

1. Considered FEB. 23 19 77
2. Name of Applicant Stanley Kiliak
3. Post Office Address Frankfort
4. Amount of Water Claimed 2.2
5. Source of Water Supply 118' well
6. Water to be used for Irrigation
7. Acres to be irrigated 160 maximum acre feet
8. Water to be diverted and used in Spink County
about 2 miles east of Frankfort
9. PROOF OF PUBLICATION Received 2-17-77
Not Received _____
- APPLICATION Approved _____
Subject to _____
Not Approved _____
Action deferred 2-1-31-79

Priority Date
Received 12/27/76 Application Complete yes ☒ no _____ FEE 800

Remarks _____

Date information and/or
fee or corrected Application received
Period of Annual use March - November

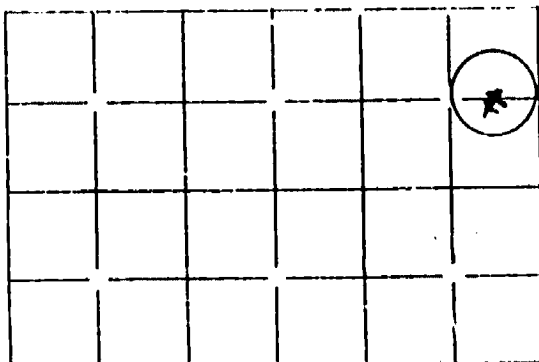
WATER
QUALITY

Received yes ☒ no _____ (APPROVED) CONDITIONAL (Circle one)

WI-1 Description same as application yes ☒ no _____ Remarks _____

Disapproved _____

Returned _____



Diversion Point
N 1/4, SE 1/4 CENTER OF
SEC. 10-116-62

Lands to be irrigated
N 1/2, SE 1/4 & S 1/2, NE 1/4
SEC. 10-116-62

WELL
LOG

Remarks WTA

Driller Steven Rie Licensed ☒ yes _____ no _____

Depth 118' deep

MAP Map No. 2770-3 Map located in Water Right X Map file _____

Type of Map Drawn Prepared by Fadger

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 2-23-77.

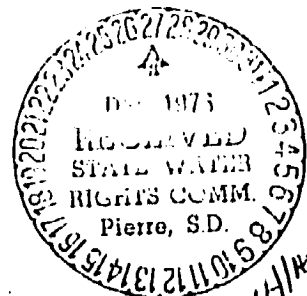
Burt Jones
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
F.F. & C Final Decision, including F.F. & C of Law were adopted _____
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
ETC.

Remarks. _____

No. 3490-3Map No. 2770-3 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 Stanley-Filipek - Dan Wilson
 Postoffice address Frankfort RR #1, State South Dakota 57440
 If a corporation show date and place of incorporation -----
 Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor
 Name of diversion work Stanley Filipek - UNIT #1
 Amount of water claimed (cubic feet per second) 2.2
 Source of water supply Ground Water
 Location of point of diversion CENTER OF E 1/2, SEC. 10-T116N-R62W

County Spink

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

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>N 1/2 of SE 1/4 of 10-116-62</u>	<u>80</u>		
<u>S 1/2 of NE 1/4 of 10-116-62</u>	<u>80</u>		

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, Huron, SD 57350
 12. Principal Features of the Proposed Water Supply System.

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

Pump Bowl

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

Main Line

C. Works proposed to apply water to beneficial use.

Center PivotEstimated 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)
) ss.
 County of Spink)

I, Stanley Filipek 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 Stanley FilipekSubscribed and sworn to before me this 17 day of December 1974

Notary Public (or other qualified officer)

MY COMMISSION
 EXPIRES NOV. 4, 1984

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3490-3
STANLEY FILIPER Dan Wilson FRANKFORT RR #1
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57440 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.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application DECEMBER 27, 1976
 Date of return to applicant for correction, amendments or changes required —, 19—
 Date of receipt of corrected application JANUARY 10, 1977
 Approved MAY 1, 1981, Recorded in Book 22 Page 117

WATER RIGHT PERMIT NO. 3490-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3490-3 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 27, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 1, 1983
3. The whole of said work is to be completed on or before MAY 1, 1986
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 1, 1988
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 MAY 1, 1988; said water to be used during the following described annual period: MARCH - NOVEMBER

Witness my hand this 18TH day of MAY, 1981

WATER RIGHTS COMMISSION

By:

John Galt
 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. *Log will be provided by driller

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

Character of Water Bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

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

On same owner's property 960 rds. On property owned by others 320 rds.

G. Water Storage Dams.

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

* Stanley G. F. [Signature]
Signature of Applicant

HURON DRILLING INC. DRILLERS LOG

PAGE NO.

