

1. Considered 7-21, 1976
2. Name of Applicant JOSEPH R. EDELEN
3. Post Office Address VERMILLION
4. Amount of water claimed 4.0
5. Source of water supply 3-100' DEEP WELLS
6. Water to be used for IRRIGATION
 Acres to be irrigated 280
7. Water to be diverted and used in CLAY county
 about 2N, 1W miles of VERMILLION
8. Proof of Publication received ~~7-20-76~~ 7-20-76
 Not received _____

For Commission Action

9-10-76

to _____

ed _____

erred _____

Appl 2826-3

Joseph R. Edelen, Jr.

advised that his

application was

submitted; and advised
 for Sec. 16-792-R 52.

It should have been
 Sec. 16-792-R 53.

Commission should
 note this error

Map No. 2162-3 Water Division No. 3 VERMILLION RIVER
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

1. Name of Applicant Joseph R. Edelen Jr.
Post-office address 301 Lewis Street, Vermillion, S.D.
311 Canby Street
If a corporation show date and place of incorporation

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract

3. Name of diversion work FIREMEN #1

4. Amount of water claimed (cubic feet per second) 2 1/2 - 4.0 MAXIMUM

5. Source of water supply Well

6. Location of point of diversion SW 1/4 NW 1/4 15-92-53
SW 1/4 SE 1/4 16-92-53
SW 1/4 16-92-53 County Clay

7. Annual period or periods during which water is to be used May - October

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation

9. For irrigation use, Total number of acres to be irrigated 40,800 = 280

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
SW 1/4 NW 1/4 15-92-53	35	NW 1/4 SW 1/4 16-92-53	35
SE 1/4 SE 1/4 16-92-53	35	SW 1/4 NW 1/4 16-92-53	35
SW 1/4 SE 1/4 16-92-53	35	SE 1/4 NW 1/4 16-92-53	35
NW 1/4 NW 1/4 15-92-53	40.35	SE 1/4 NW 1/4 16-92-53	35

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Estimated 5 years
complete application of water to the proposed beneficial use 4 years

11. Choice of newspaper for Notice of Intent to Appropriate Water publication Vermillion Plain Talk

12. Principal Features of the Proposed Water Supply System. Press & Diamond, Vermillion, S. D.

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

Well

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

Pump and pipe

C. Works proposed to apply water to beneficial use.

Center pivot irrigation

\$25,000
\$23,000
\$45,000

Estimated Total Cost \$22,000

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 Clay

I, Joseph R. Edelen Jr. 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.

Subscribed and sworn to before me this 23rd day of January 1926

Signed Joseph R. Edelen Jr.
Charles P. L. Johnson
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 2826-3
JOSEPH R. EDELEN, JR. 301-LEWIS ST., VERMILLION
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57069 With the following modifications:
 (State)

The irrigation wells 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 23 19 76
 Date of return to applicant for correction, amendments or changes required --- 19 ---
 Date of receipt of corrected application JULY 6 19 76
 Approved JULY 22 19 76 Recorded in Book 15 Page 280

WATER RIGHT PERMIT NO. 2826-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 2826-3 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 23 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 22 19 79
3. The whole of said work is to be completed on or before JULY 22 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 22 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 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 use 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 22 19 85; said water to be used during the following described annual period: MAY - OCTOBER

Witness my hand this 3RD day of AUGUST 19 76

WATER RESOURCES COMMISSION

By John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well W 1/2 1/4 Sec 4, 1/4 SE 1/4 Section 16 Township Naming, Range 53
 Well owner Joe E. DeLeon & G. L. Paulsen (Name) Winnellia (Address)
 Date well drilling completed 7-28-76 Purpose of well irrigation
 (domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer _____ ft.
0'-14'	top soil and sand	Depth to static water level <u>13</u> ft.
14'-23'	fine brown sand	Name of producing aquifer (if known) _____
23'-36'	fine to med. sand	Total depth of drill hole <u>110</u> ft.
36'-45'	streaks of clay med. to coarse sand	Depth to bottom of casing <u>107</u> ft.
45'-56'	some clay coarse sand gravel	Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.
56'-59'	coarse sand & gravel	
59'-62'	coarse to med. sand	91' of transite casing
62'-66'	coarse sand & clay	
66'-71'	fine black sand	
71'-75'	gray clay-rock & fine sand	Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.
75'-91'	coarse sand, gravel, rock, some clay	
91'-95'	fine sand, gravel, rock	18' of transite slotted screen
95'-100'	coarse sand & gravel	
100'-103'	fine river sand	
103'-109'	coarse gravel - sand & rock	If a flowing well, flow of completed well _____ G.P.M.

Attach sheet if more space is needed

Name of Drilling Contractor _____

(2) PUMP INSTALLATION

Company name and size of pump 5 Stage Western Land Roller HP 50
 Type of pump 10-C Capacity of installed pump 800 G.P.M.
 Depth of pump placement _____ ft., Date of pump installation 7-30-76

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed 62' ft., tube diameter 1 1/4"
 tube material PVC

Michael W. P. Pumps
 Name of Pump Installation Contractor

1-2 below refer to the first two wells applied for (they are both the same size) and 3 refers to the other to irrigate the 160 acre field)

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 1-2/14"; 3/36", Depth 1-2/100'; 3/100'
(2) Casing, Type 3/cement 1-2/Hard Plastic, Diameter 1-2/8"; 3/18", Thickness 1-2/3/8"; 3/2"
(wood, concrete, steel, etc)
(3) Perforated Screen.
Type 1-2/slotted; 3/slotted, Diameter 1-2/8"; 3/18", Length 1-2/20'; 3/20'
(4) Gravel Pack, Thickness 1-2/6"; 3/18", Length of gravel pack 1-2/100'; 3/100'

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 gravel

Depth to top of water bearing material 90'

Depth to bottom of water bearing material 118'

Thickness of water bearing material 28'

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

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

On same owner's property NA rds. On property owned by others 100-120 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 depth will be right at 100 feet.



J. M. Ed. 19
Signature of Applicant

June 30, 1976



Mr. Joseph Edelen, Jr.
301 Lewis St.
Vermillion, SD 57069

Dear Mr. Edelen:

Enclosed please find the report of analysis on your water sample submitted here a week ago. The analysis reveals it to be in the high salinity, but fairly low sodium category. Accordingly, the only hazard which it presents to soils on which it is applied is that of gradual salt build-up. In the climatic zone of Vermillion, however, you should be able to control this salinity build-up if you take care to irrigate in substantial amounts (at least 3 inches per application) and as infrequently as possible. I would suggest no more than 4 uses of this water in any one growing season. And occasionally you should let a season go by with only 1 or 2 uses, if possible. In addition, if plant growth or soil tests reveal a build-up of salt in the surface 2 or 3 feet of soil, you should be very careful to thoroughly irrigate in the late fall of the year so that winter and spring precipitation have an opportunity for leaching. Sometimes we get effective precipitation that occurs in the cool part of the year. This will cause the salt to be leached further down into the soil beyond the root zone.

The soils which you propose to irrigate are not too well suited to irrigation, especially the Onawa silty clay. This is a slow draining soil and will tend to hold up water and prevent salt movement. You should be cautious to observe changes in soil appearance or plant behavior and contact a soils or a water specialist if changes are significant.

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

Sincerely yours,

L. O. Pine

L. O. Pine
Water Quality Lab

LCF:ckb
Enclosures
cc: State Conservation Commission
D. Pahl
Robert Schurrer, 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 OF

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: [Signature]

Disapproved: _____

NAME: Joseph R. Edelen Jr
ADDRESS: 301 Lewis Street, Vermillion
COUNTY: Clay

LEGAL DESCRIPTION

1. WELL LOCATION: SW 1/4, NW 1/4 15-42-53; SW 1/4, SE 1/4 16-42-53; SW 1/4 10-42-53
2. AREA TO BE IRRIGATED: ~~SW 1/4, NW 1/4 15-42-53; SW 1/4, SE 1/4 16-42-53~~ SW 1/4, NW 1/4 15-42-53; SW 1/4, SE 1/4 16-42-53; SW 1/4 10-42-53

TYPE OF IRRIGATION

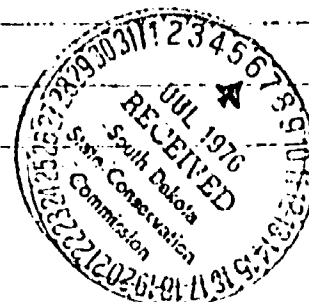
3. GRAVITY SPRINKLER (Indicate Type): Center pivot
4. CROPS TO BE IRRIGATED: Corn, alfalfa

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: none (0-3%)
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: ① Sandy loam fine sand, ② Brown silty clay & Sandy fine sand, loam, ③ Brown silty clay

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 76-691
8. SALINITY: 5 (x 10⁶) = 1630 (high)
9. SODIUM: 5 AR = 2.01 (low)



I do hereby certify that a chemical analysis of the ground water to be
acquired for irrigation from South Dakota State University and:

the land capability for irrigation information has been acquired from

South Dakota State University; SCS agent; Vermillion

and:

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

J. M. Edberg

Subscribed and sworn before me this

22nd day of June 1946.

Charles J. Peterson

Notary Public

(Title)

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

Submitted by: Joseph L. Nielsen, Jr.
 Address: 301 Lewis St.
Vermillion, SD 57069

Date Rec'd June 23, 1976
 Sample No. 76-691
 Identification 611-100
1.92K, A.13

WATER ANALYSIS

Calcium (Ca)	150	ppm*	7.50	me/l**
Magnesium (Mg)	57	ppm	4.67	me/l
Sodium (Na)	114	ppm	4.96	me/l
Potassium (K)	15	ppm	0.39	me/l
Sulfate (SO ₄)	490	ppm	10.19	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	3	ppm	0.78	me/l
Bicarbonate (HCO ₃)	659	ppm	10.30	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)	140	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1630	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	2.01			
Sodium	28.31	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.30			
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 17.52 me/l
 Total anions 21.77 me/l



By: Shirley Liston

Service Performed	Amount Due
Drinking water analysis	2.00 1.10

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-691

Amount Enclosed \$

Signed



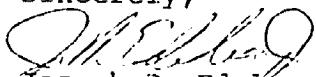
301 Lewis Street
Vermillion, SD 57069
29 June 1976

Gentlemen:

Enclosed is the complete for 2A which will complete the paperwork for my filing for a well drilling permit. I trust that you have by now received the results of the water test from Brookings and will be able to file the necessary paper ads before the next July meeting of the Water Resources Commission.

If you have any questions, please call or write.

Sincerely,


Joseph R. Edelen, Jr.

(home phone 624-4760
office phone 677-5371 ext. 7)

Encl:

Form 6. - Notice Intent to Appropriate Water

No. 2826-3

Publish first publication, on or before
July 12, 1976

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501
July 7, 1976

Notice is hereby given that Joseph R. Edelen, Jr.

whose post office address is Vermillion, 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 1.00 cubic feet of water per second of time from the ground water through the Edelen M1, the point ^{of} ~~of~~ diversion of which ~~is~~ ^{are} to be located in the

Center of SW $\frac{1}{4}$, Section 10, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15 and SW $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 10, Twp. 9EN, Range 53W. Said water to be used for the purpose of providing irrigation on the following described land:
portions of

NW $\frac{1}{4}$, Section 10; W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 5, S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 10, T92N, R62W

This application No. 2826-3 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:

Joseph R. Edelen, Jr., 301 Lewis, St. Vermillion, S.D. 57009

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

No. 2826-5

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Yankton) ss.

I, Harry L. Speece hereby

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

Water was taken from the Daily Press & Dakotan

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 Yankton

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

July 12, 1976

July 19, 1976

Harry L. Speece
(Signature)

Business Manager
(Title)

7-19-76
(Date Signed)

NOTICE OF INTENT TO
APPROPRIATE WATER

Pierre, South Dakota 57501

July 7, 1976

Notice is hereby given that Joseph R. Edelen, Jr., whose post office address is Verrillton, 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 400 cubic feet of water per second of time from ground water through the Edelen #1, the points of diversion of which are to be located in the Center of SW 1/4 Section 10, SW 1/4 NW 1/4, Section 10 and SW 1/4 SE 1/4 of Section 10, Twp. 92N, Range 54W. Said water is to be used for the purpose of providing irrigation on portions of the following described land: NW 1/4, Section 10, W 1/4 NW 1/4, Section 10, S 1/4 SE 1/4, Section 10, Twp. 92N, Range 54W.

This application No. 2826-5 will be considered by the Water Rights Commission at the Court House at Winner, S.D. upon the 31st day of July, 1976 at 10:00 a.m. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION
BURTON JONES,
Chairman

See 16 - 792N - R53N



Application is for 3.0 cfs of water from a 75 ft. deep well to irrigate 307 acres. First notice of publication received.

Mr. Jensen MOVED, SECONDED by Mr. Mickelson that application No. 2823-3 be APPROVED with the qualification that 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. Approval of permit subject to receipt of proof of publication.
MOTION CARRIED

2824-3, Town of Alpena, South Dakota

Application is for .85 cfs of water from a 15 ft. deep dugout to irrigate 60 acres. First notice of publication received.

Mr. Garrett MOVED, SECONDED by Mr. Fischer that application No. 2824-3 be APPROVED with the qualification that approval of permit subject to receipt of proof of publication. MOTION CARRIED.

2825-3, Dorothy and Vernon Lohman, Waubay, South Dakota

Application is for .49 cfs of water from two 1130 ft. deep wells to be used for suburban housing. First notice of publication received.

Mr. Jensen MOVED, SECONDED by Mr. Garrett that application No. 2825-3 be APPROVED with the qualification that 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 existing domestic wells or in wells having prior water rights. Approval of permit subject to receipt of proof of publication. MOTION CARRIED.

2826-3 Joseph R. Edelen, Jr., Vermillion, South Dakota

Application is for 4.0 cfs of water from three 100 ft. deep wells to irrigate 280 acres. First notice of publication received.

Mr. Jones indicated that there was an error in the advertising notice, that it should be Range 53W instead of Range 52 W.

Mr. Jensen MOVED, SECONDED by Mr. Garrett that application No. 2826-3 be APPROVED with the qualification that the irrigation wells approved under this permit are 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. The Commission recognized the advertising error. Approval of permit subject to receipt of proof of publication.
MOTION CARRIED.

2827-3, R. E. Kahnke, Watertown, South Dakota

Application is for 2.2 cfs of water from two 20 ft. deep wells to irrigate 156 acres. Affidavit of publication received. Mr. Kahnke was present.

Mr. Jones indicated that this was advertised in the paper as T117N and should read T118N. Mr. Jones also indicated that the proposed wells are located 10 miles north and four miles east of Watertown. Mr. Jones stated there were people present who expressed concern over this area but we are dealing with water table conditions and there should be no problems.



Department of Water & Natural Resources

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

March 23, 1987

JOSEPH R EDELEN JR
311 CANBY ST
VERMILLION, SD 57069

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 2826-3, 3109-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires 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 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, 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). 2826-3, 3109-3 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.

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

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



Department of Water & Natural Resources

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

April 29, 1987

2826-3
3107-3

Joseph R Edelen, Jr.
311 Canby St
Vermillion, SD 57069

Dear Mr. Edelen:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 2826-3 and 3107-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

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



Department of Water & Natural Resources

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

2826-3

January 29, 1988

JOSEPH R EDELEN JR
311 CANBY ST
VERMILLION, SD 57069

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 3109-3, 2826-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires 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 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, 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). 3109-3, 2826-3 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.

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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.



Department of Water & Natural Resources

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

March 1, 1988

2826-3
3109-3

Joseph R Edelen, Jr
311 Canby St
Vermillion SD 57069

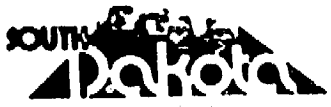
Dear Mr. Edelen:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 2826-3, 3109-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

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



Department of Water & Natural Resources

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

February 8, 1989

JOSEPH R EDELEN JR
311 CANBY ST
VERMILION, SD 57069

NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 2826-3, 3109-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

//
The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, 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, the Water Management Board can:

1. Amend Permit No(s). 2826-3, 3109-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
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 before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,

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



PS Form 3877 (Dec. 1980)

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
- ☒ Show to whom and date delivered **c**
☐ Show to whom, date, and address of delivery.. **c**
2. ☐ **RESTRICTED DELIVERY** **c**
(The restricted delivery fee is charged in addition to the return receipt fee.)

JOSEPH R EDELEN JR
311 CANBY ST
VERMILION, SD 57069

4. TYPE OF SERVICE: ☒ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
P 321 925 735

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

3/9/89

DATE OF DELIVERY

POSTMARK

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7. EMPLOYEE'S INITIALS

RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

South Dakota
Department of
Water & Natural Resources

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

March 9, 1989

NOTICE OF AMENDMENT OF WATER PERMIT

TO: Joseph R Edelen, Jr.
311 Canby St
Vermillion SD 57069

FROM: Delvin D Brosz, P.E. *Delvin D. Brosz*
Hydrologist
For John Hatch, Chief Engineer
Water Rights Division

SUBJECT: Amendment to Water Permit No(s) 2826-2, 3109-3

Pursuant to the provisions of the notice dated February 8, 1989, and following the Hearing March 1, 1989, the Water Management Board has amended Water Permit No(s). 2826-3 and 3109-3 to add the following qualification:

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

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

Please contact Genny McMath (605 773-3352), if you have any questions.



2826-3

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

JOSEPH R EDELEN JR
311 CANBY ST
VERMILLION SD 57069

NOTICE

RE: Violation of Water Permit No(s) 2826-3 & 3109-3

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 2826-3 & 3109-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 2826-3 & 3109-3 qualification:

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

The hearing will be held at 9:15 am, March 4, 1992, in the 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 SDCL 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) 2826-3 & 3109-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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

2826-3



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

March 9, 1992

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: JOSEPH R EDELEN JR
311 CANBY ST
VERMILLION, SD 57069

FROM: Ron Duvall, Natural Resources Engineer IV
Water Rights Division
(605) 773-3352 *Ron Duvall*

SUBJECT: One Year Suspension of Water Permit No(s).
2826-3 & 3109-3

Pursuant to the provisions of the notice dated January 27, 1992, and following the hearing of March 4, 1992, the Water Management Board has ordered:

That Water Permit No(s). 2826-3 & 3109-3 be SUSPENDED until December 31, 1992. Suspension of the permit(s) does not excuse the permit owner from the requirement to submit the 1991 irrigation questionnaire.

Suspension of a permit means water may not be pumped during the 1992 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension(s), you will need to submit a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 6-7, 1992 in Pierre. The letter should include your reasons for not completing the irrigation questionnaire(s) prior to the March Board meeting.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 24, 1992

2826-3
3109-3

Joseph R Edelen, Jr
311 Canby Street
Vermillion, SD 57069

Dear Mr. Edelen:

Your 1991 irrigation questionnaires for Water Permit Nos. 2826-3 and 3109-3 were received March 11, 1992. Unfortunately, receipt of the questionnaires does not lift the suspension of the permits.

As stated in our Notice to you dated March 9, 1992, the Water Management Board suspended Water Permit Nos. 2826-3 and 3109-3 until December 31, 1992. If you wish to petition the Water Management Board to rescind the suspensions, you will need to submit a letter to our office requesting time on the agenda for the Board's May 6-7, 1992 hearing. The letter should include your reasons for not completing the irrigation questionnaires prior to the March Board meeting.

If you have any questions, or need assistance with the letter requesting time on the agenda, please contact Genny McMath, at (605) 773-3352.

Very truly yours,

Ron Duvall
Natural Resources Engineer IV
Water Rights Division

JOE and MARY EDELEN

311 Canby Street
Vermillion, SD 57069

1 May 1992



Ron Duvall
Natural Resources Engineer IV
Water Rights Division
Dept. of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Dear Mr. Duvall:

I would like to request time on the agenda for the Water Management Board's May 6-7 meeting to request that the suspension of my water permits be rescinded.

The reasons for my not filing my questionnaire on time all relate to time and oversight. Several years ago I quit farming because I did not have enough time to do that, work full time and give adequate time to my family (we have three children growing up who deserve as much time as parents are willing to give). So, I am not currently, and have not been for three years, active in farming.

Secondly, in the winter months my wife is out of town and I assume the role of "Mr. Mom". That takes a considerable amount of time.

Third, my farm is about 8 miles from where I live and I just did not make the time to take a trip out there this winter (I am rarely at the farm any time of the year now, but almost never in the winter).

Fourth, I plain forgot about filling out the form. I had a vague recollection that it was due the end of March, that is why I filed it when I did. However, when I got it ready I did read on your information sheet that it was due in early, not late, March.

I am requesting that your Committee rescind my suspension. I made no deliberate attempt not to provide you with the information requested. It was just something that I did not get done this year.

Moreover, the farmer who rents this land depends on this water for his livelihood. Not being permitted to pump water this summer would be a severe financial blow to him, not to mention my family also.

I will phone your office on Monday to find out what time you would like me to be in Pierre for a Committee appearance.

Sincerely,

Joe Edelen



Joseph R Edelen, Jr
Water Permit Nos. 2826-3/3109-3

GENERAL

Applications submitted by: Joseph R Edelen, Jr
311 Canby Street
Vermillion, SD 57069

County: Clay

Permit No. 2826-3 Approved: July 22, 1976
Permit No. 3109-3 Approved: November 17, 1976

Purpose: No. 2826-3 - Diversion of 4.00 cfs from three
wells to irrigate 280 acres
No. 3109-3 - Diversion of 3.7 cfs from four
wells to irrigate 258 acres

Both permits were AMENDED March 1, 1989 for nonreturn of the
1988 irrigation questionnaire.

FIVE YEAR HISTORY OF IRRIGATION QUESTIONNAIRE RETURNS

<u>Year</u>	<u>Date Request Mailed</u>	<u>Date Irrigation Questionnaire Returned</u>	<u>Date of any Board Action</u>
1987	October, 1987	February 29, 1988	none
1988	October, 1988	April 11, 1989	March 1, 1989
1989	October, 1989	January 6, 1990	none
1990	October, 1990	received: no date stamped on forms	
1991	October, 1991	March 11, 1992	March 4, 1992

PAST VIOLATIONS:

1. 1991 Irrigation Questionnaire Violation

January 27, 1992, Mr. Edelen was given notice of permit violation and of the hearing scheduled before the Water Management Board to be held March 4, 1992.

March 4, 1992, The Water Management Board SUSPENDED Water Permit Nos. 2826-3 and 3109-3 until December 31, 1992.

March 9, 1992, permit holder was notified of the one year suspension of Permit Nos. 2826-3 and 3109-3.

March 11, 1992, the 1991 irrigation questionnaires were received from Joseph Edelen, Jr.

May 4, 1992, received a letter from Mr. Edelen requesting time on the Board agenda for reconsideration of suspended permits.



May 12, 1992

24-26-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3101

NOTICE

TO: Joseph R Edelen, Jr., 311 Canby St, Vermillion, SD
57069

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

SUBJECT: Reinstatement of Water Permit Nos. 2826-3 and 3109-3

Pursuant to your letter of May 4, 1992 and following a hearing by the Water Management Board May 6, 1992, the Board passed the following motion:

Water Permit Nos. 2826-3 and 3109-3 are reinstated effective immediately.

The Water Management Board took into consideration that the irrigation questionnaires were now on file in the Division office and that this was your first violation. Your attendance at the hearing to explain the circumstances involving the delay in returning the questionnaire was favorable.

You should be aware, however, that future questionnaire violations could result in suspension or possible cancellation of the permit with no opportunity for reinstatement.

Violations of any qualifications on irrigation permits and subsequent Board action become part of the permanent record. This notice will be placed in Water Permit Nos. 2826-3 and 3109-3 and failure to submit future irrigation questionnaires will result in past violations being reviewed by the Water Management Board.

As stated at the hearing, it is possible to mail the yearly irrigation questionnaires directly to the person renting your land. Adding a "renter" notation to the file for mailing purposes does not alter ownership of the water permits. If you would like the questionnaires directed to the renter, please send us his name and mailing address. The 1992 irrigation questionnaires will be mailed in October, 1992.

cc: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on May 12, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 12, 1992, regarding Reinstatement of Water Permit Nos. 2826-3 and 3109-3 addressed as stated below:

Joseph R. Edelen, Jr., 311 Canby St., Vermillion, SD 57069.

Copy Sent Inter-office To:

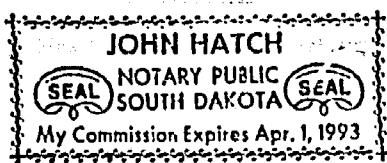
Diane Best, Assistant Attorney General, Capitol building.

Chas. H. Davis

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of May, 1992.



John H. Bates
Notary Public

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☒ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

28263

JOSEPH R EDELEN JR
311 CANBY ST
VERMILLION SD 57069

4a. Article Number

P 378 081 429

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

2-7-97

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *Joseph R Edelen Jr*

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3101

February 4, 1997

NOTICE

TO: JOSEPH R EDELEN JR, 311 CANBY ST, VERMILLION, SD 57069
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s). 2826-3 & 3109-3

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 2826-3 & 3109-3. The request for the Questionnaire was dated October 24, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 2826-3 & 3109-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in the 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) 2826-3 & 3109-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 1997, 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 at (605) 773-3352.

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

2826-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 25, 1997

2826-3
3109-3

Joseph R Edelen, Jr
311 Canby St
Vermillion, SD 57069

Dear Mr. Edelen:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, Notice of Violation of Water Permit Nos. 2826-3 & 3109-3.

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

Thank you and if you have any questions, please contact me.

Sincerely,

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

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 Joseph Edelen, JR. of 311 Canby Street, Vermillion, South Dakota 57069 holder of Permit No. 2826-3, bearing the priority of June 23, 1976 authorizing the diversion of 4.0 cu. ft. per second of the waters of ground water for irrigation purposes, in Clay County.

I have to report on the conditions of the same as follows (all in T92N R53W):

A. Works used to divert the water:

SW1/4 of Section 10: Western Land Roller pump with no tag (900 GPM), General Electric Motor (Model No. 5K255XH502A, 75 HP, Serial No. IMJ1020367), Well log not available (well is approximately 100 feet deep with 16 inch plastic casing 20 feet of which is slotted)

SW1/4 NW1/4 of Section 15: Western Land Roller pump with no tag (900 GPM), General Electric Motor (Model No. 5K6237XM501B, 40 HP, Serial No. IMJ1117291), Well log not available (well approximately 95 feet deep with 16 inch plastic casing 20 feet of which is slotted)

NW1/4 NW1/4 of Section 15: Western Land Roller pump with no tag (900 GPM), General Electric Motor (Model No. 5K6237XH501B, 40 HP, Serial No. IMJ1117288), Well log not available (well is approximately 93 feet deep with 16 inch plastic casing 20 feet of which is slotted)

S1/2 SE1/4 of Section 16: Western Land Roller Pump (Head No. 6M, 5 10C H, 800 GPM), US Electric Vertical motor (Id #R-8889-02-D-521 R 2082974 C, 50 HP), Well (109 feet of 16 inch plastic casing, 18 feet of which is slotted)

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

SW1/4 of Section 10: 15 feet of 8 inch aluminum pipe

SW1/4 NW1/4 of Section 15: 15 feet of 8 inch aluminum pipe

NW1/4 NW1/4 of Section 15: 15 feet of 8 inch aluminum pipe

S1/2 SE1/4 of Section 16: 15 feet of 10 inch steel pipe and an additional 1320 feet of 10 inch steel pipe

C. Works used to apply water to beneficial use:

SW1/4 of Section 10: Lockwood Center Pivot, 10 towers with end gun, Model No. 2200, Serial No. 809476

SW1/4 NW1/4 of Section 15: Lockwood Center Pivot, 4 towers with end gun, Model No. 2200, Serial No. 809376, towable

NW1/4 NW1/4 of Section 15: same equipment as SW1/4 NW1/4 of Section 15

S1/2 SE1/4 of Section 16: Lockwood Center Pivot, 4 towers with end gun, Model No. 2200, Serial No. 762776, towable

The systems are in the following condition good. The points of diversions are located 1,290 feet south and 1,350 feet west of the center of Section 10; 670 feet north and 670 feet west of the SE corner of Section 16; 660 feet south and 660 feet east of the NW corner of Section 15; and 1,980 feet south and 600 feet east of the NW corner of Section 15. The works are capable of diverting and conveying to the place of use 5.8 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 T92N R53W

37 acres in the NW1/4 SW1/4 (Section 10)	31 acres in the SE1/4 SE1/4 (Section 16)
37 acres in the NE1/4 SW1/4 (Section 10)	31 acres in the SW1/4 SE1/4 (Section 16)
36 acres in the SE1/4 SW1/4 (Section 10)	31 acres in the NW1/4 NW1/4 (Section 15)
36 acres in the SW1/4 SW1/4 (Section 10)	31 acres in the SW1/4 NW1/4 (Section 15)

comprising a total of 270 acres of land and the license should be issued for 3.86 cfs.

Application permit qualifications have been complied with __X__ Yes _____ No

Exceptions to compliance are: none Date September 27, 1990

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

LICENSE FOR PERMIT NUMBER 2826-3 Joseph R. Edelen, Jr.

1. Legal location of wells: All in T 92 N R 53 W: 1,290 Feet south and 1,350 Feet west of the center of Section 10; 670 Feet north and 670 Feet west of the SE corner of Section 16; 660 Feet south and 660 Feet east of the NW corner of Section 15; and 1,900 Feet south and 660 Feet east of the NW corner of Section 16.
dams & structures: _____

2. Well Information: Well Drilling Firm _____

Completion Report Yes ___ No ___ No. of Wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

4 Pumps 3 pumps a) make all Western Land Recl. Motor a) make General Electric, General Elec.

b) model How No. 6M, 5 10C H b) model No. 5K6255X H502A, 5K6237X M501B,

c) size _____ c) horsepower rating 75, 40, 40, 50

d) capacity 800, 900, 900, 900 gpm

e) turbine pump - no. of stages 5, unknown, unknown, unknown

f) operating PSI _____

3. Distribution lines or canals

a) size 8" 10"

b) type Aluminum Steel

c) length 15 Feet 15 Feet and an Additional 1320 Feet of 10" Steel

4. Dam Information:

a) height to crest _____ m) Outlet tubes:

b) height to primary spillway _____ 1) diameter _____

c) height to secondary spillway _____ 2) type _____

d) crest width _____ 3) valved (Y/N) _____

e) crest length _____ 4) valve type _____

f) spillway length _____ 5) location on structure _____

g) spillway width _____

h) approx. storage _____ n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

South Dakota
Department of
Water & Natural Resources

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

October 15, 1990

Joseph Edelen, Jr.
311 Canby Street
Vermillion, SD 57069

Dear Mr. Edelen:

On September 27, 1990, I conducted a routine field inspection of your irrigation systems for licensing purposes. Specifically, I inspected Water Permit Nos. 2826-3 and 3109-3 which permit you to irrigate the following lands in Clay County (all in T92N R53W):

Water Permit No. 2826-3

35 acres in the SE1/4 SE1/4 Sec. 16
35 acres in the SW1/4 SE1/4 Sec. 16
35 acres in the SW1/4 NW1/4 Sec. 15
35 acres in the NW1/4 NW1/4 Sec. 15
35 acres in the NW1/4 SW1/4 Sec. 10
35 acres in the SW1/4 SW1/4 Sec. 10
35 acres in the SE1/4 SW1/4 Sec. 10
35 acres in the NE1/4 SW1/4 Sec. 10

Note: Permit allowed construction of three irrigations wells.

The September 27, 1990 field inspection found that you are irrigating the following lands in Clay County (all in T92N R53W):

Water Permit No. 2826-3

31 acres in the SE1/4 SE1/4 Sec. 16
31 acres in the SW1/4 SE1/4 Sec. 16
31 acres in the SW1/4 NW1/4 Sec. 15
31 acres in the NW1/4 NW1/4 Sec. 15
37 acres in the NW1/4 SW1/4 Sec. 10
36 acres in the SW1/4 SW1/4 Sec. 10
36 acres in the SE1/4 SW1/4 Sec. 10
37 acres in the NE1/4 SW1/4 Sec. 10

Note: Four irrigation wells are constructed. Only three wells are permitted.

Water Permit No. 3109-3

37 acres in the SW1/4 NE1/4 Sec. 4
37 acres in the SE1/4 NW1/4 Sec. 4
37 acres in the SW1/4 SE1/4 Sec. 4
37 acres in the NW1/4 SE1/4 Sec. 4
35 acres in the NW1/4 NE1/4 Sec. 4
35 acres in the NE1/4 NE1/4 Sec. 4
40 acres in the NW1/4 NW1/4 Sec. 3

Note: Permit allowed construction of four irrigation wells.

Water Permit No. 3109-3

37 acres in the SW1/4 NE1/4 Sec. 4
37 acres in the SE1/4 NW1/4 Sec. 4
1.8 acres in the SW1/4 SE1/4 Sec. 4
37 acres in the NW1/4 SE1/4 Sec. 4
1.8 acres in the NW1/4 NE1/4 Sec. 4
*1.8 acres in the SE1/4 NE1/4 Sec. 4
*1.8 acres in the NE1/4 SE1/4 Sec. 4
*1.8 acres in the NW1/4 SW1/4 Sec. 4
*37 acres in the NE1/4 SW1/4 Sec. 4
*1.8 acres in the SE1/4 SW1/4 Sec. 4
*1.8 acres in the NE1/4 NW1/4 Sec. 4
*1.8 acres in the SW1/4 NW1/4 Sec. 4

Note: One irrigation well is constructed. Asterisk (*) denotes irrigated land not covered under an existing Water Permit.

In 1976, the legal descriptions in the newspaper PROOF OF PUBLICATION - Notice of Intent to Appropriate Water for both Water Permits was in error. Hence, a readvertisement of both water permits is necessary to clear up that error. Also, the SOIL/WATER COMPATIBILITY PERMIT for both Water Permits is in error because the legal descriptions are wrong.

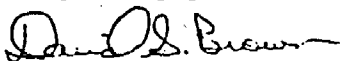
In summary, you are irrigating lands that do not coincide with the newspaper advertisement and the SOIL/WATER COMPATIBILITY PERMIT. The errors can be corrected by obtaining an amendment to Water Permit Nos. 2826-3 and 3109-3. Also, South Dakota water law requires that you obtain an amendment to Water Permit Nos. 2826-3 and 3109-3 for these lands and the additional well.

Enclosed are the partially completed application forms for obtaining an amendment to Water Permit Nos. 2826-3 and 3109-3. Please fill out the application forms following the instruction sheet and return the application forms to this office. Four water samples need to be submitted with the two amendment applications (see legal descriptions on the enclosed Forms 2A). As required by statute, a \$50 application fee must accompany both applications (\$100 total).

Upon approval of amendments to Water Permit Nos. 2826-3 and 3109-3 by the Water Management Board, Water Licenses will be issued for both amended Water Permits. The appropriate lands and original priority dates will be retained during issuance of both Water Licenses.

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

Very truly yours,



David S. Brown
Natural Resource Engineer II
DWRN, Water Rights Division
(605) 773-3352

enclosures

cc: Jim Stukel, South Dakota Department of Agriculture, Anderson, Bldg., Pierre, SD

Permit No. 2826-3
Big Sioux River - Water District

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

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

I have this day made a thorough examination of the water use system constructed by Joseph R. Edelen Jr. of 311 Canby St., Vermillion, SD 57069 holder of Permit No. 2826-3, bearing the priority of June 23, 1976 authorizing the diversion of 4.0 cu. ft. per second of the waters of for irrigation purposes, in Clay County.

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

- A. Works used to divert the water:
- Well #1: 91' deep well drilled in 1977, 71' of 16" transite casing and 20' of transite screen; General Electric motor, model no. 5K6255XM502A, 75 hp and a Western Land Roller pump, 600 gpm capacity.
- Well #2: No well log available. General Electric motor, model no. 5K6237XM501B, 40 hp and Western Land Roller pump, 600gpm capacity.
- Well #3: 95' deep well with 69' of 16" transite casing and 26' of transite screen; General Electric motor, model no. 5K6237XM501B, 40 hp and a Western Land Roller pump, 600 gpm capacity.
- Well #4: 110' deep well drilled in 1976, 91' of 16" transite casing and 18' of transite screen; U.S. Electric motor, frame no. 326TPH Type RU, 50 hp and Western Land Roller pump, 800 gpm capacity.

- B. Works used to transport water to place of use:
20' of 10" aluminum pipe, 50' of 8" steel pipe and 1320' of 8" pvc.

- C. Works used to apply water to beneficial use:
One Lockwood center pivot 1320' long with an end gun, 10 towers and a 600 gpm capacity. Two Lockwood towable center pivots 660' long with an end gun, 4 towers and a 300 gpm capacity each.

The system is in the following condition good. The point of diversion is located Well #1: 1300' E and 1320' N of the SW corner Sec. 10; Well #2: 635' E and 1650' S and Well #3: 635' E and 660' S of the NW corner Sec. 15; Well #4: 660' W and 650' N of the SE corner Sec. 16 all in T92N-R53W. The works are capable of diverting and conveying to the place of use 2.67 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 T92N-R53W:

Sec. 10			Sec. 15		
NW 1/4 SW 1/4	35	acres	NW 1/4 NW 1/4	31	acres
NE 1/4 SW 1/4	35	"	SW 1/4 NW 1/4	31	"
SW 1/4 SW 1/4	35	"	Sec. 16		
SE 1/4 SW 1/4	35	"	SW 1/4 SE 1/4	31	acres
			SE 1/4 SE 1/4	31	"

comprising a total of 264 acres of land and the license should be issued for 2.67 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are:

Date: 6-30-93

Comments: Well #3 located in the NW 1/4 NW 1/4 Sec. 15-92-53 and is not
described on Permit No. 2826-3 or any other permit. The NW 1/4 NW
1/4 Sec. 15 was left off of the soil/water permit even though it
was included on the original application. Also, the W 1/2 NW 1/4
Sec. 15 was advertised as the W 1/2 NW 1/4 Sec. 5.

Lynn Beck

Lynn Beck
Natural Resources Engineer
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 2826-3

DATE: 6-30-93

Other permit(s) associated with the project: none

DIVERSION POINT LEGAL LOCATION: Well #1 - 1300' E and 1320' N of the SW corner Sec. 10-92-53; Well #2 - 635' E and 1650' S of the NW corner Sec. 15-92-53; Well #3 - 635' E and 660' S of the NW corner Sec. 15-92-53; Well #4 - 660' W and 640' N of the SE corner Sec. 16-92-53.

WELL INFORMATION:

- 1) Well Drilling Firm: all drilled by Nichols Well Co.
- 2) No. of Wells 4
- 3) Depth(s) #1-91'; #2-unknown; #3-95'; #4-110' feet
- 4) Well log is available Y except for Well #2
- 5) Comment: Well #2 is in the SW NW Sec. 15-92-53 and is on the permit, however well #3 is in the NW NW Sec. 15-92-53 and is not described on the permit.

Casing:

- 1) Diameter #1-16; #2-unknown; #3-16; #4-16 inches
- 2) Length #1-71; #2-unknown; #3-69; #4-91 feet
- 3) Type #1-transite; #2-unknown; #3-Transite; #4-transite

Screen:

- 1) Type #1-transite; #2-unknown; #3-transite; #4-transite
- 2) Length #1-20; #2-unknown; #3-26; #4-18 feet
- 3) Static water level #1-12; #2-unknown; #3-12; #4-13 feet

Pump:

- 1) Make #1-#4 Western Land Roller
- 2) Model
- 3) Size
- 4) Capacity #1-#3 600; #4 800 GPM

Motor:

- 1) Make #1-#3 General Electric; #4 US Electric

- 2) Model No. #1-5K6255XM502A; #2-5K6237XM501B; #4-326TPH type RU
- 3) Horsepower rating #1-75; #2-40; #4-50 hp

DISTRIBUTION LINES OR CANALS:

- | | | |
|----------------------------|--------------------------|----------------------------|
| 1) Type <u>#1-aluminum</u> | 2) Size <u>10</u> inches | 3) Length <u>20</u> feet |
| 1) Type <u>#2-steel</u> | 2) Size <u>8</u> inches | 3) Length <u>25</u> feet |
| 1) Type <u>#3-steel</u> | 2) Size <u>8</u> inches | 3) Length <u>25</u> feet |
| 1) Type <u>#4-pvc</u> | 2) Size <u>8</u> inches | 3) Length <u>1320</u> feet |

SYSTEM TYPE:

Center pivot: SW 1/4 Sec. 10-92-53

- 1) Make Lockwood
- 2) Overall length 1320 feet
- 3) Number of towers 10
- 4) Distance between towers feet
- 5) End gun Y
- 6) High or low pressure
- 7) Capacity 600 GPM

Center pivot: NW 1/4 and SW 1/4 NW 1/4 Sec. 15-92-53

- 1) Make Lockwood towable
- 2) Overall length 660 feet
- 3) Number of towers 4
- 4) Distance between towers feet
- 5) End gun Y
- 6) High or low pressure
- 7) Capacity 300 GPM

Center pivot: SW 1/4 and SE 1/4 SE 1/4 Sec. 16-92-53

- 1) Make Lockwood towable
- 2) Overall length 660 feet
- 3) Number of towers 4
- 4) Distance between towers feet

- 5) End gun Y
- 6) High or low pressure
- 7) Capacity 300 GPM

CHEMIGATION EQUIPMENT: SE 1/4 SE 1/4 Sec. 16-02-53

- 1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

Well #1

NOTICE OF WELL CONSTRUCTION

Permit # 2526-3

(1) WELL CONSTRUCTION

Location of well: SW 1/4 1/4 Section 10 Township 92N Range 58W 72W, 27

Well owner: Joseph R. Edelen & Arlo Paulson, 301 Lewis St., Vermillion, SD 57069
(Name) (Address)Date well drilling completed: 11/15/77 Purpose of well: irrigation
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer _____ ft.
0' - 5'	top soil	Depth to static water level _____ 12' _____ ft.
5' - 23'	fine sand	Name of producing aquifer (if known) _____
23' - 25'	coarse sand	Total depth of drill hole _____ 91' _____ ft.
25' - 39'	fine sand	Depth to bottom of casing _____ 71' _____ ft.
39' - 42'	coarse sand	Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.
42' - 60'	fine sand w/streak clay	
60' - 65'	fine sand	
65' - 89'	coarse sand w/gravel	
		71' of 16" transite casing
		Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.
		20' of 16" transite screen
		If a flowing well, flow of completed well _____ G.P.M.

Attach sheet if more space is needed

Nichols Well & Pump Co.

Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump: Western Land Roller 5 stage HP 40

Type of pump: turbine Capacity of installed pump: 600 G.P.M.

Depth of pump placement: 50 ft., Date of pump installation: 12/23/76

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed: 50 ft., tube diameter: 1/4",
tube material: plastic

Nichols Well & Pump Co.

Name of Pump Installation Contractor

NOTICE OF WELL CONSTRUCTION

Permit # 2826-3

(1) WELL CONSTRUCTION

Location of well: NE 1/4 NE 1/4 Section 2 Township 20N Range 58W

Well owner: Joseph R. Edelen, 301 Lewis Street, Vermillion, SD 57069

Date well drilling completed: 11/17/76

Purpose of well: irrigation

WELL LOG

Layers, top to bottom in feet	Description of layer
0'- 15'	top soil
15'- 25'	clay sand (fine)
25'- 35'	fine sand
35'- 45'	fine to med. sand
45'- 55'	fine to med. sand
55'- 65'	fine sand & rocks
65'- 69'	clay
69'- 73'	fine sand
73'- 100'	coarse sand & gravel (some rock)

Depth to top of water producing member: 12

Depth to static water level: 12

Name of producing member (if known):

Total depth of well hole: 100

Depth to bottom of casing: 75

Casing information in the space below show kind, size, weight, length, and diameter, also fit and joint to casing and surface casing, if used.

75' of 16" transite casing

Screen information in the space below show length of screen below bottom of casing, diameter and kind of screen, or slotted perforations.

25' of 16" transite

If a flowing well, flow of completed well: 0.1 M.

Nichols Well & Pump Co

Printed or Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump: Oxx & Western Land Roller 6 stage HP 75

Type of pump: turbine Capacity of installed pump: 850 G.P.M.

Depth of pump placement: 50 ft., Date of pump installation: 12/23/76

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46-401 of Chapter 46.6, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed: 50 ft., tube diameter: 1/4", tube material: Plastic

Nichols Well & Pump Co

Nichols Well & Pump Co.

well #3

NOTICE OF WELL CONSTRUCTION

Permit #2826-3

(1) WELL CONSTRUCTION

Location of well: NW 1/4 NW 1/4 Section 15 Township 92N Range 5W 7NW
 Well owner Joseph R. Edelen & Arlo Paulson, 501 Lewis St., Vermillion, SD 57069
 Date well drilling completed _____ Purpose of well irrigation
(Domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to bottom in feet	Description of layer	Depth to top of water producing aquifer _____ ft.
0' - 8'	top soil	Depth to static water level _____ 12 _____ ft.
8' - 38'	river sand	Name of producing aquifer (if known) _____
38' - 42'	coarse sand	Total depth of drill hole _____ 95 _____ ft.
42' - 58'	blue clay	Depth to bottom of casing _____ 69 _____ ft.
58' - 65'	coarse & fine sand	Casing information: In the space below show size, weight, length per diameter, etc., for production casing and surface casing, if used.
65' - 78'	dry gravel & rocks	
78' - 95'	coarse sand & gravel	
		69' of 16" transite
		Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.
		26' of 16" transite screen
		If a flowing well, flow of completed well _____ G.P.M.

Attach sheet if more space is needed

Nichols Well & Pump Co.

Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump Western Land Roller 5 stage HP 40
 Type of pump turbine Capacity of installed pump 600 G.P.M.
 Depth of pump placement 50 ft., Date of pump installation 12/23/76

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46-40B of Chapter 46-4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed 50 ft., tube diameter 1/4", tube material plastic.

Name of Pump Installation Contractor



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

November 18, 1993

Joseph R. Edelen, Jr.
311 Canby St.
Vermillion, SD 57069

Dear Mr. Edelen:

Please find enclosed a partially completed application form and an instruction sheet. You will not have to include a map, as I have already prepared one.

This application is for an additional well located in the NW 1/4 NW 1/4, Section 15, T92N-R53W and 0.67 cubic feet per second (cfs) of additional water. Also on this application are two corrections: 1) a correction to the soil/water permit in which the NW 1/4 NW 1/4, Section 15, T92N-R53N was not included, and 2) a correction in the original advertisement which stated the lands to be irrigated included the W 1/2 NW 1/4, Section 5, T92N-R53W, but should have read the W 1/2 NW 1/4, Section 15, T92N-R53W.

The well listed on this application was not covered under Permit No. 2826-3; therefore, a new application must be made to cover the well and a diversion rate of 0.67 cfs.

After the application has been submitted and approved, the permits will be licensed as per number 9 on the instruction sheet.

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

Sincerely,

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

enclosures

FORM 2: Application for Irrigation in South Dakota
(type or print)

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. _____ Hydrologic Unit _____
Basin _____
Newspaper _____
(office use only)

Application For Soil/Water Compatibility Permit And Permit To Appropriate Water

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.) _____

1. Name of Applicant Joseph R. Edelen, Jr. (owner) Phone (605) 677-6082
Mailing Address 311 Canby St. Vermillion State SD 57069
(Street, RR, or Box) (City) (Zip Code)
2. Amount of water claimed 0.67 *CFS or **GPM ***AF Total Acreage 264 no add'l
(*Cubic Feet per Second) (**Gallons per Minute) (**Acro Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply Missouri Elk Point Aquifer
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NW 1/4 NW 1/4 Sec. 15
T92N-R53W

County Clay

5. County or counties where water will be used Clay
6. Annual period during which water is to be used April 1 thru October 31
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.
Lands under Permit No. 2826-3 (Attach sheet if more space is needed)

Land Description
NW 1/4 NW 1/4 Sec. 10-92-53
NE 1/4 NW 1/4 " "
SW 1/4 NW 1/4 " "
SE 1/4 NW 1/4 " "

Acres
35
35
35
35

Land Description
NW 1/4 NW 1/4 Sec. 15-92-53
SW 1/4 NW 1/4 " "
SW 1/4 SE 1/4 Sec. 16-92-53
SE 1/4 SE 1/4 " "

Acres
31
31
31
31

8. Type of Irrigation: Gravity: ☐ Towline: ☐ Center Pivot: ☒ Gun: ☐ Other (Specify): _____
9. Crops to be irrigated: _____
10. Give a description of the project. (Attach sheet if more space is needed)

This application is for a well located in the NW 1/4 NW 1/4 Sec. 15-T92N-R53W to divert 0.67 cfs to irrigate land covered under Permit No. 2826-3. For some undetermined reason the NW 1/4 NW 1/4 Sec. 15-T92N-R53W was left off of the soil/water permit also lands were advertised in the W 1/2 NW 1/4 Sec. 5-T92N-R53W and should have read W 1/2 NW 1/4 Sec. 15 T92N-R53W.

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

STATE OF SOUTH DAKOTA)

County of _____)

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

Signed _____

Subscribed and sworn to before me this _____ day of _____ 19 _____

Notary Public



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 30, 1995

Joseph R. Edelen
311 Canby Street
Vermillion, SD 57069

Dear Mr. Edelen:

I am writing as a follow-up to our phone conversation regarding Water Permit Nos. 2826-3 and 3109-3. You asked that I provide an explanation of the process for applying for additional acres to Permit No. 3109-3 and the reason that necessitate readvertisement of Permit No. 2826-3.

Water Permit No. 3109-3, as approved in 1976, appropriating 3.7 cubic feet of water per second (cfs) from up to four wells for irrigation of 258 acres. An inspection of the permit found less than 258 acres developed. However, acreage in the SW $\frac{1}{4}$ Section 4, T92N, R53W which was not permitted was found being irrigated. During our discussion, you explained that you developed your pivot in Section 4 to run a $\frac{3}{4}$ circle in portions of the NW $\frac{1}{4}$, NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of Section 4 and this was the only acreage developed under Permit No. 3109-3. The SW $\frac{1}{4}$ is owned by a neighbor and during a drought year the pivot was allowed to run full circle. I explained that the operation of the pivot in the SW $\frac{1}{4}$ is not currently authorized by Permit No. 3109-3. A water permit for these additional acreage is necessary if future plans include allowing the pivot to operate in the SW $\frac{1}{4}$.

Enclosed is an application form and instruction sheet if you choose to apply for a water permit for the irrigation of the SW $\frac{1}{4}$. Once an application is submitted, a staff report and recommendation is prepared. A notice of hearing is then published in a local newspaper pursuant to SDCL 46-2A-4. If the application is not opposed, the process of obtaining a water permit generally takes 2 $\frac{1}{2}$ months. If opposed, obtaining a permit may take 6 months and then may be subject to appeal to the circuit courts.

Water Permit 2826-3 contained errors in the notice of hearing published July, 1976 in the Yankton Daily Press & Dakotan. Water Permit No. 2826-3 was to appropriate 4.0 cfs to irrigate 280 acres located in the SW $\frac{1}{4}$ Section 10, W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 15 and S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 16; all in T92N, R53W. The errors in the publication notice included: 1) acreage in Section 10 was incorrectly listed as being in the NW $\frac{1}{4}$; 2) acreage in Section 15 was listed as being in Section 5; and 3) the Range was listed as being R52W (this error was recognized by the Board at the hearing). In addition, Water Permit No. 2826-3 authorized diversion from three wells and the inspection found four wells being utilized under this Permit. Permit No. 2826-3 needs to be readvertised to correct the errors in publication. The additional

REPORT ON WATER PERMIT NO. 2826-3

Joseph R. Edelen, Jr.

July 26, 1996

Water Permit No. 2826-3 appropriates 4.0 cubic feet of water per second (cfs) from three wells to irrigate 280 acres. An investigation for the purpose of licensing Water Permit No. 2826-3 found four wells developed and capable of diverting 2.67 cfs to irrigate 264 acres. The wells are located in the SW 1/4 Section 10, W 1/2 NW 1/4 Section 15 and the SE 1/4 SE 1/4 Section 16, T92N-R53W. The irrigated acreage is located in the SW 1/4 Section 10, W 1/2 NW 1/4 Section 15 and S 1/2 SE 1/4 Section 16, T92N-R53W.

The notice was incorrectly advertised on July 12 and 19, 1976, in the Daily Press and Dakotan. Readvertisement of the notice of hearing for Water Permit No. 2826-3 is necessary to correct errors which occurred in the original publication notice regarding the diversion points and lands irrigated prior to issuance of the water license. The errors in the publication notice included: 1) acreage in Section 10 was incorrectly listed as being in the NW 1/4; 2) acreage in Section 15 was incorrectly listed as being in Section 5; and 3) the Range was incorrectly listed as being R52W (this error was recognized by the Board at the hearing).

This readvertisement does not authorize any increase in the developed water appropriation or irrigated acres.

Conclusions

1. This is a readvertisement of the Notice of Hearing for Water Permit No. 2826-3.
2. This readvertisement is necessary to correct publication errors in the notice of hearing regarding the diversion points and lands irrigated prior to issuance of the water license. The correct locations were identified on the permit application and map.
3. The correct location of the diversion points (wells) are the center of the SW 1/4 Section 10, NW 1/4 NW 1/4, SW 1/4 NW 1/4 Section 15 and the SE 1/4 SE 1/4 Section 16; all in T92N-R53W.
4. The correct location of the lands irrigation is the SW 1/4 Section 10, W 1/2 NW 1/4 Section 15 and the S 1/2 SE 1/4 Section 16; all in T92N-R53W.

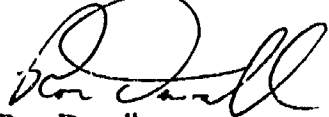
Prepared by:



Eric Gronlund

Natural Resources Engineer

Approved by:



Ron Duvall

Natural Resources Engineer IV

**RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER PERMIT
APPLICATION NO. 2826-3, Joseph R. Edelen, Jr.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning readvertised Water Permit Application No. 2826-3, Joseph R. Edelen, Jr., 311 Canby St., Vermillion, SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 2826-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's use, 2) the diversion has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) in the public interest with the following qualification:

The irrigation wells approved under this Permit 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.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", is positioned above the printed name.

JOHN HATCH, Chief Engineer
July 29, 1996



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 30, 1996

Joseph R. Edelen, Jr.
311 Canby St.
Vermillion, SD 57069

Dear Mr. Edelen:

The original notice of hearing for Water Permit No. 2826-3 was published with an error. Therefore, the notice of hearing needs to be readvertised to correct the error. A notice of hearing has been sent to the Publisher of the Daily Press & Dakotan printed at Yankton, SD (Ph # (605) 665-7811). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the readvertisement are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Water Rights Program. Please contact us if you have any questions.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 30, 1996

Daily Press & Dakotan
P.O. Box 56
Yankton, SD 57078-0056

Attn: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Permit No. 2826-3 to be published twice. Please publish the first notice on August 8, 1996, with the second publication 7 days later.

Please bill the Water Rights Program for the cost of the advertisement.

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

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

No. 2826-3

Date _____

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

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Name

Newspaper

Instruction to Newspaper - Publish first Notice on August 8, 1996, with the second publication 7 days later. The applicant is responsible for payment.

READVERTISEMENT OF NOTICE OF APPLICATION NO. 2826-3 to Appropriate Water

Notice is given of readvertisement of Water Permit No. 2826-3 held by Joseph R. Edelen, Jr., 311 Canby St., Vermillion, SD 57069. The water permit was originally applied for on June 23, 1976. Water Permit No. 2826-3 appropriates 4.0 cubic feet of water per second (cfs) from three wells to irrigate 280 acres. Readvertisement of this permit is necessary to correct the location of wells and correct the location of the irrigated acreage. This publication also serves as notice that an additional well was developed. The permit was originally advertised on July 12 and 19, 1976. An investigation of Water Permit No. 2826-3 found four wells developed and capable of diverting 2.67 cfs to irrigate 264 acres. The wells are located in the center of the SW 1/4 Section 10, SW 1/4 NW 1/4, NW 1/4 NW 1/4 Section 15 and the SE 1/4 SE 1/4 Section 16; all in T92N-R53W. The land irrigated is located in the SW 1/4 Section 10, W 1/2 NW 1/4 Section 15 and the S 1/2 SE 1/4 Section 16; all in T92N-R53W. The readvertisement does not authorize any increase in the developed diversion rate or irrigated acreage.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Application No. 2826-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 26, 1996.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Yankton) SS

I, Don S. Smith

certify that the attached printed Notice was
taken from the Yankton Daily Press
& Dakotan

printed and published in Yankton

County of Yankton and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

August 8, 1996

August 15, 1996

Cost of Printing: \$54.04

Don S. Smith

(Signature)

Publisher

(Title)

August 15, 1996

(Date Signed)



8-8-15 READVETISEMENT OF NOTICE OF APPLICATION NO. 2826-3 to Appropriate Water

Notice is given of readvertisement of Water Permit No. 2826-3 held by Joseph R. Edelen, Jr., 311 Canby St., Vermillion, SD 57069. The water permit was originally applied for on June 23, 1976. Water Permit No. 2826-3 appropriates 4.0 cubic feet of water per second (cfs) from three wells to irrigate 280 acres. Readvertisement of this permit is necessary to correct the location of wells and correct the location of the irrigated acreage. This publication also serves as notice that an additional well was developed. The permit was originally advertised on July 12 and 19, 1976. An investigation of Water Permit No. 2826-3 found four wells developed and capable of diverting 2.67 cfs to irrigate 264 acres. The wells are located in the center of the SW 1/4 Section 10, SW 1/4 NW 1/4, NW 1/4 NW 1/4 Section 15 and the SE 1/4 SE 1/4 Section 16; all in T92N-R53W. The land irrigated is located in the SW 1/4 Section 10, W 1/2 NW 1/4 Section 15 and the S 1/2 SE 1/4 Section 16; all in T92N-R53W. The readvertisement does not authorize any increase in the developed diversion rate or irrigated acreage.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Application No. 2826-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, SD 57501 (505 773-3332)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 26, 1996.

The petition may be informal. But must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PAYMENT REQUEST FORM

PAYEE: Yankton Daily Press & Dakotan
319 Walnut Street
Yankton, SD 57078

FROM: Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Readvertisement of Notice of Application No. 2826-3 to Appropriate
Water, published on August 8, and August 15, 1996.

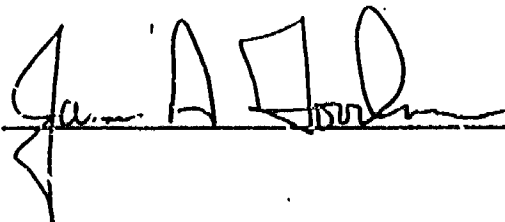
AMOUNT: \$54.04

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:  8/21/96

I declare and affirm under the penalties of perjury that this claim is
in all things, true and correct. I further agree to comply with the
provisions of the Civil Rights Act of 1964 and regulations issued
thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 2, 1998

2826-3
3109-3

Joseph R Edelen, Jr.
311 Canby Street
Vermillion SD 57069

Dear Mr. Edelen:

A review of our files indicates that the investigation of your water use systems, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 2826-3 and 3109-3, was completed several years ago. Your final water right document, the Water License, can be issued.

Statutes require that we charge a \$50.00 fee for each investigation and issuance of the Water Licenses. Upon receipt of the \$100.00 fee from you, we will process the Water Licenses.

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

Sincerely,

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 20, 1998

Permit Nos. 2826-3
3109-3

REMINDER NOTICE

TO: Joseph R. Edelen, Jr.
311 Canby Street
Vermillion, SD 57069

FROM: John Hatch, Chief Engineer
Water Rights Program 

SUBJECT: Water License/Investigation Fee Requirement

On January 2, 1998, we advised you that a \$50.00 fee per license (\$100.00 total) is due for the completed investigation of Water Permit Nos. 2826-3 and 3109-3. The fee also covers issuance of your water licenses which is the final document in obtaining and perfecting a water right.

To date, we have not received the \$100.00 fee; therefore, we can not issue the water licenses. Your licensed water rights will be similar to a property right that can not be lost as long as the water use continues and you abide by any permit requirements.

Please remit the fee as soon as possible to obtain your water licenses. In addition, South Dakota water law does not allow water to be diverted until the license fees are paid. To avoid jeopardizing your ability to use water, please send the fee to the following address:

Department of Environment and Natural Resources
Water Rights Program
523 E Capitol
Pierre SD 57501-3181

Thank you for your prompt response. If you have any questions or believe our records are in error, please contact Genny McMath at (605) 773-3352.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 415823

July 20, 19 98

Pierre,

RECEIVED OF Joe or Mary Edelen, 311CCanby St., Vermillion, SD 56009
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. 2826-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

Total

50 00

50 00

(Any Other Work Provided by Law)

By _____
Chief Engineer

John Hatch



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

SEP 8 1998

2826-3
3109-3

Joseph R. Edelen, Jr.
311 Canby Street
Vermillion, SD 57069

Dear Mr. Edelen:

Enclosed are Water License Nos. 2826-3 and 3109-3. These are the final water right documents completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 415823 and 415824 in the amount of \$50.00 each which you paid for the investigation and issuance of the Water Licenses.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 2826-3 and 3109-3, 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 Licenses, 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 Program
(605) 773-3352

ks
enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2826-3

(1) Joseph R. Edelen, Jr., 311 Canby St, Vermillion SD 57069 made Application No. 2826-3, June 23, 1976 for a water permit to divert 4.0 cubic feet of water per second from groundwater, Clay County, South Dakota for irrigation purposes. Permit No. 2826-3, with a priority date of June 23, 1976 was approved July 22, 1976 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 22, 1981 and for the application to beneficial use of said water on or before July 22, 1985.

Water Permit No. 2826-3 was readvertised on August 8 and 15, 1996 to correct the location and number of the wells and correct the location of the irrigated acreage. The readvertisement of the original notice of hearing did not authorize an increase in the acreage or developed diversion rate.

