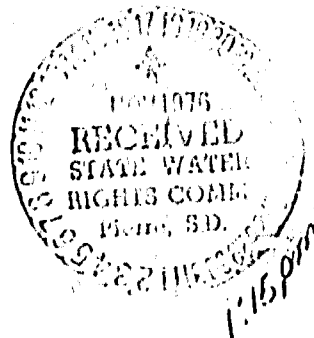


Water Right Number 5236-8

1. Considered 1-21, 19 77
2. Name of Applicant WHEELER
3. Post Office Address SEVEN
4. Amount of water claimed 2.2
5. Source of water supply LOCAL
6. Water to be used for IRRIGATION
- Acres to be irrigated 126
7. Water to be diverted and used in MARSHALL County
about 3E/4N Miles of SEVEN
8. Proof of Publication Received 2-7-77
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

No. 2335-3Map No. 2621-3 Water Division No. 3 JAMES RIVER District _____
(Blocks to be filled by the Engineer for the W. D. S.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE: Draw a line from features for application)

1. Name of Applicant THE NIELSEN LEWIS
Postoffice address BRITTON State SD DAK
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Wendell Lewis Irrigation Project #2
4. Amount of water claimed (cubic feet per second) 2.2
5. Source of water supply WELLS
6. Location of point of diversion NW-32 - 128-57
1800' N 135° E of NW corner, Sec 32-128-57
7. Annual period or periods during which water is to be used MAY thru Oct County MARSHALL
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 150

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NW 1/4 Sec 32 - 128-57	38		
NE 1/4 " " " "	39		
SE 1/4 " " " "	39		
SW 1/4 " " " "	40		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 15 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 BRITTON JOURNAL
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source. well with deep well turbineB. Works proposed to transport water to place of use. closed conduit

C. Works proposed to apply water to beneficial use.

Proposed irrigation of 150 acres with center pivot #1
irrigation machine Estimated Total Cost \$ 50,000.00Attachments: 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)
) ss.County of MarshallI, Wendell Lewis the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Wendell LewisSubscribed and sworn to before me this 5 day of Nov 19 76Lyle E. Ector
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3335-3

WENDELL LEWIS
(Applicant)

BRITTON
(Post Office Address)

SOUTH DAKOTA 57430
(State) With the following modifications:

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

Date of first receipt of application NOVEMBER 17, 19 76

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

Date of receipt of corrected application DECEMBER 15, 19 76

Approved JANUARY 27, 19 77, Recorded in Book 17 Page 106

WATER RIGHT PERMIT NO. 3335-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3335-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is NOVEMBER 17, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 27, 19 79
3. The whole of said work is to be completed on or before JANUARY 27, 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 27, 19 84
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 2.2 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is

actually and beneficially applied for irrigation on or before JANUARY 27, 19 84, said water to be used during the following described annual period: MAY - OCTOBER

Witness my hand this 8TH day of APRIL, 19 77

WATER RIGHTS COMMISSION

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19 —

Water License Issued —, 19 —

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 2 1/2", Depth 15' 8"
 (2) Casing, Type Fiberglass (wood, concrete, steel, etc), Diameter 16" Thickness 7/8"
 (3) Perforated Screen
 Type Perforated, Diameter 16", Length 30'
 (4) Gravel Pack, Thickness 4", Length of gravel pack 10'

E. Dugout Information or Estimates

- (1) Surface dimensions _____, Depth _____

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

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

Character of Water Bearing materials 0' to 4' top soil, 4' to 150'
yellow clay, 150' to 158' water bearing sands
and gravel, over 158' in blue clay

Depth to top of water bearing material 120'
 Depth to bottom of water bearing material 158'
 Thickness of water bearing material 38'
 Depth to water (ground surface to water level) 120' ?

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

On same owner's property No Supply rds. On property owned by others 120 rds.

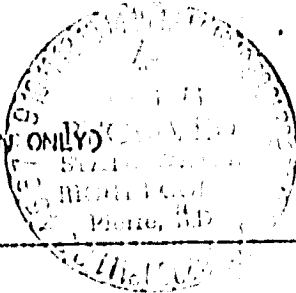
G. Water Storage Dams.

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.

Hendell Lewis
 Signature of Applicant

CONSERVATION
COMMISSION
FORM W1 #1

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



NAME Wendell Lewis
ADDRESS Britton S. Dak.
COUNTY Marshall

LEGAL DESCRIPTION

1. WELL LOCATION Cont. of NW 500 32-128-57
2. LOCATION OF AREA TO BE IRRIGATED NW 500 32-128-57

TYPE OF IRRIGATION

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

WATER QUALITY

5. SAMPLE NUMBER 76-1805
6. SALINITY (EC X 10⁶) 1640 (high)
7. SODIUM (SAR) 2.13 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

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

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

Wendell Lewis
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
8 DAY OF July 1976.