Stanley Filipek

NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ -10-116-62

12-15-76

15

Everett Lodmel

JOB NAME

LOCATION

DATE _____

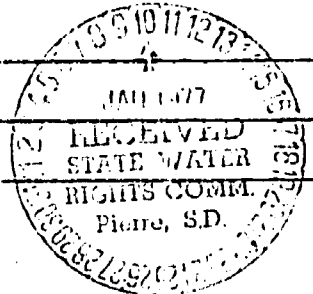
RIG NO.

FOREMAN

[illegible]

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 Stanley Filipek
ADDRESS Frankfort, South Dakota 57440
COUNTY Spink



LEGAL DESCRIPTION

1. WELL LOCATION NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of 10-116-62
2. LOCATION OF AREA TO BE IRRIGATED N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of 10-116-62, S $\frac{1}{2}$ of NE $\frac{1}{4}$ of 10-116-62

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT X GUN _____
4. CROPS TO BE IRRIGATED Corn, Alfalfa, Small Grain

WATER QUALITY

5. SAMPLE NUMBER 76-2117
6. SALINITY (EC X 10⁶) 1576 (high)
7. SODIUM (SAR) 2.91 (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 Spink 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.

Stanley Filipek
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
17 DAY OF December 19 76.

Dennis A. Cording
(TITLE OR SEAL)

Albert J. Hoff
APPROVED/DISAPPROVED

MY COM. ON
EXPIRES NOV. 1977
(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: Stanley Ellipok Date Rec'd: December 22, 1976
 Address: Frankfort, SD 57440 Sample No. 76-2117
co: Huron Drilling, Inc. Identification 011-1251 #1
P.O. Box 1422 File, Sec. 10, T 116N, R 62W
Huron, SD 57350

WATER ANALYSIS

Calcium (Ca)	173	ppm*	8.65	me/l**
Magnesium (Mg)	41	ppm	3.36	me/l
Sodium (Na)	164	ppm	7.13	me/l
Potassium (K)	10	ppm	0.26	me/l
Sulfate (SO ₄)	574	ppm	12.94	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	40	ppm	1.12	me/l
Bicarbonate (HCO ₃)	386	ppm	6.32	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)	316	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1576	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	2.91			
Sodium	36.75	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.88			

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

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

COMMENTS: Total cations 18.40 me/l
 Total anions 18.38 me/l

By: Shirley Litten

Service Performed	Amount Due
Irrigation analysis	\$2.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-2117

Amount Enclosed \$

Signed



December 30, 1976

Mr. Stanley Filipek
Frankfort, SD 57440

Dear Mr. Filipek:

Your water sample (Lab. No. 76-2117) 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

No. 3490-3Publish first publication, on or before February 10, 1977**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

February 3, 1977Notice is hereby given that Stanley Filipekwhose post office address is Frankfort, 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 use2.2 cubic feet of water per second of time from the xx ground water through theStanley Filipek Unit # 1, the point of diversion of which is to be located in the _____Center E $\frac{1}{2}$ of Section 10, Twp. 116N, Range 62W. Said water to be used for the purpose of providing irrigation on the following described land:N $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, Section 10-T116N-R62W

This application No. 3490-3 will be considered by the Water Rights Commission at their office at Pierre upon the 23 day of February, 1977, at 10:00 A. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BTJ /bw

cc: Stanley Filipek, Frankfort, South Dakota 57440

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

No. 3490-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County _____)

I, Branda Heskett hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Huron Daily Plainsman

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

city of Huron

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

2-10-77

2-17-77

(Signature)

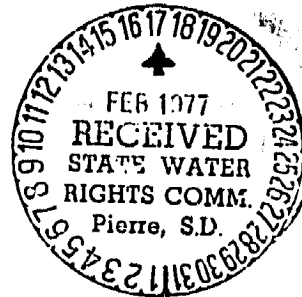
Bookkeeper

(Title)

2-17-77

(Date Signed)

F.P. 2-10-77 L.P. 2-17-77
NOTICE INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
February 2, 1977
Notice is hereby given that
Stanley Filipek whose post office
address is Frankfort, 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
ground water through the Stanley
Filipek Unit No. 1; the point of
diversion of which is to be located
in the Center 8 1/4 of Section 18,
Twp. 116N, Range 62W. Said water
to be used for the purpose of
providing irrigation on portions of
the following described land: N 1/4
SE 1/4, S 1/4 NE 1/4, Section 18-T116N
R62W.
This application No. 3490-3 will
be considered by the Water Rights
Commission at their office at
Pierre upon the 22 day of
February, 1977, at 10:00 A.M. All
interested persons (land owners,
adversely affected parties, etc.)
should be present.
WATER RIGHTS COMMISSION
By BURTON F. JONES
Water Rights Specialist
No. 112 (adv.)





Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

March 8, 1977

Stanley Filipek
Frankfort, South Dakota 57440

Dear Mr. Filipek:

The Water Rights Commission deferred action on your Application
No. 3490-3 at the February 23-24, 1977 meeting.

Sincerely,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/kb



SPINK COUNTY DEFERRED

3490-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

January 16, 1978

TO: Holders of Deferred Applications in Spink County

FROM: John Hatch, Chief Engineer, Water Rights Commission

SUBJECT: Reconsideration of Deferred Applications

The Water Rights Commission will reconsider deferred Spink County Water Right Applications at 3:00 P.M., January 25, 1978 at the South Dakota Education Association Building, 411 E. Capitol, Pierre, South Dakota.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13.

These Applications were deferred by the Water Rights Commission during 1977, pending Staff Investigation.

After reconsideration of the deferred Applications the Commission can approve, defer, or deny all or part of any of these Applications.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/BFJ/bw

3490-3



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

Tanuary 30, 1978

TO: Holders of Deferred Applications in Spink County

FROM: John Hatch, Chief Engineer, Water Rights Commission

SUBJECT: Reconsideration of Deferred Applications

This is to inform you that the Water Rights Commission reviewed your Water Right Application at the January 25-26, 1978 meeting and decided, at this time, that it remain in a deferred status pending further investigation by the Commission Staff.

If you have any questions, feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/BW/gy



Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

January 16, 1979

TO: Holders of Deferred Applications in Certain Aquifers in Spink,
Hand and Beadle Counties

FROM: John Hatch, Chief Engineer, Water Rights Commission

SUBJECT: Reconsideration of Deferred Applications

The Water Rights Commission will reconsider deferred water right applications proposing diversions from the Tulare, Hitchcock, and East James aquifers in Spink, Hand and Beadle counties at 4:00 p.m., January 31, 1979 at the South Dakota Education Association Building, 411 E. Capitol, Pierre, South Dakota.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13.

These applications were deferred by the Water Rights Commission during 1977 and 1978, pending Staff investigation.

After reconsideration of the deferred applications, the Commission can approve, defer, or deny all or part of these applications.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Commission may be appealed to the courts as provided by law.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/gy

February 2, 1979

Stanley Filipek
Frankfort SD 57440

Dear Mr. Filipek:

This is to inform you that at the reconsideration hearing on January 31, 1979, the Water Rights Commission determined that your application remain in a deferred status.

If you have any further question please feel free to contact this office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH:kjw

March 19, 1981



Water Resources Commission
ATTENTION: BURTON JONES
Joe Foss Building
Pierre, South Dakota 57501

Regarding deferred water permit for Stanley Filipek, Frankfort, S.D.

Dear Sirs:

This permit was deferred in the latter part of 1977 and has not come up for approval since.

I, Dan Wilson, Frankfort, South Dakota, am requesting that this permit be brought up for action at the next meeting.

The reason I am requesting this be brought up for action is because I am in the process of purchasing this tract of land and would like to develop it yet this year.

Respectfully,

Dan Wilson
Frankfort, So. Dak. 57440

REPORT ON APPLICATION NO. 3490-3
STANLEY FILIPEK
April 27, 1981

This application calls for 2.2 cfs from one 118 foot deep well to irrigate 160 acres in Section 10, T116N, R62W, Spink County. The application was deferred in February, 1977 because of the numerous ground water applications in this area and the general lack of good geohydrological information. There was a rehearing in January, 1979 and at that time a report was presented which indicated an area of water level declines. This application was near this area of decline and remained in the deferred status.

During the spring and fall of 1977 and the fall of 1979 water right staff conducted extensive test and observation well drilling, especially east of the James River. From this drilling some general conclusions can be made.

1. Ground water moves from north to south discharging into Timber Creek and the James River.
2. Recharge to this aquifer occurs when there is flow in Timber Creek and during periods of snowmelt and rainfall which infiltrate directly into the aquifer.
3. Groundwater levels (marked on map) have been lowered due to irrigation withdrawals. This decline is due to the large number of wells in a small area and general lack of recharge.
4. There is a tremendous amount of water in storage. (approximately 5000 AF/ Section of aquifer).

The reason this application is being considered again is because of a request by the applicant. Test drilling for this application indicates a favorable thickness of sand and gravel was penetrated indicating good potential yield from a well. There is water available for appropriation from this aquifer and this is substantiated by observation well records. Because of the location of this application and the various hydrologic boundaries, (1. Timber Creek is a discharge boundary. 2. In this section of aquifer there is only one nearby irrigator. 3. The aquifer thins and disappears to the east of this application.)

This application can be approved with the well interference clause. Any other applications in the area showing declines in water levels (3'-5' since 1966) should remain in a deferred status.

JAMES GOODMAN
Hydrologist

T116N

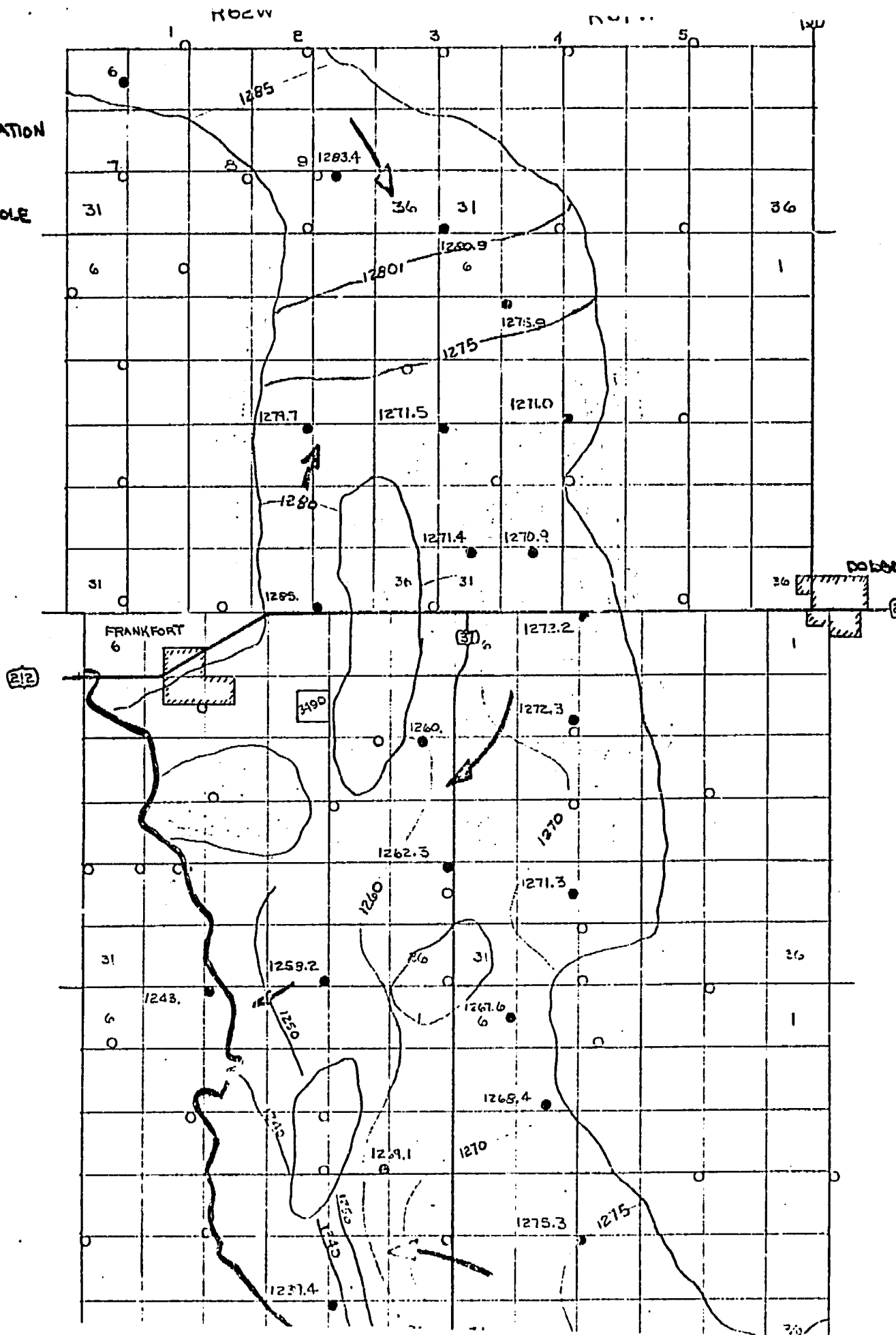
● OBSERVATION
WELL

○ TEST HOLE

T117N

T116N

T116N



SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3352

May 19, 1981

Stanley Filipek
Frankfort
South Dakota 57440

Dear Mr. Filipek:

Enclosed herewith is your Water Right Permit No. 3490-3 as approved by the Water Management Board authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 3490-3.

Also enclosed is FORM 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Water Management Board when you have completed the system and/or have put the water to beneficial use. The Board can then schedule an inspection so that your Certificate of Construction and/or Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: kw

enclosure

NOTE: We understand that the land under this Permit has been sold to Dan Wilson, Frankfort. If this is the case, we are enclosing a transfer form & we request it be completed and returned to this office with the proper fee so our records will be up-to-date.

WNR-809-7/79

Forwarding Permit to Appropriate Water

WATER RIGHTS DIVISION
Phone (605) 773-3352

March 18, 1983

Dan Wilson
RR#1
Frankfort, South Dakota 57440

Dear Mr. Wilson:

In checking our files it has been discovered that your application No. 3490-3A has not been written up. This permit was approved July 28, 1982 for an additional diversion point to irrigate the S $\frac{1}{2}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$, Section 10 - T116N - R62W. These lands are also covered under Permits Nos. 3490-3 and 4772-3.

The reason the application has not been written is due to the fact this office sent a transfer form to Stanley Filipek on May 18, 1981 to transfer permit No. 3490-3 to your name and the transfer was never received. Enclosed please find our completed transfer form; sign, notarize and return to this office with filing fee of \$2.50.

Upon receipt of the transfer and fee for Permit No. 3490-3 further processing of Permit No. 3490-3A will proceed. If you have any questions feel free to contact our office.

Permit #4772-3 is in the name of Duane A. Wilson, is this correct? We are enclosing an extra copy of our transfer form if this Permit is also in your name.

Sincerely,

Betty Westlund
Water Rights Specialist

BW:ms
Enc.

WATER RIGHTS DIVISION
(605) 773-3352

March 29, 1983

Dan Wilson
RR#1
Frankfort, South Dakota 57440

Dear Mr. Wilson:

This will acknowledge receipt of the transfer form you submitted to have Permit No. 3490-3 transferred from Stanley Filipek to your name. However, the transfer cannot be completed without submission of a \$2.50 filing fee.

Please remit the \$2.50 filing fee at your earliest convenience. The transfer will be processed upon receipt of the filing fee.

Sincerely,

Genny Young
Water Rights Specialist

GY:ms

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 3/24/83

This is to notify you that the title to the lands described as follows:

N½SE¼ & S½NE¼, Section 10 - T116N - R62W

formerly owned by Stanley Filipek, Frankfort, SD

has been transferred to Dan Wilson, RR#1, Frankfort, SD 57440

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 3490-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of Spink) ss.

I, Dan Wilson 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 I know of my own personal knowledge that the information herein stated is true.

Dan Wilson
(Signed)

Subscribed and sworn to before me this 24th Day of March, 1983.



George W. Clute
(Notary Public)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9222

PIERRE, April 1, 1983

RECEIVED OF Dan B. Wilson, RR#1, Box 49, Frankfort, SD 57440
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.		
Fee for Inspecting Beneficial Use, and Issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing Transfer of WR#3490-3	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH/ms

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building

Water Rights Division

Pierre, South Dakota 57501

Phone (605) 773-3352

April 4, 1983

Dan R Wilson
Rt #1 Box 49
Frankfort SD 57440

Dear Mr. Wilson:

Enclosed is receipt No. 4 9222 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 3490-3.

Our records now show you as the owner of this Water Right.

Sincerely,

KAREN SCHLAAK
Administrative Aide

enclosure

WNR-821-7/79

Receipt & Notice of filing of Transfer of Water Right



3490-3

January 29, 1993

NOTICE

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCESJOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

TO: DAN R WILSON
RR #1 BOX 49
FRANKFORT SD 57440

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Water Permit No(s) 3175-3, 3490-3, 3490-3A & 5280-3 and 1992 Irrigation Questionnaire Requirements

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 3175-3, 3490-3, 3490-3A & 5280-3. The request for the Questionnaires was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 3175-3 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) 3490-3, 3490-3A & 5280-3 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, at 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 SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation 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) 3490-3, 3490-3A & 5280-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3175-3 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaires are received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.



3490-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 26, 1993

Dan & Duane Wilson
RR #1 Box 49
Frankfort, SD 57440

RE: Water Permit Nos. 1700-3, 2208-3, 4772-3 (Duane Wilson)
Water Permit Nos. 3175-3, 3490-3, 3490-3A & 5280-3
(Dan Wilson)

I am writing to acknowledge receipt of the 1992 irrigation questionnaires for the above listed water permits. You may disregard the January 29, 1993 Notices for Violation of Water Permits and 1992 Irrigation Questionnaire Requirements.

The questionnaires were received prior to the Water Management Board Meeting and your names have been deleted from the agenda.

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

Sincerely,

Genny McMath
Genny McMath
Natural Resources Analyst
Water Rights Division



February 4, 1997

NOTICE

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCESJOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

TO: DAN WILSON, RR 1 BOX 49, FRANKFORT, SD 57440

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

SUBJECT: Violation of Water Permit No(s) 3490-3, 3490A-3, 4772-3 & 5280-3, 1700-3, 2208-3 & 3175-3
and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 3490-3, 3490A-3, 4772-3 & 5280-3, 1700-3, 2208-3 & 3175-3. The request for the Questionnaires was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 1700-3, 2208-3 & 3175-3 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) 3490-3, 3490A-3, 4772-3 & 5280-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 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) 3490-3, 3490A-3, 4772-3 & 5280-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1700-3, 2208-3 & 3175-3 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, 1997, 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.



3490-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 19, 1997

Dan Wilson
RR 1 Box 49
Frankfort, SD 57440

RE: Water Permit Nos. 1700-3, 2208-3, 3175-3, 3490-3, 3490A-3, 4772-3 & 5280-3

Dear Mr. Wilson:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, Notice of Violation.

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

If you have any questions, please contact me.

Sincerely,

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

3490-3



January 9, 1998

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: DAN WILSON, RR 1 BOX 49, FRANKFORT, SD 57440
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

Our records indicate that the 1997 Irrigation Questionnaires have not been submitted for Permit Nos. 3490-3, 3490A-3, 4772-3 & 5280-3, 1700-3, 2208-3 & 3175-3. The request for the Questionnaires was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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) 1700-3, 2208-3 & 3175-3 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) 3490-3, 3490A-3, 4772-3 & 5280-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 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) 3490-3, 3490A-3, 4772-3 & 5280-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1700-3, 2208-3 & 3175-3 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 20, 1998, 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.

3490-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

January 13, 1998

Dan Wilson
RR 1 Box 49
Frankfort, SD 57440

RE: Water Permit Nos. 1700-3, 2208-3, 3175-3, 3490-3, 3490A-3, 4772-3 & 5280-3

Dear Mr. Wilson:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 1700-3, 2208-3, 3175-3, 3490-3, 3490A-3, 4772-3 & 5280-3.

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

Thank you and if you have any questions, please contact me.

Sincerely,

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

3490-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 1999

NOTICE

TO: DAN WILSON, RR 1 BOX 49, FRANKFORT, SD 57440
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaires

Our records indicate that the 1998 Irrigation Questionnaires have not been submitted for Permit Nos. 3490-3, 3490A-3, 4772-3 & 5280-3, 1700-3, 2208-3 & 3175-3. The request for the Questionnaires was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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) 1700-3, 2208-3 & 3175-3 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) 3490-3, 3490A-3, 4772-3 & 5280-3 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 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) 3490-3, 3490A-3, 4772-3 & 5280-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1700-3, 2208-3 & 3175-3 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 1, 1999, 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 57501-3181
www.state.sd.us/denr

February 3, 1999

Dan Wilson
17463 SD Hwy 37
Frankfort, SD 57440-6806

RE: Water Right/Permit Nos. 1700-3, 2208-3, 3175-3, 3490-3, 3490A-3, 4772-3 & 5280-3

Dear Mr. Wilson:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right/Permit Nos. 1700-3, 2208-3, 3175-3, 3490-3, 3490A-3, 4772-3 & 5280-3.

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



February 4, 1994

*No land was sold
so water permits
should stay the same.*

Kay Wilson

Mrs. Gene Wilson
RR #1 Box 48
Frankfort, SD 57440

Dear Mrs. Wilson:

Enclosed, as we discussed, are copies of the following water rights or permits and the names they are listed in:

Water Right No. 1700-3	Duane A Wilson
Water Right No. 2208-3	Duane A Wilson
Water Right No. 3175-3	Dan R & Gene A Wilson

Water Permit No. 3490-3	Dan R Wilson
Water Permit No. 3490-3A	Dan R Wilson
Water Permit No. 4772-3	Duane A Wilson
Water Permit No. 5280-3	Dan R Wilson

In reviewing the files, I found that Water Permit Nos. 3490-3, 4772-3 and 5280-3 are ready for licensing. The permits were to be incorporated into one water license since they pertain to the same irrigation system. The license fee has already been paid, however the license was not issued due to a discrepancy in the names they were listed under.

In our telephone conversation, you indicated Duane was retired. If this is the case and Dan now owns or manages the land under Water Permit No. 4772-3, the permit could be transferred to Dan. This would allow the water license to be issued.

Please review the enclosed copies and let me know if any name changes should occur. If changes need to be made, whoever now owns the land will need to file a "Notice of Transfer of Ownership". I am enclosing a few forms in the event they are needed.

I appreciate you taking time to review the permits and licenses. If I can answer any questions for you, please contact me at (605) 773-3352.

Sincerely,

Genny McMath

Genny McMath
Environmental Scientist
Water Rights Division



January 22, 1999

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: DAN WILSON, RR 1 BOX 49, FRANKFORT, SD 57440
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaires

Our records indicate that the 1998 Irrigation Questionnaires have not been submitted for Permit Nos. 3490-3, 3490A-3, 4772-3 & 5280-3, 1700-3, 2208-3 & 3175-3. The request for the Questionnaires was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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) 1700-3, 2208-3 & 3175-3 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) 3490-3, 3490A-3, 4772-3 & 5280-3 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 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) 3490-3, 3490A-3, 4772-3 & 5280-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1700-3, 2208-3 & 3175-3 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 1, 1999, 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 57501-3181
www.state.sd.us/denr

February 3, 1999

Dan Wilson
17463 SD Hwy 37
Frankfort, SD 57440-6806

RE: Water Right/Permit Nos. 1700-3, 2208-3, 3175-3, 3490-3, 3490A-3, 4772-3 & 5280-3

Dear Mr. Wilson:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right/Permit Nos. 1700-3, 2208-3, 3175-3, 3490-3, 3490A-3, 4772-3 & 5280-3.

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

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

MAR 13 2003

Dan Wilson
17463 SD Highway 37
Frankfort SD 57440-6806

5280-3
3490-3
3490-3A
4772-3

Dear Mr. Wilson:

Enclosed are Water License No. 5280-3 and receipts for payment of the license and transfer fees. The water license is the final water right document completing the process of obtaining a Water Right.

The applicable portions of Nos. 3490-3, 4772-3 and 3490-3A are incorporated into this water right.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 5280-3, 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.

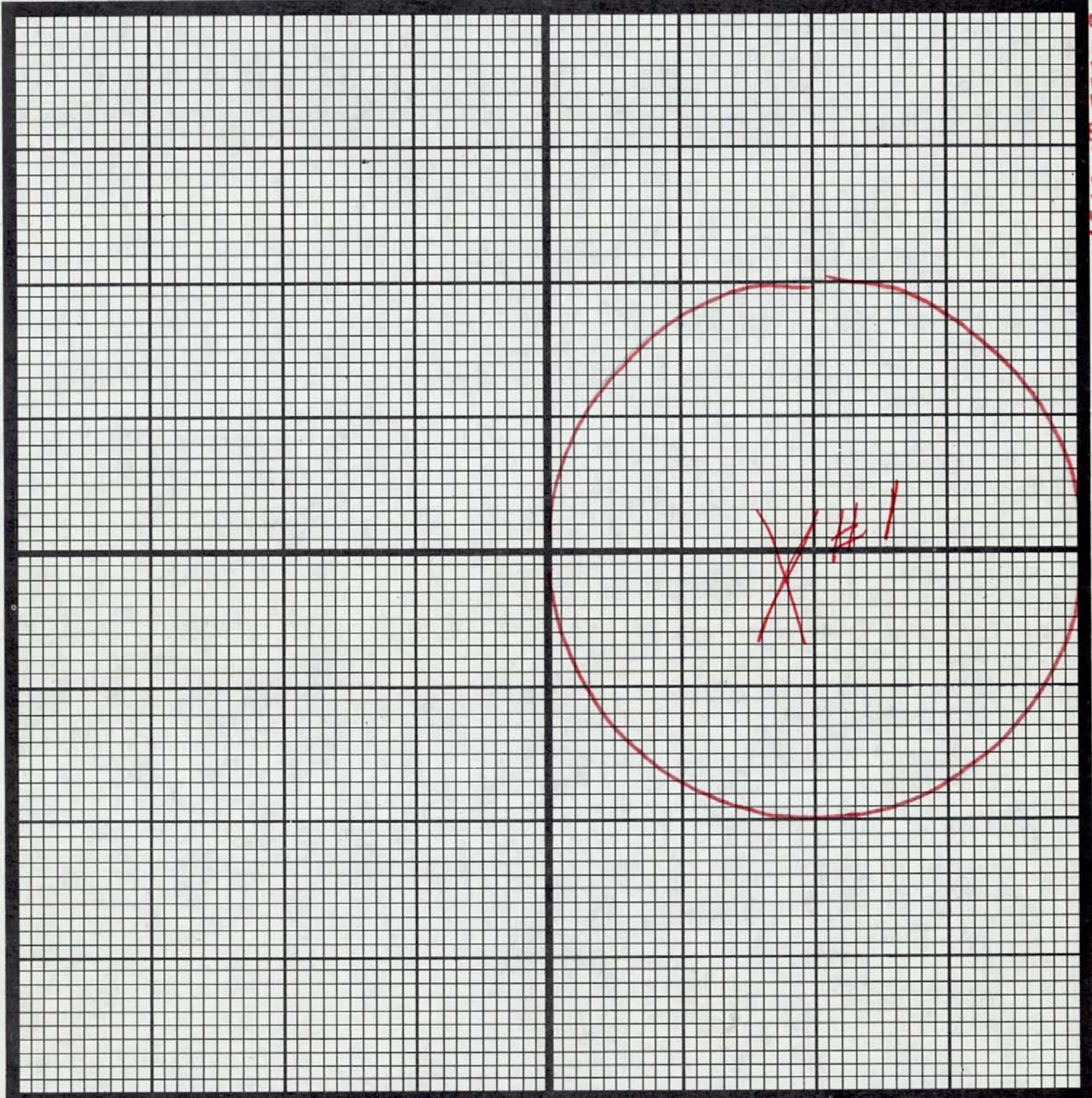
Sincerely,

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

enclosures

HURON DRILLING INC.
WELL LOCATION MAP

NAME Stanley Filipek DATE December 17 19 76
WELL NO. #2 SE QUARTER, SECTION 10
TWP. 116 RANGE 62 IN Spink COUNTY



