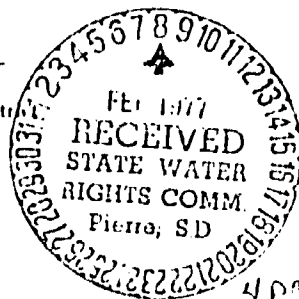


Water Right Number 3632-3

1. Considered 3-23, 19 77
2. Name of Applicant BONES HEREFORD RANCH, INC.
3. Post Office Address PARKER
4. Amount of Water claimed 2.28
5. Source of Water supply 88' WELL
6. Water to be used for IRRIGATION
- Acres to be irrigated 160
7. Water to be diverted and used in TURNER County
about 3E, 3S miles of PARKER
8. Proof of Publication Received 1st 4-14-77
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

10. Remarks:

Map No. 141-3 Water Division No. 2. VERMILLION RIVER District 1
 (Blanks to be filled by the Engineer for the W. H. C.)



APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

- Name of Applicant Bones Hereford Ranch
 Postoffice address Parker, State South Dakota 57053
 If a corporation show date and place of incorporation _____
- Method of accomplishing work (contract, employment of others, or by direct labor) _____
- Name of diversion work Bones #1
- Amount of water claimed (cubic feet per second) 2.28
- Source of water supply Center of NE 1/4, Section 35--T99N-R53W
- Location of point of diversion _____

- County Turner
- Annual period or periods during which water is to be used April thru October
 - Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
 - For irrigation use, Total number of acres to be irrigated _____

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>NE 1/4, Sec. 35, T99N, R53W</u>	<u>160</u>		

Attach sheet if more space is needed

- Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
- Choice of newspaper for Notice of Intent to appropriate Water publication New Era, Parker, S.D.
- Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.
Well, Pump and motor

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

C. Works proposed to apply water to beneficial use.
Sprinkler system

Estimated Total Cost \$ 30,000.00

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 Hughes)

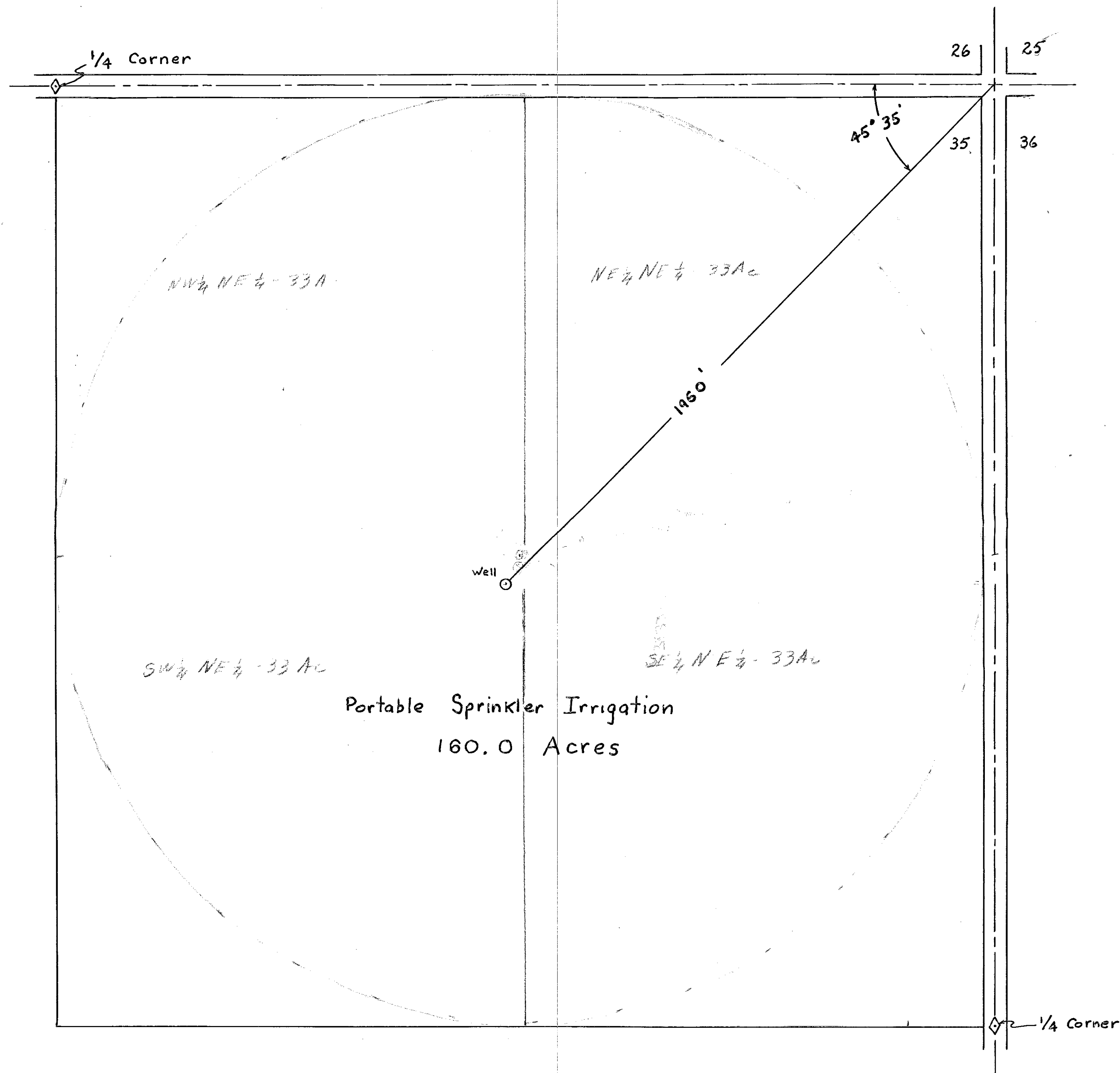
I, Walter Bones the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction

Signed Walter Bones By Walter Bones
 8th day of February 19 77
 Subscribed and sworn to before me this _____

Betty Westlund
 Notary Public (or other qualified officer)
 BETTY WESTLUND, Land/Water Clerk 11

MAP SHOWING POINT OF DIVERSION (WELL) AND LANDS TO BE
IRRIGATED WITH WATER DIVERTED FROM WELL

BONES STOCK FARMS, INC. OWNERS



LEGAL SUBDIVISION AREA TO BE IRRIGATED
N.E. 1/4 Sec. 35 T. 99 N. R. 53 W. 160.0 Acres

SCALE: 1 INCH = 200 FEET

Certified Correct: Martin M. Fogel
Extension Irrigation Specialist
South Dakota State College
Brookings, South Dakota

Subscribed and sworn to before me
this 17th day of April 19 56

James Chase
Notary Public for the State of South Dakota
Residing at Brookings, South Dakota
My commission expires Oct. 4, 1959

Appl. # 3632-3
Map No. 141-3
(Appl. No. 173-3)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3632-3

BENES HEREFORD RANCH, INC.
(Applicant)

PARKER
(Post Office Address)

SOUTH DAKOTA 57053
(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 8, 19 77
Date of return to applicant for correction, amendments or changes required —, 19 —
Date of receipt of corrected application —, 19 —
Approved MARCH 23, 19 77, Recorded in Book 18 Page 301

WATER RIGHT PERMIT NO. 3632-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3632-3 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 8, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 25, 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 86
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 2.28 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 86; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 1ST day of AUGUST, 19 77

WATER RIGHTS COMMISSION

By:

John M. Hahn
Chief Engineer, Executive Officer

Certificate of Construction Isued —, 19 —

Water License Issued —, 19 —

School House

Schimelfenig Well Drilling Lennox, South Dakota 57039

See 35
wells

Walt Bones

PROPOSAL SUBMITTED TO	PHONE	DATE
STREET	JOB NAME	2-2-77
CITY, STATE AND ZIP CODE	JOB LOCATION	

In consideration of the following covenants and arguments the undersigned agree to perform the following described work for the prices set out:

1. _____ inch diameter well drilled to approximate depth of _____ ft. at \$ _____ per ft. (Add or subtract \$ _____ per ft. for more or less than _____ foot estimate.) sub total \$ _____
2. _____ inch _____ foot type _____ screen \$ _____
3. _____ inch heavy duty drive shoe \$ _____
4. Chlorinating and disinfecting well and all water used in drilling \$ _____
- *5. Pitless unit installation (price does not include digging) \$ _____
- *6. Pump installation _____ h.p. _____ gal. tank _____ pump setting \$1760

OTHERS:

38' Sand
5' Blue Clay
15' granite
30' Sand
14' granite
10.2' (Total)

(Bottom of well 88')

88' @ 20' = 1760
Casing - 63' @ 15' = 945
Screen - 52' @ 25' = 1300
4005

We Propose hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

_____ dollars (\$ _____).

Payment to be made as follows:

Note: 1. Costs on items 5 - 6 may vary. This estimate is based upon average circumstances, including but not limited to: Item 5 assumes that well is drilled 10 - 15 feet from basement and pipe brought in and up just inside wall. Item 6 may vary with changes in well depth, pump size and tank size.
2. The above figures do not include digging, electrical work or permits.

