

Water Right Number 2991-3

1. Considered 9.29, 19 76
2. Name of Applicant ATYED BEUS
3. Post Office Address CLEAR LAKE
4. Amount of water claimed 3.90
5. Source of water supply 2 WELLS 135' & 135'
6. Water to be used for IRRIGATION
Acres to be irrigated 270
7. Water to be diverted and used in DEUEL County
about 3E Miles of CLEAR LAKE
8. Proof of Publication Received 9-28-76
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

No. 2991-3Map No. 2320-3 Water Division No. 3 MINNESOTA 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 Atgeo Bros.
Postoffice address Clear Lake, State S.Dak
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) _____
3. Name of diversion work Atgeo Bros Irrigation Project #12
4. Amount of water claimed (cubic feet per second) 3.9
5. Source of water supply 2 wells
6. Location of point of diversion Well #1 1860' N 45° E of SW corner sec 18
Well #2 2100' N 132° E of NW corner sec 19
both T 115 R 48 County Deuel
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 1740
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>SW 1/4 sec 18 - 115-48</u>	<u>140</u>	<u>NW 1/4 sec 19 - 115-48</u>	<u>130</u>

Attach sheet 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 proposed beneficial use three years.
11. Choice of newspaper for Notice of Intent 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. 2 wellsB. Works proposed to transport water to place of use. closed canalC. Works proposed to apply water to beneficial use. 2 center pivot irrigation machinesEstimated Total Cost \$ 90,000Attachment: 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 BrookingsI, Charles Atgeo the applicant, verify 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 Charles AtgeoSubscribed and sworn to before me this 12 day of Aug, 1976.

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2991-3

ATYEO BRDS

(Applicant)

CLEAR LAKE

(Post Office Address)

SOUTH DAKOTA 57226

(State)

With the following modifications:

The irrigation wells 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 AUGUST 26, 1976

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

Date of receipt of corrected application SEPTEMBER 3, 1976

Approved SEPTEMBER 30, 1976, Recorded in Book 16 Page 97

WATER RIGHT PERMIT NO. 2991-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2991-3 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 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 3.9 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 30TH day of NOVEMBER, 1976

WATER RIGHTS COMMISSION

By:

John H. H. H.
Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19—

Water License Issued —, 19—

#	Formation: Clay, Silt, Sand, Gravel, Color, Hard or Soft, etc.	Depth (ft.)		Formation (Continued)	Depth (ft.)	
		From	To		From	To
	top soil	0	2			
	yellow clay	2	3.8			
	gray till	3.8	7.5			
	gravel	7.5	8.5			
	clay	8.5	9.0			
	sandy gravel	9.0	13.8			
	clay	13.8	14.0			
	12/11 15 12					

Two wells

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", Depth _____
- (2) Casing, Type Fiberglass Diameter 16" Thickness _____
(wood, concrete, steel, etc.)
- (3) Perforated Screen.
Type Fiberglass, Diameter 16", Length 20'
- (4) Gravel Pack, Thickness 5", Length of gravel pack 20'

E. Dugout Information or Estimates

- (1) Surface dimensions _____, Depth _____

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

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

Character of Water bearing materials see enclosed logs

Depth to top of water bearing material Well #1 - 75'

Depth to bottom of water bearing material Well #1 - 128'

Thickness of water bearing material Well #1 - 58'

Depth to water (ground surface to water level) 40'

- (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.

☒	Well #1	same property	other property
		40 rds	180 rds
	Well #2	60 rds	120 rds

Alfred Brighouse - Charles J. J. J.
Signature of Applicant

August 26, 1976



Mr. Charles Atyeo
Clear Lake, SD 57226

Dear Mr. Atyeo:

I am enclosing herewith the original copies of the reports of analysis on your water samples #76-1011 and 76-1012. I am also enclosing AES publication #13. In the chart on the outside back cover the two red crosses signify the approximate quality of these waters for irrigation use. As you will see, they are very much alike, being in the high salinity, low sodium category.

Accordingly, they are only fairly well suited for irrigation use and that would be on soils of good internal drainage. The salt that is carried by these waters amounts to a little over one ton for each acre foot of water and this is important when one is considering the irrigation of soils with imperfect drainage or other problems.

The soils you propose to irrigate in the SW quarter of section 18 and the NE quarter of section 19 have scattered among them numerous spots of imperfectly drained areas and these are in the NW portion of 18 and along the south edge of that same quarter as well as scattered throughout the NE quarter of section 19. How you can fit a center pivot operation in these irrigable areas that remain in between is something that I cannot endeavor to decide. There is a belt NW and SE through the center of the NE quarter of section 19 that might be irrigable and likewise the major portion of the center of the tract in section 18. But you will be very disappointed with the performance of crops in the small areas of wet spots that are scattered throughout the NE quarter of section 19, as well as those in section 18. Accordingly, I recommend that you proceed with this development with full awareness of the consequences that may arise and of the disappointing results that you will see from flooding, salt rise, and other factors. I suggest you consider some other method of water application than the center pivot equipment.

A copy of this letter is accompanying your application materials to the State Conservation Commission in Pierre for their action.

Sincerely yours,

L. O. Fina
L. O. Fina
Water Quality Lab

LOF:ckb

Enclosures

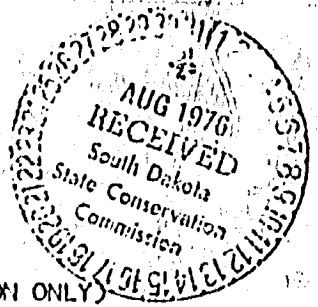
cc: State Conservation Commission

D. Pahl

Dale Wiltala

CONSERVATION
COMMISSION
FORM W1 #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 A. L. Geo Bros. - Charles A. Geo
ADDRESS Clear Lake S. Dak.
COUNTY Deuel

LEGAL DESCRIPTION

1. WELL LOCATION 2 wells - Cont. of S. 1/4 Sec 18 & N. 1/4 - 19 - 115 - 48
2. LOCATION OF AREA TO BE IRRIGATED Sec 18 & N. 1/4 - 19 - 115 - 48

TYPE OF IRRIGATION

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

WATER QUALITY

- | | 76-1011 | 76-1012 |
|---------------------------------------|-------------|---------|
| 5. SAMPLE NUMBER | | |
| 6. SALINITY (EC X 10 ⁶) | 1212 (high) | 1114 |
| 7. SODIUM (SAR) | 0.40 | 0.41 |
| 8. RESIDUAL SODIUM CARBONATE (meq/l.) | 3 | 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.

Charles A. Geo
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
12 DAY OF Aug 1976.

John L. Williams
(TITLE OR SEAL)

John L. Williams
APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)

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

Submitted by: Charles Ktyeo
 Address: Clear Lake, SD 57226

Date Rec'd August 12, 1976
 Sample No. 76-1011
 Identification Well-138
SW, Sec. 18, T 115N, R 49W

WATER ANALYSIS

Calcium (Ca)	203	ppm*	10.15	mc/l**
Magnesium (Mg)	39	ppm	3.20	mc/l
Sodium (Na)	24	ppm	1.04	mc/l
Potassium (K)	6	ppm	0.16	mc/l
Sulfate (SO ₄)	395	ppm	8.22	mc/l
Nitrate (as N)		ppm		mc/l
Chloride (Cl)	4	ppm	0.12	mc/l
Bicarbonate (HCO ₃)	410	ppm	6.72	mc/l
Carbonate (CO ₃)		ppm		mc/l
Iron (Fe)		ppm		mc/l
Fluoride (F)		ppm		mc/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	336	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1212	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.40			
Sodium	7.14	% of cations		
Residual sodium carbonate	0.00	mc/l		
pH	6.99			

*ppm=parts per million

**mc/l=millequivalents per liter

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

COMMENTS: Total cations 14.55 mc/l
 Total anions 15.06 mc/l



By: Shirley Kitten

Service Performed

Amount Due

Irrigation analysis

\$8.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-1011

Amount Enclosed \$

Signed

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

Submitted by: Charles Atyeo
 Address: Clear Lake, SD 57226

Date Rec'd: August 12, 1976
 Sample No. 76-1012
 Identification 011-135'
Net, Sec. 19, T 115N, R 49E

