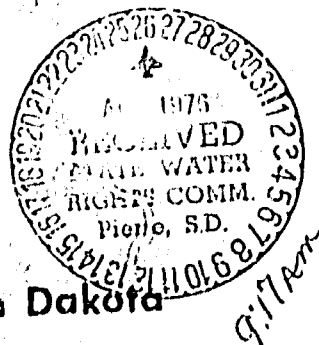


Water Right Number 2910-3

1. Considered 9-29, 19 76
2. Name of Applicant JOHN BROEK
3. Post Office Address ORANGE CITY, IOWA
4. Amount of water claimed 2.2
5. Source of water supply EXISTING WELLS UNDER PERM. 5 2693
2694
6. Water to be used for IRRIGATION APPL 2903
- Acres to be irrigated 156
7. Water to be diverted and used in BROOKINGS County
about 12N, 3E Miles of BROOKINGS.
8. Proof of Publication
Received 9-24-76
Not received
9. Application
Approved
Subject to
Not approved
Action deferred
10. Remarks:

No. 2910-3
 Map No. 2242-3 Water Division No. 3 BIG SIOUX RIVER District
 (Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant John Broek
 Postoffice address 108 Town Ave NW 51041 State Minnesota
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & Direct Labor
 3. Name of diversion work John Broek Irrigation Project No. 7
 4. Amount of water claimed (cubic feet per second) 2.2
 5. Source of water supply Wells located on other permits
 6. Location of point of diversion Wells on other permits connected with closed conduit
See bottom of page for location
 County Brookings
 7. Annual period or periods during which water is to be used April through October
 8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
 9. For irrigation use, Total number of acres to be irrigated 156

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>NW 1/4 Sec 17 - 112 - 49</u>	<u>39</u>		
<u>NE 1/4 " " " "</u>	<u>40</u>		
<u>SW 1/4 " " " "</u>	<u>40</u>		
<u>SE 1/4 " " " "</u>	<u>37</u>		

If more space is needed

10. Time required to complete construction of water supply system Five years. Additional time required to complete application of water to the project three years.
 11. Choice of newspaper for Notice of Intention to appropriate Water publication Brookings Register
 12. Principal Features of the Proposed Water Supply System

A. Works proposed to divert water from its natural source. using wells on 3 other permits
will be connected with closed conduit to center of quarter

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

C. Works proposed to apply water to beneficial use. center pivot irrigation machine

Estimated Total Cost \$ 50,000

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

STATE OF SOUTH DAKOTA

County of Brookings

I, John Broek, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed

John BroekSubscribed and sworn to before me this 3day of Aug1976

Notary Public (or other qualified officer)

1860' N 45° E of SW corner Sec 5 - 112 - 49
 1860' N 136° E of NW corner Sec 8 - 112 - 49
 1860' N 135° E of NW corner Sec 9 - 112 - 49
 2630' N 153° E of NW corner Sec 9 - 112 - 49
 990' N 106° E of NW corner Sec 17 - 112 - 49

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2910-3
JOHN BROEK 108 IOWA AVE. NW. ORANGE CITY
 (Applicant) (Post Office Address)
IOWA 51041 With the following modifications:
 (State)

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

Date of first receipt of application AUGUST 26, 1976
 Date of return to applicant for correction, amendments or changes required _____, 19____
 Date of receipt of corrected application _____, 19____
 Approved SEPTEMBER 30, 1976, Recorded in Book 16 Page 40

WATER RIGHT PERMIT NO. 2910-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2910-3 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 AUGUST 26, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 30, 1979
3. The whole of said work is to be completed on or before SEPTEMBER 30, 1981
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 30, 1984
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 2.2 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before SEPTEMBER 30, 1984; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 24TH day of NOVEMBER, 1976

WATER RIGHTS COMMISSION

By:

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

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

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

D. Well Information or Estimates

(1) Drill Hole, Diameter _____, Depth _____

(2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc.)

(3) Perforated Screen.

Type _____, Diameter _____, Length _____

(4) Gravel Pack. Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

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

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

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

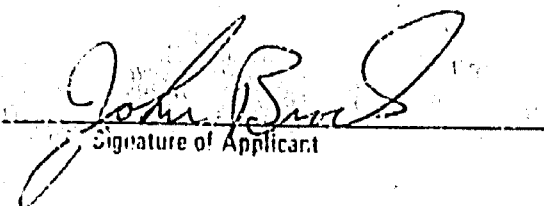
(2) Distance to nearest existing household or livestock watering wells.

On same owner's property _____ rds. On property owned by others _____ 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.

