

Water Right Number Z9.38.3

1. Considered 9-29, 1976
2. Name of Applicant RONALD BIRD
3. Post Office Address ELK POINT
4. Amount of water claimed 2.28
5. Source of water supply 100' WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 160
7. Water to be diverted and used in Union County
about 10N, 3W Miles of ELK POINT
8. Proof of Publication Received 1ST 9-28-76
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

No. 2938-3
 Map No. 2270-3 Water Division No. 3 Big Sioux River District 1
 (Blanks to be filled by the Engineer for the W. D. 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 Ronald Bird State South Dakota
 Postoffice address Elk Point
 If a corporation show date and place of incorporation None
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Bird Irrigation Project #1
4. Amount of water claimed (cubic feet per second) 2382.7 CFS MAXIMUM ALLOWABLE
5. Source of water supply Well
6. Location of point of diversion 1320 feet East and 1320 feet North of the SW Corner
of section 3, T92N R50W County Union
7. Annual period or periods during which water is to be used June through September
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 160

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.
SW 1/4 Section 3, T92N R50W	160 ac.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system five (5) years. Additional time required to complete application of water to the proposed beneficial use five (5) years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Lander-Courier, Elk Point, So. Dak.
12. Principal Features of the Proposed Water Supply System.

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

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

C. Works proposed to apply water to beneficial use.

Center Pivot

Estimated Total Cost \$ 10,000.00
 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 Union
 I, Ronald Bird 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 Ronald BirdSubscribed and sworn to before me this 1st day of September 1976

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2938-3
RONALD BIRD ELK POINT
 (Applicant) (Post Office Address)

SOUTH DAKOTA 57025 With the following modifications:
 (State)

The irrigation well approved under this Permit will be located near domestic wells and other irrigation 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 or in irrigation wells having prior water rights.

Date of first receipt of application SEPTEMBER 7, 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 60

WATER RIGHT PERMIT NO. 2938-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2938-3 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 SEPTEMBER 7, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 10, 1979
3. The whole of said work is to be completed on or before SEPTEMBER 30, 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 30, 81
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 2.28 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, 81; said water to be used during the following described annual period: JUNE THRU SEPTEMBER

Witness my hand this 29th day of NOVEMBER, 19 76

WATER RIGHTS COMMISSION

By:

John M. P.
 Chief Engineer, Executive Office

Certificate of Construction Issued

SEPTEMBER 17, 1979

Water License Issued

SEPTEMBER 17, 1979

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

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 30 inches, Depth 100 feet
- (2) Casing, Type Transite, Diameter 16" I.D., Thickness 3/4 inch
(wood, concrete, steel, etc)
- (3) Perforated Screen,
Type 1/8 in. slotted, Diameter 1 1/2" I.D., Length 20 feet
- (4) Gravel Pack, Thickness 6 - 9 inches, Length of gravel pack 20 feet

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 Water bearing gravels and rock

Depth to top of water bearing material 30 feet

Depth to bottom of water bearing material 100 feet

Thickness of water bearing material 70 feet

Depth to water (ground surface to water level) 14 foot drawdown

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

On same owner's property 120 rds. On property owned by others 180 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, 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.

Ronald "Bud" X
Signature of Applicant

11/11/11

STATE OBSERVATION COMMISSION
REPORTING OFFICERS:
FOR APPROPRIATELY QUALIFIED TO APPROVE
WITH SPECIAL AGENTS
THIS FORM IS TO BE FILLED OUT BY THE AGENTS OF THE COMMISSION

Alfred Liffick

NAME Ronald L. Maxine Bird
ADDRESS Elk Point, So. Dak.
CITY Union

LEGAL DESCRIPTION

LEGAL DESCRIPTION

1. WELL LOCATION Sec 3 72 N 50 W

2. AREA TO BE IRRIGATED 160 acres

TYPE OF IRRIGATION

3. GRAVITY _____ SPRINKLER (INDICATE TYPE) center pivot

4. CROPS TO BE IRRIGATED corn, soy beans

LAND CAPABILITY FOR IRRIGATION:

5. PERCENTAGE OF ^{5.1}SLOPE 0.2% slope

6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION 26A Wentworth silty clay loams
35 Worthing silty clay loam class IIIw1 Class I₂
38 Wakanda - Worthing - Chancellor complex class IIeq, IIIw1, IIw1
45 Worthing - Chancellor silty clay loams class IIw1 and IIw1 (Green sheets enclosed)

WATER QUALITY

WATER QUALITY REPORT FORM COMPLETED BY COMMISSIONER

7. SAMPLE NUMBER 76-856

8. SALINITY EC = 2057 (high)

9. HARDY SAR = 1.67 (low)

I DO HEREBY CERTIFY THAT A CERTAIN PLACED OF THE LAND WATER AND
ACCORDING TO THE RECORDS OF THE LAND OFFICE OF THE STATE OF
THE LAND CAPABLE OF BEING IRRIGATED BY THE LAND OFFICE OF THE STATE OF

Soil Conservation Service

AND

THAT THE LEGAL DESCRIPTION FOR THE LOCATION OF THE LAND AND OF
IRRIGATED IS TRUE AND CORRECT.

