101

April 15, 1985

John Broek
701 W 1st St
Orange City IA 51041

NOTICE

Re: Violation of Water Permit No(s). 5010-3 and 1984 Irrigation Questionnaire Requirements.

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s). 5010-3. The request for the questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of permit violation and or hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 5010-3 qualification:

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

The hearing will also be to determine if Permit No(s). 2910-3, 2693-3, 4291-3, 2096-3, 2694-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

The hearing(s) will be at 10:30 a.m., May 15, 1985, in the Civil Defense Room, Basement, State Capitol Building, Pierre, South Dakota.

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

Following the hearing(s), the Water Management Board can:

1. Suspend Permit No(s). 5010-3 until either the 1984 Questionnaire is submitted or for the period or up to one year;
2. Amend Permits No(s). 2910-3, 2693-3, 4291-3, 2096-3, 2694-3 also held by John Broek to require the Irrigation Water Use Questionnaire to be submitted each year;

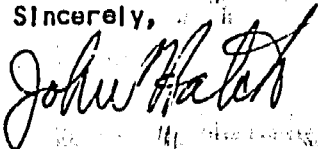
John Broak
April 15, 1985
Page 2

3. Postpone any action;

4. Take no action.

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

Sincerely,



John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

NOTE: If the questionnaire(s) are received in this office before the May 15th hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

A40408KS.wr

**South Dakota Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

June 12, 1985

Notice of Amendment to Water Permit(s)

To: John Broek
701 W 1st St
Orange City, IA 51041

FROM: John Hatch, Chief Engineer
Water Rights Division 773-3352

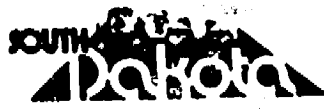
John Hatch

SUBJECT: Amendment to Water Permit No(s). 5010-3, 2693-3, 2910-3, 2694-3,
2096-3 & 4291-3.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 5010-3, 2693-3, 2910-3, 2694-3, 2096-3 & 4291-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required Irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.



Department of Water & Natural Resources

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

Attachment to Water Permit No(s). 5010-3, 2693-3, 2910-3, 2694-3, 2096-3 & 4291-3

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 5010-3, 2693-3, 2910-3, 2694-3, 2096-3 & 4291-3 to add the following qualification:

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

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: September 16, 1985

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

170 acres - NE1/4NW1/4, S1/4NW1/4 and NE1/4 Section 17, T112N, R49W

formerly owned by John Broek

has been transferred to METROPOLITAN LIFE INSURANCE COMPANY, P.O. Box 628, Carroll, IA
(please include complete mailing address) 51401
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 2693-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

ARIZONA
STATE OF ~~SOUTH DAKOTA~~)
County of Maricopa) ss.

I, JOHN BROEK being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

John Broek (Signed)

Subscribed and sworn to before me this 16th day of Sept., 1985.

Debi Behn
(Notary Public) Arizona

My Commission Expires:
My Commission Expires Oct. 1st 1989

RECEIPT

Division of Water Rights

Nº 410190-

South Dakota Department of Water and Natural Resources

Pierre, September 24, 1985
McCann, Martin & McCann P.C.

RECEIVED OF for Metropolitan Life Ins. Co., PO Box 628, Carroll IA 51401

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>for Permit No. 2692-2</u>	2.50	
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2.50

By John Hatch
Chief Engineer JOHN HATCH (ks)



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

Water Rights Division
605 773-3352

September 25, 1985

McCann, Martin & McCann, P.C.
T. F. Martin
PO Box 78
Brookings SD 57006-0078

Dear Mr. Martin:

Enclosed are receipts No. 410190 thru ~~410195~~ for \$2.50 each which you paid for transfer of Water Rights No. 2693-3, 2694-3, 2910-3, 4291-3, 5010-3 and 2096-3.

