

Water Right Number 3806-9

1. Considered 5-25, 1977
2. Name of Applicant BERNARD BERGLALE
3. Post Office Address HAWARDEN, IA.
4. Amount of water claimed 6.28
5. Source of water supply SIoux RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 420
7. Water to be diverted and used in UNION County
about 4E, 2N Miles of ALCESTER
8. Proof of Publication
Received 4-28-77
Not received
9. Application
Approved
Subject to
Not approved
Action deferred
10. Remarks:

Map No. 3071-3 Water Division No. 3 BIG SIOUX RIVER District 3
 (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 Bernard Bergdale
 Postoffice address Hawarden State Iowa
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract

3. Name of diversion work Bergdale #5

4. Amount of water claimed (cubic feet per second) 6.28 C.F.S.

5. Source of water supply Sioux River

6. Location of point of diversion NW 1/4 SE 1/4 Section 21, Twp 95N., Range 48West

County Union

7. Annual period or periods during which water is to be used April thru October

8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation

9. For irrigation use, Total number of acres to be irrigated 440

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
SE 1/4 NE 1/4 / 18-95-48	40	SW 1/4 NE 1/4 17-95-48	40
SE 1/4 SE 1/4 / 18-95-48	40	SE 1/4 17-95-48	160
S 1/2 NW 1/4 / 17-95-48	80		
N 1/2 SW 1/4 / 17-95-48	80		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 5 years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication Alcester Union

12. Principal Features of the Proposed Water Supply System. Alcester, South Dakota 57001

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

pump

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

pipe

C. Works proposed to apply water to beneficial use.

sprinklers

Estimated Total Cost \$ 75,000.00

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Union) ss.

I, Bernard B. Bergdale 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 Bernard B. Bergdale

Subscribed and sworn to before me this 21 day of March 1922

David S. Thompson
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3806-3
BERNARD BERGDALE 2.2.77 324 89 HAWARDEN
 (Applicant) (Post Office Address)
IOWA 51023 With the following modifications:
 (State)

Date of first receipt of application MARCH 23 19 77
 Date of return to applicant for correction, amendments or changes required — 19 —
 Date of receipt of corrected application — 19 —
 Approved MAY 25 19 77 Recorded in Book 18 Page 218
 WATER RIGHT PERMIT NO. 3806-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3806-3 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 23 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 79
3. The whole of said work is to be completed on or before MAY 25 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 25 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 6.25 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 82; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 9TH day of JUNE 19 77

WATER RIGHTS COMMISSION

By: John H. [Signature]
 Chief Engineer, Executive Officer

Certificate of Construction Issued — 19 —

Water License Issued — 19 —

Form 6 - Notice of Intent to Appropriate Water

No. 34916

Publish first publication, on or before 11-1-1927

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

11-1-1927

Notice is hereby given that Bernard Bagdale

whose post office address is Hawarden, 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

10,000 cubic feet of water per second of time from the Big Horn River through the Bagdale, the point of diversion of which is to be located in the

of Section 17, Twp. 5N, Range 48W. Said water to be used for the purpose of providing irrigation on the following described land:

Section 17-T5N-R48W

This application No. 34916 will be considered by the Water Rights Commission at their office at Pierre upon the 11th day of May, 19 27, at 12:00 M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

**JAMES WINTERTON
Water Rights Specialist**

BFJ/bw

cc: Bernard Bagdale, Hawarden Iowa, 51023

No 3086-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Union) ss.

I, Isabel Orner hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Alcester Union

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 Alcester

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

April 14, 1977
April 21, 1977

Isabel Orner
(Signature)

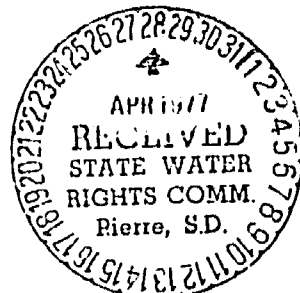
Manager
(Title)

4-27-77
(Date Signed)

James Wintertown

CARY M. HICKLIPS
Notary Public, Union County, S. D.
My Commission Expires Aug. 23, 1977

NOTICE
INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
Notice is hereby given that Ber-
nard Bergdale whose post office
address is Hawarden, 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
6.28 cubic feet of water per
second of time from the Sioux River
through the Bergdale No. 5, the
point of diversion of which is to be
located in the NW1/4 SE1/4 of
Section 21, Twp. 95N, Range 48W.
Said water to be used for the pur-
pose of providing irrigation on por-
tions of the following described
land: SE1/4 NE1/4, SE1/4 SE1/4,
Section 18; S1/2 NW1/4, N1/2
SW1/4, SE1/4 NE1/4, SE1/4,
Section 17-T95N-R48W.
This application No. 3806-3 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 Wintertown,
Water Right Specialist
Pub.: April 14, 21, 1977.