WATER ANALYSIS

Calcium (Ca)	194	ppm*	9.70	me/l**
Magnesium (Mg)	38	ppm	3.12	me/l
Sodium (Na)	24	ppm	1.04	me/l
Potassium (K)	6	ppm	0.16	me/l
Sulfate (SO ₄)	410	ppm	8.53	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	4	ppm	0.11	me/l
Bicarbonate (HCO ₃)	415	ppm	6.80	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)	340	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1114	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.41			
Sodium	7.41%	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.67			
Others:				

*ppm=parts per million
 **me/l=millequivalents per liter

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

COMMENTS: Total cations 14.02 me/l
 Total anions 15.44 me/l



By: Chirley Litten

Service Performed

Amount Due

Irrigation analysis

3.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-1012

Amount Enclosed \$

Signed

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

No. 2991-5

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

) ss.

County Brookings)

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. 20, 1976

Sept. 27, 1976

James M. McLellan Jr
(Signature)

Editor - General Manager
(Title)

9-27-76

(Date Signed)

Legal No. 462 - Sept. 20 & 27, 1976

NOTICE INTENT TO
APPROPRIATE WATER

Pierre, South Dakota 57501
September 13, 1976

Notice is hereby given that Atyeo Bros, whose post office address is Clear Lake, 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 3.9 cubic feet of water per second of time from the ground water through the Atyeo No. 2, the point of diversion of which is to be located in the Center of the SW 1/4, Section 18, Center of the E 1/2 NW 1/4 of Section 19, Twp. 115N, Range 89W. Said water to be used for the purpose of providing irrigation on portions of the following described land: SW 1/4, Section 18, NW 1/4, Section 19, T115N, R49W.

This application No. 2991-5 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

By: _____
Burton F. Jones
Water Rights Specialist



Form 6 - Notice of Intent to Appropriate Water

J. 2991-3

Publish first publication, on or before September 20, 19 76

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 13, 1976

Notice is hereby given that Atyeo Bros.
whose post office address is Clear Lake, 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
3.0 cubic feet of water per second of time from the ground water through the
Atyeo # 2, the point of diversion of which is to be located in the
Center of the SW 1/4 Section 18; Center of the E 1/4 NW 1/4
of Section 19, Twp. 115N, Range 39W. Said water to be used for the purpose
of providing irrigation ^{portions of} on the following described land:

SW 1/4, Section 18; NW 1/4, Section 19, T115N, R48W

This application No. 2991-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 29th day of September, 19 76, at 10:00 A. M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/dw

cc:

Atyeo Bros., Clear Lake, S. D. 57226

2991-3

**Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
Water Resources Engineer
605 773-3352

March 7, 1984

NOTICE

Dear Sir:

The Water Management Board has directed that all owners of Water Permits not in compliance with the requirement:

"All irrigation Permit owners.....shall submit the Irrigation Questionnaire mailed to them each year by the Chief Engineer."

be notified of this requirement.

Our records show we have not received the 1983 Irrigation Questionnaire for your Permit. The questionnaire was requested:

- 1) November, 1983 initial request
- 2) December, 1983 followup request

Owners of Water Permits not in compliance with the annual Irrigation Questionnaire requirement are being given until April 2, 1984 to submit the 1983 questionnaire. The Board will consider disciplinary action April 25, 1984 including amending those permits for which the 1983 questionnaire has not been received by April 2 with the following qualification:

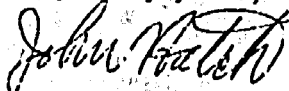
"This Permit amended April 25, 1984 is subject to the Irrigation Questionnaire being submitted each year."

Amendment of a Permit will mean that a Permit can be suspended for up to one year for continued violation of the Irrigation Questionnaire requirement.

The hearing before the Water Management Board April 25, 1984 will be at 10:45 am, Room 216, Joe Foss Building, Pierre SD. The amendment may be made pursuant to SDCL 46-1-14.

