

1. Considered 7-21, 1976
2. Name of Applicant EARL ALTHO
3. Post Office Address WAUBAY
4. Amount of water claimed 4.0
5. Source of water supply 36' DEEP WELL
6. Water to be used for IRRIGATION

Acres to be irrigated 582

7. Water to be diverted and used in DAY & ROBERTS county
about 4 N miles of ORTLEY

8. Proof of Publication

Received 7-16-76

Not Received _____

9. Application

Approved _____

Subject to _____

Not Approved _____

Action deferred _____

10. Remarks:

2795-3

Map No. 2151-3 Water Division No. 3 BIG SIOUX RIVER
(Block to be filled by the Engineer for the W. H. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

- Name of Applicant Earl Althoff
Postoffice address Waubesa State S. Dak.
If a corporation show date and place of incorporation _____
- Method of accomplishing work (contract, employment of others, or by direct labor) Contract & Direct Labor
- Name of diversion work Earl Althoff Irrigation Project #1
- Amount of water claimed (cubic feet per second) 4.0
- Source of water supply well
- Location of point of diversion 600' N 93° E of NW corner
Soc 13-122-53

County Day & Roberts

- Actual period or periods during which water is to be used Apr. 1 through October
- Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
- For irrigation use. Total number of acres to be irrigated 582

List below each forty-acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
	<u>See sheet</u>	<u>Nechal sheet</u>	<u>0</u>

Attach sheet if more space is needed

- Time required to complete construction of water supply system 180 years. Additional time required to complete application of water to the proposed beneficial use 1 year years.
- Choice of newspaper for Notice of Intent to Appropriate Water publication Water-Town Public Opinion
- Principal Features of the Proposed Water Supply System.

A. Work proposed to divert water from its natural source. well

B. Works proposed to transport water to place of use. closed can built

C. Works proposed to apply water to beneficial use. center pivot & row lines

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, Earl Althoff, 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 Earl Althoff

Subscribed and sworn to before me this 25 day of July 1976

John L. Williams
Notary Public or other qualified officer

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 2795-3

EARL ALTHOFF

(Applicant)

WAUBAY

(Post Office Address)

SOUTH DAKOTA 57273

(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 JUNE 29 1976

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

Date of receipt of corrected application — 19—

Approved JULY 21 1976 Recorded in Book 15 Page 262

WATER RIGHT PERMIT NO. 2795-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 2795-3 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 JUNE 29 1976

2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 21 1979

3. The whole of said work is to be completed on or before JULY 21 1981

4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 21 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 4.0 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 JULY 21 1984; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 2ND day of AUGUST 1976

WATER RESOURCES COMMISSION

By:

John H. Huth
Chief Engineer, Executive Officer

Certificate of Construction Issued — 19—

Water License Issued — 19—

Earl A. H. H. H.

Land Survey

NW 1/4 of Sec 12 T22N R22E S2E 28

NE 1/4 " " " " " " " " 28

SW 1/4 " " " " " " " " 28

SE 1/4 " " " " " " " " 28

SW 1/4 of Sec 12 T22N R22E S2E 28

SE 1/4 of " " " " " " " " 28

SW 1/4 of Sec 12 T22N R22E S2E 28

SE 1/4 of " " " " " " " " 28

NW 1/4 of NW 1/4 Sec 12 T22N R22E S2E 28

NE 1/4 " " " " " " " " 28

SW 1/4 " " " " " " " " 28

NE 1/4 of NE 1/4 " " " " " " " " 28

SE 1/4 " " " " " " " " 28

NW 1/4 of NW 1/4 Sec 12 T22N R22E S2E 28

NE 1/4 " " " " " " " " 28

SW 1/4 " " " " " " " " 28

Total

562

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

D. Well Information or Estimates.

- (1) Drift Hole, Diameter 30, Depth 36'
- (2) Casing, Type Steel, Diameter 16", Thickness 3/16"
(wood, concrete, steel, etc.)
- (3) Perforated Screen,
Type Slot, Diameter 16", Length 10'
- (4) Gravel Pack, Thickness 5", 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 top soil 0' to 2' - sand and gravel 2' to 36'; run 36' in clay

Depth to top of water bearing material 6'

Depth to bottom of water bearing material 36'

Thickness of water bearing material 30'

Depth to water (ground surface to water level) 2'

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

On same owner's property 160 ft. On property owned by others 180 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.

Earl A. [Signature]
Signature of Applicant

October 6, 1975

Mr. Earl Althoff
Waubay, SD 57273

Dear Mr. Althoff:

Your water analysis has been completed and the WI-1 form and the required soil information has been received. A copy of the water analysis is enclosed for your use along with the receipt for your payment. This is your copy of the analysis to keep. Also, I am enclosing a copy of extension circular 654 with the quality of your water for irrigation purposes approximately designated by the red cross on the diagram on the outside back cover. You will see that it is quite good water and there is no chemical hazard for the soil which is a result of the water quality.