Form 10.

No. 3806-3



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

DEPARTMENT OF NATURAL RESOURCE DEVELOPMENT
DIVISION OF WATER RIGHTS
JOE FOST BUILDING

Post Office Sanford, SD

Date Dec 14, 80

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

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 3806-3

Water Right Permit No. 3806-3 states that the diversion system is to be constructed by May 25, 1980 and that the water is to be put to beneficial use by May 25, 1980.

The diversion system was completed on Dec, 1980. Applying the water to beneficial use was completed on not used as yet, 1980.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Barbara Buehler
(Signature)

Considered: _____

WATER PERMIT NO. 3806-3 readvertisement

Phone: _____

Name of Applicant: Bernard Bergdale

Post Office Address: RR 2, Box 89, Hawarden, Iowa 51023

Amount of Water Claimed: no add'l Total Acres: no add'l

Source of Water Supply: Big Sioux River

Water to be used for: irrigation County: Union

About 5 miles East of Alcester

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C/.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received: 3/23/77 Fee: _____ Remarks This is a

readvertisement of permit which had a error in the legal description

Corrected Application Received _____ Period of Annual Use April 1- Oct 31

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

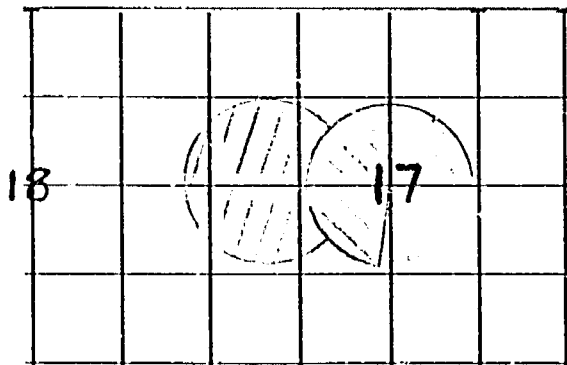
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: NW1/4 SE1/4 Sect. 21 T95N-R48W

Land to be Irrigated: SE1/4 NE1/4, NE1/4 SE1/4

Section 18, S1/2 NW1/4, N1/2 SW1/4, SW1/4 NE1/4,

SE1/4 Section 17; all in T95N-48W



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: ASCS Aerial PREPARED BY: David Brown Reviewed and the Number

Assigned on 8/28/90 By Eric Gronlund

WATER RIGHTS DIVISION
FILE DOCUMENTATION

TO: File - Bernard Bergdale
RR 2, Box 89
Hawarden, Iowa 51023

DATE: August 27, 1990

COMMENTS:

A review of Water Permit No. 3806-3 for licensing purposes found an error in the advertisement notice for Permit No. 3806-3.

The map submitted with the application for No. 3806-3 showed irrigation of the following lands:

SE1/4 NE1/4, NE1/4 SE1/4 Section 18, S1/2 NW1/4, N1/2 SW1/4, SW1/4 NE1/4, SE1/4 Section 17; all in T95N-R48W.

The advertisement notice, published on April 14 and 21, 1977 listed the land as follows:

SE1/4 NE1/4, SE1/4 SE1/4 Section 18, S1/2 NW1/4, N1/2 SW1/4, SE1/4 NE1/4, SE1/4 Section 17; all in T95N-R48W.

The advertisement should have read as follows: NE1/4 SE1/4 etc.

Conclusion:

Permit No. 3806-3 should be readvertised prior to licensing to correct this error. The Division of Water Rights should pay for the cost of publication. Upon approval of the readvertisement by the Water Management Board, Water Permit No. 3806-3 can be licensed.

Eric Lund

Natural Resource Engineer

8/27/90

Report on Readvertisement of Water Permit No. 3806-3
Bernard Bergdahl
September 12, 1990

Background

Water Permit No. 3806-3 authorized diversion of 6.28 cubic feet of water per second (cfs) from the Big Sioux River to irrigate 440 acres. The diversion point is located in the NW1/4 SE1/4 Section 21, T59N-R48W, in Union County. The irrigated land is located in Sections 17 and 18, T95N-R48W.

