

1. Considered 7-21, 1976 2812-3
2. Name of Applicant BITTNER FARMERS, INC.
3. Post Office Address ALEXANDRIA
4. Amount of water claimed 4.57
5. Source of water supply 183' & 165' DEEP WELLS
6. Water to be used for IRRIGATION
Acres to be irrigated 440
7. Water to be diverted and used in HANSON county
about 2E, 10S miles of ALEXANDRIA
8. Proof of Publication Received 1-20-76
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

WATER RIGHT APPLICATION APPROVAL

Oak Lake Colony % Jake D Wipf
The Water Rights Commission hereby approves Water Right Application No. 2812-3

BITTNER FARMS, INC.
(Applicant)

ALEXANDRIA
(Post Office Address)

SOUTH DAKOTA 57311 With the following modifications:
(State)

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 22 19 76

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

Date of receipt of corrected application JULY 2 19 76

Approved JULY 21 19 76 Recorded in Book 15 Page 304 303

WATER RIGHT PERMIT NO. 2812-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2812-3 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 22 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 21 19 79
3. The whole of said work is to be completed on or before JULY 21 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 21 19 85
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 hereby granted shall not exceed 4.57 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 19 85; said water to be used during the following described annual period: APRIL - NOVEMBER

Witness my hand this 19TH day of AUGUST 19 76

WATER RIGHTS COMMISSION

By:

John H. Hest
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 28", Depth 183' + 165' = 348'
 (2) Casing, Type Steel Diameter 16" Thickness 3/16"
 (3) Perforated Screen, Type Steel Diameter 16" Length 20'
 (4) Gravel Pack, Thickness 7", Length of gravel pack 30'

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 Sand + gravel 18 feet
9' 2" cap soil See attached log

Depth to top of water bearing material 149 feet 154' and 148'

Depth to bottom of water bearing material 183' + 166 feet

Thickness of water bearing material 18' feet

Depth to water (ground surface to water level) 7'

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

On same owner's property 180 rds. On property owned by others 200 rds.

G. Water Storage Dams.

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

* Well # 1

0-3' cap soil
 3' to 20' sand & clay
 20' to 154' Blue sand & clay
 154'-160' coarse gravel
 160'-161' 13' 1/2" sand & clay
 161'-183' coarse gravel

Well # 2

0' to 2' cap soil
 2' to 10' yellow clay
 10' to 21' gray clay
 21' to 23' sand & gravel
 23' to 38' gray clay
 38' to 41' sand & gravel
 41' to 68' soft gray w/iron rock
 68' to 88' gray clay
 88' to 108' soft gray clay
 108' to 166' sand and gravel

Harvey Betzner
 Signature of Applicant

7-28-76

Harley Bittner
Bittner Farms, Inc. 28123

permit approved July 21-76

wants us to come down
next week - has
concerned neighbors
who may complain.
de starting pump
7-29-76

June 29, 1976

Mr. Hartley Bittner
Bittner Farms, Inc.
Alexandria, SD 57311

Dear Mr. Bittner:

About 2 weeks ago we reported to you by means of the original copy of the analysis sheet on water sample #76-576. This water is in the high salinity, low sodium category. You will see that it is plotted accordingly in the chart on the outside back cover of AES publication #13 enclosed for your use.

Accordingly, the water has a high salt content and will add about 1.6 to 1.8 tons of salt to your soil for each acre foot of water that you add. Thus, it should be used in very careful management practices or it will cause salinization of your surface soil in a matter of a very few years.

The management practices I suggest are infrequent use (not more than 4 times in an growing season) and very substantial applications when you do use it, that is, it should have an application of 3 inches or more each time.

I see no particular difficulty with the soils which you have except that Tetonka areas and other such areas in depressions should be avoided because of the water logging problem and the traffic problem you will have with the center pivot system.

A copy of this letter, and the water analysis, and other application materials are being sent to the State Conservation Commission for their action.

Sincerely yours,

L. O. Fink

L. O. Fink
Water Quality Lab

LOF:ckb
Enclosures
cc: State Conservation Commission
D. Pahl
Duane Butts, 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 GROUND WATER IRRIGATION ONLY)

NAME Bittner Farm Inc. (Harley Bittner)
ADDRESS Alexandria S.D.
COUNTY DeWitt

LEGAL DESCRIPTION

1. WELL LOCATION Sec 25 SW 1/4 of SE 1/4 101-58
2. LOCATION OF AREA TO BE IRRIGATED 160 acres SE 1/4 of Sec 25
160 acres NW 1/4 of Sec 36

TYPE = IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT X GUN _____
4. CROPS TO BE IRRIGATED Corn - Grain - Potatoes 32A

WATER QUALITY

5. SAMPLE NUMBER 76-576
6. SALINITY (EC X 10⁶) 1946 (high)
7. SODIUM (SAR) 1.22 (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 soils information has been acquired from _____ 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.

Harley Bittner
APPLICANT'S SIGNATURE

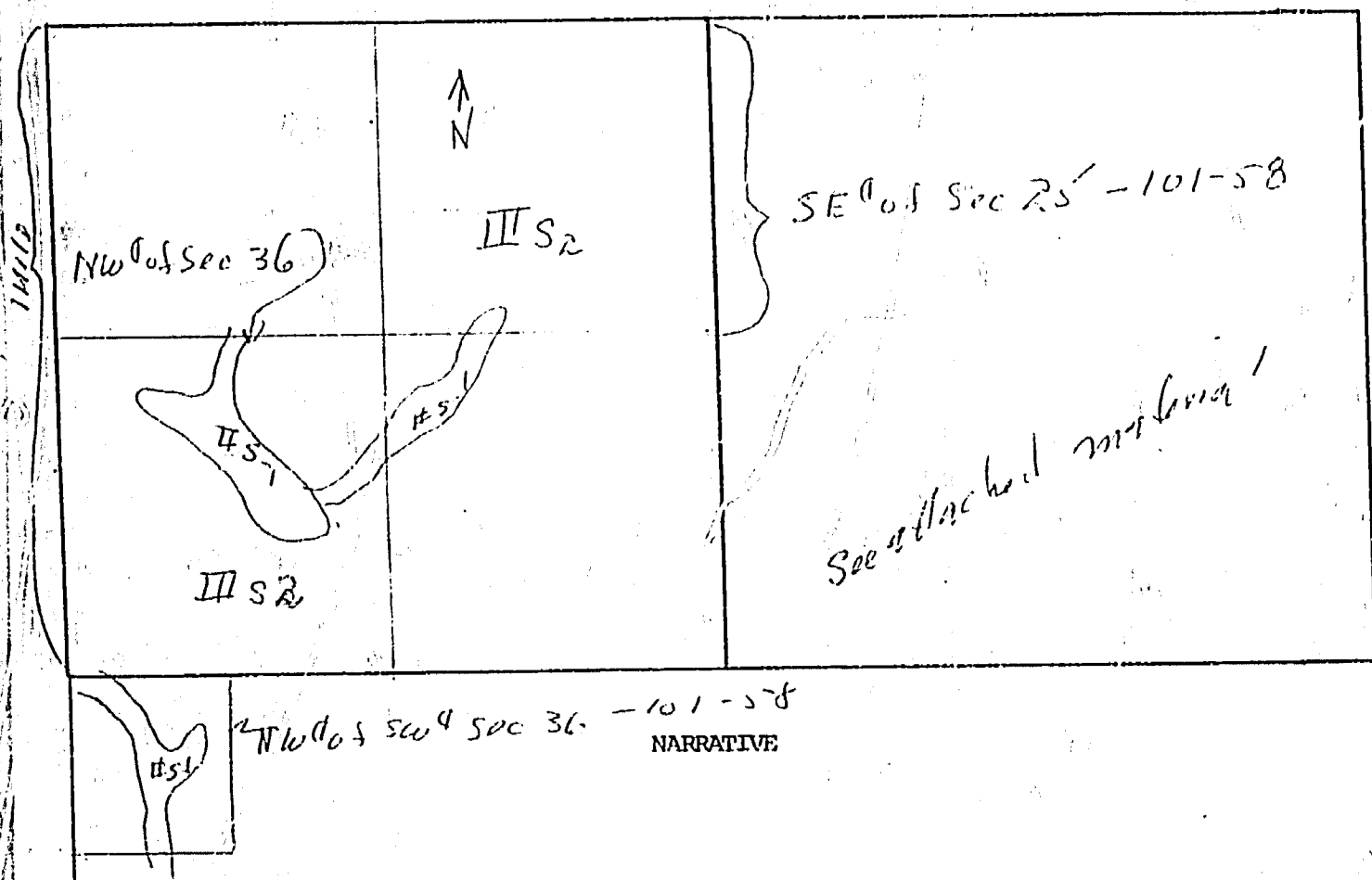
SUBSCRIBED AND SWORN BEFORE ME THIS
2 DAY OF June 19 76.