Authorized
Signature _____

Note: This proposal may be withdrawn by us if not accepted within _____ days.

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____

Signature _____

Signature _____

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006

Submitted by: Fones Hereford Ranch Date Rec'd February 7, 1977
 Address Parker, SD 57053 Sample No. 77-198
 cc: Muron Drilling, Inc. Identification Well- School House
P.O. Box 1422
Muron, SD 57350

WATER ANALYSIS

Calcium (Ca)	213	ppm*	10.65 me/l**
Magnesium (Mg)	79	ppm	6.48 me/l
Sodium (Na)	40	ppm	1.74 me/l
Potassium (K)	8	ppm	0.21 me/l
Sulfate (SO ₄)	465	ppm	9.57 me/l
Nitrate (as N)		ppm	me/l
Chloride (Cl)	30	ppm	0.84 me/l
Bicarbonate (HCO ₃)	346	ppm	5.68 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)	284	ppm (as CaCO ₃)	
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)	
Electrical Conductivity	1501	micromhos per cm at 25° C.	
Sodium Adsorption Ratio	0.59		
Sodium	9.12	% of cations	
Residual sodium carbonate	0.00	me/l	
pH	7.41		

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 19.08 me/l
 Total anions 16.19 me/l

By: Shirley Hittan

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. 77-198

Amount Enclosed \$

Signed

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 18", Depth 88'
- (2) Casing, Type steel Diameter Thickness
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type Carbon Steel, Diameter 14", Length 25'
- (4) Gravel Pack, Thickness 2", Length of gravel pack

E. Dugout Information or Estimates.

- (1) Surface dimensions , Depth

F. Fill out for Either a Well or a Dugout.

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

Character of Water bearing materials

Depth to top of water bearing material

Depth to bottom of water bearing material

Thickness of water bearing material

Depth to water (ground surface to water level)

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

On same owner's property 3/4 mile rds. On property owned by others 3/4 mile 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.

Bonus Herford Ranch Inc
Walter Bonus Pres
Signature of Applicant

BONES #1

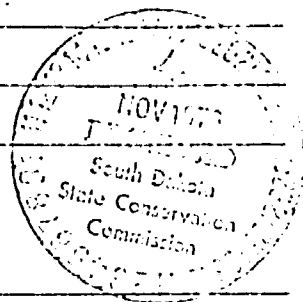
STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 45-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)

4

NAME Bones Hereford Ranch, Inc.

ADDRESS Parker, S. Dak. 57053

COUNTY Turner



LEGAL DESCRIPTION

1. WELL LOCATION 1960' south 1/4 W. from the NE corner Sec. 35-99-53

2. LOCATION OF AREA TO BE IRRIGATED NE 1/4 35-99-53

TYPE OF IRRIGATION

3. GRAVITY TOWLINE CENTER PIVOT x GUN

4. CROPS TO BE IRRIGATED Corn

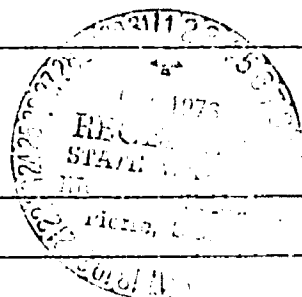
WATER QUALITY

5. SAMPLE NUMBER 76-1749

6. SALINITY (EC X 10⁶) 591 (medium)

7. SODIUM (SAR) 0.19 (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 Turner 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.

Bones Hereford Ranch Inc.

by *Willie Bones Pres.*
Applicant's SIGNATURE

Effect can be carried
out successfully in all circumstances. Individual man-
agement of the large degree, and the relative
success of the plan.

Albert J. Heltzer

APPROVED/DISAPPROVED

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

Lawrence J. Bone
(TITLE OR SEAL)

8541

(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: Eones Hereford Ranch, Inc. Date Rec'd November 1, 1976
 Address Parker, SD 57053 Sample No. 76-1749
 Identification #1 Well-35
NE 1/4, Sec. 35, T. 99N, R. 53W

WATER ANALYSIS

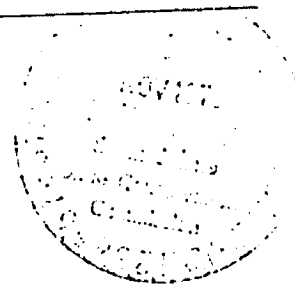
Calcium (Ca)	61	ppm*	3.05	me/l**
Magnesium (Mg)	26	ppm	2.13	me/l
Sodium (Na)	7	ppm	0.30	me/l
Potassium (K)	15	ppm	0.39	me/l
Sulfate (SO ₄)	85	ppm	1.78	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	4	ppm	0.10	me/l
Bicarbonate (HCO ₃)	285	ppm	4.68	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		g.p.g.***
Hardness (ELTA as CaCO ₃)		ppm		
Alkalinity (Methyl Orange)	234	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	591	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.19			
Sodium	5.11	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.47			
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 5.87 me/l
 Total anions 6.56 me/l



By: Shirley Kitten

Service Performed	Amount Due
Irrigation analysis	\$8.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-1749

Amount Enclosed \$

Signed

Form 6 - Notice of Intent to Appropriate Water

No. 3632-5

Publish first publication, on or before March 10, 1977

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 2, 1977

Notice is hereby given that Bones Hereford Ranch, Inc.
whose post office address is Parker, 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
2.28 cubic feet of water per second of time from the ground water through the
Bones #1, the point of diversion of which is to be located in the

Center of NE 1/4

of Section 35, Twp. 69N, Range 20W. Said water to be used for the purpose
of providing irrigation on portions of the following described land:

NE 1/4, Section 35, T69N, R53W

This application No. 3632-5 will be considered by the Water Rights Commission at their office at
Pierre upon the 22nd day of March, 1977, at 10:00 A.M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

~~BURTON J. JONES~~ JAMES WINTERSON
Water Rights Specialist

BEJ/hw

cc:

Bones Hereford Ranch, Inc., Parker, SD 57053

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

No. 3632-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County TURNER) ss.

I, Earl & Lois Bornmann hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the _____

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

THE NEW ERA PARKER, S. D.,

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

THURSDAY, MARCH 10th, 1977

THURSDAY, MARCH 17th, 1977

(Signature)

owner
(Title)

Thursday, March 9th, 1977
(Date Signed)

No. 3632-3
NOTICE OF INTENT
TO APPROPRIATE WATER -
Pierre, South Dakota 57501
March 2, 1977
Notice is hereby given that
Bones Hereford Ranch, Inc., whose
post office address is Parker,
South Dakota, has made an appli-
cation in accordance with the
provision of the water laws of
South Dakota for a permit to
appropriate for beneficial use
2.28 cubic feet of water per second
of time from ground water thru
the Bones No. 1, the point of
diversion of which is to be located
in the Center of NE¼ of Section
35, Twp. 99N, Range 53W. Said
water to be used for the purpose
of providing irrigation on the
following described land:
NE¼, Section 35, T99N,
R53W.
This application No. 3632-3
will be considered by the Water
Rights Commission at their office
at Pierre upon the 23rd day of
March, 1977, at 10:00 A.M. All
interested persons may appear
and be heard.
WATER RIGHTS COMMISSION
By: James Winterton,
Water Rights Specialist.
BFJ/bw
cc: Bones Hereford Ranch, Inc.,
Parker, SD 57053.
(2tc51 March 10 & 17, 1977)



117-0512

3632- Wells-Homer by 199Wmawg

7-7-17 Motor - 115 H.P. 60 HP

10th R-6234-02-082

R 2167789 - 177071221

Pump Aurora Valve Line

Type 10RH - 5 Stages

W-# 37771962

Well 30' 5' 9" 88 ft deep

Pump 100 gpm

C. P. ¹¹⁷⁻⁰⁵¹² Terra Kain 13250

Grasshopper, or similar, in Sample

Having well problems. Well

this water will be shut. May

be a new well. pump land

11-15-21. Hall's letter
Pump removed by
H. J. Smith 1978
May 1978

Permit No. 3632-3Water Division 3 Vermillion River Water DistrictREPORT 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 Bones Heretent
Ranch, Inc. of Parker, S. Dak. 57053 holder
of Permit No. 3632-3, bearing date of priority of February 8, 1977
authorizing the diversion of 2.28 cu. ft. per second of the waters of Ground
for Irrigation purposes, in Turner 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.

Motor - U.S. Electric ID# R-6234-02-082 - R2107789
60 HP, 1770 RPM

Pump - Aurora-Verti Line, Type 10RH, Ser# 37771962

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

C. Works used to apply water to beneficial use.

Pringle - Terra Rain Center Pivot 132 Ac.

The system is in the following condition: Excellent

The point of diversion is located _____

The works are capable of diverting and conveying to the place of use _____

cu. ft. per second of water which is to be used for _____

Water has been put to beneficial use to the maximum extent as follows: All in Section 35 T99N, R53W
NW 1/4 NE 1/4 - 33 Ac, NE 1/4 NE 1/4 - 33 Ac, SW 1/4 NE 1/4 - 33 Ac, SE 1/4 NE 1/4 - 33 Ac

comprising a total of 132 acres of land.

Date _____

(Signature) _____

Permit No. 3632-3
 Water Division 3 VERMILLION RIVER Water District

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

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / POSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by BONES HERREORD
RANCH, INC. of PARKER holder
 of Permit No. 3632-3, bearing date of priority of FEBRUARY 8, 1977
 authorizing the diversion of 2.28 cu. ft. per second of the waters of GROUNDWATER
 for IRRIGATION purposes, in TURNER 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:

88' DEEP WELL WITH 16" STEEL CASING - 20' SS SCREEN
AURORA 8" PUMP 5-10RH - POWERED BY 60HP US
ELECTRIC MOTOR @ 1770 RPM

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

30' OF 8" ALUMINUM LINE TO CENTER OF PIVOT

C. Works used to apply water to beneficial use.

8 TOWER PRINGLE (TERRA KAIN) CENTER PIVOT MODEL #6500
WITH NELSON #100 END GUN

The system is in the following condition: GOOD

The point of diversion is located 30' S OF THE CENTER OF THE NE¹
SECTION 35, T99N, R53W

The works are capable of diverting and conveying to the place of use 1.88 (850 GPM)
 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:

FOR IRRIGATING A 132 ACRE CIRCLE IN THE NE¹
SECTION 35, T99N, R53W

comprising a total of 132 acres of land.

Date NOVEMBER 5, 1981

[Signature]
 (Signature)

SOUTH DAKOTA
Department of
Water & Natural Resources

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

November 13, 1990

3632-3
3633-3
3634-3

Senator Walt Bones
Bones Hereford Ranch
RR #1 Box 122
Parker, SD 57053

Dear Senator Bones:

Enclosed, as you requested, are partially completed "Notice of Transfer" forms for use in filing ownership changes on Water Permit No. 3632-3 and Water Right Nos. 3633-3 and 3634-3.

The transfer forms should be checked over for accuracy and signed by the new owner(s) in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each.

If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

January 22, 1991

3632-3

Curt Manker
Farm Credit Services
PO Box 84110
Sioux Falls, SD 57118

Dear Mr. Manker:

Enclosed, as you requested, is a copy of Water Permit No. 3632-3, currently listed in the name of Bones Hereford Ranch. An inspection of the system was conducted in 1981, but the license was never issued. I believe there was some question on the correct location of the well or if a new well was being drilled. This, however, would only be speculation, as I am not aware of the exact reasons a license was not issued at that time.

If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 77-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

No. 3632-3

TO: Chief Engineer
Water Rights Division, DWRM
523 East Capitol
Pierre, SD 57501-3181

Date: 2-28-91



I/We request that Water Permit/Right No. 3632-3

formerly owned by: Bones Hereford Ranch

be transferred to: (name & address) BAR KENTLE CO INC

RR2 BOX 112 SUTHERLAND ILLA SIOUX (telephone No.) 712/446-3301

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

NE1 Section 35, T99N, R53W

I/We understand that the validity of Water Permit/Right No. 3632-3 has not been determined by this transfer action. If I/We have any questions on validity, I/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 at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of Turner)

I/We Walter Bones 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 that I know of my own personal knowledge that the information herein stated is true.

BONES HEREFORD RANCH

by Walter Bones (Signed)

Subscribed and sworn to before me this 28 day of FEB, 1991.

(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water 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.

4-12504

South Dakota Department of Water and Natural Resources

Pierre, March 1, 1911

RECEIVED OF Walter Bones (Bone Herford Ranch), Parker, SD
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
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>Water Permit No. 3632-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John H. H. H. H.
Chief Engineer

South Dakota

GREAT FACES. GREAT PLACES.

