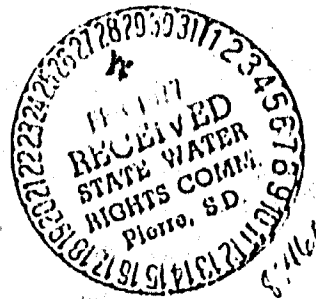


Water Right Number 5679-3

1. Considered 3.23, 19 77
2. Name of Applicant RAY BROS.
3. Post Office Address KINGSLEY, IA.
4. Amount of Water claimed 2.7
5. Source of Water supply 105' WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 240
7. Water to be diverted and used in UNION County
about 1N, 4W miles 1 of ELK POINT
8. Proof of Publication Received 3-21-77
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

No. 2679-3
 Map No. 2953-3 Water Division No. 3 PLYMOUTH 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 Ray Bros. M. W. Ray
 Postoffice address Kingsley, State Iowa
 If a corporation show date and place of incorporation None
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Ray Irrigation Project
4. Amount of water claimed (cubic feet per second) 2.7 CFS
5. Source of water supply Well
6. Location of point of diversion 2000 feet south and 2000 feet west of the Northeast corner Section 28 T91N R50W
 County Union
7. Annual period or periods during which water is to be used June through September
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 240

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE 1/4 Section 28, T91N R50W			
SW 1/4 Section 28, T91N R50W	240 acres		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system five (5) years. Additional time required to complete application of water to the proposed beneficial use five (5) years.
11. Choice of newspaper for Notice of Intent to appropriate Water publication Leader-Courier, Elk Point, S. Dak.
 57025
12. Principal Features of the Proposed Water Supply System.

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

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

C. Works proposed to apply water to beneficial use.

Center Pivot System

Estimated Total Cost \$ 10,000.00

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~~ IOWACounty of PLYMOUTHWE, RAY BROS.

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

Subscribed and sworn to before me this 23rd day of February, 1977

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3679-3
RAY, RRES M.W KINGSLEY
 (Applicant) (Post Office Address)
IDAHO 51028 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.

Date of first receipt of application FEBRUARY 28 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 47

WATER RIGHT PERMIT NO. 3679-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3679-3 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 28 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 2.7 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 use, 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: JUNE THRU SEPTEMBER

Witness my hand this 20TH 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 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 30 inches, Depth 105 feet
(2) Casing, Type granite Diameter 16" T.D. Thickness 3/4 inch
(wood, concrete, steel, etc)
(3) Perforated Screen.
Type 1/8 inch slotted, Diameter 16 inch T.D., Length 20 feet
(4) Gravel Pack, Thickness 6 - 9 inches, Length of gravel pack 20 + feet

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 Water bearing gravels and rock

Depth to top of water bearing material 105 feet

Depth to bottom of water bearing material 30 feet

Thickness of water bearing material 75 feet

Depth to water (ground surface to water level) 17 feet drawdown

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

On same owner's property 260 rds. On property owned by others 440 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.

Ray Bros
M. W. Ray
Signature of Applicant

Conservation
Commission
Form W1 #1

Well no 2,

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE ONLY

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

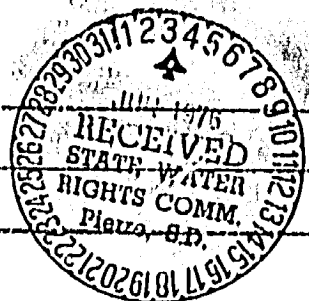
Approved: *[Signature]*

Disapproved: _____

NAME: Ray Bros.

ADDRESS: Kingsly Tower 5102 S

COUNTY: Union Co.

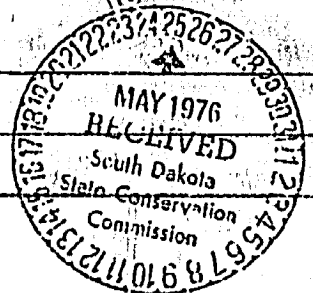


LEGAL DESCRIPTION

1. WELL LOCATION: 2000' south + 2000' West of the NE Corner of Section 28 T9, N45 W
2. AREA TO BE IRRIGATED: 280 ac.

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): Sprinkler
4. CROPS TO BE IRRIGATED: Beet & Corn



LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0-1-2%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: PM4.5XW1 - Heavy - Deep medium textured brown land soil with sandy subsoils

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 76-450
8. SALINITY: EC = 1410 μ mhos/cm (high)
9. SODIUM: SAR = 1.29 (low)

I do hereby certify that a chemical analysis of the ground water to be
acquired for irrigation from South Dakota State University and:

the land capability for irrigation information has been acquired from

Soil Conservation Service

and:

that the legal description for the location of the well and land to be
irrigated is true and correct.

Ray Bros

W. W. Ray

Subscribed and sworn before me this

_____ day of _____ 19____.

(Title)

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

Submitted by: Ray H. H. H.
 Address: King City, Iowa 51028

Date Rec'd: May 3, 1976
 Sample No.: 76-451
 Identification: Well-
NE 1/4, Sec. 28, T. 91N, R. 50W

WATER ANALYSIS

Calcium (Ca)	230	ppm*	11.50	me/l**
Magnesium (Mg)	48	ppm	3.94	me/l
Sodium (Na)	81	ppm	3.52	me/l
Potassium (K)	16	ppm	0.42	me/l
Sulfate (SO ₄)	490	ppm	10.19	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	26	ppm	0.73	me/l
Bicarbonate (HCO ₃)	486	ppm	7.96	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)	398	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1564	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.27			
Sodium	18.16%	of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.66			

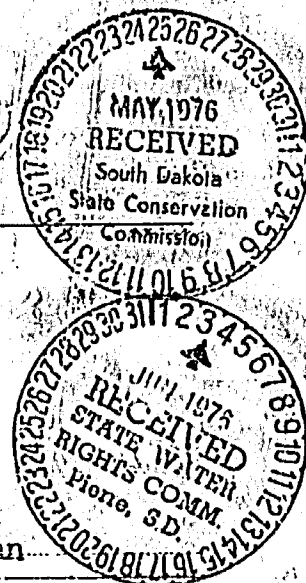
Others:

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 19.38 me/l
 Total anions 18.88 me/l



By: Shirley Mitten

Service Performed	Amount Due
Irrigation analysis	\$8.00
Make checks payable to: Water Quality Laboratory	
Cut along dotted line and return the lower portion with payment	
Sample No. <u>76-451</u>	Amount Enclosed \$
	Signed

REPRODUCTION OF RECORDS - 25-1
 ROLL NO. 41

May 21, 1926



Ray Brothers
Kingfield, Iowa 51028

Dear Sirs:

The original copies of the reports of analysis on your water samples #76-450 and 76-451 from section 21 and 25, township 91, range 50 are enclosed for your keeping. I am also enclosing a copy of AHS publication #13 with two red crosses on the outside back cover for the water quality chart designating the approximate suitability of these waters for irrigation use. You will see that they are very similar in quality with your well #2 being a little saltier than well #1. However, a large share of the salts carried by these waters are calcium sulfate and calcium and magnesium bicarbonates. These salts are somewhat less toxic than some other salts carried by various waters and should not cause major difficulty with the kind of soil you intend to irrigate. The Haney soil has quite good internal drainage and if you manage the water properly by using it in fairly substantial quantities each time you irrigate, avoid soil, frequent irrigation, you probably will never have any difficulty with salt accumulation in the root zone. However, if salt does show up by means of grey or whitish crusts on the soil surface, or diminished crop yields, you should begin at once a practice of substantial irrigation in the fall so as to fill the root zone with water, anticipating that spring and winter precipitation will cause some leaching, and removal of this salt. You may wish to contact someone in extension service for salt analysis of the soils before proceeding on some such management step as this.

A copy of this letter, and the water analyses, plus your WI-1 forms are being sent to the State Conservation Commission for their action.

Sincerely yours,

L. O. Fine /cb

L. O. Fine
Water Quality Lab

LOF:ckb

Enclosures

cc: State Conservation Commission

U. Fahl

Louie DeSmet, County Extension Agent

Form 6 - Notice of Intent to Appropriate Water

No. 3672-3

Publish first publication, on or before March 10, 19 77

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 10, 19 77

Notice is hereby given that Ray Brothers
whose post office address is Kingslay, Iowa, 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
2.7 cubic feet of water per second of time from the ground water through the
Ray #1, the point of diversion of which is to be located in the

SW 1/4 NE 1/4
of Section 28 Twp. 91N, Range 40W. Said water to be used for the purpose
of providing irrigation on the following described land:

NE 1/4, 2 1/2 NW 1/4, Section 28, T91N, R40W

This application No. 3672-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 23 day of March, 19 77 at 10:00 A.M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES JIM WINTERTON
Water Rights Specialist

BFJ/bw

cc:

Ray Brothers, Kingslay, Iowa 51028

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

No. 3679-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Union) ss.

I, Leota 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 Leek 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

Leota E. Emerson
(Signature)

Parkiecher
(Title)

March 17 - 1977
(Date Signed)

NOTICE OF INTENT TO 3-17
APPROPRIATE WATER
Pierre, South Dakota 57501
March 3, 1977

Notice is hereby given that Ray
Brothers whose post office add-
ress is Kingsley, Iowa, has made
an application in accordance with
the provisions of the water laws
of South Dakota for a permit to
appropriate for beneficial use
2.7 cubic feet of water per sec-
ond of time from ground water
through the Ray #1, the point of
diversion of which is to be locat-
ed in the $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28,
Twp. 91N, Range 50W. Said
water to be used for the purpose
of providing irrigation on por-
tions of the following described
land: NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 28-
T91N-R50W.

This application No. 3679-3
will be considered by the Water
Rights Commission at their off-
ice 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 Jim Winterton
Water Rights Specialist
Pub. March 10, 17.





DEPARTMENT OF THE ARMY
OMAHA DISTRICT, CORPS OF ENGINEERS
6014 U.S. POST OFFICE AND COURTHOUSE
OMAHA, NEBRASKA 68102



MROOP-N

4 August 1981

SUBJECT: Enforcement No. 3 0001 00664 - M. W. Ray

South Dakota Dept. of
Water & Natural Resources
Joe Foss Bldg.
Pierre, SD 57501

Gentlemen:

By the inclosed correspondence you are hereby notified of an activity performed without proper Department of the Army authorization pursuant to:

- (X) Section 19 of the River and Harbor Act of 1899
- (X) Section 404 of the Clean Water Act
- ()

In accordance with final regulations published in the Federal Register, Volume 42, No. 138 on 19 July 1977, governing the permit program of the Corps of Engineers, we are required to solicit the views of appropriate Federal, State and local agencies. This information will be evaluated in conjunction with prescribed policy and guidelines to determine what further administrative and/or legal action will be taken.

Accordingly, we request your comments on or before 4 September 1981.

Any questions concerning this matter should be directed to the attention of Mr. John Peterson, Monitoring and Surveillance Section, telephone number (402)-221-1128 or FTS 864-4128.

Sincerely,

RALPH J. MILLER
Chief, Regulatory Functions Branch
Operations Division

Inclosures
As stated

The following activities were performed in violation of Section 10 of the River and Harbor Act of 1899 and/or Section 104 of the Clean Water Act.

ENFORCEMENT ACTIVITIES: E3 0001 00086, E3 0001 00102, E3 0001 00537,
and E3 0001 00664

Name: M. W. Ray, of 421 Main Street, Kingsley, IA
51028

Location: A side channel (chute) of the Missouri River between
river index mile 761 and 763, left descending bank,
Union County, SD

CHRONOLOGY OF EVENTS

(File No. E3 0001 00086)

7 June 1977 - Mr. Floyd Davis advised the Corps by telephone that Mr. Ray, a landowner downstream of him, was constructing an unculverted roadway across an active chute of the Missouri River.

8 June 1977 - An on-site inspection found Mr. Ray had constructed a structure across a side channel at approximate mile 762. Trees and part of a high bank also had been pushed into the channel downstream of the structure.

10 June 1977 - Mr. Ray was notified by certified letter to cease and desist any further filling in the channel and to remove the structure, including trees and debris, to provide a channel equal to that existing prior to his construction. This was to be done within 15 days from receipt of the cease and desist order. The letter was delivered 14 June 1977.

22 June 1977 - An on-site progress inspection found the structure had been cut but not removed in its entirety. This cut however, allowed channel flows again. Trees and brush were still in the channel. Mr. Ray had until 30 June 1977 to complete the removal.

(File No. E3 0001 00102)

24 June 1977 - A complaint was filed that Mr. Ray was filling a wetland adjacent to the channel at river mile 762.

28 June 1977 - An on-site inspection found Mr. Ray clearing land and leveling for a pivot-irrigation system. He had pushed a line of trees and cut down the high bank adjacent to the channel involved in his first unauthorized work. As a result of this work, the trees and excavated material was deposited in wetland areas and low land to expand his agricultural operation to the channel edge.

29 June 1977 - Mr. Ray was notified by certified letter to cease and desist his disposal of clearing debris and filling involving wetland areas. He was further advised that he would be required to remove the fill from the wetlands when the extent of restoration could be determined. In this letter, Mr. Ray was also reminded that he had not fully complied with the removal and channel restoration directed by the 10 June 1977 cease and desist letter. The letter was delivered 7 July 1977.

13 July 1977 - An aerial recon of the activity found the site essentially in the same condition that existed at the time of the 28 June 1977 inspection. A center pivot was irrigating approximately 2/3 circle.

20 March 1978 - An inquiry to Mr. Floyd Davis as to snow cover conditions and to any further work downstream (Ray's activity) revealed that the island across the channel from Mr. Ray's prior activity had been cleared at approximate mile 762 and trees pushed over the bank between mile 761 and 762.

23 March 1978 - An aerial recon of the island confirmed the land clearing. It was suspected that Mr. Ray intended to expand his center-pivot system to include the island. No further violations were evident concerning the clearing operation. Mr. Ray's adjacent activity had not changed from the 13 July 1977 aerial recon.

(File No. E3 0001 00537)

7 July 1980 - A complaint was received that Mr. Ray had constructed crossings in the same channel that was involved in his previous violations. Purpose was to allow his center-pivot system to cross the channel to irrigate crops extended to the island.

8 July 1980 - A coordinated aerial and on ground inspection confirmed the complaint.

10 July 1980 - Mr. Ray was ordered by certified mail to cease and desist any further filling in the channel and directed to remove the structures to provide a waterway of equal capacity to that which existed prior to his construction. This was to be done within 10 days from receipt of the cease and desist letter. The letter was delivered 14 July 1980.

11 July 1980 - The South Dakota Attorney General's office was inquired as to ownership of the island Mr. Ray had cleared and was farming. The purpose was to find out if accretion rights would have a bearing on further enforcement action.

(Note: To date, the State of South Dakota has not responded.)

16 July 1980 - Mr. Ray requested a 10-20 day extension on the 10-day removal order. He said he had an excellent corn crop across the channel on the island and wanted to continue irrigation to maturity. He was advised that the District Engineer would make the decision on his return.

18 July 1980 - Mr. Ray was notified by telephone with confirming follow-up telegram that his request for a time extension was denied and the restoration date of 24 July 1980 remained.

24 July 1980 - Mr. Ray notifies by telephone that the structures were opened.

25 July 1980 - A coordinated aerial and on ground compliance inspection found the structures partially removed and water flowing once again in the channel.

1 August 1980 - Mr. Ray was advised by certified mail that he had not fully complied with the removal/restoration work ordered in the 10 July 1980 cease and desist letter. He was further advised that he would be contacted when it could be determined what further restoration was needed.

(Note: Restoration depended upon the response from the State of South Dakota as to ownership.)

7 October 1980 - A fly-over found remnants of the structures still existing and the channel carrying flows. Corn crop on island was not harvested.

(File No. E3 0001 00664)

15 April 1981 - A complaint was filed regarding a structure placed in the Missouri River to prevent water from entering the backwater channel at river mile 762.65, Union County, SD. Mr. Ray was suspected.

16 April 1981 - The site was inspected by airboat. A structure was found completely blocking the channel.

18 April 1981 - Location of the structure appeared to be on or adjacent to the Floyd Davis property upstream from the Ray property. Mr. Davis said that Mr. Ray and other landowners had pressured him to allow the channel blocked. Mr. Davis said he had been against Mr. Ray's filling the channel over the years but finally told him he didn't care if he blocked it provided the block was placed downstream of his (Davis) irrigation intake. Subsequently, Mr. Ray entered on the Davis property and constructed the block across the channel. Mr. Davis also said that Mr. Ray had completely filled the channel adjacent to his property.

22 April 1981 - Mr. Ray was ordered by certified mail to cease and desist any further filling in the channel; remove the obstruction; and restore the channel to its original flow carrying capacity within 10 days from receipt of the letter. The letter was delivered on 24 April 1981.

27 April 1981 - A fly-over found that the side channel contained nine structures and approximately 2,200 feet of channel completely filled in. Eight structures and the filled channel were adjoining the Ray property. One structure was adjoining the Davis property.

Permits Branch
P.O. Box 5
Omaha, NE 68101

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

2 2 APR 1931

MROOP-N

Mr. M. W. Ray
421 Main St.
Kingsley, IA 51028

Dear Mr. Ray:

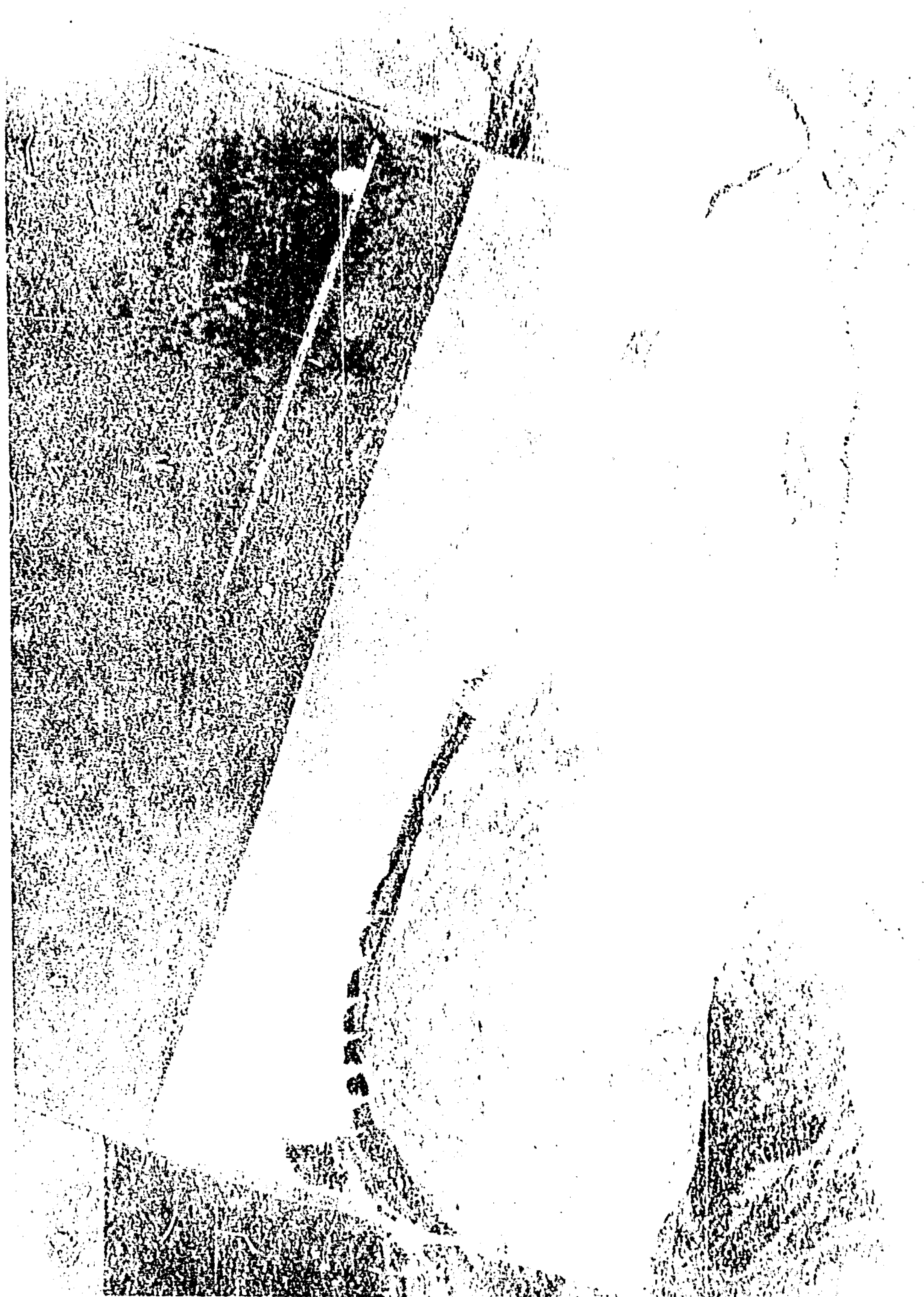
It has come to my attention that for the third time you are responsible for blocking a side channel of the Missouri River running from river index mile 759 to mile 753, left descending bank, Union County, South Dakota.

As in the two previous cases you have done the work without the authorization required by Section 10 of the River and Harbor Act of 1899 and Section 404 of the Clean Water Act. Accordingly, you are again ordered to cease and desist any further filling activity in the above described area. You are further ordered to remove the obstruction and restore the channel to its original flow carrying capacity within ten (10) days from receipt of this letter.

Since this is your third attempt to successfully block flows in the same side channel without the required authorization I am referring the matter to the local U.S. Attorney's office for prosecution.

Sincerely,

V. D. STIHO
Colonel, Corps of Engineers
District Engineer



See also 3679-3

3680-3

Ray Bros. dissolved their
partnership in March 1951.
W. W. Ray has the firm.
Please send mail to:

W. W. Ray
Kingsley, La.
51028



3679-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 15, 1996

3679-3
3680-3

M W Ray
Ray Farms
Box 151
Kingsley, IA 51028

Dear Mr. Ray:

I am contacting you in regard to the name and/or ownership changes you requested for Water Permit Nos. 3679-3 and 3680-3. On your 1995 irrigation questionnaires you made a notation that the permits should be listed under "Ray Farms" rather than "Ray Brothers or M W Ray."

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership change. Please review the forms for accuracy and make any necessary corrections. Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

Thank you for your assistance in this matter. If you have any questions, please contact me.

Sincerely,

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

enclosure

Is your RETURN ADDRESS completed on the reverse side?

3679-3

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered, and the date delivered.

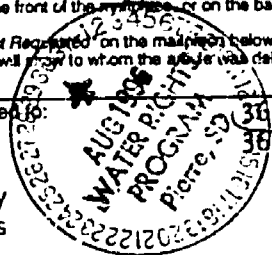
I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

M. W. Ray
Ray Farms
Box 151
Kingsley, IA 51028



3679-3
3680-3

4e. Article Number

P 378 081 278

4b. Service Type

- | | |
|---|------------------------------------|
| ☒ Registered | ☐ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

8-28-96

5. Received By: (Print Name)

M. W. Ray

6. Signature: (Addressee or Agent)

X

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.



3649-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 26, 1996

SECOND NOTICE

Permit Nos. 3679-3
3680-3

M. W. Ray
Ray Farms
Box 151
Kingsley, IA 51028

Dear Mr. Ray:

On April 15, 1996, notice was sent to you concerning the transfer of Water Permit Nos. 3679-3 and 3680-3 in the name of M. W. Ray, Ray Brothers. To date, we have not heard from you on this matter.

Transfer forms were previously sent to you, enclosed are additional forms. Please sign, have notarized and return the forms to this office with the required filing fee of \$2.50 per transfer (\$5.00 total). The water permits can then be transferred to your name. If you are not the present owner of the land covered under these water permits, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

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

Very truly yours,

RON DUVAL
Natural Resources Engineer
For John Hatch, Chief Engineer
Water Rights Program

enclosure

3679-3

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3679-3

Date: 9-18-96



I/We request that Water Permit No. 3679-3

formerly owned by: M W Ray, Ray Brothers

be transferred to: (name & address) Ray Farris, Box 151, Kingsley, IA 51028

Telephone No. 712 378-2536

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

NE 1/4 and E 1/2 NW 1/4 Section 28, T91N, R56W

I/We understand that the validity of Water Permit No. 3679-3 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 with the Water Rights Program, 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 LINCOLN)

I/~~we~~ Ray Farris 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.

Thomas M. Ray
(Signed)

Subscribed and sworn to before me this 18th day of SEPTEMBER, 1996.

[Signature]
(Notary Public)

My Commission Expires 5-31-2001

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 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

415123

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 26, 19 96

RECEIVED OF Thomas Ray, P.O.Box 151, Kingsley, IA 51028

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. _____

Fee for Filing Transfer Form Water Permit No. 3679-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

John Hatch (Signature)
Chief Engineer



3679-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 4, 1996

Nos. 3679-3
3680-3

Thomas Ray
P.O. Box 151
Kingsley, IA 51028

Dear Mr. Ray:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Permit Nos. 3679-3 and 3680-3.

Our records now show Ray Farms as the owner of Water Permit Nos. 3679-3 and 3680-3.

Sincerely,

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

enclosure



3679-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 13, 1997

Tom Ray
Ray Farms
Box 151
Kingsley IA 51028

Dear Mr. Ray:

Forest Walter, with this office indicated you called concerning your water permits. A review of our files indicates that Ray Farms has two water permits.

Water Permit No. 3679-3 authorized 2.7 cubic feet of water per second (cfs) from one well located in the SW 1/4 NE 1/4 Section 28 to irrigate 240 acres located in the NE 1/4 and E 1/2 NW 1/4 Section 28; all in T91N-R50W.

Water Permit No. 3680-3 authorized 2.7 cfs from one well located in the NW 1/4 SE 1/4 Section 21 to irrigate 320 acres located in the S 1/2 NE 1/4, SE 1/4, SE 1/4 NW 1/4 and E 1/2 SW 1/4 Section 21; all in T91N-R50W.

These two permits were transferred to Ray Farms on September 26, 1996. I could not find a permit or application for the well located in the SW 1/4 Section 22-T91N-R50W. Enclosed are the necessary forms and instruction sheet for applying for an *Application for a Permit to Appropriate Water for Irrigation*.

Mr. Ray, if you have any questions or need assistance in completing the application, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



December 7, 1999

3679-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Tom Ray
302 Kurtz Drive
Kingsley, IA 51028

Dear Mr. Ray:

Enclosed are three partially completed application forms and an instruction sheet. You will not have to provide maps as stated in item 2.), on the instruction sheet. I have already prepared the maps. The enclosed copies of the maps are yours to keep.

Inspections of Permit Nos. 3679-3 3680-3 and 6139-3 found additional acres being irrigated and additional water use to what is authorized. Permit No. 3679-3 authorizes the irrigation of 240 acres and the use of 2.7 cubic feet per second (cfs) or 1,215 gallons per minute (gpm) of water. The investigation found a center pivot that irrigates 300 acres and uses 4.44 cfs or 2,000 gpm of water. The maximum amount of water that can be applied to land is 1 cfs per 70 acres. For 300 acres the total allowed would be 4.29 cfs or 1930 gpm. A water permit application is needed for the additional 60 acres and 1.59 cfs or 715 gpm.

Permit No. 3680-3 authorizes the irrigation of 320 acres of land and the use of 2.7 cfs or 1,215 gpm of water. The investigation found a cornering center pivot that irrigates 326 acres and uses 4.44 cfs or 2,000 gpm of water. A water permit application is needed for the additional 6 acres and 1.74 cfs or 785 gpm.

Permit No. 6139-3 authorizes the irrigation of 115 acres of land and the use of 1.77 cfs or 796 gpm of water. The investigation found a ½ center pivot that irrigates 142 acres and uses 2.0 cfs or 900 gpm of water. A water permit application is needed for the additional 27 acres and 0.23 cfs or 104 gpm.

Each of the applications requires a \$150.00 application fee and an additional \$50.00 is needed for the inspection/licensing fee (\$200.00 per application). This fee will cover the inspection/licensing fee for the new application and the existing permit. Once the new application is approved the two permits will be licensed together. This will be done for each new application and corresponding existing permit.

If you have any question, please feel free to contact me at (605) 773-3352.

Sincerely,

Lynn Beck
Natural Resources Engineer III

Mail to:
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181
(605) 773-3352

(office use only)
No. _____ Hydrologic Unit _____
Basin _____
Newspaper _____

Application For Permit To Appropriate Water For Irrigation

Type of Application: X New Vested Right Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

1. Name of Applicant Ray Farms, Tom Ray Phone (712) 378-2536
(check one) X Owner Tenant/lessee
Mailing Address 307 Kurtz Dr., Kingsley State IA 51028
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 1.59 add'l *CFS or 715 **GPM ***AF Total Acreage 60 add'l
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
For a total of 4.29 cfs. For a total of 300 acres.

3. Source of water supply One well in the Missouri-Elk Point Aquifer.

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) SW1/4 NE1/4 Section 28, T91N,
R50W approximately 2000' S and 2000' W of the NE corner of Section 28. The well is authorized
by Permit No. 3679-3. County Union

5. County or counties where water will be used Union

6. Annual period during which water is to be used June 1 - September 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
Section 21: SE1/4 SW1/4	2	Section 28: SE1/4 NE1/4	39
SW1/4 SE1/4	11	NE1/4 NW1/4	33
SE1/4 SE1/4	2	SE1/4 NW1/4	39
Section 28: NE1/4 NE1/4	32	NE1/4 SW1/4	16
NW1/4 NE1/4	40	NE1/4 SE1/4	15
SW1/4 NE1/4	40	NW1/4 SE1/4	31

8. Give a description of the project. (Attach sheet if more space is needed)
This application is for an additional 60 acres and 1.59 cfs (715 gpm) for an existing center pivot under Permit No. 3679-3. Permit No. 3679-3 authorizes irrigation of 240 acres and 2.7 cfs (1215 gpm) located on lands described above. The circle covers 300 acres and uses 4.44 cfs (2000 gpm). However the maximum use for 300 acres is 4.29 cfs (1930 gpm) and this application is for the difference between 4.29 cfs and 2.7 cfs (1.59 cfs).

STATE OF SOUTH DAKOTA) SS
County of _____)

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, _____, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature _____

Subscribed and sworn to before me this _____ day of _____, 19 _____

3-98

Notary Public signature

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth 100
- b) Casing Type _____ Diameter 10" Thickness _____
- c) Screen Type Johnson ss Diameter 10" Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope _____

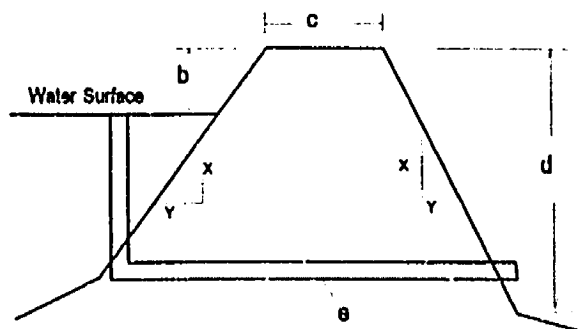
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





3679-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAY 12 2000

6179-3
6180-3
6181-3

Ray Farms
%Tom Ray
307 Kurtz Drive
Kingsley, IA 51028

Dear Mr. Ray:

Enclosed are Water Permit and Water License Nos. 6179-3, 6180-3 and 6181-3. These are the final water right documents completing your process of obtaining a 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 Nos. 6179-3, 6180-3 and 6181-3, 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.

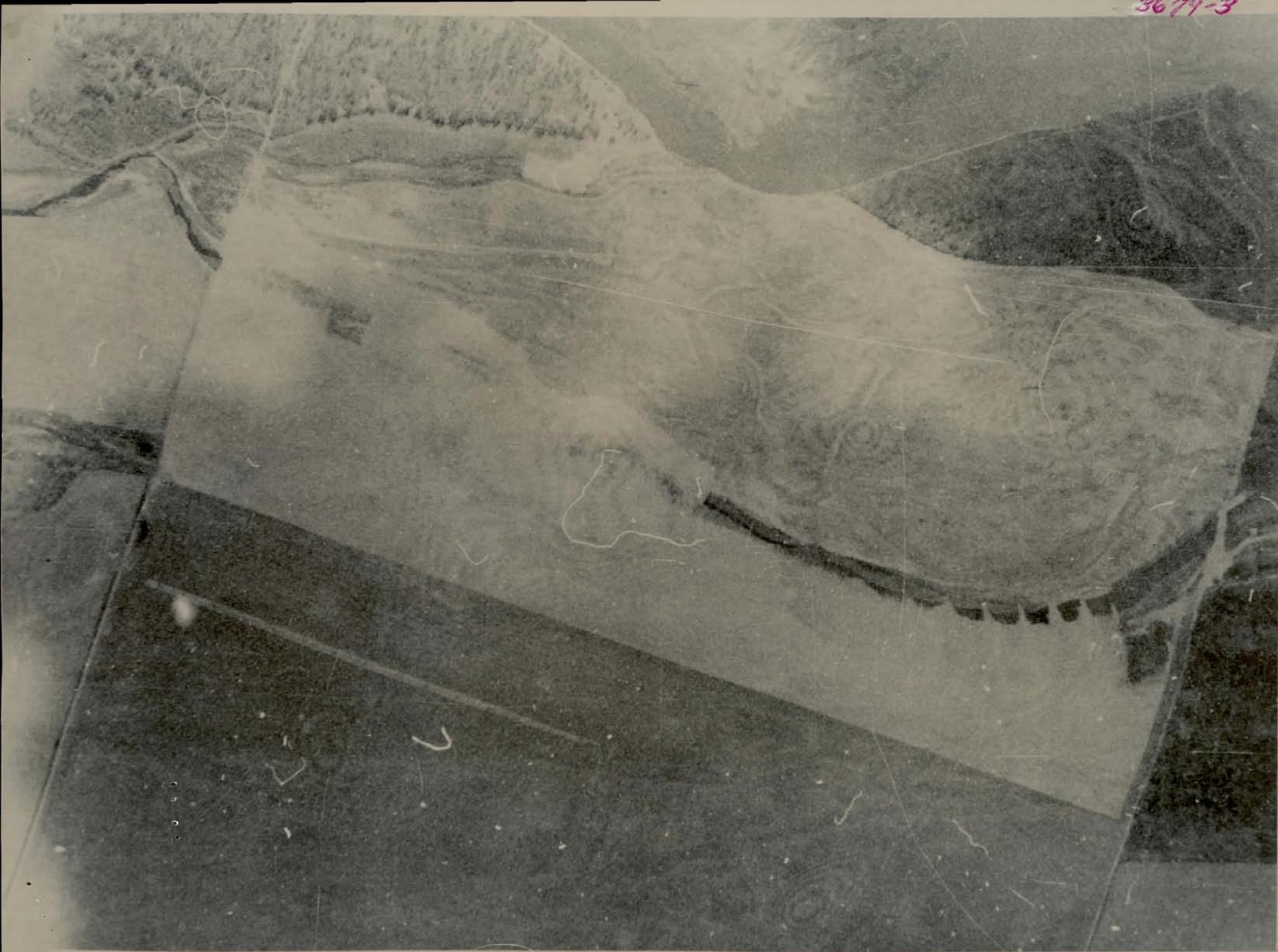
As long as you use the water beneficially, as stated in the Water Licenses, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

ks
enclosures

NOTE: The applicable portions of No. 3679-3 are incorporated into Water License No. 6179-3, the applicable portions of No. 3680-3 are incorporated into Water License No. 6180-3, and the applicable portions of No. 6139-3 are incorporated into Water License No. 6181-3.



3674
3680

NOT TO SCALE

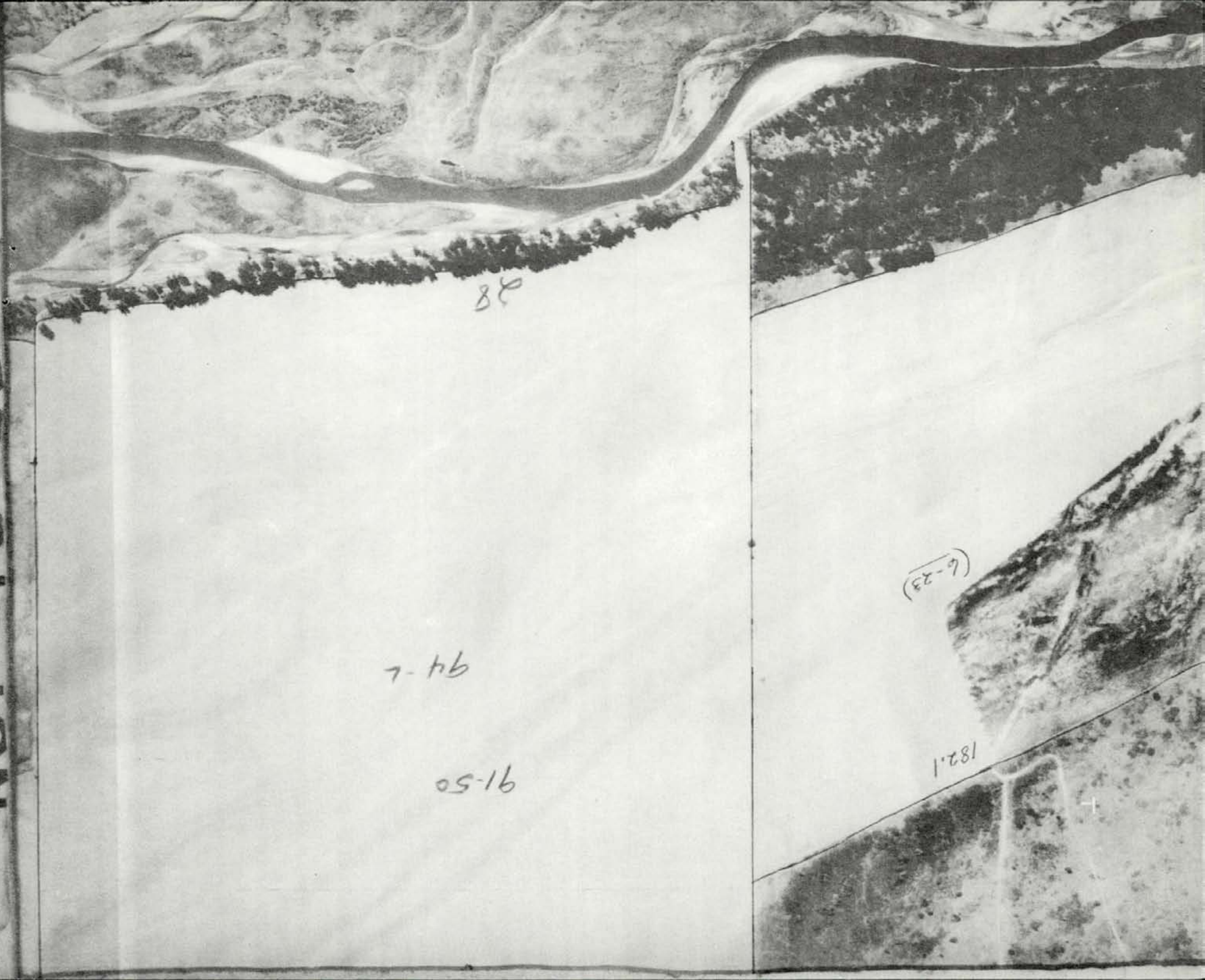
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(6-23)

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3679
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NOT TO SCALE

91-50

Transferred
to
Woodbury
County

021

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