John L. Williams
(TITLE OR SEAL)

Alfred J. Haffert
APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)

MAP

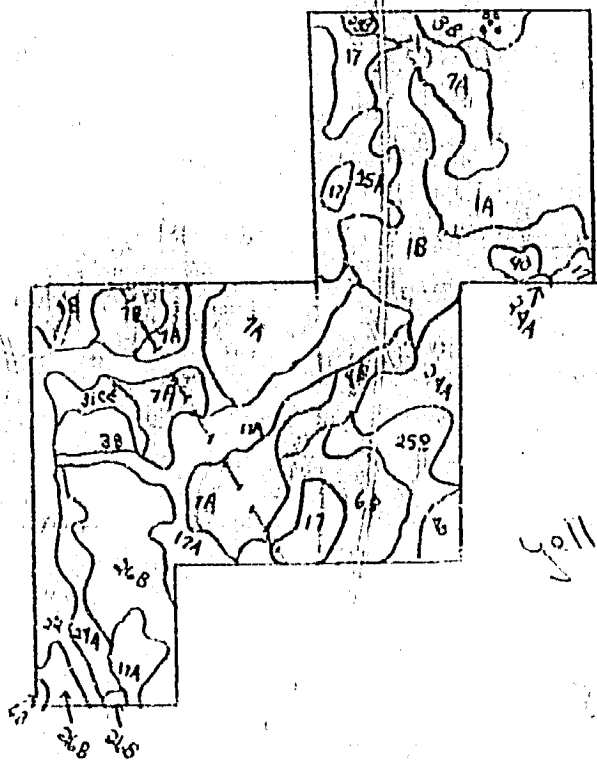


NARRATIVE

II S₁ - Deep well to moderately well drained soils with loamy to clayey surfaces. Slopes near level. clay subsoils limits rooting & water intake

III S₂ Soils with 20 to 40 inches of loamy material over sand and gravel nearly level. The porous substrate limits water storage capacity.





Yellow area is
fit to irrigate

Beulah Township
 NW¹SW⁹-36
 NW¹-36
 W²NE¹-36
 SW¹-25

Baulak Township

1A- Clarno loam	intake family 0.5
1B- Clarno loam	0.5
3B- Clarno-Davison loam	0.5
4B- Athan - Clarno loam	0.5
6B- Henkin fine sandy loam	1.5
7A- Anet loam	1.0
7B- Delmont loam	not sited.
17- Tetonka silty clay loam	
17A- Tetonka silty clay loam	
22- Chaska soils, channeled	
24A- Hand loam	
25B- Hand - Davison loam	
26B- Henkin variant fine sandy loam	
31CE- Betts and Athan loams	not sited
40- Tetonka silty clay loam	

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

Submitted by: Fittner Farm, Inc. Date Rec'd June 2, 1976
 Address Lebanon, SD 57311 Sample No. 76-576
 Identification 221-166*
June 25, 1976, T101H, R 58W

WATER ANALYSIS

Calcium (Ca)	160	ppm*	13.00	me/l**
Magnesium (Mg)	110	ppm	9.02	me/l
Sodium (Na)	93	ppm	4.05	me/l
Potassium (K)	30	ppm	0.77	me/l
Sulfate (SO ₄)	900	ppm	18.72	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	11	ppm	0.39	me/l
Bicarbonate (HCO ₃)	239	ppm	3.92	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)	196	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1946	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.22			
Sodium	11.08	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.58			
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 26.84 me/l
 Total anions 22.93 me/l

By: Shirley Fittner

Service Performed	Amount Due
Irrigation analysis	\$8.00 PAID

Make check payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-576

Amount Enclosed \$

Signed

No. 2812-3

Publish first publication, on or before
July 12, 1976

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

July 6, 1976

Notice is hereby given that Bittner Farms, Inc.

whose post office address is Alexandria, 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 4.57 cubic feet of water per

second of time from ~~the~~ ground water through the

Bittner Farms, Inc., the point of diversion of which is to be located in the _____

SE $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 25, Twp. 101N, Range 58W. Said water to be used for the purpose of providing irrigation on the following described land: portions of

SE $\frac{1}{4}$, Sec. 25, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 36, T101N, R58W

This application No. 2812-3 will be considered by the Water Rights Commission at the Court House in 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:

Bittner Farms, Inc., Alexandria, S.D. 57311

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

No. 2P12-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Minnehaha) ss.

I, W. H. Leonard hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Sioux Falls Angus-Leader

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 Sioux Falls

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

July 12

July 19

x W. H. Leonard
(Signature)

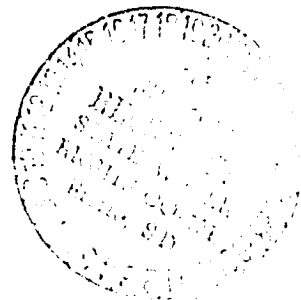
W. H. LEONARD, PUBLISHER
(Title)

July 19, 1976
(Date Signed)

NOTICE OF INTENT
TO APPROPRIATE WATER

Pierre, South Dakota 57501
July 6, 1976
Notice is hereby given that Bittner Farms, Inc. whose post office address is Alexandria, 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 4.57 cubic feet of water per second of time from ground water through the Bittner Farms, Inc. the point of diversion of which is to be located in the SE 1/4 SE 1/4 and SW 1/4 SE 1/4 of Section 25, Twp. 101N, Range 58W. Said water is to be used for the purpose of providing irrigation on portions of the following described land: SE 1/4, Sec. 25, NW 1/4, NW 1/4 SW 1/4, W 1/2 NE 1/4, Section 35, T101N, R58W.

This application No. 28123 will be considered by the Water Rights Commission at the Court House in 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
Bittner Farms, Inc.,
Alexandria S.D. 57311
July 12, 19, 1976



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: FEBRUARY 27, 1981

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

SE¹, SECTION 25; NW¹, W²NE¹ & NW¹SW¹, SECTION 36, T10N, R58W

formerly owned by BITTNER FARMS, INC., ALEXANDRIA, S.D.

has been transferred to OAK LAKE COLONY, ALEXANDRIA, S.D.

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

Water Right Permit No. 2812-3 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 Office of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
) ss.
County of Harrison

I, Jake D. Wipf 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.

* Jake D. Wipf
(Signed)

Subscribed and sworn to before me this 31 Day of April, 1981.

David D. Halder
(Notary Public)

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8113

PIERRE, April 2, 1931

RECEIVED OF Jake D Wiof, Oakland Butteian Brethern, Alexandria, SD 57211
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.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing <u>transfer of water permit No. 2812-3</u>	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law.)		
TOTAL		

WATER RIGHTS COMMISSION

By J. L. Hatch
Chief Engineer, Executive Officer
JOHN HATCH (S)



**Department of
Water & Natural Resources**

Jon Foss Building Water Rights, Water Management Division
Pierre, South Dakota 57501 (605) 773-3352

April 2, 1981

Oak Lane Colony
%Jake D Wipf
Alexandria, SD 57311

Dear Mr. Wipf:

Enclosed is receipt No. 4 8113 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 2812-3.

Our records now show you as the owner of this Water Right.

Sincerely,

GENNY YOUNG
Staff Assistant

gy

encl

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

WR#

OWNERS NAME: Oak Lake Colony

OWNERS ADDRESS: Albion, SD 57311

COUNTY LAND LOCATED IN: Johnson

PHONE: 325-4200

LEGAL DESCRIPTION: SW 1/4 36-101-55 SW 1/4 36-101-58

☒ Well

☐ Surface

1. LOCATION

Depth

Legal Description	Acres	Legal Description	Acres
SW 1/4 36-101-55	40		
SW 1/4 36-101-58	80		

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

3. CROPS TO BE IRRIGATED:

WATER QUALITY:

4. WATER SAMPLE NUMBER: 76-576

7. ADJUSTED (SAR):

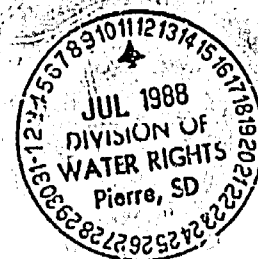
5. SALINITY (EC X 10⁶): 1946

8. PERCENT SODIUM 15.08

6. SODIUM (SAR): 1.82

Requirements:

The areas mapped as Tetonka are pot hole soil which will pond under irrigation resulting in crops drowning out, trafficability problems and salt accumulations near the surface. These areas shall be maintained in permanent vegetation or ripped to a depth greater than 24 inches if cropped.



Keith R. Hansen
Director, Division of Conservation

7/8/1988
Date

☒ APPROVED
☐ DISAPPROVED
☐ WAIVER

☒ REQUIREMENTS

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

MANAGEMENT FORM

4265

APPROVED with requirements

NAME OF APPLICANT: Oak Lane Colony

LEGAL DESCRIPTION: NW1/4 SW1/4, and W1/2 NE1/4 36-T101N-R58W

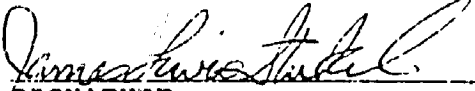
REQUIREMENTS:

The areas mapped as Tetonka are pot hole soil which will pond under irrigation resulting in crops drowning out, trafficability problems and salt accumulations near the surface. These areas shall be maintained in permanent vegetation or ripped to a depth greater than 24 inches if cropped.

MANAGEMENT RECOMMENDATIONS:

We recommend the use of a form of conservation tillage to conserve soil moisture and control erosion.

7 / 5 / 88
DATE


SIGNATURE





Department of Water & Natural Resources

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

February 9, 1990

JAKE D WIPF
OAKLANE COLONY
RR 2 BOX 54
ALEXANDRIA, SD 57311

NOTICE

RE: Violation of Requirement to Submit 1989 Irrigation Questionnaire

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 2812-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted 1989 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Jefferson-Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

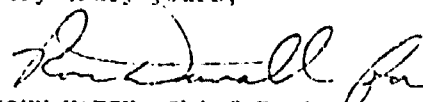
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 2812-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. 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.

If the questionnaire(s) is received in this office before the March 7th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,


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

**South Dakota Department of
Water & Natural Resources**

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

March 14, 1990

1902-3
2812-3
4717-3
4717A-3

Jake Wipf
Rockport Colony
RR #2 Box 54
Alexandria, SD 57311

Dear Mr. Wipf:

I am writing to acknowledge receipt of your 1989 irrigation questionnaires for Water Permit Nos. 1902-3, 2812-3, 4717-3, and 4717A-3. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaires. Your questionnaires were received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Duvall

RON DUVAL
Natural Resources Engineer
Water Rights Division



2812-3

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 1, 1991

JAKE D WIPF- OAKLANE COLONY
RR 2 BOX 54
ALEXANDRIA SD 57311

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 2812-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

The hearing 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. Amend Permit No(s) 2812-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. 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.

If the questionnaire(s) is received in this office before the February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

**JAKE D WIFF - OAKLANE COLONY
RR 2 BOX 54
ALEXANDRIA SD 57311**

4. Article Number
P 694 057 365

Type of Service:

☐ Registered ☐ Insured
☐ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Addressee
X *Jake D Wiff*

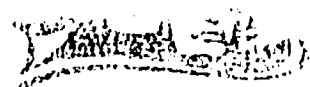
6. Signature - Agent
X

7. Date of Delivery
2-2-91

8. Addressee's Address (ONLY if requested and fee paid)

DOMESTIC RETURN RECEIPT

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 13, 1991

2812-3

Jake D Wipf
Oaklane Colony
RR #2 Box 54
Alexandria, SD 57311

Dear Mr. Wapf:

I am writing to acknowledge receipt of your 1990 irrigation questionnaire for Water Permit No. 2812-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaire, your name has been deleted from the February Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 20, 1991

2812-3

Jake D Wipf
Oak Lane Colony
RR #2 Box 54
Alexandria, SD 57311

Dear Mr. Wipf:

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. 2812-3, 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.

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,

Genny McMath
Natural Resources Analyst
(605) 773-3352

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____ April 16, 1931

RECEIVED OF Oak Lake Colony, Box 84, Alexandria, SD 57311

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. <u>2812-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	50	00

By John Hatch (CF)
Chief Engineer

VERMILLION RIVER Water District

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

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

I have this day made a thorough examination of the water use system constructed by Oak Lane Colony of J. Jake D. Wipf, RT 2, Box 54, Alexandria, SD 57311 holder of Permit No. 2812-3, bearing the priority of June 22, 1976 authorizing the diversion of 4.57 cu. ft. per second of the waters of groundwater for irrigation purposes, in Hanson County. I have to report on the conditions of the same as follows:

A. Works used to divert the water:

SE 1/4 SW 1/4 Section 25

(GM) one well - (NE 1/4 SE 1/4 Section 25, well No. 1), 183 feet deep, 159 feet of 12 inch steel casing with 24 feet of 12 inch doorscreen

Peerless pump - Deep Well Vertical Turbine, 5 stages, 800 GPM, 100 HP

US Electric motor - 100 HP, Serial #R-9981-00-688 R2100512

E 1/2 NW 1/4 and W 1/2 NE 1/4 Section 36

one well - (SW 1/4 SE 1/4 Section 25, well No. 2), 165 feet deep, 141 feet of 14 inch steel casing with 20 feet of 14 inch Johnson 304 stainless steel screen

Layne and Bowler pump - type G-E, 100 HP, 900 GPM
motor - unknown

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

750 feet of 8 inch steel pipe and 2,420 feet of 8 inch steel pipe

C. Works used to apply water to beneficial use:

SW 1/4 Section 25 - Kroy Air Drive Center Pivot, 10 towers, 100-140 psi air pressure and 60 psi water pressure

E 1/2 NW 1/4 and W 1/2 NE 1/4 Section 36 - Zimmatic Center Pivot, Type 7, Model No. 307, Serial No. L07464, 60 psi

The system is in the following condition good. The points of diversion are located 1,070 feet east and 1,010 feet south; and 700 feet east and 1,420 feet south of the center of Section 25, all in T101N R58W. The works are capable of diverting and conveying to the place of use 3.79 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 T101N R58W

<u>Section 25</u>	<u>Section 36</u>
<u>31 acres in the NW 1/4 SE 1/4</u>	<u>32 acres in the NE 1/4 NW 1/4</u>
<u>31 acres in the NE 1/4 SE 1/4</u>	<u>32 acres in the SE 1/4 NW 1/4</u>
<u>31 acres in the SE 1/4 SE 1/4</u>	<u>32 acres in the NW 1/4 NE 1/4</u>
<u>31 acres in the SW 1/4 SE 1/4</u>	<u>32 acres in the SW 1/4 NE 1/4</u>

comprising a total of 252 acres of land and the license should be issued for 3.60 cfs. Application permit qualifications have been complied with X Yes No

Exceptions to compliance are: none

Date May 19, 1988



David S. Brown
Natural Resources Engineer II
DWR, Water Rights Division

LICENSE FOR PERMIT NUMBER 2812-3 Oak Lane Colony

1. Legal location of the two wells: at a point 700 feet east and 1,420 feet south;
and 2,070 feet east and 1,010 feet south of the center of Section 25, T101N R58W

Dams and Structures none

2. Well Information: Well Drilling Firm Well No. 1 - Bonanza Valley Well Drilling,
Well No. 2 - Darryl A. Verley Well Drilling

Completion Report? Yes X No No. of Wells 2 Depth(s) 183, 165 feet
Casing a) diameter 12, 14 inches Screen a) type Doorscreen, Johnson 304
stainless steel
b) length 159, 141 feet b) length 24, 20 feet
c) type steel, steel Static Water Level 102, unknown feet
Pump a) make Peerless, Layne Bowler Motor a) make US Electric, Unknown
b) model Deep Well Vertical Turbine,
Type G-E b) model no. unknown, unknown
c) size unknown, unknown c) horsepower rating 100, 100
d) capacity 800, 900 GPM d) serial no. R-9981-00-888
R2100512, L07464
e) turbine pump - no. of stages 5, unknown
f) operating PSI 60, 60

3. Distribution lines or canals

a) size 8, 8 inches
b) type steel, steel
c) length 750, 2,420 feet

4. Dam Information: NA

a) height to crest feet m) Outlet tubes:
b) height to primary spillway feet 1) diameter inches
c) height to secondary spillway feet 2) type
d) crest width feet 3) valved (Y/N)
e) crest length feet 4) valve type
f) spillway length feet 5) location on structure
g) spillway width feet
h) approx. storage AC-FT n) Category of Dam
i) approx. storage to crest AC-FT
j) date constructed
k) inspection sheet completed? (Y/N)
l) name of contractor

5. System Type

a) sideroll:

- 1) length feet
- 2) diameter of pipe inches
- 3) make, model & number of sprinklers
- 4) spacing of sprinklers feet
- 5) nozzle size

c) gun:

- 1) make
- 2) nozzle size
- 3) capacity (GPM)
- 4) hose size inches
- 5) hose length feet

e) gated pipe:

- 1) length feet
- 2) diameter inches
- 3) spacing of gates inches

f) portable boom:

- 1) make
- 2) nozzle size
- 3) capacity (GPM)

b) towline:

- 1) length feet
- 2) make, model & number of sprinklers
- 3) spacing of sprinklers
- 4) nozzle size

d) center pivot:

- 1) make Kroy Air Drive, Zimatic
- 2) number of towers 10, 7
- 3) distance between towers 125, 170
- 4) overall length 1300, 1300 feet
- 5) end gun (Y/N) yes, yes
- 6) high or low pressure 60, 60 psi
- 7) make and size of nozzles
- 8) capacity 800, 900 (GPM)

g) siphons:

- 1) size inches
- 2) number

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project

Yes	No	Check Items
<u> </u>	<u>X</u>	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>X</u>	<u> </u>	2. Special qualifications to permit being abided by?
<u>X</u>	<u> </u>	3. All structures, wells and lands on map?
<u>X</u>	<u> </u>	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
<u>O</u>	<u>X</u>	5. Is chemigation used?
<u>NA</u>	<u> </u>	6. If yes, does equipment comply with chemigation rules?

REMARKS:

DRILL 2 X 4 in.

Well No. 1
12/26/90 D&B

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well S 1 1/4 1/4 Section 121 Township 121 Range 35
Well owner Batterson Farm Inc Alexandria So Dak
(Name) (Address)
Date well drilling completed 12/25/90 Purpose of well Irrigation
(domestic, irrigation, special, industrial, other)

WELL LOG

Legals, top to top in feet	Description of layer	Depth total of water producing casing
	Clay - Sandstone	16.5 - 18.3
	Coal	18.6
	Coal - Sandstone	18.6 - 19.5
	Shell, black coal	19.5 - 20.5
	Clay	20.5 - 21.5
	Hard sandstone, black shell	21.5 - 22.5
	Sand	22.5 - 23.5
	Soft sandy clay	23.5 - 24.5
	Black shell	24.5 - 25.5
	Blue clay	25.5 - 26.5
	Limestone	26.5 - 27.5
	Coarse gravel sand	27.5 - 28.5

Depth to static water level 18.6 ft.
Name of producing aquifer (if known) limestone, gravel, sand
Total depth of drill hole 28.5 ft.
Depth to bottom of casing 16.9 ft.

Casing information in the space below show kind, size, weight, lengths per diameter, etc. for production casing and surface casing, if used.
Steel casing - 12 in diameter
3.75 lb/ft
weight 55 lb per ft

Screen information in the space below show length of screen below bottom of casing, diameter and kind of screen or screen perforations.
Diameter 24 ft 12 in
7 1/2 in. Perforations, running
12 in TOTAL
TEST PUMING
Flowing well, flow of completed well 150 GPM

Attach sheet if more space is needed

Bonanza Valley Well Drilling
(Name of Drilling Contractor)

(2) PUMP INSTALLATION

Company name and size of pump 100 HP
Type of pump Rephill Vertical turbine Capacity of installed pump 500 G.P.M.
Depth of pump placement 16.0 ft, Date of pump installation Aug 4 '91

WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required. See Section 46.40B of Chapter 464, MINIMUM WELL CONSTRUCTION STANDARDS.

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

Plunger pump for measuring
James Inc
(Name of Pump Installation Contractor)

RECOMMENDED THAT THIS PIPE BE PUT AT 175 FEET

12/26/90 DSB
Well No. 2

LOCATION OF WELL
Location of well SE 1/4 Sec 17, T14N, R10E Section 17 Township T14N, R10E
Well owner Harley B. Huse Farm, Inc. Alexandria, S.D.
Date well drilling completed 11/21/77 Purpose of well Irrigation
(Domestic, irrigation, municipal, industrial, other)

WELL LOG

Log entry, in 5 foot intervals	Description of layer	Depth to top of water producing aquifer
0 - 5	Black Dirt	
5 - 30	Yellow Clay	Depth to static water level <u>35.5</u> ft.
30 - 34	Dark Clay M	Name of producing aquifer (if known) <u>1</u>
34 - 45	Blue Clay	Total depth of drill hole <u>161</u>
45 - 94	Dark Gravel M	Depth to bottom of casing <u>141</u> ft.
94 - 135	Blue Clay & Gravel M	
135 - 161	Dark Gravel M	Casing information in the space below: at 10 foot intervals, length of casing, diameter and kind of screen or casing perforations.
161 - 165	Gravel & Sand M	<u>14" Steel pipe</u>
		Screen information in the space below: at 10 foot intervals, length of casing, diameter and kind of screen or casing perforations.
		<u>20' of 14" Johnson rod</u> <u>Stainless Steel screen</u>
		If casing well, floor of completed well <u>200</u> ft.

Attach sheet if more space is needed

Darrel A. Vecky Well Drilling
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump Layman-Burder HP 100
Type of pump C.E. Capacity of installed pump 5 to 6,000 G.P.M.
Depth of pump placement 141 ft., Date of pump installation 5/12/77

(3) WATER SURFACE MEASURING TUBE

On some wells an oil-tight water surface measuring tube is required: See Section 46.408 of Chapter 46-4, MINNESOTA WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed 141 ft., tube diameter 1/2 inch, tube material Aluminum

Darrel A. Vecky Well Drilling
Name of Pump Installation Contractor

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2812-3

(1) Bittner Farms, Inc. of Alexandria, SD 57311 made Application No. 2812-3, June 22, 1976 for a water permit to appropriate 4.57 cubic feet of water per second from groundwater, Hanson County, South Dakota for irrigation purposes. Permit No. 2812-3 with a priority date of June 22, 1976 was approved July 21, 1976 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before July 21, 1981 and for the application to beneficial use of said water on or before July 21, 1985.

On April 2, 1981, Water Permit No. 2812-3 was transferred to Oak Lane Colony, Alexandria, SD.

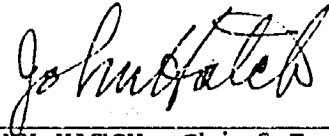
(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 3.60 cubic feet of water per second for beneficial use. The location of the diversion point(s) are: 2,070'E and 1,010'S; and 700'E and 1,420'S of the center of Section 25, T101N, R58W.

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

T101N, R58W Section 25	NW 1/4 SE 1/4	31 Acres
	NE 1/4 SE 1/4	31 Acres
	SE 1/4 SE 1/4	31 Acres
	SW 1/4 SE 1/4	31 Acres
Section 36	NE 1/4 NW 1/4	32 Acres
	SE 1/4 NW 1/4	32 Acres
	NW 1/4 NE 1/4	32 Acres
	SW 1/4 NE 1/4	32 Acres
	Total -----	252 Acres

(4) Pursuant to Section 46-5-30.1 Oak Lane Colony, & Jake D. Wipf of RR 2, Box 54, Alexandria, SD 57311 the holder(s) and/or owner(s) of Water Permit No. 2812-3 is issued a license to appropriate water, the right to use 3.60 cubic feet of water per second from groundwater (two wells) with a priority date of June 22, 1976 from the location specified in (2) of this license. The

water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 2812-3 and subject to South Dakota State L.W.

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

MAY 27 1991

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



GREAT FACES. GREAT PLACES.

MAY 27 1991

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

2812-3

Oak Lane Colony
% Jake D. Wipf
RR 2, Box 54
Alexandria, SD 57311

Dear Sirs:

Enclosed is Water License No. 2812-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412643 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 an existing well, such as the well authorized by Water Right No. 2812-3, constructs a replacement well 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 use the water. If you have any questions, please contact our office.

Very truly yours,

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

enclosures



2812-3

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

January 30, 1996

NOTICE**TO:** OAKLANE COLONY, JAKE D WIPF, RR #2 BOX 54, ALEXANDRIA, SD 57311**FROM:** Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program**SUBJECT:** Violation of Water Permit No(s) 5661-3, 2812-3 and 1995 Irrigation Questionnaire Requirements

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 5661-3, 2812-3. The request for the Questionnaires was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 2812-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5661-3 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5661-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2812-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office on/or before March 1, 1996, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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.



2812-3

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

February 22, 1996

Jake D Wipf
Oaklane Colony
RR 2 Box 54
Alexandria, SD 57311

2812-3
5661-3

Dear Mr. Wipf:

I am writing to acknowledge receipt of your 1995 irrigation questionnaires. You may disregard the January 30, 1996, Notice of Violation of Water Permit No. 5661-3 and Violation of the Requirement to Submit the 1995 Irrigation Questionnaire for Water Permit No. 2812-3.

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

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

2812-3



January 9, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: OAKLANE COLONY, JAKE D WIPF, 26730 423RD AVE, ALEXANDRIA, SD 57311 7110

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

Our records indicate that the 1997 Irrigation Questionnaires have not been submitted for Permit Nos. 5661-3, 2812-3 & 2813-3. The request for the Questionnaires was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2812-3 & 2813-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5661-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5661-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2812-3 & 2813-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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.



28/2-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 1998

2812-3
2813-3
5661-3

Jake D Wipf
Oaklane Colony
26730 423rd Ave
Alexandria, SD 57311-7110

Dear Mr. Wipf:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 2812-3, 2813-3 and 5661-3.

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: Loren Bittner

2812-3

PLEASE STICKER ON TOP OF ENVELOPE TO THE RIGHT OF RETURN ADDRESS

COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

OAKLANE COLONY
JAKE D WIFF
26730 423RD AVE
ALEXANDRIA SD 57311 7110

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery
1-23-01

C. Signature
X *John D. Wiff* ☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)
7000 0600 0026 9814 3918

PS Form 3811, July 1999 Domestic Return Receipt 102795 00-M-0952



2812-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

TO: OAKLANE COLONY, JAKE D WIPF, 26730 423RD AVE, ALEXANDRIA, SD 57311 7110

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaires

Our records indicate that the 2000 Irrigation Questionnaires have not been submitted for Permit Nos. 5661-3, 2812-3 & 2813-3. The request for the Questionnaires was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit Nos. 2812-3 & 2813-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No. 5661-3 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No. 5661-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit Nos. 2812-3 & 2813-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office on/or before March 2, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 30, 2001

2812-3
2813-3
5661-3

Jake D Wipf
Oaklane Colony
26730 423rd Ave
Alexandria, SD 57311-7110

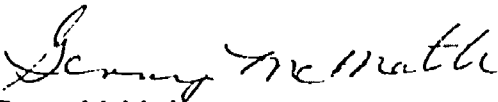
Dear Mr. Wipf:

I am writing to acknowledge receipt of your 2000 irrigation questionnaires. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Permit No. 2812-3, 2813-3 and 5661-3.

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

NOT TO SCALE



148.9
148.9

T48
T48

T51

19-L
A7

158.0

Map prepared by
David S. Brown
Natural Resources Engineer II
DWR, Water Rights Division
Pierre, SD 57501
12/26/90

3.4

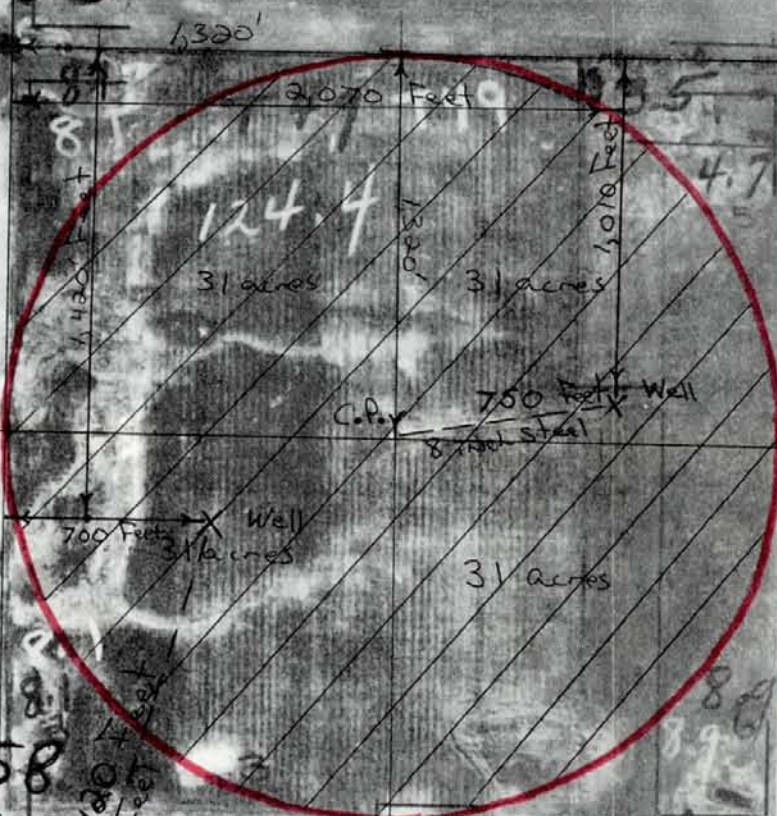
T48

153.1
153.

Water License
No. 2812-3

Oak Lake Colony

25
25



Scale
2" = 649 Feet
12/13/90 DSB

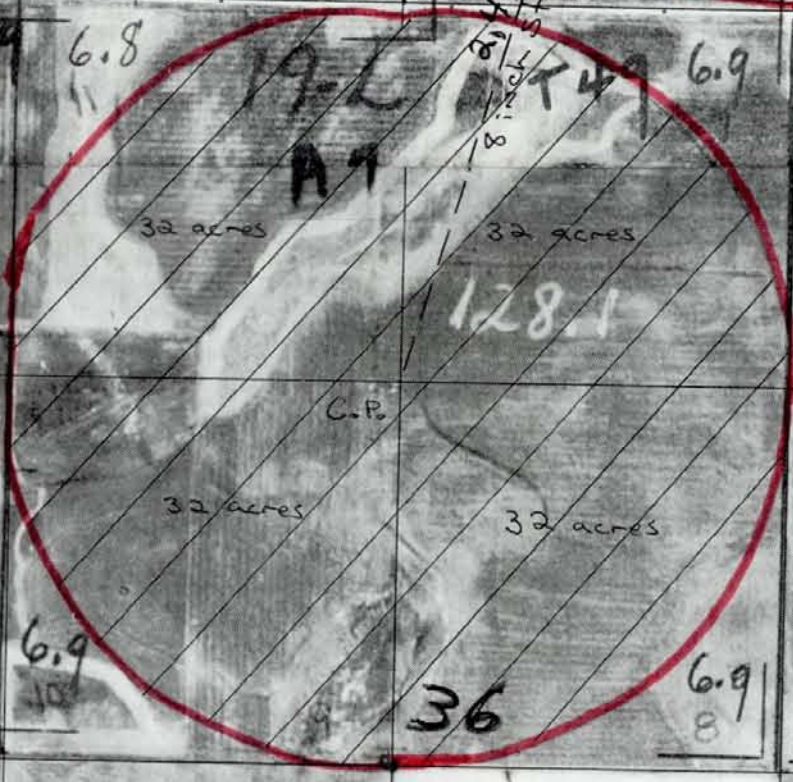
8.9 Turkey
Barns

T49 6.8

19-L
A7

T49 6.9

16.6 T50

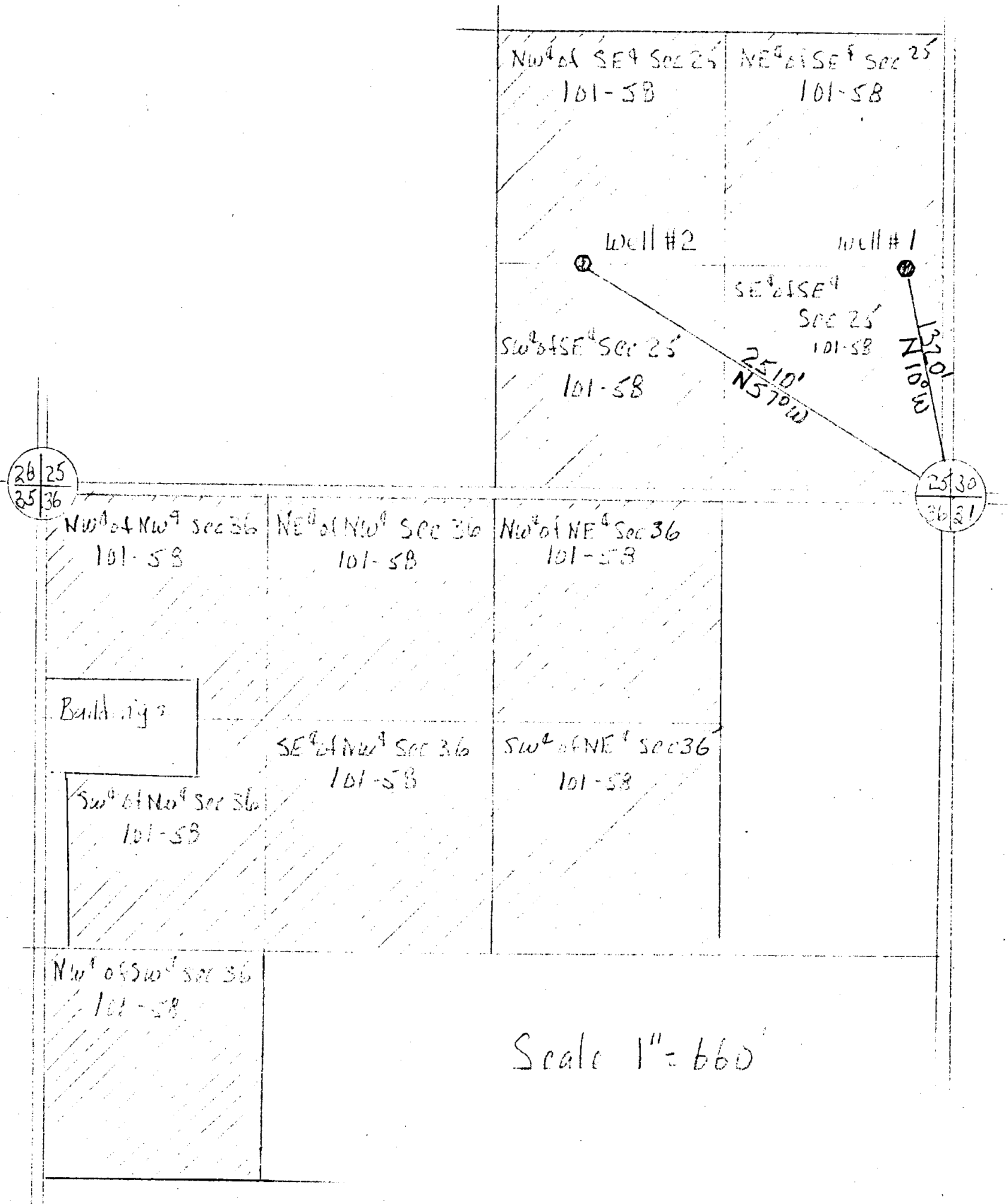


38.7
T49

Scale
2" = 649 Feet

Transferred to
Hutchinson Co.
Archie John

101-58



BITTNER FARM, INC.

Harley Bittner
Irrigation Project #1
Alexandria S. Dak
Hanson County

Acres Irrigated - 360
water claimed 4.57 cfs.
Points of Diversion:
Well #1 - 1320' N 10° W
Well #2 - 2510' N 57° W
of SE corner Sec 25 - 101-58



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

Bittner Farm Inc.
Harley Bittner
6-20-16
Wm. B. Bittner
Alexandria S. Dak
Hanson County
P. E. # 1916
John L. Wiersma
Brookings
S. Dak

MAP N-2150-3 (APP N-2812-5)



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: OAKLANE COLONY, JAKE D WIPF, 26730 423RD AVE, ALEXANDRIA, SD 57311 7110

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaires

Our records indicate that the 2007 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2812-3 & 2813-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5661-3 qualification:

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

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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5661-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2812-3 & 2813-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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: GREGG MAGERA, ATTORNEY AT LAW, PO BOX 490, ABERDEEN SD 57402-0490

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 ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 31, 2008

2812-3
2813-3
5661-3

Jake D Wipf
Oaklane Colony
26730 423rd Ave
Alexandria SD 57311

Dear Mr. Wipf:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Permit No. 5661-3 and Water Right Nos. 2812-3 and 2813-3.

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: Gregg Magera, Attorney at Law



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 2009

NOTICE

TO: OAKLANE COLONY, JAKE D WIPF, 26730 423RD AVE, ALEXANDRIA, SD 57311 7110

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaires

Our records indicate that the 2008 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2812-3 & 2813-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5661-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5661-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2812-3 & 2813-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 6, 2009**, 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/E0455V7-IQ.pdf>

c: GREGG MAGERA, ATTORNEY AT LAW, PO BOX 490, ABERDEEN SD 57402-0490

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.

2812-3

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

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 6289
Status: **Delivered**

Your item was delivered at 12:14 PM on January 24, 2009 in ALEXANDRIA, SD 57311. The item was signed for by D WIPF.

Track & Confirm

Enter Label/Receipt Number.