Discussion

An inspection of the land authorized to be irrigated by Water Permit No. 3806-3, found an error in the advertisement notice for Application No. 3806-3. The map submitted with the application shows the location of the irrigated land in the SE1/4 NE1/4, NE1/4 SE1/4 Section 18, S1/2 NW1/4, N1/2 SW1/4, SW1/4 NE1/4, SE1/4 Section 17, all in T95N-R48W. The advertisement notice published on April 14 and 21, 1977, listed the land as follows: SE1/4 NE1/4, SE1/4 SE1/4 Section 18, S1/2 NW1/4, N1/2 SW1/4, SW1/4 NE1/4, SE1/4 Section 17, all in T95N-R48W. The advertisement should be corrected to read NE1/4 SE1/4 Section 18.

Conclusion

Water Permit No. 3806-3 should be re-advertised to correct the error prior to licensing. If the Water Management Board approves the readvertised application, Water Permit No. 3806-3 can be licensed.

M. Rassool Ahadi

M. RASSOOL AHADI
Natural Resources Engineer II

Approved By:

Delvin D. Brosz

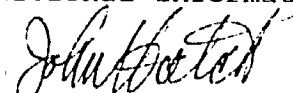
DELVIN D. BROSZ, P.E.
Natural Resources Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 3806-3, Bernard Bergdale

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 3806-3, Bernard Bergdale, RR 2 Box 89, Hawarden, Iowa.

The Chief Engineer is recommending APPROVAL of Application No. 3806-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest.

See report on application for additional information.


JOHN HATCH, Chief Engineer
October 25, 1990



Department of Water & Natural Resources

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

October 26, 1990

Bernard Bergdale
RR #2 Box 89
Hawarden IA 51023

Dear Mr. Bergdale:

The original notice of hearing for Water Permit No. 3806-3 was published with an error. Therefore, the notice of hearing needs to be readvertised to correct the error. A notice of hearing has been sent to the Publisher of the Alcester Union printed at Alcester SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the readvertisement are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Division of Water Rights. Please contact us if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

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

October 26, 1990

Alcester Union
Box 217
Alcester SD 57001

ATTN: Legal Publications:

Enclosed is a Readvertisement of Notice of Hearing on Permit No. 3805-3 to be published twice. Please publish the first notice on or before November 8, 1990 with the second publication 7 days later.

Please bill the Water Rights Division for the cost of the advertisement.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Readvertisement of Notice of Hearing to Appropriate Water by Permit No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on or before November 8, 1990 with the second publication 7 days later.

Readvertisement of NOTICE OF HEARING for Water Permit No. 3806-3
to Appropriate Water

Notice is given that Bernard Bergdale, RR #2 Box 89, Hawarden, IA 51023 filed an application for a water permit on March 23, 1977. Water Permit NO. 3806-3 appropriates 6.28 cubic feet of water per second from the Big Sioux River to irrigate 440 acres. The point of diversion is located in the NW1/4 SE1/4 Section 21 T95N-R48W. Readvertisement of the notice of hearing published on April 14 and 21, 1977 is needed to correct the legal description of the irrigated acreage. The corrected legal description of the irrigated acreage is the SE1/4 NE1/4, NE1/4 SE1/4 Section 18, S1/2 NW1/4, N1/2 SW1/4, SW1/4 NE1/4, SE1/4 Section 17; all in T95N-R48W. This readvertisement does not authorize any increase in the acreage irrigated or any increase in the water appropriation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 3806-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposing the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 26, 1990. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Chief Engineer will act on this application in accordance with the above recommendation and no hearing will be held if the applicant does not contest the Chief Engineer's recommendation and no petition is filed opposing the application. If the applicant contests the recommendation or an interested person opposes the application, then the application will be considered by the Water Management Board. Petitions filed in support of the application will not require the Board to hear the application. The Board may conduct a hearing no sooner than 10:00 am, on December 5, 1990 at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City SD and the hearing may be rescheduled for a later date. If the hearing is rescheduled, notice will be given of the time and place. The above hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 26, 1990.

The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. This hearing is an adversary proceeding. Any person filing a petition opposing the application and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Union) ss.