June 6, 1991

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

No. 3632-3

Walter Bones
Bones Hereford Ranch
Parker, SD 57053

Dear Mr. Bones:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 3632-3.

Our records now show Bar K Cattle Co., Inc. as the owner of Water Permit No. 3632-3.

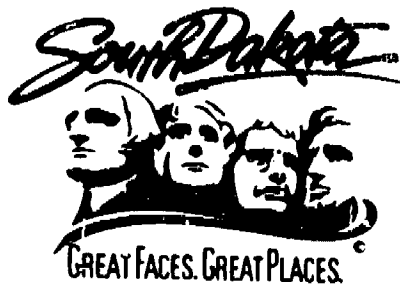
Sincerely,

Cheryl F. Frost

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

enclosure

cc: Bar K Cattle Co., Inc.



3632-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 21, 1996

Paul Petersen
45610 282nd St
Hurley SD 57036

3632-3

Dear Mr. Petersen:

I am contacting you in regard to irrigation done in 1995 on land described in Water Right No. 3632-3. The water right is currently listed in the name of Bar K Cattle Company. Last year's irrigation questionnaire for No. 3632-3 was originally sent to an address in Sutherland, Iowa. The correspondence was returned to us by the post office marked "no forwarding order on file".

You completed and returned other questionnaires for permits held by Bar K Cattle Company, and I am wondering if you also operate the land described in No. 3632-3 (NE¼ Section 35 T99N, R53W). Enclosed is the 1995 irrigation questionnaire for Water Right No. 3632-3. If you operate this land, please complete the questionnaire (with data for 1995) and return it to our office as soon as possible. If you do not operate the land, return the form to me with any information you may have on who might operate the land.

I am enclosing a postage paid envelope for your reply. If you no longer have records for 1995, put a note to that affect on the form. I apologize for not getting the form to you earlier, I realize this is a busy time of year. Thank you for your assistance and if I can answer any questions, please contact me.

Sincerely,

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

enclosures: envelope
1995 irrigation questionnaire

REPORT ON INSPECTION OF PERMIT NO. 1632-3

Other permit(s) associated with the project: None

DATE OF INSPECTION: June 18, 1996

NAME OF INSPECTION CONTACT: Paul Petersen, operator.

NAME & ADDRESS OF PERMIT HOLDER: Bar K Cattle Company, Inc., PO Box 2035, Sioux Falls, SD 57101.

DIVERSION POINT LEGAL LOCATION: 1320 feet W and 1370 feet S from the NE corner of Section 35: (50 feet S of the center of the NE1/4) T099N R53W.

WELL INFORMATION:

1) Well Drilling Firm: Grosch Irrigation Co., Inc

2) No. of Wells 1

3) Depth(s) 92 feet

4) Well log is available Y

Casing:

1) Diameter PVC inches

2) Length 52 feet

3) Type PVC

Screen:

1) Type PVC

2) Length 40 feet

3) Static water level 18 feet

Motor:

1) Make US Electric

2) Frame No. 364 TP

3) Horsepower rating 60 HP

Pump:

1) Make Aurora

2) Model No. 3777 1962

3) Capacity 850 GPM

DISTRIBUTION LINES OR CANALS:

1) Type Aluminum 2) Size 08 inches 3) Length 50 feet

SYSTEM TYPE:

Center pivot:

1) Make Pringle

2) Overall length 1260 feet

3) Number of towers 8

4) End gun Y

5) High or low pressure low

6) Capacity 850 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate Y
- 2) Main line check valve Y
- 3) Inspection port/air relief Y
- 4) Low pressure drain Y
- 5) Discharge is 2' from source Y
- 6) Interlock type electrical
- 7) Injection pump type diaphragm pump
- 8) Injection check valve Y
- 9) Injection line check valve or positive displacement pump Y
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules Y

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

COMMENTS:

This permit was developed by Bones Hereford Ranch and later transferred to Bar K Cattle Company, Inc.

Permit No. **3632-3**
Vermillion River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, June 18, 1996, made a thorough examination of the water use system constructed by Bones Hereford Ranch of RR1 Box 106, Chancellor, SD 57053 holder of Permit No. 3632-3, bearing the priority of February 8, 1977 authorizing the diversion of 2.28 cu. ft. of water per from ground water for irrigation purposes, in Turner County.