Ronald Bird

Maxine Bird

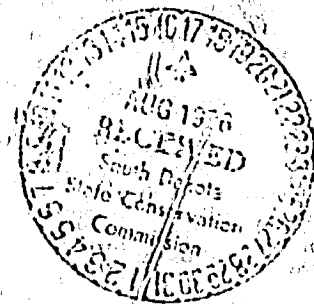
SUBSCRIBED AND SWORN BEFORE ME THIS

19th DAY OF July 1976

L. H. Olson

Notary Public

(TITLE) Effron County,
South Dakota



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

Submitted by: FOURTH FID
 Address: Blk Point, SD 57035

Date Rec'd: July 26, 1976
 Sample No.: 75-396
 Identification: 1 Well, 28
Box, 3, 92H, 250H

WATER ANALYSIS

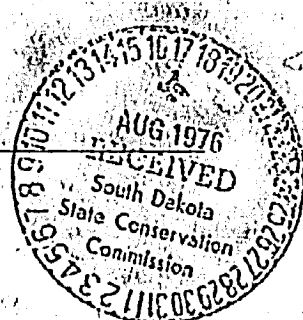
Calcium (Ca)	711	ppm*	15.55	me/l**
Magnesium (Mg)	62	ppm	5.08	me/l
Sodium (Na)	123	ppm	5.35	me/l
Potassium (K)	23	ppm	0.60	me/l
Sulfate (SO ₄)	938	ppm	19.50	me/l
Nitrate (N)		ppm		me/l
Chloride (Cl)	93	ppm	2.59	me/l
Bicarbonate (HCO ₃)	273	ppm	4.48	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	24	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	2057	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.67			
Sodium	20.12	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.92			

* ppm = parts per million

** me/l = millequivalents per liter

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

COMMENTS: Total cations 26. me/l
 Total anions 26.07 me/l



By: Shirley Vitten

Service Performed:

Amount Due

Irrigation analysis

\$8.00

Make check payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 75-396

Amount Enclosed

Signed

Permit No. 2938-3Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Ronald Bird

_____ the holder _____ of
Permit No. 2938-3, issued upon Application No. 2938-3, bearing date of priority of
September 7, 1976 authorizing the diversion of 2.28 cu. ft. per second of the waters of
ground water (one well) County of Union, State of South Dakota at
the center of the SW $\frac{1}{4}$, Section 3, T92N, R50W

for Irrigation

_____ has 5 complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.0 cu. ft. per second of water

Date September 17, 1979

John Hatch
JOHN HATCH, Chief Engineer
Water Rights, WMD

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2938-3

(1) WHEREAS, On the 7th day of September A. D. 19 76
Ronald Bird

made Water Right Application No. 2938-3 for a permit to use 2.28 cubic feet per second of the waters
of ground water (one well)

County of Union State of South Dakota, for Irrigation

purposes; and
(2) WHEREAS, On the 30th day of September A. D. 19 76
Permit No. 2938-3, with a date of priority of September 7, 1976

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 30th day of September A. D. 19 81 and for the
application to beneficial use of said water on or before the 30th day of September A. D. 19 81

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 1.94 cubic feet
per second of water for beneficial use and,

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

to irrigate 135 acre circle in the SW $\frac{1}{4}$, Section 3, T92N, R50W

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

of Elk Point, SD

the holder of and owner of said permit No. 2938-3 a water right, dating from September 7, 1976

to use of 1.94 cubic feet per second of the water

of ground water (one well)

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

purpose hereinafter mentioned, to be directed at the center of the SW $\frac{1}{4}$, Section 3, T92N, R50W

and conduct to and upon a 136 acre circle in the SW $\frac{1}{4}$, Section 3, T92N, R50W

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 2938-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 17th day of September A. D.

