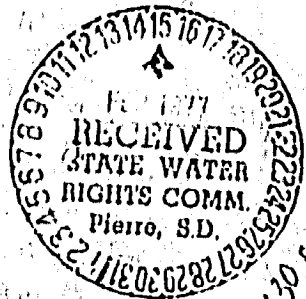


Water Right Number 3827-3

1. Considered 5-25, 1977
2. Name of Applicant ROGER EASLAND
3. Post Office Address DE SMET
4. Amount of water claimed 2.28
5. Source of water supply 5-30' DEEP WELLS
6. Water to be used for IRRIGATION
Acres to be irrigated 160
7. Water to be diverted and used in KINGSBURY County
about 3N, 1W Miles of DE SMET
8. Proof of Publication
Received 4-29-77
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

Map No. 3084-3 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 ROGER EASTLAND S Neal Mayor
Postoffice address DE SMET State S.D.

If a corporation, the date and place of incorporation

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

3. Name of diversion work ROGER EASTLAND IRRIGATION PROJECT #1

4. Amount of water claimed (cubic feet per second) 2.2 CFS

5. Source of water supply WELLS (CLUSTER OF 5 WELLS)

6. Location of point of diversion 2250 FT N5°E OF SW CORNER OF SEC. 9, T11N, R.56W

County KINGSBURY

7. Annual period or periods during which water is to be used APRIL - 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 160.0

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.
<u>NW 1/4, SW 1/4, SEC. 9, T11N, R.56W</u>	<u>40</u>
<u>NE 1/4, " " " "</u>	<u>40</u>
<u>SE 1/4, " " " "</u>	<u>40</u>
<u>SW 1/4, " " " "</u>	<u>40</u>

Land Description	No. Acres Irr.

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 — years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication BROOKINGS REGISTER

12. Principal Features of the Proposed Water Supply System.

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

CENTRIFUGAL Pump

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

BURIED MAIN LINE

C. Works proposed to apply water to beneficial use.

CENTER PIVOT

Estimated Total Cost \$ 50,000

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

I, Roger C. Eastland 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

Roger C. Eastland

Subscribed and sworn to before me this

14th

day of

February

1977

Herbert M. Bure
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 3822-3

ROGER FASLAND S Nonl Moyer
(Applicant)

DESMET
(Post Office Address)

SOUTH DAKOTA 57231 With the following modifications:
(State)

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

WELLS APPROVED UNDER THIS PERMIT SHALL BE SPACED SO THAT THERE IS AT LEAST 660' BETWEEN WELLS.

Date of first receipt of application FEBRUARY 15, 19 77

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

Date of receipt of corrected application APRIL 1, 19 77

Approved MAY 25, 19 77, Recorded in Book 18 Page 231

WATER RIGHT PERMIT NO. 3822-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 3822-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is FEBRUARY 15, 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 2.2 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 - OCTOBER

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

WATER RESOURCES COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19 —

Water License Issued —, 19 —

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 14 IN., Depth 30 FT.
- (2) Casing, Type FIBERGLAS Diameter 4 IN. Thickness
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type JOHNSON FIBERGLAS, Diameter 4 IN., Length 10 FT.
- (4) Gravel Pack, Thickness 5 IN., Length of gravel pack 10' FT.

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
0-2 FT. TOPSOIL.
2-30 SAND & GRAVEL
STATIC WATER AT 5' FT.

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 1/2 mi 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.

Roger C. Emiland
Signature of Applicant

(SOILS INFORMATION ON REVERSE SIDE)

My Commission Expires:

APPROVED/DISAPPROVED

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

Submitted by: Robert Eastland
Address: Brookings, SD 57231

Date Rec'd February 7, 1977
Sample No. 77-189
Identification Well-30

WATER ANALYSIS

Calcium (Ca)	77	ppm*	3.85	me/l**
Magnesium (Mg)	31	ppm	2.54	me/l
Sodium (Na)	10	ppm	0.44	me/l
Potassium (K)	4	ppm	0.10	me/l
Sulfate (SO ₄)	43	ppm	0.90	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	6	ppm	0.15	me/l
Bicarbonate (HCO ₃)	329	ppm	5.40	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	270	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	575	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.25			
Sodium	6.35	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.92			
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 6.93 me/l
Total anions 6.45 me/l

By: Shirley Litten

Service Performed

Amount Due

Irrigation analysis

\$15.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 77-189

Amount Enclosed

Signed

March 9, 1977

Mr. Roger England
DeSmet, SD 57231

Dear Mr. England:

Your water sample (Lab. No. 77-189) has been analyzed and the results are reported on the accompanying sheet, which is your copy to keep.

