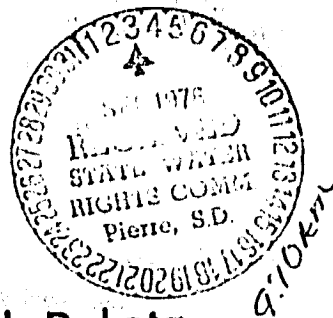


Water Right Number 8449-3

1. Considered 3-23, 19 77
2. Name of Applicant DUANE STRUCK
3. Post Office Address WOLSEY
4. Amount of Water claimed 4.0
5. Source of Water supply 100' WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 280
7. Water to be diverted and used in PEARLE County
about 3N, 1W miles of WOLSEY
8. Proof of Publication Received 1ST 3-22-77
Not Received _____
Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

No. 3449-3

Map No. 2729-3 Water Division No. 3 JAMES RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Duane Struck
 Postoffice address Holsey Rt 2, Box 97 State South Dakota 57384
 If a corporation show date and place of incorporation 1969 Holsey, S.D. Wernerstruck, Inc.
 2. Method of accomplishing work (contract, employment of others, or by direct labor) contract and direct labor
 3. Nature of diversion work _____
 4. Amount of water claimed (cubic feet per second) _____
 5. Source of water supply Ground water
 6. Location of point of diversion NW 34, 112-64 Center of SW 4, Sec 3
T11N, R64W

County Beadle7. Annual period or periods during which water is to be used April through October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use _____ Total number of acres to be irrigated 280

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE 1/4 NW 34, 112-64	45	NW 1/4 NE 34, 112-64	25
SE 1/4 NW 34, 112-64	45	SW 1/4 NE 34, 112-64	25
NE 1/4 SW 34, 112-64	45	NW 1/4 SE 34, 112-64	25
SE 1/4 SW 34, 112-64	45	SW 1/4 SE 34, 112-64	25

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 2 years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication Daily Plainsman

12. Principal Features of the Proposed Water Supply System.

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

Bowl pump

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

Main line

C. Works proposed to apply water to beneficial use.

Sprinkler system

Estimated Total Cost \$ _____

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

STATE OF SOUTH DAKOTA)

County of Beadle)I, Duane Struck 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 Duane StruckSubscribed and sworn to before me this 2nd day of September, 1976.W. H. H. H.
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3449-3
DUANE STRUCK W.D. SEY
 (Applicant) (Post Office Address)

SOUTH DAKOTA 57384 With the following modifications:
 (State)

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

See # 4046-3

Date of first receipt of application SEPTEMBER 3, 1976
 Date of return to applicant for correction, amendments or changes required , 19
 Date of receipt of corrected application SEPTEMBER 9, 1976
 Approved MARCH 23, 1977, Recorded in Book 17 Page 308

WATER RIGHT PERMIT NO. 3449-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3449-3 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 SEPTEMBER 3, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 23, 1979
3. The whole of said work is to be completed on or before MARCH 23, 1982
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 23, 1984
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 4.0 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 MARCH 23, 1984; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 19TH day of APRIL, 1977

WATER RIGHTS COMMISSION

By:

John H. Hark
 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 _____, 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 _____, 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 320+ rds. On property owned by others 160+ rds.

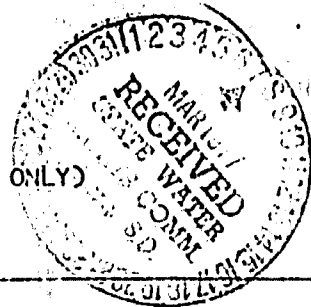
G. Water Storage Dams.

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.

Deane Stueb
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 Werner Struck Inc. (Duane Struck)

ADDRESS Wolsey, South Dakota 57384

COUNTY Beadle

LEGAL DESCRIPTION

1. WELL LOCATION SW 1/4 Sec 3, 111-64

2. LOCATION OF AREA TO BE IRRIGATED SW 1/4 Sec 3, 111-64
Sec 34, 112N-64W
NE 1/4 Sec 10, 111N-64W

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT X GUN _____

4. CROPS TO BE IRRIGATED Corn and alfalfa

WATER QUALITY

5. SAMPLE NUMBER 76-2125

6. SALINITY (EC X 10⁶) 1.535 (high)

7. SODIUM (SAR) 3.50 (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 Beadle 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.

Werner Struck
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
14 DAY OF February 1977.

