

Water Right Number 3440-3

1. Considered 1-26, 19 77
2. Name of Applicant PENRHOS FARMS
3. Post Office Address BRITTON
4. Amount of Water claimed ~~25.55~~ 3.30
5. Source of Water supply LOCAL POND OFF (2 DAMS - 140 AC FT STORAGE)
6. Water to be used for IRRIGATION
Acres to be irrigated 233
7. Water to be diverted and used in MARSHALL County
about 2E, 5S miles 10 of BRITTON
8. Proof of Publication Received ~~1-26~~ 2-7-77
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

No. 3440-3Map No. 2720-3 Water Division No. 3 JAMES RIVER District
(Blanks to be filled by the applicant for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE: Drawings are not applicable)

1. Name of Applicant Penrhos Farms, Inc.
 Postoffice address Britton, State South Dakota
 If a corporation show date and place of incorporation April, 1965 Britton, S. Dak.
2. Method of accomplishing work (contract, employment of others, or by direct labor) _____
3. Name of diversion work PENRHOS FARMS #1
4. Amount of water claimed (cubic feet per second) 3.30
5. Source of water supply LOCAL RUNOFF
6. Location of point of diversion IN THE N²SW⁴ SECTION 17; AND NEAR THE CENTER OF THE NE⁴ SECTION 19, T126N, R57W
 County MARSHALL
7. Annual period or periods during which water is to be used APRIL THROUGH OCTOBER
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use, Total number of acres to be irrigated 233

List below each farm, 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.
<u>S.W. 17-126-57</u>	<u>54.8</u>	<u>N.E. 19-126-57</u>	<u>52.5</u>
<u>S.E. 18-126-57</u>	<u>148.0</u>	<u>N.E. 19-126-57</u>	<u>20.7</u>
<u>from Dam #2</u>		<u>from Dam #1</u>	

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 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.

Dam Port a No. 1 + No. 2 Dams

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

Portable Pump + Pipe

C. Works proposed to apply water to beneficial use.

Big Gun or Center PivotEstimated Total Cost \$ 25,000.00Attachments: 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)

County of Marshall) ss.I, Penrhos Farms, Inc., 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

Subscribed and sworn to before me this

16 day ofDecember, 1976.Kenneth E. Stelton
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3440-3
PENRHOS FARMS, INC. BRITTON
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57430 With the following modifications:
 (State)

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE,
 INCLUDING LIVESTOCK WATERING, MUST BE BY-PASSED.
 APPROVAL OF THIS PERMIT AUTHORIZES STORAGE OF 140
 ACRE FEET OF WATER ANNUALLY.

Date of first receipt of application DECEMBER 17, 19 76
 Date of return to applicant for correction, amendments or changes required _____, 19 ____
 Date of receipt of corrected application _____, 19 ____
 Approved JANUARY 27, 19 77, Recorded in Book 17 Page 174

WATER RIGHT PERMIT NO 3440-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3440-3 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 DECEMBER 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 77
3. The whole of said work is to be completed on or before JANUARY 27, 19 78
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 27, 19 80
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 3.30 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 80; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 12TH day of APRIL, 19 77

WATER RIGHTS COMMISSION

By:

John H. Huth
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

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

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

D. Well Information or Estimates

(1) Drill Hole, Diameter _____, Depth _____

(2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type _____, Diameter _____, Length _____

(4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

(1) Surface dimensions No #1 7.5 A No #1 10.5 feet
No #2 14.5 A No #2 19.5 feet, 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 _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

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

On same owner's property _____ rds. On property owned by others _____ 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.

Dam #1

Height fill - 13.6 3.6 free board
max water depth 10 feet
Surface Area 7.5 Acres
Storage Capacity 30 A. FT.

Dam #2

Height fill 23' 4' free board
max water depth 19'
Surface Area 14.5 Acres
Storage Capacity 110 A FT

Benches Farms Inc.
Signature of Applicant

Form 6 - Notice of Intent to Appropriate Water

No. 3440-3

Publish first publication, on or before January 11, 1977

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 6, 1977

Notice is hereby given that Pancho Farm, Inc.
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
3.3 cubic feet of water per second of time from the local runoffs
Pancho # 1 are, the point of diversion of which is to be located in the

N4 SW1, Section 17, and near the center of the NE1

of Section 19, Twp. 126N, Range 57W. Said water to be used for the purpose
of providing irrigation on the following described land:

SW1, Section 17; NE1, Section 17; NE1, Section 19, T126N, R57W

This application No. 3440-3 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

BFJ/bw

cc: Pancho Farms, Inc., Britton, South Dakota 57430

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

No. 3440-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Marshall) ss.

I, O. L. Card 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 12, 1977
January 19, 1977

(Signature)

(Title)

(Date Signed)

No. 3440-3

2T(Jan. 12-19)

Pierre, So. Dak. 57501
Jan. 6, 1977

NOTICE
INTENT TO
APPROPRIATE WATER

Notice is hereby given that
Penrhos Farms, Inc. 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
3.3 cubic feet of water per
second of time from the local
runoffs through the Penrhos No.
1, the points of diversion of
which are to be located in the
NW 1/4 Section 17, and near
the center of the NE 1/4 of Section
19, Twp. 126N Range 57W. Said
water to be used for the purpose
of providing irrigation on
portions of the following
described land:

SW 1/4 Section 17, SE 1/4
Section 18, NE 1/4 Section 19, T.
126N, R57W.

This application No. 3440-3
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 COM-
MISSION

By: Burton F. Jones
Water Rights Specialist



4/30
Hold until

WATER RIGHTS COMMISSION HEARING
REGISTRATION

3440-3

NAME: Curt Jones

REPRESENTING:

YOURSELF: ☒



GROUP: Penrhos Farms

ADDRESS:

Britton So Dak

WISH TO MAKE A STATEMENT: YES: ☒ NO: ☐

Yes - Curt Jones

Form 10.

No. 34403



NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office BRIITON; S.D. 5743

Date August 10, 1978

TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 34403

Water Right Permit No. 34403, states that the diversion system is to be constructed by April 27, 1977 and that the water is to be put to beneficial use by Jan. 27, 1980.

The diversion system was completed on April 15, 1977.
Applying the water to beneficial use was completed on July 10, 1978.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Percy Farms Inc.
Maurice Jones, Sec.
(Signature)



3440-3
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: PENRHOS FARMS INC, CURT JONES, 42196 115TH ST, BRITTON, SD 57430 5625
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. 4891-3, 4891A-3, 5000-3 & 5291-3, 3440-3. 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) 3440-3 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) 4891-3, 4891A-3, 5000-3 & 5291-3 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) 4891-3, 4891A-3, 5000-3 & 5291-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3440-3 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.

3440-3

SENDER COMPLETE THIS SECTION

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

1. Article Addressed to:

PENRHOS FARMS INC
CURT JONES
42196 115TH ST
BRITTON SD 57430 5625

2. Article Number (Copy from service label)

PS Form 3811, July 1999

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

11/9/00

C. Signature

X

M. Jones

☐ Agent

☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Domestic Return Receipt

102595-99-M-1789

Z 227 670 293



3440-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 9, 2000

Curt Jones
Penrhos Farms, Inc
42196 115th St
Britton, SD 57430-5625

RE: Water Right/Permit Nos. 3440-3, 4891-3, 4891A-3, 5000-3 & 5291-3

Dear Mr. Jones:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Right/Permit Nos. 3440-3, 4891-3, 4891A-3, 5000-3 & 5291-3.

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

3440-3

SENDER COMPLETE THIS SECTION

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

1. Article Addressed to:

PENRHOS FARMS INC
CURT JONES
42196 115TH ST
BRITTON SD 57430 5625

COMPLETE THIS SECTION FOR DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X

Marvin Jones

☐ Agent

☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7000 0606 0026 9814 3901

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



3440-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

TO: PENRHOS FARMS INC, CURT JONES, 42196 115TH ST, BRITTON, SD 57430 5625
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaires

Our records indicate that the 2000 Irrigation Questionnaires have not been submitted for Permit Nos. 4891-3, 4891A-3, 5000-3, 5291-3 & 3440-3. The request for the Questionnaires was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 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. 3440-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit Nos. 4891-3, 4891A-3, 5000-3 & 5291-3 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 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 Nos. 4891-3, 4891A-3, 5000-3 & 5291-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No. 3440-3 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 March 2, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 6, 2001

Curt Jones
Penrhos Farms Inc
42196 115th St
Britton, SD 57430-5625

RE: Water Permit Nos. 3440-3, 4891-3, 4891A-3, 5000-3 and 5291-3

Dear Mr. Jones:

I am writing to acknowledge receipt of your 2000 irrigation questionnaires. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Permit Nos. 3440-3, 4891-3, 4891A-3, 5000-3 and 5291-3.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 13 2003

5291-3

Penrhos Farms Inc
%Curt Jones
42196 115th St
Britton SD 57430

Dear Mr. Jones:

Enclosed is Water License No. 5291-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 000482 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