However, as I'm sure you're aware, there are soils in this area you intend to irrigate which are extremely gravelly and poorly suited to agriculture. Under certain kinds of irrigation, they would produce satisfactorily, but deep-rooted crops will not find very much in the way of nutrients at soil depth greater than about 2 feet, and irrigation will have to be quite frequent in order to support crop stands and yields which will make irrigation profitable. Therefore, I would suggest very strongly that you use crops which can hold the soil and do the best job of getting water and nutrients from the soil profile available. I would guess that alfalfa and grasses might be as profitable as anything, as corn would be difficult to support both nutritionally and as far as water is concerned, unless you were able to irrigate every 3 or 4 days during the warmest part of the year.

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

Sincerely yours,

L.O. Fine

L. O. Fine
Water Quality Lab

LOF:ckb

Enclosures

cc: State Conservation Commission

D. Pahl

Denver Parks, County Extension Agent



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

FOR COMMISSION USE ONLY

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: [Signature]

Disapproved: _____

NAME: Earl ALTHOFF

ADDRESS: Waubesa S.D. 57273

COUNTY: Dakota

LEGAL DESCRIPTION

1. WELL LOCATION: NW¹ of NW⁴ Sec 13-122-53
2. AREA TO BE IRRIGATED: NW⁴ Sec 13-122-53 & S² of S² Sec 12-122-53

TYPE OF IRRIGATION

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

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: Largely 0-2, some 3-6; a few areas > 9%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: See attached map and legend

WATER QUALITY (To Be Completed by Commission)

7. SAMPLE NO: 75-901
8. SALINITY: EC = 596 μ mhos/cm (medium)
9. SODIUM: SAR = 1.05

111 me/l Residual carbonate (not a hazard with these salts)

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.

Earl A. Hoff

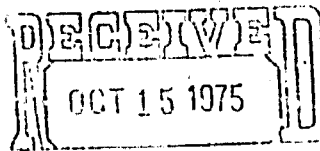
Subscribed and sworn before me this

24 day of Sept 19 75.

John L. Wiemann

P. E. # 1916

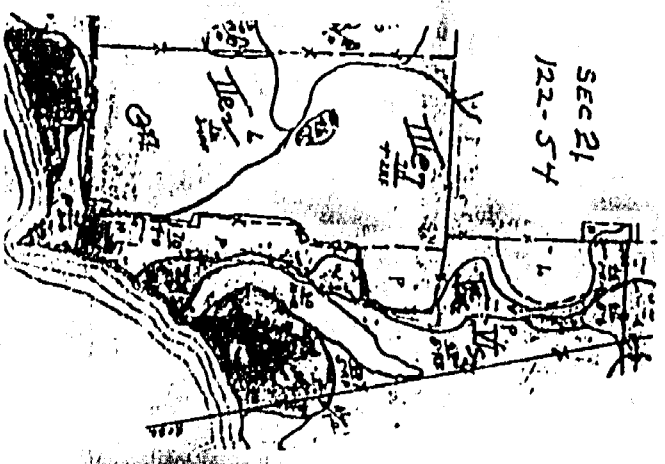
(Title)



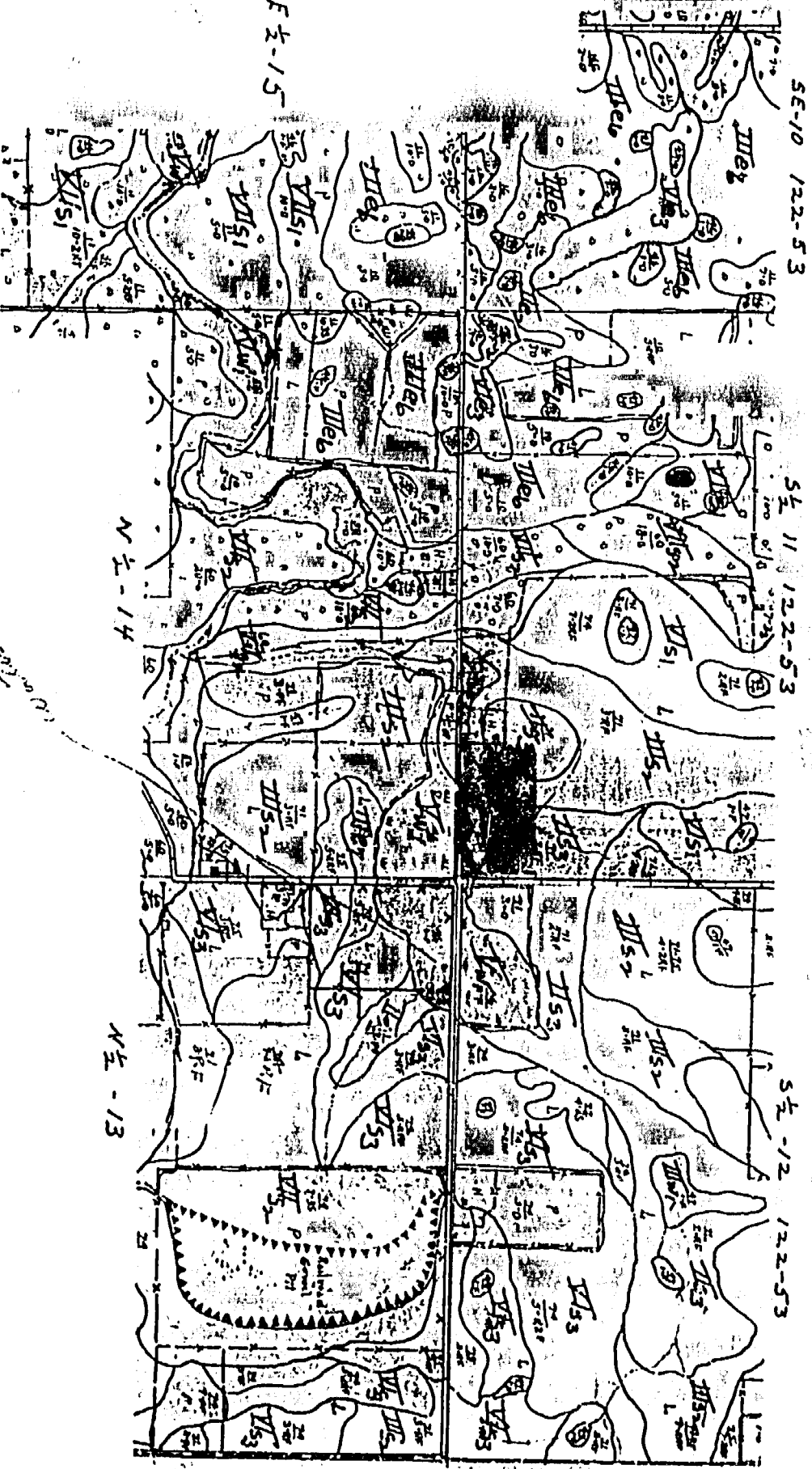
STATE WATER RIGHTS COMMISSION
SOUTH DAKOTA