The wells are wells
on other permits


Signature of Applicant

CONSERVATION
COMMISSION
FORM WI #1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)

NAME John Brock
ADDRESS 108 Iowa Avenue Orange City Iowa
COUNTY Brookings

LEGAL DESCRIPTION

1. WELL LOCATION SW⁴ of Sec. 17 - 112 - 49
2. LOCATION OF AREA TO BE IRRIGATED SW⁴ of Sec. 17 - 112 - 49

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT ☒ GUN _____
4. CROPS TO BE IRRIGATED _____

WATER QUALITY

5. SAMPLE NUMBER 76-300
6. SALINITY (EC X 10⁶) 6.77 (medium)
7. SODIUM (SAR) 0.17 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and:
the soils information has been acquired from _____ Conservation District,
County Extension office or Soil Conservation Service.

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

John Brock
APPLICANT'S SIGNATURE

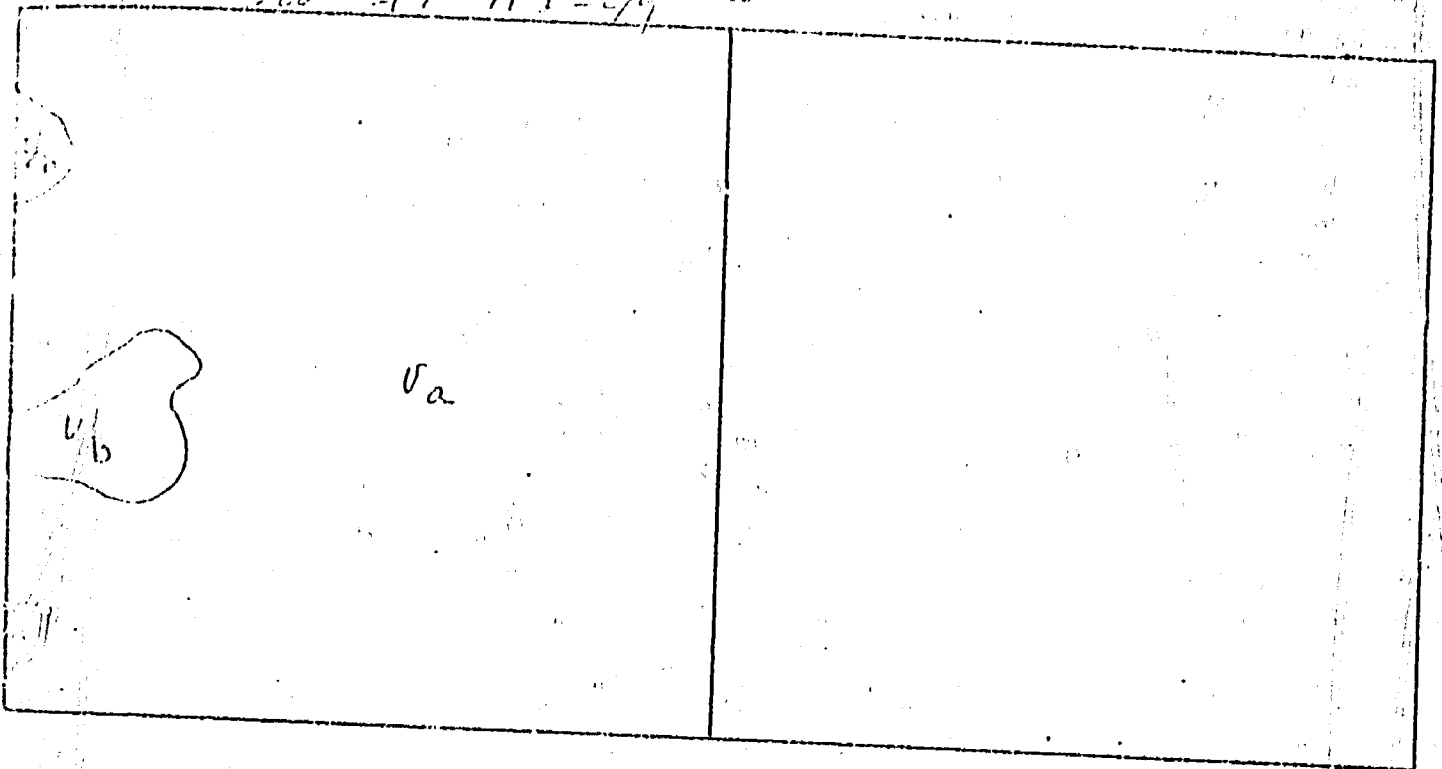
SUBSCRIBED AND SWORN BEFORE ME THIS
4 DAY OF July 19 76.