I am also enclosing a copy of AES pamphlet #13 for your use. The quality of your water for irrigation use is plotted approximately by means of the red cross in the chart on the outside back cover.

Your water, as indicated by this analysis, is satisfactory for use on the soils you indicate will be irrigated. If a salt problem or a water table problem should develop, contact extension personnel for assistance.

The WI-1, soils information, and a copy of the water analysis are being forwarded to the State Conservation Commission for their action.

Sincerely yours,

L. O. Fine/cb

L. O. Fine
Water Quality Lab

LOF:ckb

Enclosures

cc: State Conservation Commission
D. Pahl, Extension Service

No. 3822-3

Publish first publication, on or before May 11, 19 77

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

April 11, 19 77

Notice is hereby given that Roger Estland

whose post office address is De Smet, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

2.2 cubic feet of water per second of time from the Ground Water through the R. Estland # 1, the point of diversion of which is to be located in the

NW 1/4 SW 1/4 (5 wells)

of Section 111N, Twp. 111N, Range 36W, Said water to be used for the purpose of providing irrigation on the following described land:

SW 1/4, Section 11-T111N-R56W

This application No. 3822-3 will be considered by the Water Rights Commission at their office at Pierre upon the 25th day of May, 19 77, at 10:00 A. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

**JAMES WINTERSTON
Water Rights Specialist**

BFJ/bw

cc: Roger Estland, De Smet, South Dakota 57331

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Kingsbury) ss.

I, Dale Blegen hereby
certify that the annexed printed copy of Notice of Intent to appropriate
Water was taken from the De Smet News

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 De Smet of De Smet

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

April 20, 1977

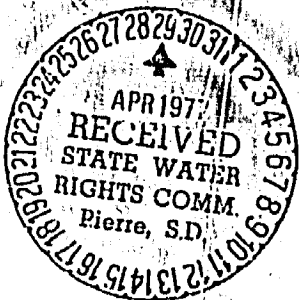
April 27, 1977

Dale Blegen
(Signature)

Robert Baker
(Title)

April 28, 1977
(Date Signed)

**NOTICE
INTENT TO
APPROPRIATE WATER**
No. 3822-3
April 11, 1977
Notice is hereby given that
Roger Eastland whose post office
address is De Smet, South Dakota,
has made an application in
accordance with the provisions of
the water laws of South Dakota for
a permit to appropriate for benefi-
cial use 2.2 cubic feet of water per
second of time from ground water
through the R. Eastland #1, the
points of diversion of which are to
be located in the NW 1/4 SW 1/4 (6
wells) of Section 9, Twp. 111N,
Range 66W. Said water to be used
for the purpose of providing
irrigation on portions of the follow-
ing described land: SW 1/4 Section
9-T111N-R66W. This application No. 3822-3 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
4-20-2w-1-27



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8226

PIERRE,

May 21 1981

RECEIVED OF S. Neal Meyer, DeSmet, SD 57231

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

Fee for Application for Permit to appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing transfer of WR# 3822-3		2 50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL		2 50

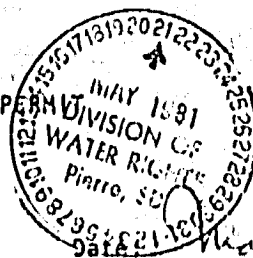
WATER RIGHTS COMMISSION

By

Chief Engineer, Executive Officer

JOHN HATCH

NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

This is to notify you that the title to the lands described as follows:

160 acres - SW $\frac{1}{4}$ Section 9, T111N, R56W

formerly owned by Roger Eastland

has been transferred to S Neil Meyers, DeSmet, SD 57231

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 3822-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of King) ss.