NOTE: The applicable portions of Nos. 3440-3, 4891-3, 4891A-3 and 5000-3 are incorporated into Water License No. 5291-3.

enclosures

NOT TO SCALE

148.6

Highland
?
New Caspian

18

~~148.1~~
74.0

74.1

1487

176.57

66.0

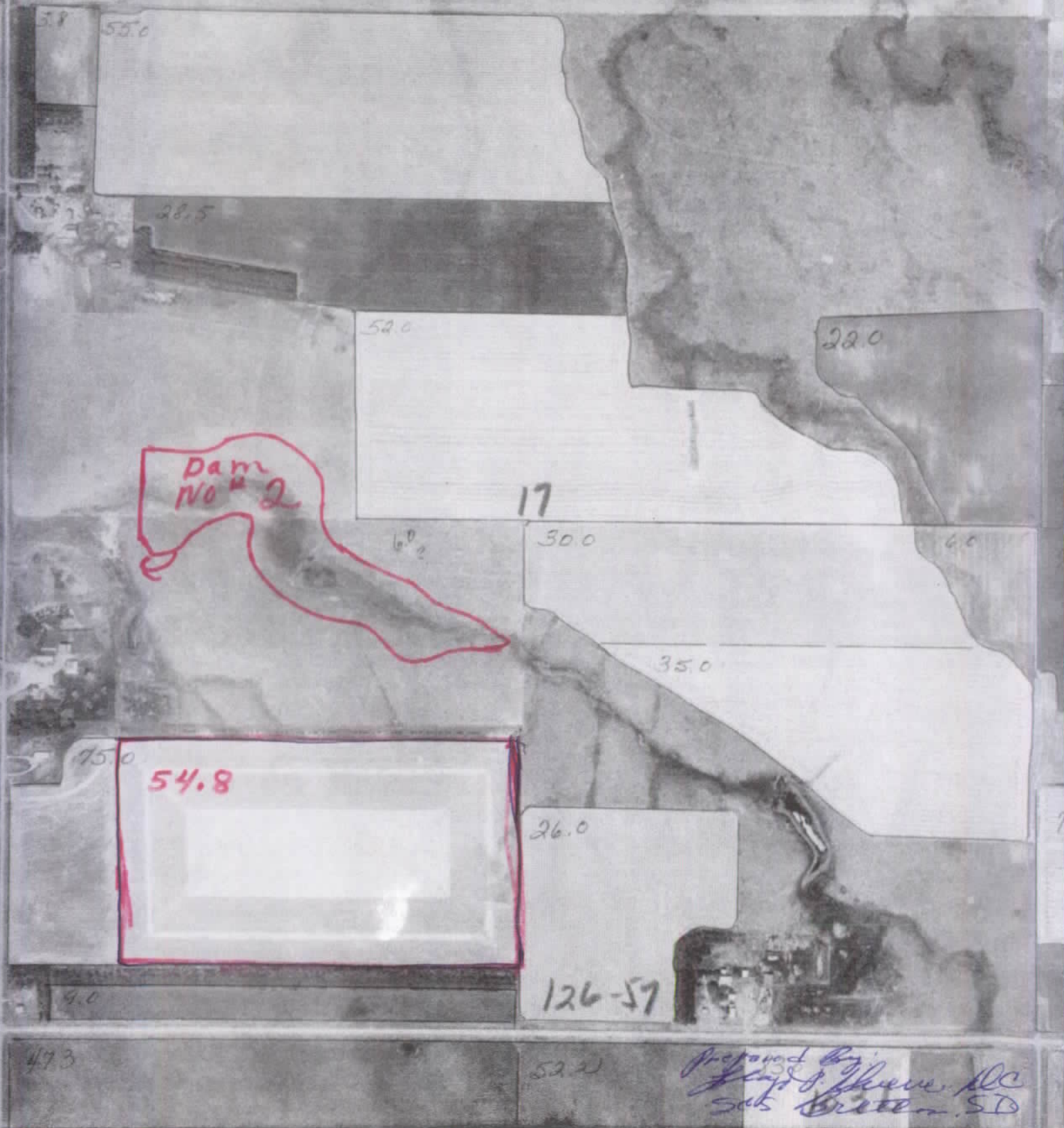
Prepared by:
George Thomas III
303 Green St.

57.5

102h

MAP NO 2720-3 APPEND 3440-3

NOT TO SCALE



NOT TO SCALE

176-57

64.0

57.5

102.4

155.5

41.5

2m
NO 1

307

19

107.0

126-57

Prepared by
George W. Hume, Jr.
505 Britton St.