John Brock
(TITLE OR SEAL)

Albert J. [Signature]
APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)

220⁹ - 17 - 112 - 49 MAD



NARRATIVE

Va - Vienna Loam
Vp - Volga Silty clay loam

Note - Water is to piped from NW 1/4 of
Section 17 - 112 - 49 - there is a
water sample already tested for
a previous water permit application.
It is the same well

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

4-21-76

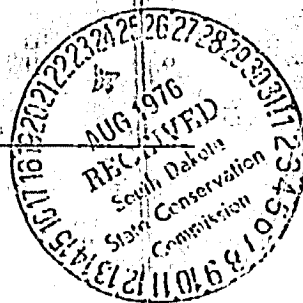
Submitted by: H. H. Erickson Date Rec'd: Aug 11, 1976
 Address: 123 Iowa Ave. N. Sample No. 76-360
Orange City, Iowa 52041 Identification: 611-751
Ill. Rec. 17, T. 11N, R. 49E

WATER ANALYSIS

Calcium (Ca)	97	ppm*	4.35	me/l**
Magnesium (Mg)	30	ppm	3.12	me/l
Sodium (Na)	8	ppm	0.33	me/l
Potassium (K)	2	ppm	0.05	me/l
Sulfate (SO ₄)	61	ppm	1.27	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	4	ppm	0.10	me/l
Bicarbonate (HCO ₃)	332	ppm	5.44	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	272	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	577	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.17			
Sodium	3.95	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.52			
Others:				

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

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



By: Harry J. Iltis

Service Performed

Amount Due

Irretrievable

18.00 / 6.15-76

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment:

Sample No. 76-360

Amount Enclosed \$

Signed

No. 2910-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brookings) ss.

I, James M. McLellan Jr. hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Brookings Daily Register

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

_____ City _____ of Brookings

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

Sept. 16, 1976

Sept. 23, 1976

James M. McLellan Jr.
(Signature)

Editor - General Manager
(Title)

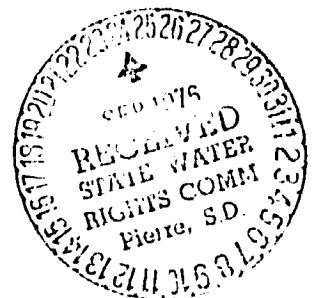
9-23-76
(Date Signed)

Legal No. 444 — Sept. 16 & 23
NOTICE INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
September 1, 1976

Notice is hereby given that John Broek
whose post office address is Orange
City, Iowa, has made an application in
accordance with the provisions of the
water laws of South Dakota for a permit
to appropriate for beneficial use 2.2
cubic feet of water per second of time
from ground water through the Broek
No. 1, the points of diversion of which
are to be located in the Center of the
SW¹/₄, Section 5; Center of the NW¹/₄,
Section 8; Center of the NW¹/₄ and SW¹/₄,
NW¹/₄, Section 9; and NW¹/₄ NW¹/₄,
Section 17, T112N, R49W, as shown on
Permits Nos. 2693-3 - 2694-3 and
Application 2909-3. Said water to be used
for the purpose of providing irrigation on
portions of the following described land:

SW¹/₄, Section 17, T112N, R49W.
This application No. 2910-3 will be
considered by the Water Rights
Commission at their office at Pierre
upon the 29th day of September, 1976, at
10:00 A.M. All interested persons may
appear and be heard.

WATER RIGHTS
COMMISSION
BURTON F. JONES
Water Rights Specialist



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

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

April 15, 1985

John Broek
701 W 1st St
Orange City IA 51041

NOTICE

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

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

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

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

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

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

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

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

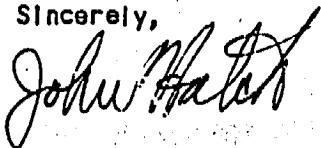
John Broek
April 15, 1985
Page 2

3. Postpone any action;

4. Take no action.

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

Sincerely,



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

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

A40408KS.wr

SOUTH DAKOTA
Department of
Water & Natural Resources

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

June 12, 1985

Notice of Amondment to Water Permit(s)

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

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

John Hatch

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

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

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

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

South Dakota
Department of
Water & Natural Resources

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

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

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

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

NO. 2910-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: September 16, 1985

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

156 Acres- NW 1/4 Section 17, T112N, R 49W

formerly owned by John Broek

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

Water Right Permit No. 2910-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

ARIZONA
STATE OF ~~SONORA~~ ~~CHIAPI~~)
County of Maricopa) ss.

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

John Broek
John Broek (Signed)

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

Debi Behm
(Notary Public)-Arizona

My Commission Expires:
6, Commission Expires Jan. 10, 1988

RECEIPT

Division of Water Rights

No 410192

South Dakota Department of Water and Natural Resources

McCann, Martin & McCann Pierre, September 24, 1911
for Metropolitan Life Ins., Co., PO Box 628, Carroll IA 51401

RECEIVED OF

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form for Permit No. 2010-3	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	2	50

By

Chief Engineer

JOHN HATCH

ks



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

September 25, 1985

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

Dear Mr. Martin:

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

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

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Administrative Aide

enclosures

Equal Opportunity Employer



**Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

No. 5010-3

2910-3

DEC 4 1986

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

Dear Sir:

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

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

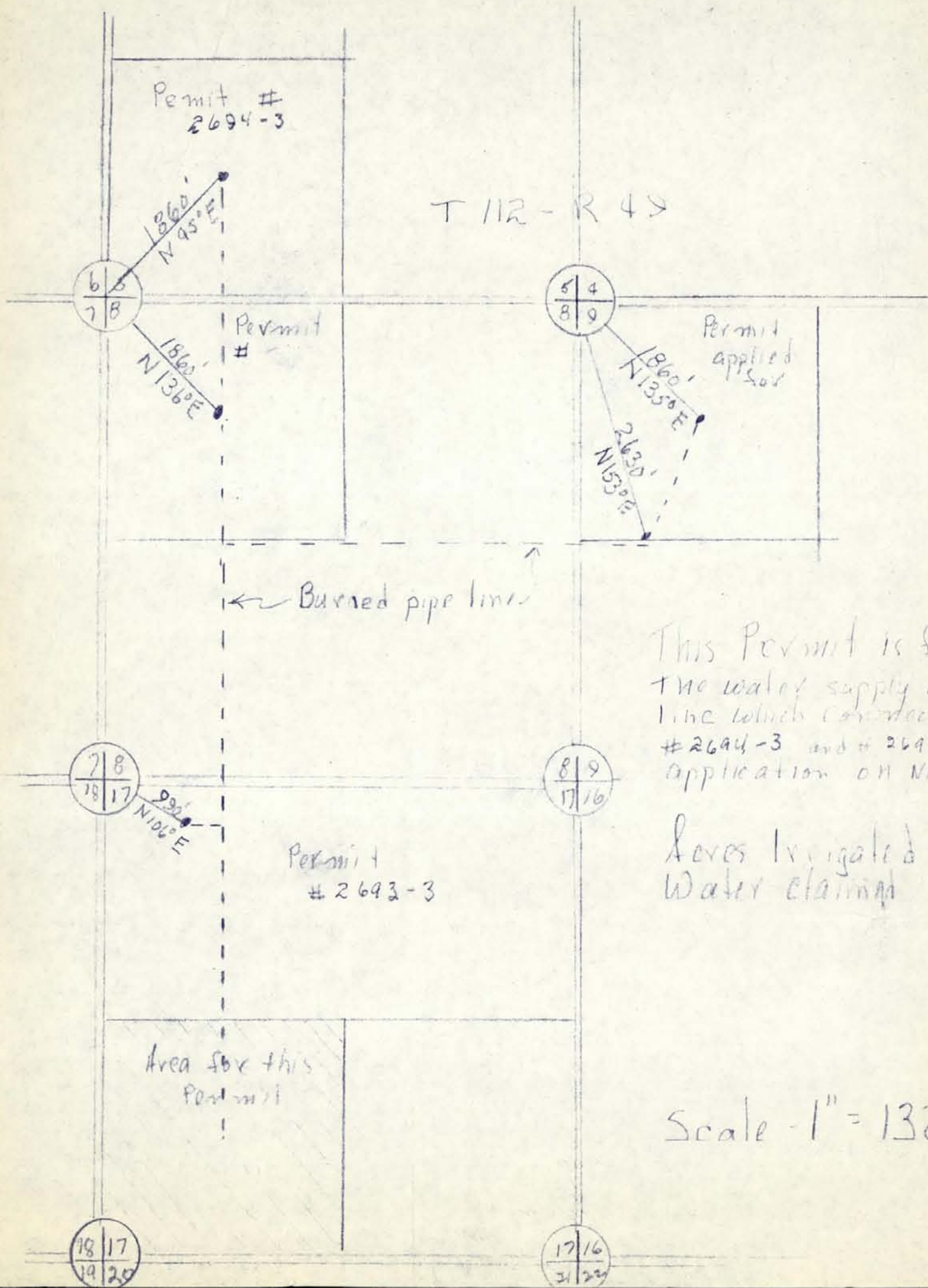
JH: ms

Enclosures

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

WNR-817 3/83

Transmittal of Water License



This Permit is for SW⁴ of Sec 17 - 112-49
 The water supply is an extension of pipe
 line which connects wells on permits
 #2694-3 and #2693-3 and pending application
 application on NW⁴ sec 9 - 112-49

Acres Irrigated - 156
 Water claimed - 2.2 cfs

Scale - 1" = 1320'

JOHN BROEK

Irrigation Project # 4
 108 Iowa Ave NW Orange City
 Iowa - 51041

Land owned by
 Herbert Hiedepriem
 Miller S. Dak.

Surveyor's Certificate

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

John Broek
 108 Iowa Ave NW
 8-21-76

Orange City Iowa
 Drawn by JLLW
 P.E.H. 1916
 Brookings
 S.D.

John L. Wiersma

MAP # 2242-3 APPL # 2910-3