

Considered: _____

WATER PERMIT NO. 3317A-3

HAP No. Same

Name of Applicant John Lovett

Post Office Address Route 1, Box 86, Hitchcock SD 57348

Amount of Water Claimed 0.78.04 Total Acres 55

Source of Water Supply ground water 1 well

Water to be used for irrigation County Beadle

About 13 miles N of Huron

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F.E C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received April 1, 1987 Fee 150⁰⁰ Remarks _____

Corrected Application Received April 27, 1987 Period of Annual Use Apr 1 - Nov. 1

WATER QUALITY APPROVAL RECEIVED not needed APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES ☒ NO _____ REMARKS area covered by S/W

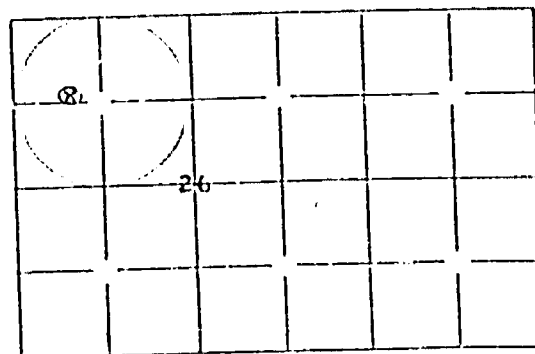
For Permit No. 3317-3

Diversion Point well: NW 1/4 NW 1/4 section 26 -

T113N-R62W

Land to be Irrigated NW 1/4 section 26 - T113N -

R62W



Well Log: Driller Riverside Drilling Licensed YES ☐ NO ☐

Depth of Well 74 feet REMARKS existing well drilled in 1977

Type of Map aerial photo PREPARED BY _____ Reviewed and the Number

assigned on June 3, 1987 By Ron Duvall

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

No. 3317A-3 Hydrologic Unit 10160006
Map No. same Basin James River
Newspaper Huron Daily Plainsman, 49 3rd St. SE

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following:

New ☒ Vested Right ☐ Future Use ☐

☐ Application to amend Permit No. _____ with old priority date retained

☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐

☒ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)

☒ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. 3317-3

☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____

1. Name of Applicant John Lovett Phone No. 266-2197

Post Office Address Rt 1, Box 86, Hitchcock State SD 57348
(Street, RR or Box) City Zip Code

2. Amount of water claimed (c.f.s.) 9.80 Total acres irrigated 55

3. Source of Water supply groundwater 1 well

4. Location of point of diversion NW 1/4 NW 1/4 Section 26, T113N, R62W

County Beadle

5. Counties where water will be used Beadle

6. Annual period during which water is to be used April 1 to November 1

7. 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.
NW 1/4 NW 1/4 Sec 26, T113N, R62W	15
SE 1/4 NW 1/4 "	10
NE 1/4 NW 1/4 "	30

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

~~This application does not authorize an increase in the diversion rate specified on Permit No. 3317-3. This permit adds acreage not covered under Permit No. 3317-3.~~

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)
County of Beadle) ss

I, John Lovett the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed John Lovett

Subscribed and sworn to before me this 10th day of April 1987

Catherine O. Jensen

Notary Public (or other qualified officer)

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3317A-3

(1) John Lovett of Hitchcock, SD 57348 made Application No. 3317A-3, April 1, 1987 for a water permit to appropriate 0.04 cubic feet of water per second from groundwater (one existing well), Beadle County, South Dakota for irrigation purposes. Permit No. 3317A-3 with a priority date of April 1, 1987 was approved September 9, 1987 and issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 3317A-3 was transferred February 19, 1991, to Larry Lovett.

Water Permit No. 3317A-3 authorized additional acres (55) and diversion rate (0.04 cfs) from a well described under Water Permit No. 3317-3. The applicable portions of Water Permit No. 3317-3 are incorporated into this Water License No. 3317A-3. A priority date of December 15, 1976 is retained for diversion of 1.3 cfs and a priority date of April 1, 1987 is retained for diversion of 0.04 cfs.

(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 1.34 cubic feet of water per second for beneficial use. The location of the diversion point is: 60'N and 280'W of the center of the NW 1/4 Section 26, T113N, R62W (NW 1/4 NW 1/4).

(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, R62W Section 26	NE 1/4 NW 1/4	26 Acres
	SE 1/4 NW 1/4	26 Acres
	SW 1/4 NW 1/4	26 Acres
	NW 1/4 NW 1/4	26 Acres
	Total-----	104 Acres

(4) Pursuant to Section 46-5-30.1 Larry Lovett of P.O. Box 1766, Akerdean, SD 57402-1766 the holder(s) and/or owner(s) of Incorporated Water Permit No. 3317A-3 is issued a license to appropriate water, the right to use 1.34 cubic feet of water per second from groundwater (one well) with priority dates of April 1, 1987 (0.04) and December 15, 1976 (1.3 cfs) 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. 3317A-3 and subject to South Dakota State Law.



AUG 5 1992

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

Report On Application No. 3317A-3
John Lovett
June 15, 1987

This application proposes to appropriate an additional 0.04 cfs from one existing well 74 feet deep to irrigate 55 acres. Water Permit No. 3317-3 authorizes an appropriation of 1.3 cfs from one well to irrigate 90 acres. This application appropriates additional water from the well authorized by permit No. 3317-3 to irrigate additional acreage. The well is located in the NW 1/4 NW 1/4 and the irrigated acreage (55 additional acres) in the N 1/2 NW 1/4, SE 1/4 NW 1/4; all in Section 26, T113N R62W.

Aquifer - Tulare-Hitchcock (T-H)

The Tulare - Hitchcock (T-H) is a Pliocene aged outwash (sand and gravel) aquifer which is under artesian conditions at this site but the aquifer in this area is primarily under water table conditions. The aquifer underlies 53,800 acres in Peadle County and contains 333,000 acre-feet of recoverable water. (Hedges, et al, 1982). Observation Well BD-80C (Water Rights, 1987) is located about 1/2 mile from the diversion point for this permit. Water level in this area are the highest ever recorded indicating recharge.

Review of Existing Water Rights

There are three (3) existing permits, Nos. 246-3, 4336-3, and 4547-3 which authorize 400 acres and 2 wells for irrigation. The diversion points are about 1/2 mile apart. This application is a result of errors found between the original permit application and what was actually developed. This permit is developed and has been in use. Interference between wells has not been a problem.

Conclusions

1. Water is available from the T-H Aquifer.
2. This application is a result of the normal inspection procedure. During the inspection, the developed acreage was found to be 55 acres greater than the permitted acreage. This application is being made to clear this up. The additional diversion rate is 0.04 cfs because Permit No. 3317-3 authorizes 1.3 cfs to irrigate 90 acres and the physical pumping capacity of the well is 600 gpm (1.34). Therefore, the well is capable of supplying only 0.04 cfs ($1.34 - 1.3 = 0.04$) in addition to the 1.3 cfs authorized by Permit No. 3317-3.
3. Interference is not a problem.

4. Water levels in the aquifer are at or above the highest ever recorded indicating recharge.


JAMES A GOODMAN
Hydrologist

BIBLIOGRAPHY

Hedges, L.S., Etal., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for U.S. Army Corps of Engineers, DWNR, SDGE, Vermillion, S. D., 57069.

Water Rights Division, 1987, Observation Well File BD-80C, DWNR, Division of Water Rights, Joe Foss Bldg., Pierre, S.D. 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 3317A-3

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 3317A-3, John Lovett, Rt 1, Box 86, Hitchcock SD.

The Chief Engineer is recommending APPROVAL of Application No. 3317A-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
June 16, 1987



Department of Water & Natural Resources

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

Water Rights Division
(605) 773-3352

July 30, 1987

NOTE:

TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT THE
NEWSPAPER RIGHT AWAY.

John Lovett
Route 1, Box 86
Hitchcock, South Dakota 57348

Dear Mr. Lovett:

Your Application No. 3317A-3 for a permit to appropriate water for
irrigation use, has been examined and found to
comply with the South Dakota Water Laws and applicable rules. A notice of
your intent to appropriate water has been sent to the Publisher of the

Huron Daily Plainsman printed at Huron

South Dakota. For your information, a copy of this notice, the recommendation
of the Chief Engineer and a report on the application are enclosed. Please
review this notice prior to publication and notify this office, if you have
any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION
OF YOUR NOTICE OF INTENT TO APPROPRIATE WATER AND TO ARRANGE FOR PAYMENT.
Early contact with the paper can eliminate delays. The publisher has been
instructed to publish your notice once each week for two consecutive weeks
with the last publication to occur at least twenty days before the board
meeting. We must receive Proof of Publication before the application can be
considered by the Water Management Board.

Sincerely,

RON DUVAL
Natural Resources Engineer

enclosures



Department of Water & Natural Resources

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

July 30, 1987
Huron Daily Plainsman
49 Third St. SE
Huron, SD 57350

Dear Sir:

Enclosed is a Notice of Hearing to Application No. 3317A-3. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before August 6, 1987.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is John Lovett, Route 1, Box 86, Hitchcock, SD 57348.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made before in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE
No. _____

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name:

Newspaper

DWR 806-11/85

No. 3317A-3

Instruction to Newspaper - Publish first publication of the following Notice on or before August 6, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 3317A-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that John Lovett whose mailing address is
Route 1, Box 86 Hitchcock, South Dakota has made an application for a permit

to appropriate an additional 0.04 cubic feet of water per second from one existing well (Tulare-Hitchcock Aquifer) 74 feet deep authorized by Permit No. 3317-3 to irrigate an additional 55 acres. Water Permit No. 3317-3 authorizes an appropriation of 1.3 cfs from one well to irrigate 90 acres. The well is located in the NW $\frac{1}{4}$ and the irrigated acreage (55 additional acres) in the NW $\frac{1}{4}$, SE $\frac{1}{4}$; all in Section 26-T113N-R62W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends
APPROVAL of Application No. 3317A-3 because 1) unappropriated water is available,
2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and
4) is in the public interest.

This application will be considered by the Water Management Board at room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, September 9 1987 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by August 28, 1987. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; ~~46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; (ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-40, (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-3.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15.02 thru 74:02:01:15.05.~~

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by August 28, 1987.

IRRIGATION WATER PERMIT APPROVAL

The Water Management Board hereby approves Water Permit Application No. 3317A-3
 to irrigate 55 acres in the NW¹/₄ and SE¹/₄ of Section 26, T113N, R62W from one
(legal description of land)
existing well (Tulare-Hitchcock Aquifer) 74 feet deep authorized by Permit No. 3317-3
located in the NW¹/₄ NW¹/₄, Section 26, T113N, R62W for
(describe on point, source, depth of well, etc.)

John Lovett Route 1, Box 86
(Applicant) (Street, RR or Box)
Hitchcock, South Dakota 57348 With the following qualifications.
(City) (State) (Zip Code)

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application April 1, 1987

Date Soil-Water Compatibility Permit received (See Permit No. 3317-3), 19

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

Date of receipt of corrected application , 19 , Approved September 9, 1987

The Water Management Board approved this Water Permit No. 3317A-3 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is April 1, 1987
2. One-fifth of the work is to be completed on or before (completed), 19
3. The whole of said work is to be completed on or before (completed), 19
4. The time limit for proof of beneficial use of water is (completed), 19
5. 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 unlawfully impaired by this appropriation.
6. The amount of the appropriation herein granted shall not exceed 0.04 cubic feet per second; neither shall it exceed 2 acre feet per acre per year or 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 (completed), 19 . The water is to be used during the following described annual period: April 1 - November 1

WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer JOHN HATCH
 Division of Water Rights
 Dept. of Water and Natural Resources

NOV 3 1987

Form 5 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 3377A-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Beadle) ss.

I, James Hein hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Huron Daily Plainman

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 Huron

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

August 5, 1987

August 12, 1987

(Signature)

(Title)

August 12, 1987

(Date Signed)

Cost of Printing: \$78.20

WNR-E08-7/79
Proof of Publication

F.P. 5587 L.P. 8-1287
NOTICE OF HEARING ON
APPLICATION NO. 3377A-3 TO
APPROPRIATE WATER

Notice is hereby given that
John Lovell whose mailing
address is Route 1, Box 86,
Hitchcock, South Dakota has
made an application for a
permit to appropriate an addi-
tional 0.04 cubic feet of water
per second from one existing
well (Tulare Hitchcock well-
fer) 74 feet deep authorized by
Permit No. 3317-3 to irrigate an
additional 55 acres. Water
Permit No. 3317-3 authorizes an
appropriation of 1.3 cfs from
one well to irrigate 90 acres.
The well is located in the
NW1/4, NE1/4, and the irrigated
acreage (55 additional acres) in
the NW1/4, SE1/4 NW1/4; all in
Section 26 T113N-R62W.

Pursuant to SDCL 45-2A-2 the
Chief Engineer of the Water
Rights Division recommends
approval of Application No.
3317A-3 because 1) unappropri-
ated water is available, 2) will
be no unlawful impairment of
existing rights, 3) is beneficial
use of water and 4) is in the
public interest.

This application will be con-
sidered by the Water Manage-
ment Board at Room 216, Joe
Foss Building, 523 E. Capitol,
Pierre, South Dakota, Septem-
ber 9, 1987 at 10:00 a.m.

The recommendation of the
Chief Engineer is not final or
binding upon the Board and the
Board is authorized to 1) approve,
2) approve with qualifi-
cations, 3) defer, or 4) deny
this application after it reaches
a conclusion based upon facts
presented at the public hearing.
Any interested person who may
be affected by a Board decision
and who intends to participate
in the hearing before the Board
and present evidence or cross-
examine witnesses according to
SDCL 1-26, must file a written
petition with BOTH the appli-
cant and the Chief Engineer by
August 26, 1987. The petition
may be informal, but it must
include a statement describing
the petitioner's interest in the
application, the reasons for the
petitioner's opposition to or
support of the application, and
the signature and mailing ad-
dress of the petitioner or his
legal counsel if legal counsel is
obtained. The applicant need
not file a petition.

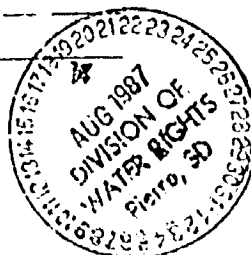
This application is made
pursuant to the provisions of
SDCL 45-1-1 thru 45-1-9, 45-1-12
thru 45-1-15; 45-2-1, 45-2-2,
45-2-11, 45-2-13, 45-2-17; 45-2A-1
thru 45-2A-10, 45-2A-12, 45-2A-14,
45-2A-15; 45-5-1 thru 45-5-11,
45-5-13 thru 45-5-15, 45-5-24,
45-5-25, 45-5-30, 45-5-30.4,
45-5-31; 45-6-3, 45-6-3.1, 45-6-6.1,
45-6-10, 45-6-13, 45-6-14, and
Board Rules ARSD 74-02-01:01
thru 74-02-01:15.

prior to the hearing date. The
time of the hearing will be
automatically extended for at
least twenty days upon written
request of the applicant or any
person who has filed a petition
to oppose or support the appli-
cation. The request for exten-
sion must be filed with the Chief
Engineer by August 26, 1987.

No. 355 (a1v)

This hearing is an adversa-
proceeding. The applicant or
any person, after filing a
petition, 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.

Any person wishing a copy of
the Chief Engineer's recom-
mendation, further information
on this application or to assure
access to the hearing by the
handicapped can contact the
Water Rights Division, DWRP,
Joe Foss Bldg Pierre, S.D.
(605 773-3352) for assistance



Permit No. 3317A-3

James River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Larry Lovett of P.O. Box 1766, Aberdeen, SD 57402 holder of Permit No. 3317A-3 and 3317-3, bearing the priority of April 1, 1987(3317A-3) and December 15, 1976(3317-3) authorizing the diversion of 0.04(3317A-3) and 1.3(3317-3) cu. ft. per second and/or the storage of N/A acre-feet of the waters of Tulare - Hitchcock Aquifer for irrigation purposes, in Beadle County.

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

A. Works used to divert the water:

Western Land Roller pump, serial no. 8208943, capacity of 600 gpm, operating psi of 34.
US Electric motor, model no. 324TPWP1, horsepower rating of 40.

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

280' of 6" PVC

C. Works used to apply water to beneficial use:

Lockwood center pivot, 8 towers with end gun overall length of 1100', high pressure nozzels, capacity of 600 gpm.

The system is in the following condition good. The point of diversion is located 60' N and 280' W of the center of the NW1/4 Sec. 26, T113N, R62W. The works are capable of diverting and conveying to the place of use 1.33 cu. ft. per second of water and/or storing N/A acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in Sec. 26, T113N, R62W

NE1/4 NW1/4 26 acres SW1/4 NW1/4 26 acres

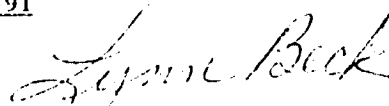
SE1/4 NW1/4 26 acres NW1/4 NW1/4 26 acres

comprising a total of 104 acres of land and the license should be issued for 1.34 cfs and/or N/A acre-feet of storage.

Application permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are:

Date 9-24-91

A handwritten signature in cursive script that reads "Lynn Beck".

Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Division

LICENSE FOR PERMIT NUMBER 3317A-3 ~~4~~ **3317-3**

1. Legal location of wells: NW1/4 NW1/4 Sec. 26, T113N, R62W

Dams and Structures N/A

2. Well Information: Well Drilling Firm Riverside Drilling

Completion Report? Yes X No No. of Wells 1 Depth(s) 74 feet

Casing a) diameter 16 inches Screen a) type Stainless Steel

b) length 40 feet b) length 34 feet

c) type Stainless Steel Static Water Level 20 feet

Pump a) make Western Land Roller Motor a) make US Electric

b) model 8308943 (ser. no.) b) model no. 324TPWP1

c) size c) horsepower rating 40

d) capacity 600 GPM d) serial no.

e) turbine pump - no. of stages 5

f) operating PSI 34

3. Distribution lines or canals

a) size 6 inches

b) type PVC

c) length 280 feet

4. System Type a) sideroll:

b) towline:

1) length feet

1) length feet

2) diameter of pipe inches

2) make, model & number of
sprinklers

3) make, model & number of
sprinklers

3) spacing of sprinklers

4) spacing of sprinklers feet

4) nozzle size

5) nozzle size

- | | |
|----------------------------|-------------------------------------|
| c) gun: | d) center pivot: |
| 1) make | 1) make <u>Lockwood</u> |
| 2) nozzle size | 2) number of towers <u>8</u> |
| 3) capacity (GPM) | 3) distance between towers |
| 4) hose size inches | 4) overall length <u>1050</u> feet |
| 5) hose length feet | 5) end gun (Y/N) <u>Y (50')</u> |
| e) gated pipe: | 6) high or low pressure <u>high</u> |
| 1) length feet | 7) make and size of nozzles: |
| 2) diameter inches | |
| 3) spacing of gates inches | 8) capacity (GPM) <u>600</u> |

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

Indicate any other permit(s) which are associated with project 3317-3

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

REMARKS: Permit No. 3317A-3 adds acreage to Permit No. 3317-3.

3317A-3



Department of Water & Natural Resources

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

March 20, 1987

John Lovett
Rt. 1 Box 86
Hitchcock, SD 57348

Dear Mr. Lovett:

On March 11, 1987, I stopped at your home and visited with you about five permits which I was in the process of inspecting. Three of your permits are ready to be licensed, but I have run into problems with the other two (2976-3 and 3317-3). Neither of these permits contain sufficient acreage to cover what you are actually irrigating. Therefore, you must apply for two permits which will cover the additional acreage. The existing permits cannot be licensed until the additional acreage permits have been approved.

On Permit No. 2976-3, the problem exists in the SE1/4 Section 14-T113N-R62W where you are irrigating eight acres not covered under the permit. The other discrepancy occurs in the NW1/4 Section 26-T113N-R62W where you are irrigating approximately 132 acres with a permit which accounts for only 90 acres.

I have filled out the needed forms for your two additional permits. If you would look them over, sign them, and return them to our office; we can then continue with the process of licensing the rest of your permits. If you have any questions, please contact our office.

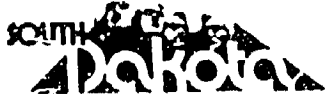
Sincerely yours,

James L. Wendte

James L. Wendte
Natural Resources Engineer
605 773 3352

enc

3317A-3



Department of Water & Natural Resources

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

April 6, 1987

John Lovett
Rt. 1 Box 86
Hitchcock, SD 57348

Dear Mr. Lovett:

I am returning these two permit applications because they need to be notarized at the bottom. You should also sign and return the original copies of these two applications, which were sent in my first letter to you. Therefore, you should return four permit applications (two identical copies for each permit). All four copies should be signed and notarized.

In my original letter, I failed to mention the fee required for these two permits. I apologize for this mistake. There is a \$50.00 fee for the seven additional acres in the SE1/4 of Section 14-T113N-R62W. You may notice that I have changed the application to show seven acres instead of eight acres. By doing this, the fee for this permit was decreased by \$100.00. We will make the same change on the original copy when we receive it back from you. In addition, there is a \$150.00 fee required for the additional 55 acres in the NW1/4 of Section 26-T113N-R62W. Once again, I apologize for omitting this information from my first letter.

As soon as you return the applications signed and notarized, along with the fees mentioned above, we can continue with the process of licensing these permits. If you have any questions, please contact our office.

Sincerely yours,

James L. Wendt

James L. Wendt
Natural Resources Engineer
605 773-3352

enc



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

NOV 3 1987

John Lovett
Route 1, Box 86
Hitchcock, South Dakota 57348

Dear Sir:

Enclosed herewith is your Water Permit No. 3317A-3 as approved by the Water Management Board authorizing your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said water Right Permit No. 3317A-3.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount, the final papers will be sent to you.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

enclosure

Water Rights Division - DWR

3317-3
File No. 3317A-3

Conversation or File Documentation

NAME OF PERSON OR FILE: John LovettADDRESS: Rt. 1 Box 66 Hitchcock, SD COUNTY BeadleDATE: 9-13-88 TELEPHONE 266-2197RE: Status of Permits 3317-3 4- 3317A-3.

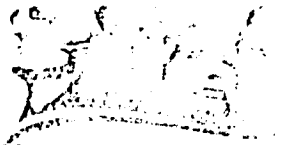
COMMENTS: (Phone Conversation)

Spoke with Mr. Lovett on this date concerning
the permits. Mr. Lovett took the original
system off the land and is going to put
a new center pivot on the acreage in the
Fall of '88 or the spring of '89. Will then
have to be inspected again ~~with~~ before the
license can be issued.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: James L. Wendt

South Dakota



GREAT FACES. GREAT PLACES.

February 1, 1991

JOHN LOVETT
RR 1 BOX 96
HITCHCOCK SD 57348

DEPARTMENT OF WATER & NATURAL RESOURCES

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

NOTICE

RE: Violation of Water Permit No(s) 3317A-3

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 3317A-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 3317A-3 qualification:

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

The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, 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, the Water Management Board can:

1. Suspend Permit No(s) 3317A-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

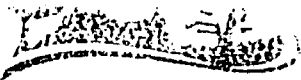
The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by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

If the questionnaire is received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

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

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 8, 1991

3317A-3

Larry Lovett
Apartment 2150
108 N Greenfield Road
Mesa, AZ 85205

Dear Mr. Lovett:

Enclosed, as we discussed, is a 1990 irrigation questionnaire pertaining to Water Permit No. 3317A-3.

I reviewed the file and found a "Notice of Transfer of Ownership" had been filed for Permit No. 3317-3 but was not done for No. 3317A-3. I am including a transfer form for your use in filing the ownership change on No. 3317A-3. Please complete the form and sign in the presence of a notary. A \$2.50 filing fee is required for filing a "Notice of Transfer".

If you have any questions concerning the irrigation questionnaire or the transfer form, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures



DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-2181

February 13, 1991

3317A-3

Larry Lovett
PO Box 1766
Aberdeen, SD 57401

Dear Mr. Lovett:

I am writing to acknowledge receipt of the 1990 irrigation questionnaire data for Water Permit No. 3317A-3. You indicated during our telephone conversation that you had included the irrigation information for No. 3317A-3 on the questionnaire pertaining to Permit No. 3317-3.

The February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire, originally sent to John Lovett, can be disregarded. A questionnaire has been completed for No. 3317A-3 and his name has been deleted from the February Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

cc: John Lovett, RR #1 Box 86, Hitchcock, SD 57348

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, February 19, 1991

RECEIVED OF Karla Casanova (Larry Lovett), 1615 7th St S, Aberdeen, SD 57401
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Permit No. 3517A-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)	Total	2 50

By *John H. H. [Signature]*
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

No. 3317A-3

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

Date: _____



I/We request that Water Permit/Right No. 3317A-3

formerly owned by: John Lovett

be transferred to: (name & address) Larry Lovett

PO Box 1766 Aberdeen, SD 57402-1766 (telephone No.) HF-295-1211

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

NW 1/4, T115N, R62E

I/We understand that the validity of Water Permit/Right No. 3317A-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Beauvais)

I/We Larry Lovett 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.

Larry Lovett
(Signed)

Subscribed and sworn to before me this 13 day of February, 1991.

Paula R Casanova
(Notary Public)

my commission expires 10/14/92

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

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



GREAT FACES. GREAT PLACES

June 6, 1991

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

No. 3317A-3

Karla Casanova
1615 7th St. S
Aberdeen, SD 57401

Dear Ms. Casanova:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 3317A-3.

Our records now show Larry Lovett as the owner of Water Permit No. 3317A-3.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl F. Frost".

Cheryl F. Frost
Secretary
Water Rights Division
605 773-3352

enclosure

cc: Larry Lovett



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 6, 1992

Permit No. 3317A-3

Larry Lovett
P.O. Box 1766
Aberdeen, SD 57402-1766

Dear Mr. Lovett:

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. 3317-3 and 3317A-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. 3317-3 will be incorporated into 3317A-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 your Water License.

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,

A handwritten signature in cursive script, appearing to read "Cheryl F. Frost".

Cheryl F. Frost
Secretary
Water Rights Division
(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

Pierre, July 9, 1907

RECEIVED OF Lovato Farm, 1615 South 7th St, Aberdeen, SD 57401

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. _____ a ter period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>3717A-1</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 Charles H. H. H. H.
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 5 1992

3317A-3

Larry Lovett
P.O. Box 1766
Aberdeen, SD 57402-1766

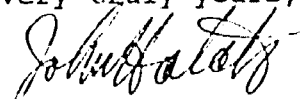
Dear Mr. Lovett:

Enclosed is Water License No. 3317A-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413291 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. 3317A-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. 3317-3 are incorporated into this Water License No. 3317A-3.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, April 27, 1927

RECEIVED OF John Lovett, Route 1, Box 86, Hitchcock, SD. #740 57340

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

Fee for Application for Permit No. <u>3317A-3</u> to Appropriate Water, to construct works and to put water to beneficial use	150	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 _____		
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	150 00

By J. L. Hatch
Chief Engineer JOHN HATCH (ms)

11.

התאחדות המורים

34

Depth to top of water in hole	20
Depth to water in hole	Tulare
Name of producing formation	74
Total depth of drill hole	40
Length to base of casing	

14" Timber Drill Case No.

35' 11/2" Thinker Steel Tower

Remuside, Dublin

(2) PUMP INSTALLATION
Company name and size of pump National Pump Co. 60

652

April 15 - 1911

652

652

652



3317A-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 28, 1994

Larry Lovett
PO Box 1766
Aberdeen, SD 57401-1766

Dear Mr. Lovett:

Last week, you contacted our office concerning the legal descriptions for various water permits or rights for use in completing the 1994 irrigation questionnaires. The following are descriptions for each:

No. 130A-3	John Mortimer	NE 1/4 Section 22, T113N, R62W
No. 282-3	Leo Veskrna	SW 1/4 Section 9, T113N, R62W
No. 1423-3	Leo Veskrna	NW 1/4 Section 9, T113N, R62W
No. 4723-3A	Thomas Tobin	SE 1/4 Section 8, T113N, R62W
No. 4794-3	Thomas Tobin	SE 1/4 Sec 5; SW 1/4 Sec 4, T113N, R62W
No. 2976A-3	Larry Lovett	SW 1/4, W 1/2 SE 1/4 Sec 14, T113N, R62W
No. 3317A-3	Larry Lovett	NW 1/4 Section 26, T113N, R62W
No. 3191-3	Harold Mueller	NW 1/4 Section 15, T113N, R62W
No. 3192-3	Harold Mueller	SE 1/4 Section 15, T113N, R62W

If you have any questions, please contact me.

Sincerely,

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

enclosures



3317A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2000

NOTICE

TO: LARRY LOVETT, PO BOX 1766, ABERDEEN, SD 57402 1756
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaires

Our records indicate that the 1999 Irrigation Questionnaires have not been submitted for Permit Nos. 1423-3 & 3317A-3, 2976A-3. The request for the Questionnaires was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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) 2976A-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) 1423-3 & 3317A-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in 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. 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) 1423-3 & 3317A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2976A-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 28, 2000, 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.



3317A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2000

Larry Lovett
PO Box 1766
Aberdeen, SD 57401-1766

RE: Irrigation Questionnaires

Dear Mr. Lovett:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for the following:

1423-3, 2976A-3 & 3317A-3 – Larry Lovett
130A-3 – John Mortimer
282-3, 4723-3A & 4794-3, Thomas M Tobin

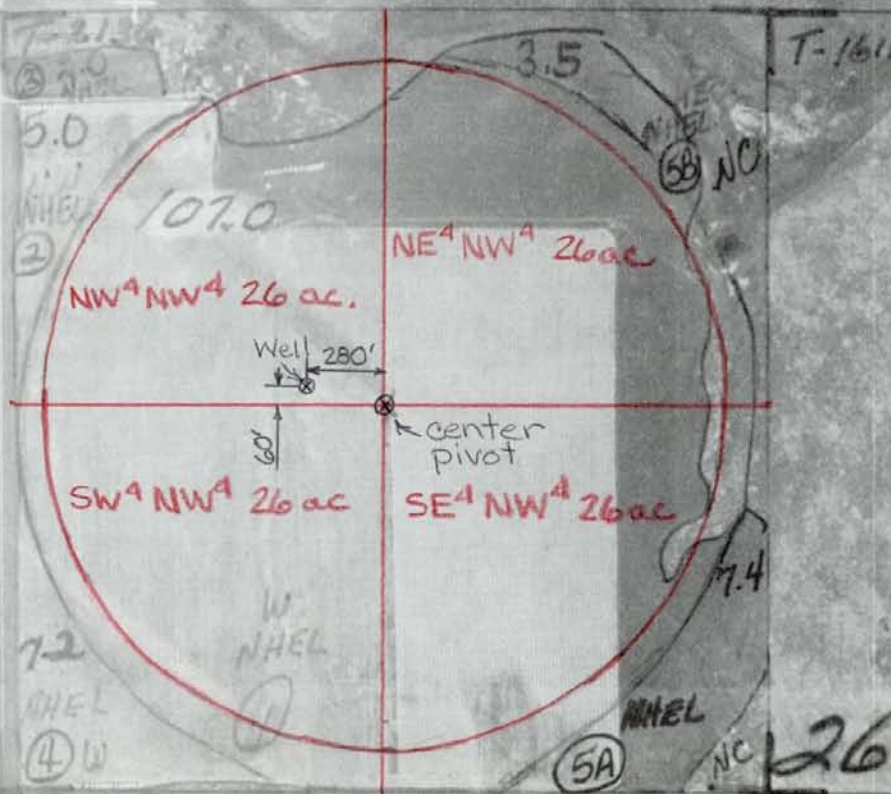
The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

NOT TO SCALE



60.6 Total Acres = 104

Prepared by:

Lynn Beck

Lynn Beck

Natural Resource Engineer
Water Rights Division
DENR

10-3-91

113-62

39.0

NC

3317A-3

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

OCT - 5 2006

WATER RIGHTS
PROGRAM

No. 3317A-3

Date: 10-2-06

I/We request that Water Right/Permit No 3317A-3

formerly owned by: Larry Lovett

be transferred to: (name & address) Pleasant View Farms

39512 193st

Hitchcock SD 57348 Telephone No. 605-266-2881

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

113-62W Sec 26 NW 1/4

I/We understand that the validity of Water Right/Permit No. 3317A-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Pleasant View Farms, the new owner, certify that the above information is true and correct.

[Signature]
(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 October 5, 2006

RECEIVED OF Pleasant View Farms, 39512 193 St. Hitchcock SD 57348

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>6240-3</u> <u>3317A-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	2.50	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

02602

By

Darland Ebel

Chief Engineer

gm

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only) No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____

RECEIVED

DEC - 7 2006

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

 Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. _____
 (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

Well is 30 years old only pumps 400 gal/m need another 150-200 to get to the 1.34 on the permit using an 8 inch well

 1. Name of Applicant Pleasant View Farms Phone 605-286-2881
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address 39512 193rd St Hitchcock State SD 57348
 (Street, RR, or Box and City) (Zip Code)

 2. Amount of water claimed 1.34 *CFS or 600 **GPM ***AF Total Acreage 104
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
3. Source of water supply Tulare Aquifer
 4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Beadle
500 ft East of the existing well
5. County or counties where water will be used Beadle6. Annual period during which water is to be used May - Sept
 7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
 (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE 1/4 NW 1/4	26		
SE 1/4 NW 1/4	26		
SW 1/4 NW 1/4	26		
NW 1/4 NW 1/4	26		

8. Give a description of the project. (Attach sheet if more space is needed)

only to bring the gallons up to 600 gpm. I just bought this but have Irrigation across the road & now only pump 400. I asked Pullman drilling and they agreed. A 8 inch well would be sufficient

STATE OF SOUTH DAKOTA SS

County of Beadle

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

 I, Terry Wieting (Pleasant View Farms - partner), the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.
Applicant's signature Terry WietingSubscribed and sworn to before me this 5th day of December 2006David DeBoer

Notary Public signature

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth 80'
- b) Casing Type plastic Diameter 8 inch Thickness _____
- c) Screen Type plastic Diameter 8 inch Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

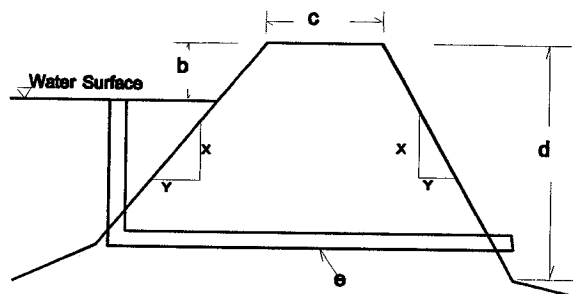
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

Approval of an Additional Diversion Point

NAME: Pleasant View Farms

ADDRESS: Terry Wieting, Partner @ 39512 193rd Street, Hitchcock SD 57348

DATE: December 8, 2006

COUNTY: Beadle

TELEPHONE: 605 266-2881

BACKGROUND:

Pleasant View Farms purchased the irrigated land authorized by Water Right No. 3317A-3. Water Right No. 3317A-3 appropriates 1.34 cubic feet of water per second from one well located in the NW ¼ NW ¼ Section 26, T113N, R62W to irrigate 104 acres in the NW ¼ Section 26. The well is constructed into the Tulare:Hitchcock Aquifer and has a priority date of December 15, 1976 (1.3 cfs) and April 1, 1987 (0.04 cfs)

Mr. Terry Wieting filed an application seeking authorization for an additional well to be located 500 feet east of the existing well. The new well will be in the NE ¼ NW ¼ Section 26, T113N, R62W. The request states the existing well's production has declined to 400 gpm and the additional well is intended to bring production back to the authorized amount of 600 gpm. This request is made pursuant to SDCL 46-5-13.1 to authorize the additional wells. A transfer of ownership has also been filed to transfer from Larry Lovett to Pleasant View Farms.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The water source authorized by Water Right No. 3317A-3 is the Tulare:Hitchcock Aquifer. Water Rights record show the present well is 74 feet deep. The proposed well construction for the additional well shows the well will be 80 feet deep. Based on this information the new well will be completed into the same aquifer.

No additional appropriation of water is requested. The original water permit appropriates 1.34 cfs (600 gpm). Mr. Wieting's requests states the additional well is intended to bring the diversion capability up to the authorized amount of 1.34 cfs.

- **Review of Existing Diversions**

A review was conducted of existing water rights and domestic wells.

There are four water rights that appropriate water from the Tulare:Hitchcock Aquifer in the sections neighboring Section 26. Two water rights located in Section 27 are owned by Mr. Wieting. The other two water rights are located approximately a mile north and 1 ½ miles northwest of the proposed additional well.

A review of well completion records in the Water Right database found no domestic/stock wells constructed into the Tulare:Hitchcock Aquifer in neighboring sections. There are nine domestic wells on file but all of these are completed into the deeper Dakota Formation. This review reflects only those well completion reports on file with the Water Rights Program and does not reflect the status of use from the domestic wells.

There have been no complaints recently in this area. However, the Tulare:Hitchcock Aquifer and Tulare:Western Spink Aquifer was the subject of a hearing before the Water Management Board in December 2002. At that time, the Board approved 11 applications and deferred another 11 applications for new appropriations from the aquifer pending a 5 year period to evaluate the level of development that occurs. Since that time there have been 19 additional application added to the deferral list. However, this request is for an additional well to bring production back to the authorized level of 600 gpm as set forth on Water Right No. 3317A-3. This is not a request for an increase in the diversion rate of acres irrigated.

CONCLUSION

- The additional well does not appropriate additional water.
- The additional well is to be constructed into the Tulare:Hitchcock Aquifer.
- It may be more prudent for Pleasant View Farms to drill a replacement well instead of a helper well and plug the old well.
- Existing domestic wells and prior water rights should not be adversely impacted by authorizing this additional well.
- There have been no complaints regarding development at this site.
- Mr. Wieting has filed to transfer the water permit to Pleasant View Farms.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the additional diversion be authorized under Water Right No. 3317A-3.



Eric Gronlund

Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This additional diversion point does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer

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

December 15, 2006

Terry Wieting
Pleasant View Farms
39512 193rd Street
Hitchcock SD 57348

Dear Mr. Wieting:

I am writing in regard to your request for an additional well for Water Right No. 3317A-3 for Pleasant View Farms. Water Right No. 3317A-3 appropriates 1.34 cubic feet of water per second from one well completed into the Tulare:Hitchcock Aquifer located in the NW ¼ NW ¼ Section 26, T113N, R62W to irrigate 104 acres in the NW ¼ Section 26.

You have requested authorization for an additional well. The request states production from the existing well has declined to 400 gpm. The additional well is intended to bring production back to the authorized amount of 600 gpm. However, instead of drilling a helper well you may want investigate drilling a replacement well capable of producing 600 gpm and plugging the old well.

Upon review of the request and pursuant to SDCL 46-5-13.1, the additional well is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4.

Water Right No. 3317A-3 has been transferred into the name Pleasant View Farms. A receipt for the transfer filing fee is enclosed.

If you have any questions, please contact Eric Gronlund at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

enclosure



December 26, 2006

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

3317A-3

Terry Wieting
39512 193rd St
Hitchcock SD 57348

Dear Mr. Wieting:

In November, I forwarded you a "Notice of Transfer of Ownership" of ownership for transferring Water Right No. 3317A-3 to your name. In reviewing the file, I found that you had already submitted the ownership change back in October.

The transfer was completed on October 5th when you submitted the form and filing fee. The water right, formerly listed in the name of Larry Lovett is listed in the name of "Pleasant View Farms".

Enclosed is your Receipt No. 02602 in the amount of \$2.50 which you paid for filing the ownership change. I apologize for the delay in sending you the receipt. You have completed all the necessary paperwork and everything we need concerning the ownership change is on file.

Sincerely,

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

enclosure

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 7, 20 06

RECEIVED OF Pleasant View Farms, 39512 193rd St., Hitchcock SD 57348

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>3317A-3</u>		2 50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

02389

By

Darland Ebele
Chief Engineer
gm

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3317A-3

Date: 11-30-06

I/We request that Water Right No. 3317A-3

formerly owned by: Larry Lovett

be transferred to: (name & address) Pleasant View Farms

39512 1935+

Hitchcock SD 57348

Telephone No. 605-266-2881

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

104 acres - NW ¼ Section 26, T113N, R62W

I/We understand that the validity of Water Right No. 3317A-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Pleasant View Farms, the new owner, certify that the above information is true and correct.

 Partner
(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.

RECEIVED
DEC -7 2006
WATER RIGHTS
PROGRAM

PAYMENT REQUEST FORM

PAYEE: Terry Wieting
Pleasant View Farms
39512 193rd St
Hitchcock SD 57348

FROM: Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund for transfer fee that was submitted twice

AMOUNT: \$2.50

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Harland Cobl 1/11/67

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

NOT TO SCALE



11-02

Date:

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

MAY 14 2012

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 3317A-3Date: 5-11-12

I/We request that Water Right/Permit No. 3317A-3 formerly owned by:
Pleasant View Farms be transferred to:

New Owner Name: Terry Wieting
Address: 870 Beach Ave NE
City, State, Zip: Furon SD 57350 Telephone No. 605-554-0207

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

60' N and 280' W of the center of the NW 1/4
Section 26 T113N, R62W

☒ I understand that the validity of Water Right/Permit No. 3317A-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Terry Wieting, the new owner, certify that the above information is true and correct.

Terry Wieting
(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 5/14, 20 12

RECEIVED OF Terry Wieting 870 Beach Ave NE Huron SD 57350

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>3317A-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 05439

By Gerald Erbe J
Chief Engineer

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Terry Wieting, 870 Beach Ave NE, Huron SD 57350

DATE: May 14, 2012

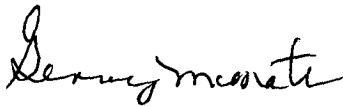
TELEPHONE: 605 554-0207

RE: ownership change for Water Right No. 3317A-3

Mr. Wieting submitted an ownership change for the water right that was under Pleasant View Farms and listed only the well location on the form.

I called to ask for clarification to find out whether the water right needed to be divided and reissued to reflect separate ownership or if he owned the whole thing. He indicated he owns the entire acreage however he did not know quite how to fill out the form so only wrote in the well location.

The entire water right has been transferred and is now listed in the name of Terry Wieting.



Genny McMath
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 15, 2012

3317A-3

Terry Wieting
870 Beach Ave NE
Huron SD 57350

Dear Mr. Wieting:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 3317A-3.

The ownership change has been completed. The water right formerly listed under Pleasant View Farms is now listed in your name.

Enclosed for your records is Receipt No. 05439 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

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

enclosure

3317A-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

AUG 27 2015

Terry Wieting
870 Beach Ave NE
Huron SD 57350

Dear Mr. Wieting:

Enclosed is Water Permit No. 4794C-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return the completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet ? *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

Note: Water Permit No. 4794C-3 incorporates Water Right No. 3317A-3.

enclosures

**SOUTH DAKOTA
WATER PERMIT NO. 4794C-3**

Date of first receipt of application May 8, 2015.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 4794C-3 to Terry Wieting, 870 Beach Ave NE, Huron SD 57350 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 4794C-3 amends Water Right No. 4794-3 by transferring 20 acres to other land. Water Right No. 4794-3 appropriates 2.22 cubic feet of water per second (cfs) from two wells completed into the Tulare Western Spink Hitchcock aquifer to irrigate 264 acres located in the SW 1/4 Section 4 and the SE 1/4 Section 5; all in T113N-R62W. This permit will move 20 authorized acres from the SW 1/4 Section 4 to the NW 1/4 Section 26-T113N-R62W. Water Right No. 3317A-3 appropriates 1.34 cfs from one well located in the NW 1/4 NW 1/4 Section 26 to irrigate 104 acres in the NW 1/4 Section 26; all in T113N, R62W. This is the same aquifer and no increase in the permitted diversion rate or number of acres irrigated is authorized by this permit. Permit No. 4794C-3 authorizes a total diversion of 1.34 cfs to irrigate 124 acres as described above.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is April 9, 1981 (20 acres comprised of 5 acres in each quarter-quarter) and April 1, 1987 (1.34 cfs and 104 acres established by No. 3317A-3).
4. The date of approval of Permit No. 4794C-3 is July 27, 2015.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Water Right No. 3317A-3 and Water Permit No. 4794C-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Water Permit No. 4794C-3 incorporates Water Right No. 3317A-3.

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*

Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 27 2015
date