I, Donald Brosse

certify that the attached printed Notice was taken
from the Alcester Union

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 Alcester

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

Nov. 1 1990

Nov. 8 1990

Donald K. Brosse
(Signature)

Owner
(Title)

11/8/90
(Date Signed)

Cost of Printing: 103 lines @ 24.3 = 2479

2nd 80% = 1983

Total 4462



Readvertisement of NOTICE OF
HEARING for Water Permit No. 3806-3
to Appropriate Water

Notice is given that Bernard Bergdale,
RR#2 Box 89, Hawarden, IA 51023 filed an
application for a water permit on March 23,
1977. Water Permit No. 3806-3 appropriates
6.24 cubic feet of water per second from the
Big Sioux River to irrigate 440 acres. The
point of diversion is located in the NW1/4
SE1/4 Section 21 T9S-NR48W.
Readvertisement of the notice of hearing
published on April 14 and 21, 1977, is
needed to correct the legal description of the
acreage. The corrected legal description of
the irrigated acreage is the SE1/4 NE1/4,
NE1/4 SE1/4 Section 18, S1/2 NW1/4, N1/2
SW1/4, SW1/4 NE1/4, SE1/4 Section 17;
all in T9S-NR48W. This readvertisement
does not authorize any increase in the
acreage irrigated or any increase in the
water appropriation.

Pursuant to SDCL 46-2A-2, the Chief
Engineer recommends APPROVAL of
Application No. 3806-3 because 1)
unappropriated water is available, 2)
existing rights will not be unlawfully
impaired, 3) it is a beneficial use of water,
and 4) it is in the public interest.

Any person interested in opposing or sup-
porting this application must file a written
petition with BOTH the applicant and Chief
Engineer. The applicant must also file a
petition if opposing the Chief Engineer's
recommendation. The Chief Engineer's
address is "Water Rights Division, Foss
Building, 523 B Capitol, Pierre, SD 57501
(605 773-3352)" and the applicant's mailing
address is given above. A petition filed by
either an interested person or the applicant
must be filed by November 26, 1990. The
petition may be informal, but must include a
statement describing the petitioner's interest
in the application, the petitioner's reasons
for opposing or supporting the application,
and the signature and mailing address of the
petitioner or the petitioner's legal counsel, if
legal counsel is obtained.

The Chief Engineer will act on this appli-
cation in accordance with the above rec-
ommendation and no hearing will be held if
the applicant does not contest the Chief
Engineer's recommendation and no petition
is filed opposing the application. If the
applicant contests the recommendation or an
interested person opposes the application,
then the application will be considered by
the Water Management Board. Petitions
filed in support of the application will not
require the Board to hear the application.
The Board may conduct a hearing no sooner
than 10:00 am, on December 5, 1990 at the
Hilton Inn, Deerfield Room, 445 Mt.
Rushmore Road, Rapid City, SD and the
hearing may be rescheduled for a later date.
If the hearing is rescheduled, notice will be
given of the time and place. The above
hearing date will be automatically delayed
for at least 20 days upon written request to
the Chief Engineer from the applicant or any
interested person opposing the application.
The request for an automatic delay must be
filed by November 26, 1990.

The Chief Engineer's recommendation is
not final or binding upon the Board. The
Board is authorized to 1) approve, 2) ap-
prove with qualifications, 3) defer, or 4)
deny this application based on the facts
presented at the public hearing. This hearing
is an adversary proceeding. Any person
filing a petition opposing the application
and/or the applicant have the right to be
represented by a lawyer and may present
evidence or cross-examine witnesses ac-
cording to SDCL 1-26. These and other due
process rights will be forfeited if not exer-
cised. Decisions of the Board may be ap-
pealed to the Circuit Court and State
Supreme Court as provided by law. Contact
the Water Rights Division to request copies
of information pertaining to this application
or to assure access to hearing by the
handicapped.

This application is made pursuant to
SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-
1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13,
46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12,
46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11,
46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-
5-30.2, 46-5-30.4, 46-5-31; and Board
Rules ARSD 74:02:01.01 thru 74:02:01:15.



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-2131

June 13, 1991

3806-3

Bernard Bergdale
RR #2 Box 89
Hawarden, IA 51023

Dear Mr. Bergdale:

Water Permit No. 3806-3 was readvertised November 1 and 8, 1990 to correct the legal description of the irrigated acreage. The readvertisement was approved on December 5, 1990.

The inspection of the water use system and the inspection of the extent of application of water to beneficial use, has been completed. The final water right document, the water license, can now be issued.

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,

Genny McMath
Natural Resources Analyst
(605) 773-3352

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

Permit No. 3806-3Vermillion River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Bernard Beradale
 of RR 2, Box 87, Hawarden, Iowa 51023 holder of
 Permit No. 3806-3, bearing the priority of March 23, 1977 19____ authorizing
 the diversion of 6.28 cu. ft. per second of the waters of Sioux River water
 for irrigation purposes, in Union County.

