

Water Right Number 3568-3

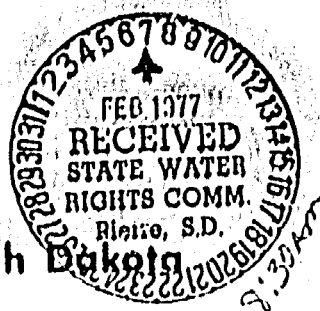
1. Considered 2-23, 1977
2. Name of Applicant Eddie Persons
3. Post Office Address Delby
4. Amount of Water claimed 1.16
5. Source of Water supply St. Louis R.
6. Water to be used for irrigation
- Acres to be irrigated 81.25
7. Water to be diverted and used in Malworth County
about 12W 5S miles _____ of Delby
8. Proof of Publication Received 2-22-77
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

10. Remarks:

No. 3568-3Map No. 2846-3 Water Division No. 3 MISSOURI RIVER District
(Banks 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 Eddie Berens
 Postoffice Address Selby State South Dakota
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Berens-Turner #2
4. Amount of water claimed (cubic feet per second) 1.76
5. Source of water supply Missouri River
6. Location of point of diversion SE⁴ SE⁴ Section 29, Twp 123 -- Range 78
- County Walworth
7. Annual period or periods during which water is to be used April thru 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 81.25

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.
SE ⁴ SE ⁴ Section 28	25		
SW ⁴ SE ⁴ Section 28	6.25		
NW ⁴ SE ⁴ Section 28	10		
NE ⁴ SE ⁴ Section 28	40		

All in Twp 123 Range 78 (attach sheet if more space is needed)

10. Time required to complete construction of water supply system 3 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 Selby Record Selby S D 57472
12. Principal Features of the Proposed Water Supply System.

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

Centrifugal Pump

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

Aluminum Pipe

C. Works proposed to apply water to beneficial use.

Center Pivot Sprinkler

Estimated Total Cost \$ 13,000.00Attachments: 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 WALWORTH) ss.I, Eddie Berens 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 Eddie BerensSubscribed and sworn to before me this 2nd day of February 1977Harold Schanbacher
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 356B-3

EDDIE BERENS

(Applicant)

SELBY

(Post Office Address)

SOUTH DAKOTA 57472

(State)

With the following modifications.

Date of first receipt of application FEBRUARY 7, 19 77

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

Date of receipt of corrected application _____, 19 _____

Approved FEBRUARY 23, 19 77, Recorded in Book 17 Page 259

WATER RIGHT PERMIT NO: 356B-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 356B-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, sub. et, however, to the following limitations and conditions:

1. The date from which a applicant may claim right is FEBRUARY 23, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before AUGUST 23, 19 78
3. The whole of said work is to be completed on or before FEBRUARY 23, 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is FEBRUARY 23, 19 82
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 1.16 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, and 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 FEBRUARY 23, 19 82 said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 15TH day of APRIL, 19 77

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

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

No. 3568-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Walworth) ss.

I, Fritz Clement hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Selby Record

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 Selby of _____

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

February 10, 1977

February 17, 1977

Fritz Clement
(Signature)

Publisher
(Title)

Feb. 17, 1977
(Date Signed)

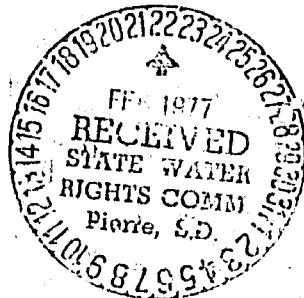
NOTICE
INTENT TO APPROPRIATE
WATER

Pierre, South Dakota 57501
February 7, 1977
Notice is hereby given that
Eddie Berens, whose post office
address is Selby, South Dakota,
has made an application in ac-
cordance with the provisions of
the water laws of South Dakota
for a permit to appropriate for
beneficial use 1.16 cubic feet of
water per second of time from the
Missouri River through the
Berens-Turner No. 2, the point of
diversion of which is to be located
in the SE 1/4, SE 1/4 of Section 29,
Twp. 123N, Range 78W. Said
water to be used for the purpose
of providing irrigation on por-
tions of the following described
land: SE 1/4, Section 28, T123N,
R78W, 78W, 123N, 78W, 123N.

This application No. 3568-3 will
be considered by the Water
Rights Commission at their office
at Pierre, upon the 23rd 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

210217



Form 6 - Notice of Intent to Appropriate Water

Publish first publication, on or before February 10, 1977

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

February 7, 1977

Notice is hereby given that Eddie Barons

whose past office address is Belby, SD, 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

1.16 cubic feet of water per second of time from the Missouri River through the Barons-Turner # 2, the point of diversion of which is to be located in the _____

SEC 36
of Section 36, Twp. 14N, Range 7E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SEC 36, Section 36, T23N, R70W

This application No. 3508-3 will be considered by the Water Rights Commission at their office at Pierre upon the 30th day of February, 1977, at 10:00 A.M. All interested persons may appear and be heard.

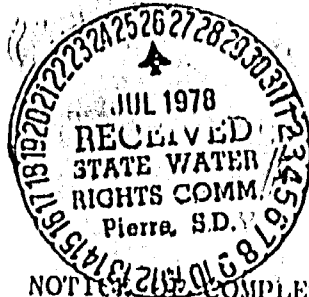
WATER RIGHTS COMMISSION

By:

**BURTON F. JONES
Water Rights Specialist**

BFJ/bw
cc: Eddie Barons, Belby, SD 57472

Form 10.



No. 3568-3

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

Post Office Scelby S.D. 57472

Date 7-18-78

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. 3568-3.

Water Right Permit No. 3568-3 states that the diversion system is to be constructed by 8-23, 1978 and that the water is to be put to beneficial use by 2-23, 1980.

The diversion system was completed on 7-30, 1977.
Applying the water to beneficial use was completed on 8-1, 1977.

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.

Ellie Berens
(Signature)



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

March 21, 1984

1653-3A
1986-3
2187-3
(3568-3)

Ed Berens
RR #1, Box 61
Selby SD 57472

Dear Mr. Berens:

This letter will acknowledge receipt of and thank you for submission of your 1983 Irrigation Questionnaires. Enclosed, as you requested, are copies of the water permits listed in your name. Water Permit No. 1986-3 is listed under Fred A Walth, but our records indicate you are the operator of the system.

If you have any questions, please contact me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst

GM:ks

enclosures

Equal Opportunity Employer



Department of Water & Natural Resources

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

March 23, 1987

ED BERENS
RR #1 BOX 61
SELBY, SD 57472

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 3568-3, 1986-3, 2187-3, 1653-3A, 1568-3, 2459-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 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 2:00 pm, May 6, 1987 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). 3568-3, 1986-3, 2187-3, 1653-3A, 1568-3, 2459-3 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 hearing date, your name will be deleted from the agenda for the hearing.



Department of Water & Natural Resources

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

April 24, 1987

1568-3	1653-3A
1986-3	2187-3
2459-3	3568-3

Eddie Berens
RR #1 Box 61
Selby, SD 57472

Dear Mr. Berens:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 1568-3, 1653-3A, 1986-3, 2187-3, 2459-3, and 3568-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

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

 **Department of
Water & Natural Resources**

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

February 8, 1989

ED BERENS
RR #1 BOX 61
SELBY, SD 57472

NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 3568-3, 1986-3, 2187-3, 1653-3A, 1568-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

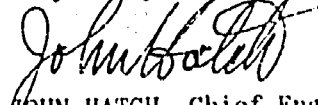
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s). 3568-3, 1986-3, 2187-3, 1653-3A, 1568-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,


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



South Dakota Department of
Water & Natural Resources

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

February 23, 1989

1568-3
1653-3A
1986-3
2187-3
2459-3
3568-3

Ed Berens
RR #1 Box 61
Selby, SD 57472

Dear Mr. Berens:

I am writing to acknowledge receipt of your 1988 irrigation questionnaires for Water Permit Nos. 1568-3, 1653-3A, 1986-3, 2187-3, 2459-3 and 3568-3. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaires your name has been deleted from the March Water Management Board meeting agenda.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

cc: George Turner, Glenham, SD 57631

SOUTH DAKOTA Department of
Water & Natural Resources

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

February 9, 1990

ED BERENS
RR #1 BOX 61
SELBY, SD 57472

NOTICE

RE: Violation of Requirement to Submit 1989 Irrigation Questionnaire

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 2187-3, 3568-3, 1653-3A, 1986-3, 1568-3, 2459-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board has directed that owners of water permits who have not submitted 1989 Irrigation Questionnaire 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 8:30 am, March 7, 1990 at the Howard Johnson's, Jefferson-Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

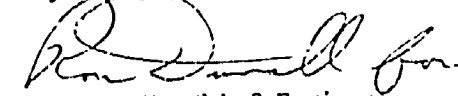
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 2187-3, 3568-3, 1653-3A, 1986-3, 1568-3, 2459-3 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.

If the questionnaire(s) is received in this office before the March 7th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,



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

CC: George Turner, SR 1 Box 77, Glenham SD 57631



Department of Water & Natural Resources

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

February 16, 1990

1568-3
1653-3A
1986-3
2187-3
2459-3
3568-3

Ed Berens
RR 1, Box 61
Selby SD 57472

Dear Mr. Berens:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit Nos. 1568-3, 1653-3A, 1986-3, 2187-3, 2459-3, and 3568-3. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaires were received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

Ron Duvall /ks
RON DUVAL
Natural Resources Engineer
Water Rights Division



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

June 5, 1991

3568-3

Craig Carson
Farm Credit Services
PO Box 1987
Aberdeen, SD 57401-1987

Dear Mr. Carson:

Enclosed, as requested, are copies of the following:
Water Right No. 1390-3, George O Turner,
Water Permit No. 2459-3, George O Turner, and
Water Permit No. 3568-3, Eddie Berens

Water Permit Nos. 2459-3 and 3568-3 have not been inspected for
licensing purposes, so I am unable to send you information on the
type of irrigation system utilized or the extent of development.

If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

3568-3



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

May 3, 1993

Eddie Berens
RR 1, Box 61
Selby, SD 57472

Dear Mr. Berens:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 2459-3 and 3568-3, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 2459-3 will be incorporated into 3568-3.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

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

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

NOTE: On check or money order, please specify your permit number.
This will insure proper handling of the fee.



3568-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 23 1998

Eddie Berens
30044 133rd St
Selby SD 57472

Dear Mr. Berens:

Enclosed are Water Permit and License No. 5802-3. The receipt for payment of the \$50.00 fee submitted in May, 1993 is also enclosed. Water License No. 5802-3 is the final document which completes the process of obtaining a water right.

The applicable portions of Water Right Nos. 1568-3, 2060-3 (diversion authority) and Water Permit Nos. 2459-3, 3568-3 have been incorporated into this Water License No. 5802-3.

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.

Very truly yours,

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

ks

enclosures

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