I, S. Neil Meyers being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

S. Neil Meyers
(Signed)

Subscribed and sworn to before me this 20th Day of May, 1981.

Bernie M. Munsie
(Notary Public)

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
 523 East Capitol
 Pierre, South Dakota 57501-3101

January 29, 1988

BERNARD LARSEN, RENTER
 RR #1
 DE SMET, SD 57231

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 3822-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 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 9:00 am, March 2, 1988 in Room 216, 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. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 3822-3 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.

John Hatch

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

cc: S Neal Meyer, DeSmet, SD 57231

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

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

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

February 9, 1988

3822-3

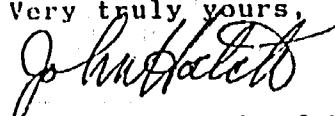
Bernard Larsen, Renter
RR 1
DeSmet SD 57231

Dear Mr. Larsen:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 3822-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,


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

cc: S Neal Meyer
DeSmet SD 57231

 **Department of
Water & Natural Resources**

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

February 17, 1989

Bernard Larsen, Renter
RR 1
De Smet, SD 57231

Dear Mr. Larsen:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

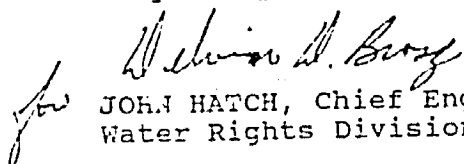


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

**Department of
Water & Natural Resources**

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

February 9, 1990

BERNARD LARSEN RENTER
RR #1
DE SMET, SD 57231

NOTICE

RE: Violation of Requirement to Submit 1989 Irrigation Questionnaire

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 3822-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted 1989 Irrigation Questionnaire 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 8:30 am, March 7, 1990 at the Howard Johnson's, Jefferson-Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

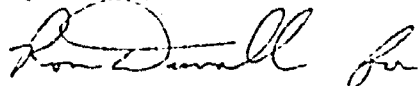
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 3822-3 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.

If the questionnaire(s) is received in this office before the March 7th hearing date, your name will be deleted from the agenda for the hearing.

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 57501-3181

February 28, 1990

3822-3

Bernard Larsen
RR 1, Box 112
DeSmet SD 57231

Dear Mr. Larsen:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit No. 3822-3. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

Ron Duvall

RON DUVAL
Natural Resources Engineer
Water Rights Division

 **Department of
Water & Natural Resources**

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

March 27, 1990

3822-3

Bernard Larsen
Hi Spirit Ranch
RR #1 Box 112
DeSmet, SD 57231

Dear Mr. Larsen:

The inspection of your water use system and the inspection of the extent of the application of water to beneficial use, as developed under Water Permit No. 3822-3 has been completed. Your final water right document, the Water License, can now be issued.

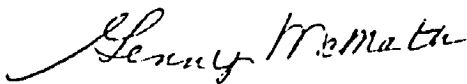
Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

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

The permit is still listed under the name of S Neal Meyer. Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change. Please review the form, complete and sign in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

A total of \$52.50 will be required for processing the license and the for filing the Notice of Transfer. If you have any questions, please contact me.

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.

South Dakota
Department of
Water & Natural Resources

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

April 5, 1990

3822-3

Hi Spirit Ranch
% Bernard Larson
RR #1 Box 112
DeSmet, SD 57231

Dear Mr. Larson:

Thank you for the prompt payment of the inspection and licensing fee and also for submission of the "Notice of Transfer" and the filing fee. Water Permit No. 3822-3 is now listed under Hi Spirit Ranch.

Upon review of the permit file for licensing purposes, it was found that the soil/water compatibility permit did not accurately describe the location of the diversion points (copy enclosed). The legal description for wells was listed as being in Section 19, T11N, R56W instead of Section 9.

Enclosed is a partially completed application for a soil/water compatibility permit and an instruction sheet. Please check over the form and make any necessary corrections. You will need to sign the form in the presence of a notary public. A water sample will be required from one of the wells or the dugout. The instruction sheet describes the sampling procedure.

At such time as the soil/water compatibility application is approved by the Conservation Commission and forwarded to our office, processing of your water license will continue. If you have any questions concerning the enclosed application, you may contact Jim Stukel with the Division of Conservation at (605) 773-3352 or our office.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

cc: Jim Stukel

(See instructions)

No. 3822-3 Hydrologic Unit _____
Basin James River _____
Newspaper _____

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

Application For Soil/Water Compatibility Permit

- 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 soil/water app only
1. Name of Applicant Hi Spirit Ranch & Bernard Larson Phone No. 742-3160
Post Office Address RR #1 Box 112, DeSmet State SD Zip Code 57231
(Street, RR or Box) (City)
2. Amount of water claimed (c.f.s) _____ Total acres irrigated 126
3. Source of Water supply groundwater (four wells - approximately 30' deep)
4. Location of point of diversion #1-540'E & 80'S; #2-180'E & 390'S; #3 & 4-180'E & 180'S of
the West 1/4 corner Section 9, T11N, R56W (NW1/4 SW1/4)
County Kingsbury
5. Counties where water will be used Kingsbury
6. Annual period during which water is to be used April 1 - October 31
7. 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.
NW1/4 SW1/4 Sec 9, T11N, R56W	30
NE1/4 SW1/4 " " " "	3 1/4
SE1/4 SW1/4 " " " "	31
SW1/4 SW1/4 " " " "	31

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: xxx Gun: _____ Other: _____
(Specify) _____
9. Crops to be Irrigated: corn
10. Give a description of proposed project. (Attach sheet if more space is needed)

The four wells are pumped to a regulating pond also in the NW1/4 SW1/4 Sec 9. The water is then pumped from the pond to the center pivot.

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 Kingsbury) ss

I, Bernard Larson, 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 Bernard Larson

Subscribed and sworn to before me this 10th day of April 1990

Theresa Poppin Clerk
Notary Public
State of South Dakota

Lab over
2/23/90

Genny I took the water sample out
of the reservoir and sent it to
Brookings

Bernard Larson

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4495

WR#

OWNERS NAME: HI SPIRIT RANCH
Bernard Larson

OWNERS ADDRESS: RR #1, Box 112
DeSmet, SD 57231

COUNTY LAND LOCATED IN: Kingsbury PHONE: 854-3159

LEGAL DESCRIPTION:

1. LOCATION (9-T111N-R56W) NW 1/4 of SW 1/4

Depth _____

(4) ☒ Well

☐ Surface

Legal Description	Acres	Legal Description	Acres
SW 1/4 SW 1/4 9-T111N-R56W	30		
NE 1/4 SW 1/4 9-T111N-R56W	34		
SE 1/4 SW 1/4 9-T111N-R56W	31		
SW 1/4 SW 1/4 9-T111N-R56W	31		

2. TYPE OF IRRIGATION: GRAVITY _____ TOWLINE: _____ CENTER PIVOT XXX GUN: _____ OTHER: _____
(Specify) _____

3. CROPS TO BE IRRIGATED: Corn

WATER QUALITY:

4. WATER SAMPLE NUMBER 20-0371

7. ADJUSTED (SAR): 0.89

5. SALINITY (EC X 10⁶): 1100

8. PERCENT SODIUM 7.34

6. SODIUM (SAR): 0.37

Requirements:

The areas subject to wetness and ponding may cause trafficability problems. Should this occur, those areas shall be maintained in permanent vegetation.



[Signature]
Director, Division of Conservation

May 8, 1990

Date

XXX ☐ APPROVED
☐ DISAPPROVED
☐ WAIVER

XXX REQUIREMENTS

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

Form 12

Transferred 3-30-82
 4 Spill Prevention Permit
 Desmet 57221

Permit No. 3822-3JAMES RIVER Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by ROGER
EASLAND of DESMET, SOUTH DAKOTA holder of
 Permit No. 3822-3, bearing the priority of FEBRUARY 15, 1977 authorizing
 the diversion of 2.2 cu. ft. per second of the waters of GROUNDWATER (5 WELLS)
 for IRRIGATION purposes, in KINGSBURY County.

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

A. Works used to divert the water:

✓ SEE BACK

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

REGULATING POND TO CENTER PIVOT1390' OF 8" UNDERGROUND ALUMINUM PIPEWELLS TO REGULATING POND
SEE BACK

C. Works used to apply water to beneficial use:

A 10 TOWER PIERCE CIRCLE MASTER CENTER PIVOT WITH END GUN;
MEDIUM PRESSURE (55 PSI); 600 GPM CAPACITY; SERIAL # 7100750 5982The system is in the following condition FAIRThe points of diversion are located #1) 540' E + 80' S, #2) 180' E + 370' S, #3) 180' E + 180' S OF THE WEST 1/4 CORNER OF SECTION 9, T11N, R56W.The works are capable of diverting and conveying to the place of use 1.34 (600 GPM)
cu. 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 SECTION 9, T11N, R56WNW 1/4 SW 1/4 - 30 ACRESNE 1/4 SW 1/4 - 34 ACRESSE 1/4 SW 1/4 - 31 ACRESSW 1/4 SW 1/4 - 31 ACREScomprising a total of 126 acres of land and the license should be issued for 1.34 cfsApplicable permit qualifications have been complied with ☒ Yes ☒ No 660' spacing requirement was not complied with.Exceptions to compliance are: _____ Date 8-5-88

Thomas M. Branson
 (Signature)

A. WORKS USED TO DIVERT THE WATER

THERE ARE FOUR WELLS USED AS WATER SOURCES WHICH ARE DISCHARGED INTO A REGULATING POND. THE WATER IS PUMPED FROM THE POND UP TO THE CENTER PIVOT.

WELL #1

A 30' DEEP WELL WITH 30' OF 6" PERFORATED PVC PIPE
A SUBMERSIBLE PUMP; 5 HP; 100 GPM CAPACITY
280' OF 4" PVC UNDERGROUND PIPE TO REGULATING POND.

WELL #2

A 30' DEEP WELL WITH 20' OF 15" PVC CASING + 10' OF 16" SS SCREEN
A SUBMERSIBLE PUMP; 5 HP; WELSHURE, TYPE-WC3; ID#30419-910-50 2421276
300 GPM CAPACITY
240' OF 4" ABOVE GROUND PVC PIPE TO REGULATING POND.

WELLS #3 & #4

THE 2 WELLS ARE ADJACENT TO EACH OTHER AND ARE PUMPED FROM A CENTRAL LINE
THE WELLS ARE ABOUT 30' DEEP WITH 4" PVC CASING + 10' OF 4" JOHNSON PLASTIC SCREEN
A BERKELEY CENTRIFUGAL PUMP; MODEL-839RMCW; 200 GPM CAPACITY; BM-52180
SERIAL#7736637
POWERED BY A 5 HP TOSHIBA MOTOR; TYPE-1K; 1715 RPM; MODEL-B0054F6F243
SERIAL# 00395698
130' OF 6" ABOVEGROUND ALUMINUM PIPE TO REGULATING POND

FROM REGULATING POND TO CENTER PIVOT

BERKELEY PUMP; MODEL-845RMB; IMPELLER DIA-3½x3"; 600 GPM CAPACITY;
SERIAL#7736331
POWERED BY A 60 HP TOSHIBA MOTOR; MODEL-B0604ELF543; 4 POLES; CLASS F
1730 RPM; TYPE-TICK
SERIAL# 70625267
50' OF 8" ABOVEGROUND ALUMINUM PIPE FROM POND TO PUMP

LICENSE FOR PERMIT NUMBER 3822-3

1. Legal location of wells: NW¹/₄ SW¹/₄ of Section 9, T111N, R56W

dams & structures: Center Pivot - Center of SW¹/₄ of Section 9, T111N, R56W.

2. Well Information: Well Drilling Firm Kaiser - 3 Wells, Huson Drilling - 1 Well

Completion Report Yes ☒ No ☐ No. of Wells 4 Depth All Near 30'

Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____

c) type _____ Static Water Level Absent 5'

Pump a) make _____ Motor a) make _____

b) model _____ b) model No. _____

c) size _____ c) horsepower rating _____

d) capacity _____ gpm

e) turbine pump - no. of stages _____

f) operating PSI _____

(Other information on
examination of Works
Report)

3. Distribution lines or canals

a) size _____

b) type _____

c) length _____

4. Dam Information:

a) height to crest _____

b) height to primary spillway _____

c) height to secondary spillway _____

d) crest width _____

e) crest length _____

f) spillway length _____

g) spillway width _____

h) approx. storage _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

m) Outlet tubes:

1) diameter _____

2) type _____

3) valved (Y/N) _____

4) valve type _____

5) location on structure _____

n) Category of Dam _____

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 _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

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 _____

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

REMARKS:

Soil-Water approval received 5-14-90

PAGE NO.

DATE: 11-26-2009
1:58 AM

1477:

126. 80)

FOREMAN

WELL REPORT

HUFON
DRILLING CO
Hufon, S. D.

Kingsbury County
S.W. 9-111-56

August 8, 1977

[illegible]

DATE _____

CASING LOG

21h 20 ft.

44 FBI

70

ft. 15" PVC Flastipipe to

11

8.

DEF EDIT

10

ft. 16" Stainless pipe to

43

•

id ft.

40

ning m

00

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

f2

since to

ff

REMARKS

Drinking Time

10 Ft.-16" Stainless Steel Screen, 70 Slot

No. 12

Bernard Schieder
Foreman

Roger England
Desmet, South Lake 1977

14772

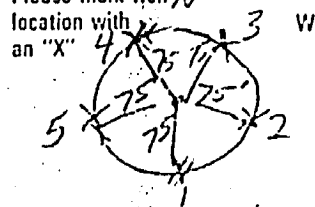
Phone - 854-4506
King County

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location 5 W 1/4 Sec Twp _____ Rg _____County Wingsburg

Please mark well location with an "X"

Well Completion Date 11/5/1971

PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

direct rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

| PIPEWEIGHT | DIAMETER | FROM | TO | HOLE DIAMETER |
|------------|----------|------|-------|---------------|
| 1 5-6.40 | 4 IN | 0 FT | 28 FT | 12 IN |
| 2 11 | 11 IN | 0 FT | 23 FT | 12 IN |
| 3 11 | 11 IN | 0 FT | 27 FT | 12 IN |
| 4 11 | 11 IN | 0 FT | 28 FT | 12 IN |
| 5 11 | 11 IN | 0 FT | 29 FT | 12 IN |

GROUT:

Was the well grouted? ☐ YES ☐ NO

To what depth? _____ FEET

What is grouting material? _____

If cement, number of sacks? _____

Describe grouting procedure _____

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 4 IN Length 10' FEETMaterial Whose Plastic Wire Wrap

| | | | | |
|---|----------------------------|--------------------|-------------------|------|
| 1 | Slot Size <u>080</u> | Set From <u>18</u> | Feet To <u>28</u> | Feet |
| 2 | Slot Size <u>"</u> | Set From <u>23</u> | Feet To <u>33</u> | Feet |
| 3 | Slot Size <u>"</u> | Set From <u>17</u> | Feet To <u>27</u> | Feet |
| 4 | Other information <u>"</u> | <u>18</u> | <u>28</u> | |
| 5 | " | <u>17</u> | <u>29</u> | |

Was a packer or seal used? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain HTH TAB 645Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name Rodney E. LandAddress 10501st, S.D.

Well Log:

Depth

Formation

From

To

| | | |
|---------------|----|-----|
| Top soil | 0' | 3' |
| yellow clay | 3' | 8' |
| SAND gravel | 8' | 22' |
| Top soil | 0' | 3' |
| yellow clay | 3' | 8' |
| SAND gravel | 8' | 33' |
| Top soil | 0' | 3' |
| yellow clay | 3' | 8' |
| SAND + gravel | 8' | 27' |
| Top soil | 0' | 3' |
| yellow clay | 3' | 8' |
| SAND + gravel | 8' | 28' |
| Top soil | 0' | 3' |
| yellow clay | 3' | 8' |

STATIC WATER LEVEL 5' 8' 29' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped☐ Bailed☐ Other

Describe:

central pump
drawing all 5
wells

Pumping Level Below Land Surface

| | | | | |
|---|----|----------------------|--------------------|-----|
| ? | ft | After <u>2</u> Hrs. | pumped <u>1600</u> | GPM |
| ? | ft | After <u>12</u> Hrs. | pumped <u>100</u> | GPM |
| ? | ft | After <u>24</u> Hrs. | pumped <u>750</u> | GPM |
| ? | ft | After <u>72</u> Hrs. | pumped <u>700</u> | GPM |

REMARKS: production fell off after
wells caved down.
This configuration was taken from
a form made by Mr. E. Land.
There was not a broad enough area
to support it.
He had Heiron drilling
with a 10 well cluster
which pumped about 350 gpm
which affected the cluster wells.

