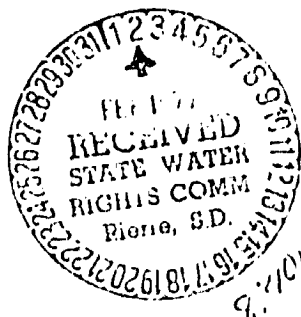


Water Right Number 3613-3

1. Considered 3.23, 19 77
2. Name of Applicant RICHARD BALLINGER
3. Post Office Address JEFFERSON
4. Amount of Water claimed 1.14
5. Source of Water supply 100' WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 80
7. Water to be diverted and used in UNION County
about 35, 3W miles of JEFFERSON
8. Proof of Publication Received FE 3-21-77
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

No. 3012-3
 Map No. 2890.3 Water Division No. 3 Pig-Sioux 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 Richard Ballinger
 Post-office address R.R. 1 Box 73 Jefferson State SD 57038
 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 Richard Ballinger #2
 4. Amount of water claimed (cubic feet per second) 1.14 c.f.s.
 5. Source of water supply well
 6. Location of point of diversion SE 1/4 NE 1/4 T89N R49W
 _____ County Union
 7. Annual period or periods during which water is to be used April through October
 8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
 9. For irrigation use, Total number of acres to be irrigated 80

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>SE 1/4 NE 1/4 T89N R49W</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 5 year.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Leader Courier
 12. Principal Features of the Proposed Water Supply System.

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

Well

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

Pipe

C. Works proposed to apply water to beneficial use.

Gated PipeEstimated Total Cost \$15,000.00

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 Union) ss.

I, Richard Ballinger 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 Richard BallingerSubscribed and sworn to before me this 1 day of February 1991Richard P. Atwood
(Notary Public (or other qualified officer))Notary Public

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3613-3

RICHARD BALLINGER
(Applicant)

RT #1, Box 73, JEFFERSON
(Post Office Address)

SOUTH DAKOTA 57038
(State)

With the following modifications:

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

Date of first receipt of application FEBRUARY 2, 19 77

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

Date of receipt of corrected application FEBRUARY 7, 19 77

Approved MARCH 23, 19 77, Recorded in Book 17 Page 347

WATER RIGHT PERMIT NO. 3613-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3613-3 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 FEBRUARY 2, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 23, 19 79
3. The whole of said work is to be completed on or before MARCH 23, 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 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 1.14 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, 19 82; said water to be used during the following described annual period: APRIL THRU OCTOBER

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

WATER RIGHTS COMMISSION

By:

John H. Ketch
Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 26, 19 79

Water License Issued SEPTEMBER 26, 19 79

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 30, Depth 100
- (2) Casing, Type Transite, Diameter 16, Thickness 1 1/2"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
- Type Saved Slotted, Diameter 16, Length 39
- (4) Gravel Pack, Thickness 14, Length of gravel pack 50

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.)

Chararter of Water bearing materials Will be sent later.

Depth to top of water bearing material 35

Depth to bottom of water bearing material 100

Thickness of water bearing material 65

Depth to water (ground surface to water level) 16

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

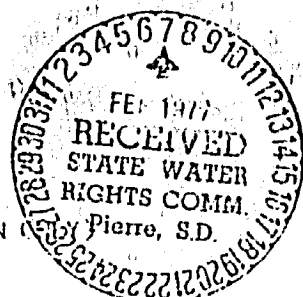
On same owner's property 40 rds. On property owned by others 40 rds.

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.

Richard B. Clayton
Signature of Applicant

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



NAME Richard Ballinger
ADDRESS Defferson, S. Dak. 57038
COUNTY Clallam

LEGAL DESCRIPTION

1. WELL LOCATION E 1/2 NE 1/4 Sec 3 T89N R49W
2. LOCATION OF AREA TO BE IRRIGATED Same as above

TYPE OF IRRIGATION

3. GRAVITY X TOWLINE _____ CENTER PIVOT _____ GUN _____
4. CROPS TO BE IRRIGATED Corn beans Small grain ETC

WATER QUALITY

5. SAMPLE NUMBER 77-058
6. SALINITY (EC x 10⁶) 1107
7. SODIUM (SAR) 1.38
8. RESIDUAL SODIUM CARBONATE (meq/L.) 0.1

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 Clallam 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.