NOTE: This permit has been transferred to Bar K Cattle Company, Inc., PO Box 2035, Sioux Falls, SD 57101. Send all correspondence attention Bob Kirk.

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

A. Works used to divert the water:

A 60 HP US Electric motor with an 850 GPM Aurora pump.

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

50 feet of 8" Aluminum from the well head to the center pivot.

C. Works used to apply water to beneficial use:

An 850 GPM, 8 tower, Pringle center pivot.

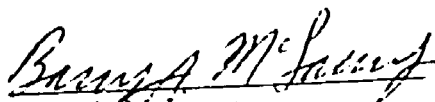
The system is in the following condition good. The point of diversion is located 1320 feet W and 1370 feet S from the NE corner of Section 35; T099N R53W. The works are capable of diverting and conveying to the place of use 1.88 cu. ft. of water per second which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

T099N R53W	SECTION 35	NE1/4 NE1/4	34 ACRES
		NW1/4 NE1/4	34 ACRES
		SE1/4 NE1/4	34 ACRES
		SW1/4 NE1/4	34 ACRES

comprising a total of 136 acres of land and the license should be issued for 1.88 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: None Date Report Completed: March 13, 1997


 Barry A. McLaury
 Natural Resources Scientist
 DENR, Water Rights Program

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

415303

Pierre, _____ March 3, 19 97

RECEIVED OF Feb Kirk, Inc., P.O. Box 2035, Sioux Falls, SD 57101

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 _____		
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. <u>3632-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)		
Total	50	00

By

Chief Engineer

John Hatcher



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 19, 1997

3632-3

Bar K Cattle Company, Inc.
%Bob Kirk
P.O. Box 2035
Sioux Falls, SD 57101

Dear Mr. Kirk:

The investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 3632-3, has been completed. Your final water right document, the Water License, can now be issued.

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

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

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

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



Walter D. Rasmussen
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

APR 7 1997

3632-3

Bar K Cattle Company, Inc.
%Bob Kirk
P.O. Box 2035
Sioux Falls, SD 57101

Dear Mr. Kirk:

Enclosed is Water License No. 3632-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415303 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 3632-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

ks
enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3632-3

(1) Bones Hereford Ranch, Inc., Parker SD made Application No. 3632-3, February 8, 1977 for a water permit to divert 2.28 cubic feet of water per second from groundwater (one well), Turner County, South Dakota for irrigation purposes. Permit No. 3632-3, with a priority date of February 8, 1977 was approved March 23, 1977 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 23, 1982 and for the application to beneficial use of said water on or before March 23, 1986.

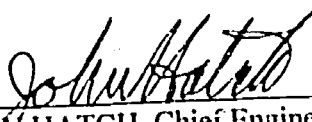
On March 1, 1991, Water Permit No. 3632-3 was transferred to Bar K Cattle Company, Inc.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.88 cubic feet of water per second for beneficial use. The location of the diversion point is 1,320 feet west and 1,370 feet south from the northeast corner of Section 35-T99N-R53W (approximate center of NE quarter).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 35-T99N-R53W	NE 1/4 NE 1/4	34 acres
	NW 1/4 NE 1/4	34 acres
	SE 1/4 NE 1/4	34 acres
	SW 1/4 NE 1/4	34 acres
Total		136 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Bar K Cattle Company, Inc., PO Box 2035, Sioux Falls SD 57101 the holder and/or owner of Water Permit No. 3632-3 is issued a license to appropriate water, the right to use 1.88 cubic feet of water per second from groundwater (one well) with a priority date of February 8, 1977 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 3632-3 and subject to South Dakota State Law.