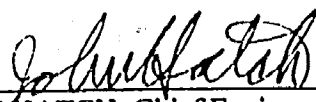
(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.67 cubic feet of water per second for beneficial use. The location of the diversion points are: **all in T92N-R53W**

- Well # 1: 1,300 feet east and 1,320 feet north of the southwest corner Section 10 (center of SW 1/4)
Well # 2: 635 feet east and 1,650 feet south of the northwest corner Section 15 (SW 1/4 NW 1/4)
Well # 3: 635 feet east and 660 feet south of the northwest corner Section 15 (NW 1/4 NW 1/4)
Well # 4: 660 feet west and 660 feet north of the southeast corner Section 16 (SE 1/4 SE 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land: **all in T92N-R53W**

Section 10	NW 1/4 SW 1/4	35 acres	Section 15	NW 1/4 NW 1/4	31 acres
	NE 1/4 SW 1/4	35 acres		SW 1/4 NW 1/4	31 acres
	SW 1/4 SW 1/4	35 acres	Section 16	SW 1/4 SE 1/4	31 acres
	SE 1/4 SW 1/4	35 acres		SE 1/4 SE 1/4	31 acres
Total					264 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Joseph R. Edelen Jr., 311 Canby St, Vermillion SD 57069 the holder and/or owner of Water Permit No. 2826-3 is issued a license to appropriate water, the right to use 2.67 cubic feet of water per second from groundwater (four wells) with a priority date of June 23, 1976 from the locations specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 2826-3 and subject to South Dakota State Law.


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

SEP 8 1998
date





2826-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: JOSEPH R EDELEN JR, 311 CANBY ST, VERMILLION, SD 57069

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2826-3 & 3109-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2826-3 & 3109-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 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) 2826-3 & 3109-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 25, 2005, 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 at (605) 773-3352.

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



2826-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 0308

Your item was delivered at 4:41 pm on January 25, 2005 in
VERMILLION, SD 57069. The item was signed for by M EDELEN.

[Shipment Details >](#)

Notification Options

- ▶ Track & Confirm by email [What is this?](#) [Go >](#)
▶ Request Proof of Delivery [What is this?](#) [Go >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)
Copyright © 1999-2002 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
9000 4558 0000 0416 1002

JOSEPH R EDELEN JR
311 CANBY ST
VERMILLION SD 57069

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

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

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail®
☐ Package Services

(See Reverse)

PS Form 153, July 2001



2826-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 2005

2826-3
3109-3

Joseph R Edelen
311 Canby St
Vermillion SD 57069

Dear Mr. Edelen:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 2826-3 and 3109-3.

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

E-9282

2826-3

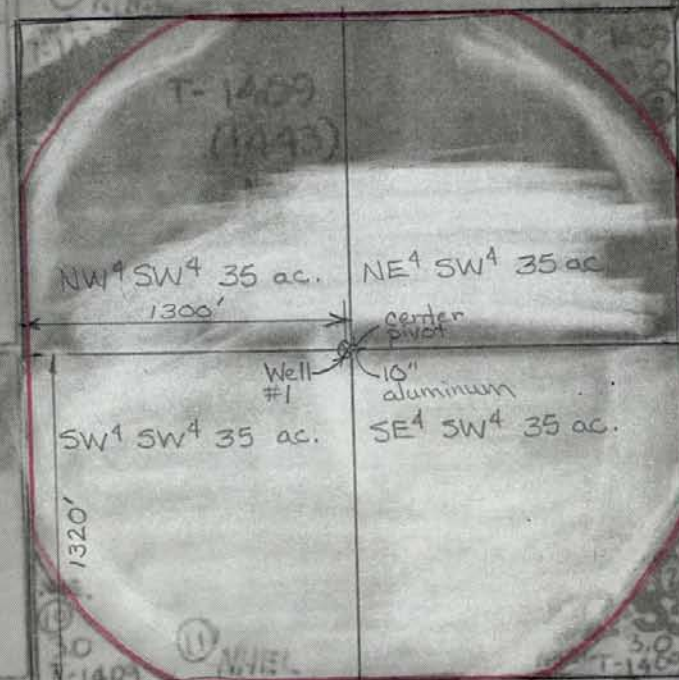


2826-3

NOT TO SCALE

T-1023
(1397)
158.9

Prepared by:

*Lynn Beck*Lynn Beck
Natural Resource Engineer III
DENR, Water Rights Division
11-17-93Total Acres 264.T-1409
(1443)
30.6T-2134
(2137)
33.484L T-493
(1580)
73.5T-2135
(2137)
63.0

10

T-2135
(2137)
69.6T-1050
(1878)
78.3T-2120
(1889)
38.5T-1050
(1619)
10.7T-1050
(1619)
7.2T-1050
(1878)
6.6T-1050
(1878)
99.7T-1837
(1088)
36.9

Albia

92-53

Land Use Map

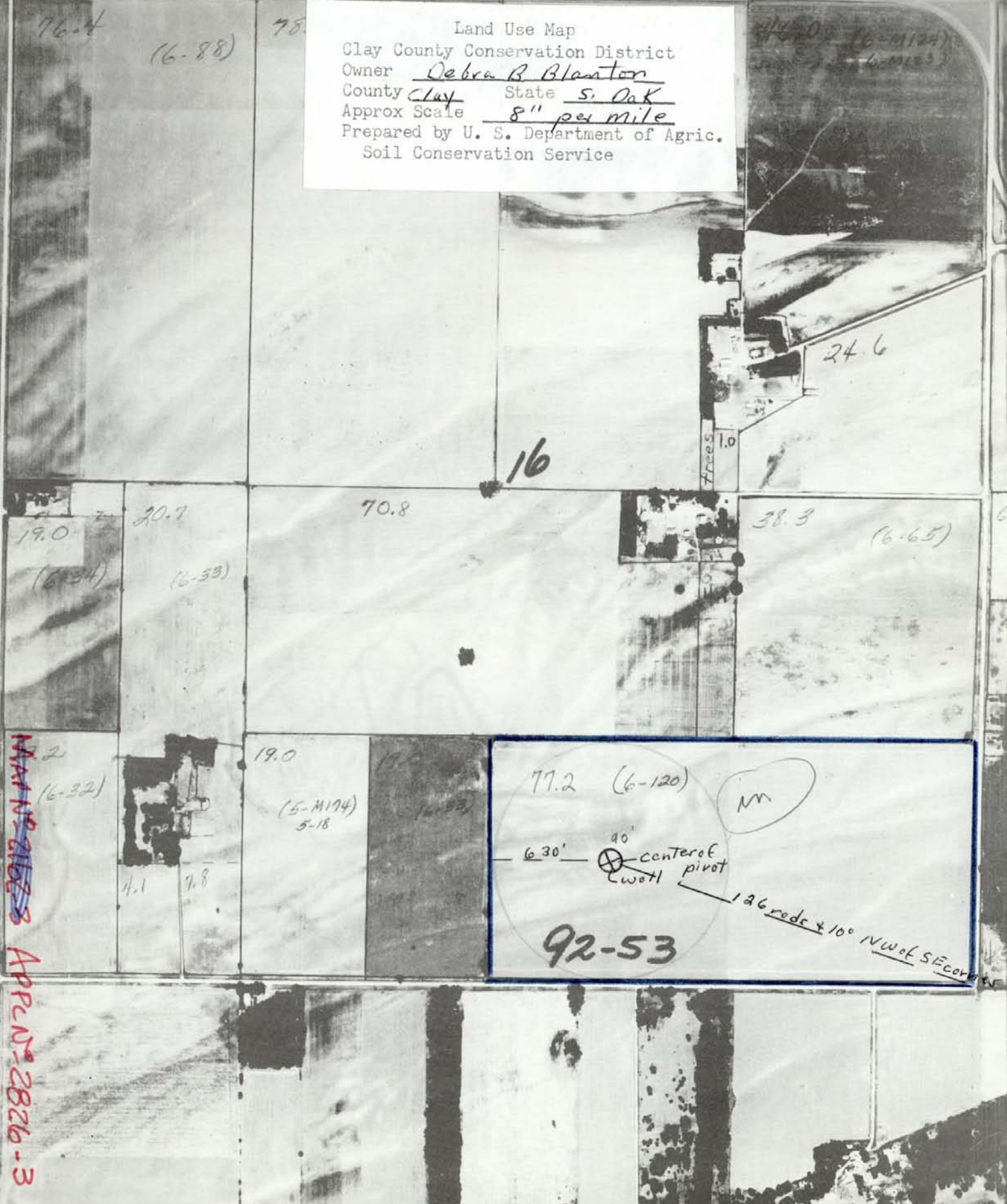
Clay County Conservation District

Owner Debra B. Blanton

County Clay State S. Dak

Approx Scale 8" per mile

Prepared by U. S. Department of Agric.
Soil Conservation Service



MAIN-2162-3 APR-15-2826-3



158.9

(6-1101)

73.5

(6-44)

199

65.0

(6-22)

34.8

(6-10)

10

151.5

(6-120)

116.8

(6-26)

1330'

Center of
pivot
well location

68.1

(6-78)

116 rods + 1350 NE (5E corner)

92-53

29.2

(6-120)

36.4

(6-78)