Enclosed is an additional questionnaire. Please advise if you have any questions, or you do not believe our records are correct.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

enclosure

Equal Opportunity Employer

**SOUTH DAKOTA Department of
Water & Natural Resources**
Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501-3181
Water Rights Division
605 773-3352

March 22, 1984

2245-3
2245-3A
2991-3

Atyeo Brothers
Clear Lake,
South Dakota 57226

Dear Sirs:

This letter will acknowledge receipt of and thank you for the return of your 1983 Irrigation Questionnaires. A notice was sent to you March 7, 1984 regarding the Irrigation Questionnaire submittal violation of Permit No. 2245-3A and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation. Notice was also sent to you concerning possible Board action to amend Water Permit Nos. 2245-3 and 2991-3 if the questionnaires were not received. Our records now show that you have returned the 1983 Irrigation Questionnaires and are no longer in violation.

Please disregard the notices sent to you dated March 7, 1984. 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

JH:GM:ks

Equal Opportunity Employer

#2991-3

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

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

February 17, 1989

Charles Atyeo Atyeo Brothers
RR 2, Box 5
Clear Lake, SD 57226

Dear Sirs:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

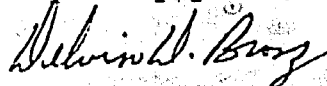


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,



for JOHN HATCH, Chief Engineer
Water Rights Division

South Dakota
Department of
Water & Natural Resources

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

June 8, 1990

2245-3
2245-3A
2991-3

Charles Atyeo
RR #2 Box 5
Clear Lake, SD 57226

Dear Mr. Atyeo:

Enclosed are partially completed "Notice of Transfer" forms for use in filing ownership changes on Water Permit Nos. 2245-3, 2245-3A and 2991-3. Mark Rath, with our office, indicated he spoke with you concerning these permits and you stated you wanted them listed under your name rather than Atyeo Brothers.

The transfer forms should be checked over for accuracy and signed in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$7.50).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

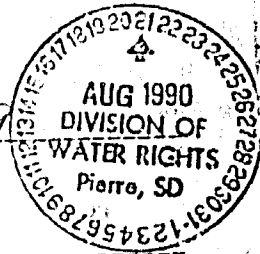
enclosures

NOTICE OF TRANSFER OF OWNERSHIP

No. 2991-3

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: 8-20-90



I/We request that Water Permit/Right No. 2991-3

formerly owned by: Atyeo Brothers

be transferred to: (name & address) Chuck Atyeo

R2 Box 5 Clear Lake SD 57226 (telephone No.)

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

SW 1/4 Section 18 and NW 1/4 Section 19, T115N, R48W

I/We understand that the validity of Water Permit/Right No. 2991-3 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 at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of Deuel)

I/We Chuck Atyeo, 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 that I know of my own personal knowledge that the information herein stated is true.

Chuck Atyeo
(Signed)

Subscribed and sworn to before me this 20th day of August, 1990.

HAROLD HEIDEMANN
Notary Public, Deuel County, SD
My Commission Expires Feb. 18, 1993

Harold Heidemann
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water 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

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, August 24, 1950

RECEIVED OF Charles Atyeo, RR #2 Box 5, Clear Lake SD 57225

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 _____ Water Permit No. 2201-2	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 John H. H. H. H.
Chief Engineer

SOUTH DAKOTA
Department of
Water & Natural Resources

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

2991-3
2245-3
2245-3A

September 28, 1990

Charles Atyeo
RR #2 Box 15
Clear Lake SD 57226

Dear Mr. Atyeo:

Enclosed are Receipt Nos. 412347, 412348 and 412349 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 2991-3, 2245-3 and 2245-3A.

Our records now reflect you as the owner of these Water Rights.

Sincerely,

Marie R. Arthur

MARIE R. ARTHUR
Secretary
Water Rights Division
(605) 773-3352

enclosure



2991-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOV 14 1994

2991A-3

Charles Atyeo
Rt 2, Box 5
Clear Lake, SD 57226

Dear Mr. Atyeo:

Enclosed is Water License No. 2991A-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414223 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2991A-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