Notification Options

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Verify who signed for your item by email, fax, or mail. [Go >](#)

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 6289

OAKLANE COLONY
JAKE D WIPF
26730 423RD AVE
ALEXANDRIA SD 57311 7110

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

MAILING.

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

2812-3

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

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 6296

Status: **Delivered**

Your item was delivered at 1:12 PM on January 26, 2009 in ABERDEEN, SD 57401. The item was signed for by G MAGERA.

Track & Confirm

Enter Label/Receipt Number.

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 6296		GREGG MAGERA, ATTORNEY AT LAW PO BOX 490 ABERDEEN SD 57402-0490	
Waiver of Signature ☐ YES ☐ NO		POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com or call 1-800-222-1811	
Postmark Here		☐ Priority Mail TM Service ☐ First-Class Mail [®] parcel ☐ Package Services parcel	



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 27, 2009

2812-3
2813-3
5661-3

Jake D Wipf
Oaklane Colony
26730 423rd Ave
Alexandria SD 57311

Dear Mr. Wipf:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Permit or Right Nos. 2812-3, 2813-3 and 5661-3.

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,

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

c: Gregg Magera



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

July 24, 2012

2812-3
5661-3

Jake D Wipf
Oaklane Colony
26730 423rd Ave
Alexandria SD 57311 7110

Dear Mr. Wipf:

I am contacting you in regard to Water Right No. 2812-3 and Water Permit No. 5661-3. They collectively authorize diversion of ground water from two wells in Section 25 to irrigate portions of land in Section 25 and 36, all in T101N, R58W.

On last year's irrigation questionnaires, you indicated there was no pivot in Section 36. I note from the annual questionnaires that the land has not been irrigated since 2001 however some of those years you reported no irrigation was necessary due to adequate rainfall.

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 permit. This three year period may be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

As noted in the excerpts, adequate rainfall is legal excuse for not irrigating. Have you made a decision to abandon irrigation on Section 36 or will you be putting up another pivot? Prior to doing anything with Water Right No. 2812-3 and Water Permit No. 5661-3, we need something in writing from you indicating the colony's intent towards irrigation in Section 36. Please fill in the attached sheet of questions and return it to our office. I have enclosed a postage paid envelope for your convenience.

Sincerely,

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

enclosures

RECEIVED

AUG 03 2012

WATER RIGHTS
PROGRAM

WATER PERMIT NO. 5661-3 AND WATER RIGHT NO. 2812-3

Land authorized for irrigation:

Water Permit No. 5661-3:

- E ½ NE ¼ Section 36, T101N, R58W

Water Right No. 2812-3:

- SE ¼ Section 25, T101N, R58W
- E ½ NW ¼ Section 36, T101N, R58W
W ½ NE ¼ Section 36, T101N, R58W

1. The land Section 36, T101N, R58W has been abandoned and will no longer be irrigated:

Yes _____

No X _____

* If yes – Water Permit No. 5661-3 will be scheduled for cancellation. The land in Section 36 authorized under Water Right No. 2812-3 will be scheduled for cancellation and the license reissued to authorize irrigation of land in the SE ¼ Section 25, T101N, R58W.

*If no – please indicate if a new system will be installed and when you anticipate irrigation of the land in Section 36.

We are thinking about put new system on the next year. we want to keep the permit.

2. Does Oaklane Colony still own the land in Section 36, T101N, R58W?

Yes X _____

No _____

* If no, please list name and mailing address of the owner(s) of the property

Signature Jake Phelps

Water Rights Program - DENR

Conversation or File Documentation

Name of Person: Oaklane Colony (Jake Wipf)
Address: 26730 423rd Ave, Alexandria, SD 57311
County: Hanson
Date: March 14, 2014
Telephone: 825-4296, 770-8900 (cell)
RE: Permits Nos. 5661-3 and 2812-3

File No: 5661-3 and 2812-3

Comments:

On March 14, 2014, I contacted Jake Wipf from Oaklane Colony regarding their 2013 Irrigation Questionnaire. The questionnaire for Permit No. 5661-3 indicated they would not use the permit because they had built a dairy on the land covered under this permit. In our conversation, he said they had constructed a dairy and would no longer need the permit in Section 36-T101N-R58W for irrigation.

I also asked him about the 2013 Irrigation Questionnaire they sent in for Water Right No. 2812-3 in which it was indicated they wanted the land also covered by this permit in Section 36 be removed from the permit for the same reason as Permit No. 5661-3 in which they had constructed a dairy of the land and would not be doing any irrigation.

I am recommending cancellation of Permit No. 5661-3 due to non-construction and recommend the acreage in Section 36-T101N-R58W be removed from Water Right No. 2812-3.



Mike DeFea
Natural Resources Engineer II
DENR, Water Rights Program



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



March 26, 2014

NOTICE OF CANCELLATION

TO: Jake Wipf, Oaklane Colony, 26730 423rd Ave., Alexandria SD 57311

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

SUBJECT: Cancellation of Water Permit No. 5661-3 and portions of Water Right No. 2812-3

Water Right No. 2812-3 authorizes diversion of 3.61 cubic feet of water per second (cfs) from two wells to irrigate 252 acres in portions of the SE ¼ Section 25 and N ½ Section 36, T101N R58W. Water Permit No. 5661-3 authorized irrigation of an additional 42.8 acres in the N ½ Section 36, T101N, R58W with no increase in the developed diversion rate.

On March 14, 2014, Mike DeFea with our program spoke with you regarding the land in Section 36 authorized under both Water Right No. 2812-3 and Water Permit No. 5661-3. You confirmed the land in Section 36 will no longer be irrigated because the colony constructed a dairy at that site. Based on this information, the Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 5661-3 and that portion Water Right No. 2812-3 located in the N ½ Section 36, T101N, R58W due to abandonment.

The Water Management Board will consider cancellation of Water Permit No. 5661-3 and portions of Water Right No. 2812-3 at 10:00 a.m., **May 7, 2014 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*). If the Board cancels the portions of Water Right No. 2812-3 located in the N ½ Section 36, T101N, R58W, the water license will be reissued for diversion of 1.77 cfs (approximately 795 gallons per minute) for irrigation of 124 acres in the SE ¼ Section 25, T101N, R58W.

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 based upon facts presented at the public hearing. Our records show Oaklane Colony to be the owner of property covered by Water Permit No. 5661-3 and Water Right No. 2812-3. 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 April 28, 2014. 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.

March 26, 2014
Jake Wipf
Oaklane Colony
Page 2

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 April 28, 2014.

Prior to April 28, 2014, 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 April 7, 2014.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



**RECOMMENDATION OF CHIEF ENGINEER
FOR WATER PERMIT NO. 5661-3 AND PORTIONS OF WATER RIGHT NO. 2812-3
OAKLANE COLONY**

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 Permit No. 5661-3 and portions of Water Right No. 2812-3.

The Chief Engineer is recommending cancellation of the above due to abandonment. On the 2013 irrigation questionnaires, Mr. Wipf indicated they were no longer going to be irrigating land in Section 36, T101N, R58W because a dairy was built at that location. During a March 14, 2014 phone conversation with Mike DeFea, Mr. Wipf confirmed they are no longer going to irrigate the land in Section 36, T101N, R58W covered under Water Permit No. 5661-3 and portions of No. 2812-3.

RON DUVALL, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
March 26, 2014

Note:

Cancellation consideration does not pertain to the remaining portions of Water Right No. 2812-3 located in Section 25, T101N, R58W. Upon cancellation of the land in Section 36, Water Right No. 2812-3 will be reissued for 124 acres in Section 25 and allow diversion of 1.77 cfs from the wells located in SE ¼ Section 25, T101N, R58W.