John S. [Signature]
(TITLE OR SEAL)

Albert J. [Signature]
APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)

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

Submitted by: Wendell Lewis
 Address: Britton, SD 57430

Date Rec'd November 8, 1976
 Sample No. 76-1805
 Identification Well-
NW 1, Sec. 32, T 128N, R 57W

WATER ANALYSIS

Calcium (Ca)	114	ppm*	5.70	me/l**
Magnesium (Mg)	26	ppm	2.13	me/l
Sodium (Na)	97	ppm	4.22	me/l
Potassium (K)	12	ppm	0.31	me/l
Sulfate (SO ₄)	295	ppm	6.14	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	8	ppm	0.22	me/l
Bicarbonate (HCO ₃)	459	ppm	7.52	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)	376	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1640	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	2.13			
Sodium	34.14	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.67			

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

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

COMMENTS: Total cations 12.36 me/l
 Total anions 13.88 me/l

By: Shirley Mitten

Service Performed	Amount Due
Irrigation analysis	\$8.00 PAID
Make check payable to: Water Quality Laboratory	
Cut along this line and return the lower portion with payment	
Sample No. <u>76-1805</u>	Amount Enclosed \$

Signed _____



December 6, 1976

Mr. Wendell Lewis
Britton, SD 57430

Dear Mr. Lewis:

Your water sample (Lab. No. 76-1805) has been analyzed and the results are reported on the accompanying sheet, which is your copy to keep.

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

This water is marginal for use on the soils you intend to irrigate and should be considered for use only under the following conditions:

- (1) It will be used no more than 3 times (preferably less) in any growing season.
- (2) The soil will be completely filled with water so natural leaching can occur, by irrigating in the late fall just before freeze-up, at least one year out of 3.
- (3) Water applications will be made each irrigation to completely re-wet the entire depleted soil within the rooting zone of the crop being grown. This may require 3-5 inches of water each irrigation with fine soils.
- (4) If a salt problem or soil dispersion occurs, contact extension personnel or this office for management recommendations.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOF:ckb

Enclosures

cc: State Conservation Commission

Form 8 - Notice of Intent to Appropriate Water

No. 3335-3

Publish first publication, on or before January 12, 19 77

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 26, 19 75

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

_____ center of the NW 1/4 _____

of Section 32, Twp. _____, Range 57W. Said water to be used for the purpose
of providing irrigation on portions of the following described land:

NW 1/4, Section 32, T120N, R57W

This application No. 3335-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 26th day of January, 19 77, at 10:00 A.M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Wendell Lewis, Britton, SD 57430

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

No. 3335-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Marshall) ss.

2T (Jan. 5-12)

No. 3335-3

Pierre, So. Dak. 57501
Dec. 28, 1976

NOTICE OF INTENT
TO APPROPRIATE
WATER

Notice is hereby given that
Wendell Lewis whose post office
address is Britton, South
Dakota, has made an ap-
plication in accordance with the
provisions of the water laws of
South Dakota for a permit to
appropriate for beneficial use
2.2 cubic feet of water per
second of time from ground
water through the Lewis No. 2,
the point of diversion of which is
to be located in the center of the
NW $\frac{1}{4}$ of Section 32, Range 57W.
Said water to be used for the
purpose of providing irrigation
on portions of the following
described land:

NW $\frac{1}{4}$, Section 32, T128N,
R57W.

This application No. 3335-3
will be considered by the Water
Rights Commission at their
office at Pierre upon the 26th
day of January, 1977, at 10:00
A.M. All interested persons
may appear and be heard.

WATER RIGHTS
COMMISSION

By: Burton F. Jones
Water Rights Specialist

I, C. L. Ward hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Britton Journal

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 Britton

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

January 5, 1977

January 12, 1977

(Signature)

(Title)

(Date Signed)

January 27, 1977



REPORT ON
WATER RIGHT APPLICATIONS
NO. 2920-3, NO. 2921-3, NO. 3014-3 & NO. 3335-3
January 17, 1977

The Water Rights Commission deferred action at the September 29-30, 1976, meeting on the Charles Pitkin applications No. 2920-3 and No. 2921-3, and at the November 16-18, 1976, meeting on the Alfred Eberhart application No. 3014-3 pending an investigation by the Commission staff. The Wendell Lewis application No. 3335-3 has been advertised for the January 26-27, 1977, meeting. An investigation was conducted in the Marshall County area December 14-15, 1976.

