

Water Right Number 3222-3

1. Considered 2-23, 19 77
2. Name of Applicant MERLE PIERCE
3. Post Office Address BRUCE
4. Amount of Water claimed 2.10
5. Source of Water supply 62' WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 158
7. Water to be diverted and used in BROOKINGS County
about 4 miles N of BRUCE
8. Proof of Publication
Received 2-18-77
Not Received _____
9. Application
Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

Remarks:

No. 5722-3Map No. 2484-3 Water Division No. 3 BIG SIOUX RIVER District
(Blanks to be Filled by the Engineer for the W. H. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE--Drawn line through items not applicable)

1. Name of Applicant M Mark Smith
Postoffice address B RR 1, Box 22, Bruce, SD 57220 State S. Dakota

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & Direct Labor3. Name of diversion work Murtle River Irrigation Project #14. Amount of water claimed (cubic feet per second) 2.15. Source of water supply well6. Location of point of diversion 1580' N 48° W of Sec 13-112-51County Brackley7. Annual period or periods during which water is to be used April through October8. Use made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) IrrigationTotal number of acres to be irrigated 148

Show each, only 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.
Sec 13-112-51	148		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system None years. Additional time required to complete application of water to the proposed beneficial use 1 1/2 years.11. Choice of newspaper for Notice of Intent to Appropriate Water publication Brackley Register

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source. well with deep well turbineB. Works proposed to transport water to place of use. closed conduitC. Works proposed to apply water to beneficial use. center pivot irrigation machineEstimated Total Cost 45,000Attachments: Attach Form 25 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 BrackleyI, Mark Smith 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 Mark SmithSubscribed and sworn to before me this 27 day of Oct, 1976

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3222-3

MERLE PIERGE-Mark Smith
(Applicant)

BRUCE
(Post Office Address)

SOUTH DAKOTA 57220
(State)

With the following modifications:

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 adequate domestic wells or in ~~irrigation~~ wells having prior water rights.

Date of first receipt of application OCTOBER 28 19 76
Date of return to applicant for correction, amendments or changes required _____ 19 ____
Date of receipt of corrected application DECEMBER 1 19 76
Approved FEBRUARY 23 19 77 Recorded in Book 17 Page 25

WATER RIGHT PERMIT NO. 3222-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3222-3 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 OCTOBER 28 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before AUGUST 23 19 79
3. The whole of said work is to be completed on or before FEBRUARY 23 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is FEBRUARY 23 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 2.1 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 FEBRUARY 23 19 85; said water to be used during the following described annual period: APRIL - OCTOBER

Witness my hand this 4TH day of APRIL 19 77

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 24 19 81

Water License Issued SEPTEMBER 24 19 81

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

D. Well Information or Estimates

(1) Drill Hole, Diameter 24", Depth 62'
 (2) Casing, Type Steel (wood, concrete, steel, etc) Diameter 14" Thickness 1/2"
 (3) Perforated Screen.
 Type Cast Slat, Diameter 14", Length 15'
 (4) Gravel Pack. Thickness 5", Length of gravel pack 30'

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

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

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

Character of Water bearing materials 0' to 25' coarse sand
25' to 65' water bearing coarse gravel

Depth to top of water bearing material 25'

Depth to bottom of water bearing material 62'

Thickness of water bearing material 37'

Depth to water (ground surface to water level) 25'

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

On same owner's property 10 rds. On property owned by others 90 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.

M. L. M. Pierce
 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 Well Irrigation Only)

Approval does not imply that this project can be carried
out successfully in all circumstances. Individual man-
agement will, to a large degree, determine the relative
success of this venture.

FOR COMMISSION USE ONLY

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: _____

Disapproved: _____

NAME: Merrill Pierce
ADDRESS: Box 400 S. Dakota
COUNTY: Brookings S. Dak.

LEGAL DESCRIPTION

1. WELL LOCATION: Center of SE⁴ Sec 13-112-5
2. AREA TO BE IRRIGATED: SE⁴ Sec 13-112-5

TYPE OF IRRIGATION

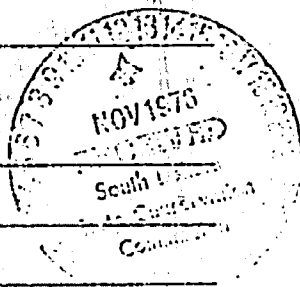
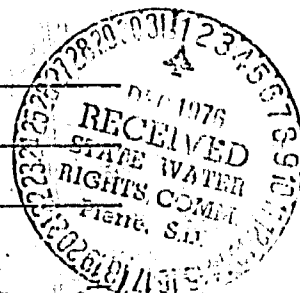
3. GRAVITY _____ SPRINKLER (Indicate Type): Center Pivot
4. CROPS TO BE IRRIGATED: _____

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: _____
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: _____

WATER QUALITY (To Be Completed by Commission)

7. SAMPLE NO: 76-1705
8. SALINITY: EC = 940 μ mhos/cm (moderately high)
9. SODIUM: SAR = 0.27 (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

and:

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

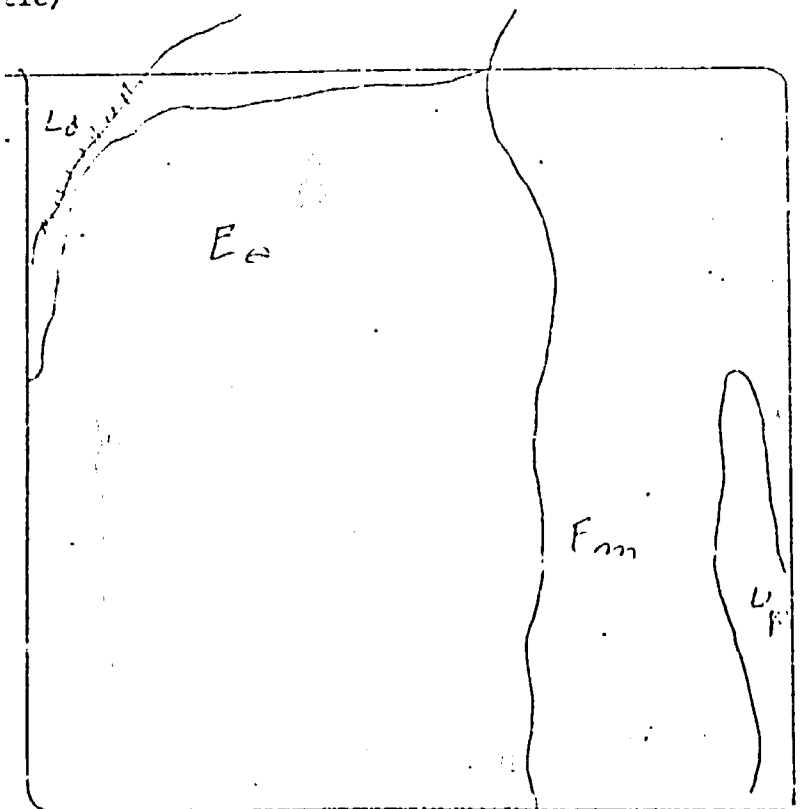
M. G. M. P. [Signature]

Subscribed and sworn before me this

27 day of Oct 1976.

[Signature]

(Title)



Ee - Estelline Silt loam
nearly level.

Fm - Fordville loam
nearly level

Up - vulg. s. clay
loam, nearly level

Ld - Lisman Silt
clay loam
(drainage)

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

Submitted by: Arlo Pierce
 Address: Price, SD 57220

Date Rec'd October 27, 1976
 Sample No. 76-1705
 Identification Well-62
Box, Sec. 13, T. 112N, R. 11W

WATER ANALYSIS

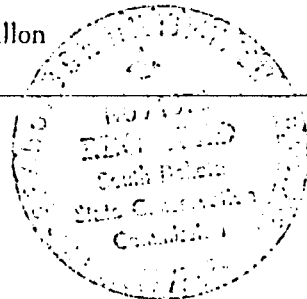
Calcium (Ca)	135	ppm*	6.75	me/l**
Magnesium (Mg)	41	ppm	3.36	me/l
Sodium (Na)	14	ppm	0.61	me/l
Potassium (K)	4	ppm	0.10	me/l
Sulfate (SO ₄)	120	ppm	2.50	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	26	ppm	0.73	me/l
Bicarbonate (HCO ₃)	298	ppm	4.88	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	244	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	940	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.27			
Sodium	5.63	% of cations		
Residual sodium carbonate	0.0	me/l		
pH	7.42			
Others:				

*ppm=parts per million

**me/l=millequivalente per liter

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

COMMENTS: Total cations 10.82 me/l
 Total anions 8.11 me/l



By: Shirley Mitten

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. 76-1705

Amount Enclosed \$ _____

Signed _____



November 9, 1976

Mr. Merle Pierce
Bruce, SD 57220

Dear Mr. Pierce:

Your water sample (Lab. No. 76-1705) has been analyzed and the results are reported on the accompanying sheet, which is your copy to keep.

I am also enclosing a copy of AES pamphlet #13 for your use. The quality of your water for irrigation use is plotted approximately by means of the red cross in the chart on the outside back cover.

Your water, as indicated by this analysis, is satisfactory for use on the soils you indicate will be irrigated. If a salt problem or a water table problem should develop, contact extension personnel for assistance.

The WI-1, soils information, and a copy of the water analysis are being forwarded to the State Conservation Commission for their action.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOF:ckb

Enclosures

cc: State Conservation Commission

Permit No. 3222-3

Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Mark Smith

_____ the holder _____ of
Permit No. 3222-3, issued upon Application No. 3222-3, bearing date of priority of October 23,
1976 authorizing the diversion of 2.1 cu. ft. per second of the waters of _____
groundwater (one well) County of Brookings, State of South Dakota at _____
a point 1330'N & 820'W of the SE corner, Section 13, T112N, R51W
_____, for irrigation

_____ purposes, has _____ 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 24, 1981

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3222-3

(1) WHEREAS, On the 20th day of October A. D. 1976
Mark Smith

made Water Right Application No. 3222-3 for a permit to use 2.1 cubic feet per second of the waters of groundwater (one well)

County of Brookings, State of South Dakota, for irrigation

_____ purposes; and
 (2) WHEREAS, On the 23rd day of February A. D. 1977

Permit No. 3222-3, with a date of priority of October 28, 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 23rd day of February A. D. 1982 and for the application to beneficial use of said water on or before the 23rd day of February A. D. 1985

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 2.0 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 publication of water to beneficial use of the following extent,

to irrigate the following lands all in Section 13, T112N, R51W

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 39 acres

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 36 acres

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 33 acres

Total 148 acres

(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 Mark Smith

_____ of Bence, South Dakota

the holder _____ and owner _____ of said permit No. 3222-3, a water right, dating from October 28, 1981

_____ to use of _____ 2.0 cubic feet per second of the waters of groundwater (one well)

in the County of Brookings and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at 1 point 1330' N 5.820' W of the SE corner,

Section 13, T112N, R51W

and conducted to and upon _____ portions of the SE¹/₄, Section 13, T112N, R51W more

_____ fully described on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 3222-3 and subject to the laws of the State of South Dakota.

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

this 20th day of September, A. D.

Nineteen Hundred and Eighty-one

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

No. 3222-3Publish first publication, on or before February 10, 1977NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 3, 1977

Notice is hereby given that Merle Pierce
whose post office address is Bruce, 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
2.1 cubic feet of water per second of time from ~~the~~ ground water through the
Pierce #1, the point of diversion of which is to be located in the _____

Center of the SE $\frac{1}{4}$
of Section 13, Twp. 112N, Range 51W. Said water to be used for the purpose
of providing irrigation on the following described land:

SE $\frac{1}{4}$, Section 13, T112N, R51W

This application No. 3222-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 23rd day of February, 1977 at 10:00 A. M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/hw

cc: Merle Pierce, Bruce, S.D. 57220

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

No. 3222-3

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 Brookings of _____

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

Feb. 10, 1977

Feb. 17, 1977

[Signature]
(Signature)

Editor - General Manager
(Title)

2-17-77

(Date Signed)

Legal No. 705 - Feb. 10 & 17, 1977
NOTICE INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501
February 3, 1977
Notice is hereby given that Merle
Pierce whose post office address is
Bruce, 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 2.1 cubic feet of water per
second of time from ground water
through the Pierce No. 1, the point of
diversion of which is to be located in the
Center of the SE 1/4 of Section 13, Twp.
112N, Range 51W. Said water to be used
for the purpose of providing irrigation on
portions of the following described land:
SE 1/4, Section 13, T112N, R51W

This application No. 3222-3 will be
considered by the Water Rights
Commission at their office at Pierre
upon the 23rd day of February, 1977, at
10:00 A.M. All interested persons may
appear and be heard.

WATER RIGHTS COMMISSION
BY: BURTON F. JONES
Water Rights Specialist



August 24, 1978

Mark Smith
RR #1, Box 22
Bruce, SD 57220

Dear Mr. Smith:

Enclosed is the copy of your water Right Permit No. 3222-3 transferred to you July 1, 1977.

Also enclosed is a copy of our Excerpts of the Water Laws for your information.

If you have any further questions, please feel free to contact this office.

Sincerely,

BETTY WESTLUND
Water Rights Specialist I

BW/gv

encl

January 25, 1977

Merle Pierce
Bruce, S.D. 57220

Dear Mr. Pierce:

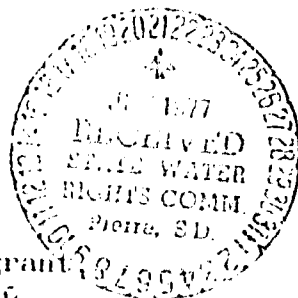
This letter is in reference to a telephone conversation with Wendell Thompson, Brookings who called concerning your application. We did not get your application advertised for the January meeting; however it is our intention to advertise it for the March 23-24, 1977 meeting. You will still keep the original priority date of October 28, 1976 even though other applications with later priority dates are approved before yours.

Sincerely,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/ow

ASSIGNMENT OF WATER RIGHT PERMIT



I, MERLE PIERCE, of Bruce, South Dakota, hereby grant, bargain, sell, convey, transfer, assign, and set over to MARK SMITH, of Bruce, South Dakota, all my right, title, and interest in Water Right Permit No. 3222-5, a copy of which is attached hereto and made a part hereof by this reference.

The foregoing assignment is pursuant to the provisions of Section 46-5-32, SDCL, which permits the assignment of a water permit, and the undersigned represents and warrants that pursuant to the provisions of Section 46-5-33, SDCL, he has transferred possession of the premises described in the Permit to the assignee pursuant to a Contract for Deed, which also transferred to the assignee all rights to the use of the water appurtenant thereto for irrigation purposes.

In witness whereof, I have executed this agreement at Brookings, South Dakota, on the 11th day of ~~XXX~~ June, 1977.

Merle M. Pierce
Merle Pierce

Subscribed and sworn to before me this 11th day of ~~XXX~~ June, 1977, at Brookings, South Dakota.

(SEAL)

[Signature]
Notary Public,
State of South Dakota

My commission expires August 25, 1977.

RECEIPT

WATER RIGHTS COMMISSION

No 4 8479

State of South Dakota

September 23, 1981

RECEIVED OF Mark Smith, RR 1, Box 22, SP 57220

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. 3222-3	50	00
Fee for Inspecting Beneficial Use, and Issuing Water License No. 3222-3		
Fee for Issuing Location Certificate-Dry Draw, No. _____		
Fee for filing _____		
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	00

WATER RIGHTS COMMISSION

By (A.K. Smith)
Chief Engineer, Executive Officer
JOHN HATCH (b7)

Permit No. 3222-3Water Division 3 Big Sioux River Water District

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / POSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by MARY SMITH of BRUCE holder of Permit No. 3222-3, bearing date of priority of OCTOBER 28, 1974, authorizing the diversion of 2.1 cu. ft. per second of the waters of GROUNDWATER for IRRIGATION purposes, in BROOKINGS 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:

45' DEEP WELL WITH 14" STEEL CASING - 15' SS SCREEN
REDA 6" SUBMERSIBLE PUMP WITH 15 HP ELECTRIC MOTOR

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

900' OF 8" MAINLINE

C. Works used to apply water to beneficial use.

1/4 MILE OF 8" GATED PIPE WITH 40" GATESThe system is in the following condition: GOOD

The point of diversion is located 1330' N & 820' W OF THE SE CORNER,
SECTION 13, T112N, R51W.

The works are capable of diverting and conveying to the place of use 2.0 (900 GPM)cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN SEC 13, T112N, R51W

NW ⁴ SE ⁴	40 ACRES
NE ⁴ SE ⁴	39 "
SW ⁴ SE ⁴	36 "
SE ⁴ SE ⁴	33 "

comprising a total of 14.8 acres of land.

Date

JUNE 25, 1981

(Signature)

F. J. J. J. J. J.

Water Rights Division
605 773-3352

December 28, 1983

3222-3

Mark Smith
RR #1, Box 22
Bruce SD 57220

Dear Mr. Smith:

Enclosed is your 1983 Irrigation Questionnaire pertaining to Water Right No. 3222-3. The data sheet was previously mis-sent to another party.

Please complete the questionnaire as accurately as possible. If you have not kept accurate records, estimations will be satisfactory. Return the data sheet to this office upon completion.

I apologize for the delay and would appreciate your assistance in this matter.

Sincerely,

GENNY MCNATH
Natural Resources Analyst

GM:ks

enclosure

Dear Sir;

771. *Syntherisma*

A circular ink stamp from the Division of Civil Rights, State of South Dakota. The text "NOV 1985" is at the top, "DIVISION OF CIVIL RIGHTS" is in the middle, and "STATE OF SD" is at the bottom. A small star is positioned above the date. The stamp is slightly tilted and has a textured, ink-like appearance.



**Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 3222-3

February 28, 1986

Farmers Home Administration
103 A 22nd Avenue
Brookings, South Dakota 57006

ATTENTION: Arnie

Dear Sir:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. 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.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

DWNR-820A-8/83

NO. 3222-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 3-6-86

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

SE 1/4 Section 13, T112N, R51W

formerly owned by Mark Smith

has been transferred to Farmers Home Administration, 103 A 22nd Ave., Brookings SD 57006
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 3222-2 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.

STATE OF SOUTH DAKOTA)
County of BROOKINGS) ss.

I, Arnold P. Claeys 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.

Arnold P. Claeys
(Signed)

Subscribed and sworn to before me this 6th Day of March, 1986

[Signature]
(Notary Public)

My Commission expires 10/2/93

RECEIPT

Division of Water Rights

410350

South Dakota Department of Water and Natural Resources

Pierre, _____ March 10, 1936

RECEIVED OF Farmers Loan Administration, 402 Grand Ave., Pierre, S.D.
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 <u>3222-3</u>	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 [Signature]
Chief Engineer JOHN BATH/ms



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division

Phone (605) 773-3352

March 10, 1936

Farmers Home Administration
103 A 22nd Street
Brookings, South Dakota 57006

Dear Sir:

Enclosed is receipt No. 410350 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 3222-2.

Farmers Home Administration
Our records now show ~~you~~ as the owner of this Water Right.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

PLEASE FILL OUT AND RETURN
BEFORE DECEMBER 20, 1988

3222-3
FARMERS HOME ADMINISTRATION
103 A 22ND AVE
BROOKINGS
SD 57006

3G/SR
G

Telephone No. 692 - 1442

Type of Power
No. of acres irrigated

- 1. Electric
- 2. Gravity
- 3. Gasoline
- 4. Nat. Gas pipeline
- 5. Diesel
- 6. Propane
- 7. Other

Type of System

- 1. Hand moved sprinklers
- 2. Portable booms
- 3. Center pivots (# of)
- 4. Gated pipes
- 5. Sidewheels
- 6. Towlines
- 7. Big gun
- 8. Siphons
- 9. Flood
- 10. Other

Owner or address change, if any:

1988 WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE

October, 1988

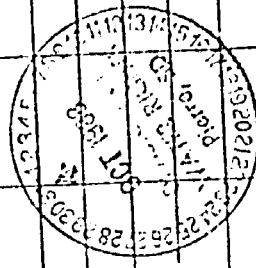
SURFACE WATER _____ GROUNDWATER _____
Did you irrigate during 1988? Yes _____ No X
Number of acres irrigated in 1988 _____
Has your system been constructed? Yes _____ No X
Do you apply fertilizer, insecticide or herbicide through your irrigation system? Yes _____ No X
Season Static Water Level: beginning 1/4 ft. end 1/4 ft. (groundwater)

Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Acres of Crop Irrigated & Estimate Water Use			
				Crop	Acres	Water Used	Water Used
April							
May							
June							
July							
August							
Sept.							
Oct.							
Other Months							

COMMENTS: This property was flood irrigated back in 1960. There is a well on the property but no irrigation has been installed for over 2 yrs.

Complete & return to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3141

David P. Fanning





Department of Water & Natural Resources

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

January 31, 1989

NOTICE OF CANCELLATION

TO: Arnold Claeys, Farmers Home Administration, 103 A 22nd
Avenue, Brookings, SD 57006

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Cancellation of Water Right No. 3222-3

The Water Management Board will consider cancellation of Water Right No. 3222-3 at 9:00 am, March 1, 1989, at Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City, SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

The Chief Engineer of the Water Rights Division is recommending cancellation of Water Right No. 3222-3 due to abandonment and/or forfeiture.

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 3222-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by Water Right No. 3222-3. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by February 17, 1989. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained. The Board may consider any abandoned or forfeited water to be available for appropriation subject to the provisions of SDCL 46-1, 46-2, 46-2A and 46-5.

These hearings are adversary proceedings. Any party has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Further information on the proposed cancellation or to assure access to the hearing by the handicapped can be obtained by contacting the Water Rights Division, DWR, Joe Foss Building, Pierre, SD (605-773-3352) for assistance prior to the hearing. The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting held May 10 & 11, 1989. Any request for extension must be filed with the Chief Engineer by February 17, 1989.

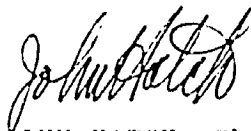
Please note: Cancellation of this permit does not prohibit you from making a new application for this project in the future.

RECOMMENDATION OF CHIEF ENGINEER

FOR WATER RIGHT NO. 3222-3, FARMERS HOME ADMINISTRATION

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Right No. 3222-3.

The Chief Engineer is recommending cancellation of the above Water Right due to abandonment and/or forfeiture. The 1988 irrigation questionnaire returned by the FmHA stated the property was flood irrigated back in 1930-1981. Irrigation has not been practiced for the past 7 years.

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

JOHN HATCH, Chief Engineer
January 31, 1989

 **Department of
Water & Natural Resources**

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

March 8, 1989

NOTICE

Arnold Claeys
Farmers Home Administration
103A 22nd Avenue
Brookings, SD 57006

Dear Mr. Claeys:

This will notify you that the Water Management Board cancelled your Water Right No. 3222-3. This action was taken under the conditions outlined in our notice to you dated January 31, 1989.

SDCL 46-6-27 states that if the owner of an existing well, such as the well authorized by cancelled Water Permit No. 3222-3, has no plans to use the well (i.e., for domestic purposes such as livestock watering or household use) then the existing well is considered abandoned. The abandoned well must be plugged within 30 days after notification of permit cancellation. Any well that is being used or is not abandoned shall be sealed or capped at the ground surface to prevent contamination of the groundwater. If you intend to use your well for domestic purposes (such as livestock watering or household use), the well does not need to be plugged.

Please advise if you have any questions.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-2352



Department of Water & Natural Resources

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

August 17, 1989

Roger Kalsbeck
RR #2 Box 122
Bruce, SD 57220

Dear Mr. Kalsbeck:

This letter is in response to our telephone conversation of August 16, 1989. You had inquired as to the status of Water Permit No. 3222-3, listed in the name of Farmers Home Administration. As we discussed, the permit was cancelled by the Water Management Board in March, 1989 for abandonment and/or forfeiture.

The permit was scheduled for cancellation on the basis of the 1988 irrigation questionnaire returned by the FmHA. The FmHA returned the questionnaire with the following note:

"This property was flood irrigated back in 1980-81. There is a well on the property but no irrigation has been practiced for the past 7 years."

Signed: David R Franssen
Co Supervisor, FmHA

You indicated during our telephone conversation you had been renting the land from FmHA and had been irrigating. You further stated you had just purchased the property.

There is the possibility of the Board rescinding the cancellation of Water Permit No. 3222-3. Before this matter can be presented to the Water Management Board for any type of action, the following information will be needed:

1. Documentation as to how many years Mark Smith irrigated and also which years (1980, 1981, etc);
2. The date Farmers Home Administration took over the property;
3. The years you irrigated the land (while renting from Mark Smith or Farmers Home Administration;
4. The date you purchased the land from FmHA;
5. Your intentions as far as irrigation of the land in the future.



August 17, 1989

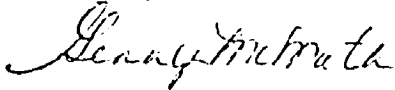
Roger Kalsbeck

Page 2

Please gather the information as soon as possible and return it to our office. If you are able to get the information to us soon, we will try to get the matter scheduled before the Water Management Board at the September 27-28, 1989 meeting.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gerry McMATH".

GERRY MCMATH

Natural Resources Analyst

773-3352



United States
Department of
Agriculture

Farmers
Home
Administration 103 A 22nd Avenue
Brookings, SD 57006

605/692-1442



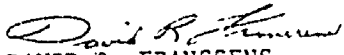
SD Dept. of Water & Natural Resources
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

August 18, 1989

Attention: John Hatch

The former Mark Smith property (SF# 13-112-51) was being irrigated up to the time the land was voluntarily conveyed to FmHA on August 27, 1985. Cash flow plans dated back to 1980 reflect that Mr. Smith was irrigating corn each year up to the time he deeded the land back to FmHA. Roger Kalsbeck continued to rent the SE# 13-112-51 from FmHA for three years -1986-1988- and then purchased the property on April 20th, 1989. Roger's intent is to continue to irrigate this tract of land and I understand has applied for a new permit. If you have any questions, please call our office at 692-1442.

Sincerely,


DAVID R. FRANSENS
COUNTY SUPERVISOR
BROOKINGS COUNTY

FmHA

Farmer Home Administration
Department of Agriculture
Washington, D.C. 20250



United States
Department of
Agriculture

Farmers
Home
Administration 103 A 22nd Avenue
Brookings, SD 57006

605/692-1442



SD Dept. of Water & Natural Resources
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

August 18, 1989

Attention: John Hatch

The former Mark Smith property (SE $\frac{1}{4}$ 13-112-51) was being irrigated up to the time the land was voluntarily conveyed to FmHA on August 27, 1985. Cash flow plans dated back to 1980 reflect that Mr. Smith was irrigating corn each year up to the time he deeded the land back to FmHA. Roger Kalsbeck continued to rent the SE $\frac{1}{4}$ 13-112-51 from FmHA for three years -1986-1988- and then purchased the property on April 20th, 1989. Roger's intent is to continue to irrigate this tract of land and I understand has applied for a r.w permit. If you have any questions, please call our office at 692-1442.

Sincerely,

David R. Franssens
DAVID R. FRANSSSENS
COUNTY SUPERVISOR
BROOKINGS COUNTY



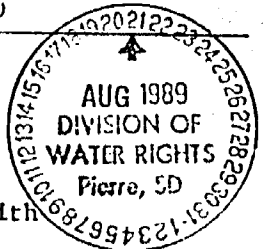
Farmers Home Administration is an Equal Opportunity Lender.
Complaints of discrimination should be sent to:
Secretary of Agriculture, Washington, D.C. 20250

USDA-FmHA
Form FmHA 1955-20
(Rev. 4-86)

LEASE OF REAL PROPERTY

☐ Correction (Mark if applicable)
☐ Termination

1. (a) Lessee's Case No. ST CO Lessee ID 4 7 0 6 5 0 3 7 4 8 7 4 3										(b) Finance Office Only OK to apply code										2. Advice Number 4 7 3 3 8										3. Former Borrower's Case No. ST CO Borrower ID 4 7 0 6 3 9 7 4 6 0 9 7 1																													
4. Lessee's Name and Address (FIELDS) K A L S B E C K , R O G E R 0 1 R R 2 P O X 5 2 B R U C E , S D 0 1 2 ZIP CODE 5 7 2 2 0																				5. Former Fund & Loan No. 4 1 0 2																				6. Property Type Code 0 7 (See EMI)																			
7. Property Description (See EMI) SEC 13-112-51 4 miles North of Bruce Former Owner: Mark R. Smith Acquired: 8/27/85																																																											
8. Lease Type 0 1 1																				9. Lease Period Beginning 0 3 0 1 8 8 Ending 1 2 0 1 8 8																																							
10. Payment (a) Lump Sum 3 0 0 0 0 0 0 On Or Before 0 3 0 1 8 8																				(b) Monthly On Or Before MO DA YR MO DA YR																																							
11. Security Deposit 1 - Yes 2 - No Amount 0 0 0 0 0 Remitted																				Schedule No. Collection Code																																							
12. Total Lease Amount 0 0 0 0 0																				13. Subject to Redemption Rights 1 - Yes 0 1 2 2 - No Rights Expire																																							



1. Soil Conservation Plan must be followed as developed. Lessee shall comply with the rules & regs adopted by the Lessor during lease both in regard to building and land.
2. Lessee shall have right to occupy &/or operate real property described in lease for full term of lease, provided the Lessee does not violate general conditions. Willful violation of any general conditions shall enable the Lessor to terminate the lease upon 30 days written notice to the Lessee at Lessee address set forth.

☐ Continuation of Remarks/Special Stipulations is attached.

15. The United States of America acting through the Farmers Home Administration (FmHA) as the Lessor agrees to lease to the above-named Lessee, and the Lessee hereby leases to occupy and/or use, subject to redemption rights, if any, and the general provisions set forth on the reverse, Special Stipulations above, and in any attachments, the property described in Item 7 above situated in the County of Brookings, State of SD.

16. FARMERS HOME ADMINISTRATION, Lessor

Lessee Roger Kalsbeck
Roger Kalsbeck

BY: David R. Franssens

Title: Co. Sup. Date: 1/12/88

Date: 1/12/83

[illegible]

ORIGINAL - BORROWER'S FILE

INVENTORY THE

USDA-FmHA
Form FmHA 1955-20
(Rev. 4-85)

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

LEASE OF REAL PROPERTY

☐ Correction (Mark if applicable)
☐ Termination

1. (a) Lessee's Case No. ST CO Lessee ID 4 7 0 6 5 0 3 7 4 8 7 4 3		(b) Finance Office Only OK in apply code		2. Advice Number advised / not assigned at this time-see 64000		3. Former Borrower's Case No. Borrower ID 4 7 0 6 3 9 7 4 6 0 9 7 1	
4. Lessee's Name and Address K A I S B E C K , R O G E R (FIELDS) O 1 1 R R 2 , B O X 5 2 B R U C E , S D				5. Former Fund & Loan No. 4 1 0 2		6. Property Type Code 0 3 (See FMI)	
7. Property Description (See FMI) SE 1/4 13-112-51 4 miles North of Bruce Former Owner: Mark R. Smith <i>Acq. Dec. 8-27-85</i>				8. Lease Type 1 - Lump Sum 2 - Crop Percentage 3 - Monthly 4 - Periodic Payments 0 1 1			
9. Lease Period Beginning Ending 0 2 2 9 18 16 0 2 2 9 18 18				10. Payment (a) Lump Sum 3 0 0 0 0 0 On Or Before 0 3 0 4 8 6 (b) Monthly On Or Before (Monthly lease will pay the amount on or before the day (DA) of each month thereafter during the lease)			
11. Security Deposit 1 - Yes 2 - No Amount 9 0 0 0 0 Remitted 0 3 0 4 8 6 Schedule No. 1 4 1 5 Collection Code 2 7				12. Total Lease Amount 6 0 0 0 0 0			
13. Subject to Redemption Rights 1 - Yes 2 - No Rights Expire				14. Remarks and Special Stipulations: 1. Soil Conservation Plan must be followed as developed. Lessee shall comply with the rules and regn. adopted by the Lessor during lease both in regard to building and land. 2. Sec. deposit-\$900. 3. Lease-\$3,000 per yr. due on March 1st each yr. 4. Lessee shall have right to occupy &/or operate real property described in lease for full term of lease, provided the Lessee does not violate general conditions. Willful violation of any general conditions shall enable the Lessor to terminate the lease upon 30 days written notice to the Lessee at Lessee address set forth.			

☐ Continuation of Remarks/Special Stipulations is attached. ☐ Executed Sales Contract is attached.

15. The United States of America acting through the Farmers Home Administration (FmHA) as the Lessor agrees to lease to the above named Lessee, and the Lessee hereby leases to occupy and/or use, subject to redemption rights, if any, and the general provisions set forth on the reverse, Special Stipulations above, and in any attachments, the property described in Item 7 above situated in the County of Brookings, State of South Dakota.

16. FARMERS HOME ADMINISTRATION, Lessor

Lessee *Roger Kalsbeck*
Roger Kalsbeck

BY: *Arnold P. Claeys*
Arnold P. Claeys
Title: County Supervisor

Date: 3/4/86

Date: 3/4/86

TO BE COMPLETED BY FINANCE OFFICE ONLY

Collection Code	Date of Deposit MO DA YR	Date of Accounting Entry MO DA YR

ORIGINAL - BORROWER'S FILE

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

QUITCLAIM DEED

The UNITED STATES OF AMERICA, acting through the Administrator of the Farmers Home Administration, United States Department of Agriculture, CONVEYS and QUITCLAIMS to Roger L. Kalsbeck and Cynthia C. Kalsbeck, husband and wife, RS 2, NW 122, Bruce, South Dakota 57220 as joint tenants with full right of survivorship and not as tenants in common, for the sum of Forty-Two Thousand One Hundred Dollars and No/100 (\$42,100.00)

all interest in the following described real estate situated in the County of Brookings

State of South Dakota

TO-WIT:

The Southeast Quarter (SE 1/4) of Section Thirteen (13), Township One Hundred Twelve (112) North, Range Fifty-One (51) West of the Fifth P.M., County of Brookings.

STATE OF SOUTH DAKOTA, COUNTY OF BROOKINGS

FILED THIS 20th day of April 1989 at 4:30 P.M. 112
689-690
CLERK OF COURTS
DEPUTY

EXEMPT FROM
TRANSFER FEE

Exempt from transfer fee under SDCL 43-4-22(2).

Together with all water and water rights, ditches and ditch rights, used thereon or appurtenant thereto.

Subject to exceptions and reservations contained in patents from the United States.

Subject to existing easements for roads, highways, ditches, canals, laterals, and power and transmission lines.

Subject to the purchase money mortgage to be executed simultaneously with the delivery of this deed by the Grantees herein in favor of the United States of America, acting through the Farmers Home Administration. The mortgage is to secure the \$42,100.00 owing on the purchase price of the land hereby conveyed. The delivery of this quitclaim deed is conditioned upon the simultaneous execution and delivery to the United States of said security instrument by the Grantees herein:

WARRANTY DEED
SOUTH DAKOTA

Mark R. Smith and Barbara E. Smith,
his wife, Grantors, of Brookings County, State of South Dakota,
for and in consideration of ONE DOLLAR (\$1.00) and other valuable consideration, GRANT,
CONVEY, and WARRANT to the UNITED STATES OF AMERICA, acting through the Farmers Home
Administration, Grantee, whose post office address for the purpose of this deed is
Room 308, Federal Building, 200 Fourth Street S. W., Huron, South Dakota 57350, the
following described real estate in the County of Brookings, in the State
of South Dakota:

THE SOUTHEAST ONE FOURTH (SE $\frac{1}{4}$) OF SECTION THIRTEEN (13), TOWNSHIP ONE HUNDRED TWELVE
(112) NORTH, RANGE FIFTY ONE (51) WEST OF THE FIFTH PRINCIPAL MERIDIAN, COUNTY OF
BROOKINGS, STATE OF SOUTH DAKOTA.

EXEMPT FROM
TRANSFER FEE

Subject to all easements and liens of record.

Subject to the following: Patent reservations and exceptions, existing easements
for roads, ditches, canals, and electric power and telephone lines and mortgage(s)
recorded in the records of Brookings County, State of South Dakota,

Described as follows:

Mortgagee	Amount of Mortgage	Date of Mortgage	Recorded in Book	Page Number
USDA/FmHA	\$25,000.00	8/13/80	127 Hggs.	1001-1004
USDA/FmHA	\$30,000.00	11/05/80	128 Hggs.	785-788

CONSUMER'S SCHEDULE OF ELECTRIC ENERGY USED

CONSUMER'S SCHEDULE OF ELECTRIC SERVICE	
NAME: <u>Roger Kasbeck</u>	REMARKS:
STR., RTE., BOX, ETC.: <u>RR #2 Box 122</u>	
CITY, STATE, ZIP: <u>Bruce, S.D. 57220</u>	
MEMBER NO.: <u>00311303.03</u>	
MAP LOCATION NO.: <u>3-1-13-4</u>	
RATE TARIFF:	
TYPE OF PREMISES:	DATE OF DISCONNECT:

PREMISES:							
BILLING MONTH	METER READING	KILOWATTS CONSUMED	ELECTRIC ENERGY CHARGE	LATE PAYMENT PENALTY	SECURITY LIGHT(S) CHARGE	AMOUNT PAID TO DATE	CONSUMER'S ACCOUNT BALANCE
1-13-86	29400	1760	110.21				
2-13-86	30990	1590	100.69				
3-13-86	32640	1650	104.05				
4-14-86	33980	1340	82.05				
	36760	2780	208.25				
	39030	2270	168.23				
6-5-87	44050	4460	312.05				
7-7-87	44950	860	77.05				
8-7-87	45860	910	73.48				
9-7-87	46760	900	72.75				
10-7-87	47910	1150	90.85				
	48170	260	19.34				
8-5-88	50250	2080	155.40				
9-9-88	50930	680	57.10				
10-7-88	50930	-0-	14.75				
11-7-88	50930	-0-	14.75				
12-5-88	50930	-0-	14.75				
	50980	50	14.75				

SIoux VALLEY EMPIRE ELECTRIC ASSOC., INC. COLMAN, S. D. 57017



Department of Water & Natural Resources

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

October 19, 1989

David Franssens
County Supervisor
Farmers Home Administration
103 A 22nd Avenue
Brookings SD 57006

Dear Mr. Franssens:

I am contacting you in regard to Water Permit No. 3222-3 which was cancelled by the Water Management Board in March, 1989. At the time the permit was cancelled, the land was owned by the Farmers Home Administration.

You stated on the 1988 irrigation questionnaire that the land had not been irrigated for the past seven years. SDCL 46-5-37 states that when any person entitled to the use of appropriated water fails to use beneficially all or any part of such water for the purpose for which it was appropriated, for a period of three years, such unused water shall revert to the public and shall be regarded as unappropriated water. Based upon the irrigation questionnaire and the above Statute, the permit was scheduled for cancellation.

Since that time, we have been notified by Roger Kalsbeck that he purchased the land and wants to continue irrigating. In an August 18, 1989 letter from the FmHA, you stated the land had been irrigated by the former owner, Mark Smith, up to the time he deeded the land back to FmHA in August, 1985. You further stated Mr. Kalsbeck rented the land from 1986 thru 1988 and then purchased the property in April, 1989. Mr. Kalsbeck has indicated to our office that he irrigated the land while he was renting it from the FmHA.

Please provide an explanation of the discrepancy between your note on the 1988 irrigation questionnaire and your letter of August 18, 1989.

Very truly yours,

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

cc: Roger Kalsbeck





Department of Water & Natural Resources

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

October 19, 1989

Jim Kiley, Manager
Sioux Valley Empire Electric Association
PO Box 216
Colman, SD 57017

Dear Mr. Kiley:

This letter is in reference to electricity use at Map Location No. 3-1-13-4. Enclosed is a copy of the "statement of energy used" submitted by Roger Kalsbeck for 1986, 1987 and 1988.

The following are questions we have concerning the statement:

- 1) The names of Sharon Bartrum and Robert Sorensen appear on the statement along with Mr. Kalsbeck. Were these people billed for electricity at this meter?
- 2) Where is the location of the meter? Was there a second meter to record electricity used to operate a 900 gallons per minute pump located on or near SE 1/4 Section 13, T112N, R51W, the legal description for land which may have been irrigated prior to 1986?

At the present time, we are in the process of gathering information to present to the Water Management Board concerning any irrigation which may or may not have been done under cancelled Water Permit No. 3222-3 to irrigate SE 1/4 Section 13, T112N, R51W. The permit was cancelled in March, 1989. Mr. Kalsbeck has advised our office that he has irrigated the land and believes the water permit should not have been cancelled.

If possible, we would like to obtain energy records from 1980 thru the present for any meter(s) at this location. Mark Smith was the owner prior to the Farmers Home Administration. If you have any questions, please contact Genny McMath at 773-3352.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

enclosure

cc: Roger Kalsbeck





Department of Water & Natural Resources

Joe Foss Building

523 East Capitol

Pierre, South Dakota 57501-3181

November 9, 1989

3222-3

Roger Kalsbeck
RR #2 Box 122
Bruce, SD 57220

Dear Mr. Kalsbeck:

I am contacting you in regard to cancelled Water Permit No. 3222-3. As I indicated to your wife, by telephone last week, the matter of rescinding cancellation of Water Permit No. 3222-3 has not yet been scheduled for hearing before our Water Management Board. The reason this has not been done is that we are still awaiting a response from Sioux Valley Empire Electric Assoc.

We contacted them, by letter dated October 19, 1989, and requested additional information. To date, we have not heard from them on this matter. You may have to contact them and authorize release of these records.

David Franssens, with the Farmers Home Administration, was also contacted, by letter dated October 19, 1989. We have received a response from him and I am enclosing a copy for your file.

Also, as I indicated to Mrs. Kalsbeck, we have telephone documentation from you that you wish to proceed with this matter to the Water Management Board; however, we will need to obtain a written request from you. Please include in your letter, a brief history of what has occurred since the time you had interest in the property.

If we receive the needed information very soon, we can still proceed to the Water Management Board at their December 6-7, 1989 hearing. If you have any questions, please contact me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosures





November 10, 1989

Dear Sirs,

I am writing to request that Water Permit No. 3222-3 that was cancelled in March be reinstated. The basis for the boards action seems to be a letter from the Brookings County FmHA supervisor in which he wrongly stated that no irrigation had taken place on this farm. Early this year I bought this farm from FmHA after having rented it from them for the past 4 years. I used the furrow type irrigation system for which the original permit was issued each year I was a tenant. Power for this system was provided by a 10 HP single phase motor. Since there were no hook-up fees annually Sioux Valley Electric is unable to provide records of the fact that I irrigated. My monthly bills for this motor and two other farmsteads were paid with one check making it hard to verify that I did irrigate this farm.

I would like to get this matter scheduled for the December meeting of the Water Management Board and I am asking that the cancellation of Water Permit No. 3222-3 be rescinded.

Sincerely,

Roger Kalsbeck



Department of Water & Natural Resources

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

November 14, 1989

NOTICE

TO: Roger Kalsbeck, RR #2 Box 122, Bruce, SD 57220
David R Franssens, County Supervisor, Farmers Home
Administration, 103 A 22nd Ave, Brookings, SD 57006

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

SUBJECT: Request for Water Management Board to Rescind
Cancellation of Water Permit No. 3222-3

Pursuant to a request filed by Roger Kalsbeck, the Water Management Board will consider rescinding action to cancel Water Permit No. 3222-3. The hearing is scheduled for 10:30 am, December 6, 1989, Room 216, Joe Foss Building, 523 E Capitol, Pierre, SD. The agenda time is an estimate. The actual time of hearing may be later than 10:30 am due to prior agenda items.

Water Permit No. 3222-3 was cancelled by the Water Management Board March 1, 1989, for abandonment and/or forfeiture. The permit was cancelled based upon a statement by David R. Franssen, Farmers Home Administration on the 1988 irrigation questionnaire, which stated the land has not been irrigated for seven years.

The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-2-9, 46-2-11 and 46-2-17. After all evidence is taken at the hearing, the Board may issue a decision to 1) rescind the cancellation, 2) defer action or 3) take no action. The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

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

cc: John Haak, Assistant Attorney General

CERTIFICATION

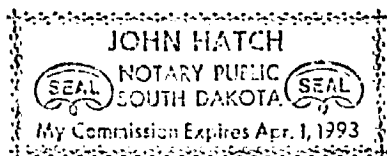
I hereby certify that on November 14, 1989 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice to Request the Water Management Board to Rescind Cancellation of Water Permit No. 3222-3 addressed as stated on the Notice.

Barren Schlack

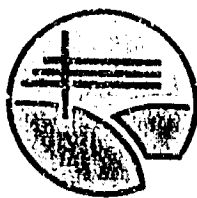
KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 15th day of November, 1989.



John Hall
Notary Public



**SIoux
VALLEY**
ELECTRIC

P.O. Box 216 • Colman, South Dakota, 57017-0216

Phone: 605-534-3535

Toll Free: 1-900-234-1930

November 17, 1989



John Hatch, Chief Engineer
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501

Dear Mr. Hatch:

Enclosed is a copy of the sketch from a staking sheet showing the location of the electric meter for the farm located in the SE 1/4 of Section 13, T.112 N., R.51 W., which you requested from Sioux Valley Electric.

The service at Station 1290 S. was rebuilt in July of 1979 to accommodate a 10 hp irrigation pump. One meter serves the irrigation pump, farm well, house, barn and miscellaneous buildings. A second meter was installed in August of 1980 for Mark Smith to serve an alcohol plant at station 1305 W. as shown on the attached diagram. The service to the alcohol plant was removed in June of 1986.

Our records show that the meter at station 1290 S. was hooked up to: Robert Sorenson from December of 1985 to April of 1986, Sharon Bartnum from June of 1987 to December of 1987, Roger Kalsbeck from July of 1988 to December of 1988 and to Roger Kalsbeck from July 17, 1989 to the present.

If additional information is required or if we can be of further assistance, feel free to contact us.

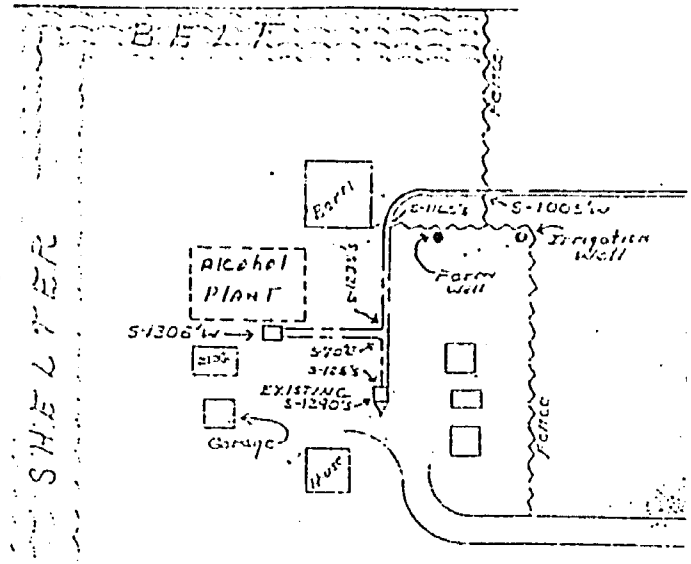
Sincerely,

Dan Carlson
Manager of Engineering

DC:ce

Enc.

4
N



REPORT ON
CANCELLED WATER RIGHT NO. 3222-3
NOVEMBER 29, 1989

A request has been received from Roger Kalsbeck, Bruce, SD to consider rescinding cancelled Water Right No. 3222-3 (see ATTACHMENT 1). The water right was cancelled by the Water Management Board March 1, 1989 for abandonment and/or forfeiture. The water right was scheduled for cancellation based on the 1988 irrigation questionnaire returned by the Farmers Home Administration (see ATTACHMENT 2) which stated:

"This property was flood irrigated back in 1980-1981. There is a well on the property but no irrigation has been practiced for the past 7 years."

Signed: David R Franssen, Co Supervisor
Farmers Home Administration

HISTORY

Water Permit No. 3222-3: Priority date - October 28, 1976
 Approved - February 23, 1977
 Licensed - September 24, 1981
 Cancelled - March 1, 1989

Cancelled Water Right No. 3222-3 authorized diversion of 2.0 cfs from groundwater (one well) for irrigation of 148 acres in the SE 1/4 Section 13, T112N, R51W, Brookings County.

Water Permit issued to: Merle Pierce, Bruce, SD
Transferred June 21, 1977 to: Mark Smith, Bruce, SD
Transferred March 10, 1986 to: Farmers Home Administration,
 Brookings, SD
Land purchased April 20, 1989: Roger Kalsbeck, Bruce, SD

DISCUSSION

Water Permit No. 3222-3 was inspected June, 1981 and licensed in September, 1981. This would indicate the project had been constructed and irrigation was being done at that time.

The Farmers Home Administration has indicated they made an error when completing the 1988 irrigation questionnaire. They have cash flow records dating back to 1980 which indicate the land was irrigated up until August, 1985 when the land was voluntarily deeded back to them (see ATTACHMENTS 3, 4 & 5).

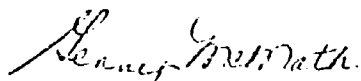
Roger Kalsbeck rented the land from FmHA during 1986-1988 and irrigated during this time. Mr. Kalsbeck supplied an energy statement representing electricity used during 1986-1988 to supply a 10 HP motor which ran a centrifugal pump (see ATTACHMENT 6).

Sioux Valley Electric from Colman, SD has submitted a staking sheet showing the location of the electric meter for the farm. The station was rebuilt in July, 1979 to accommodate a 10 HP irrigation pump. The meter serves the irrigation pump, farm well, house, barn and miscellaneous buildings (see ATTACHMENTS 7, 8, & 9).

RECOMMENDATION

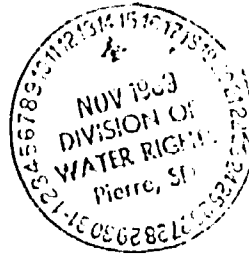
After reviewing the water right files and the letters received from Roger Kalsbeck, FmHA and Sioux Valley Electric, the Staff recommends the following:

The Water Management Board rescind their action taken at the March 1, 1989 hearing, and reinstate cancelled Water Right No. 3222-3.



Genny McMath
Natural Resources Analyst

ATTACHMENT 1



November 10, 1969

Dear Sirs,

I am writing to request that Water Permit No. 3222-3 that was cancelled in March be reinstated. The basis for the boards action seems to be a letter from the Brookings County FmHA supervisor in which he wrongly stated that no irrigation had taken place on this farm. Early this year I bought this farm from FmHA after having rented it from them for the past 4 years. I used the furrow type irrigation system for which the original permit was issued each year I was a tenant. Power for this system was provided by a 10 HP single phase motor. Since there were no hook-up fees annually Sioux Valley Electric is unable to provide records of the fact that I irrigated. My monthly bills for this motor and two other farmsteads were paid with one check making it hard to verify that I did irrigate this farm.

I would like to get this matter scheduled for the December meeting of the Water Management Board and I am asking that the cancellation of Water Permit No. 3222-3 be rescinded.

Sincerely,

Roger Kaisbeck

PLEASE FILL OUT AND RETURN
BEFORE DECEMBER 20, 1988

SE 14 13 51
112-51
5/11

1988 WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE

October, 1988

3222-3
FARMERS HOME ADMINISTRATION
103 A 22ND AVE
BRUKINGS
SD 57006

BC/SR

ATTACHMENT 2

Telephone No. 682-1442

- Type of Power 11/11 No. of acres Irrigated
1. Electric
 2. Gravity
 3. Gasoline
 4. Nat. Gas pipeline
 5. Diesel
 6. Propane
 7. Other
 - Type of System
 1. Hand moved sprinklers
 2. Portable booms
 3. Center pivots (# of)
 4. Gated pipes
 5. Sidewheels
 6. Towlines
 7. Big gun
 8. Siphons
 9. Flood
 10. Other
- Owner or address change, if any:

SURFACE WATER Yes GROUNDWATER Yes No X
Did you irrigate during 1988? Yes Yes No No
Number of acres irrigated in 1988 112
Has your system been constructed? Yes Yes No No
Do you apply fertilizer, insecticide or herbicide through your irrigation system? Yes Yes No No
Season Static Water Level: beginning 112 ft. end 112 ft. (Groundwater)

Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Acres of Crop Irrigated & Estimate Water Use			
				Crop	Acres	Water Used	Water Used
April							
May							
June							
July							
August							
Sept.							
Oct.							
Other							
Months							

COMMENTS:

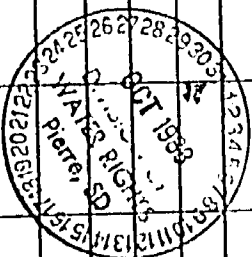
This property was flood irrigated back in 1960's there are well on the property but not irrigation has been

owned by Joe Foss

Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

Complete & return to:

Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181



ATTACHMENT 3



United States
Department of
Agriculture

Farmers
Home
Administration 103 A 22nd Avenue
Brookings, SD 57006

605/692-1442



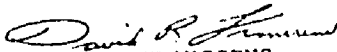
SD Dept. of Water & Natural Resources
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

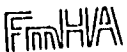
August 18, 1989

Attention: John Hatch

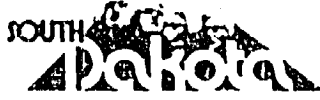
The former Mark Smith property (SE $\frac{1}{4}$ 13-112-51) was being irrigated up to the time the land was voluntarily conveyed to FmHA on August 27, 1985. Cash flow plans dated back to 1980 reflect that Mr. Smith was irrigating corn each year up to the time he deeded the land back to FmHA. Roger Kalsbeck continued to rent the SE $\frac{1}{4}$ 13-112-51 from FmHA for three years -1986-1988- and then purchased the property on April 20th, 1989. Roger's intent is to continue to irrigate this tract of land and I understand has applied for a new permit. If you have any questions, please call our office at 692-1442.

Sincerely,


DAVID R. FRANSSENS
COUNTY SUPERVISOR
BROOKINGS COUNTY



Farmers Home Administration is an Equal Opportunity Lender.
Complaints of discrimination should be sent to:
Secretary of Agriculture, Washington, D.C. 20250



Department of Water & Natural Resources

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

October 19, 1989

David Franssens
County Supervisor
Farmers Home Administration
103 A 22nd Avenue
Brookings SD 57006

Dear Mr. Franssens:

I am contacting you in regard to Water Permit No. 3222-3 which was cancelled by the Water Management Board in March, 1989. At the time the permit was cancelled, the land was owned by the Farmers Home Administration.

You stated on the 1988 irrigation questionnaire that the land had not been irrigated for the past seven years. SDCL 46-5-37 states that when any person entitled to the use of appropriated water fails to use beneficially all or any part of such water for the purpose for which it was appropriated, for a period of three years, such unused water shall revert to the public and shall be regarded as unappropriated water. Based upon the irrigation questionnaire and the above Statute, the permit was scheduled for cancellation.

Since that time, we have been notified by Roger Kalsbeck that he purchased the land and wants to continue irrigating. In an August 18, 1989 letter from the FmHA, you stated the land had been irrigated by the former owner, Mark Smith, up to the time he deeded the land back to FmHA in August, 1985. You further stated Mr. Kalsbeck rented the land from 1986 thru 1988 and then purchased the property in April, 1989. Mr. Kalsbeck has indicated to our office that he irrigated the land while he was renting it from the FmHA.

Please provide an explanation of the discrepancy between your note on the 1988 irrigation questionnaire and your letter of August 18, 1989.

Very truly yours,

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

cc: Roger Kalsbeck





Dear Mr. Hatch,

I am sorry for the two confusing letters that I had sent to you regarding the irrigation of Mr. Habel's property. When I had completed the 85 questionnaire on this unit, I had nearly been transferred to the Brookings office and did not know the history of this unit. I had driven by the land and did not see a pivot system on the unit and assumed the pivot had been sold off as school property. I did not realize they had filed irrigation. The assistants in my office were also recently transferred in so they also did not know the unit or its history. When we sent the report back in I had not met or talked to Roger at that time.

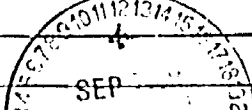
After reviewing an old file of the Smelter that was to be destroyed I saw you. I did see by our files before that they conducted original work so I would have to assume he was irrigating. I would also have no reason to doubt Roger either.

I assumed too much upon my arrival in Brookings and did not search this out enough before I sent the questionnaire in. I am sorry for any inconvenience. If you have any questions, please call. Thank you.

David R. Hansen

County Supervisor For H.B.

CONSUMER'S SCHEDULE OF ELECTRIC ENERGY USED

NAME: Roger Kasbeck		REMARK:
STR., RTE., BOX, ETC.: RR #2 Box 122		ATTACHMENT 6
CITY, STATE, ZIP: Bruce, S.D. 57222		
MEMBER NO.: 00311303.03		
MAP LOCATION NO.: 3-1-13-4		
RATE TARIFF:		
TYPE OF PREMISES:	DATE OF DISCONNECT:	



BILLING MONTH	METER READING	KILOWATTS CONSUMED	ELECTRIC ENERGY CHARGE	LATE PAYMENT PENALTY	SECURITY LIGHT(S) CHARGE	AMOUNT PAID TO DATE	CONSUMER'S ACCOUNT BALANCE
1-13-86	29400	1760	110.21				
2-13-86	30990	1590	100.69				
3-13-86	32640	1650	104.05				
4-14-86	33980	1340	86.05				
	36760	2780	208.05				
	39030	2270	208.73				
7-1-87	44090	4460	31.05				
8-8-87	44950	860	57.65				
9-7-87	45860	910	73.48				
10-7-87	46760	900	73.75				
12-7-87	47910	1150	90.88				
	48170	260	19.34				
8-5-88	50250	2080	155.40				
9-9-88	50930	680	57.10				
10-7-88	50930	-0-	14.75				
11-7-88	50930	-0-	14.75				
12-5-88	50930	-0-	14.75				
	50980	50	14.75				

 **Department of
Water & Natural Resources**

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

October 19, 1989

Jim Kiley, Manager
Sioux Valley Empire Electric Association
PO Box 216
Colman, SD 57017

Dear Mr. Kiley:

This letter is in reference to electricity used at Map Location No. 3-1-13-4. Enclosed is a copy of the "statement of energy used" submitted by Roger Kalsbeck for 1986, 1987 and 1988.

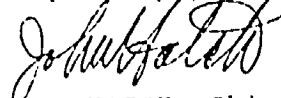
The following are questions we have concerning the statement:

- 1) The names of Sharon Bartrum and Robert Sorenson appear on the statement along with Mr. Kalsbeck. Were these people billed for electricity at this meter?
- 2) Where is the location of the meter? Was there a second meter to record electricity used to operate a 990 gallons per minute pump located on or near SE 1/4 Section 13, T112N, R51W, the legal description for land which may have been irrigated prior to 1986?

At the present time, we are in the process of gathering information to present to the Water Management Board concerning any irrigation which may or may not have been done under cancelled Water Permit No. 3222-3 to irrigate SE 1/4 Section 13, T112N, R51W. The permit was cancelled in March, 1989. Mr. Kalsbeck has advised our office that he has irrigated the land and believes the water permit should not have been cancelled.

If possible, we would like to obtain energy records from 1980 thru the present for any meter(s) at this location. Mark Smith was the owner prior to the Farmers Home Administration. If you have any questions, please contact Genny McMath at 773-3352.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

enclosure

cc: Roger Kalsbeck





P.O. Box 216 • Colman, South Dakota, 57017-0216

Phone: 605-534-3535

Toll Free: 1-800-234-1960

November 17, 1989



John Hatch, Chief Engineer
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501

Dear Mr. Hatch:

Enclosed is a copy of the sketch from a staking sheet showing the location of the electric meter for the farm located in the SE 1/4 of Section 13, T.112 N., R.51 W., which you requested from Sioux Valley Electric.

The service at Station 1290 S. was rebuilt in July of 1979 to accommodate a 10 hp irrigation pump. One meter serves the irrigation pump, farm well, house, barn and miscellaneous buildings. A second meter was installed in August of 1980 for Mark Smith to serve an alcohol plant at station 1305 W. as shown on the attached diagram. The service to the alcohol plant was removed in June of 1986.

Our records show that the meter at station 1290 S. was hooked up to: Robert Sorenson from December of 1985 to April of 1986, Sharon Bartnum from June of 1987 to December of 1987, Roger Kalsbeck from July of 1988 to December of 1988 and to Roger Kalsbeck from July 17, 1989 to the present.

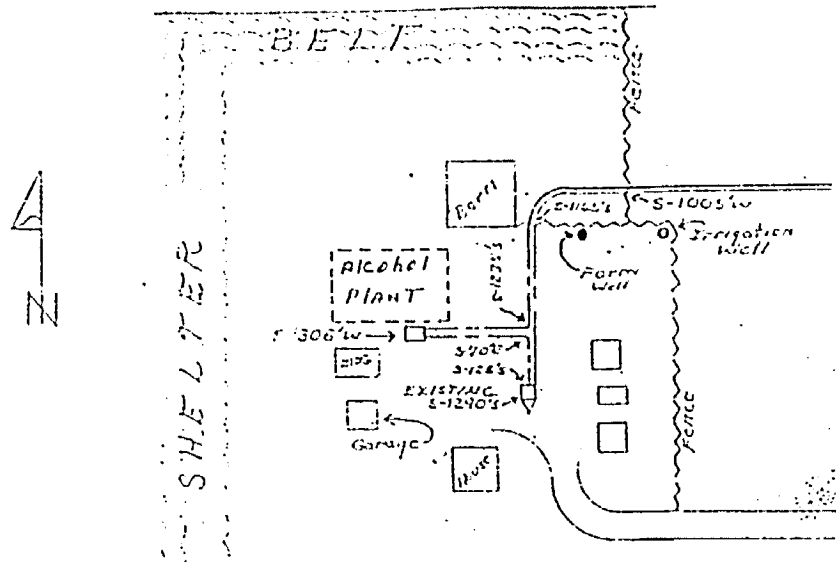
If additional information is required or if we can be of further assistance, feel free to contact us.

Sincerely,

Dan Carlson
Manager of Engineering

DC:ce

Enc.





Department of Water & Natural Resources

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

December 13, 1989

NOTICE

TO: Roger Kalsbeck, RR #2 Box 122, Bruce, SD 57220

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

SUBJECT: Cancellation of Water Right No. 3222-3 Rescinded

On December 7, 1989, the Water Management Board rescinded cancellation of Water Right No. 3222-3. The action taken by the Board authorizes you to irrigate under this water right.

The water right is currently listed in the name of Farmers Home Administration. Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50.

If you have any questions concerning the action the Board has taken or the enclosed transfer form, please contact us.

enclosure

CERTIFICATION

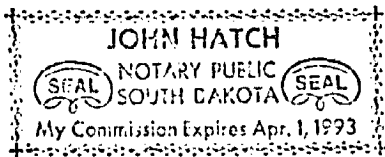
I hereby certify that on December 13, 1989 I have personally deposited with the U.S. Mail a postage prepaid envelope containing a Notice of Cancellation of Water Right No. 3222-3 Rescinded addressed as stated on the Notice.

Marin: Schlaak

KADEN SCHLAAK
Senior Secretary

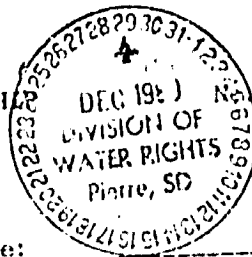
STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 14th day of December, 1989.



John Hatch
Notary Public

NOTICE OF TRANSFER OF OWNERSHIP



3222-3

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

Date: _____

I/We request that Water Permit/Right No. 3222-3

formerly owned by: Farmers Home Administration

be transferred to: (name & address) ROGER KALSBECK

RR 2 Bruce SD

(telephone No.) 873-2591

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

SE 1/4 Section 13, T12N, R51W

I/We understand that the validity of Water Permit/Right No. 3222-3 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 Hamlin

I/We Roger Kalsbeck 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.

Roger Kalsbeck
(Signed)

Subscribed and sworn to before me this 18 day of December, 19 89.

Jeanette Foster
(Notary Public)

JEANETTE FOSTER
NOTARY PUBLIC Hamlin County, SD
My Commission Expires April 14 1996

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

412011

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, December 29, 1990

RECEIVED OF Roger Kalsbeck, RR #2 Box 52, Bruce, SD 57220

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 Right No. 3822-3	
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)	

2 50

Total

2 50

By John H. Notal
Chief Engineer



Department of Water & Natural Resources

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

February 6, 1990

Roger Kalsbeck
RR #2 Box 52
Bruce, SD 57220

Dear Mr. Kalsbeck:

Enclosed is Receipt No. 412011 in the amount of \$2.50 which you paid for transfer of Water Right No. 3222-3.

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

Sincerely,

Marie R. Arthur

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

enclosure

3222-3

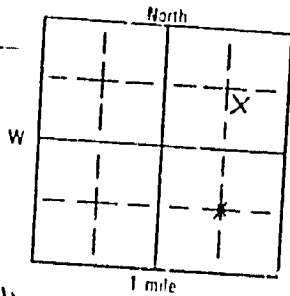
3222-3 SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location St. Lawrence Sec. 13 Twp. 112-10 Rg. 51-W

County Brookings

Please mark well location with an "X"



Well Completion Date 4-14-90

PROPOSED USE

☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling

Reverse

CASING DATA

☐ Steel ☒ Plastic ☐ Other
 If other describe _____

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER

____ LB/FT 16 IN 0 FT 37 FT 25 IN
 ____ LB/FT ____ IN ____ FT ____ FT ____ IN
 ____ LB/FT ____ IN ____ FT ____ FT ____ IN
 ____ LB/FT ____ IN ____ FT ____ FT ____ IN

GROUT

Was the well grouted? ☒ YES ☐ NO

To what depth? 20

What is grouting material? Cement

If cement, number of sacks? 55

Describe grouting procedure lin

What was grout weight? _____ LB/GAL

SCREEN ☐ Perforated pipe ☒ Manufactured

Diameter 16 IN Length 15 FEET

Material loc

Slot Size ____ Set From 37 Feet To 52 Feet

Slot Size ____ Set From ____ Feet To ____ Feet

Slot Size ____ Set From ____ Feet To ____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? Drum packer

Was well disinfected upon completion? ☒ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner

Name Roger Kalschick

Address Bruce, S.D. 57220

Well Log

Formation

Depth

Formation	From	To
Top Soil	0	5
Clay w/ med. sand str.	5	15
Gravel	15	20
Brown Gravel	20	25
Gray Gravel	25	40
Gray Medium Sand	40	52

TO 52'

STATIC WATER LEVEL 11 Feet

if flowing closed in pressure _____

GPM flow _____ through _____ PSI
 inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA

☒ Pumped

☐ Bailed

☐ Other

Describe: 1100 gpm @ 29 ft.

Pumping Level Below Land Surface

____ ft After ____ Hrs. pumped ____ GPM

____ ft After ____ Hrs. pumped ____ GPM

____ ft After ____ Hrs. pumped ____ GPM

REMARKS

This well was drilled under license # 440

And this report is true and accurate

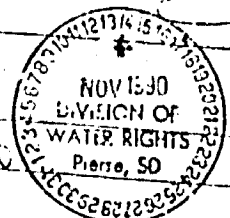
Drilling firm Pullman Well Drilling

Signature of License Representative

R. S. Kalschick
 Signature _____ Owner

Date

11-12-90



WELL LOG

CAMERA OPERATOR



3222-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 21, 1997

3222-3

Joe Arthur
PO Box 578
South Shore, SD 57263-0578

Dear Mr. Arthur:

Enclosed is the 1997 irrigation questionnaire and chemical reporting form pertaining to Water Right No. 3222-3. Roger Kalsbeck contacted me this morning and indicated he rented the land to you this past year. He requested that I mail the forms to you for completion.

Also enclosed is a copy of Water Right No. 3222-3 which outlines the acreage authorized for irrigation and describes the diversion point location. You may keep this for your records.

Please complete the enclosed forms and return them to our office by December 1, 1997. If you have any questions, please contact me.

Sincerely,

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

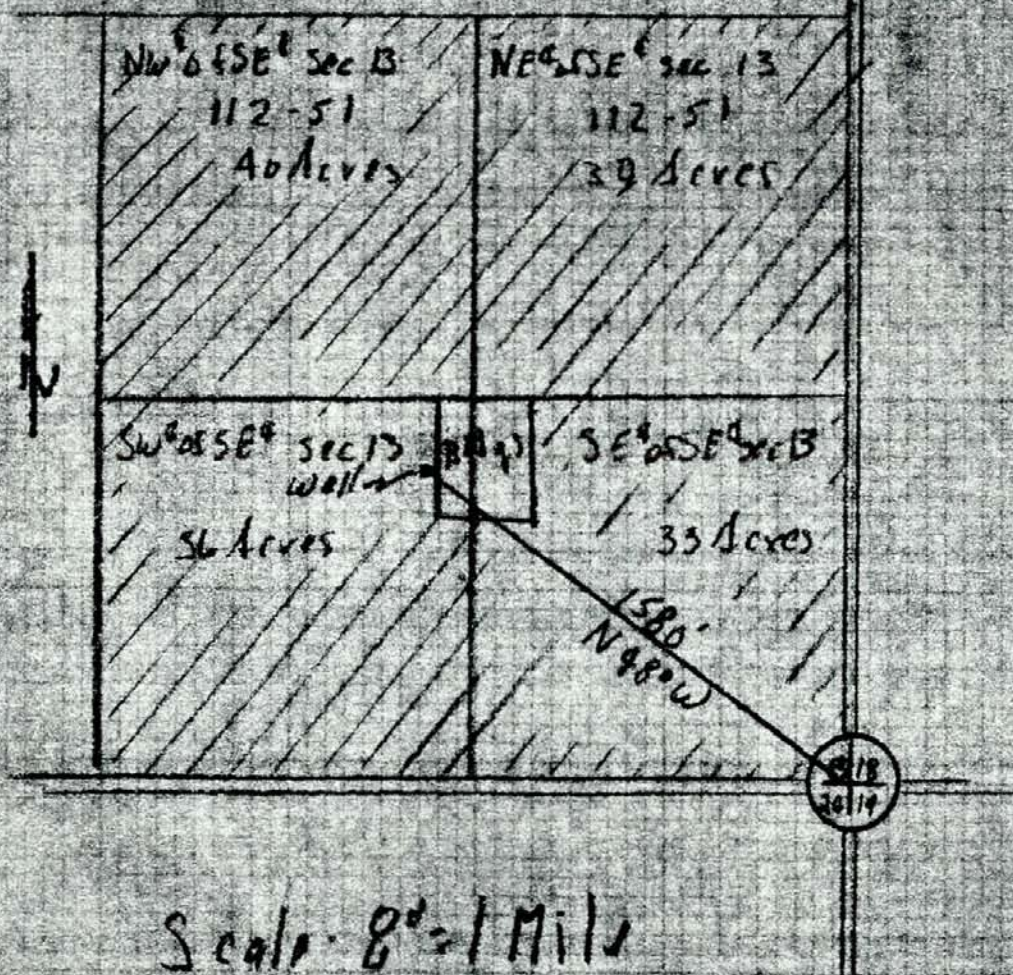
enclosures

MERLE PIERCE

Irrigation Project # 1
Bruce S Oak.

Acres Irrigated 108 acres
Water claimed - 2.1 cfs

Point of Diversion 1580' N 98° W
of SE Corner Sec 13 - 112.51



Oct. 27, 1976

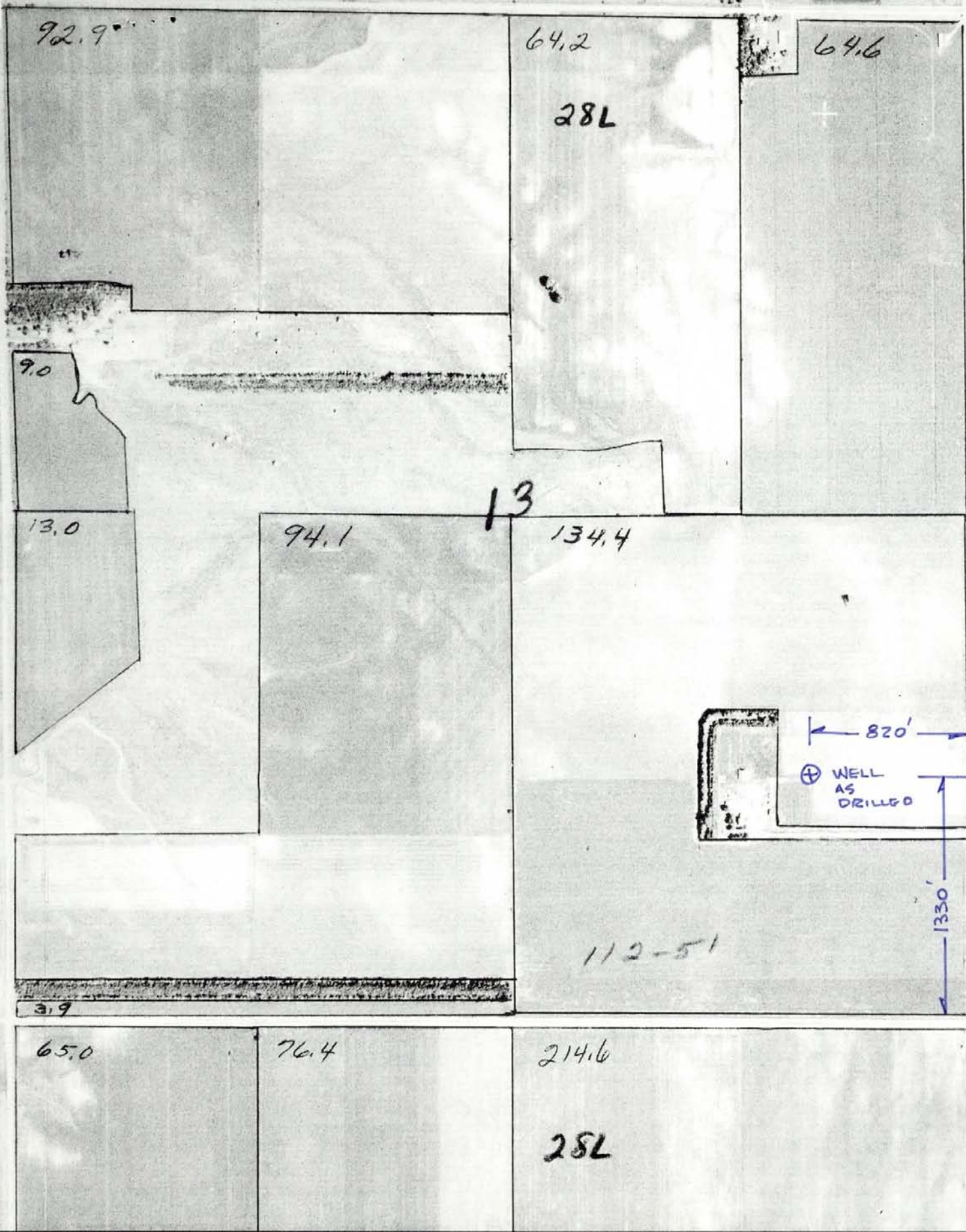
Certified Correct

John L. [Signature]
Bureau of Land Management

Map No. 24543 App. No. 3022-3

NOT TO SCALE

3222-3





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 5, 2005

No. 3222-3

Jay A Peterson
2591 Pioneer Ave
Suite C
Vista CA 92081

Dear Mr. Peterson:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 3222-3 to irrigate 148 acres located in the SE ¼ Section 13-T112N-R51W in Brookings County. The water right is currently listed in the name of Roger Kalsbeck. On the 2005 Irrigation Questionnaire, Mr. Kalsbeck indicated this parcel of land had been sold.

The transfer form should be checked over for accuracy and **signed by the new owner**. Upon completion, return the form to our office with a required filing fee of \$2.50.

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.

Also, enclosed is the annual irrigation questionnaire which needs to be completed and returned. If you have a renter or operator you would like this form sent to, please indicate that on the form. A postage paid envelope is enclosed for your convenience.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
email: karen.schlaak@state.sd.us

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

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

JAN - 9 2006
WATER RIGHTS
PROGRAM

No. 3222-3
Date: _____

I/We request that Water Right/Permit No. 3222-3

formerly owned by: Roger Kalsbeck

be transferred to: (name & address) Jay A Peterson, ~~2591 Pioneer Ave, Suite C, Vista CA 92081~~
7233 BABYLONIA ST.
RANCHO LA COSTA, CA 92009 Telephone No. 760 824 0714

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

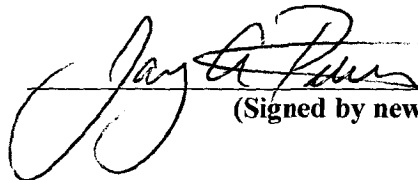
148 acres - SE ¼ Section 13-T112N-R51W

I/We understand that the validity of Water Right/Permit No. 3222-3 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 Two Dollars and Fifty Cents (\$2.50) 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 Jay A. Peterson, the new owner, certify that the above information is true and correct.


(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 January 9, 20 06

RECEIVED OF Jay Peterson, 7233 Babiloria St., La Cosra CA 92009

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	2 50	
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>3222-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
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	2.50

No.

002154

By

Darland Echele
Chief Engineer
gm



**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 9, 2006

3222-3

Jay A Peterson
7233 Babilonia St
Rancho La Costa CA 92009

Dear Mr. Peterson:

Thank you for following up on the ownership change for Water Right No. 3222-3. The transfer has been completed. The water right formerly listed in the name of Roger Kalsbeck is now listed in your name.

Enclosed is your Receipt No. 002154 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure



3222-3
**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 26, 2007

NOTICE

TO: JAY A PETERSON, 2770 LA MIRANDA DR., VISTA, CA 92081
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaires

Our records indicate that the 2006 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2148A-3, 3222-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 6722-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 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) 6722-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2148A-3, 3222-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 2007, 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/E0455V5-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

February 27, 2007

Jerald Peterson
46727 197th St
Brookings SD 57220

Dear Mr. Peterson:

I am contacting you in regard to water permits held by Jay Peterson. Recently, we tried to mail him correspondence concerning his 2006 irrigation questionnaires and the mail was returned to us by the post office marked "insufficient address".

I am enclosing the information we mailed to Jay. If you would, please review the letter and forms and let us know how we can contact Jay. It is very important to get the notices to him to avoid a hearing before the Board concerning the irrigation questionnaires.

Let me know if he has had a change of address and the best way to gather the irrigation questionnaire information. Thank you in advance for your help.

Sincerely,

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

File No. 2148A-3

3222-3

6722-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Jerald Peterson

DATE: March 7, 2007

RE: Water Permits/Rights held by Jay A Peterson

COMMENTS:

Jerald called with regard to a letter I sent to him requesting an updated mailing address for his son Jay Peterson. The correspondence we sent to Jay was returned by the Post Office marked "insufficient address:

Jerald indicated the address we had was slightly wrong. The address should include the Suite # and also the name of the street was misspelled.

The correct address is:

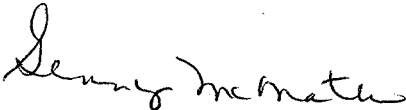
Jay A Peterson

2770 La Mirada Dr, Suite E

Vista CA 92081

The phone number he can be reached at is 760-599-1977 (work #)

Jerald indicated he had the irrigation information for Jay's permits and would be sending the forms in right away.



Genny McMath

Environmental Scientist



3222-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: JAY A PETERSON, 7233 BABILONIA ST, LA COSTA, CA 92009
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaires

Our records indicate that the 2011 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3222-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4363A-3, 6722-3 7087-3 qualification:

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

The hearing will be held at **10:00 am, March 7, 2012** 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) 4363A-3, 6722-3 7087-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3222-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed 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: <http://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
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 24, 2012

Jay A Peterson
7233 Babilonia St
La Costa CA 92009

RE: Water Right or Permit Nos. 3222-3, 4363A-3, 6722-3 and 7087-3

Dear Mr. Peterson:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right or Permit Nos. 3222-3, 4363A-3, 6722-3 and 7087-3. 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
email: genny.mcmath@state.sd.us