This well was drilled under license # 331

And this report is true and accurate.

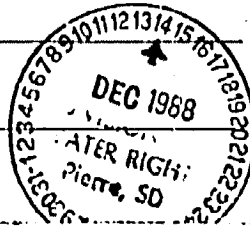
Drilling firm

Kaiser Well Works

Signature of License Representative:

Paul J. Kaiser

Signature of Well Owner:

Date 12/21/88

NOTICE OF TRANSFER OF OWNERSHIP

No. 3822-3

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

Date: March 28, 1990



I/We request that Water Permit/Right No. 3822-3

formerly owned by: S Neal Meyer

be transferred to: (name & address) Hi Spirit Ranch RR-1 Dr. Smith SD 57231
(telephone No.) 605-854-3159

Title to the following described land(s)/property has been transferred as described above:
SW 1/4 Section 9, T111N, R56W

I/We understand that the validity of Water Permit/Right No. 3822-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)
County of Kingsbury)
Hi Spirit Ranch

I/We By Bernard Larson being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Hi Spirit Ranch by Bernard Larson
(Signed)

Subscribed and sworn to before me this 28th day of March, 1990.

Bessie M. [Signature]
(Notary Public)

My Commission expires June 29, 1996

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

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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3822-3

(1) Roger Easland of DeSmet SD 57231 made Application No. 3822-3, February 15, 1977 for a water permit to appropriate 2.2 cubic feet of water per second from groundwater, Kingsbury County, South Dakota for irrigation purposes. Permit No. 3822-3 with a priority date of February 15, 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.

Water Permit No. 3822-3 was approved with the following qualification:

"Wells approved under this Permit shall be spaced so that there is at least 660 feet between wells."

The purpose of the qualification was to reduce the possibility of well interference between the proposed wells. Although the qualification was not complied with, no action is being taken to require compliance. Any interference problems will affect only the owner of Water Right No. 3822-3 and it will be the owner's responsibility to deal with any adverse affects.

Water Permit No. 3822-3 was transferred May 21, 1981 to S Neal Meyer. On March 30, 1990, No. 3822-3 was transferred from S Neal Meyer to Hi Spirit Ranch, DeSmet SD.

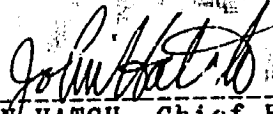
(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.34 cubic feet of water per second for beneficial use. The location of the diversion points are: #1 - 540'E and 80'S; #2 - 180'E and 390'S, #3 & #4 - 180'E and 180'S of the west quarter corner of Section 9, T111N, R56W (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:

| | | |
|-----------------------|---------------|----------|
| T111N, R56W Section 9 | NW 1/4 SW 1/4 | 30 acres |
| | NE 1/4 SW 1/4 | 34 " |
| | SE 1/4 SW 1/4 | 31 " |
| | SW 1/4 SW 1/4 | 31 " |

TOTAL 126 acres

(4) Pursuant to Section 46-5-30.1 Hi Spirit Ranch of RR 1, Box 112, DeSmet SD 57231 the holder(s) and/or owner(s) of Water Permit No. 3822-3 is issued a license to appropriate water, the right to use 1.34 cubic feet of water per second from groundwater (4 wells & a regulating pond) with a priority date of February 15, 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. 3822-3 and subject to South Dakota State Law.