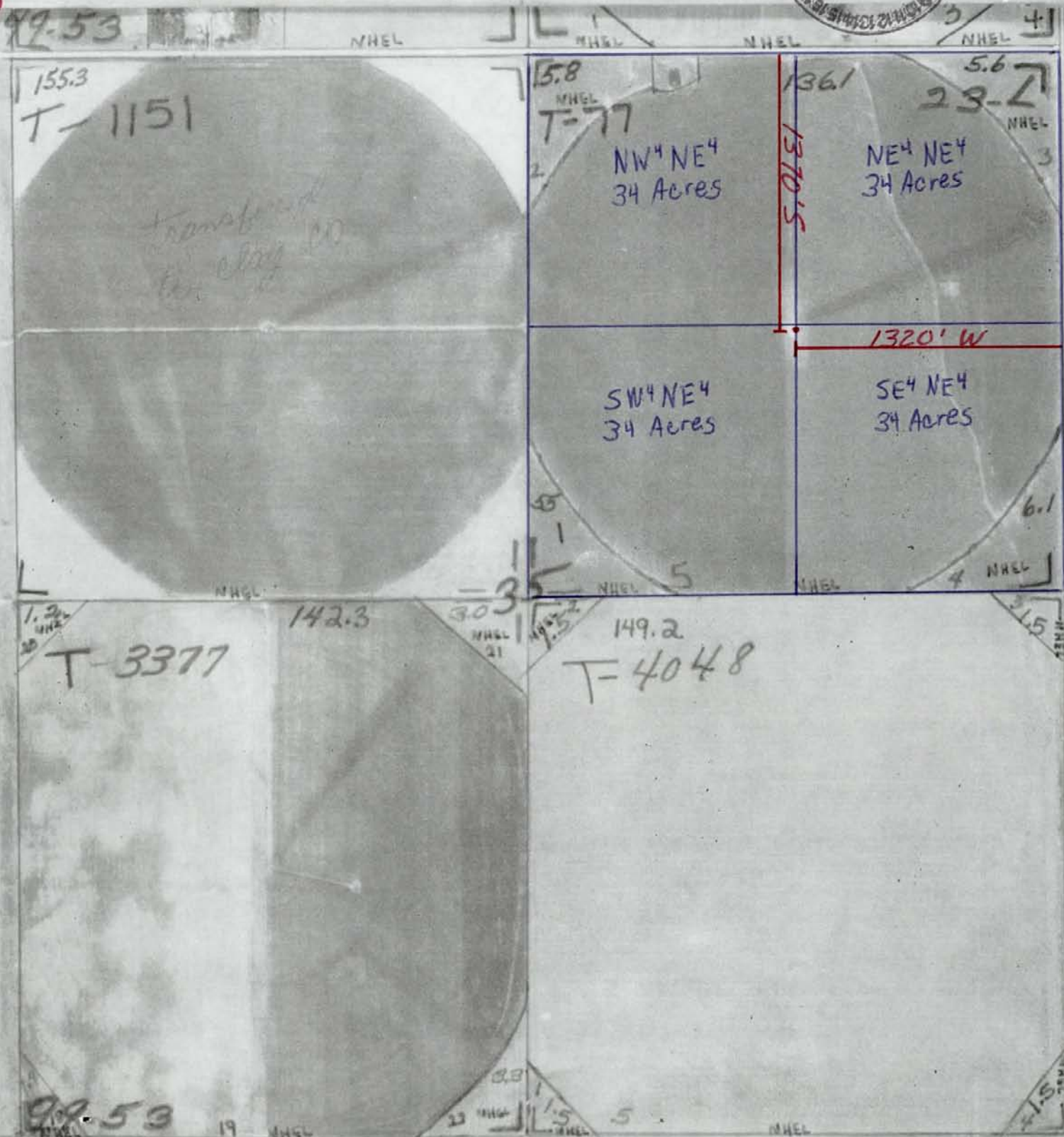

JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 7 1997

date



NOT TO SCA



Barry A. McLaury *Barry A. McLaury*
Environmental Scientist
Water Rights Program
Date *March 13, 1997*

3632-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: PAUL PETERSEN, 45610 282ND ST, HURLEY, SD 57036

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaires

Our records indicate your 2020 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 121-3A, 199-3, 289-3, 3411-3, 1773-3, 3632-3, 3633-3 & 3648-3 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) 164-3, 2053-3, 2852-3, 3906A-3, 5261-3, 5373-3, 5555-3, 6221-3 & 7588-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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) 164-3, 2053-3, 2852-3, 3906A-3, 5261-3, 5373-3, 5555-3, 6221-3 & 7588-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 121-3A, 199-3, 289-3, 3411-3, 1773-3, 3632-3, 3633-3 & 3648-3 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 before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: XTHTSS**

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.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2021

Paul Petersen Farms
45610 282nd St
Hurley SD 57036

RE: Water Permit or Right Nos. 121-3A, 164-3, 199-3, 289-3, 1773-3, 2053-3, 2852-3, 3411-3, 3632-3, 3633-3, 3648-3, 3906A-3, 5261-3, 5373-3, 5555-3, 6221-3 & 7588-3

Dear Mr. Petersen:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for the above listed water permits and rights. 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
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us