Sec 21
12-54



E 1-15



N 1-14

N 1-13

SOIL AND CAPABILITY MAP
DAY County Soil Conservation District and

Owner EARL HATHOFF Operator cooperating.
County DAY State SO. DAK Photo Nos.
Date prepared 4-72 Approx. Scale 1" = 1 mile 1000 feet
PREPARED BY U.S. DEPARTMENT OF AGRICULTURE, SOIL CONSERVATION SERVICE

INTERPRETIVE GROUPING	LAND USES AND SOILS INFORMATION ON YOUR OPERATING UNIT
IIIs ₃	Moderately deep, well drained soils with 20-40 inches of loamy material over sand and gravel on nearly level upland slopes. Sandy and gravelly subsoils and substrata limit water storage capacity and rooting depths.
IIIs ₂	Moderately deep, well drained soils with 20-30 inches of loamy material over gravel and sand on gently undulating (2-6%) slopes. These soils have limited water storage capacity and moderate water erosion hazard.
IIIW ₁	Deep, black, clayey soils that are poorly drained. They occupy floors of enclosed depressions and are ponded from runoff waters from adjacent upland.
Vw ₁	Very poorly drained clayey soils on nearly level bottomlands and depressions. The water table is at or near the surface during the growing season.
VIIs ₃	Shallow, calcareous, gravelly loam soils with thin surfaces and underlain with gravel at depths less than 20 inches from the surface; on gently undulating to steep (2-25%) slopes. Not suitable for cultivation.
VIIIs ₁	These are principally loamy soils on undulating to very steep (6-40%) slopes having stones greater than 10 inches in diameter and covering 15% or more of the surface.
VIIIs ₂	Shallow, loamy soils with thin surface layers underlain with gravel subsoils and substrata on rolling to steep slopes. Includes loamy to gravelly terrace escarpments.
INTERPRETIVE GROUPING	LAND USES AND SOILS INFORMATION ON YOUR OPERATING UNIT
I ₂	Deep, loamy, well drained soils on nearly level upland slopes. They have few or no limitations in use.
IIIs ₂	Deep, loamy well drained soils on gently undulating (2-6%) slopes. They have a moderate erosion hazard.
IIIs ₁	Deep, loamy, well drained soils on undulating and sloping upland and eroded soils on gently undulating (2-6%) slopes. They have moderate to severe erosion hazards.
IIIW ₁	Deep, black, clayey soils that are poorly drained. They occupy floors of enclosed depressions and are ponded from runoff waters.
Vw ₁	Very poorly drained clayey soils on level bottomlands and depressions. The water table is at or near the surface during the growing season.
VIIs ₃	Deep, well drained, loamy soils with thin surface layers on (9-25%) slopes. Slope, thin surface layer, and susceptibility to water and wind erosion make these soils unsuitable for cultivation.
VIIs ₃	Shallow, calcareous, gravelly loam soils with thin surfaces and underlain with gravel at depths less than 20 inches from the surface. Not suitable for cultivation.
VIw ₃	Poorly drained, clayey soils of bottom lands that contain salts and dense clayey subsoils. Not suitable for cultivation.
VIIIs ₁	These are principally loamy soils on undulating to very steep slopes having stones greater than 10 inches in diameter and covering 15 percent or more of the surface.