Our records now show Metropolitan Life Ins. Co. as the owners of these Water Rights.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Administrative Aide.

enclosures

Equal Opportunity Employer



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

No. 5010-3

2693-3

DEC 4 1986

Metropolitan Life Insurance Company
P.O. Box 628
Carroll, Iowa 51401

Dear Sir:

Enclosed herewith is, Water License No. 5010-3. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

Enclosures

Applicable portions of Water Permit Nos. 2693-3, 2694-3 and 2910-3 are incorporated into Water License No. 5010-3

WNR-817 3/83
Transmittal of Water License

Point of Diversion: 990' N106°E of NW corner
Section 17-112-49

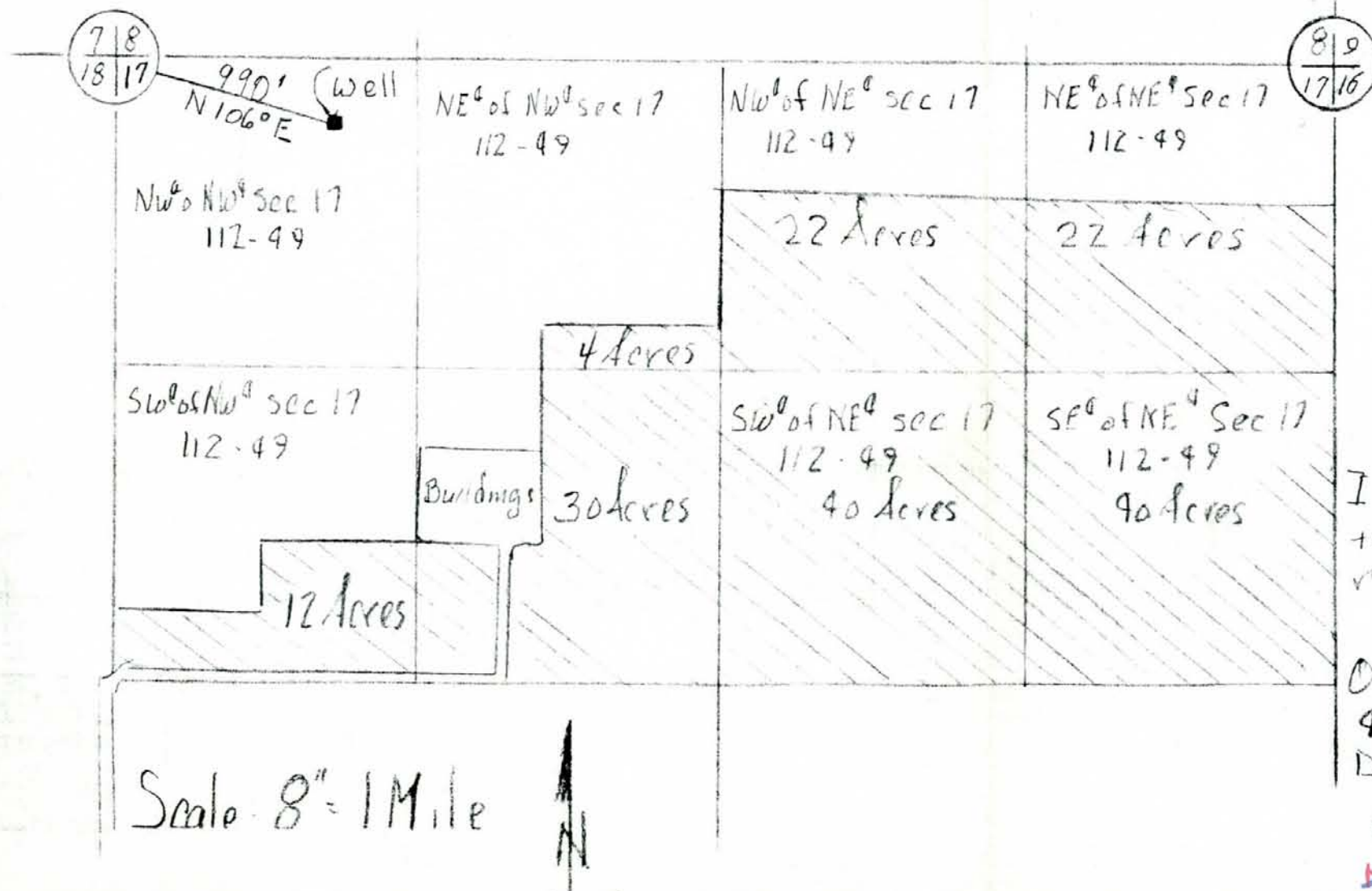
Acres Irrigated - 170
Water claimed - 2.4 cfs