X — PROPOSED LOCATION

Prepared By

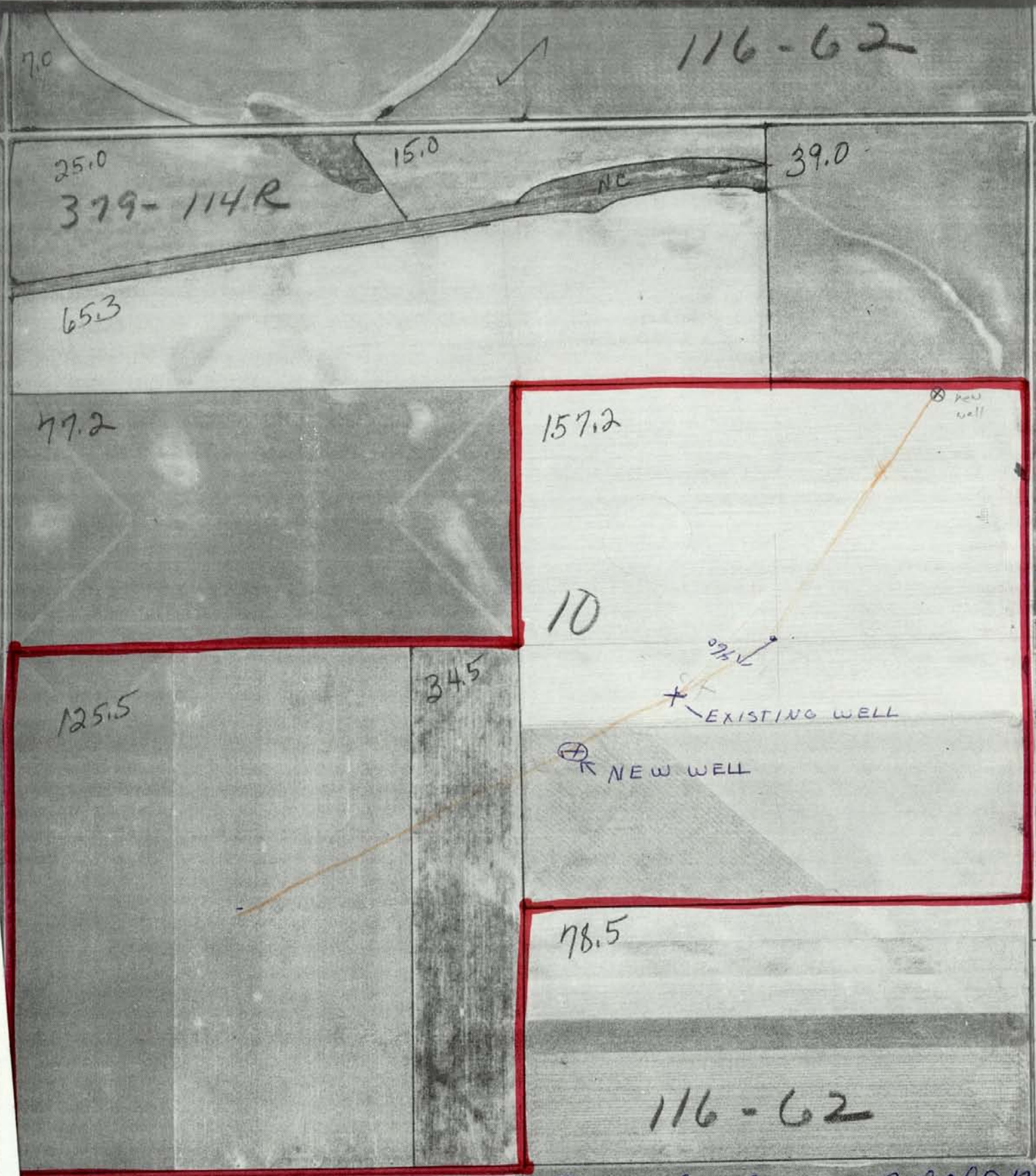
Dick Fadgen

Dick Fadgen

Beadle County Extension Agent

MAP NO 2770-3 APPC NO 3490-3

NOT TO SCALE



Small Clinton SCS Redfield S. Dec
Map# 2770-3A
appl 3490-3A