

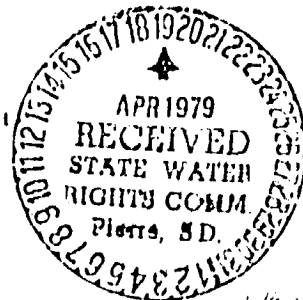
Water Right Number 3271-3A

1. Considered MAY 24, 1979
2. Name of Applicant LEONARD SHEFFIELD & SONS
3. Post Office Address ALPENA, S D
4. Amount of water claimed NO ADD'L 27-108-63
5. Source of water supply 45' WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 160 as used (# 3271-3)
7. Water to be diverted and used in JERAULD County
about 2 Miles SOUTH of ALPENA
8. Proof of Publication Received 5-21-79
Not received _____
9. Application Approved 5-24-79
Subject to WI
Not approved _____
Action deferred _____

10. Remarks: .

add Commission 3271-3

*Reb. a later priority as this is not
a different application*

No. 3271-34Map No. 3602-3 Water Division No. 3 JAMES RIVER District _____
2558-3 (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--Draw a line through items not applicable)

1. Name of Applicant Leonard Sheffield & Sons
 Postoffice address Alpena, State South Dakota 57312
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor
 3. Name of diversion work Leonard Sheffield & Sons - Unit # 2
 4. Amount of water claimed (cubic feet per second) No Add'l
 5. Source of water supply Ground Water
 6. Location of point of diversion 600 Ft. West of well #1 which is located in the center of the NW $\frac{1}{4}$ of 27-108-63

County Jerauld

7. Annual period or periods during which water is to be used March - November
 8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
 9. For irrigation use, Total number of acres to be irrigated 160

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE $\frac{1}{4}$ of NW $\frac{1}{4}$ -27-108-63	40		
NW $\frac{1}{4}$ of NW $\frac{1}{4}$ -27-108-63	40		
SE $\frac{1}{4}$ of NW $\frac{1}{4}$ -27-108-63	40		
SW $\frac{1}{4}$ of NW $\frac{1}{4}$ -27-108-63	40		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 2 years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Versington Springs, SD
 12. Principal Features of the Proposed Water Supply System.

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

Pump Bowl

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

Main Line

C. Works proposed to apply water to beneficial use

Center Pivot

Estimated Total Cost \$ -----

Attachment: 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 Jerauld) ss.I, Leonard Sheffield & Sons 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 Leonard Sheffield & SonsSubscribed and sworn to before me this 19th day of April, 1979James G. O'Leary
Notary Public (or other qualified officer)MY COMMISSION
EXPIRES NOV. 4, 1984

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3271-3A

LEONARD SHEFFIELD, & SONS
(Applicant)

ALPENA
(Post Office Address)

SOUTH DAKOTA 57312 With the following modifications.
(State)

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

Date of first receipt of application APRIL 19, 19 79

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

Date of receipt of corrected application _____, 19 _____

Approved MAY 24, 19 79, Recorded in Book 20 Page 329

WATER RIGHT PERMIT NO. 3271-3A

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3271-3A 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 APRIL 19, 19 79
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 24, 19 81
3. The whole of said work is to be completed on or before MAY 24, 19 84
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 24, 19 86
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 NO ADDITIONAL 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 MAY 24, 19 86; said water to be used during the following described annual period: MARCH - NOVEMBER

Witness my hand this 4th day of JUNE, 19 79

WATER RIGHTS COMMISSION

By: John H. Helt
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

DRILLING INC. DRILLERS LOG

PAGE NO.

Leonard Sheffield

NY-27-1037-4, Donald S.

3-2-27

14

Stan LeGrand

JOB NAME:

100 W

DATE:

RIG NO.

FOREMAN:

Drill No.	DEPTH	TIME	REMARKS
	0-12		0-12 Yellow clay and yellow gravel
	12-22		12-22 Blue clay
	22-32		22-32 Fine sand, Coal
	32-42		32-42 Coal, fine sand
	42-45		42-45 Coarse sand
	45-52		45-52 Blue clay
			45 ft. cased up 20 ft. stainless steel 50 Slot
			24 ft. Solid Plastic
			We dug pit, 15 ton pea rock

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

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type (wood, concrete, steel, etc) Diameter _____ Thickness _____
- (3) Perforated Screen.
Type _____, Diameter _____, Length _____
- (4) Gravel Pack. Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

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

*Log to be furnished by driller

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

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

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

On same owner's property 120 rds. On property owned by others 320 rds.

G. Water Storage Dams.

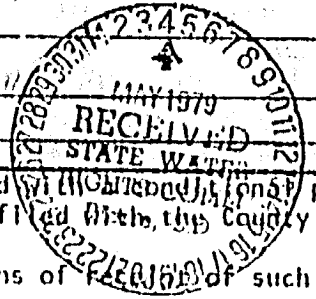
If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Leavel S. Sheffield & Son
Signature of Applicant

WATER
2/79

SOIL/WATER COMPATIBILITY APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: LeGrand Schofield, Sons OWNERS ADDRESS: Alpena, S.D.
COUNTY LAND LOCATED IN: SERRAVALLO PHONE: _____
TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____



In accordance with State Law SDCL 46-5-6.5, if a water right is granted without a permit (Soil/Water Compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.
This action must be taken by the holder of a water right within 6 months of _____ of such water right.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres.)