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

Submitted by: Earl Althoff
 Address: Rt. 1
Waubay, SD 57273

Date Rec'd June 29, 1976
 Sample No. 76-707
 Identification 11
SOL, Sec. 19, T 123N, R 52E

WATER ANALYSIS

Calcium (Ca)	83	ppm*	4.15	me/l**
Magnesium (Mg)	29	ppm	2.38	me/l
Sodium (Na)	8	ppm	0.33	me/l
Potassium (K)	2	ppm	0.05	me/l
Sulfate (SO ₄)	35	ppm	0.73	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	4	ppm	0.11	me/l
Bicarbonate (HCO ₃)	351	ppm	5.76	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)	288	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	547	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.18			
Sodium	4.77	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.32			

Others:

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 6.91 me/l
 Total anions 6.60 me/l

By: Shirley Kitten

Service Performed	Amount Due
Irrigation analysis	18.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-707

Amount Enclosed \$

Signed

No. 2795-3Publish first publication, on or before
July 8, 1976

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 30, 1976Notice is hereby given that Earl Althoff

whose post office address is Waubay, 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 4.0 cubic feet of water per second of time from ~~the~~ ground water through the Althoff Irrigation Project #1, the point of diversion of which is to be located in the _____

NW $\frac{1}{4}$ NW $\frac{1}{4}$

of Section 13, Twp. 122N, Range 53W. Said water to be used for the purpose of providing irrigation on the following described land:
portions of

SE $\frac{1}{4}$, Section 11; S $\frac{1}{4}$ S $\frac{1}{4}$, Section 12; SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13,
T122N, R53W; N $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, T122N, R52W

This application No. 2795-3 will be considered by the Water Rights Commission at the Court House at Winner, S.D.

upon the 21st day of July, 1976, at 10:00 A.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFJ/bw
cc:

Earl Althoff, Waubay, S.D. 57273

WATER LICENSE NO. 2795-3

(1) WHEREAS, On the 29th day of June A. D. 1976Earl Althoffmade Water Right Application No. 2795-3 for a permit to use 4.00 cubic feet per second of the water of groundwater (one well)County of Day and Roberts *, State of South Dakota, for Irrigation

purposes; and

(2) WHEREAS, On the 21st day of July A. D. 1976Permit No. 2795-3, with a date of priority of June 29, 1976was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 21st day of July A. D. 1981 and for the application to beneficial use of said water on or before the 21st day of July A. D. 1984

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.33 cubic feet per second of water for beneficial use and,

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

to irrigate the following land all in T122N, R53W

Section 12 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 38 acres (CC)SE $\frac{1}{4}$ SW $\frac{1}{4}$ 39 acres (CD)Section 13 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 38 acres (BB)NE $\frac{1}{4}$ NW $\frac{1}{4}$ 39 acres (B'A)SW $\frac{1}{4}$ NW $\frac{1}{4}$ 39 acres (BC)

TOTAL 193 ACRES

* Land in Roberts County not developed

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

of RR#1, Box 127, Waubay, SD 57273

and owner of said permit No. 2795-3 a water right, dating from June 29, 1976

to use of 1.33 cubic feet per second of the waters

of Groundwater

in the County of Day and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at 630'E and 30'S of the NW Corner Section 13,

T122 N, R 53 W(BB)

and conducted to and upon portions of Sections 12 and 13, T122N, R53W more fully described on the face of this License

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 2795-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 2nd day of September A. D.

Nineteen Hundred and Eighty-Three

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Permit No. 2795-3 James P.
 Water Division 3 BIG SIOUX RIVER Water District

10160010

REPORT OF EXAMINATION OF WORKS
 AND/OR APPLICATION OF WATER TO BENEFICIAL USE.

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

I have this day made a thorough examination of the water use system constructed by EARL
ALTHOFF of WAUBAY holder
 of Permit No. 2795-3, bearing date of priority of JUNE 29, 1976
 authorizing the diversion of 4.0 cu. ft. per second of the waters of GROUNDWATER
 for IRRIGATION purposes, in DAY & ROBERTS County.

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

The Water Use System consists of,

- A. Works used to divert the water:
38' DEEP WELL WITH 16" FIBREGLAS CASING 20' FIBREGLAS SCREEN
WESTERN LAND ROLLER 8" PUMP-4-12CH, POWERED BY
60HP US E. ELECTRIC MOTOR @ 1760 RPM
- B. Works used to transport water to place of use,
APPROXIMATELY 2 MILES OF 8" ALUMINUM MAINLINE
1500' OF 6" ALUMINUM MAINLINE
- C. Works used to apply water to beneficial use.
3 - 1320' LONG SIDE ROW IRRIGATION SYSTEMS

The system is in the following condition: GOOD

The point of diversion is located 630' E & 30' S OF THE NW CORNER,
SECTION 13, T122N, R53W (BB)

The works are capable of diverting and conveying to the place of use 1.33 (600 GPM)
 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 T122N, R53W (NO LAND IN ROBERTS CO)

delete
 SE 1/4
 Sec 11

SECTION 11 NW 1/4 SE 1/4 40 AC.	SECTION 12 SW 1/4 SW 1/4 38 AC	SECTION 13 N 1/4 NW 1/4 38 AC
NE 1/4 SE 1/4 39 "	SE 1/4 SW 1/4 39 "	NE 1/4 NW 1/4 39 AC
SW 1/4 SE 1/4 20 "		SW 1/4 NW 1/4 39 AC
SE 1/4 SE 1/4 35 "		

comprising a total of 327 193 acres of land.