Applications and Permits

The following table lists the area. Water Right Applications and Permits with wells into the James Aquifer. The project locations are shown on the attachment.

<u>Number</u>	<u>Name</u>	<u>Priority</u>	<u>cfs</u>	<u>Acres</u>	<u>Well Depth</u>	<u>Status</u>
2205-3	Bernard Buisker	2-18-75	2.6	185	1 well 130'	Approved 3-20-75
2460-3	Wendell Lewis	10-21-75	3.0	441	1 well 175'	Approved 1-22-76
2461-3	Charles Pitkin	10-21-75	3.3	231	1 well 159'	Approved 1-22-76
2920-3	Charles Pitkin	5-19-76	4.46	320	1 well 170'	deferred 9-29-76
2921-3	Charles Pitkin	5-19-76	2.23	160	1 well 160' WL at 18'	deferred 9-29-76
3014-3	Alfred Eberhart	8-16-76	2.22	440	1 well 155'	deferred 11-17-76
3335-3	Wendell Lewis	11-17-76	2.2	156	1 well 158'	Advertised for 1-26-77 meeting

Geology of the Area

Bulletin 23, "Geology and Water Resources of Marshall County, South Dakota, Part I: Geology and Water Resources," dated 1975, describes the James Aquifer in Marshall County. The James Aquifer underlies 220 square miles in Marshall County and contains about 1.5 million acre-feet of water.

Water Right Applications No. 2920-3, No. 2921-3, No. 3014-3 &
No. 3335-3

Page two

Recharge to the aquifer is inflow from Brown County and possibly Day County and by percolation of rainfall and snow melt through overlying lake plain sediments and till. Natural discharge is by subsurface outflow into North Dakota. The rate of movement is only a few tens of feet per year.

Persons Contacted

Charles Pitkin, Alfred Eberhart, Burdeeve Chapin, Roland Vold, and Sherman Vold were contacted during the investigation.

Domestic Well Information

The following table lists information on area domestic wells most of which are into the James Aquifer. The well locations are shown on the attachment.

<u>Name</u>	<u>Date</u> <u>Drilled</u>	<u>Domestic</u> <u>Well Depth</u>	<u>Diameter</u>	<u>Water</u> <u>Level</u>	<u>Depth to</u> <u>Aquifer</u>	<u>Pump</u> <u>intake</u> <u>Setting</u>
Burdeeve Chapin	1956	160'	3"	22'	148'	55'
Pasture Well		75'				
Myron Chapin	1976	160'	3"			
Wilfred Chapin	1961	150'	3"	7'	140'	50'
Elfred Eberhart		60' 153'		22'	102'	
Roy Mundt	not home at time of investigation					
Richard Pitkin		155'				
Carlton Chapin	1972	170'	3"	12' 35'*	160'	50'
Orvin Nelson	not home at time of investigation					
Roland Vold	1975	161'	4"	27'	140'	100'
Sherman Vold	1975	150'	4"	14'	130'	70'

* Reported level summer, 1976

Water Right Applications No. 2920-3, No. 2921-3, No. 3014-3 &
No. 3335-3
Page three

Discussion

There is no question that unappropriated water is available. The main problem is in regard to inadequate artesian domestic wells which are affected by irrigation pumping. Spacing between irrigation wells could become a factor at a latter date, but spacing of existing and proposed irrigation wells appears to be satisfactory.

Several domestic well owners near existing irrigation wells were reported as having to lower their pump intakes during 1976. Additional permits will result in the loss of additional artesian head during the irrigation season.

An adequate well into the James Aquifer is a well in which the pump intake can be placed at least 20 feet into the aquifer providing the aquifer is thick enough.

Newer domestic wells with 4 inch casings appear to be adequate wells, although it may be necessary to lower the pump intakes down into the aquifer in the future. A new well with a three inch casing may not be adequate if the pump intake can not be lowered down into the aquifer. Adequate well construction has been required for new wells drilled since 1972.

Older wells with pump intake settings as low as possible may be affected by increased irrigation which temporarily lowers the artesian head. Such wells may have to be replaced if pump intakes cannot be lowered into the aquifer.

There are four U.S. Geological Survey observation wells which can be used to monitor water levels. The Commission Staff are planning to measure observation wells in the area every two weeks during the period May through September.

Legislation passed in 1972, does not require the artesian head of an artesian aquifer to be protected on a continuous basis. The Commission has also said at the July and November, 1976, meetings that it will not protect inadequate wells from interference by nearby irrigation pumping beyond July 1, 1977.

As long as water levels return to basically the same level each year, taking into account moisture conditions, an aquifer is not being depleted. Observation wells will be used to determine if water levels are returning to normal after each pumping season. State law does not permit ground water supplies to be depleted on a continuous basis.

The Commission Staff believes that the deferred applications and the advertised Lewis application can be approved. Nearby inadequate wells may be affected by such pumping with the result being that inadequate wells must be changed to allow pump intakes to be lowered or new wells drilled.

Water Right Applications No. 2920-3, No. 2921-3, No. 3014-3 &
No. 3335-3
Page four

Recommendations

Based upon the Marshall County ground water study and the investigation, there is unappropriated water available and the Commission Staff recommends that deferred Applications No. 2920-3, No. 2921-3, and Nol 3014-3 and advertised Application No. 3335-3 be approved with the following qualification.

"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 existing domestic wells or in irrigation wells having prior water rights."

JOHN HATCH, Chief Engineer
Water Rights Commission

32	33	34	35	36	31	32	33	34	35	36
				R58	R57					
5	4	3	2	1	6	5	4	3	2	1
8	9	10	11	12	7	8	9	10	11	12
			Charles PITKIN 2421-3 deferred							
17	16	15	14	13	18	17	16	15	14	13
20	21	22	23	deferred Bilbert Eberhart 3014-3	19	20	21 Myron Chapin	22	23	24
							USC's - NO observation well	Gardeana Chapin	Wilfred Chapin	
29	28	27	26	Ray Moule	30	28	27	26	25	25
				Charles PITKIN 2461-3	Charles PITKIN 2420-3 deferred					
32	33	34	35	36	31	32	33	34	35	36
					Sherman Vaid	advertised				
5	4	3	2	1	6	5	4	3	2	1
				Wendell Lewis 2460-3	USGS observation well		Carleton Chapin	USGS observation well		

448.26912

March 3 1940

Dear Sirs,

We received our permits
and put in two irrigation wells
one in 1976 and another in 1977

We have been told that we
must get a license to irrigate
with in 5 yrs from when
we started. As this is so
we would like to apply
for this and get it done
some time before this time
expires

Please advise
Hendell Lewis
Britton 57430



3335-3

2460-3

Water Rights, Water Management Division
(605) 773-3352

March 14, 1980

Wendell Lewis
Britton,
South Dakota 57430

Dear Mr. Lewis:

Your Notice of Completion of Works and Application of Water to Beneficial Use under Water Right Permit No. 3335-3 and 2460-3 dated March 3, 1980 was received March 5, 1980.

We will endeavor to schedule an inspection of your project as soon as possible. However, because of prior work commitments there may be a considerable interval of time.

You have thus far complied with all of the requirements and the intervening time between your notifying this office and the performance of the inspection will now affect the completing of your Water Right.

Should you have future questions, please feel free to contact this office.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BJJ:kw

Permit No. 3335-3Water Division 3 JAMES RIVER Water District
Red CloudREPORT 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 WENDELL
LEWIS of BRITTON holder
of Permit No. 3335-3, bearing date of priority of NOVEMBER 17, 1976
authorizing the diversion of 2.2 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in MARSHALL 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:

160' DEEP WELL WITH 12" STEEL CASING - 25' SS SCREEN
AURORA VERTILINE 8" PUMP - 4 1/2 HP, POWERED BY
75HP US ELECTRIC MOTOR @ 1765 RPM

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

30' OF 8" ALUMINUM LINE TO CENTER OF PILOT

C. Works used to apply water to beneficial use.

10 TOWER ZIMMATIC CENTER PILOT SYSTEM-MODEL 410,
WITH NELSON #100 END GUN

The system is in the following condition: GOODThe point of diversion is located 30' NW OF THE CENTER OF THE
NW⁴ SECTION 32, T128N, R57WThe works are capable of diverting and conveying to the place of use 1.78 (800 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 132 ACRE CIRCLE IN THE
NW⁴ SECTION 32, T128N, R57W

comprising a total of 132 acres of land.