CERTIFICATION

I hereby certify that on March 26, 2014, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 26, 2014 regarding cancellations addressed as stated below:

Water Permit No. 1718-2: Patty Ulmen, Finance Officer, City of Kadoka, PO Box 58, Kadoka SD 57543

Water Right No. 3896-3: Doug Johnson, Aberdeen Parks & Rec Dept, 225 3rd Ave SE, Aberdeen SD 57401

Karl Alberts, Finance Officer, City of Aberdeen, 123 S Lincoln St, Aberdeen SD

Water Right No. 3996-3: Maynard Willman, Willman Brothers, 22829 368th Ave., Wessington Springs SD 57382

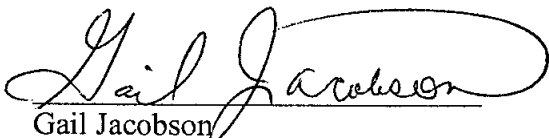
Water Right No. 5406-3: Joseph W Ellwein Inc., Dennis Ellwein, President, 25045 410th Ave, Mitchell SD 57301 6310

Water Permit No. 6884-3: Thomas Dreesen, 31250 457th Ave, Meckling SD 57069

Water Permit No. 6885-3: Victor Maag, PO Box 63, Florence SD 57235 0063

Water Permit No. 6896-3: Gary J & Amy Freeburg, PO Box 188, Gayville SD 57031

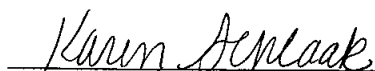
Water Permit No. 5661-3 and Portions of Water Right No. 2812-3: Jake Wipf, Oaklane Colony, 26730 423rd Ave., Alexandria SD 57311



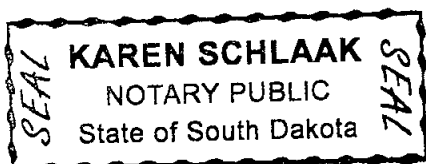
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 26th day of March, 2014.



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



May 8, 2014

2812-3

5661-3

NOTICE

Jake Wipf
Oaklane Colony
26730 423rd Ave
Alexandria SD 57311

Dear Mr. Wipf:

This will notify you that the Water Management Board cancelled Water Permit No. 5661-3 and portions of Water Right No. 2812-3 on May 7, 2014. The action to cancel was taken under the conditions outlined in our notice to you dated March 26, 2014.

Water Right No. 2812-3 authorized irrigation of land in the SE ¼ Section 25 and N ½ Section 36, T101N, R58W. Only the land in Section 36 was cancelled and will be removed from the water right. Water Right No. 2812-3 will be reissued to allow for continued irrigation of the land in the SE ¼ Section 25, T101N, R58W. The reissued water license will be sent to you under separate cover within the next couple weeks.

If you have any questions concerning the Board action, please contact Genny McMath, with our program, at (605) 773-3352.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on May 8, 2014, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated May 8, 2014 regarding cancellations addressed as stated below:

Water Right No. 1428-1 and Water Permit No. 1834-1

Martin Bonato, 19137 BBCR Rd, Belle Fourche SD 57717

Water Permit No. 1853-1

Ryan Kaski, JKRC Properties LLC, 1935 Samco Rd, Rapid City SD 57702

Water Right No. 951-2

Phyllis Fravel, 18485 Minneconjou Rd., Ft Pierre SD 57532

Water Permit No. 1718-2

Patty Ulmen, Finance Officer, City of Kadoka, PO Box 58, Kadoka SD 57543

Water Right Nos. 415-3, 2656-3 & 2679A-3

Randy & Shirley Schultz, 18431 370th Ave., Tulare SD 57476-5705

Water Right No. 2812-3 & 5661-3

Jake Wipf, Oaklane Colony, 26730 423rd Ave., Alexandria SD 57311

Water Right No. 3896-3

Doug Johnson, Aberdeen Parks & Rec Dept, 225 3rd Ave SE, Aberdeen SD 57401

Karl Alberts, Finance Officer, City of Aberdeen, 123 S Lincoln St, Aberdeen SD 57401

Water Right No. 3996-3

Maynard Willman, Willman Brothers, 22829 368th Avenue, Wessington Springs SD 57382

Water Right No. 5406-3

Dennis Ellwein, President, Joseph W Ellwein Inc., 25045 410th Ave, Mitchell SD 57301 6310

Water Right No. 5587-3

David Mendel, 40724 182nd St, Doland SD 57436-7403

Water Right Nos. 6256-3 and 6422-3

Louie Schoenfelder, Physical Plant Director, Dakota Wesleyan University, 1200 W University Ave., Mitchell SD 57301

Water Permit No. 6884-3

Thomas Dreesen, 31250 457th Ave., Meckling SD 57069

Water Permit No. 6885-3

Victor Maag, PO Box 63, Florence SD 57235-0063

Water Permit No. 6896-3

Gary J & Amy Freeburg, PO Box 188, Gayville SD 57031-0188

Water Permit No. 6995-3

Steve LaFave, 30752 446th Ave., Mission Hill SD 57046

Gail Jacobson
Gail Jacobson

Secretary/Water Rights

[illegible]

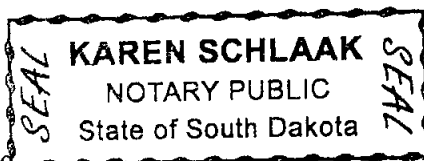
Sworn to, before me, this 8th day of May, 2014.

Karen Anlaak

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



MAY 16 2014

2812-3

Jake Wipf
Oaklane Colony
26730 423rd Ave
Alexandria SD 57311

Dear Mr. Wipf:

Enclosed is your Reissued Water License No. 2812-3.

The original water license authorized irrigation of land in Sections 25 and 36, T101N, R58W. On May 7, 2014, the Water Management Board cancelled the portion of the water right authorizing irrigation of land in Section 36, T101N, R58W along with the corresponding diversion authority. The license has been reissued to remove the acreage cancelled by the Board and allow continued irrigation of the land in the SE ¼ Section 25, T101N, R58W.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 2812-3

(1) Oaklane Colony, 26730 423rd Ave., Alexandria SD 57311 was issued Water License No. 2812-3, May 27, 1991 for a water right to divert 3.60 cubic feet of water per second (cfs) from ground water (two wells, Plum Creek Aquifer), Hanson County, South Dakota for irrigation purposes. Water License No. 2812-3, with a priority date of June 22, 1976 was issued to the permit holder for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

The original water license was issued for 3.60 cfs from two wells in the SE ¼ Section 25, T101N, R58W to irrigate 252 acres in the SE ¼ Section 25 and E ½ NW ¼ & W ½ NE ¼ Section 36, T101N, R58W. The land in Section 36 is no longer irrigated due to construction of a dairy on those acres. On May 7, 2014, the Water Management Board cancelled the 128 acres in Section 36 along with the corresponding diversion authority of 1.83 cfs due to abandonment. The water license is being reissued to remove the acreage cancelled by the Board and authorize continued irrigation of the land in the SE ¼ Section 25, T101N, R58W.

(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 1.77 cubic feet of water per second for beneficial use.

The location of the diversion points are:

- 2,070'E and 1,010'S of the center of Section 25, T101N, R58W (NE ¼ SE ¼);
- 700'E and 1,420'S of the center of Section 25, T101N, R58W (SW ¼ SE ¼).

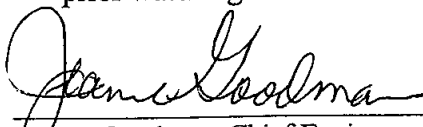
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 25, T101N, R58W	NW ¼ SE ¼	31 acres
	NE ¼ SE ¼	31 acres
	SE ¼ SE ¼	31 acres
	SW ¼ SE ¼	31 acres
	Total	124 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Oaklane Colony, 26730 423rd Ave., Alexandria SD 57311 the holder and/or owner of Water Right No. 2812-3 is issued a license to appropriate water, the right to use 1.77 cubic feet of water per second from ground water (two wells, Plum Creek Aquifer) with a priority date of June 22, 1976 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2812-3 and subject to the following qualification:

- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 16 2014

date