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

A. Work: used to divert the water:

Marathon motor, model no. 404TTDS7661BB, 100 HP

Berkley Centrifugal pump, model no. B4FYPBH, serial no. 8260245, 130 psi, 750 GPM
30 feet of 8 inch aluminum pipe

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

12,700 feet of 8 inch PVC pipe

booster pumps - Berkley centrifugals, 750 GPM, B4JPBH, B4EPBL, serial nos. 8149767 &

booster motors - Century, 60 HP 8052245

storage dugout - 1.3 ac-ft of storage, 15 feet deep, temporary storage facility at center
C. Works used to apply water to beneficial use: pivotZimatic Center Pivot, towed to two pads, 10 towers with end gun, high pressure (80 psi),
750 GPMThe system is in the following condition good

The point of diversion is located at a point 4,010 feet east and 1,700 feet north of SW corner
of Section 21, T95N R48W

The works are capable of diverting and conveying to the place of use 1.67cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: all in T95N R48W

Section 17

39 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ 35 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 18

8 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ 9 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ 39 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ comprising a total of 210 acres of land and the license should be issued for 1.67 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: _____ Date September 14, 1989

C. O. B.
 (Signature)

LICENSE FOR PERMIT NUMBER 3806-3 Bernard Berçdale

1. Legal location of ~~well~~ diversion point: at a point 4,010 feet east and 1,700 feet north of SW corner of Section 21, T95N R48W

dams & structures: diversion is out of the Big Sioux River

2. Well Information: Well Drilling Firm _____

Completion Report Yes _____ No _____ No. of Wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____
c) type _____ Static Water Level _____

Pump a) make Berkley Centrigugals Motor a) make Century, Marathon
b) model B4JPBH, B4EPBL, B4FYPBH b) model No. unknown, 404TTDS7661BB
c) size Serial Nos. 8149767, 8052245, 8260245 c) horsepower rating 60 HP, 100 HP at
d) capacity 750 gpm river
e) turbine pump - no. of stages _____
f) operating FSI 130 at river

3. Distribution lines or canals

a) size 8 inch
b) type PVC
c) length 12,700 feet

4. Dam Information: Storage dugout - 1.3 ac-ft, 15 feet deep, 90' x 90' at top, 30' x 30' at bottom

a) height to crest _____ m) Outlet tubes: _____
b) height to primary spillway _____ 1) diameter _____
c) height to secondary spillway _____ 2) type _____
d) crest width _____ 3) valved (Y/N) _____
e) crest length _____ 4) valve type _____
f) spillway length _____ 5) location on structure _____
g) spillway width _____
h) approx. storage _____ n) Category of Dam _____
i) approx. storage to crest _____
j) date constructed _____
k) inspection sheet completed (Y/N) _____
l) Name of Contractor _____

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make Zimmatic
- 2) number of towers 10
- 3) distance between towers 127 feet
- 4) overall length 1340 feet
- 5) end gun (Y/N) yes
- 6) high or low pressure high (80 psi)
- 7) make & size of nozzles

- 8) capacity (GPM) 750

g) siphons

- 1) size _____
- 2) number _____

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 none

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

REMARKS:

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3806-3

(1) Bernard Bergdale of PO Box 366, Alcester, SD 57001 made Application No. 3805-3, March 23, 1977 for a water permit to appropriate 6.28 cubic feet of water per second from the Sioux River, Union County, South Dakota for irrigation purposes. Permit No. 3806-3 with a priority date of March 23, 1977 was approved May 25, 1977 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before May 25, 1982 and for the application to beneficial use of said water on or before May 25, 1982.

The original advertisement notice, published April 14 and 21, 1977 contained an error in the legal description of the irrigated acreage. Water Permit No. 3806-3 was readvertised November 1 and 8, 1990 to correct the error. The readvertisement was approved on December 5, 1990.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.67 cubic feet of water per second for beneficial use. The location of the diversion point is: at a point 4,010 feet east and 1,700 feet north of the SW corner of Section 21, T95N, R48W (NW 1/4 SE 1/4).