JOHN BROEK

IRRIGATION PROJECT #1

Orange City 51041 Iowa

Land in
Brookings County

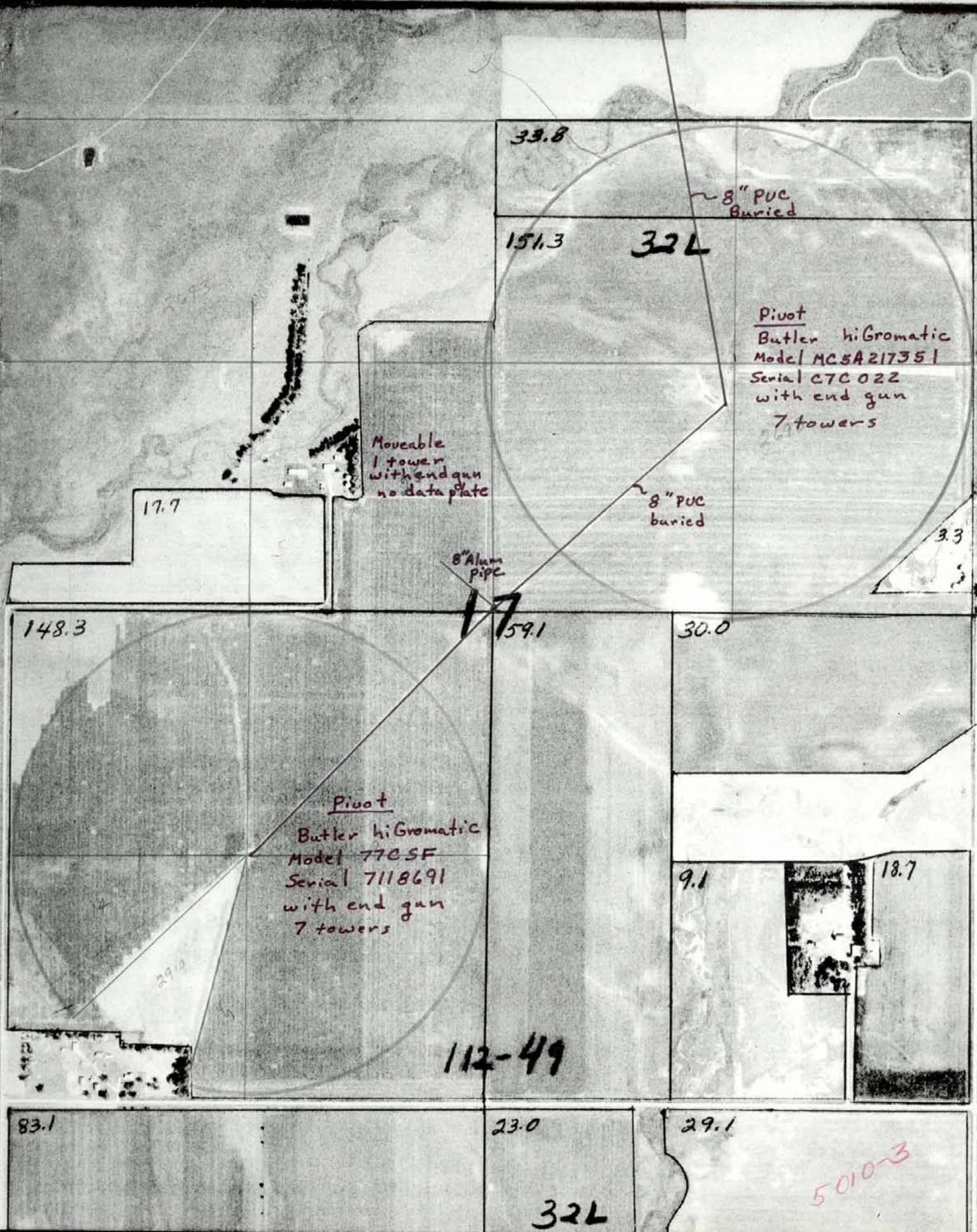


Surveyor's Certificate
I John L. Wiersma do hereby certify that
this map identifies a reasonably accurate
record of the land of.

John Broek
Orange City 51041 Iowa
4-4-76 Land in Brookings Co
Drawn by SW P.H. 1916
Brookings
S. J. 16
MAP LIE 2055-3 APPL NO 2693-3

NOT TO SCALE

2693-3



NOT TO SCALE