Alfred J. Hoff
(TITLE OR SEAL) Director

Alfred J. Hoff
APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)

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 Werner Struck Inc. (Duane Struck)

ADDRESS Wolsey, South Dakota 57384

COUNTY Peadle

LEGAL DESCRIPTION

1. WELL LOCATION SW 1/4 Sec 3, 111-64

2. LOCATION OF AREA TO BE IRRIGATED SW 1/4 Sec 3, 111-64
SW 1/4 Sec 10, 111-64
SW 1/4 Sec 34, 112N-64W

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT X GUN _____

4. CROPS TO BE IRRIGATED Corn and alfalfa

WATER QUALITY

5. SAMPLE NUMBER _____

6. SALINITY (EC X 10⁶) _____

7. SODIUM (SAR) _____

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

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University
the soils information has been acquired from Peadle 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.

Duane Struck
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
14 DAY OF June 19 77.

Dick Wilson - Peadle Conservation District
(TITLE OR SEAL)

Albert J. Wilson

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: Werner Struck, Inc.
 Address: Wolsey, SD 57384

Date Rec'd December 28, 1976

Sample No. 76-2125

Identification 11

Sec. 3, T 111N, R 64W

paper for personal use only a/D Struck 2/25/77

WATER ANALYSIS

Calcium (Ca)	133	ppm*	6.65	me/l**
Magnesium (Mg)	49	ppm	4.02	me/l
Sodium (Na)	186	ppm	8.09	me/l
Potassium (K)	13	ppm	0.34	me/l
Sulfate (SO ₄)	530	ppm	11.02	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	29	ppm	0.81	me/l
Bicarbonate (HCO ₃)	429	ppm	7.04	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		g.p.g.***
Hardness (EDTA as CaCO ₃)		ppm		
Alkalinity (Methyl Orange)	352	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1535	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	3.50			
Sodium	42.35	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.75			

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

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

COMMENTS: Total cations 19.10 me/l
 Total anions 13.87 me/l

By: Shirley Mitten

Service Performed	Amount Due
Irrigation analysis	\$8.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-2125

Amount Enclosed \$

Signed



March 2, 1977

Wernor Struck, Inc.
c/o Duane Struck
Wolsey, SD 57384

Dear Mr. Struck:

Your water sample (Lab. No. 76-2125) 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

LOP:ckb
Enclosures
cc: State Conservation Commission
D. Pahl, Extension Service

P.S. Inasmuch as you earlier received a copy of the analysis, one is not included herewith. The high salt load (1.2 tons/acre foot) is the reason for the restricted recommendation. I'm returning herewith the soils information for sec. 3 and 10, which are not needed for this application. Note:

Mr. Griffiths & Hurt Jones: This is a different water supply from that proposed in Sept. 1976 for this tract of land.

Dec 22, 1976

DUANE STRUCK CALLED

CHANGING PT OF
DIVERSION FOR WELL

From NW $\frac{1}{4}$ 34, 112N-64W

To SW $\frac{1}{4}$ 3, 111N-64W

LAND TO BE IRRIGATED

IS SECTION 34, 112-64

SAME AS APPLICATION

DOING TEST PUMPING AND

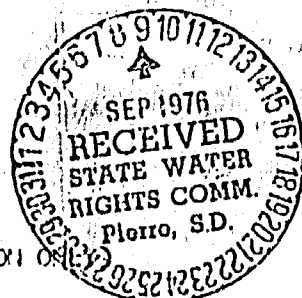
OBTAINING WATER

QUALITY FROM BROOKINGS

ON NEW LOCATION

Water Quality
coming in Sec. 3.

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)



NAME Duane Struck
ADDRESS RR # 2 Walsey, S Dak.
COUNTY Beadle

LEGAL DESCRIPTION

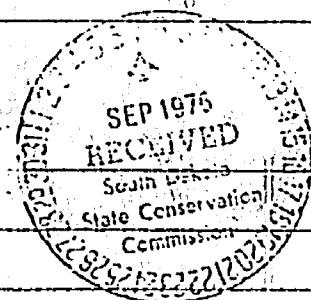
1. WELL LOCATION SW $\frac{1}{4}$ 34-112-64
2. LOCATION OF AREA TO BE IRRIGATED Part S $\frac{1}{2}$ 34-112-64

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE 11 _____ CENTER PIVOT ☒ _____ GUN _____
4. CROPS TO BE IRRIGATED Corn

WATER QUALITY

5. SAMPLE NUMBER _____
6. SALINITY (EC X 10⁶) _____
7. SODIUM (SAR) _____
8. RESIDUAL SODIUM CARBOXYLATE (meq/l.) _____



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

Duane Struck
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
30 DAY OF August 19 76.

