

Water Right Number 3237-2

1. Considered 1-26, 1970
2. Name of Applicant KENNETH FOSTER
3. Post Office Address ESTELLINE
4. Amount of water claimed 1.2
5. Source of water supply 3-40' WELLS
6. Water to be used for IRRIGATION
Acres to be irrigated 87
7. Water to be diverted and used in HAMLIN County
about 2 N, 1 E Miles of ESTELLINE
8. Proof of Publication
Received 1-20-77
Not received
9. Application
Approved
Subject to
Not approved
Action deferred
10. Remarks:

No. 3237-3
 Map No. 2525-3 Water Division No. 3 BIG SIOUX RIVER District
 (Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

S.C.C.
10-29-76

1. Name of Applicant Kenneth Foster
 Post-office address Estelline, State South 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 Labor
 3. Name of diversion work Kenneth Foster Irrigation Project #12
 4. Amount of water claimed (cubic feet per second) 1.2
 5. Source of water supply Well
 6. Location of point of diversion Well #3 - 1700' N 25° E of Sec corner
Sec 12 - 113 - 51
 _____ County Hamlin
 7. Annual period or periods during which water is to be used April through October
 8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
 9. For irrigation use, Total number of acres to be irrigated 87

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NW 1/4 of SE 1/4 Sec 12 - 113 - 51	5		
NE 1/4 " " " " " "	34		
SW 1/4 " " " " " "	4		
SE 1/4 " " " " " "	34		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system FLUE years. Additional time required to complete application of water to the proposed beneficial use THREE years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Hamlin County Enterprise
Hot Springs
 12. Principal Features of the Proposed Water Supply System.
 A. Works proposed to divert water from its natural source. Well #3
 B. Works proposed to transport water to place of use. closed conduit
 C. Works proposed to apply water to beneficial use. center pivot irrigation machines

Estimated Total Cost \$15,000

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

STATE OF SOUTH DAKOTA

County of BrookingsI, Kenneth Foster, 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 constructionSigned Kenneth FosterSubscribed and sworn to before me this 4 day of Oct, 1976James E. Lawrence
Notary Public (or other qualified officer)

Note! This is an application which will add
 acreage to previous permit # 2576-3
 One well (#3) and acreage has been
 increased.

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3237-3

KENNETH FOSTER
(Applicant)

ESTELLINE
(Post Office Address)

SOUTH DAKOTA 57234 With the following modifications:
(State)

1. Irrigation wells approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

THE WELLS APPROVED UNDER THIS PERMIT SHALL BE SPACED SO THAT THERE IS AT LEAST 660' BETWEEN WELLS.

Date of first receipt of application OCTOBER 15, 19 76

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

Date of receipt of corrected application OCTOBER 29, 19 76

Approved JANUARY 27, 19 77, Recorded in Book 17 Page 50

WATER RIGHT PERMIT NO. 3237-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3237-3 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 15, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 27, 19 79
3. The whole of said work is to be completed on or before JANUARY 27, 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 27, 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 1.2 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before JANUARY 27, 19 85; said water to be used during the following described annual period: APRIL THEN OCTOBER

Witness my hand this 6TH day of APRIL, 19 77

WATER RIGHTS COMMISSION

By:

John H. Hain
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

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

D. Well Information or Estimates

(1) Drill Hole, Diameter 5.8", Depth 40'
(2) Casing, Type Steel Diameter 14" Thickness 1/4"
(wood, concrete, steel, etc.)
(3) Perforated Screen
Type Carth slot Diameter 14" Length 10'
(4) Gravel Pack, Thickness 5" Length of gravel pack 20'

E. Dugout Information or Estimates

(1) Surface dimensions —, Depth —

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

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

Character of Water bearing materials 0' to 10' over bedrock
10' to 40' water bearing sand.

Depth to top of water bearing material 10'
Depth to bottom of water bearing material 40'
Thickness of water bearing material 30'
Depth to water (ground surface to water level) 10'

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

On same owner's property 40 rds. On property owned by others 80 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.

Kenneth Foster
Signature of Applicant

October 26, 1976

Mr. Kenneth Foster
Estelline, SD 57734

Dear Mr. Foster:

The W1-1 form pertaining to your intent to irrigate additional land in the south half of section 12-113-51 has been received. It is understood that you do not intend to irrigate the soil delineation labelled as 2A7A1. This is unsuitable for cultivation and should absolutely not be irrigated. The 2Y4G area on top of the hill is suitable for irrigation but it should be kept in forage crops a good share of the time because of the erosion hazard.

The application material in the form of the W1-1 form, plus a copy of this letter, are being sent to the State Conservation Commission for their action.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOF:cmh
Enclosure
cc: State Conservation Commission

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

NAME Kenneth Foster

ADDRESS 102 of 50th St. S. - 113 - 5th

COUNTY Hauke

LEGAL DESCRIPTION

1. WELL LOCATION 10² of 50th St. S. - 113 - 5th

2. LOCATION OF AREA TO BE IRRIGATED 3² of 12th - 113 - 5th

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT _____ GUN _____

4. CROPS TO BE IRRIGATED _____

WATER QUALITY

5. SAMPLE NUMBER 76-090

6. SALINITY (EC X 10⁶) 12.55 (1/10)

7. SODIUM (SAR) 1.02 (1/10)

8. RESIDUAL SODIUM CARBOXYLATE (meq/l.) _____

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

and:

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

Kenneth Foster
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
DAY OF _____ 19 _____

(TITLE OR SEAL)

Approved for the purpose of this project can be carried
out by _____
suggested _____
APPROVED/NOT APPROVED

(SOILS INFORMATION ON REVERSE SIDE)

Form 6 - Notice of Intent to Appropriate Water

No. 3237-3

Publish first publication, on or before January 13, 1977

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 20, 1976

Notice is hereby given that Kenneth Foster
whose post office address is Estelline, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
1.2 cubic feet of water per second of time from the ground water through the
Poster # 2, the point of diversion of which is to be located in the

SW 1/4
of Section 12, Twp. 113N, Range 51W. Said water to be used for the purpose
of providing irrigation on the following described land:

SW 1/4, Section 12, T113N, R51W

This application No. 3237-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 20th day of January, 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/bw
cc:

Kenneth Foster, Estelline, SD 57234

No. 3237-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hutchinson) ss.

NOTICE

NOTICE
INTENT TO APPROPRIATE
WATER

Pierre, South Dakota 57501
December 20, 1976

Notice is hereby given that Kenneth Foster, whose post office address is Estelline, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.2 cubic feet of water per second of time from ground water through the Foster #2, the point of diversion of which is to be located in the NW1/4 SW1/4 of Section 12, Tsp. 113N, Range 51W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE1/4, Section 12, T113N, R51W
This application No. 3237-3 will be considered by the Water Rights Commission at their office at Pierre upon the 26th day of January, 1977, at 10:00 A.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION
By: /s/ Burton F. Jones
Water Rights Specialist 2-3

I, Allen R. Anderson hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Hutchinson Tribune

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

Pierre of Hutchinson

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

January 12, 1977
January 20, 1977

Allen R. Anderson
(Signature)

Publisher
(Title)

January 20, 1977
(Date Signed)



July 5, 1984

Kenneth Foster
RR#1, Box 152
Estelline, South Dakota 57234

Dear Mr. Foster:

Enclosed is the 1983 Irrigation Questionnaires pertaining to your Water Permit Nos. 2576-3 and 3237-3. In our telephone conversation July 3, 1984, Mrs. Foster indicated you had not received the questionnaires.

Please complete the data sheets as accurately as possible, and return them to our office. If accurate records were not kept, estimations will be satisfactory.

If you have any questions, or need assistance in completing the forms, please contact us. I apologize for the delay in getting the questionnaires to you.

Sincerely,

Genny McMath
Natural Resources Analyst

GfI:ms
Enc.