Mr. Althoff indicated to Jim Stukel, Conservation Commission, on November 22, 1982 that he was no longer irrigating the SE 1/4 of Section 11, T122N, R53W. License will be issued for the land in Sections 12 and 13 shown above, the SE 1/4 of Section 11, will be deleted from the license.

SEPTEMBER 14, 1982

Burton J. Stukel
 (Signature)

Goes in Permit 2795-3 Water analysis in file

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

not the correct one

BW
11/9/82

Submitted by: Earl Althoff

Date Rec'd: September 19, 1975

Address: Aubrey, SD 57273

Sample No. 75-901

Identification: 11-401

NW, Sec. 13, T. 122N, R. 53

WATER ANALYSIS

Calcium (Ca)	53	ppm*	2.65	me/l**
Magnesium (Mg)	22	ppm	1.80	me/l
Sodium (Na)	36	ppm	1.57	me/l
Potassium (K)	3	ppm	0.08	me/l
Sulfate (SO ₄)	66	ppm	1.37	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	4	ppm	0.10	me/l
Bicarbonate (HCO ₃)	278	ppm	4.56	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)	228	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	596	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.05			
Sodium	25.73	% of cations		
Residual sodium carbonate	1.11	me/l		
pH	7.60			

Others:

*ppm=parts per million

**me/l=milliequivalents per liter

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

COMMENTS: Total cations 6.10 me/l
Total anions 6.03 me/l

By: Shirley Matten

Service Performed

Amount Due

Irrigation, analysis

\$6.00 Paid

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 75-901

Amount Enclosed \$

Signed

Division of Water Rights
605 773-3352

November 6, 1982

Earl Althoff
RR #1, Box 127
Waubay SD 57273

Dear Mr. Althoff:

In writing up the Water License on Water Permit No. 2795-3, it has been discovered that your Permit does not have water quality approval from the State Conservation Commission to irrigate the SE $\frac{1}{4}$ of Section 11, T122N, R53W from a well in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, T122N, R53W. The S $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12 and NW $\frac{1}{4}$ of Section 13, T122N, R53W are covered.

To bring your permit into compliance with the laws, soil/water compatibility approval must be received from the State Conservation Commission. For procedures and required forms, contact the State Conservation Commission, Andreson Bldg, Pierre, SD 57501 (phone 773-3259).

Upon receipt of the soil/water compatibility approval your Water License will be forwarded to you.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:BW:ks

cc: Jim Stukel
State Conservation Comm.

Betty - (Held)



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 • Pierre, South Dakota 57501
Phone 605/773-3258

11/16/82

BV

November 15, 1982

Earl Althoff
RR 1, Box 127
Waubay, SD 57273

Dear Mr. Althoff:

We have been notified by the Division of Water Rights that you are currently irrigating the SE $\frac{1}{4}$ 11-122-53, from a well in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ 13-122-53, without soil and water compatibility approval.

In order to bring your permit into compliance with state law it will be necessary for you to: complete the enclosed WI-1 and return it to our office, along with the correct soils information.

If you have any questions please feel free to contact this office.

Sincerely,

Jim Stukel
Irrigation Program Director

cf

11/22/82 J. Stukel called Althoff. Mr. Althoff said he was not irrigating SE $\frac{1}{4}$ Sec 11. Burt Insp. Permit Sept/82 he was irrigating. Informed JS of this he returned Althoff's call and found he had left for a weeks vacation will contact him first of December/82

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

September 6, 1983

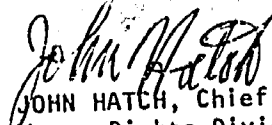
Earl Althoff
Route #1, Box 127
Waubay, South Dakota 57273

Dear Mr. Althoff:

Enclosed herewith is, Water License No. 2795-3. 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

Note: On November 22, 1982 you indicated to Jim Stukel with the Division of Conservation that you no longer irrigated the land in the SE $\frac{1}{4}$ Section 11, T122N, R53W. This land has been deleted from the License and Irrigation of this land is no longer authorized. If in the future, you decide to irrigate the SE $\frac{1}{4}$, you will have to file anew application for permit and obtain the required S101/Water compatibility before irrigating.