Richard P. Adams - Beadle Co.
(TITLE OR SEAL) Conservation District, Sec

Noted
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: Layne Struck
 Address: Olney, SD 57384

Date Rec'd: August 30, 1976
 Sample No. 76-1224
 Identification: 011-100'
Box 34, E 11th, R 64W

WATER ANALYSIS

Calcium (Ca)	128	ppm*	6.40	me/l**
Magnesium (Mg)	39	ppm	3.80	me/l
Sodium (Na)	259	ppm	11.77	me/l
Potassium (K)	27	ppm	0.70	me/l
Sulfate (SO ₄)	630	ppm	13.20	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	34	ppm	0.95	me/l
Bicarbonate (HCO ₃)	539	ppm	8.84	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)	442	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1902	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	5.14			
Sodium	52.2%	% of cations		
Residual sodium carbonate	0.00	me/l		
Others:	7.31			

*ppm=parts per million
 **me/l=millequivalents per liter
 ***g-p-g=grains per gallon



COMMENTS: Total cations 21.57 me/l
 Total anions 22.89 me/l

By: Shirley Litten

Service Performed	Amount Due
Irrigation analysis	\$8.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-1224

Amount Enclosed \$ 18.00

Signed _____

Form 6 - Notice of Intent to Appropriate Water

No. 3449-5

Publish first publication, on or before March 14, 1977

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 14, 1977

Notice is hereby given that Duane Struck
whose post office address is Walsley, 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
4.0 cubic feet of water per second of time from the groyne through the
Struck #1, the point of diversion of which is to be located in the center of SW 1/4

of Section 3, Twp. 111N, Range 64W. Said water to be used for the purpose
of providing irrigation on portions of the following described land:

E 1/2 NW 1/4, W 1/2 NE 1/4, E 1/2 SW 1/4, W 1/2 SE 1/4, Section 34, T112N, R64W

This application No. 3449-5 will be considered by the Water Rights Commission at their office at
Pierre upon the 23rd day of March, 1977, at 10:00 A.M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

JAMES WINTERTON
Water Rights Specialist

BFJ/bw

cc: Duane Struck, R. R. # 2, Box 92, Huron, SD 57384

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

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

January 29, 1988

DUANE STRUCK
RR #2 BOX 92E
WOLSEY, SD 57584

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

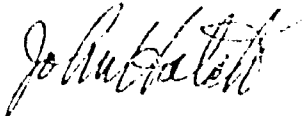
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 3447-3, 3449-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

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

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

1. Amend Permit No(s). 3447-3, 3449-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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


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

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

SOUTH DAKOTA Department of
Water & Natural Resources

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

February 10, 1988

3447-3	1925-3
3449-3	4046-3
4141-3	4149-3
4396-3	4662-3A
4663-3	

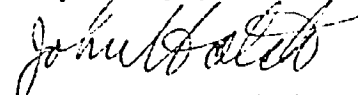
Duane Struck
RR 2, Box 92B
Wolsey SD 57384

Dear Mr. Struck:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 1925-3, 3447-3, 3449-3, 4046-3, 4141-3, 4149-3, 4396-3, 4662-3A, 4663-3 and the hearing date before the Water Management Board.

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

Very truly yours,



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

3449.3

 **Department of
Water & Natural Resources**

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

August 16, 1988

Duane Struck
RR 2 Box 92B
Wolsey, SD 57384

Dear Mr. Struck:

Enclosed are the three water permit applications which we discussed on Aug. 10, 1988. These applications should clear up the discrepancies which we have discovered during the inspection and licensing process. Both copies of each application should be signed and notarized. I have also enclosed the maps for your review. The combined fee for these three permits is \$575.00.

In addition to returning the applications, you will be required to submit a water sample for the irrigation well located in the NW1/4 NW1/4 of Sec. 28, T110N, R65W. The water sample is needed for the soil/water compatibility portion on one of the applications. The enclosed instruction sheet explains the procedure recommended for collecting the sample. I suggest that you describe the well location very completely and accurately on the label since there are two other wells also located on this section of land. All of the other wells pertaining to these applications already have validated water samples.

After you have returned the applications, fees and maps to our office and submitted the water sample to the water quality laboratory in Brookings, we can then continue with the process of licensing your remaining water permits. Thanks for your cooperation in this matter. If you have any questions, please contact us.

Sincerely,

James L. Wendte

James L. Wendte
Natural Resources Engineer
(605) 773-3352

enc



 **Department of
Water & Natural Resources**

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

SEP 14 1989

5232-3

Wernerstruck, Inc.
RR 2, Box 92B
Wolsey SD 57384

Dear Sirs:

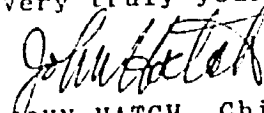
Enclosed is Water License No. 5232-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 411891 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

The applicable portions of Water Permit Nos. (3449-3 and 4046-3 are incorporated into this Water License No. 5232-3.

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. 5232-3, 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



Wernerstruck, Inc. (Duane Struck)
Wolsey, S.D.
Section 34 112 N + 64 W

Prepared by
Dick Faden
Beadle Co. Agent
30 Aug. 1976

X proposed well
location

X CENTER SW⁴,
SEC 3, T11N, R 64W