Equal Opportunity Employer

SOUTH DAKOTA
Department of
Water & Natural Resources

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

January 29, 1988

KENNETH FOSTER
RR #1 BOX 152
ESTELLINE, SD 57234

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 2576-3, 3237-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am. March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

1. Amend Permit No(s). 2576-3, 3237-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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



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

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

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
February 9, 1988

2576-3
3237-3

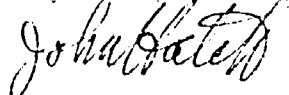
Kenneth Foster
PO Box 254
Estelline SD 57234

Dear Mr. Foster:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 2576-3 & 3237-3 and the hearing date before the Water Management Board.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 /73-3352

2576-3
 Permit No. 3237-3

Big Sioux River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Kenneth Foster

of Estelline SD 57234 holder of

Permit No. 2576-3
3237-3 bearing the priority of February 25
October 15 1976 authorizing

the diversion of 3.0
1.2 cu. ft. per second of the waters of groundwater

for irrigation purposes, in Hamlin County.

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

A. Works used to divert the water:

1-40HP-8" Western Land Roller Pump SN-C77673 capable
of 525 gpm powered by a General Electric Induction Motor.
Model # 5K6254X 115024

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

6" Aluminum approx. 1-mile in length

C. Works used to apply water to beneficial use:

Boss Irrigator Traveling gun - water-powered
SN-10172 capable of 525 gpm.

The system is in the following condition good

The point of diversion is located 790' east and 1320' North of SW corner
Section 12-T113N-R51W.

The works are capable of diverting and conveying to the place of use 1.16

cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows: Section 12-T113N-R51W

NW 1/4 - SW 1/4 - 35 Acres SW 1/4 SE 1/4 - 36 Acres

NE 1/4 SW 1/4 - 35 Acres NE 1/4 SE 1/4 - 18 Acres

SW 1/4 SW 1/4 - 35 Acres SW 1/4 SE 1/4 - 32 Acres

SE 1/4 SW 1/4 - 34 Acres

comprising a total of 225 acres of land and the license should be issued for 1.16 cfs

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: Date 6/19/1991

Norma C. Job
 (CERTIFIED)

LICENSE FOR PERMIT NUMBER 3257-3 + 2576-3

1. Legal location of wells: SW 1/4 SW 1/4 Section 12 - T113N-R51W

dams & structures: _____

2. Well Information: Well Drilling Firm Lacey

Completion Report Yes _____ No _____ No. of Wells 1 Depth 24 47' From Lacey
(8-1-91)
Casing a) diameter 16" 14" x 1/4" Screen a) type perforated
b) length 19 b) length 10
c) type Steel Static Water Level _____
Pump a) make Western Land Roller Motor a) make General Electric Induction Motor
b) model SN-C177473 HID No. 6M b) model No. 5K6254X11502A
c) size 8" c) horsepower rating 60
d) capacity 525 gpm
e) turbine pump - no. of stages _____
f) operating PSI 150

3. Distribution lines or canals

a) size 6"
b) type Alum.
c) length = 1 mile

Traveling gun

Boss Irrigator
water powered

SN- 10172

525 gpm

gun - 80 psi

hose ~~length~~ length = 40 rods

4. Dam Information:

a) height to crest _____
b) height to primary spillway _____
c) height to secondary spillway _____
d) crest width _____
e) crest length _____
f) spillway length _____
g) spillway width _____
h) approx. storage _____
i) approx. storage to crest _____
j) date constructed _____
k) inspection sheet completed (Y/N) _____
l) Name of Contractor _____

m) Outlet tubes:

1) diameter _____
2) type _____
3) valved (Y/N) _____
4) valve type _____
5) location on structure _____

n) Category of Dam _____

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles

- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
☒	☐	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
☒	☐	2. Special qualifications to permit being abided by?
☒	☐	3. All structures, wells and lands on map?
☒	☐	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
☐	☒	5. Is chemigation used?
☐	☐	6. If yes, does equipment comply with chemigation rules?

REMARKS:

South Dakota

3237-3

GREAT FALLS. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3161

July 31, 1991

Lacey Well Drilling
Attn: Jim/Joan Lacey
P.O. Box 796
Trent, SD 57065

Dear Mr./Mrs. Lacey:

Currently, I am in the process of licensing some water permits. The final step is to obtain some well logs that your company may have drilled for these permits. The well for this permit is located:

*Permit #2516-3
JH 3237-3* NW 1/4 SW 1/4 Section 12-T113N-R51W One well for Kenneth Foster.

If you have drilled this well, please send the well log as soon as possible so that I can continue the process of licensing the water permits.

If you have any questions, feel free to contact me at (605) 773-3352.

Sincerely,

Norma C. Job
Natural Resources Engineer
Division of Water Rights

3237-3 8-1-91
NORMA - WE DRILLED THIS WELL
FOR HER FOSTER IN 1976 I THINK
CAN'T FIND A LOG HERE EITHER - HOWEVER,
THE CASING IS 14" X $\frac{1}{4}$ " WALL STEEL,
APPROXIMATE DEPTH 47' AND IT WOULD
HAVE 10' X 100" JOHNSON 'TRIIGATOR'
STEEL/SCREEN AT THE BOTTOM -
THE GRAVEL PACK WOULD BE $\frac{1}{4}$ " X $\frac{1}{8}$ "
MASCATIIE PACK - HE HAS A 60HP
ELECTRIC MOTOR ON A WESTERN LAND
ROLLER TURBINE BURN TO SET AT
40' OR SO - HOPE THIS HELPS YOU.

Thanks
Jim
Lacey



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 16, 1992

3237-3

Kenneth Foster
PO Box 254
Estelline, SD 57234

Dear Mr. Foster:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under water Permit Nos. 2576-3 and 3237-3, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 2576-3 will be incorporated into Water License No. 3237-3.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing Water License No. 3237-3.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413143

Pierre, March 23, 1992

RECEIVED OF Kenneth or Judith Foster, Box 264, Estelline, SD 57284

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. <u>5237-3</u>	50	00
Fee for Filing Transfer Form _____		
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	50	00

By [Signature]
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3237-3

(1) Kenneth Foster of P.O. Box 254, Estelline, SD 57234 made Application No. 3237-3, October 15, 1976 for a water permit to appropriate 1.2 cubic feet of water per second from groundwater, Hamlin County, South Dakota for irrigation purposes. Permit No. 3237-3 with a priority date of October 15, 1976 was approved January 27, 1977 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before January 27, 1982 and for the application to beneficial use of said water on or before January 27, 1985.

Water Permit No. 3237-3 was obtained to add one well, additional acreage and additional diversion rate to an existing water use system authorized by Water Permit No. 2576-3.

The applicable portions of Water Permit No. 2576-3 have been incorporated into this Water License No. 3237-3.

Priority dates as they pertain to the acreage irrigated, are described in (3) of this License.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.16 cubic feet of water per second for beneficial use. The location of the diversion point is: 790'E and 1320'N of the SW corner Section 12, T113N, R51W.

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

T113N, R51W Section 12

	<u>Priority date</u>
NW 1/4 SW 1/4 35 Acres	February 25, 1976
NE 1/4 SW 1/4 35 Acres	February 25, 1976
SW 1/4 SW 1/4 35 Acres	February 25, 1976
SE 1/4 SW 1/4 34 Acres	February 25, 1976
NW 1/4 SE 1/4 36 Acres-35 acres	- October 15, 1976
	1 acre - February 25, 1976
NE 1/4 SE 1/4 18 Acres-12 acres	- October 15, 1976
	6 acres - February 25, 1976
SW 1/4 SE 1/4 32 Acres-31 acres	- October 15, 1976
	1 acre - February 25, 1976
Total-----	225 Acres

The February 25, 1976 priority date was established under No. 2576-3, the October 15, 1976 priority date was established by Permit 3237-3.

(4) Pursuant to Section 46-5-30.1 Kenneth Foster of P.O. Box 254, Estelline, SD 57234 the holder(s) and/or owner(s) of Incorporated Water Permit No. 3237-3 is issued a license to appropriate water, the right to use 1.16 cubic feet of water per second from groundwater (one well) with priority dates of February 25, 1976 and October 15, 1976 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 3237-3 and subject to South Dakota State Law.



AUG 7 1992

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



AUG 7 1992

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

3237-3

Kenneth Foster
P.O. Box 254
Estelline, SD 57234

Dear Mr. Foster:

Enclosed is Water License No. 3237-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413143 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 3237-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

enclosures

NOTE: The applicable portions of Water Permit No. 2576-3 have been incorporated into this Water License No. 3237-3.

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: 1/4 1/4 54 Section 12 Township 11 S Range 51Well owner: KENNETH FOSTER NR ESTABLISHDate well drilling completed 9-29 Purpose of well: DOMESTIC
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing casing	ft
<u>0-30</u>	<u>SAND & GRAVEL</u>	<u>18</u>	ft
<u>30-40</u>	<u>YELLOW CLAY</u>	<u>5</u>	ft
		Depth to static water level	ft
		Name of producing aquifer (if known)	
		Total depth of drill hole	ft
		Depth to bottom of casing	ft
Casing information in the space below show kind, size, weight, length, section diameter, etc. for production casing and surface casing, if used.			
<u>4" Sch 200 PVC, 20' lengths</u>			
Screen information in the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.			
<u>10' 4" PVC Sch 200 20' 20' 20' 20'</u>			
If a flowing well, flow of completed well _____ G.P.M.			

Attach sheet if more space is needed

Torguade Drilling
Name of Drilling Contractor

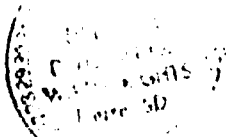
(2) PUMP INSTALLATION

Company name and size of pump 1000 G.P.M. HP 1/2Type of pump Submersible Capacity of installed pump 12 G.P.M.Depth of pump placement 27 ft. Date of pump installation 10-3-81

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.40B of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ tube diameter _____

Torguade Drilling
Name of Pump Installation Contractor

HUXON DRILLING INC. DRILLERS LOG

PAGE NO.

Kenneth Foster

E 11line, S.D.

2/23/76

15

Everett

JOB NAME

LOCATION

DATE

RIG NO

Lodmel

FOREMAN

HOLE # 1

REMARKS

T113 R 51W

DEPTH	TIME	REMARKS
1 20		0-5 Top Soil
2 35		5-20 Coarse Gravel
3 50		20-35 Blue and Yellow Clay
4 65		35-50 Yellow Clay
5 80		50-65 Yellow Clay
6 95		65-90 Yellow Clay
7 110		80-95 Yellow Clay
8		95-100 Yellow Clay
9		100-110 Shale



3237-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 8, 1995

Kenny Foster
Box 254
Estilline, SD 57234

Dear Sir:

I am writing to acknowledge receipt of your phone call concerning the 1994 chemigation questionnaire. You may disregard the February 7, 1995 notice of "Failure To Submit Chemigation Questionnaire." I have filled out the questionnaire for permit No. 3237-3 with the information you provided over the phone and your name has been deleted from the Water Management Board agenda.

If you have any questions, please contact me at 605-773-3352.

Sincerely,

Barry A. McLaury
Environmental Scientist
Water Rights Division

Is your RETURN Addressed on the reverse side?

SENDER:

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

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

1. ☐ Addressee's Address

2. ☐ Restricted Delivery
Consult postmaster for fee.

3. Article Addressed to:

3237-30

Kenneth Foster
Box 254
Estelline, SD 57234

4a. Article Number

757 564 435

4b. Service Type

☐ Registered ☐ Insured

☒ Certified ☐ COD

☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

2-8-95

5. Signature (Addressee)

Kenneth Foster

6. Signature (Agent)

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

PS Form 3811, December 1991

U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



3237-3

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

February 7, 1995

NOTICE

TO: KENNETH FOSTER
BOX 254
ESTELLINE, SD 57234

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Failure to Report Chemical Use under Water Permit No(s) 3237-3

The first notice to file chemigation report(s) for Permit No(s) 3237-3 was dated January 26, 1995. Our records indicate that we have not received the 1994 chemigation report for Permits No(s) 3237-3. The Water Management Board has directed that owners of water permits who have not submitted the 1994 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:30 A.M. on March 8, 1995, in the Crown Room, 3RD Floor, Kings Inn Best Western Convention Center, 220 South Pierre Street, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2F-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the 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). 3237-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to March 3, 1995, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to March 3, 1995, you will no longer be in violation and your name will be deleted from the Board agenda.



3237-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 30, 1996

NOTICE

TO: KENNETH FOSTER, PO BOX 254, ESTELLINE, SD 57234

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Requirement to Submit 1995 Irrigation Questionnaire

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 3237-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:45 am, March 6, 1996, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3237-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1996 your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

SENDER:

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

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

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

KENNETH FOSTER
PO BOX 254
ESTELLINE SD 57234

4a. Article Number

2348318849

4b. Service Type

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

7. Date of Delivery

1-31-96

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

X Kenneth Foster

Domestic Return Receipt

PS Form 3811, December 1994

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS stamped on the reverse side?

3237-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 28, 1996

3237-3

Kenneth Foster
PO Box 254
Estelline SD 57234-0254

Dear Mr. Foster:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire. You may disregard the January 30, 1996, Notice of Violation of the Requirement to Submit the 1995 Irrigation Questionnaire.

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

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

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

3237-3

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

KENNETH FOSTER
PO BOX 254
ESTELLINE SD 57234 0254

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X Kenneth Foster

☐ Agent

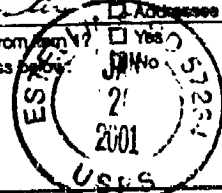
☐ Addressee

D. Is delivery address different from above?

If YES, enter delivery address below:

☐ Yes

☒ No



3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7000 0600 0026 9814 3598

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0852



3237-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2001

NOTICE

TO: KENNETH FOSTER, PO BOX 254, ESTELLINE, SD 57234 0254

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire

Our records indicate that the 2000 Irrigation Questionnaire has not been submitted for Permit No. 3237-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 7, 2001, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No. 3237-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire is received in this office on/or before March 2, 2001, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, please contact Genny McMath at (605) 773-3352.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-1182
www.state.sd.us/denr

February 22, 2001

3237-3

Kenneth Foster
PO Box 254
Estelline, SD 57234-0254

Dear Mr. Foster:

I am writing to acknowledge receipt of your 2000 irrigation questionnaire. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right No. 3237-3.

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

SW¹ of SW¹ sec 12-113-51 NE¹ of SW¹ sec 12-113-51 NW¹ of SE¹ sec 12-113-51
 36 Acres 37 Acres 35 Acres 64

1700' N 25° E

Well #3

Permit # 2576-3

57

Farmstead

SW¹ of SE¹ sec 12-113-51
 31 Acres

39 Acres

97

SW¹ of SW¹ sec 12-113-51
 35 Acres

SE¹ of SW¹ sec 12-113-51
 34 Acres

790' N 54° E

2770' N 62° E

11/12
14/13

12/7
13/18

Permit # 2576-3

Acres Irrigated - 214

Water claimed - 3 cfs

Point of Diversion

Point #1 - 790' N 54° E of SW corner

#2 - 2770' N 62° E of SW corner

Sec 12-113-51

Added request

Acres Irrigated - 87

Water claimed - 1.2 cfs

Added point of Diversion - well #3

1700' N 25° E of SW corner
 Sec 12-113-51

KENNETH FOSTER

IRRIGATION PROJECT #1

Estelline

South Dakota

Hamlin County

Surveyor's Certificate

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

Kenneth Foster

Estelline

South Dakota

2-14-76

Drawn by S.L.W.