1. WELL LOCATION OR DIVERSION POINT: N61 1/4 Sec 27 T108N R63W (100 ft south of first channel pt)
 2. SURFACE WATER SOURCE: N61 1/4
 3. LOCATION OF AREA TO BE IRRIGATED: N61 1/4 Sec 27 - 108 - 63
 4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.)
- TYPE OF IRRIGATION: (Show approximate acres under each type of system):
5. GRAVITY _____ TOWLINE _____ CENTER PIVOT ☒ GUN _____ OTHER (Specify) _____
 6. CROPS TO BE IRRIGATED _____
 7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: 76
LAND: N61 1/4 Sec 27 - 108 - 63
IN WHAT NAME: _____

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

8. SAMPLE NUMBER: 70-175
9. SALINITY (EC X 10⁶) 16.73
10. SODIUM (SAR) 2.80 ADJUSTED (SAR) 7.80

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at _____ A.M./P.M., on April 21, 1979, at the following location: NW 1/4 of 27-108-63 by _____ (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I also hereby certify that a chemical analysis of the irrigation 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 further, that the legal description for the location of the well and land to be irrigated is true and correct.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS
19 DAY OF April, 1979.

Walter Suddelgt
(NOTARY PUBLIC)
Program Chief / Irrigation
(Application completed in this office.)

LeRoy Arhart
APPLICANT'S SIGNATURE

Barth L. Hanner
Director, Division of Conservation

APPROVED _____
DISAPPROVED _____
CONDITIONALLY APPROVED _____

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application.

In all cases a WATER RIGHT must be obtained from the State Water Rights Commission.

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57007

Submitted by: **Leonard Sheffield & Sons**
Address: **Alpena, SD 57312**

Date Rec'd **April 10, 1979**
Sample No. **79-175**
Identification

WATER ANALYSIS

Calcium (Ca)	178	ppm*	8.90	me/l**
Magnesium (Mg)	64	ppm	5.25	me/l
Sodium (Na)	171	ppm	7.44	me/l
Potassium (K)	12	ppm	0.31	me/l
Sulfate (SO ₄)	514	ppm	10.69	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	2	ppm	0.07	me/l
Bicarbonate (HCO ₃)	620	ppm	10.16	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)	508	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1673	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	2.80	Adjusted SAR	7.80	
Sodium	34.00	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.10			
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 21.90 me/l
Total anions 20.92 me/l

By: **Shirley Mittan**

Service Performed	Amount Due
Irrigation analysis	\$15.00
	- 3.00 paid
	\$12.00 DUE

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. **79-175**

Amount Enclosed \$

Signed

CONDITIONAL

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Leonard Sheffield, Altona, SD

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than 334 times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least 3-5 inches of water.
3. ☒ Yes ☐ No Surface drainage suggested on any area that tends to pond
4. ☐ Yes ☐ No Subsurface drainage suggested on water.
5. ☐ Deep tillage (for the purpose of aiding movement of water through dense subsoils.

COMMENTS:

6. ☐ Heavy fall application of irrigation water.
7. Type of irrigation system recommended for use on this application _____.

GENERAL COMMENTS:

Water in sample # 79-175, taken 4-10-79 will work in conjunction with your other well, #76-1695. Actually, the sodium to calcium and magnesium ratio indicates the water to be slightly better than the first well.

Copy to applicant
Copy to Water Rights
Copy on File

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

No. 3271-3A

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Jerault) ss.

I, A. L. Webb hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Washington Springs Independent

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

city of Washington Springs

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

9 May 1979

16 May 1979

(Signature)

(Publisher)
(Title)

May 17, 1979
(Date Signed)

NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

Pierre, S. Dak. 57501

May 4, 1979

Notice is hereby given that
Leonard Sheffield & Sons
whose post office address is
Alpena, South Dakota, has
made an application in ac-
cordance with the provisions
of SDCL 40-1-1 thru 40-1-9,
40-1-14; 40-2-9 thru 40-2-11,
40-2-13; 40-5-1 thru 40-5-8;
40-5-10 thru 40-5-22, 40-5-41,
40-6-3, 40-6-3.1, 40-6-5, 40-6-
6.1, 40-6-10, 40-6-14 and Com-
mission Rules ARSD 52-01-
01:01 thru 52-01:13, for a
permit to appropriate for
beneficial use no additional
cubic feet of water per second
of time from groundwater
(one well) through the Leon-
ard Sheffield & Sons Unit #2
to add an additional point of
diversion on an existing
permit, which is to be located
in the SW 1/4 NW 1/4 of Section
27, Twp. 108N, Range 63W.
Said water to be used for the
purpose of providing irriga-
tion on portions of the follow-
ing described land: NW 1/4,
Section 27-T108N-R63W.

This Application No. 3271-
3A will be considered by the
Water Rights Commission at
Howard Johnson's Motel,
2211 Jacques, Rapid City,
SD 57701 upon the 24th day
of May, 1979 at 10 a.m. The
Commission is authorized to
make a determination on this
application at the hearing. All
interested persons may ap-
pear and be heard. Any
person who may be affected
by a Commission decision
who desires to present evi-
dence or cross-examine wit-
nesses according to SDCL
1-26 may notify the Commis-
sion in writing prior to the
hearing or orally at the
hearing.

This hearing is an adver-
sary proceeding. Any person
has the right to be present or
to be represented by a
lawyer. These and other due
process rights will be for-
feited if they are not exer-
cised at the hearing. De-
cisions of the Commission
may be appealed to the
Courts as provided by law.
-Water Rights Commission
Betty Westlund, Water
Rights Specialist. c-33-34



No. 3271-3A

Publish first publication, on or before May 9, 1979

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 4, 1979

Notice is hereby given that Leonard Sheffield & Sons whose post office

address is Alpena, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use no additional cubic feet of water per second of time from groundwater (one well) to add an additional

Leonard Sheffield & Sons Unit XXX X through the points of diversion of SW 1/4 NW 1/4 which is (are) to be located in the

of Section 27, Twp. 108N, Range 63W. Said water to be used for the purpose of providing irrigation on portions of the following described land:
NW 1/4, Section 27-T108N-R63W.

3271-3A
Howard T. John, Applicant, No. 2211 Lacrosse, Rapid City, SD 57901 will be considered by the Water Rights Commission at 24th May, 1979 upon the 10 A day of

at 10 A M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

WATER RIGHTS COMMISSION

Betty Westlund,

BW:plh

Water Rights Specialist

Leonard Sheffield & Sons, Alpena, SD 57312

cc:

FORM 5 - Notice of Intent to Appropriate Water
GROUNDWATER

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6900

PIERRE, April 19, 1979

RECEIVED OF Leonard Sheffield & Sons, Alpena SD 57312

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

Fee for Application for Permit to Appropriation Water No. 3271-3A (examination, processing, recording and filing)	150	00
Fee for Inspecting Construction, and Issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and Issuing Water License No.		
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	150	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH kjw

Permit No. 3271-3AWater Division 3 JAMES RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by LEONARD SHEFFIELD & SONS of ALPENA holder of Permit No. 3271-3A ^{*K} bearing date of priority of OCTOBER 22, 1976 APRIL 19, 1979, '5- authorizing the diversion of 2.0 cu. ft. per second of the waters of GROUNDWATER for IRRIGATION purposes, in VERAULD 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:

- E. WELL - 124' DEEP WELL WITH 16" FIBREGLAS CASING - 40' FIBREGLAS SCREEN
AURORA # H 81-6065 - 8" - POWERED BY TOSHIBA 50 HP
ELECTRIC MOTOR (450 GPM)
W. WELL - 42' DEEP WELL WITH 16" FIBREGLAS CASING - 20' FIBREGLAS SCREEN
25 HP JACUZZI SUBMERSIBLE PUMP (250 GPM)

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

- 760' OF 6" PVC. TO CENTER OF PILOT FROM W. WELL
8' OF 8" ALUMINUM FROM E. WELL TO CENTER OF PILOT

C. Works used to apply water to beneficial use.

- LOCKWOOD 8 TOWER CENTER PILOT SYSTEM - NO END GUN

The system is in the following condition: GOOD

The point of diversion is located W. WELL 1240' N & 600' E, AND E. WELL - 1300' N & 1320' E, BOTH FROM THE W 1/4 CORNER, SECTION 27, T108N, R63W

The works are capable of diverting and conveying to the place of use 1.55 (700 GPM) 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:

FOR IRRIGATING A 122 ACRE CIRCLE IN THE NW 1/4, SECTION 27, T108N, R63W

comprising a total of 122 acres of land.

* APPLICABLE PORTIONS OF PERMIT NO 3271-3 HAVE BEEN INCORPORATED INTO THIS WATER LICENSE

Date JUNE 21, 1988

[Signature]
(Signature)

No. 3271-3 & 4326-3



Department of Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3352

July 15, 1982

Leonard Sheffield & Sons
Alpena
South Dakota 57312

Dear Sirs:

The inspection of your water use system and inspection of the extent of your application of water to beneficial use, as developed under your Water Right No. 3271-3A ~~& 4326-3~~ has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of each the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you. (total of \$100 for the two)

You will also receive the Certificate of Construction as required by statute.

Sincerely,

KAREN SCHLAACK
Administrative Secretary

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

WNR-814-7/79

Notification of Water License Ready for Issuing (\$50.00)

No. ~~3271-3A~~

SOUTH Dakota Department of
Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3552

July 26, 1982

Leonard Sheffield & Sons
Alpena, South Dakota 57312

Gentlemen:

Enclosed herewith are, Water License No. 3271-3A and Certificate of Construction.

Water License No. 3271-3A is the final water right document completing your process of obtaining a water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

enclosures

The applicable portions of Permit
No. 3271-3 have been incorporated
into this Water License.

WNR-817-7/79
Transmittal of Water License

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3271-3A

(1) WHEREAS, On the 19th day of April A. D. 19 79,
Leonard Sheffield and Sons

made Water Right Application No. 3271-3A for a permit to use no add'l cubic feet per second of the waters
of groundwater (one Well)
County of Jerault, State of South Dakota, for Irrigation
purposes; and

(2) WHEREAS, On the 24th day of May A. D. 19 79
Permit No. 3271-3A, with a date of priority of April 19, 1979
was issued to said applicant s for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 24th day of May A. D. 19 84 and for the
application to beneficial use of said water on or before the 24th day of May A. D. 19 86

WHEREAS, on the 21st day of June 1982, the applicable portions of Permit No. 3271-3
have been incorporated into this Water License No. 3271-3A with the priority
date of 1.0cfs from October 22, 1976 and .55cfs from April 19, 1979.

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 1.55 cubic feet
per second of water for beneficial use and,

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

to irrigate a 122 acre circle in the NW1, Section 27, T108N, R63W

(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 Leonard Sheffield and Sons

_____ of Alpena, South Dakota

the holder S and owner S of said permit No. 3271-3A a water right, dating from October 22, 1976
and April 19, 1979 to use of 1.55 cubic feet per second of the waters

of ground water (two wells)

in the County of Jerauld and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at west well - 1240'N and 600'E, and east well - 1300'N
and 1320'E, both from the W $\frac{1}{2}$ Corner, Section 27, T108N, R63W.

and conducted to and upon a 122 acre circle in the NW $\frac{1}{4}$, Section 27, T108N, R63W.