Date SEPTEMBER 15, 1982
Rayton J. Jones
Signature

WATER LICENSE NO. 3335-3

(1) WHEREAS, On the 17th day of November, A. D. 1976
Wendell Lewis

made Water Right Application No. 3335-3 for a permit to use 2.20 cubic feet per second of the waters
of groundwater (one well)
County of Marshall, State of South Dakota, for Irrigation

_____ purposes; and
(2) WHEREAS, On the 27th day of January, A. D. 1977
3335-3 with a date of priority of November 17, 1976

was issued to said applicant _____ for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 27th day of January, A. D. 1982 and for the
application to beneficial use of said water on or before the 27th day of January, A. D. 1984

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 1.78 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,

for irrigating a 132 acre circle in the NW 1/4 Section 32, T128N, R57W

(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 Wendell Lewis, Box 187

_____ of Britton, South Dakota 57430
the holder _____ and owner _____ of said permit No. 3335-3 a water right, dating from November 17, 1976
_____ to use of 1.78 cubic feet per second of the waters
of groundwater (one well)

in the County of Marshall and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 30' NW of the center of the NW $\frac{1}{4}$, Section 32,
T128N, R57W (BB)

and conducted to and upon a 132 acre circle in the NW $\frac{1}{4}$, Section 32, T128N, R57W

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 3335-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 9th day of December A.D.
Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

by

John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

Permit No. 3335-3

Water Diversion No. 3 Red Rainy Water District
09020105

CERTIFICATE OF CONSTRUCTION

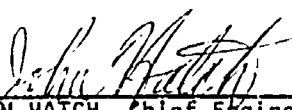
This is to Certify, That Vendell Lewis

_____ the holder _____ of
Permit No. 3335-3, issued upon Application No. 3335-3, hearing date of priority of November 17
1976 authorizing the diversion of 2.20 cu. ft. per second of the waters of _____
groundwater (one well) County of Marshall, State of South Dakota at _____
a point 30'NW of the center of the NW $\frac{1}{4}$, Section 32, T128N, R57W (BB)

_____, for Irrigation

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.78 cu. ft. per second of water.

Date December 8, 1982



JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9056

PIERRE, December 6, 1982

RECEIVED OF Mendall Lewis, Box 187, Britton, SD 57430

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. <u>3335-3</u>	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. <u>3335-3</u>		
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 John Hatch
Chief Engineer, Executive Officer
JOHN HATCH/ms



3335-3
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: WENDELL LEWIS, 10626 424TH AVE, BRITTON, SD 57430

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire has not been submitted for Permit No(s) 2460-3 & 3335-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

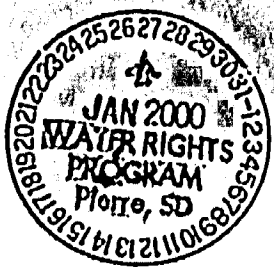
The hearing will be held at 1:30 pm, March 1, 2000, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2460-3 & 3335-3 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, 2000, 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.



3375-3

Mesa az 85205
Jan 22/2000

Dear Mr Duwall;

I can't believe that I neglected to return the questionnaire this past fall.

I believe I have returned it each year since 1976, the first year we used the irrigators.

We have had so much rain in both 98 and 99, that we did not pump any water.

I'm sorry I slipped up on sending it in but maybe next year it won't rain enough, and I sure want to maintain my permit.

Thanks for reminding me
Sincerely,

If you need the questionnaire please let me again,

Stindell Lewis
5001 E Main PO 1449
Mesa az 85205

3335-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2000

2460-3

3335-3

Wendell Lewis
PO Box 1449
Mesa, AZ 85205

Dear Mr. Lewis:

I am writing to acknowledge receipt of the information for your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit Nos. 2460-3 and 3335-3.

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

RONAYNE AND WEIN, LLP

ATTORNEYS AND COUNSELORS AT LAW

RONAYNE BUILDING

505 SOUTH WASHINGTON STREET
SIOUX FALLS, SOUTH DAKOTA 57102-0759

RONAYNE LAW OFFICE, P.C.
ROBERT M. RONAYNE, EPLS*
MIKE RONAYNE, OF COUNSEL
DALE A. WEIN

POST OFFICE BOX 759
TELEPHONE (605) 225-0100
FACSIMILE (605) 225-9558
E-MAIL: rob@ronayne.com

JOE L. MAYNES (1926-1998)

December 11, 2000

Chief Engineer
Water Rights Program, DENR
523 East Capitol
Pierre, South Dakota 57501-3181

Re: Lewis/Newport Hutterian Real Estate Transaction
Transfer of Water Rights

Sir/Madam:

Enclosed herewith please find the following:

1. notice of transfer of ownership; and
2. our office check in the amount of \$2.50.