Richard Ballinger
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
____ DAY OF _____ 19 ____

(CLERK OR SEAL)

APPROVED

(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: John E. Peterson, JR.
 Address: Brookings, SD 57033

Date Rec'd: Jan 17, 1977
 Sample No.: 77-033
 Identification: 10312
101, Sec. 3, T. 89N, R. 49W

WATER ANALYSIS

Calcium (Ca)	143	ppm*	2.25	mc/l**
Magnesium (Mg)	39	ppm	3.20	mc/l
Sodium (Na)	72	ppm	3.33	mc/l
Potassium (K)	10	ppm	0.28	mc/l
Sulfate (SO ₄)	225	ppm	4.68	mc/l
Nitrate (as N)		ppm		mc/l
Chloride (Cl)	8	ppm	0.21	mc/l
Bicarbonate (HCO ₃)	493	ppm	8.16	mc/l
Carbonate (CO ₃)		ppm		mc/l
Iron (Fe)		ppm		mc/l
Fluoride (F)		ppm		g.p.g.***
Hardness (EDTA as CaCO ₃)		ppm		
Alkalinity (Methyl Orange)	468	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1109	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.38			
Sodium	22.7%	% of cations		
Residual sodium carbonate	0.06	mc/l		
pH	7.13			
Others:				

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

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

COMMENTS: Total cations 13.74 mc/l
 Total anions 13.05 mc/l

By: Shirley Mattan

Service Performed	Amount Due
Irrigation analysis	\$15.00

Make checks payable to Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 77-033

Amount Enclosed \$

Signed

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3613-3

(1) WHEREAS, On the 2nd day of February A. D. 19 77

Richard Ballinger

made Water Right Application No. 3613-3 for a permit to use 1.14 cubic feet per second of the water of ground water (one well)

County of Union, State of South Dakota for Irrigation

purposes; and

(2) WHEREAS, On the 23rd day of March A. D. 19 77

Permit No. 3613-3, with a date of priority of February 2, 1977

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 23rd day of March A. D. 19 82 and for the application to beneficial use of said water on or before the 23rd day of March A. D. 19 82

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.14 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

to irrigate 80 acres in E½ NE¼, Section 3, T89N, R49W

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Richard Ballinger

_____ of Jefferson, SD

the holder _____ and owner _____ of said permit No. 3613-3 a water right, dating from February 2, 1977

_____ to use of 1.14 cubic feet per second of the waters of ground water (one well)

in the County of Union and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 1260' W and 1585' S of the NE corner

Section 3, T89N, R49W

and conducted to and upon the E $\frac{1}{2}$ NE $\frac{1}{4}$, Section 3, T89N, R49W

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 3613-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 26th day of September A. D.

Nineteen Hundred and seventy-nine

Board of Water Management

By:

John Hatch
Chief Engineer JOHN HATCH

Permit No. 3613-3

Water Diversion No. 3 Big Sioux River Water District

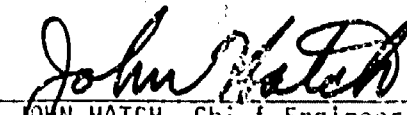
CERTIFICATE OF CONSTRUCTION

This is to Certify, That Richard Ballinger

_____ the holder _____ of
Permit No. 3613-3, issued upon Application No. 3613-3, bearing date of priority of February 2, 1977
authorizing the diversion of 1.14 cu. ft. per second of the waters of ground water (one well)
County of Union, State of South Dakota at a point 1260' West and 1585' South of the NE corner, Section 3, T89N, R49W
_____ for Irrigation

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 3613-3 cu. ft. per second of water

Date September 26, 1979


JOHN HATCH, Chief Engineer
Water Rights, WMD

Form 6 - Notice of Intent to Appropriate Water

No. 3613-3

Publish first publication, on or before March 19, 1977

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 1, 1977

Notice is hereby given that Richard Ballinger
whose post office address is Jefferson, 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

1.11 cubic feet of water per second of time from the ground water through the
Richard Ballinger #2, the point of diversion of which is to be located in the _____

_____ S 4 1/2 NE 1/4 _____
of Section 3, Twp. 30N, Range 43W. Said water to be used for the purpose
of providing irrigation on the following described land:

E 1/2 NE 1/4, Section 3-T30N-R43W

This application No. 3613-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 23 day of March, 1977, at 10:00 A. M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

WERTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Richard Ballinger, R.R. # 1, Box 73, Jefferson, South Dakota 57538

No. 3613-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Union) ss.

I, Leuter E. Emerson hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Leader-Courier

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 Black Point

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

March 10, 1977

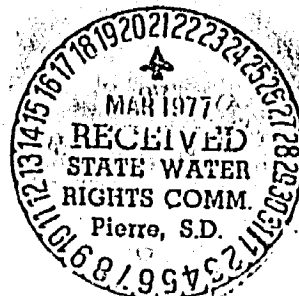
March 17, 1977

Leuter E. Emerson
(Signature)

Publisher
(Title)

March 17, 1977
(Date Signed)

NOTICE OF INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
March 1, 1977
Notice is hereby given that
Richard Ballinger, whose post
office address is Jefferson, 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 1.14 cubic feet of
water per second of time from
ground water through the Richard
Ballinger #2, the point of diver-
sion of which is to be located in
the SE 1/4 NE 1/4 of Section 3, Twp.
89N, Range 49W. Said water to
be used for the purpose of pro-
viding irrigation on portions of
the following described land: E 1/4
NE 1/4, Section 3, T89N-R49W.
This application No. 3613-3
will be considered by the Water
Rights Commission at their off-
ice 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 Burton F. Jones
Water Rights Specialist
Pub. March 10, 17.