Nineteen Hundred and Seventy-nine

Board of Water Management

By:

John Hatch
Chief Engineer

JOHN HATCH

Form 0 - Notice of Intent to Appropriate Water

No. 2933-3

Publish first publication, on or before September 15, 1975

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

September 5, 1975

Notice is hereby given that Ronald Bird
whose post office address is Elk Point, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

2.22 cubic feet of water per second of time from the ground water through the
road # 1, the point of diversion of which is to be located in the

center of the SW 1/4

of Section 3, Twp. 52N, Range 50W. Said water to be used for the purpose
of providing irrigation on the following described land:

SW 1/4, Section 3, T20N, R50W

This application No. 2933-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 29th day of September, 1975, 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: Ronald Bird, Elk Point, S. D. 57025

No. 2938-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Union) ss.

I, Lester E. Emerson hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Lester E. Emerson

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 Elk Point

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

September 16, 1976

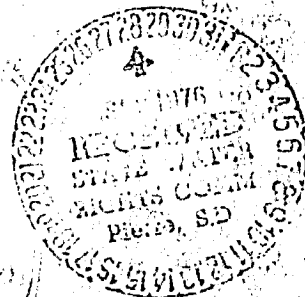
September 23, 1976

Lester E. Emerson
(Signature)

Paul Smith
(Title)

September 23, 1976
(Date Signed)

NOTICE OF INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
September 3, 1976
Notice is hereby given that
Ronald Bird whose post office
address is Elk Point, South Dak-
ota, has made an application in
accordance with the provisions
of the water laws of South Dakota
for a permit to appropriate for
beneficial use 2.28 cubic feet of
water per second of time from
ground water through the Bird #1
the point of diversion of which is
to be located in the center of the
SW 1/4 of Section 3, Twp. 02N, Ra-
nge 60W. Said water to be used
for the purpose of providing irri-
gation on portions of the follow-
ing described land: SW 1/4, Section
3, T92N, R60W, S43.
This application No. 2088-3
will be considered by the Water
Rights Commission at their off-
ice at Pierre upon the 20th day
of September, 1976, at 10:00 A.M.
All interested persons may ap-
pear and be heard.
WATER RIGHTS COMMISSION
By: Burton T. Jones
Water Rights Specialist
(Pub. Sept. 16, 23)



Permit No. 2438-3Water Division 3 Big Sioux River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by RONALD
BIRD of ELK POINT holder
 of Permit No. 2438-3, hearing date of priority of SEPTEMBER 7, 1976
 authorizing the diversion of 2.28 cu. ft. per second of the waters of GROUNDWATER
 for IRRIGATION purposes, in UNION County.

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

The Water Use System consists of,

- A. Works used to divert the water:
235' DEEP WELL WITH 12" DIA STEEL CASING. 40' JOHNSON
STAINLESS STEEL SCREEN
FAIRBANKS MORSE 8" PUMP #N3A28086MX 1/2 HHP - 12' REVUS
POWERED BY 100 HP US ELECTRIC MOTOR
- B. Works used to transport water to place of use,
20' OF 10" LINE TO CENTER OF PLOT
- C. Works used to apply water to beneficial use.
LOCKWOOD CENTER PIVOT SYSTEM - ELECTRIC DRIVE
WITH END GUN

The system is in the following condition: GOODThe point of diversion is located A THE CENTER OF THE SW⁴ SECTION 3,
T92N, R50WThe works are capable of diverting and conveying to the place of use 2.0cu. 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:

FOR IRRIGATING A 136 ACRE CIRCLE IN THE SW⁴
SECTION 3, T92N, R50W

comprising a total of 136 acres of land.

Date

AUGUST 23, 1979

Robert Jones
 (Signature)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7041