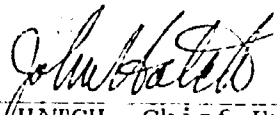
(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T95N, R48W Section 17	NW 1/4 SW 1/4	39	acres
	NE 1/4 SW 1/4	40	"
	SW 1/4 NW 1/4	39	"
	SE 1/4 NW 1/4	40	"
	SW 1/4 NE 1/4	35	"
Section 18	SE 1/4 NE 1/4	8	"
	NE 1/4 SE 1/4	9	"

210 acres

(4) Pursuant to Section 46-5-30.1 Bernard Bergdale of PO Box 366, Alcester, SD 57001 the holder(s) and/or owner(s) of Water Permit No. 3806-3 is issued a license to appropriate water, the right to use 1.67 cubic feet of water per second from the Sioux River with a priority date of March 23, 1977 from the location

specified in (2) of this license. The water is 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. 3806-3 and subject to South Dakota State Law.



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

JUL 23 1991

South Dakota

GREAT FACES. GREAT PLACES.

JUL 23 1991

Bernard Bergdale
PO Box 366
Alcester, SD 57001

3806-3

Dear Mr. Bergdale:

Enclosed is Water License No. 3806-3. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,

John Hatch

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

enclosures

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, June 25, 1901

RECEIVED OF Mr. or Mrs. Bernard Berodale, 503 Lincoln Dr., Alcester, SD 57001
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. 3806-3	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By [Signature]
Chief Engineer



3806-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 6, 2012

Dear Water Right Holder;

Due to low flows I am advising water right holders on the Big Sioux River of the possibility of shutoff orders in 2012 for the river reach from Watertown through Sioux Falls. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Big Sioux River basin remain well below the historical average. The forecast for improved conditions for the near future is not favorable.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing real-time river flows at 159 stream gauging stations across the state including three gages sites on the Big Sioux River. To access this information go to <http://waterdata.usgs.gov/sd/nwis/rt> and click on the link "Statewide Streamflow Current Conditions Table".

Thank you for your cooperation. If you have any questions, please contact Lynn Beck or Mark Rath at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on August 6, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated August 6, 2012 regarding shut off warnings on Big Sioux River addressed as stated below:

permitno	fname	lname	addrss2	city	state	zip
1696-3	DONALD G	AHLERS	22920 SD HWY 13	FLANDREAU	SD	57028
5530-3	TERRY & DENISE	ANDERSON	47558 237TH ST 26534 N SHORE PLACE	TRENT	SD	57065
6192-3	BERNE B	BAHNSON	PO BOX 366	HARTFORD	SD	57033
3806-3	BERNARD	BERGDALE	47948 232ND ST	ALCESTER	SD	57001
1175-3	HAROLD	BOEVER	4162 BIRCH AVE	FLANDREAU	SD	57028
4895-3	BILL B	BOYER	403 16TH ST	HAWARDEN	IA	51023
284-3	LUKE	BOYER, MGR	24482 482ND AVE	HAWARDEN	IA	51023
7110-3	BRIAN	BURKHART	32650 480TH AVE	DELL RAPIDS	SD	57022
5760-3	BRIAN	CHICOINE	29509 488TH AVE	ELK POINT	SD	57025
2255-3	JAMES H	COLE	47364 GOLF VIEW DR	HUDSON	SD	57034
6124-3		DELLS ROCKY RUN GOLF COURSE		DELL RAPIDS	SD	57022
4969-3	JOHN GILMAN	FRAZIER FARMS	BOX 423	PARKSTON	SD	57366
4969-3	JOHN TROY D & SANDY F	GILMAN	4162 BIRCH	HAWARDEN	IA	51023
249-3	DARREN & ALLISON	HAHN	6762 SMITH DR	WENTWORTH	SD	57075
2065-3 2952-3, 956- 3	WAYNE	HAMILTON	22615 480TH AVE	FLANDREAU	SD	57028
279-3	ROBERT	HEADRICK	47926 SD HWY 32	FLANDREAU	SD	57028
1350-3, 6042-3		JAGER, MGR	48495 299th ST	HAWARDEN	IA	51023
1302-3	RAYMOND D	JENSEN	24348 478TH AVE	DELL RAPIDS	SD	57022
1500-3, 213- 3	LARRY J	JORGENSEN	24048 477TH AVE	TRENT	SD	57065
	TED	LACEY	24064 478TH AVE	TRENT	SD	57065
	EUGENE	MOLLET	48011 332ND ST	JEFFERSON	SD	57038
3433-3	VIRGIL L	MOLLET JR	47991 334TH ST	JEFFERSON	SD	57038
1801-3	GAIL	MUNK	803 DAKOTA	DELL RAPIDS	SD	57022
113-3	PATTI	NASH	21660 469TH AVE	BROOKINGS	SD	57006
3914-3	OMAR F	PETTERSON	48378 276TH ST	CANTON	SD	57013
2350-3		RIVER VALLEY FARMS	PO BOX 486	ALCESTER	SD	57001
1801-3	HARVEY JOHN T & MELISSA R	SCHMIDT, OPERATOR	47528 244TH ST	DELL RAPIDS	SD	57022
1454-3		SCHUTTE	47973 W 5TH ST 47844 COUNTY RD 1B	CANTON	SD	57013
5814-3	PATRICK V	WALSH, OPERATOR	11726 NORWAY ST NW	ELK POINT COON RAPIDS	SD MN	57025 55448
597-3	DAN & JUDY	WHIPPLE WILLOW RUN MANAGEMENT COMPANY	8000 E HWY 42	SIoux FALLS	SD	57110
5055-3		XCEL ENERGY	7100 E RICE ST	SIoux FALLS	SD	57110
519-3A		NORTHERN STATES POWER COMPANY	414 NICOLLET MALL	MINNEAPOLIS	MN	55401
43-3, 519-3 5698-3, 6210-3	GREG ANDERSON	CITY SIoux FALLS	224 W 9TH ST	SIoux FALLS	SD	57102

Gail Jacobson

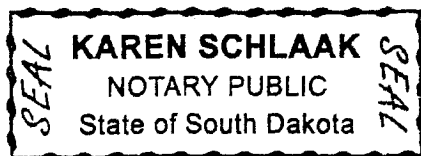
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of August, 2012.

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
<http://denr.sd.gov>

October 22, 2013

3806-3

Bernard Bergdale
6227 Enclave Circle
Johnston IA 50131 4796

Dear Mr. Bergdale:

Enclosed is a "Notice" dated October 18, 2013 concerning the 2013 irrigation questionnaire.

The notice was originally mailed to PO Box 366, Alcester SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



October 27, 2014

3806-3

Bernard Bergdale
15516 Stearns St
Overland Park KS 66221 7889

Dear Mr. Bergdale:

Enclosed is a "Notice" dated October 17, 2014 concerning the 2014 irrigation questionnaire.

The notice was originally mailed to 6227 Enclave Circle, Johnston IA. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 31, 2018

3806-3

BERNARD BERGDALE
15516 STEARNS ST
OVERLAND PARK KS 66221

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear MR BERGDALE,

I am writing to inform you of an effort the SD Dept. of Environment and Natural Resources Water Rights Program is undertaking to review and update a number of water right permits authorized to pump water from the Big Sioux River. Since your water right does not have a bypass qualification, we **are not** proposing to amend your permit by adding a bypass qualification. However, I do want to make you aware of what we are proposing for several other junior priority Big Sioux River permits.

When a number of these Big Sioux River permits were issued, they contained a qualification requiring a minimum flow bypass before the user is able to pump water from the river. The bypass qualification was placed on these permits to protect the use of water by downstream senior priority water right holders and domestic water users, which includes livestock watering. The review found, with the passage of time, a number of senior water right permits have been cancelled due to abandonment or forfeiture. Consequently, it may be possible to lower the flow bypass limitation on the remaining permits. In other words, the amount of flow in the river can be lower and pumping will still be allowed. The review also found an inconsistency between permits on where the bypass flow is to be measured. The intent of this effort is to standardize and make consistent the bypass requirements for the remaining water users.

In order to amend a qualification on an existing water right permit, formal action by the SD Water Management Board is needed. In the next few weeks, you can expect to receive official notification scheduling a hearing before the Water Management Board. Again this does not pertain to amending your permit, only junior permit holders. If you wish to participate in the hearing you can, but you are not required to. There will be instructions with the notification on how to participate in the hearing if you so choose.

If you have any questions concerning this effort, please contact Mark Rath of the Water Rights Program at phone (605) 773-3352.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeanne Goodman". The signature is fluid and cursive, with a large loop at the end.

for Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 12, 2018

3806-3

Bernard Bergland
15516 Stearns St
Overland Park KS 66221

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear Mr. Bergdale:

The SD Department of Environment and Natural Resources (DENR) has evaluated the minimum flow bypass condition on water rights that pump from the Big Sioux River. The Chief Engineer is recommending amending the bypass qualification on 21 Big Sioux River water rights. The intent is to bring uniformity to the bypass requirement placed on water rights in past years. The water right you own or operate does not have a bypass qualification and will not be amended by the proposed action.