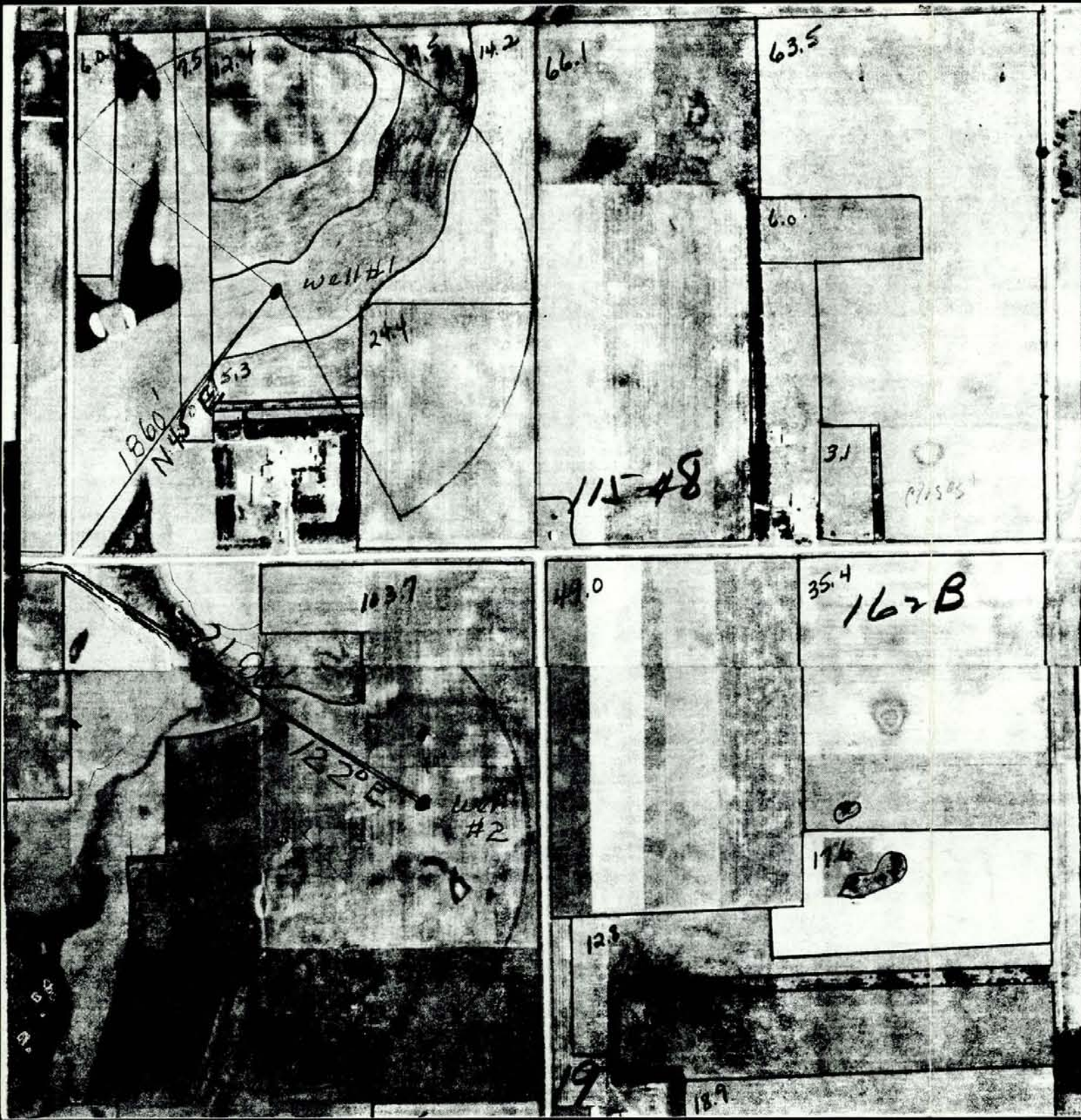
As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

gm.
enclosures

NOTE: The applicable portions of Water Permit No. 2991-3 have been incorporated into this Water License No. 2991A-3.



ATYEO BROS.

Irrigation Project #2
Clear Lake S. Dakota
Brookings County

Water Claimed - 3.9 cfs
Acres Irrigated - 270
Point of Diversion - well #1 - 1860' N 45° E
of SW Corner Sec 18 well #2 - 2100'
N 122° E of NW Corner Sec 19
both T 115 R 48
Scale - 1" = 660'

SURVEYOR'S CERTIFICATE

I, John L. Williams do hereby certify
that this map identifies a reasonably
accurate record of the land of
Atyeo Bros.