WNR-817 3/83
Transmittal of Water License

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 9020

PIERRE, November 8, 1982, 19

RECEIVED OF Earl Althoff, Waubay, SD 57273 Rt 1, Box 127
the following amount in fees for services rendered as provided for by law:

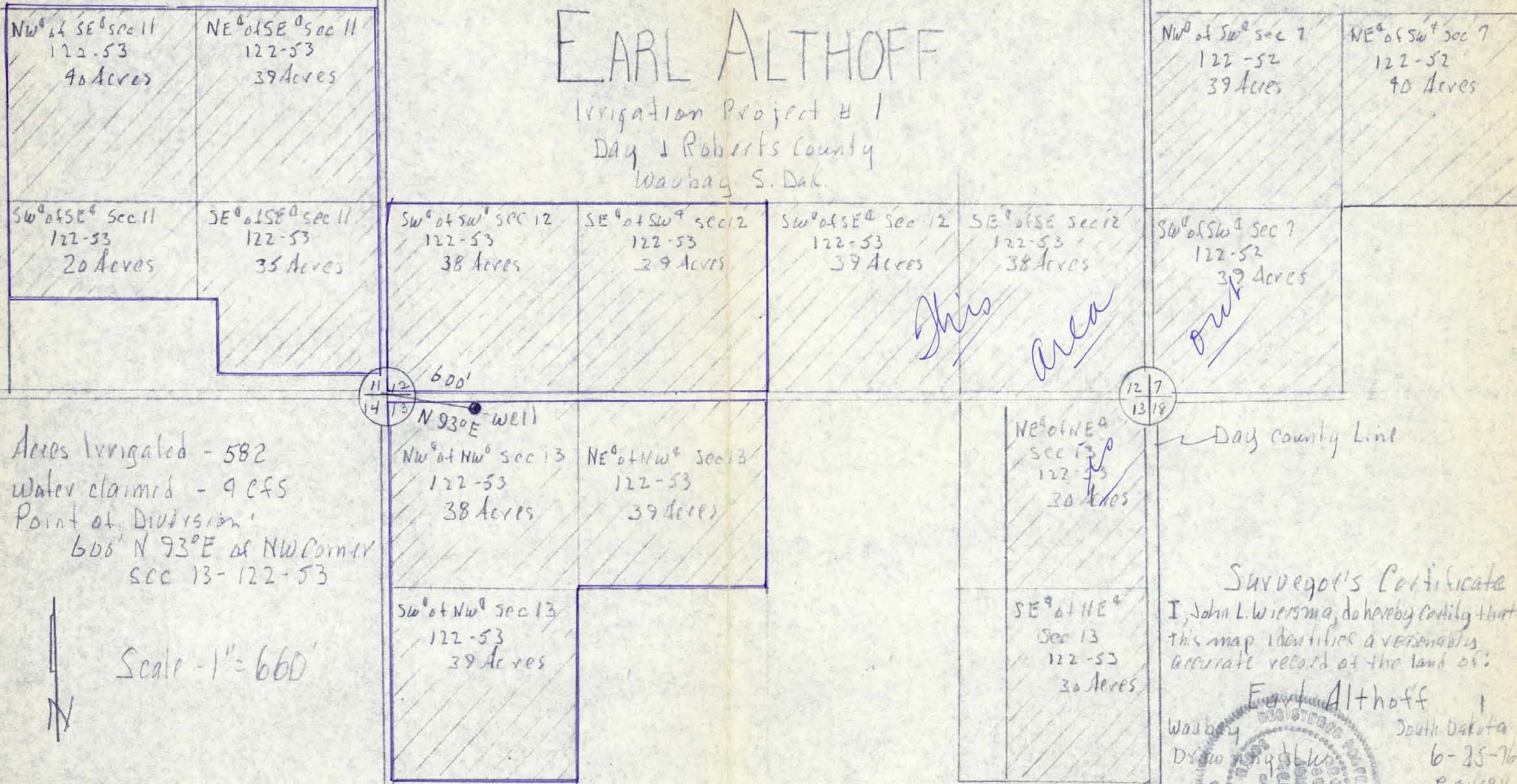
Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No. 2795-3	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 2795-3		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filling		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH/CS

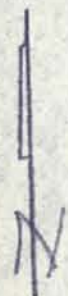
EARL ALTHOFF

Irrigation Project # 1
Day & Roberts County
Waubay S. Dak.



Acres Irrigated - 582
Water claimed - 9 cfs
Point of Division:
600' N 93° E at NW Corner
Sec 13 - 122-53

Scale - 1" = 660'