Even though your water right is not being amended, DENR wants to keep you informed of the proposed action since it involves the Big Sioux River. Enclosed is a notice to be published on or before February 15, 2018, in one newspaper from each of the seven counties that the Big Sioux River flows through. Also, the staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Mark Rath at 605 773-3352 or mark.rath@state.sd.us.

A hearing before the Water Management Board is scheduled at 11:30 AM, Wednesday, March 7, 2018 in the Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. The enclosed notice provides information on the hearing and ability to file a petition in either support or opposition to the proposed amendment. The filing of a petition must be postmarked by February 26, 2018. Additionally filing a petition affords you the opportunity to participate in the March 7th hearing before the Board if you choose.

Again, this does not pertain to amending your water right, only junior water right holders with existing bypass requirements. If you have questions, please call. DENR is willing to work to answer any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 13, 2025

3806-3

Bernard Bergdale
15516 Stearns St
Overland Park KS 66221

Dear Mr. Bergdale:

Each year, the State of South Dakota sends out Water Management Irrigation Questionnaires to collect information based on annual water use from our state's waters.

This year we received word from your renter, Ken Kingma, that the irrigation system has been removed from the property covered under Water Right No. 3806-3 that ownership of the land has changed.

Water Right No. 3806-3 authorizes the irrigation of 210 acres in the N $\frac{1}{2}$ SW $\frac{1}{4}$ & S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 17, SE $\frac{1}{4}$ NE $\frac{1}{4}$ & NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18; all in T95N-R48W.

If you would please check your information and inform our office of any new owners, we would appreciate it. Until we have new information, we will update our records to have next year's Irrigation Questionnaire held back from mailing.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

April 8, 2025

TO: Michael & Megan Weber, 2364 167th Pl, Ames IA 50014
Kenneth & Carol Kingma, 29954 483rd Ave, Hawarden IA 51023

FROM: Amanda Dewell, Permitting Administrator, SD Water Rights Program
523 E Capitol Ave, Pierre SD 57501 *Amanda Dewell*

SUBJECT: Water Right No. 3806-3

I am writing you in regard to South Dakota Water Right No. 3806-3, which authorizes the irrigation of 210 acres located in the N $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 17 & SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18; all in T95N-R48W, Union County.

Each year, the State of South Dakota sends out Water Management Irrigation Questionnaires to collect information based on the annual water use from our state's waters. This year, we received word that the irrigation system authorized by Water Right No. 3806-3 (Bernard Bergdale) had been removed and the property parceled out and sold off.

Before the Water Management Board reviews Water Right No. 3806-3 for cancellation, our Program wishes to make contact with the new property owners to confirm that irrigation practices have been abandoned. An investigation into ownership of the above-mentioned acres indicates that the property is now divided into four parcels held by Michael Weber, Megan Weber, Kenneth Kingma, and the Carol Kingma Living Trust.

With this letter I would ask that you please contact me to confirm ownership of these acres and discuss cancellation of Water Right No. 3806-3.

Amanda.Dewell@state.sd.us or (605) 773-3352

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Ken Kingma

DATE: 04/14/2025

TELEPHONE: 1 605-670-0106

RE: Ownership & Irrigation

COMMENTS:

Ken Kingma called after receiving my letter, dated April 8, 2025. He confirmed that he, Carol, and the Webers now own the property described in WR No. 3806-3.

Ken reported that the irrigators had all been removed and that there was no desire to resume irrigation by any of the parties. Once I've heard back from the Webers, we will proceed with cancellation of WR No. 3806-3, due to abandonment/forfeiture.

I advised Ken that we would send a Notice prior to any cancellation action being taken by the Board. I welcomed him to call with any questions but it is not likely he will have any.



Amanda Dewell
Water Rights Program

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Kenneth & Carol Kingma, 29954 483rd Ave, Hawarden IA 51023
Michael & Megan Weber, 2364 167th Pl, Ames IA 50014
Brad Kleinhans, 29913 483rd Ave, Hawarden IA 51023

DATE: September 7, 2026

TELEPHONE: 605-670-0106

RE: Cancellation

COMMENTS:

I spoke with Ken Kingma today regarding not irrigating this property anymore and wanting to cancel this Water Right, and he told me there are 3 property owners involved including himself. Michael & Megan Weber, and Brad Kleinhans. I have spoken to all 3 property owners, and they are all in agreeance to cancel this water right as none of them irrigate nor do they have plans in the future for irrigation. We will cancel Water Right No. 3806-3 due to abandonment, forfeiture or both.



Shannon Konst
Water Rights Program