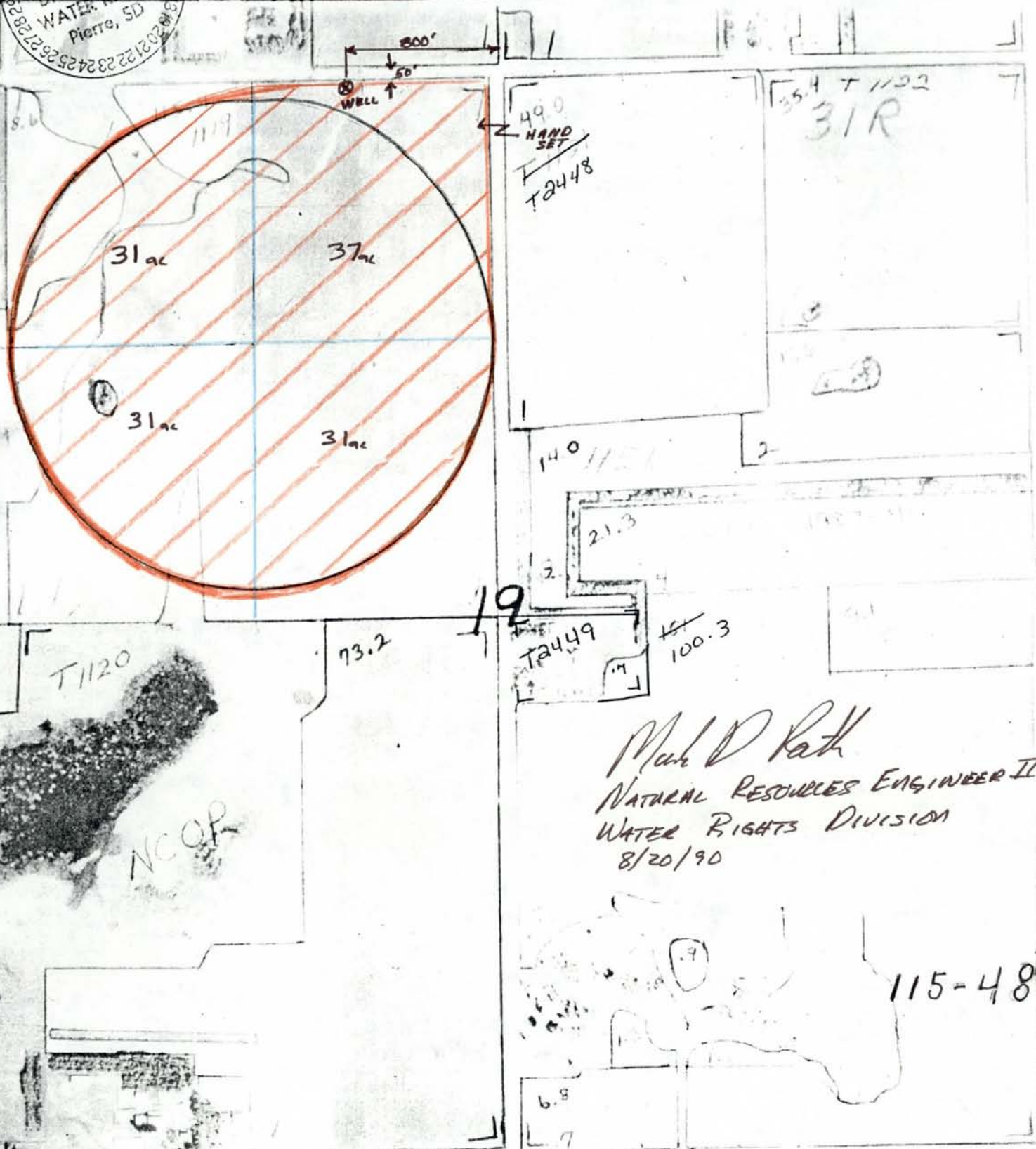
Clear Lake
Brookings County
Drawn by PW

John L. Williams

South Dakota
8-19-76
P.E. #1916
Brookings

APPLN 2491-3

NOT TO SCALE



M. D. Rath
NATURAL RESOURCES ENGINEER II
WATER RIGHTS DIVISION
8/20/90

2991-3



NOT TO SCALE