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 3271-3A and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 21st day of July _____ A. D.
Nineteen Hundred and Eighty-Two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 3271-3A

Water Diversion No. 3 James River Water District

10160006

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Leonard Sheffield and Sons

_____ the holder S of
Permit No. 3271-3A, issued upon Application No. 3271-3A, bearing date of priority of October 22, 1976*
and April 19, 1979 authorizing the diversion of 1.55* cu. ft. per second of the waters of _____
groundwater (two wells) _____ County of Jerauld, State of South Dakota at _____
west well - 1240'N and 600'E, and east well - 1300'N and 1320'E, both from
the W $\frac{1}{4}$ Corner, Section 27, T108N, R63W.

_____ for Irrigation

_____ purposes, have ^{ve} 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 1.55 cu. ft. per second of water.

Date July 21, 1982

*The applicable portions of Permit
No. 3271-3 have been incorporated
into this Water License.


JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8905

PIERRE, July 21, 1982, 19

RECEIVED OF Leonard Sheffield, Alpena, South Dakota 57312

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. 3271-2A		50 00
Fee for inspecting Beneficial Use, and issuing Water License No. 3271-2A		
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 C. L. Sheffield
Chief Engineer, Executive Officer



Department of Water & Natural Resources

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

3271-3A
4326-3

December 4, 1987

Leonard Sheffield & Sons
Alpena, South Dakota 57312

Dear Mr. Sheffield:

I am returning your 1987 Irrigation Water Use Questionnaires. It is impossible to determine the amount of water use from your questionnaires as completed.

As stated in the October 8th letter, Water Management Board rules or water permit qualifications require questionnaires to be submitted each year. The questionnaires need to be completed in such a way that actual water use can be determined for a particular crop and acreage.

The questionnaires will have to be completed and returned by December 23, 1987.

If you have any questions, please contact me.

Sincerely,

Delvin D. Brosz, P.E.
Hydrologist

DDB:ms
Enc.

#3271-3A
#4356-3

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

February 17, 1989

Leonard Sheffield & Sons

Alpena, SD 57311

Dear Mr. Sheffield:

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

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

The new standards include:

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

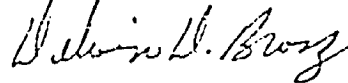


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division



3271-3A

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1994

LEONARD SHEFFIELD & SONS
RR 1 BOX 102
ALPENA SD 57312

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 3271-3A & 4326-3. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 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 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3271-3A & 4326-3 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 April 1, 1994, your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

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.

3. Article Addressed to:
**LEONARD SHEFFIELD & SONS
RR 1 BOX 102
ALPENA SD 57312**

5. Signature (Addressee)

6. Signature (Agent)

Leonard Sheffield

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

- 1. ☒ Addressee's Address
 - 2. ☐ Restricted Delivery
- Consult postmaster for fee.

4a. Article Number
9837692527

4b. Service Type
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery
2-17-98

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

Thank you for using Return Receipt Service.

3271-3A



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 16, 1994

NOTICE

TO: LEONARD SHEFFIELD & SONS
RR 1 BOX 102
ALPENA, SD 57312

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) 3271-3A; & 4326-3

The first notice to file chemigation report(s) for Permit No(s) 3271-3A; & 4326-3 was dated October 18, 1993. Our records indicate that we have not received the 1993 chemigation report for Permits No(s) 3271-3A; & 4326-3. The Water Management Board has directed that owners of water permits who have not submitted the 1993 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 8:45 A.M. on April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-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). 3271-3A; & 4326-3 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 April 1, 1994, 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 April 1, 1994, you will no longer be in violation and your name will be deleted from the Board agenda.



3271-3A

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 28, 1994

3271-3A
4326-3

Leonard Sheffield & Sons
RR #1 Box 102
Alpena, SD 57312

Dear Mr. Sheffield:

I am writing to acknowledge receipt of your 1993 irrigation questionnaires and information for chemical use in 1993. You may disregard the February 16, 1994, **Notice of Violation of the Requirement to Submit the 1993 Irrigation Questionnaire and the Notice of Failure to Report Chemical Use.**

The questionnaires were 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 Division
(605) 773-3352



3271-3A

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 4, 1997

NOTICE

TO: LaVERNE ARHART, 39088 224th STREET, ALPENA, SD 57312 5417

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

SUBJECT: Violation of Requirement to Submit 1996 Irrigation Questionnaire

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 3271-3A & 4326-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 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 2:30 pm, March 5, 1997, 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) 3271-3A & 4326-3 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 February 28, 1997, 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.

3271-3A



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: LaVERNE ARHART, OPERATOR
39088 224th STREET
ALPENA SD 57312

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

RE: Failure to Report Chemical Use under Water Permit No(s) 3271-3A & 4326-3

The first notice to file chemigation report(s) for Permit No(s) 3271-3A & 4326-3 was dated 10/24/96. Our records indicate that we have not received the 1996 chemigation report for Permits No(s) 3271-3A & 4326-3. The Water Management Board has directed that owners of water permits who have not submitted the 1996 chemigation report(s) be given notice of violation and 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 applied.

The hearing will be held at 2:30 PM on March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 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). 3271-3A & 4326-3 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.

If the chemigation report(s) is(are) received by this office on/or before February 28, 1997 your name will be deleted from the board agenda.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 East 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.

3271-3A



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 19, 1997

3271-3A
4326-3

LaVerne Arhart
39088 224th St
Alpena, SD 57312-5417

Dear Mr. Arhart:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires and chemical reporting forms. You may disregard the February 4, 1997, Notices of Violation.

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



3271-3A
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 22, 1999

NOTICE

TO: LaVERNE ARHART, 39088 224th STREET, ALPENA, SD 57312 5417

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire has not been submitted for Permit No(s) 3271-3A & 4326-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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 9:45 am, March 3, 1999, 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) 3271-3A & 4326-3 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, 1999, 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.

c: Leonard Sheffield & Sons, RR 1 Box 102, Alpena, SD 57312

3271-3A



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 22, 1999

NOTICE

TO: LaVERNE ARHART, OPERATOR, 39088 224th STREET, ALPENA SD 57312

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

RE: Requirement to Report 1998 Chemical Use

The first notice to file chemigation report(s) for Permit No(s) 3271-3A & 4326-3 was dated October 16, 1998. Our records indicate that we have not received your 1998 chemigation report(s). The Water Management Board has directed that owners of water permits who have not submitted the 1998 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing 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 9:45 am, March 3, 1999, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-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). 3271-3A & 4326-3 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, 1999, contact the Water Rights Program, 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 1, 1999 you will no longer be in violation and your name will be deleted from the Board agenda.

C: LEONARD SHEFFIELD & SONS, RR 1 BOX 102, ALPENA, SD 57312



3271-3A
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 29, 1999

3271-3A
4326-3

Laverne Arhart
39088 224th St
Alpena, SD 57312-5417

Dear Mr. Arhart:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires and chemical reporting forms. You may disregard the January 22, 1999, "Notices" concerning reporting requirements for Water Permit No. 3271-3A and 4326-3.

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

c: Leonard Sheffield & Sons, RR 1 Box 102, Alpena, SD 57312

3271-3A



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2002

LaVerne Arhart
39088 224th St
Alpena, SD 57312

RE: Water Right Nos. 2364-3, 3271-3A and 4326-3

Dear Mr. Arhart:

Thank you for taking the time to visit with me today with regard to Water Right No. 2364-3, John Miller and Water Right Nos. 3271-3A and 4326-3, Leonard Sheffield and Sons. It is my understanding from our conversation that you now own the land described in these water rights. Enclosed are copies for your review.

Also enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please review the forms for accuracy and complete as needed. Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$7.50). The check or money order for the fee can be made payable to the Water Rights Program.

I have included the "2001" irrigation questionnaire for Water Right No. 2364-3. Please complete the form with any irrigation information from this past season. I have taken it off of the list of delinquent irrigation questionnaires that were scheduled for hearing before the Water Management Board. It was removed from the agenda because I did not mail the form to the proper owner of the land.

You may keep the copies of the water rights for your records. Please return the transfer forms, \$7.50 in filing fees and the irrigation questionnaires as soon as possible. I am enclosing a postage paid envelope for your convenience in returning the materials. If you have any questions, please get in touch with me.

Sincerely,

Genny McMath

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

enclosures

RECEIPT
Water Rights Program
South Dakota Department of Environment and Natural Resources

NR 417059

Pierre, January 23, 2002

RECEIVED OF LaVerre Arhart, 39088 224 St., Alpena, SD 57312
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 _____		
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>3271-3A</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By *Darlene E. Eide*
Chief Engineer *gmv*

NOTICE OF TRANSFER OF OWNERSHIP

JAN 23 REC'D

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

No. 3271-3A

Date: 1-22-02

I/We request that Water Right No. 3271-3A

formerly owned by: Leonard Sheffield and Sons

be transferred to: (name & address) Laverne Arthur

38088 224 st Pierre S.D. 57312 Telephone No. 605-579-3483

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

122 acres in the NW 1/4 Section 27, T108N, R63W

I/We understand that the validity of Water Right No. 3271-3A 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.

STATE OF SOUTH DAKOTA)

County of Deuel)

I/We Laverne Arthur 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.

Laverne Arthur

(Signed by new owner)

Subscribed and sworn to before me this 22nd day of Jan. 20 02

Wyllinn Telsay

(Notary Public)

comm. expires 1-19-04

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2002

LaVerne Arhart
39088 224th St
Alpena, SD 57312

Dear Mr. Arhart:

Thank you for following up on the ownership changes for Water Right Nos. 2364-3, 3271-3A and 4326-3. The transfers have been completed. Water Right No. 2364-3 (formerly held by John Miller) and Water Right Nos. 3271-3A and 4326-3 (formerly held by Leonard Sheffield & Sons) are now listed in your name.

Enclosed are your Receipt Nos. 417058, 417059 and 417060 in the amounts of \$2.50 each. You may keep these for your records.

If I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosures



3271-3A

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 12, 2004

Lavern Arhart
39088 224th St
Alpena SD 57312

Dear Mr. Arhart:

I am writing in regard to a well driller's report filed by Pullman Well Drilling. The report shows a new well was completed for you on April 28, 2004. A review of our files indicates that you hold Water Right No. 3271-3A for 700 gallons per minute (gpm) from two wells, approximately 109 and 42 feet deep located in the NW ¼ Sec 27-T108N-R63W to irrigate 122 acres.

South Dakota Codified Law 46-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the Chief Engineer makes a finding that the change does not increase the potential for interference with existing diversions.

Mr. Arhart, is this replacement well or an additional well? Is the total appropriation more than 700 gpm? If the total appropriation is more than 700 gpm, a new permit application will be required for the additional diversion rate. Enclosed are application forms and instructions.

If you have any questions, please contact Eric Gronlund or me. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak

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

enclosures

Supplemental Information

(type or print in ink)

3271-3A

RECEIVED

NOV 29 2004

WATER RIGHTS
PROGRAM

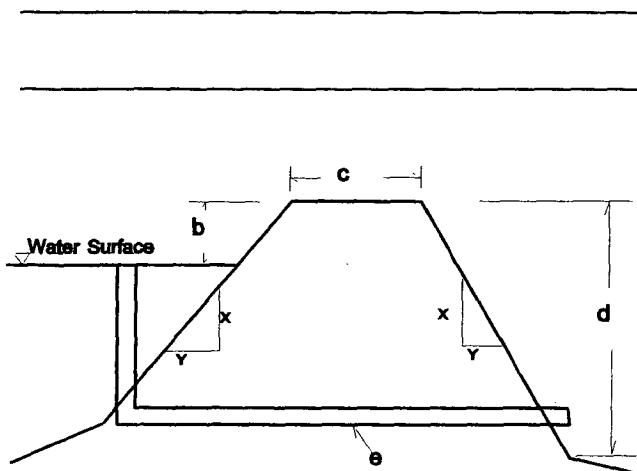
1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24" Depth 45'
- b) Casing Type PVC Diameter 16" Thickness .0256
- c) Screen Type PVC Diameter 16" Thickness .0256
- d) Gravel Pack Pea Rock Length of Gravel Pack 12'
- e) Depth to Top of Water Bearing Material 25'
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: _____

This is a replacement well and we
are not pumping more than 700 gpm.
LaVerne

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
- c) Crest Width _____
- Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
- If pipe, diameter _____
- f) Secondary Spillway Capacity _____
- Spillway Width _____
- g) X & Y Slope _____
- Upstream _____
- Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

SOUTH DAKOTA WATER WELL COMPLETION REPORT

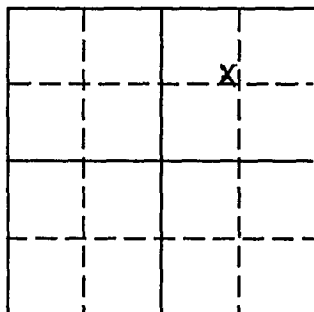
11-02

Location NW 1/4 NW 1/4 Sec 27 Twp 108 Rg 63

County

Jerauld

North



Please mark well location with an "X"

W

E

Well Completion Date

4/28/2004

1 Mile

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? ft. from In Pasture (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Reverse

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	34.0 FT	24.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Cement	50	Lb/gal	0.0 Ft	20.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 11.0 FeetMaterial PVCSlot Size .057 Set From 34.0 Feet to 45.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No
If so, what material? Pearock

Describe packer(s) and location

Gravel Packed

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Pellets
☐ No, Why Not?

Lab sample sent to for water quality analysis

Well Owner: Lavern Arhart

Business Name:

Address: 39088 224th StCity, State, Zip: Alpena SD 57312

WELL LOG:

DEPTH

FORMATION	FROM	TO
Yellow Clay w/ Gravel Streaks	0	10
Blue Clay	10	25
Fine to Med Coal	25	30
Med Sand	30	37
Gravel	37	44
Blue Clay	44	45

STATIC WATER LEVEL

FEET

If flowing: closed in pressure

PSI

GPM flow

through

Inch pipe

Controlled by

☐ Valve

☐ Reducers

☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:

☐ Bailed

☐ Other

Pumping Level Below Land Surface

Ft. After

Hrs. pumped

GPM

Ft. After

Hrs. pumped

GPM

If pump installed, pump rate:

GPM

REMARKS

This well was drilled under license #

440

And this report is true and accurate.

Drilling firm: Pullman Well Drilling Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

5/8/04

RECEIVED
SEP - 9 2004
WATER RIGHTS
PROGRAM



**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 20, 2005

NOTICE

TO: LaVERNE ARHART, 39088 224th ST, ALPENA, SD 57312 5417

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit Nos. 2364-3, 3271-3A & 4326-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 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 8:30 am, March 2, 2005, 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. Following the hearing, the Water Management Board can:

1. Amend Permit Nos. 2364-3, 3271-3A & 4326-3 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 questionnaires are received in this office on/or before **February 25, 2005**, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaires, 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.



3271-3A

**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 25, 2005

2364-3
3271-3A
4326-3

LaVerne Arhart
39088 224th St
Alpena SD 57312-5417

Dear Mr. Arhart:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 2364-3, 3271-3A and 4326-3.

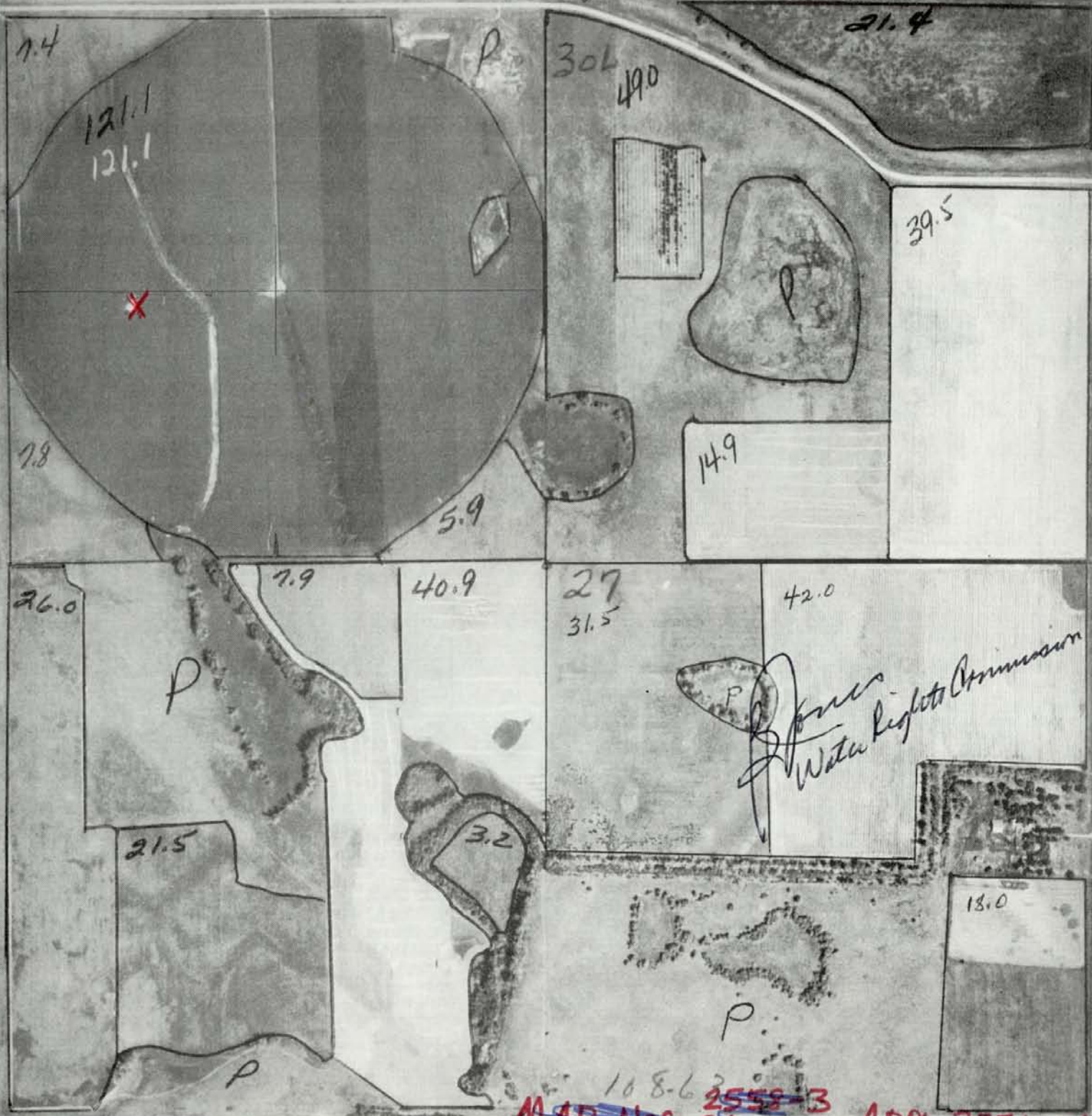
The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

NOT TO SCALE



108-63-2558-3
MAP NOS. 3602-3 APR. 3271-3A

NOT TO SCALE





3271-3A
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: LaVERNE ARHART, 39088 224th ST, ALPENA, SD 57312 5417

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire has not been submitted for Permit No(s) 2364-3, 3271-3A & 4326-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2364-3, 3271-3A & 4326-3 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 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

January 31, 2012

LaVerne Arhart
39088 224th St
Alpena SD 57312 5417

RE: Water Right Nos. 2364-3, 3271-3A & 4326-3

Dear Mr. Arhart:

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 Nos. 2364-3, 3271-3A & 4326-3. 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,

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 31, 2015

2364-3
3271-3A
4326-3

Andrew Arhart
22429 390th Ave
Alpena SD 57312

Dear Mr. Arhart:

Thank you for visiting with me this week concerning water rights held by LaVerne Arhart.

Enclosed as we discussed are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with the water rights. Please review the forms and complete as needed. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$150). The check or money order for the fee can be made payable to the Water Rights Program.

I have included copies of all three water rights. You may keep these for your records. If I can answer any questions for you, please let me know.

Sincerely,

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

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

RECEIVED

APR 10 2015

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3271-3A

Date: _____

I/We request that Water Right No. 3271-3A

formerly owned by: LaVerne Arhart

be transferred to: (name & address) Arhart Farms Inc. Andrew

22429 390 Ave

Alpena SD 57312 Telephone No. 605-350-3360

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

122 acres in the NW ¼ Section 27, T108N, R63W

I/We understand that the validity of Water Right No. 3271-3A has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Andrew Arhart for, the new owner, certify that the above information is true and
Arhart Farms Inc. correct.

Andrew Arhart
(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

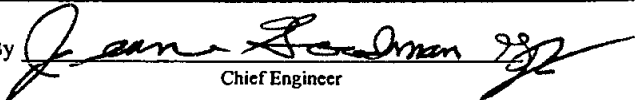
Date 4/10, 20 15

RECEIVED OF Arhart Farms Inc 2249 390th Ave Alpena SD 57312

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>3271-3A</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 07343

By 
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

April 13, 2015

2364-3
3271-3A
4326-3

Andrew Arhart
22429 390th Ave
Alpena SD 57312

Dear Mr. Arhart:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on water rights listed in the name of LaVerne Arhart.

The ownership changes have been completed. Water Right Nos. 2364-3, 3271-3A and 4326-3 are now listed in the name of "Arhart Farms Inc." Enclosed for your records are Receipt Nos. 07344, 07345 and 07346 in the amount of \$50 each.

If you have any questions, please contact me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

December 13, 2017

3271-3A

Andrew Arhart
Arhart Farms Inc
22429 390th Ave
Alpena SD 57312-5417

Dear Mr. Arhart:

Thank you for sending in the 2017 irrigation questionnaire for Water Right No. 3271-3A. Water Right No. 3271-3A authorizes diversion of water from the two wells to irrigate 122 acres located in the NW 1/4 Section 27-T108N-R63W.