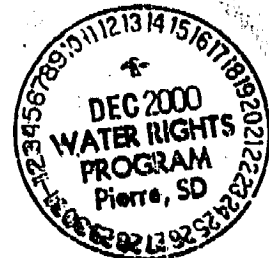
If you could please process in the normal manner, it will be very much appreciated.

Should you have any questions with regard to this matter, please do not hesitate to contact me.

Very truly yours,

ROBERT M. RONAYNE

RMR:kz
Enclosure



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No 416713

Pierre, December 14, 2030

Post Office Box 759, Aberdeen SD 57402 (Newport Hurter Jan. Brethsen Inc)

RECEIVED OF Ronayna Law Office, PC. Post Office Box 759, Aberdeen SD 57402 (Newport Hurter Jan. Brethsen Inc) 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 _____ to Appropriate Water, for Future

Fee for Application for Permit No. _____ Use _____ after period of seven years.

Fee to obtain Future Use Permit No. _____ to Appropriate Water, to construct

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water

2 50

License No. _____

Fee for Filing Transfer Form 3335-3

Fee for Filing Extension Request

Fee for _____

Total 2 50

(Any Other Work Provided by Law)

By Darland Ebele gm

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3335-3

Date: December 11, 2000

I/We request that Water Permit/Right No. _____

formerly owned by: Wendell Lewis

be transferred to: (name & address) Newport Hutterian Brethren, Inc., RR 1, Box 41,

Claremont, South Dakota 57432

Telephone No. _____

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

Northwest Quarter of Section 32, Township 128 North, Range 57 West of the 5th P.M.,
Marshall County, South Dakota.

I/We understand that the validity of Water Permit/Right No. _____ 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 attached to cover the filing fees as required under SDCL 46-2-13.

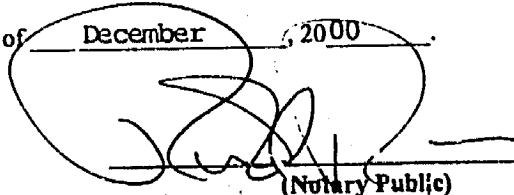
STATE OF SOUTH DAKOTA)

County of Brown)

I/We Wendell Lewis and Luella Lewis 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.

Wendell Lewis - Luella Lewis
Wendell Lewis (Signed) Luella Lewis

Subscribed and sworn to before me this 11th day of December, 2000



(Notary Public)

My Commission Expires:
May 5, 2004

Robert M. Ronayne
Notary Public - South Dakota

NOTE: Water permits may be canceled for nonconstruction within the five year construction period. 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

August 6, 2001

3335-3

Sam Waldner
Newport Hutterian Brethren, Inc
RR 1 Box 41
Claremont, SD 57432

Dear Mr. Waldner:

I am contacting you in regard to Water Right No. 3335-3. The water right, held by Wendell Lewis, authorizes irrigation of the NW ¼ Section 32, T128N, R57W. Mr. Lewis submitted a "Notice of Transfer of Ownership" form and the filing fee back in December, 2000 to have the water right transferred to Newport Colony.

Mr. Lewis signed the original form; however, we actually need your signature or another representative of the colony on the form instead of Mr. Lewis's signature. I am enclosing a partially completed "Notice of Transfer of Ownership" form. Please review the form and sign it in the presence of a notary public. Upon completion, please mail the form back to our office. The filing fee for the transfer has already been paid. No additional fees are needed.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3335-3

Date: _____

I/We request that Water Right No. 3335-3

formerly owned by: Wendell Lewis

be transferred to: (name & address) Newport Hutterian Brethren, Inc., RR 1 Box 41, Claremont, SD 57432

Telephone No. _____

The following described land(s)/property has been transferred as described above:

NE 1/4 Section 32, T118N, R57W

I/We understand that the validity of Water Right No. 3335-3 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.

STATE OF SOUTH DAKOTA)

County of Brown)

I/We Sam Waldner, President 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.

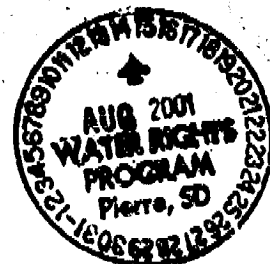
Sam Waldner President
(Signature of new owner)

Subscribed and sworn to before me this 13 day of August, 2001.