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

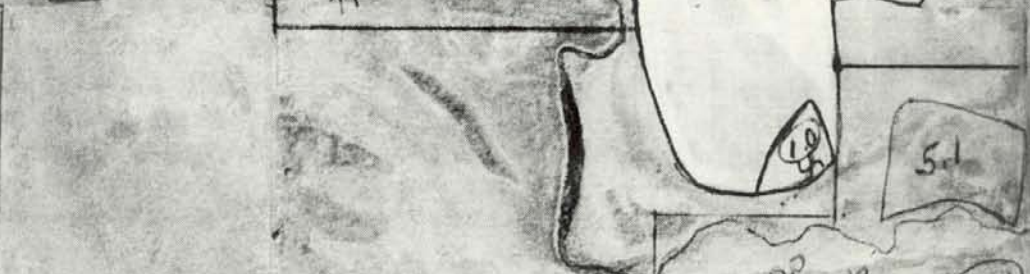
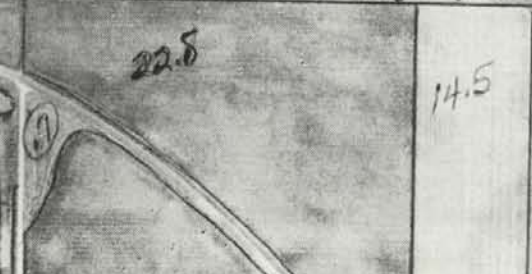
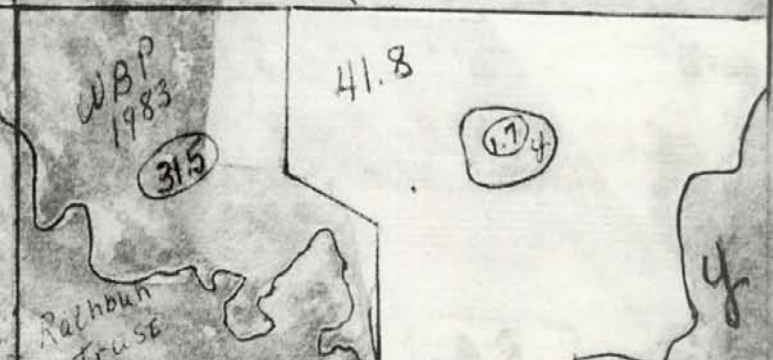
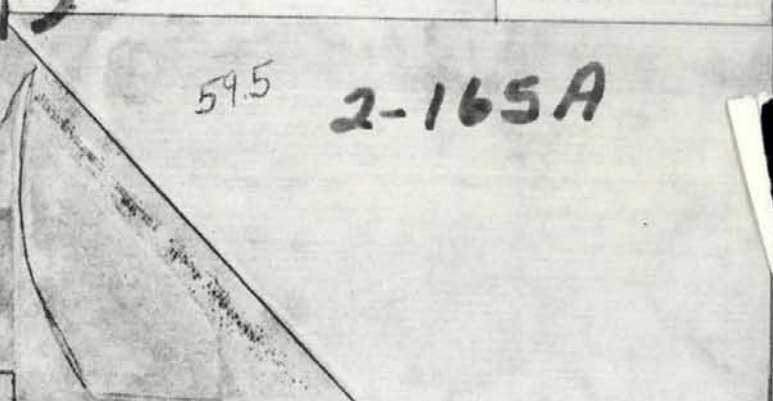
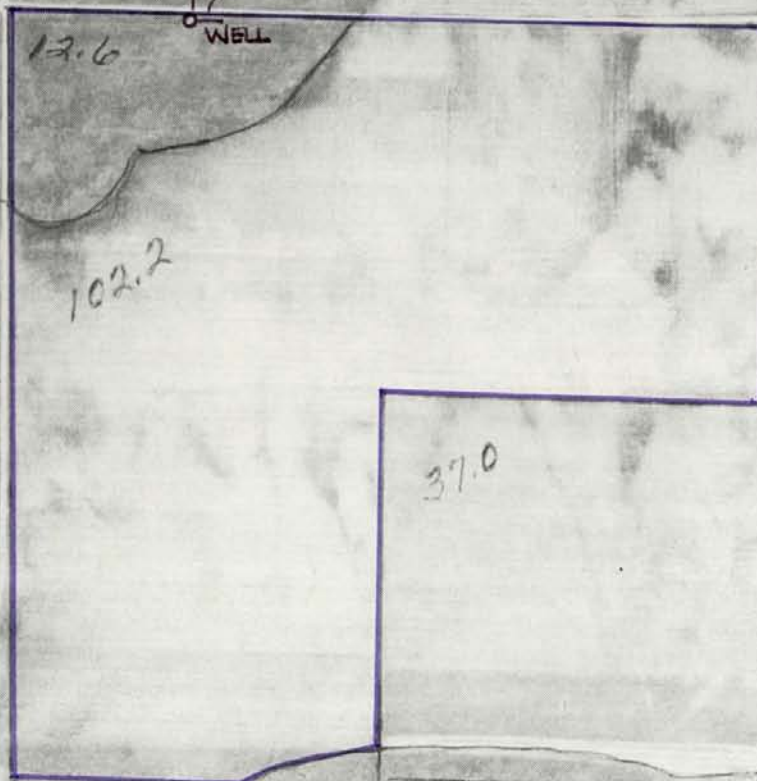
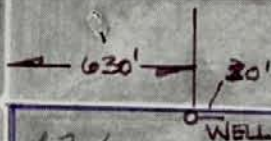
Earl Althoff
Waubay
Dakota
6-25-76
P.E. 1916
Brookings
S.D.



NOT TO SCALE

Report 2205113

Appl. # 2795





**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: EARL ALTHOFF, 44474 139A ST, WAUBAY, SD 57273 5707

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire

Our records indicate that the 2007 Irrigation Questionnaire has not been submitted for Permit No. 2795-3. 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. 2795-3 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 is 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 is an additional questionnaire 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>

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.

2795-3

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 3790
Status: **Delivered**

Your item was delivered at 10:53 AM on January 19, 2008 in WAUBAY, SD 57273. The item was signed for by E ALTHOFF.

Track & Confirm

Enter Label/Receipt Number.

[Additional Details >](#)[Return to USPS.com Home >](#)

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

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No FEAR Act EEO Data

FOIA

United States Postal Service
Customer ServiceUnited States Postal Service
Customer Service

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 3790

EARL ALTHOFF
44474 139A ST
WAUBAY SD 57273 5707

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

☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel



**DEPARTMENT of ENVIRONMENT
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 24, 2008

2795-3

Earl Althoff
44474 139A St
Waubay SD 57273-5707

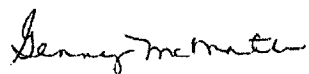
Dear Mr. Althoff:

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. 2795-3.

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



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



April 7, 2014

2795-3

Earl Althoff
44474 139A St
Waubay SD 57273 5707

Dear Mr. Althoff:

I am writing in follow-up to your 2013 irrigation questionnaire. On the form, you indicated you had put up a 5 tower center pivot in the SE ¼ Section 11, T122N, R53W. That particular piece of land does not have a water permit on it. We want to work with you to obtain permit coverage for this acreage.

Enclosed is a copy of your current Water Right No. 2795-3. This will give you an idea of what is currently authorized for irrigation. Also included is a set of application forms and the instruction sheet to file for a water permit for the acreage in Section 11.

If you have any questions and need assistance in completing the application, please contact Eric Gronlund with our program at (605) 773-3352.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

January 28, 2015

NOTICE OF CANCELLATION

TO: Earl Althoff, 44474 139th St., Waubay SD 57273

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Cancellation of Water Right No. 2795-3

Water Right No. 2795-3 authorizes irrigation of 193 acres located in portions of the W ½ of Sections 12 and 13, T122N, R53W. Through your annual irrigation questionnaires you have indicated the old system once utilized on this acreage has been removed. The acreage now irrigated is in the SE ¼ Section 11, T122N, R53W as authorized under Water Permit No. 8000-3. The Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 2795-3 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of Water Right No. 2795-3 at 10:00 a.m., March 4, 2015 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 2795-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by February 20, 2015. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

This hearing is an adversarial proceeding. Any party 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 State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by February 20, 2015.

Prior to February 20, 2015, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by February 9, 2015.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

**RECOMMENDATION OF CHIEF ENGINEER
FOR WATER RIGHT NO. 2795-3, EARL ALTHOFF**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Right No. 2795-3.

The Chief Engineer is recommending cancellation of the above water right due to abandonment and/or forfeiture. Records on file with the Program indicate the land described in the water right was last irrigated in 2001. Mr. Althoff confirmed the old system was removed from the acreage in Section 12 and 13, T122N, R53W and he now irrigates in the SE ¼ Section 11, T122N, R53W as authorized under Water Permit No. 8000-3.

RON DUVALL, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
January 28, 2015

Note:

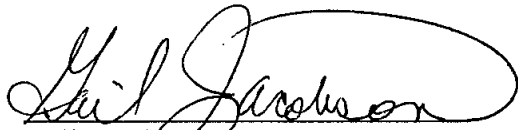
Cancellation consideration of Water Right No. 2795-3 does not pertain to your irrigation system authorized under Water Permit No. 8000-3.

CERTIFICATION

I hereby certify that on January 28, 2015, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated January 28, 2015 regarding cancellations addressed as stated below:

Water Right No. 2795-3 Earl Althoff, 44474 139th St, Waubay SD 57273.

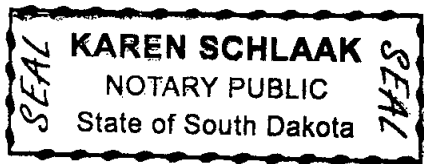
Water Right No. 6710-3 Ron Larsen, 44872 210th St, Lake Preston SD 57249


Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 28th day of January, 20 15.


Karen Schlaak
Notary Public
My Commission expires April 1, 2019





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 10, 2015

2795-3

Earl Althoff
44474 139th St
Waubay SD 57273

Dear Mr. Althoff:

On January 28, 2015, a "Notice of Cancellation" was sent to you scheduling a hearing in front of the Water Management Board for cancellation consideration of Water Right No. 2795-3 due to abandonment and/or forfeiture. On February 3, 2015, Dwight Althoff called and spoke with Eric Gronlund in our program and indicated there was no intent to abandon irrigation as authorized under Water Permit No. 2795-3. **The hearing for this matter has been removed from the agenda and will not be considered by the Board at this time.**

Water Right No. 2795-3 authorizes irrigation of 193 acres located in portions of the W ½ of Sections 12 and 13, T122N, R53W. No. 2795-3 was scheduled for cancellation based on information you supplied indicating the system had been removed from the authorized acreage and moved to the SE ¼ Section 11, T122N, R53W. Water Permit No. 8000-3 was obtained to cover the new location of the irrigation system.

Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water right. Certain years of nonuse may be waived if legal excuse exists for the nonuse. Enclosed are excerpts of the pertinent water right laws and Water Management Board Rules.

We will continue to mail you annual irrigation questionnaires for both Water Right No. 2795-3 and Water Permit No. 8000-3. If an irrigation system is not operating on the land described in Water Right No. 2795-3 when conditions warrant irrigation, the water right is subject to cancellation. We have looked at water use by neighboring irrigation permits and water use is occurring in most years.

If you have any questions, please contact us at 605 773-3352.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program