Permit No. 3613-3Water Division 3 BIG SIOUX RIVER Water District

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by RICHARD
BOLLINGER of JEFFERSON holder
of Permit No. 3613-3, bearing date of priority of FEBRUARY 2, 1977
authorizing the diversion of 1.14 cu. ft. per second of the waters of CIRCUMFERENCE
for IRRIGATION purposes, in UNION County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

100' DEEP WELL WITH 10" DIA TRANSITE CASING
LAYNE BOWLER WELL LINE 8" PUMP - 3 STAGE - 10" BOWLES
AMERICAN GEAR HEAD GP 1700 RPM
POWERED BY DAVID BROWN CASE DIESEL TRACTOR

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

20 LENGTHS OF 8" ALUMINUM PIPE - 40'

C. Works used to apply water to beneficial use.

1/4 MILE OF 10" GATED PIPE WITH 30" SPACING ON
GATES

The system is in the following condition: _____

The point of diversion is located 1260' W & 1585' S OF THE NE CORNER
SECTION 3, T89N, R49W

The works are capable of diverting and conveying to the place of use 2.0
cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows: _____

E 1/4 NE 1/4, SECTION 3, T89N, R49W

comprising a total of 8.0 ^{1.14} acres of land.

Date: NOVEMBER 23, 1979

Dustin Jones
(Signature)

RECEIPT

WATER RIGHTS COMMISSION

No 4 7047

State of South Dakota

September 18

1979

PIERRE,

19

RECEIVED OF Richard Ballinger, Rt #1, Box 73, Jefferson SD 57038
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. 3613-2)	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 3613-2)		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By

Chief Engineer, Executive Officer
JAMES BEYER

 **Department of
Water & Natural Resources**
Joe Foss Building Water Rights, Water Management Division
Pierre, South Dakota 57501 (605) 773-3352

September 28, 1979

Richard Ballinger
RR #1, Box 73
Jefferson, SD 57038

Dear Mr. Ballinger:

Enclosed herewith are. Water License No. 3613-3 and Certificate of Construction.

Water License No. 3613-3 is the final water right document completing your process of obtaining a water right.

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.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights, WMD

JH: gy

enclosures

NOTE: Your pump capacity is 2.0 c.f.s. (800 gpm) and based upon the acreage actually irrigated, you are entitled to divert 1.14 c.f.s. (512 gpm). Any diversion in excess of 1.14 c.f.s. would be a violation of your Water Right.

JH:plh

5-169

NOT TO SCALE

90-49

49.2

(5-47)

119.7

(5-107)
(1-166)

3.6

22.8

6.3

3.4

(5-169)

1585

*Well

1260'

9.5

(5-110)

48.3

(5-87)

89.7

37.4

(8-103)

9.5

15.8

21.2

5.2

prepared by
L. E. Dedmet
Co apt 211/77
89-49

MAR 10 2040-3 APR 10 3613-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

December 7, 2011

2008-3
3613-3

Rodney Ballinger
48056 332nd St
Jefferson SD 57038

Dear Mr. Ballinger:

Thank you for sending in the 2011 irrigation questionnaires for Water Right Nos. 2008-3 and 3613-3 and for including a notation on the necessary ownership changes.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing an ownership change with each water right. Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

I have included copies of each of the water rights. You may keep them for your records. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures

RECEIVED

JAN 23 2012

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3613-3

Date: 1-18-12

I/We request that Water Right No. 3613

formerly owned by: Richard Ballinger

be transferred to: (name & address) Rodney Ballinger, 48056 332nd St, Jefferson SD 57038

Telephone No. 712 251-8798

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

80 acres - E 1/2 NE 1/4 Section 3, T89N, R49W

☒ We understand that the validity of Water Right No. 3613-3 has not been determined by this transfer action. If ☐ We have any questions on validity, ☐ We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

☒ We Rodney Ballinger, the new owner, certify that the above information is true and correct.

Rodney Ballinger
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/23, 2012

RECEIVED OF Rodney Ballinger 48056 332nd St Jefferson SD 57038

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>3613-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05292**

By Lance D. Erbe
Chief Engineer

3613-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 24, 2012

2008-3

3613-3

Rodney Ballinger
48056 332nd St
Jefferson SD 57038

Dear Mr. Ballinger:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for transferring Water Right Nos. 2008-3 and 3613-3.

The ownership changes have been completed. Water Right Nos. 2008-3 and 3613-3 formerly held by Richard Ballinger are now listed in your name.

Enclosed for your records are Receipt Nos. 05291 and 05292 in the amount of \$50.00 each. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures