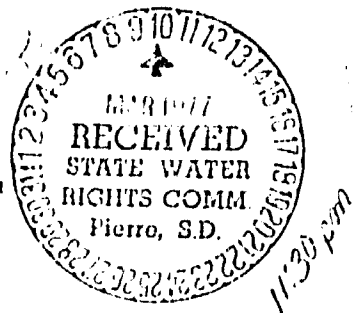


Water Right Number 3791-3

1. Considered 5-25, 19 77
2. Name of Applicant PAUL S. BREMMON
3. Post Office Address BRITTON
4. Amount of Water claimed 1.28
5. Source of Water supply LOCAL RUNOFF (99.2 AC FT)
6. Water to be used for IRRIGATION
- Acres to be irrigated 90
7. Water to be diverted and used in MARSHALL County
about 45, 3E miles of BRITTON
8. Proof of Publication Received 5-4-77
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

10. Remarks:

Map No. 3058-3 Water Division No. 3 JAMES RIVER District _____
 (Blanks to be Filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Paul S. Bremmon
 Post-office address R.R. 2, Britton State South Dakota
 If a corporation show date and place of incorporation Not applicable
 2. Method of accomplishing work (contract, employment of others, or by direct labor) employment of others
Paul Bremmon Dam, No. 1
 3. Name of diversion work _____
 4. Amount of water claimed (cubic feet per second) 1.28
 5. Source of water supply drainage - run-off
 6. Location of point of diversion 80 rds N; 15 rds E of SW corner of Sec. 9-126-57,
Marshall County County Marshall
 7. Annual period or periods during which water is to be used June 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 90

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.
NW $\frac{1}{4}$ SW $\frac{1}{4}$	15		
SW $\frac{1}{4}$ NW $\frac{1}{4}$	40		
SW $\frac{1}{4}$ SW $\frac{1}{4}$	35		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use 2 years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication The Britton Journal
 12. Principal Features of the Proposed Water Supply System.

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

Earth Dam, Pump from reservoir.

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

Portable pipe.

C. Works proposed to apply water to beneficial use.

Sprinkler irrigationEstimated Total Cost \$ 18,400

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 Marshall) ss.

i. Paul S. Bremmon 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 Paul S. BremmonSubscribed and sworn to before me this 9 day of MARCH 1977

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3791-3
PAUL S. BREMMON R.R. #2, BRITTON
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57430 With the following modifications:
 (State)

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING, MUST BE BY-PASSED.
 APPROVAL OF THIS PERMIT AUTHORIZES STORAGE OF 99. ACRE FEET OF WATER ANNUALLY.

Date of first receipt of application MARCH 10, 19 77
 Date of return to applicant for correction, amendments or changes required MARCH 10, 19 77
 Date of receipt of corrected application MARCH 15, 19 77
 Approved MAY 15, 19 77, Recorded in Book 18 Page 203

WATER RIGHT PERMIT NO. 3791-3

The Water Rights Commission hereby grants and issue, this Water Right Permit No. 3791-3 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 MARCH 10, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 25, 19 77
3. The whole of said work is to be completed on or before MAY 25, 19 78
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 25, 19 80
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 1.28 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 MAY 25, 19 80; said water to be used during the following described annual period: JUNE THRU OCTOBER

Witness my hand this 9TH day of JUNE, 19 77

WATER RIGHTS COMMISSION

By:

Charles H. Hall
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

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

D. Well Information or Estimates

(1) Drill Hole, Diameter _____, Depth _____

(2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)

(3) Perforated Screen

Type _____, Diameter _____, Length _____

(4) Gravel Pack Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

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

(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 _____ rds. On property owned by others _____ 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.

Maximum height of dam, 23 ft.

Maximum water depth, 18 ft.

Surface area, 11 Acres

Storage capacity, 99.2 Ac. Ft.

Paul S. Bismmon
Signature of Applicant

Form 6 - Notice of Intent to Appropriate Water

No. 3791-3

Publish first publication, on or before May 12, 1977

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

April 6, 1977

Notice is hereby given that Paul S. Bremmon
whose post office address is Britton, 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

1.28 cubic feet of water per second of time from the excess runoff into dam through the

Paul Bremmon Dam No. 1, the point of diversion of which is to be located at the

near the center of the W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$

of Section 9, Twp. 126N, Range 57W. Said water to be used for the purpose
of providing irrigation on portions of the following described land:

W $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, T126N, R57W

This application No. 3791-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 25th day of May, 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: Paul S. Bremmon, R.R. # 2, Britton, SD 57430

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Marshall.

C. L. Card of said county, being first duly sworn on oath says that he is publisher of the BRITTON JOURNAL, a weekly newspaper printed and published in the City of Britton, in the County of Marshall, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly and has been published within said County for fifty-two successive weeks, next prior to the publication of the notice herein mentioned and is printed wholly or in part in an office at said place of publication;

27(Apr. 13-20)

No. 3791-3

NOTICE OF INTENT TO APPROPRIATE WATER

April 6, 1977

Notice is hereby given that Paul S. Bremmon, whose post office address is Britton, 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 1.28 cubic feet of water per second of time from runoff into dam through L. Paul Bremmon Dam No. 1, the point of diversion of which is to be located near the center of the W¹/₄, W¹/₄, SW¹/₄ of Section 9, Twp. 126N, Range 57W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

W¹/₄, SW¹/₄, SW¹/₄, NW¹/₄, Section 9, T126N, R57W

This application No. 3791-3 will be considered by the Water Rights Commission at their office at Pierre upon the 25th day of May, 1977, at 10:00 a.m. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By: James Winterton
Water Rights Specialist.

that the Notice of Intent to appropriate
water

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet and is made a part of this affidavit, was published in said news-

paper at least once each week for two successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

April 13, 1977

April 20, 1977

that the full amount of the fee charged for the publication of said notice inures to the benefit of publisher of said newspaper, that no agreement or understanding for the division thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whomsoever, and that the fee for the publication thereof

ten and 24/100 DOLLARS.

Subscribed and sworn to before me this 20th day of April, A. D., 19 77

372

Lyke E. Edes
Notary Public, Marshall County, S. D.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3121

April 15, 1985

Paul R Bremmon
RR 2
Britton SD 57430

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s). 3791-3. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

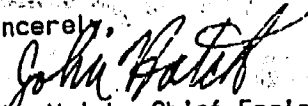
The hearings will be held at 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

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

1. Amend Permit No(s). 3791-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

Sincerely,


John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

NOTE: If the questionnaire(s) is received in this office before the May 15th hearing date, your name will be deleted from the agenda for the hearings.

**South Dakota Department of
Water & Natural Resources**

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

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Paul R. Bremmon
RR #2
Britton, SD 57450

FROM: John Hatch, Chief Engineer
Water Rights Division 773-3352

SUBJECT: Amendment to Water Permit No(s). 3791-3.

John Hatch

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 3791-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

South Dakota Department of
Water & Natural Resources

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

Attachment to Water Permit No(s). 3791-3

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 3791-3 to add the following qualification:

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

South Dakota
Department of
Water & Natural Resources

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

March 23, 1987

PAUL R BREMMON
RR #2 BOX 63
BRITTON, SD 57430

NOTICE

Re: Violation of Water Permit No(s). 3791-3

Our records indicate that the 1986 Irrigation Questionnaire has not been received for Permit No(s). 3791-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 3791-3 qualification:

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

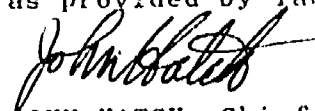
The hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 3791-3 until either the 1986 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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



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

NOTE: If the questionnaire(s) is received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

**South Dakota Department of
Water & Natural Resources**

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

April 24, 1987

3791-3

Paul R Bremmon
RR #2 Box 63
Britton, SD 57430

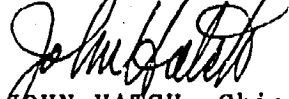
Dear Mr. Bremmon:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit No. 3791-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

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

If you have any questions, please contact us.

Very truly yours,


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



DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-2181

GREAT FACES. GREAT PLACES

February 1, 1991

PAUL R BREMMON
RR #2 BOX 63
BRITTON SD 57430

NOTICE

RE: Violation of Water Permit No(s) 3791-3

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 3791-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 3791-3 qualification:

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

The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

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

1. Suspend Permit No(s) 3791-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

SENDER: Complete items 1 and 2 when additional services are desired and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. If you do not wish to prevent this card from being returned to you, the return receipt fee will pay delivery to the home of the person delivering and to the date of delivery. For additional fees and following services, see "PSN" (Domestic) postage meter for fees and check boxes for additional services requested. 1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery (Extra charge)	
3. Article Addressed to PAUL R BREMMON RR #2 BOX 63 BRITTON SD 57430	4. Article Number P 694 057 408 Type of Service ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature of Addressee X <i>Paul Bremmon</i>	8. Addressee's Address (ONLY if requested and fee paid) RR-2 Box 63 Britton SD 57430
6. Signature of Agent X	
7. Date of Delivery 2-6-91	

South Dakota



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 19, 1991

3791-3

Paul R Bremmon
RR #2 Box 63
Britton, SD 57430

Dear Mr. Bremmon:

I am writing to acknowledge receipt of your 1990 irrigation questionnaire for Water Permit No. 3791-3. You may disregard the February 1, 1991. Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaire, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

PAUL R BEEHMON
RR #2 BOX 63
BRITTON SD 57430

NOTICE

RE: Violation of Water Permit No(s) 3791-3

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 3791-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 3791-3 qualification:

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

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3791-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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 Fee will provide you the signature of the person delivered to and the date of delivery.

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:

PAUL R BREMMON
RR #2 BOX 63
BRITTON, SD 57430

3791-3

4a. Article Number

P 906 557 801

4b. Service Type

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

7. Date of Delivery

SD 6-30-92

6. Signature (Addressee)

Paul Bremmon

6. Signature (Agent)

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

DOMESTIC RETURN RECEIPT



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

March 9, 1992

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: PAUL R BREMMON
RR #2 BOX 63
BRITTON, SD 57430

FROM: Ron Duvall, Natural Resources Engineer IV
Water Rights Division
(605) 773-3352 *R. Duvall*

SUBJECT: One Year Suspension of Water Permit No(s).
3791-3

Pursuant to the provisions of the notice dated January 27, 1992, and following the hearing of March 4, 1992, the Water Management Board has ordered:

That Water Permit No(s). 3791-3 be SUSPENDED until December 31, 1992. Suspension of the permit(s) does not excuse the permit owner from the requirement to submit the 1991 irrigation questionnaire.

Suspension of a permit means water may not be pumped during the 1992 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension(s), you will need to submit a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 6-7, 1992 in Pierre. The letter should include your reasons for not completing the irrigation questionnaire(s) prior to the March Board meeting.

To: Ron Duvall, Natural Resources Engineer IV
Water Rights Division

From: Paul Bremmon
Britton, SD 57430
Box 63

Subject: One year suspension of water permit No.3791-3



I would like to request time on the agenda at the Water Rights Management meeting on May 6-7, to reinstate my water rights.

I was suprised to recieve your certified letter in Feb. I thought that I had mailed in the questionnaire for 1991. I looked in my office for the right form but I couldn't find it. At that point I forgot to pursue the matter any further.

In the 1991 Growing season I didn't pump any water at all. The rainfall was in excess here at all times during the growing season.

I am requesting that my water permit be reinstated for the 1992 growing season. I apoligize for my oversight in not sending in the 1991 questionnaire. In the future I will try to be more timely in our correspondence.

Thank You,

Paul Bremmon

Paul Bremmon



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

March 30, 1992

3791-3

ASCS
759 6th Avenue
Britton, SD 57430

Dear Sirs:

Enclosed, as requested by Paul Bremmon, is a copy of his 1989 irrigation questionnaire. If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

encl

cc: Paul Bremmon

L



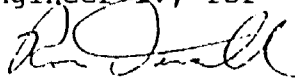
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 31, 1992

NOTICE

TO: Paul Bremmon, Box 63, Britton, SD 57430

FROM: Ron Duvall, Natural Resources Engineer IV, for
John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352 

SUBJECT: Notice of Hearing to Consider Request for
Reconsideration of Suspended Water Permit No. 3791-3

The hearing on your March 30, 1992, request to the Water Management Board to reconsider suspension of Water Permit No. 3791-3 has been scheduled for 9:15 am, May 6, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

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

After all evidence is taken at the hearing, the Board may issue a decision to rescind the suspension of your permit, defer action or take no action. The hearing is an adversary proceeding and any party has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

cc: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on March 31, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, First Class postage, prepaid envelopes containing a Notice dated March 31, 1992, regarding Notice of Hearing to Consider Request for Reconsideration of Suspended Water Permit No. 3791-3, 1835-2, 4717-3 and 4717A-3 addressed to:

3791-3 Paul Bremmon, Box 63, Britton, SD 57430

1835-2 William F Lynch, Business Manager, Hot Springs School District, 1609 University Ave, Hot Springs, SD 57747

4717-3 Ben J Wipf, Rockport Colony, RR 2 Box 26, Alexandria, SD 57311

A copy of the Notices were sent through inter-office mail to:

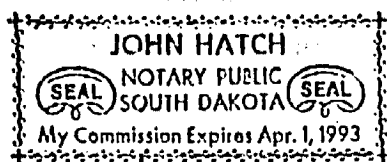
Diane Best, Assistant Attorney General

Jaci R Konop

JACI R. KONOP
Senior Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 1st day of April, 1992.



John Hatch
Notary Public

Paul Bremmon
Water Permit No. 3791-3

GENERAL

Application submitted by: Paul S Bremmon
RR #2 Box 63
Britton, SD 57430

County: Marshall

Permit Approved: May 15, 1977

Purpose: Diversion of 1.28 cfs and storage of 99 acre feet
annually (drainage-runoff) to irrigate 90 acres

Note: Water Permit Amended May 15, 1985, to include the
irrigation questionnaire qualification

FIVE YEAR HISTORY OF IRRIGATION QUESTIONNAIRE RETURNS

<u>Year</u>	<u>Date Request Mailed</u>	<u>Date Irrigation Questionnaire Returned</u>	<u>Date of any Board Action</u>
1987	October, 1987	October 19, 1987	none
1988	October, 1988	January 10, 1989	none
1989	October, 1989	October 17, 1989	none
1990	October, 1990	February 15, 1991	none
1991	October, 1991	March 20, 1992	March 4, 1992

PAST VIOLATIONS:

1. 1991 Irrigation Questionnaire Violation

January 27, 1992, Paul Bremmon was given notice of permit violation for nonreturn of the 1991 irrigation questionnaire and of the hearing scheduled before the Water Management Board to be held March 4, 1992.

March 4, 1992, The Water Management Board SUSPENDED Water Permit No. 3791-3 until December 31, 1992.

March 20, 1992, the 1991 irrigation questionnaire was received from Mr. Bremmon.

March 20, 1992, letter was received from Mr. Bremmon, requesting time on the Board agenda for reconsideration of suspended Water Permit No. 3791-3



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

May 12, 1992

NOTICE

TO: Paul S Bremmon, RR #2 Box 63, Britton, SD, 57430

FROM: JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352 *John Hatch*

SUBJECT: Reinstatement of Water Permit No. 3791-3

Pursuant to your letter of March 20, 1992 and following a hearing by the Water Management Board May 6, 1992, the Board passed the following motion:

Water Permit No. 3791-3 is reinstated effective immediately.

The Water Management Board took into consideration that the irrigation questionnaire was now on file in the Division office and that this was your first violation. Your attendance at the hearing to explain the circumstances involving the delay in returning the questionnaire was favorable.

You should be aware, however, that future questionnaire violations could result in suspension or possible cancellation of the permit with no opportunity for reinstatement.

Violations of any qualifications on irrigation permits and subsequent Board action become part of the permanent record. This notice will be placed in Water Permit No. 3791-3 and failure to submit future irrigation questionnaires will result in past violations being reviewed by the Water Management Board.

cc: Diane Best, Assistant Attorney General

3791-3

CERTIFICATION

I hereby certify that on May 12, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 12, 1992, regarding Reinstatement of Water Permit No. 3791-3 addressed as stated below:

Paul S. Bremmon, RR 2, Box 63, Britton, SD 57430.

Copy Sent Inter-office To:

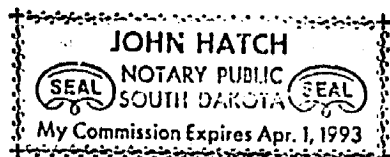
Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of May, 1992.



John Hatch
Notary Public

READER:

- This receipt is to be filled out by the sender.
- It is to be placed in the envelope with the article.
- It is to be placed on the reverse of this form so that we can read it.
- It is to be placed on the front of the envelope on the back if space is not available.
- We will mail receipt, listed on the envelope below the article number or article number and value, to you when the article was delivered and the date.

Article Addressed to:

Paul S. Bremmon
RR 2, Box 63
Britton, SD 57430

Signature (Addressee)
Paul Bremmon

Signature (Agent)

3791-3

4a. Article Number

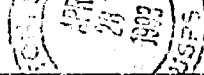
P 318 052 518

4b. Service Type

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

7. Date of Delivery

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



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

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

Consult postmaster for fee.

Thank you for using Return Receipt Service.

PS Form 3811, December 1991

U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

Department of Agriculture
WI#1
3/62

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM
Division of Conservation

Office Use Only

467

WR#

OWNERS NAME: Paul Brunner OWNERS ADDRESS: RE 2

COUNTY LAND LOCATED IN: Marshall PHONE: 448-5422

TENANT'S NAME AND ADDRESS: _____

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

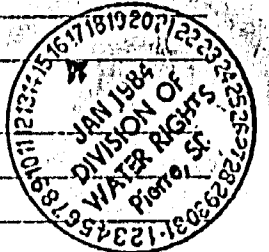
1. WELL LOCATION _____

Depth _____

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: NE 1/4 SW 9-126-57

Diversion Location: 2030' N & 750' E of SW corner 9-126-57

Legal Description	Acres	Legal Description	Acres
Sac 9-126-57		NE 1/4 SW 9-126-57	4
NE 1/4 NW 9-126-57	38		
NE 1/4 NW 9-126-57	11		
SE 1/4 NW 9-126-57	9	TOTAL ACRES	62



3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED _____

LEGAL DESCRIPTION: _____

IN WHAT NAME: _____

4. LOCATION OF AREA TO BE IRRIGATED NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ GUN: XX OTHER: _____ (Specify)

6. CROPS TO BE IRRIGATED: Corn, Alfalfa, Small Grain

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 83-0649 10. ADJUSTED (SAR): 0.15

8. SALINITY (EC X 10%): 650 11. PERCENT SODIUM 25.17

9. SODIUM (SAR): 1.11

I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at 1130 a.m. (p.m.) on 11/22, 1983, at the following location: NE 1/4 SW 9-126-57. I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

Signature, of Water Sampler

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

27th DAY OF November, 1983

Richard Platter
(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

Date

APPROVED

DISAPPROVED

☒ CONDITIONALLY APPROVED

IMPORTANT
Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases, a WATER RIGHT must be obtained from the Board of Water Management, Foss Building, Pierre.

Conditional soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

REC. MGMT/FORM

3791-3

10/15/84

Conditional Approval

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: Paul Brennon - Marshall County

LEGAL DESCRIPTION: NW 1/4 9 & NE 1/4 NW 1/4 9-126-57, 62 acres

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:



RECOMMENDED MANAGEMENT:

It is recommended that a form of conservation tillage be used to control erosion. By controlling erosion and developing a good water management plan this project shows good potential.

Paul M. Brennon
SIGNATURE

1-10-84
DATE

Permit No. 3791-3

3791-3

James River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Paul S. Bremmon of Britton, SD holder of Permit No. 3791-3, bearing the priority of 3/10/1977 authorizing the diversion of 1.28 cu. ft. per second and/or the storage of 99.2 acre-feet of the waters of surface water for irrigation purposes, in Marshall County.

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

A. Works used to divert the water:

A Gorman Rupp pump with a 270 gpm capacity.

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

2160 feet of 6" aluminum pipe.

C. Works used to apply water to beneficial use:

An EZ Rain big gun with a 1.25" nozzle.

The system is in the following condition good. The point of diversion is located from the SW corner of Section 9-T126N-R57W, 1700'N 250'E. The works are capable of diverting and conveying to the place of use 0.56 cu. ft. per second of water and/or storing 99.2 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All land is located in Section 4-T126N-R57W

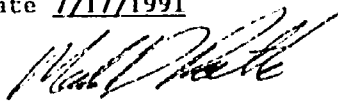
NW1/4 NW1/4 - 12 ac SW1/4 NW1/4 - 40 ac NW1/4 SW1/4 - 12 ac

comprising a total of 64 acres of land and the license should be issued for 0.56 cfs and/or 99.2 acre-feet of storage.

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: none

Date 7/17/1991



Mark D. Rath
Natural Resources Engineer II
DENR, Water Rights Division

3791-3

5. System Type a) sideroll:

b) towline:

c) gun:

d) center pivot:

1) make EZ Rain

1) make

2) nozzle size 1.25"

2) number of towers

3) capacity (GPM) 270

3) distance between towers

4) hose size 4 inches

4) overall length feet

5) hose length 660 feet

5) end gun (Y/N)

e) gated pipe:

6) high or low pressure

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project

Yes	No	Check Items
<u>Y</u>		1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>Y</u>		2. Special qualifications to permit being abided by?
<u>Y</u>		3. All structures, wells and lands on map?
<u>Y</u>		4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
	<u>N</u>	5. Is chemigation used?
<u>NA</u>		6. If yes, does equipment comply with chemigation rules?

REMARKS:

L

3791-3

LICENSE FOR PERMIT NUMBER 3791-3

1. Legal location of wells:

Dams and Structures from the SW corner of Section 9-T126N-R57W

2. Well Information: Well Drilling Firm

Pump	a) make <u>Gorman Rupp</u>	Motor	a) make <u>III</u>
	b) model <u>64A2-C</u>		b) model no. <u>560 diesel</u>
	c) size <u>4"</u>		c) horsepower rating <u>90</u>
	d) capacity <u>270</u> GPM		d) serial no.
	e) turbine pump - no. of stages		
	f) operating PSI <u>160</u>		

3. Distribution lines or canals

a) size 6 inches
b) type aluminum
c) length 2160 feet

4. Dam Information:

a) height to crest <u>23</u> feet	m) Outlet tubes:
b) height to primary spillway <u>18</u> feet	1) diameter inches
c) height to secondary spillway feet	2) type
d) crest width <u>15</u> feet	3) valved (Y/N) <u>n</u>
e) crest length <u>360</u> feet	4) valve type
f) spillway length <u>300</u> feet	5) location on structure:
g) spillway width <u>60</u> feet	
h) approx. storage <u>99</u> AC-FT	n) Category of Dam <u>3</u>
i) approx. storage to crest AC-FT	
j) date constructed	
k) inspection sheet completed? (Y/N)	

South Dakota

3791-3

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 17, 1991

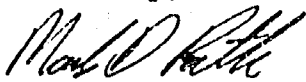
Paul Bremmon
RR 2 Box 63
Britton, SD 57430

Dear Mr. Bremmon:

This letter is in regard to the water permit inspection that I made of your irrigation project on July 17, 1991. At that time I found that you were irrigating 12 acres located in the NW1/4 NW1/4 of Section 9-T126N-R57W that were not covered under Water Permit No. 3791-3. Because of this you will need to make an application for a new water permit to include these 12 acres. I checked our records and found that you have a soil/water compatibility permit covering the additional acres, so you will not need to have a new water sample tested. I have enclosed an instruction sheet and two partially completed application forms. Please, carefully review, complete, sign before a notary public and submit the application along with a \$50 fee to this office.

If you have any questions, feel free to contact me.

Sincerely,



Mark D. Rath
Natural Resources Engineer II
Division of Water Rights
(605) 773-3352

enclosures

L

(See instructions)

No. _____	Hydrologic Unit _____
Basin _____	
Newspaper _____	

Mail to: ³⁷⁹¹⁻³ Water Rights Div. ^{MR}
523 E. Capitol
Pierre, SD 57501
(605) 775-3352

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

- Type of Application: ☐ New ☐ Vested Right ☐ Amend Permit No. _____
☒ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____
- Name of Applicant PAUL S. BREMMAN Phone No. _____
 Post Office Address RR 2 Box 63 BRITTON State SD Zip Code 57430
(Street, RR or Box) (City)
 - Amount of water claimed (c.f.s) No ADD'L Total acres irrigated 64
 - Source of Water supply SURFACE WATER, PAUL BREMMAN DAM No 1
 - Location of point of diversion NW 1/4 SW 1/4 SECTION 9-T126N-R57W
THE DAM IMPOUNDS WATER IN THE SW 1/4 OF SECTION 9.
 County MARSHALL
 - Counties where water will be used MARSHALL
 - Annual period during which water is to be used JUNE 1 THROUGH OCTOBER 31
 - 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.
NW 1/4 SW 1/4	12 ac
SW 1/4 NW 1/4	40 ac
NW 1/4 NW 1/4	12 ac
All in Sec 9-T126N-R57W	

Attach sheet if more space is needed

Land Description	No. Acres Irr.

- Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: X Other: _____
 (Specify) _____
- Crops to be Irrigated: CORN, SOY BEANS, SUGAR CORN, ALFALFA, SUNFLOWERS
- Give a description of proposed project. (Attach sheet if more space is needed)
THIS APPLICATION REQUESTS A CHANGE OF ACREAGE FOR IRRIGATION COVERED UNDER WATER PERMIT No. 3791-3. THE CHANGE IN ACREAGE INVOLVES 12 AC LOCATED IN THE NW 1/4 NW 1/4 OF SECTION 9.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of _____)

I, _____, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed _____

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



3791-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 27, 1992

Paul S. Bremmon
RR 2, Box 63
Britton SD 57430

Dear Mr. Bremmon:

On September 17, 1991, you were sent a letter (copy enclosed) and applications forms for a permit to appropriate water based on an inspection of Water Permit No. 3791-3 by Mark Rath, an engineer with this office. This inspection showed that your system was not developed as originally permitted. This application is necessary to obtain a permit which will reflect your water use. To date, we have not received a response from you regarding this application.

Enclosed is another set of partially completed application forms. Please review the application, have it signed, notarized and submit with a \$50 fee.

Obtaining water permits that accurately reflect your water use ultimately benefits you by protecting your right to use water. Water Permit No. 3761-3 can not be licensed until this application is processed and a permit obtained to reflect your current water use in accordance with state statutes. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Analyst
Phone: (605) 773-3352

enclosures



3791-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 2, 1993

3791-3

Paul S. Bremmon
RR 2, Box 63
Britton, SD 57430

Dear Mr. Bremmon:

On September 17, 1991, you were sent a letter and application forms to apply for a permit to irrigate 12 acres located in the NW 1/4 NW 1/4 Section 9-126-56. Upon further review, we have determined that a new permit will not be necessary. Your final water right document, the Water License, can be issued for Water Permit No. 3791-3.

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

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

Sincerely,

Cheryl F. Frost

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

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



3791-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 26, 1993

SECOND NOTICE

PERMIT NO: 3791-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Paul S. Bremmon
RR 2, Box 6J
Britton, SD 57430

Dear Mr. Bremmon:

On February 2, 1993, you were notified the final inspection fee of \$50.00 is due before Water License No. 3791-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

3791-3
413757

Pierre, May 4, 19 93

RECEIVED OF Paul Breneman, RR 2 Box 65, Britton, SD 57430
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. 3791-3	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By [Signature]
Chief Engineer



3791-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 11 1993

3791-3

Paul S. Bremmon
RR 2, Box 63
Britton, SD 57430

Dear Mr. Bremmon:

Enclosed is Water License No. 3791-3 and Receipt No. 413757 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 3791-3 is the final document which completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

gm
enclosures

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3791-3

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 3791-3

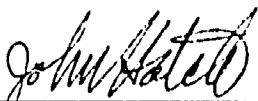
(1) Paul S Bremmon, of RR #2 Box 63, Britton, SD 57430 made Application No. 3791-3, March 10, 1977 for a water permit to appropriate 1.28 cubic feet of water per second and storage of 99.2 acre feet of water annually from surface runoff into a storage dam, Marshall County, South Dakota for irrigation purposes. Permit No. 3791-3, with a priority date of March 10, 1977 was approved May 15, 1977 and issued to the applicant(s) for diversion of water with construction of the described water supply system to be completed on or before May 25, 1978 and for the application to beneficial use of said water on or before May 25, 1980.

(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 0.56 cubic feet of water per second and store 99.2 acre feet of water annually for beneficial use. The location of the diversion point is 1,700 ft north and 250 ft east of the SW corner of Section 9, T126N, R57W (NW 1/4 SW 1/4).

(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:

T126N, R57W	Section 9	NW 1/4 NW 1/4	12 acres
		SW 1/4 NW 1/4	40 acres
		NW 1/4 SW 1/4	12 acres
		Total	64 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Paul S Bremmon of RR #2 Box 63, Britton, SD 57430 the holder(s) and/or owner(s) of Water Permit No. 3791-3 is issued a license to appropriate water, the right to use 0.56 cubic feet of water per second and store 99.2 acre feet of water annually from surface runoff into a storage dam with a priority date of March 10, 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. 3791-3 and subject to South Dakota State Law.


JUN 11 1993
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

NOT TO SCALE

126-57

116.0

103R

55.0

150.0

NW-NW-9-126-57

NE-NW-9-126-57

SW-NW-9-126-57

SE-NW-9-126-57

NW-SW-9-126-57

33.0

NE-SW-9-126-57

Dike

Dam
Spillway

SW-SW-9-126-57

SE-SW-9-126-57

21.0

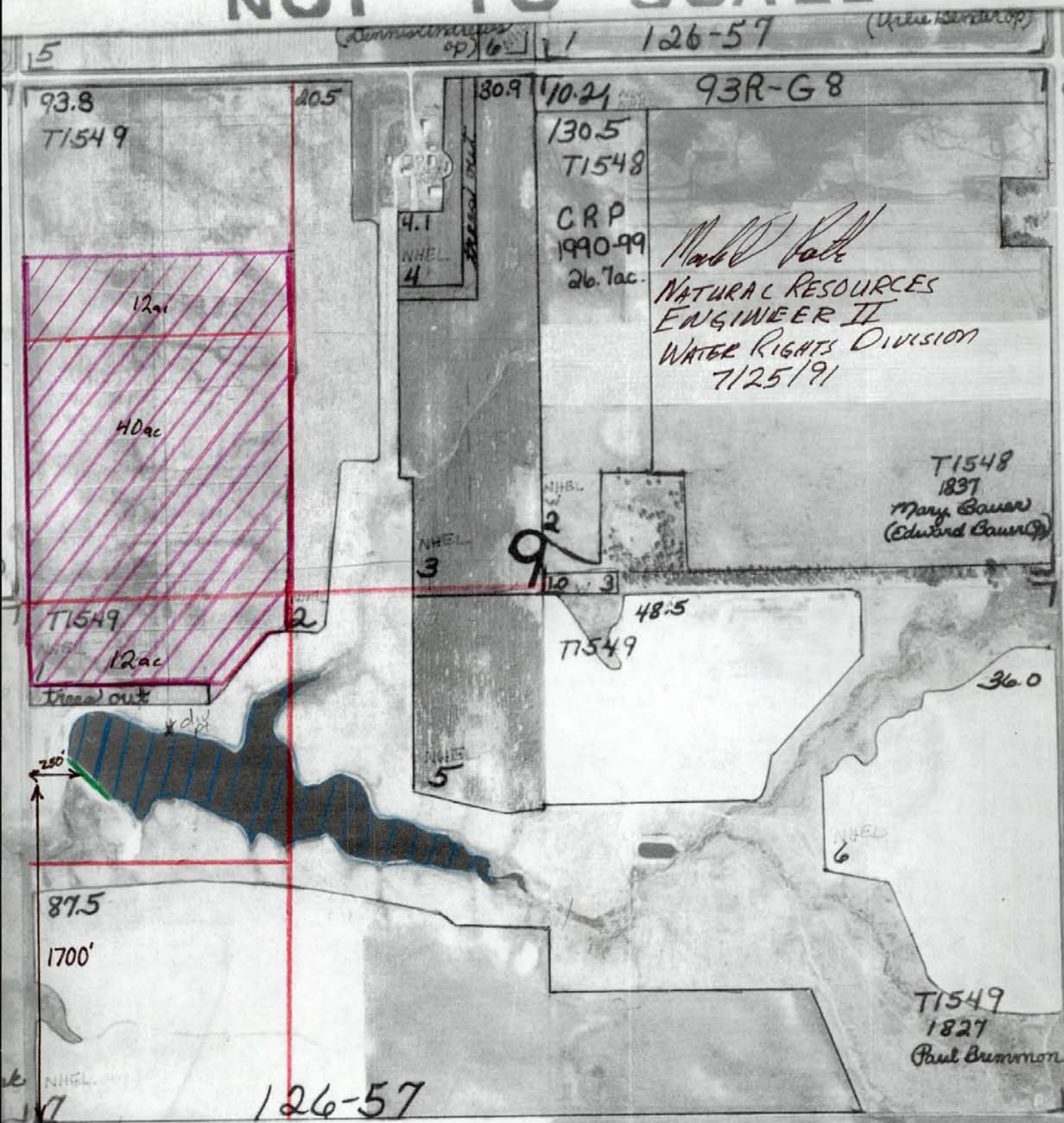
126-57

Larry D. Mett - Cons. Tech

MAP NO 3058-3 APRIL 23 1991-3

3791-3

NOT TO SCALE



3791-3

NOT TO SCALE

3791-3

126-57

96.0

20.5

54.5

127.8

93R

35.0

1.40

8.20

1.0

1.5

32.0

39.30

26.0

66.5

126-57

21.0

93R

NOT TO SCALE

Benjamin Andrews
O.P. 16

126-57

(Arthur Berzelenap)

~~96.0~~ 93.8

205

T1549

30.9

10.24

93R-G8

~~127.8~~ 130.5

913 R-68

T1548

CRP

1490-99

26.790

21

T1548

~~22-7-1837~~

~~Lambert~~ ^{Mary} Bauer
(Edward Bauer)

T1549

2

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Paul Breuninger

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 18, 2008

NOTICE

TO: PAUL R BREMMON, 42641 113TH ST, BRITTON, SD 57430

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3791-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 3791-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** 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) 3791-3 in accordance with applicable provisions of SDCL 46-1-12; **Based on the number of past violations, the Water Rights Staff recommendation to the Board will be to suspend the water right for three years.**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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.

3791-3

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Label/Receipt Number: 2303 2160 0000 0802 2625
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PAUL R BREMMON
42641 113TH ST
BRITTON SD 57430

Waiver of Signature ☐ YES ☐ NO

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March 12, 2008

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

NOTICE OF THREE YEAR SUSPENSION OF WATER RIGHT

TO: Paul R Bremmon, 42641 113th St, Britton SD 57430

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Three Year Suspension of Water Right No. 3791-3

On March 11, 2008, the Water Management Board ordered:

That effective April 11, 2008, Water Right No. 3791-3 be suspended for the 2008, 2009 and 2010 irrigation seasons for failure to submit the 2007 irrigation questionnaire.

If the 2007 irrigation questionnaire is received prior to April 11, 2008, the suspension will not take effect.

Suspension means water may not be pumped during the 2008, 2009 or 2010 irrigation seasons. Consistent with the Board's order, you are not permitted to irrigate for three years unless the irrigation questionnaire is submitted by April 11th.

After April 11th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2007 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 7, 2008, in Pierre, SD. The letter should include your reasons for not completing the 2007 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

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

My Commission
Expires 4/1/13

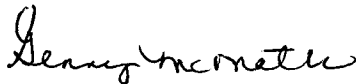
WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

April 11, 2008:

Water Right No. 3791-3 is currently listed in the name of Paul Bremmon. On March 11, 2008 the Board took action to suspend the water right for three years due to non-return of the 2007 irrigation questionnaire. This was done in error. Mr. Bremmon no longer owns the land.

The current owner of the land is Charles Rabenberg, 11154 427th Ave, Britton SD. The land is no longer irrigated however a storage dam exists and is used for domestic purposes. The storage dam is in need of repair. Tim Schaal has been in contact with the new owner concerning the repairs.

Once the issue with repairs is resolved, the irrigation portion of the water right will be scheduled for cancellation consideration and the water license reissued for domestic use.



Genny McMath
Water Rights Program

Water Rights Division -DENR
Conversation or File Documentation

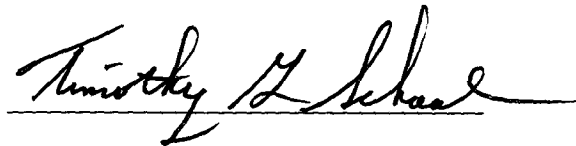
NAME OF PERSON OR FILE: **Paul Bremmon**

ADDRESS: **XXXXXXXXXXXXXXXX** COUNTY: **Marshall**

DATE: **July 28, 2008** TELEPHONE: **Charles Rabenberg (605) 448-2519**

RE: Cancellation of irrigation & transfer of dam ownership

I inspected the dam associated with Water Right No. 3791-3 on May 17, 2007 and talked to both Paul Bremmon and Charles Rabenberg about the dam and Water Right No. 3791-3. Charles Rabenberg is the current owner of the dam located in NW ¼ SW ¼ of Section 9-T126N-R57W. There is no longer any irrigation taking place from this dam and I told both Mr. Bremmon & Mr. Rabenberg that the irrigation portion of this Water Right would need to be cancelled and the Water Right relicensed for domestic use only from the dam. The earth spillway was eroding back into the reservoir area and Mr. Rabenberg indicated that he would try to get that fixed. The dam has now been repaired and the plans and specifications for the repair approved. The dam should be transferred over to Mr. Rabenberg and the irrigation portion of the Water Right should be cancelled.



Timothy G. Schaal, P.E.
Natural Resources Engineer Specialist
Water Rights Program



DEPARTMENT of ENVIRONMENT
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3791-3

July 29, 2008

Charles Rabenberg
11154 427th Ave.
Britton, SD 57430

Dear Mr. Rabenberg:

We have reviewed the plans and specifications for the repair of your dam located in the NW ¼ SW ¼ of Sec. 9-T126N-R57W, in Marshall County. The plans and specifications for your dam repair project are approved.

Our review was to determine compliance with the requirements of the Water Management Board Safety of Dams Rules, Chapter 74:02:08. Approval of these plans and specifications does not release you, as owner of the dam, from the responsibility for operating and maintaining the dam in good repair to ensure the safety of the dam.

This dam was authorized under Water Right No. 3791-3 for irrigation of 90 acres. When I met with you last year we discussed transfer of ownership of the dam and cancellation of the irrigation portion of Water Right No. 3791-3. Enclosed is a transfer of ownership form. Please complete this form and return it to us with the filing fee of \$2.50. The irrigation portion of this Water Right will be scheduled for cancellation and the Water Right will be relicensed for domestic use.

If you have any questions, please feel free to contact us.

Sincerely,

Timothy G. Schaal, P.E.
Natural Resources Engineering Specialist
for Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

c: Dave Konechne, Konechne Engineering
Tom Wickstrom, USFWS

Water Right No. 3791-3
Chuck Rabenberg

This is a repair project for an existing dam (ID #SD02347, Bremner Dam #1) now owned by Charles Rabenberg. The project will add a new primary spillway drop inlet structure and a new 100 ft wide secondary spillway.

Top of Dam Elev - 104
2nd Spillway Elev - 101
P. Spillway Elev - 99

Cat. 3 - Low Hazard Dam

Normal Storage Capacity - 99 Ac-Ft (WR#3791-3)
Max. Storage Capacity - 183 Ac-Ft

From USGS "WRI 98-4055" Tech. Ltr Est. Peak-Flows ... in 50th

DA = 1292 Ac = 2.02 mi²

Region A P_{II} = 0.085, 0.85

$$\begin{aligned} Q_{100} &= 218 CA^{.512} P_{II}^{4.80} \\ &= 218 (2.02)^{.512} (.085)^{4.80} \\ &= 218 (1.4343) (0.4584) \\ &= \underline{144 \text{ cfs}} \end{aligned}$$

$$\begin{aligned} Q_{100} &= 362 CA^{.521} P_{II}^{4.47} \\ &= 362 (2.02)^{.521} (.85)^{4.47} \\ &= 362 (1.4424) (0.4836) \\ &= \underline{253 \text{ cfs}} \end{aligned}$$

Secondary Spillway Flow

$$\begin{aligned} Q &= CLH^{3/2} \quad C=2.6 \\ &= (2.6)(100)^{1.5} \quad L=100 \\ &= \underline{1350 \text{ cfs}} \quad H=3 \end{aligned}$$

NRCs Annual Flood

Section 74:02:08:09

ISO = 2 1/2 DA = 1292 CN = 72

1. Topo Map - OK
2. Dam Axis Profile - OK
3. Dam Map X-sec - OK
4. Av. Capacity - OK
5. Spillway Details - OK
6. Spillway Rating - OK
7. Spillway Details - OK
8. Specs - std NRCs - OK
9. LPP - N/A Cat. 3 - OK

$$\begin{aligned} 80\% \text{ chance} &= 0.11 \\ 0.11 \times 1292/12 &= \underline{12 \text{ Ac-Ft}} \end{aligned}$$

$$\begin{aligned} 50\% \text{ chance} &= 0.33 \\ 0.33 \times 1292/12 &= \underline{36 \text{ Ac-Ft}} \end{aligned}$$

$$\begin{aligned} 10\% \text{ chance} &= 1.8 \\ 1.8 \times 1292/12 &= \underline{194 \text{ Ac-Ft}} \end{aligned}$$

Dam Specifications

07/28/2008

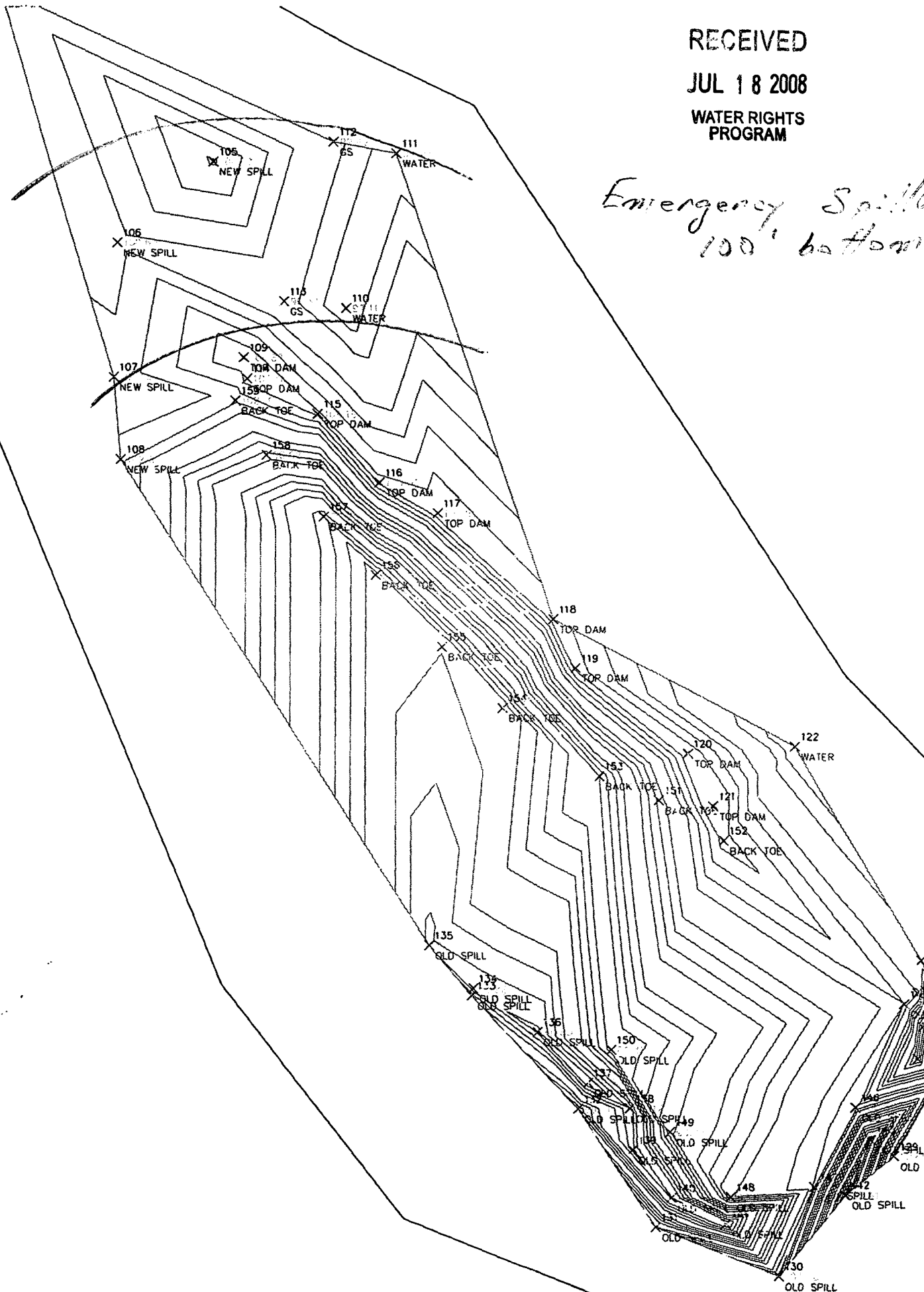
Stateid	SD02347	Damname	BREMMON DAM #1						
Nationalid	SD02347	County	MARSHALL	Latitude	45.745000	Longitude	97.686667		
Quarter	NWSW	Sec	09	Twshp	126N	Rng	57W	Sectownran	NW SW SEC.9-T126N-R57W
Ownername	PAUL BREMMON			Ownertype	P	Distcity	0		
Nearcity	NONE	Damdesign		Riverstrea	TRIB. WILD RICE CREEK				
Formername				Othername					
Maxdisch	1,350	Spwaywidth	0	Damtype	RE	Inspdate	/ /		
Normstorag	99	Spwaytype		Privdamfed	N	Inspfreq	0		
Maxstorage	198	Outletgate		Downhazard	L	Eap	NR		
Damheight	23	Surfarea	11	Purposes	PI	Stateregda	Y		
Hydheight	23	Damvolume	0	Yearcomp	1977	Stateregag	DENR		
Strucheigh	23	Drainarea	0	Yearmod	0	Core			
Damlenght	500	Foundation							

RECEIVED

JUL 18 2008

WATER RIGHTS
PROGRAM

*Emergency Spill
100' bottom*



Locate principal spillway pipe at $\mathcal{L}$ of dam sta. _____, at an angle of _____ $^{\circ}$ to the $\mathcal{L}$ of the dam.

Emergency spillway El. 101⁰

Principal spillway El. 99 →

~~Berm, if required _____: 1
slope normal to E of
dam _____~~

El. 9167

Trash rock and baffle plate
not shown. See job plan
no. 604
3:1 slope normal
to E of dam

3:1 slope normal to E of dam —

36" dia. riser, see job plan no. 5.

Antiseep collars 20/10/20

Top of dam after settlement EI. 104.2

Note: Allowance for settlement \$ %

$\frac{3}{1}$: slope normal to E of dam

CROSS SECTION OF DAM ALONG ϕ OF PRINCIPAL SPILLWAY

(Not to scale)

SPECIFICATION NOTES

1. ELBOW, IF REQUIRED, MAY BE FABRICATED BY CONTINUOUS WELDING SEPERATE PIPE SECTIONS OR BY FABRICATING A CONTINUOUS WELDED JOINT ON THE UPSTREAM END OF LAST SECTION OF PIPE.

2. PIPE WALL THICKNESS SHALL BE _____ GAGE OR _____ INCHES.

All pipe to be helical
single clad

TABLE OF QUANTITIES

[illegible]

APPLICABLE STANDARD S.C.S. SPECIFICATIONS

REFERENCE: GUIDE PLAN NO. 2.0

Diagram illustrating a prefabricated elbow with a 90-degree bend. The elbow is shown with a 90° bend. The dimensions are labeled as follows:

- Top horizontal section: EI
- Bottom horizontal section: EI
- Vertical section: EI
- Angle: 90°
- Label: $\% gr$

The diagram is crossed out with a large 'X'.

~~OUTLET DETAIL WITHOUT
PIPE SUPPORT~~

Prefabricated
elbow

✓ Pipe support, see job
plan no. 4, D

E1.

El. $\frac{O}{O}$

LE

OUTLET DETAIL WITH
PIPE SUPPORT

Sec. _____, T. _____, R. _____

LOCATION

**CORRUGATED METAL PIPE
DROP INLET PRINCIPAL SPILLWAY**

OPERATOR Chuck Rahenberg

CONSERVATION DISTRICT

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Only

Approved by _____

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Sheet Dra

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Rev. 8/80

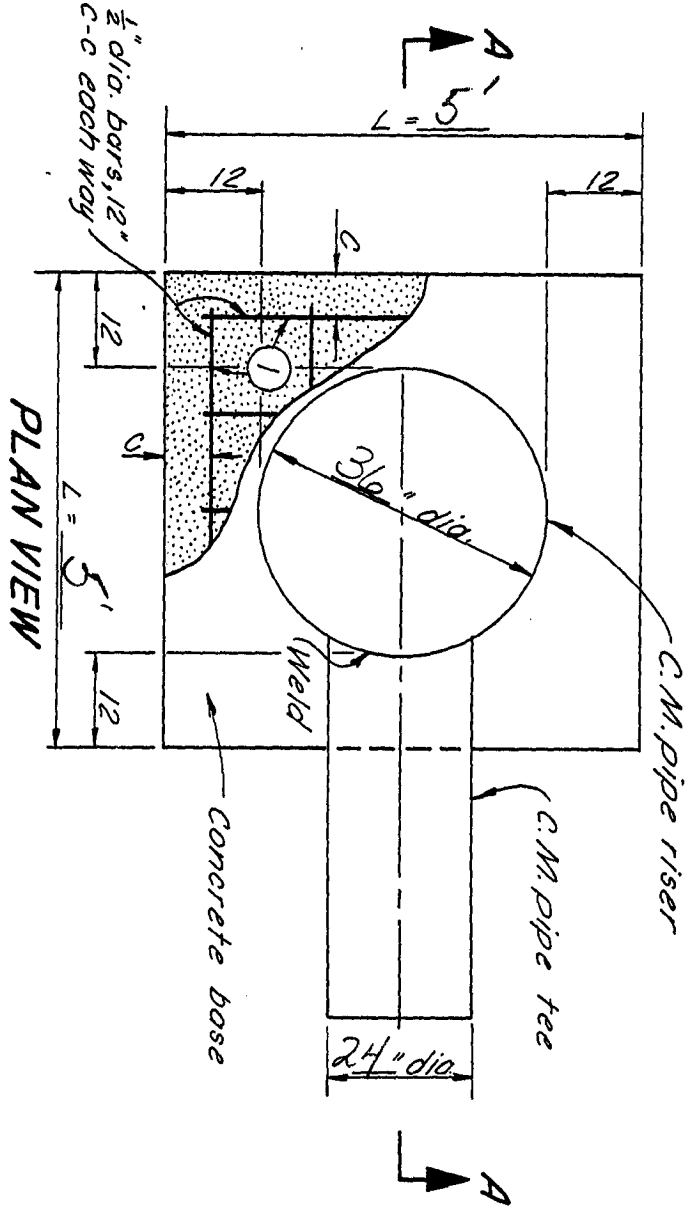
JOB PLAN NO. 2.0

STEEL SCHEDULE

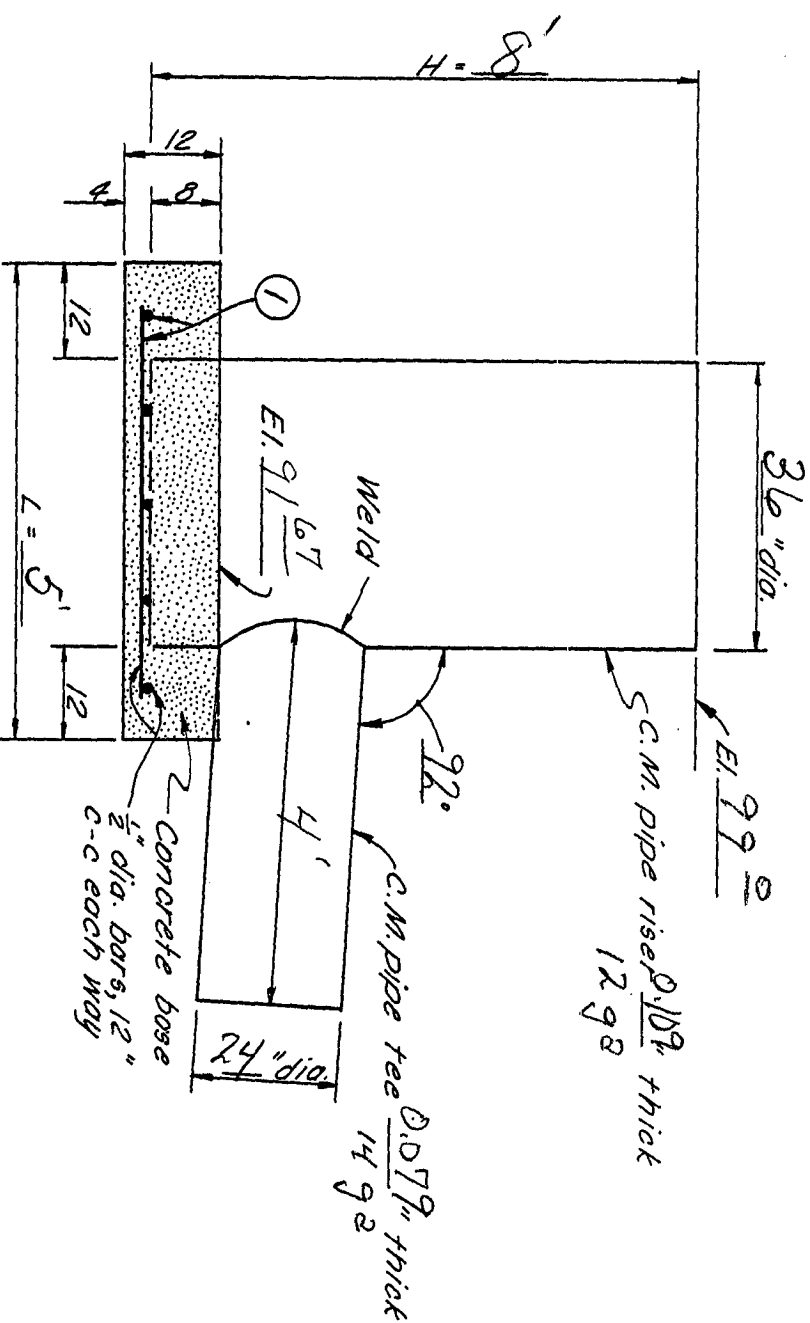
RISER DIA. IN.	BAR SIZE	MARK	TYPE	NO. REQ'D.	LENGTH FT.-IN.	TOTAL LENGTH FT.-IN.	TOTAL WT. LB.	C IN.	L FT.-IN.
36	4	1	STR.	4	4-6	18	38	6	5

TABLE OF QUANTITIES

ITEM	UNIT	QUANTITY
CONCRETE	CU. YD.	0.7
REINFORCING STEEL	LB.	38



NOTE: All Pipe to be vinyl clad



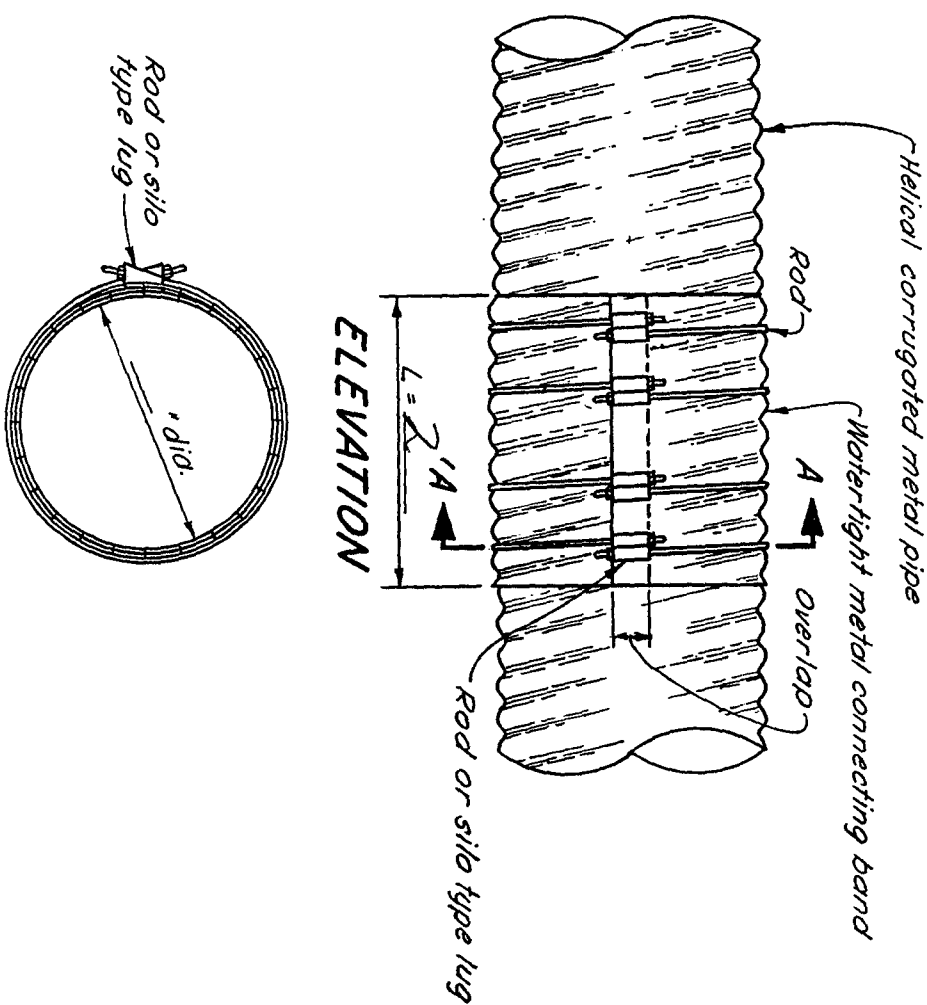
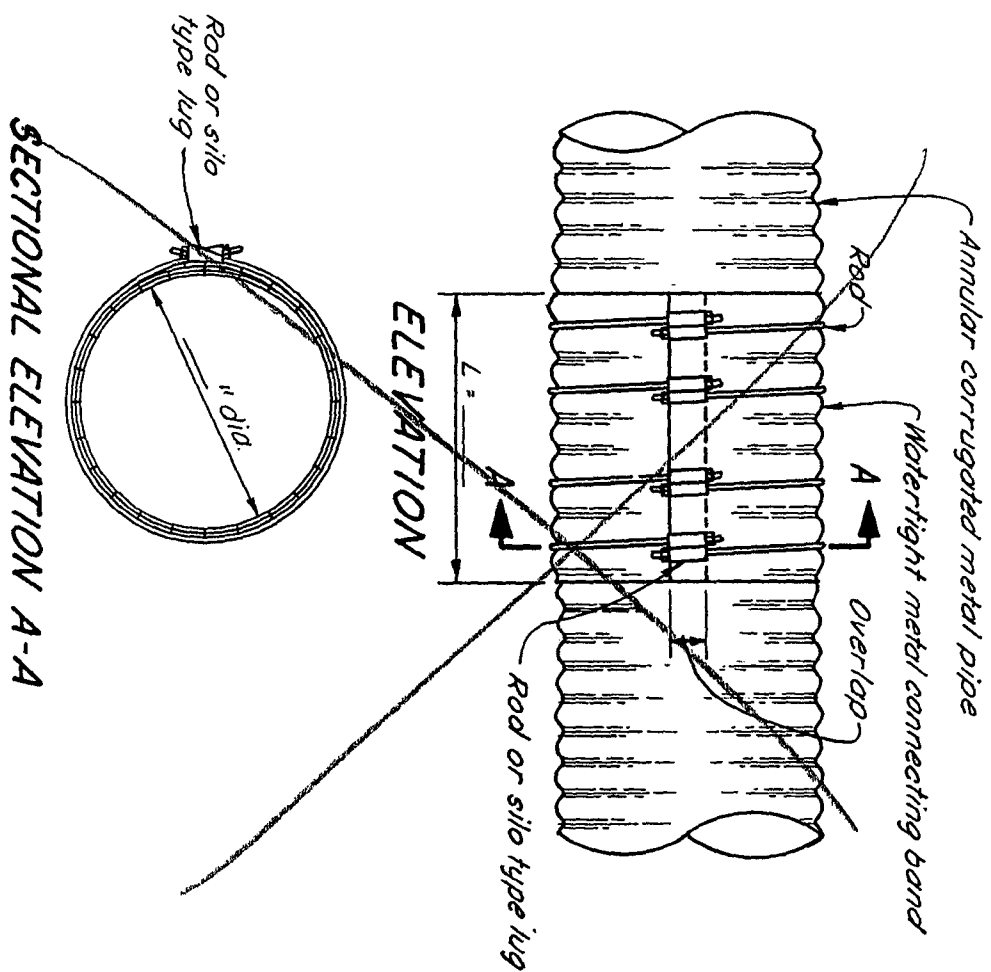
SECTIONAL ELEVATION A-A

C.M. PIPE RISER WITH
FABRICATED TEE

OPERATOR: Chuck Robenberg
CONSERVATION DISTRICT: _____

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed by _____	Date _____	Approved by _____
Drawn _____	Title _____	Sheet _____
Traced _____	No. _____	Drawing No. _____
Checked _____	of _____	



DIMENSIONS AND QUANTITIES

PIPE DIA. INCHES	MINIMUM "L" INCHES	APPROX. OVERLAP INCHES	NUMBER OF RODS & LUGS	MINIMUM ROD DIA. IN.	NEOPRENE GASKET WIDTH INCHES	ASPHALT MASTIC GAL.
6-18	12	2	2	1/2	12	1/2
21-30	24	3	4	1/2	12	1 1/2
36-48	24	6	4	1/2	12	2

NOTES:

1. WATERTIGHTNESS WILL BE OBTAINED BY USE OF (1) 3/8" THICK NEOPRENE GASKET (WIDTH AS SHOWN) OR (2) ASPHALT MASTIC SEALING MATERIAL TO COVER FULL WIDTH OF BAND.
2. CROSS OUT BAND AND QUANTITIES NOT APPLICABLE.

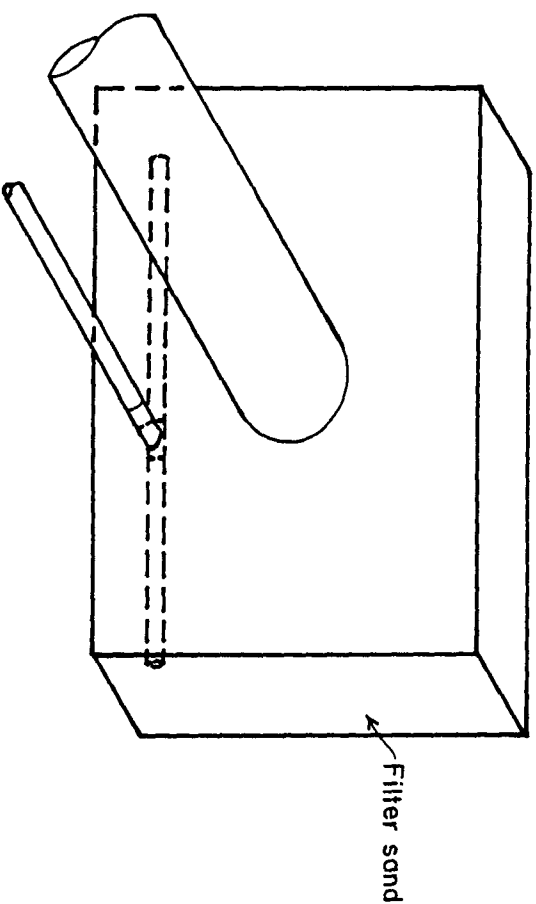
U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

OPERATOR: Chuck Rodenberg
CONSERVATION DISTRICT: _____

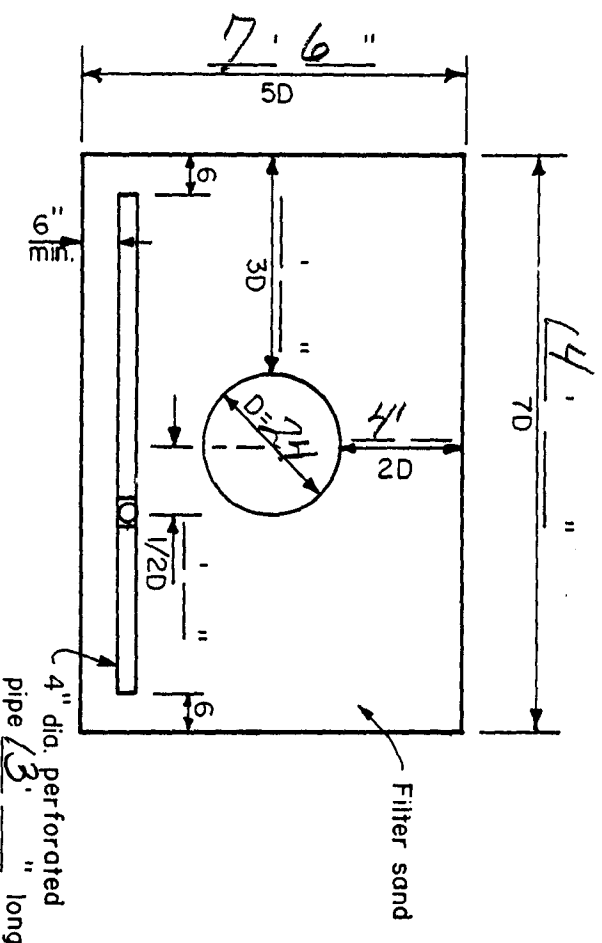
WATERTIGHT CONNECTING BAND
FOR ANNULAR AND HELICAL
CORRUGATED METAL PIPE

JOB PLAN NO. 3.0

Designed _____	Date _____	Approved by _____
Drawn _____	Title _____	_____
Traced _____	Sheet _____	Drawing No. _____
Checked _____	No _____	of _____

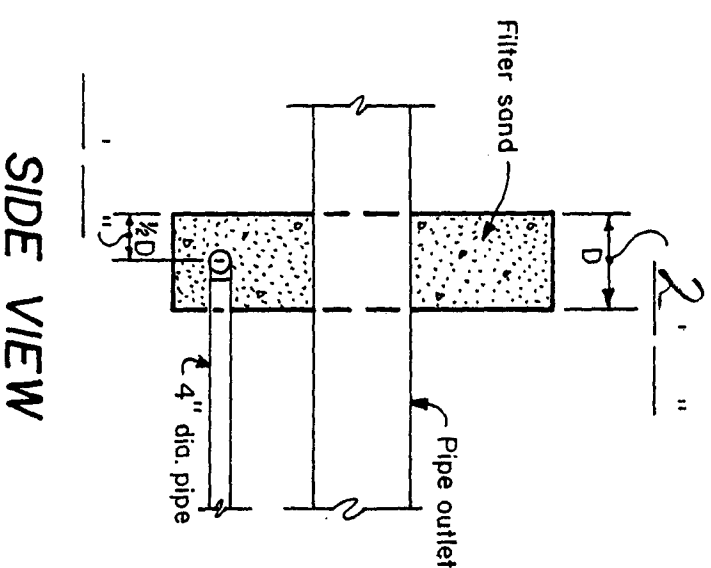


ISOMETRIC VIEW

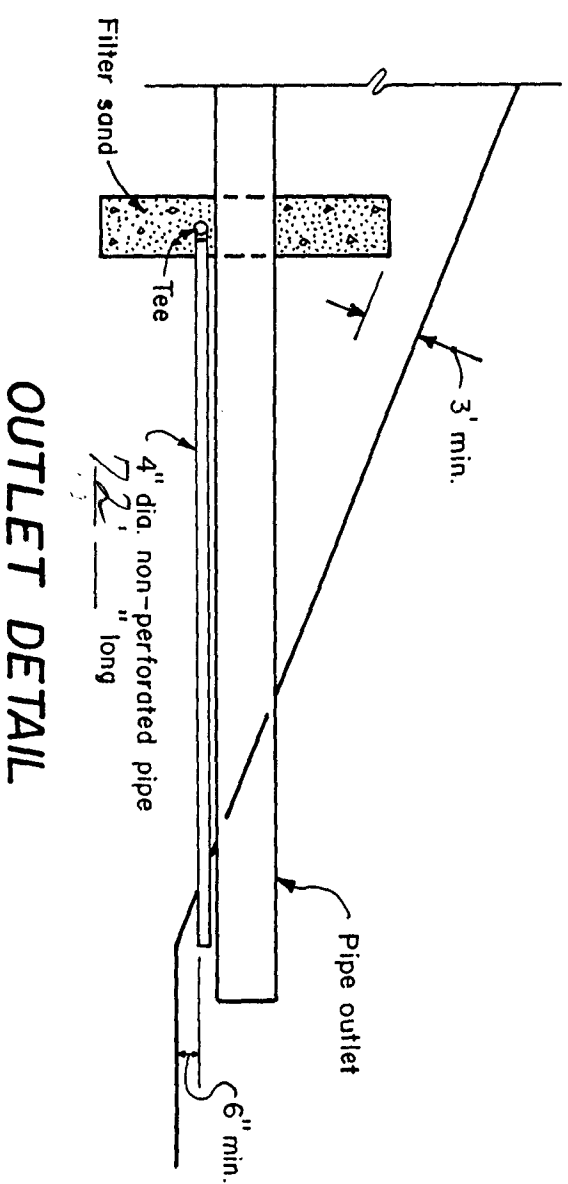


UPSTREAM VIEW

- NOTE:
1. THE 4" DIA. PIPE SHALL BE ASTM D1785, SCHEDULE 40, PVC.
 2. PROVIDE AN ANIMAL GUARD ON DRAIN OUTLET PIPE. DRILL 2, 1/2" DIA. HOLES, ON 6" FROM END OF PIPE AND PLACE A 3/8" DIA., 5 1/2" LONG GALVANIZED STEEL BOLT THRU THEM AND SECURE WITH A NUT (PLACE BOLT HORIZONTAL).



SIDE VIEW



OUTLET DETAIL

FILTER GRADATION *see spec SD-9*

SIEVE SIZE	PERCENT PASSING
3/8"	100
4	95-100
8	80-100
16	50-85
30	25-60
50	10-30
100	2-10

7.7 cy

JOB PLAN NO. 38

Sec. _____, T. _____, R. _____

LOCATION _____ County _____

SAND ANTISEEP COLLAR

OPERATOR *Chuck Ashenberg*

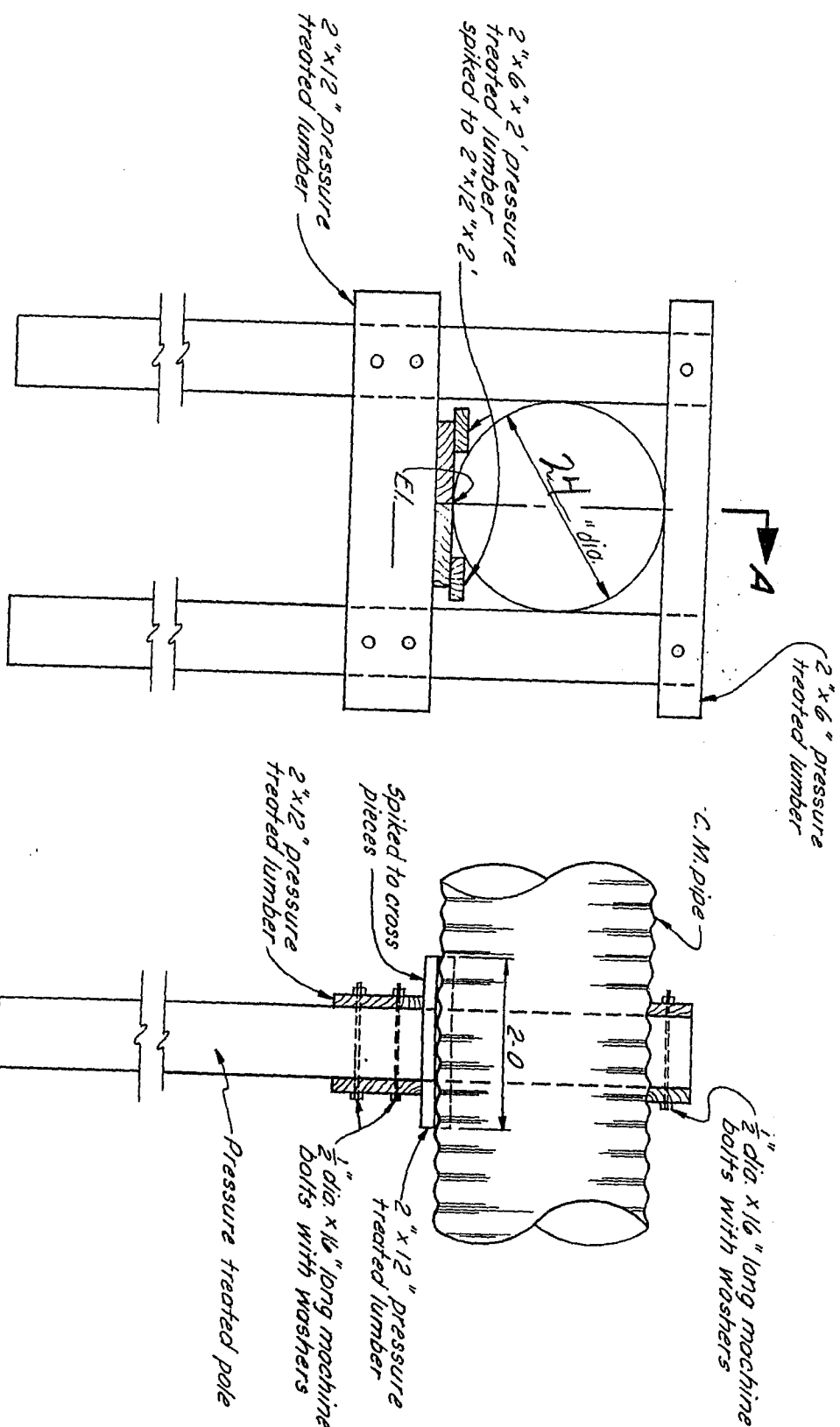
CONSERVATION DISTRICT _____

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed _____	Date _____	Approved by _____	Title _____
Drawn _____			
Traced _____			
Checked _____			

Sheet _____ of _____

Drawing No. _____



ELEVATION SECTIONAL ELEVATION A-A

TABLE OF QUANTITIES

ITEM	LENGTH FOR 24" DIA. C.M. PIPE	UNIT	QUANTITY
PRESSURE TREATED POLE 10" DIA.	10-0	EACH	2
2" X 12" PRESSURE TREATED LUMBER	4-0	EACH	2
2" X 6" PRESSURE TREATED LUMBER	4-0	EACH	2
2" X 12" PRESSURE TREATED LUMBER	2-0	EACH	3
2" X 6" PRESSURE TREATED LUMBER	2-0	EACH	2
1/2" DIA. MACHINE BOLTS WITH NUTS	1-4	EACH	10
1/2" DIA. WASHERS		EACH	20

NOTES:

- HAND OR MACHINE TAMP BACKFILL THOROUGHLY AROUND FOOTINGS AND COLUMNS.

REFERENCE: GUIDE PLAN NO. 4.0

JOB PLAN NO. 4.0

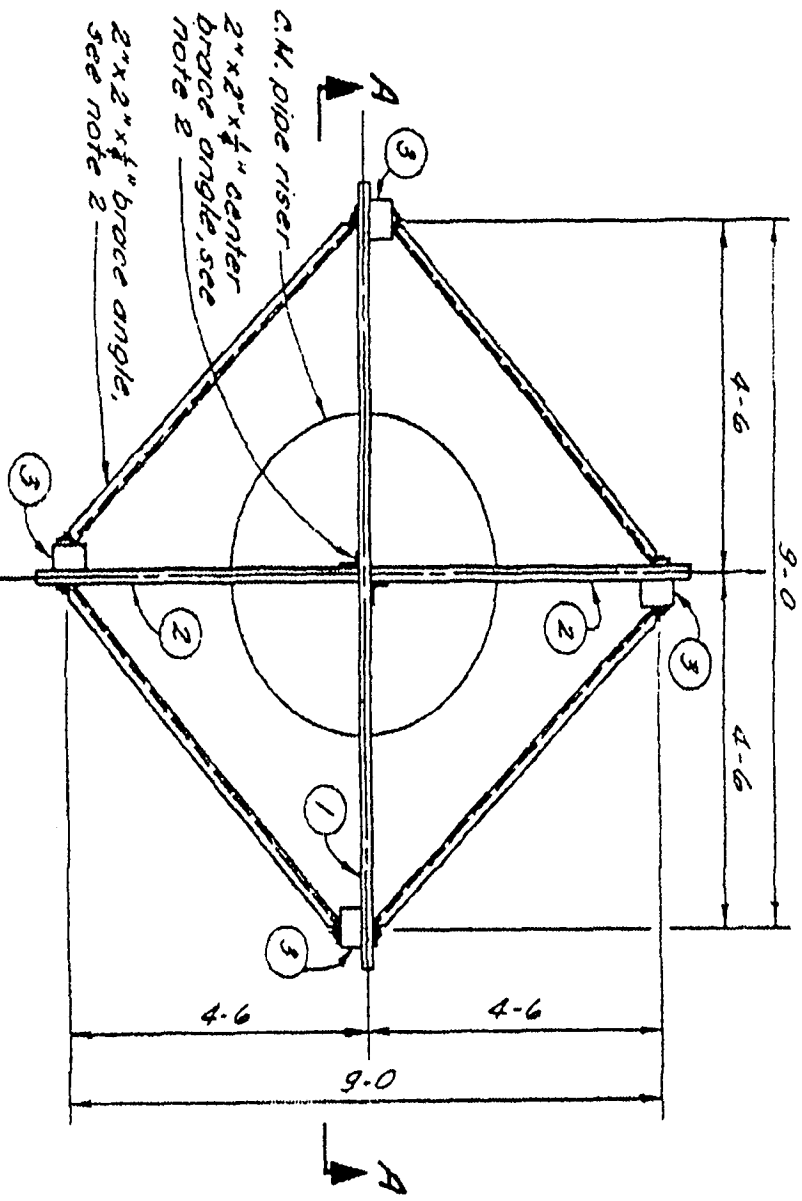
TIMBER PIPE SUPPORT

OPERATOR: Chuck Rabenberg

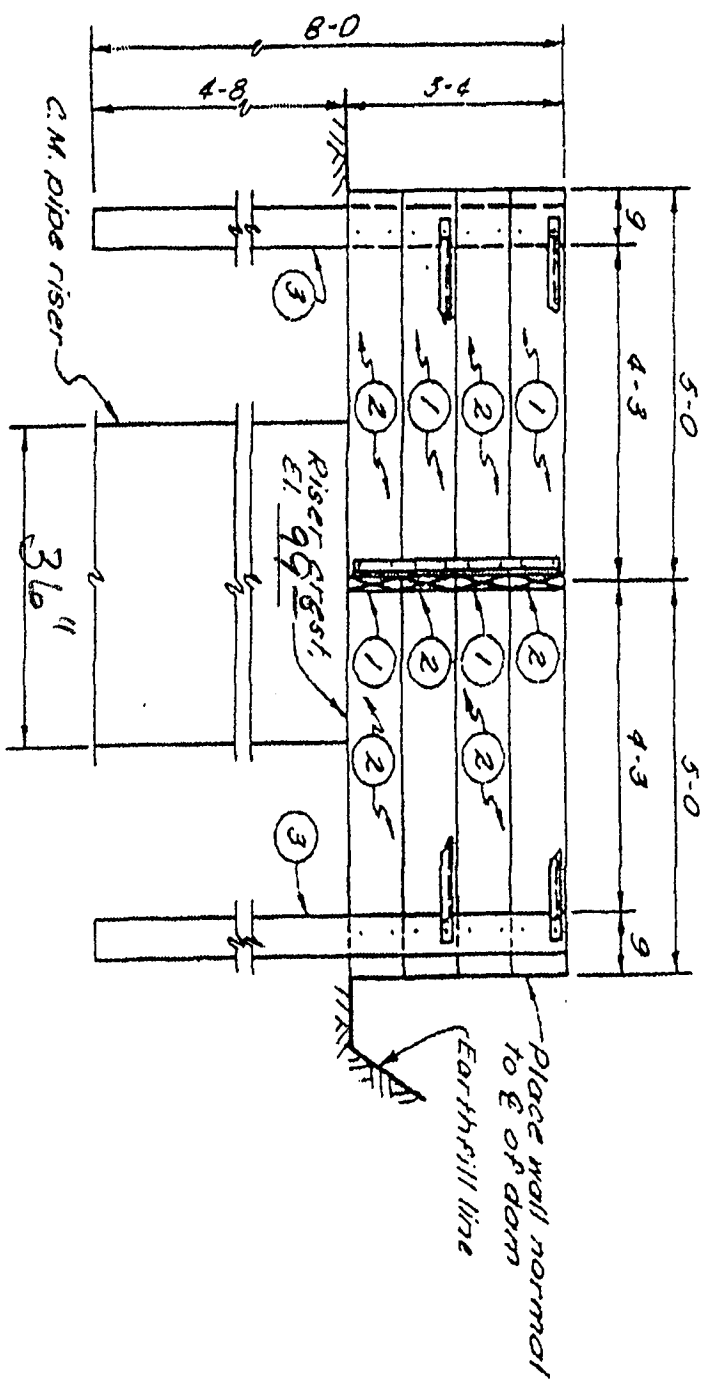
CONSERVATION DISTRICT: _____

Designed _____	Date _____	Approved by _____
Drawn _____	Title _____	
Traced _____	Title _____	
Checked _____	No _____	Drawing No. _____

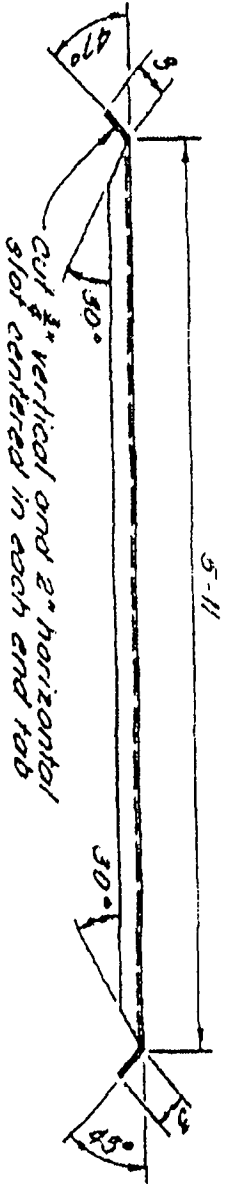
5, N-29, 073.40



PLAN VIEW



SECTIONAL ELEVATION A-A



PLAN VIEW OF BRACE ANGLE

TABLE OF QUANTITIES

ITEM	MARK	NO. REQ'D.	QUANTITY
2" X 10" X 10' PRESSURE TREATED LUMBER	1	4	67 BD. FT.
2" X 10" X 4'-11" PRESSURE TREATED LUMBER	2	8	66 BD. FT.
4" X 6" X 8' PRESSURE TREATED POST	3	4	64 BD. FT.
2" X 2" X 1/4" X 6'-5" STEEL ANGLE		8	164 LB.
2" X 2" X 1/4" X 3'-2" STEEL ANGLE		2	20 LB.
5/8" X 8" STEEL BOLTS, NUTS, 2 WASHERS		32	32 SETS
1/2" X 3" STEEL BOLTS, NUTS, 2 WASHERS		32	32 SETS

NOTES:

1. TO 4" X 6" POSTS (4 REQUIRED) BOLT 2" X 10" BOARDS USING TWO 5/8" X 8" BOLTS PER 2" X 10" BOARD. DO NOT PLACE BOLTS CLOSER THAN 1 1/2" FROM EDGE OF BOARD.
2. FOR CENTER BRACE ANGLES DRILL 8 - 9/16" HOLES 5/8" FROM OUTER EDGE OF EACH LEG OF EACH ANGLE AND CENTERED 5 1/4" APART ALONG THE LEG.
3. ATTACH BRACE ANGLES TO TOP BOLT ON TOP 2" X 10" BOARD AND TO TOP BOLT ON NEXT TO BOTTOM BOARD.

TRASH RACK AND BAFFLE
FOR RISER DIA. 36" THRU 60"

OPERATOR: Chuck Robenberg
CONSERVATION DISTRICT: _____
U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

JOB PLAN NO. 6.4

5, N-29, 073.6-40

RECEIVED

AUG 13 2008

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3791-3

Date: 8/9/08

I/We request that Water Right No. 3791-3

formerly owned by: Paul S Bremmon

be transferred to: (name & address) Charles K Rabenberg

11154 427th Ave Britton SD 57430

Telephone No. 6054482519

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

location of storage dam: NW ¼ SW ¼ Section 9, T126N, R57W

I/We understand that the validity of Water Right No. 3791-3 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 required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Charles K Rabenberg, the new owner, certify that the above information is true and correct.

Charles K Rabenberg
(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 8/13, 20 08

RECEIVED OF Charles K Rabenberg 11154 427th Ave Britton SD 57430

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 <u>3791-3</u>	2	50
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	2 50

No.

03717

By

Garland Erbe

Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 14, 2008

3791-3

Charles K Rabenberg
111 54 427th Ave
Britton SD 57430

Dear Mr. Rabenberg:

I am writing to acknowledge receipt of the transfer of ownership form and filing fee you submitted for Water Right No. 3791-3. The transfer has been completed. The water right formerly held by Paul S Bremmon is now listed in your name.

Enclosed is your Receipt No. 03717 in the amount of \$2.50 which you paid for filing the ownership change.

If I can answer any questions for you, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 26, 2008

NOTICE OF CANCELLATION

TO: Charles K Rabenberg, 11154 427th Ave, Britton SD 57430

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Cancellation Consideration of the Irrigation Portion of Water Right No. 3791-3

Water Right No. 3791-3 authorizes diversion of runoff water into a storage dam for irrigation purposes. In May, 2007, Tim Schaal with the Water Rights Program met with you and the former owner of the property to inspect the storage dam. Information obtained at that time found the dam was no longer used for irrigation purposes however was still in place and supplied water for livestock water. The Chief Engineer of the Water Rights Program is recommending cancellation of the irrigation portion of Water Right No. 3791-3 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of the irrigation portion of Water Right No. 3791-3 at 10:00 a.m., October 2, 2008 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later than 10:00 am*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on canceling the irrigation portion of Water Right No. 3791-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by September 22, 2008. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

This hearing may be an adversarial proceeding. Any party 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 State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by September 22, 2008.

Prior to September 22, 2008, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

Please note:

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by September 22, 2008.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

RECOMMENDATION OF CHIEF ENGINEER

FOR WATER RIGHT NO. 3791-3

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Right No. 3791-3.

The Chief Engineer is recommending cancellation of the irrigation portion of the water right due to abandonment and/or forfeiture. The storage dam once supplying water for irrigation purposes is now used only for domestic use.

RON DUVALL, Natural Resources Engineer
for Garland Erbele, Chief Engineer
August 26, 2008

Notes:

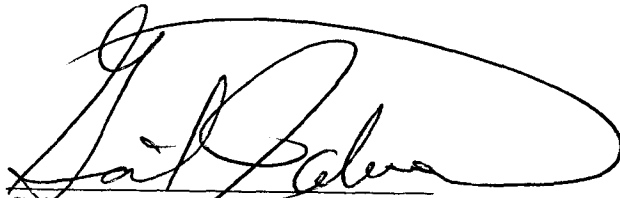
Cancellation of the water right does not prohibit a new application for this project in the future.

Once the irrigation portion of the water right has been cancelled by the Water Management Board, the water license will be reissued to remove the irrigation component and will authorize storage of water for domestic purposes.

CERTIFICATION

I hereby certify that on August 26, 2008, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated August 26, 2008 regarding cancellations of Water Rights addressed as stated below:

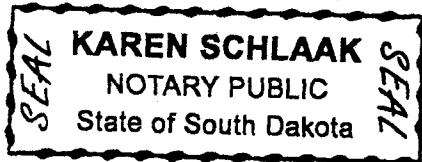
Dale Stahl, Platte Hutterian Brethren, 35271 270 th St., Platte SD 57369	2503-3
Layne Moeller, 47373 109 th St., Rosholt SD 57260	5502-3
Charles K. Rabenberg, 11154 427 th Ave., Britton SD 57430	3791-3


Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 26th day of August, 2008.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2013





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 6, 2008

3791-3

NOTICE

Charles K Rabenberg
11154 427th Ave
Britton SD 57430

Dear Mr. Rabenberg:

This will notify you that the Water Management Board cancelled the irrigation portion of Water Right No. 3791-3 on October 2, 2008.

The action to cancel the irrigation portion of the water right was taken under the conditions outlined in our notice to you dated August 26, 2008. Within the next couple weeks you will receive a reissued water license authorizing storage of water for domestic purposes.

If you have any questions concerning the Board action, please contact Genny McMath, with our program, at (605) 773-3352.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Duvall". The signature is fluid and cursive, with a large initial "R" and "D".

Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on October 6, 2008, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 6, 2008 regarding Cancellation Notices addressed as stated below:

Curtis Nelson, 47370 219th St, Brookings SD 57006 #161-3
William & Connie Dean, 5579 Indigo Fields Blvd, N Charleston SD 29418 # 1422-3
Danny Hofer, RT Investments 2001 LLC, PO Box 124, Huron SD 57350 # 1795-3
Randy Steffen, M-Tron Industries, PO Box 630, Yankton SD 57078 # 1961B-3
Dale Stahl, Platte Hutt. Brethren Inc, 35271 270th St, Platte SD 57369 # 2503-3
Dan or Sam Nachtigal, 27690 367th Ave, Platte SD 57369 # 3777-3
Lyle W Coleman, 5205 Singer Rd, Las Cruces NM 88007 # 3965-3
Alan Spaulding, Cass Prairie Farms LLP, 616 Lincoln Ave, St Paul MN 55102 # 4317A-3
Thomas F Benz, First Nat'l Bank in Sioux Falls, 100 S Phillips Ave, Sioux Falls SD 57104 4358-3
Harold Boer, PO Box 98, Lyons SD 57041 4358-3
Layne Moeller, 47373 109th St, Rosholt SD 57260 # 5502-3
Charles K Rabenberg, 11154 427th Ave, Britton SD 57430 # 3791-3

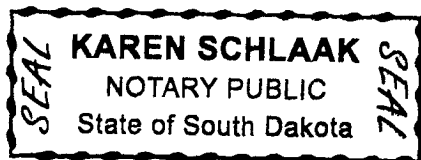
A copy of the above described Notice was sent Inter-office to:


Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of October, 2008.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013



NAME: Charles K Rabenberg

ADDRESS: 11154 427th Ave, Britton SD 57430

DATE: October 7, 2008 **COUNTY:** Marshall

AUTHORITY

Pursuant to SDCL 46-5-31.1, if permitted irrigation use from a storage dam is abandoned or forfeited but the storage dam is used for stock watering, stock watering may be added to the license or permit upon the request of the permit or license holder.

HISTORY:

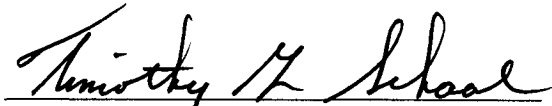
Water Right No. 3791-3 authorized diversion of water from runoff impounded in a storage dam to irrigate 64 acres in portions of the W ½ Section 9, T126N, R57W.

On May 17, 2007, an investigation was conducted of the storage dam associated with the water right. The former owner (Paul Bremmon) and the new owner of the property confirmed that the land was no longer irrigated however the storage dam was still in place and used for stock watering purposes.

On October 2, 2008, the Water Management Board took action to cancel the irrigation portion of Water Right No. 3791-3.

RECOMMENDED ACTION

Based on the above, it is recommended that the water license be reissued for stock watering.



Timothy G Schaal, PE
Natural Resources Engineer Specialist
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-31.1 that:

This addition of stock watering does not impair existing water rights and no diversion of water will be made from the stock dam. Licensing of the water permit for stock watering may occur without application or publication pursuant to SDCL 46-2A-4.



Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 30 2008

3791-3

Charles K Rabenberg
11154 427th Ave
Britton SD 57430

Dear Mr. Rabenberg:

Enclosed is your Reissued Water License No. 3791-3. The license authorizes impoundment of 99 acre feet of water annually from runoff to be used for domestic livestock watering purposes.

Water Right No. 3791-3 originally authorized diversion of water from the storage dam for irrigation purposes. On October 2, 2008, the Water Management Board cancelled the irrigation portion of the water right.

Based on the Board's action to remove the irrigation component from the water right, the license has been reissued to allow impoundment of water for domestic purposes. As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

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

enclosure

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 3791-3

(1) Paul S Bremmon was issued Water License No. 3791-3, June 11, 1993 for a water right to divert 0.56 cubic feet of water per second from runoff into a storage dam located in Marshall County, South Dakota for irrigation purposes. Water License No. 3791-3 with a priority date of March 10, 1977 was issued to the permit holder for diversion of water with construction of the described water supply system and the application of water to beneficial use completed.

On August 13, 2008, Water Right No. 3791-3 was transferred from Paul S Bremmon to Charles K Rabenberg.

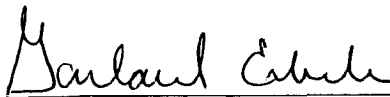
A May, 2007 investigation found the land was no longer being irrigated and the storage dam was in place and used for domestic livestock watering. On October 2, 2008, the Water Management Board cancelled the irrigation portion of the water right.

Pursuant to SDCL 46-5-31.1, stock watering may be added as a water use to a license provided no diversion is made from the dam. The Chief Engineer made a finding that the addition of stock watering does not impair existing water rights.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Charles K Rabenberg, 11154 427th Ave, Britton SD 57430 the holder and/or owner of Water Right No. 3791-3 is issued a license, bearing a priority date of March 10, 1977 to impound 99 acre feet of runoff water in a storage dam to be used for domestic livestock watering purposes.

The storage dam is located: 1,700 feet north and 250 feet east of the SW corner of Section 9, T126N, R57W (NW ¼ SW ¼) with water impounded in the SW ¼ of Section 9.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 3791-3.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 30 2008

date