John L. Wieersma

P.E. # 1916

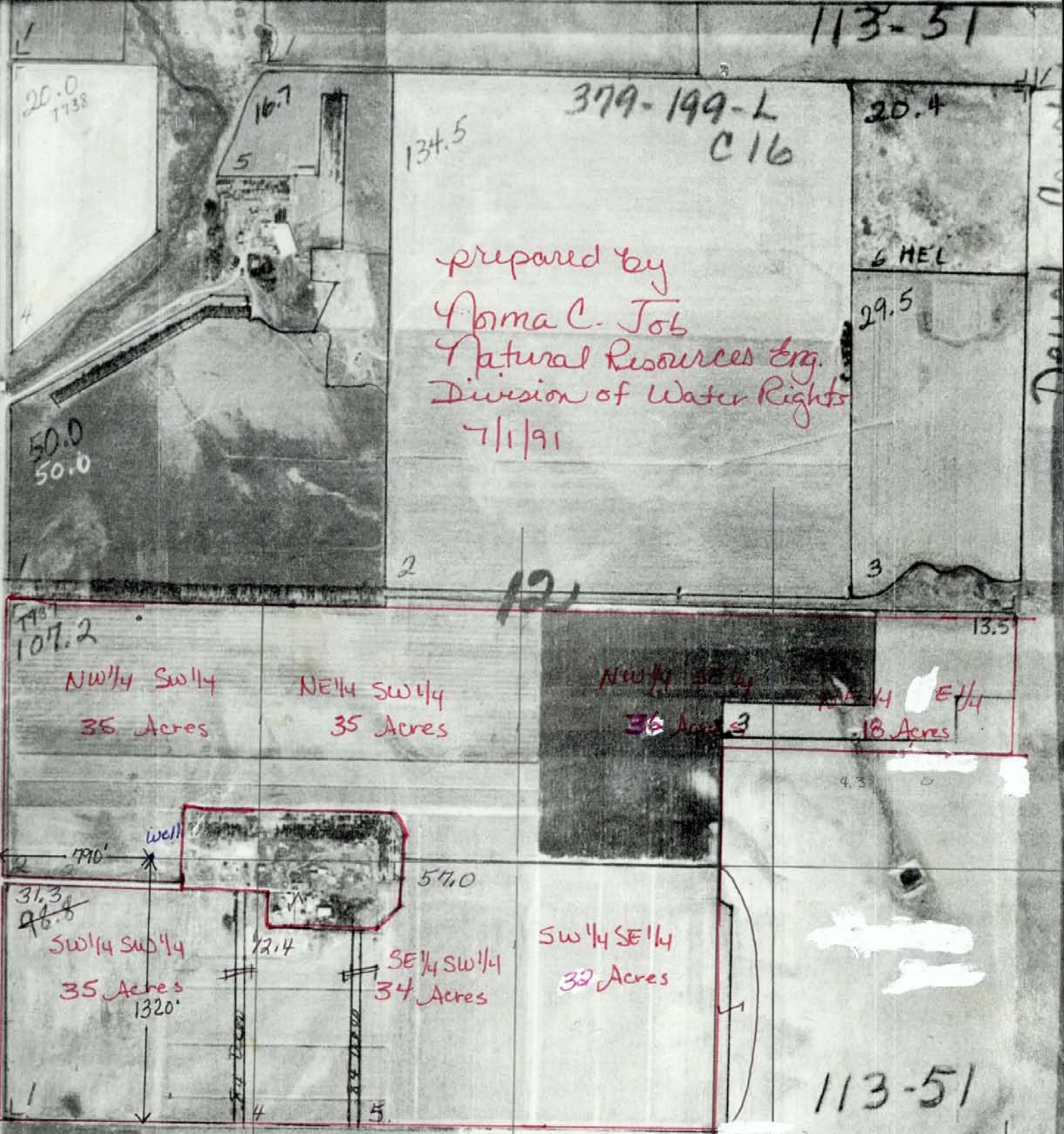
Request for addition to permit # 2576-3 is primarily in E¹ of SE¹ sec 12-113-51 with well #3 to be added.

Oct 6 1976

~~Permit # 2576-3~~ APPN # 3237-3

NOT TO SCALE

113-51

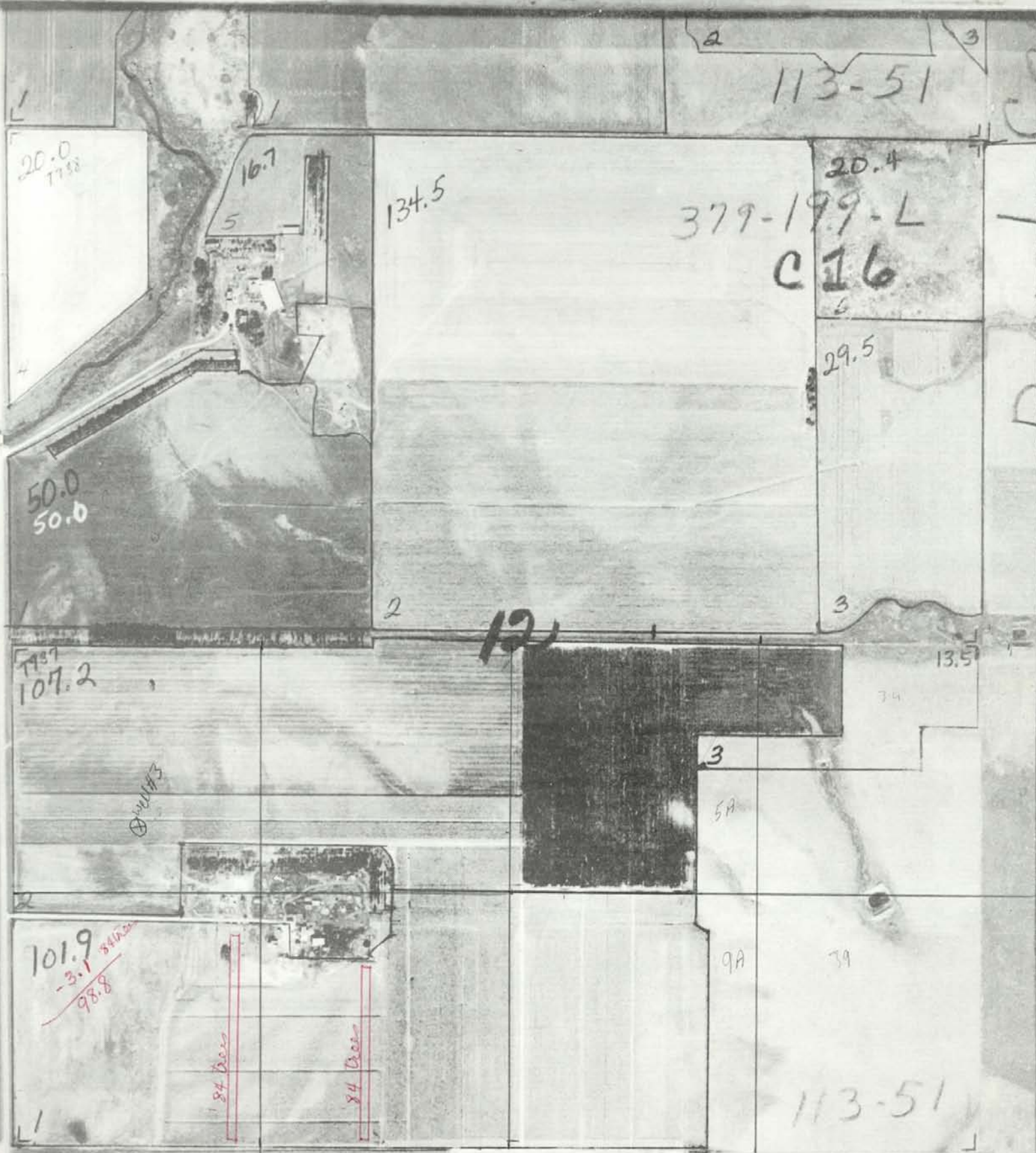


113-51

225
243

3237-3

NOT TO SCALE





3237-3

**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 24, 2006

NOTICE

TO: KENNETH FOSTER, PO BOX 254, ESTELLINE, SD 57234 0254

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaires

Our records indicate that the 2005 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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) 3237-3 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) 5374-3 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 2, 2006 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) 5374-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3237-3 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 questionnaires are received in this office on/or before February 24, 2006, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



**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 8, 2006

3237-3
5374-3

Kenneth & Judy Foster
PO Box 254
Estelline SD 57234

Dear Mr. & Mrs. Foster:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right Nos. 3237-3 and 5374-3.

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