On the form, you checked the box "use abandoned". Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit. A review of the records shows the land was last irrigated in 2013.

If the use has been abandoned and you do not intend to irrigate in the future, the water right could be scheduled for cancellation consideration. Prior to doing that, I wanted to touch base with you to verify your intentions regarding the water right.

Please take a few minutes and give me a call concerning the water right. Thank you in advance for your help.

Sincerely,

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



3271-3A

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

November 27, 2018

3271-3A

Andrew Arhart
Arhart Farms Inc
22429 390th Ave
Alpena SD 57312-5417

Dear Mr. Arhart:

Thank you for sending in the 2018 irrigation questionnaire for Water Right No. 3271-3A. Water Right No. 3271-3A authorizes diversion of water from two wells to irrigate 122 acres located in the NW 1/4 Section 27-T108N-R63W.

Again this year, you checked the box "use abandoned" on the form. Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit. A review of the records shows the land was last irrigated in 2013.

If the use has been abandoned and you do not intend to irrigate in the future, the water right could be scheduled for cancellation consideration. As stated in my letter sent last fall, prior to doing that, I wanted to verify your intentions regarding the water right.

Again, I am requesting you please take a few minutes and give me a call concerning the water right. Thank you in advance for your help.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is written in a cursive, flowing style.

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

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Andrew Arhart, Arhart Farms Inc, 22429 390th Ave, Alpena SD 57312

DATE: August 17, 2020

TELEPHONE: 605 350-3360

RE: status of irrigation on Water Right No. 3271-3A

COMMENTS:

In 2017 & 2018, Mr. Arhart reported "use abandoned" on the annual irrigation questionnaire. In 2019 he reported sufficient moisture. Prior to mailing this year's questionnaire form out I called to find out if he had abandoned the use or just did not irrigate that specific year.

Mr. Arhart indicated they have not abandoned the use of water on that piece of land. Currently they are mining gravel in portions of that quarter. He asked what he needed to do and if he applied water once in awhile could he keep the water right. I discussed with him the three year use it or lose it criteria and he said he would do make sure to do that.

RECOMMENDED ACTION:

Continue to mail irrigation questionnaires to him for No. 3271-3A since he agreed to do what was needed to maintain the water right.



Genny McMath
Water Rights Program



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

January 22, 2021

NOTICE

TO: ARHART FARMS INC, ANDREW ARHART, 22429 390TH AVE, ALPENA, SD 57312 5417

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire has not been submitted for Permit No(s) 2364-3, 3271-3A & 4326-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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 **Wednesday, March 3, 2021 at 10:00 am (Central Time)** 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2364-3, 3271-3A & 4326-3 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 before the **March 3, 2021** hearing 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: <https://denr.sd.gov/iq> using this password: NFTAKT**

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.

3271-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 3, 2021

2364-3
3271-3A
4326-3

Andrew Arhart
Arhart Farms Inc
22429 390th Ave
Alpena SD 57312-5417

Dear Mr. Arhart:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right Nos. 2364-3, 3271-3A & 4326-3. 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,

A handwritten signature in blue ink that reads "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 17, 2025

2781-3
3271-3A
4326-3

Arhart Land & Cattle Inc
c/o Andrew Arhart
22429 390th Ave
Alpena SD 57312

Dear Mr. Arhart:

You had recently called the Water Rights Program requesting copies of all water rights presently assigned to yourself.

Please find enclosed the original licenses for Water Right Nos. 2781-3, 3271-3A, and 4326-3. In addition to these licenses, the full files maintained by the Water Rights Program for these and other water rights/permits can be found by visiting our website:

<https://danr.sd.gov/OfficeOfWater/WaterRights/Databases/WaterRights.aspx>

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 27, 2025

3271-3A
4326-3

Arhart Land & Cattle Inc
c/o Andrew Arhart
22429 390th Ave
Alpena SD 57312

Dear Mr. Arhart:

This letter is intended to follow up on a recent telephone conversation, where you requested to have Water Right Nos. 3271-3A & 4326-3, currently held by Arhart Farms Inc, transferred to Arhart Land & Cattle Inc.

Please find enclosed partially completed "Notice of Transfer of Ownership" forms for the above-mentioned Water Rights. The fees required for these transfers total \$100.00 (\$50/transfer).

Please review each transfer form, verify that the contact information is listed correctly, complete the highlighted portions, and return the forms with the appropriate fees in the prepaid envelope.

Checks should be made payable to "SD Water Rights". You may also submit payment over the phone by calling out Fiscal Office at (605) 773-5559.

If you have any questions or concerns while reviewing the "Notice of Transfer of Ownership" forms, please contact me via telephone or email.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 7th, 2026

3271-3A

Arhart Farms Inc
c/o Andrew Arhart
22429 390th Ave
Alpena, SD 57312

Dear Mr. Burtz:

The Water Rights Program is in receipt of the 2025 Irrigation Questionnaire you submitted for Water Right No. 3271-3A.

Water Right No. 3271-3A authorizes the diversion of 1.55 cfs (700 gpm) from one well for irrigation in Section 27, 122 acres in the NW1/4, T108N, R63W.

On this year's questionnaire, and multiple others, it has been reported that irrigation practices are abandoned with irrigation last being reported in 2013.

Pursuant to SDCL 46-5-37, if water appropriated under a permit/water right, is not placed to beneficial use for a period of three or more years (without legal excuse), the unused position of the permit/water right may be subject to cancellation due to abandonment or forfeiture.

Please contact me via email or by calling my direct line (605) 773-8204 to discuss potential cancellation of Water Right No. 3271-3A.

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us