PIERRE, September 14, 1979

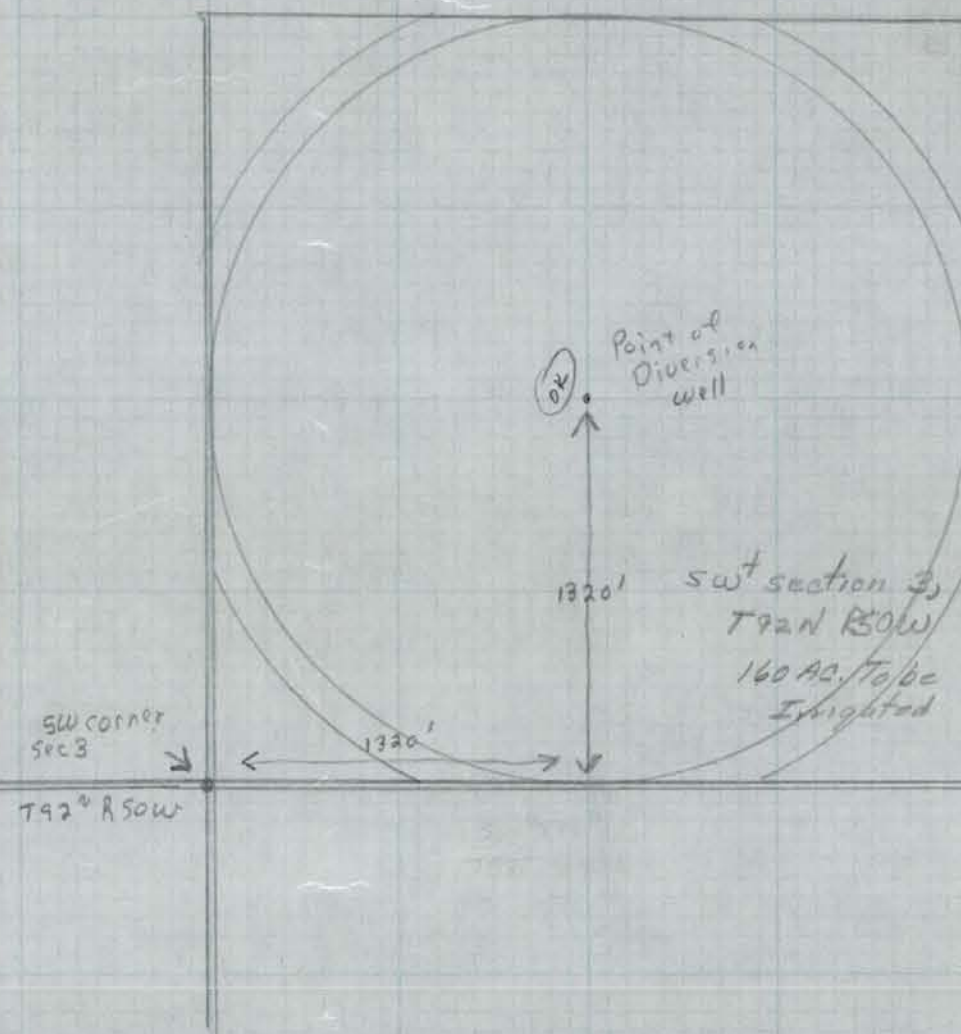
RECEIVED OF Ronald Bird, RR #1, Box 102, Elk Point, SD 57025

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

Fee for Application for Permit to appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No. 2938-3	50	10
Fee for inspecting Beneficial Use, and issuing Water License No. 2938-3		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filling		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50	10

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH gy



SCALE 8 in. = 1 mile

Ron Bird Irrigation Project Elk Point South DAK. 160 ACRES To be Irrigated			
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE			
Designed	Dave Davis 7/19/76	Date	7/19/76
Drawn	Dave Davis 7/19/76	Approved by	JM Baling 7/19/76
Traced		Title	Sec Tech
Checked		Sheet	No. 1 of 1
		Drawing No.	

MAP NO. 2210-3 APPL. NO. 2938-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

November 17, 2015

2938-3

Maxine Bird
31668 473rd Ave
Elk Point SD 57025

Dear Ms. Bird:

I am writing to acknowledge receipt of the 2015 irrigation questionnaire for Water Right No. 2938-3. Thank you for the notation concerning the need for an ownership change.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Upon completion, please 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.

If you have any questions concerning the water right or completion of the enclosed form, please let me know.

Sincerely,

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

enclosure

RECEIVED

DEC -1 2015

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 2938-3

Date: Nov-23-2015

I/We request that Water Right No. 2938-3

formerly owned by: Ronald Bird

be transferred to: (name & address) Maxine Bird, 31668 473rd Ave, Elk Point SD 57025

Telephone No. 605-356-2717

Title to the following described land(s)/property has been transferred as described above:

136 acres - SW ¼ Section 3, T92N, R50W

I/We understand that the validity of Water Right No. 2938-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Maxine Bird, the new owner, certify that the above information is true and correct.

Maxine Bird

(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/1, 20 15

RECEIVED OF Ronald Bird 31668 473rd Ave Elk Point SD 57025

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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2938-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 07535

By James Goodman
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

December 1, 2015

2938-3

Maxine Bird
31668 473rd Ave
Elk Point SD 57025

Dear Ms. Bird:

I am writing to acknowledge receipt transfer form and filing fee you submitted for changing ownership on Water Right No. 2938-3.

The ownership change has been completed. Water Right No. 2938-3 formerly held by Ronald Bird is now listed in your name.

Thank you for following up on the ownership change. Enclosed for your records is Receipt No. 07535 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

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

enclosure