199

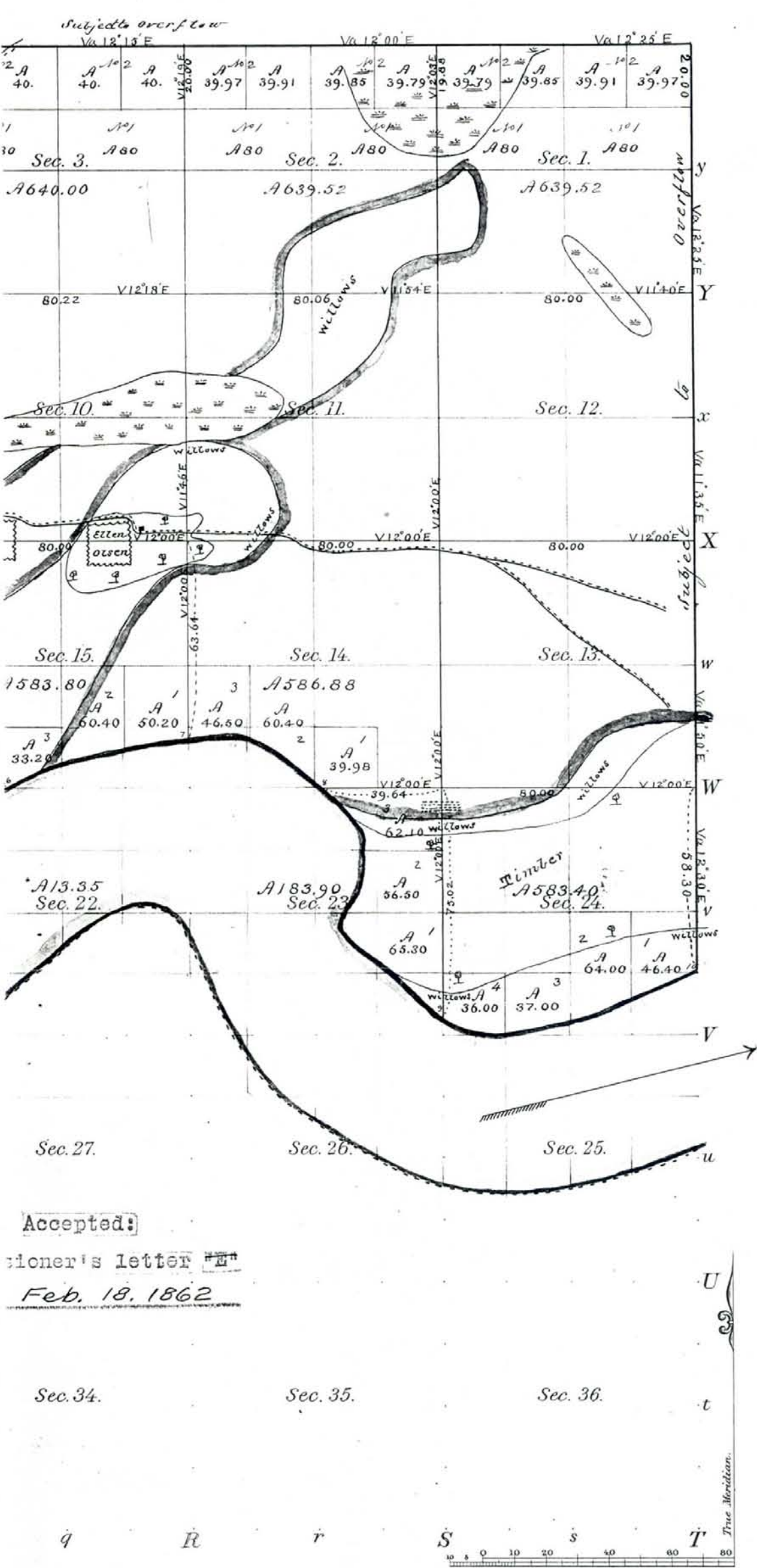
[illegible]

Total number of Acres.				
Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys	When Surveyed
Township lines	John Ball	Aug 1 st 1860	M. Ch. ^s Ik. ^s	October 1860
Subdivisions	John E. Clark	July 24 th 1861	39-68-53	October 1861

Total number of Acres. 12 369.49

The above
Principles
notes of the
Surrey
County

West of the 5th Principal MERIDIAN



Meanders of Missouri River. Left Bank,								
Posts	Courses	Ch ² Lk ²	Posts	Courses	Ch ² Lk ²	Posts	Courses	Ch ² Lk ²
1	S. 72°30' E. 16.20		4	S. 32°30' E. 23.40		8	S. 43° E. 18.18	
	S. 76°30' E. 18.15			N. 81° E. 17.00			S. 2° W. 19.50	
	S. 34° E. 12.83			N. 61° E. 13.52			S. 22° W. 12.22	
	S. 25° E. 33.75			N. 54° E. 18.53			S. 38° E. 8.13	
	S. 58° E. 29.80			N. 53° E. 16.72			S. 48° E. 18.22	
				N. 33° E. 18.97			S. 42° E. 5.67	
2	S. 26° E. 5.90						S. 52° E. 13.00	
			5	N. 67° E. 8.07				
3	S. 51° E. 8.79			N. 64° E. 3.82		9	S. 73° E. 10.60	
	S. 66°30' E. 3.76			N. 62° E. 6.54			S. 78° E. 10.00	
	S. 52° E. 2.10			N. 57° E. 6.10			N. 81° E. 13.00	
	S. 64°30' E. 1.44						N. 74° E. 8.90	
	S. 63° E. 12.00		6	N. 66° E. 8.45			N. 67°30' E. 6.19	
	S. 47°30' E. 13.29			N. 78° E. 25.70			N. 66° E. 18.94	
	S. 58° E. 6.50			N. 76°15' E. 21.30			N. 65° E. 12.14	
	S. 52° E. 11.63			N. 83° E. 5.65		To 10	N. 61° E. 5.17	
	S. 45° E. 2.10							
	S. 57° E. 3.50		7	N. 86° E. 12.41				
	S. 67°30' E. 5.21			S. 82° E. 10.18				
	S. 65° E. 3.17			S. 52° E. 17.74				
	S. 84°15' E. 5.26			S. 41° E. 6.70				
	N. 83° E. 4.50							
	N. 72° E. 8.14							

es. 12369.49

The above Map of Township 22 North of Range 23 West of the 5th Principal Meridian Dakota Territory is strictly conformable to the field notes of the survey thereof on file in this Office, which have been examined and approved.

Surveyor General's Office }
Franklin D. S. Dec 30 1861 }
Geo. A. Hill }
Sur. Gen. }



**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: JOSEPH R EDELEN JR, 311 CANBY ST, VERMILLION, SD 57069
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2826-3 & 3109-3. 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(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2826-3 & 3109-3 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) 2826-3 & 3109-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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

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

March 12, 2008

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHTS

TO: Joseph R Edelen Jr., 311 Canby St, Vermillion SD 57069

FROM: Garland Erbele Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: One Year Suspension of Water Right Nos. 2826-3 and 3109-3

On March 11, 2008, the Water Management Board ordered:

That effective April 11, 2008, Water Right Nos. 2826-3 and 3109-3 be suspended for the 2008 irrigation season for failure to submit the 2007 irrigation questionnaires.

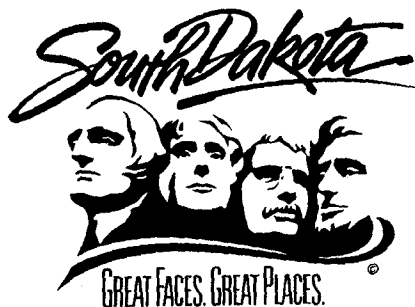
If the 2007 irrigation questionnaires are received prior to April 11, 2008 the suspensions will not take effect.

Suspension of the water rights means water may not be pumped during the 2008 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2008 unless the irrigation questionnaires are submitted by April 11th.

After April 11th, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2007 irrigation questionnaires and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 7, 2008 in Pierre, SD. The letter should include your reasons for not completing the 2007 irrigation questionnaires. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 25, 2008

2826-3
3109-3

Joe Edelen
311 Canby St
Vermillion SD 57069

Dear Mr. Edelen:

On March 11th, the Water Management Board ordered Water Right Nos. 2826-3 and 3109-3 be suspended if the 2007 irrigation questionnaire was not received prior to April 11, 2008. The questionnaire information for your water rights has been received.

Since the irrigation questionnaire is on file, no violation has occurred and no suspension will take place. You are hereby authorized to irrigate during the 2008 irrigation season.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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January 22, 2010

NOTICE

TO: JOSEPH R EDELEN JR, 311 CANBY ST, VERMILLION, SD 57069

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2826-3 & 3109-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2826-3 & 3109-3 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 10, 2010** 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) 2826-3 & 3109-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, 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 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

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

February 25, 2010

2826-3
3109-3

Joe Edelen
311 Canby St
Vermillion SD 57069

Dear Mr. Edelen:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 2826-3 and 3109-3.

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

McMath, Genny

2826-3

From: Gronlund, Eric
Sent: Tuesday, November 10, 2009 3:32 PM
To: McMath, Genny
Subject: Splitting of WR No. 2826-3, Edelen

Mr. Edelen called. Part of the land and wells under No. 2826-3 have been sold and he wanted to know the process for transferring the water right. Explained that a transfer of ownership form would need to be filled out for the portion that was sold and the WR would be split proportionately and reissued as an A & B number.

On WR No. 2826-3, Mr. Edelen will retain Wells #2 & # 4 and the irrigation systems in the SW NW 1/4 Section 15 and the S 1/2 SE 1/4 Section 16.

The land and wells with a new owner are: Wells # 1 & # 3 for the irrigation systems in the SW 1/4 Section 10 and the NW 1/4 NW 1/4 Section 15.

I sent a copy of the water right in your in-basket and attempted to highlight the ownership change. I offered for us to partially complete a transfer form and send it to him. He said he would take it to the new owner.

He said no rush

Eric Gronlund
Water Rights Program, DENR
Phone: (605) 773-3352
Fax: (605) 773-4068
Email: eric.gronlund@state.sd.us
Web: www.denr.sd.gov



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 12, 2009

2826-3

Joseph R Edelen Jr
311 Canby St
Vermillion SD 57069

Dear Mr. Edelen:

Thank you for your call this week on the ownership change needed for portions of Water Right No. 2826-3.

Based on the information Eric Gronlund gave me after your conversation, I drew up a partially completed "Notice of Transfer of Ownership" form for you to give to the new owner. Upon completion, the new owner will need to sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

Once the form and filing fee are received, the water right will be divided and reissued as an A & B number to reflect separate ownership. You and the new owner will each receive a reissued license reflecting the changes made.

If you have any questions, please contact me.

Sincerely,

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

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

enclosures

ATTACHMENT TO WATER RIGHT NO. 2826-3

Water Right No. 2826-3 authorizes diversion of 2.67 cfs of water to irrigate 264 acres.

On January 25, 2010, a transfer of ownership was filed for a portion of land described in the water right. Based on the ownership change, the water right was divided and reissued to reflect separate ownership as follows:

- **No. 2826A-3 - Joseph R Edelen, 311 Canby St, Vermillion SD 57069:** authorizing diversion of 0.94 cfs from Well Nos. 2 and 4 located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, T92N, R53W to irrigate 93 acres located as follows:

Section 15, T92N, R53W		Section 16, T92N, R53W	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	31 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$	31 acres
		SE $\frac{1}{4}$ SE $\frac{1}{4}$	31 acres
Total 93 acres			

- **No. 2826B-3 - Brook Bye, 31472 458th Ave., Vermillion SD 57069:** authorizing diversion of 1.73 cfs from Well Nos. 1 and 3 located in the center of the SW $\frac{1}{4}$ Section 10 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, T92N, R53W to irrigate 171 acres located as follows:

Section 15, T92N, R53W		Section 10, T92N, R53W	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	31 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$	35 acres
		NE $\frac{1}{4}$ SW $\frac{1}{4}$	35 acres
		SW $\frac{1}{4}$ SW $\frac{1}{4}$	35 acres
		SE $\frac{1}{4}$ SW $\frac{1}{4}$	35 acres
Total 171 acres			