[Signature]
(Notary Public)
Expiration: 1/13/2006

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 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

August 15, 2001

3335-3

Sam Waldner
Newport Hutterian Brethren, Inc
RR 1 Box 41
Claremont, SD 57432

Dear Mr. Waldner:

Thank you for following up on the ownership change for Water Right No. 3335-3. The water right, formerly held by Wendell Lewis, is now listed in the name of Newport Hutterian Brethren, Inc.

Enclosed is a copy of the water right and a sample copy of the annual irrigation questionnaire. All irrigators in the state, with the exception of those with waterspreading systems, are required to complete an annual irrigation questionnaire. The sample copy will give you an idea of what type of information you will need to keep track of during the irrigation season. The actual form that will need to be completed and returned to our office will be mailed to you in October.

I am forwarding the receipt for the transfer filing fee to the law office that handled the transaction. If I can answer any questions for you, please contact me.

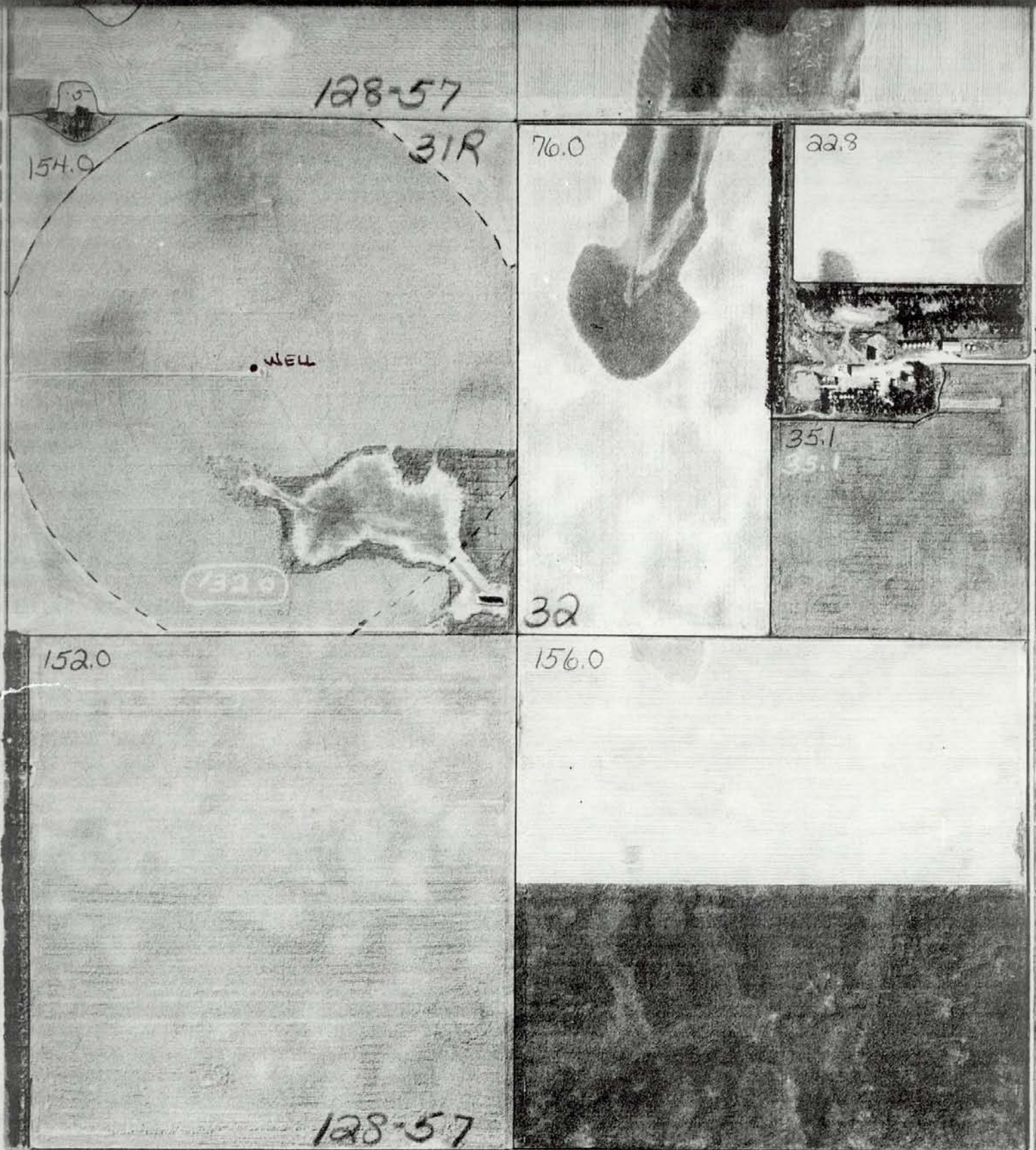
Sincerely,

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

enclosures

c: Robert Ronayne, Attorney At Law w/copy of the receipt

NOT TO SCALE 3335



Map # 2621-3 Appl. 3335-3

NOT TO SCALE

128-57

1975

740 9R

Wendell Lewis
Irrigation Project #2
Britton S. Dakota
57430

Area irrigated NW⁹ sec 32 - 128-57
Acres irrigated - 156
Water claimed - 2.2 cfs

Nov 8 1976

32

152.0

Prepared by:
Floyd Shuman, District Conservationist
Soil Conservation Service
Britton, S. Dak.

1560

128-57

John Shuman

App. N. 3335-3
Map N. 26-1-3

2014 Water Management Board Irrigation Questionnaire

Please fill out and return before **December 1, 2014**

REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501 3181 ph. (605) 773 3352 or send your form(s) electronically over the internet at <http://denr.sd.gov/iq.aspx>

Permit No. 3335-3

SAM J WALDNER, PRESIDENT
NEWPORT HUTTERIAN BRETHREN INC
11796 414TH AVE
CLAREMONT SD 57432

Any address/ownership corrections?

Email _____

Phone _____

1. Did you irrigate in 2014? *yes ☐ **no ☒

*If yes, number of acres irrigated? _____

**If no, check reason(s) for not irrigating acres covered by Permit No. 3335-3

sufficient moisture ☒ no water available ☐

system not constructed ☐ use abandoned ☐

enrolled in CRP ☐, through what year? _____

other ☐, please explain in the Comment Box:

Comment Box

2. If your answer to question No. 1 is "no," you are done!
If you answered "yes," please complete Nos. 3, 4 & 5.

3. Did you apply chemicals or fertilizer through the system in 2014? yes ☐ no ☐

4. If more than one water source is listed below, circle each source used. A. GROUNDWATER

5. Provide your water use on the back of this form.



NUNW	NENW	NUNE	NENE
☒ NW		☒ NE	
SWNW	SENW	SWNE	SENE
NWSW	NESW	NWSE	NESE
☒ SW		☒ SE	
SWSW	SESW	SWSE	SESE

1 square mile

Office use only

RECEIVED

OCT 23 2014

**WATER RIGHTS
PROGRAM**

Acreage permitted for irrigation under No. 3335-3

(see above section map for help reading legal descriptions)

sec 32-T128N-R57W, NW1/4 - 132.0 acres

This land is own Bx

Westwood Hutterian Brethren Inc
499 westwood Rd
Britton SD 57430

Thanks

Paul Glatko



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



October 24, 2014

3335-3

Paul Stahl
Westwood Hutterian Brethren Inc.
499 Westwood Rd
Britton SD 57430

Dear Mr. Stahl:

I am contacting you in regard to Water Right No. 3335-3, currently listed in the name of Newport Hutterian Brethren Inc. It is my understanding from your notation on the 2014 irrigation questionnaire that an ownership change is needed.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

I am also including a copy of the water right in the event you do not have one. If I can answer any questions for you, please give me a call.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3335-3

Date: 10-28-14

I/We request that Water Right No. 3335-3

formerly owned by: Newport Hutterian Brethren Inc

be transferred to: (name & address) Westwood Hutterian Brethren Inc
499 Westwood Rd Britton SD 57430

Telephone No. 605-448-5076

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

132 acres – NW ¼ Section 32, T128N, R57W

I/We understand that the validity of Water Right No. 3335-3 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 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 Paul Stahl, the new owner, certify that the above information is true and correct.

RECEIVED

OCT 31 2014

WATER RIGHTS
PROGRAM

Westwood HBF By Paul Stahl
(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 11/3, 20¹⁴

RECEIVED OF Westwood Hutterian Brethren 499 Westwood Rd Britton SD 57430

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>3335-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06974**

By *James Goodman*
Chief Engineer



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



November 3, 2014

3335-3

Paul Stahl
Westwood Hutterian Brethren Inc.
499 Westwood Rd
Britton SD 57430

Dear Mr. Stahl:

I am writing to acknowledge receipt of the transfer of ownership form and filing fee you submitted for changing ownership on Water Right No. 3335-3.

The ownership change has been completed. Water Right No. 3335-3, formerly held by Newport Hutterian Brethren Inc., is now listed in the name of Westwood Hutterian Brethren Inc.

Enclosed for your records is Receipt No. 06974 in the amount of \$50 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

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

enclosure