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

JUN 21 1990

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412184

Pierre, March 30, 1990

RECEIVED OF Bennard Larson, RR #1 Box 112, DeSmet, SD 57231

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. _____ Water Right No. 3822-3 | 50 | 00 |
| Fee for Filing Transfer Form _____ Water Right No. 3822-3 | 2 | 50 |
| Fee for Filing Extension Request _____ | | |
| Fee for Certified Copy of _____ | | |
| Fee for Print Copy of Map _____ | | |
| Fee for Certifying _____ | | |
| Fee for _____ | | |
| (Any Other Work Provided by Law) | Total | 52 50 |

By John H. Helt (ma)
Chief Engineer

South Dakota
Department of
Water & Natural Resources

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

JUN 21 1990

3822-3

Bernard Larson
Hi Spirit Ranch
RR 1, Box 112
DeSmet SD 57231

Dear Mr. Larson:

Enclosed is Water License No. 3822-3. This is the final water right document completing the process of obtaining a Water Right. Enclosed is Receipt No. 412184 in the amount of \$52.50 which you paid for the transfer, inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 3822-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

enclosures



3822-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1994

B LARSEN- HI SPIRIT RANCH
RR #1 BOX 112
DE SMET SD 57231

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 3822-3. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3822-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

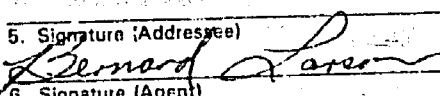
The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by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

If the questionnaire(s) is(are) received in this office on/or before April 1, 1994, 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 will show to whom the article was delivered and the date delivered. | | I also wish to receive the following services (for an extra fee):
1. ☒ Addressee's Address
2. ☐ Restricted Delivery
Consult postmaster for fee. | |
| | | 4a. Article Number
P 837 692 450 | |
| 3. Article Addressed to: 3822-3

B LARSEN- HI SPIRIT RANCH
 RR #1 BOX 112
 DE SMET SD 57231 | | 4b. Service Type
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise | |
| 5. Signature (Addressee)
 | | 7. Date of Delivery | |
| 6. Signature (Agent) | | 8. Addressee's Address (Only if requested and fee is paid) | |

PS Form 3811, December 1991 ☆ U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



3822-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1994

NOTICE

TO: B LARSEN
HI SPIRIT RANCH
RR #1 BOX 112
DESMET, SD 57231

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Failure to Report Chemical Use under Water Permit No(s) 3822-3

The first notice to file chemigation report(s) for Permit No(s) 3822-3 was dated October 18, 1993. Our records indicate that we have not received the 1993 chemigation report for Permits No(s) 3822-3. The Water Management Board has directed that owners of water permits who have not submitted the 1993 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 8:45 A.M. on April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). 3822-3 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. Prior to April 1, 1994, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to April 1, 1994, you will no longer be in violation and your name will be deleted from the Board agenda.



3822-3

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

February 23, 1994

3822-3

Bernard Larsen
Hi Spirit Ranch
RR #1 Box 112
DeSmet, SD 57231

Dear Mr. Larsen:

I am writing to acknowledge receipt of your 1993 irrigation questionnaire and chemical reporting form. You may disregard the February 16, 1994, **Notice of Violation of the Requirement to Submit the 1993 Irrigation Questionnaire and the Notice of Failure to Report Chemical Use under Water Permit No. 3822-3.**

The questionnaire and chemigation forms were received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



3822-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 27, 1995

3822-3

Joan A Jencks
5204 South Jasmin Circle
Sioux Falls, SD 57106

Dear Mr. Jencks:

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change on Water Right No. 3822-3. The water right is currently listed in the name of Ili Spirit Ranch.

Please make any necessary corrections to the form and then sign it in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50. As soon as we receive the completed form and filing fee, Water Right No. 3822-3 and all other pertinent records will be transferred to your name.

If you have any questions concerning the water right or completion of the transfer form, please contact me.

Sincerely,

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

enclosure

FACSIMILE TRANSMITTAL COVER SHEET

TRANSMITTAL DATE: November 28, 1995

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: Jerry Jencks

FAX: 605 366-9202 ³³⁶⁻⁹²⁰²

MESSAGE:

The attached pages are copies of Water Right No. 3822-3, the inspection report and well log. The water right is licensed for 4 wells and it appears they are all approximately 30 feet deep.

If you can not read the fax copies, please call me and I will forward the original copies to you thru the mail. The copies I am faxing are copies from microfilm and may not be legible once you receive them.

If you have any questions - please call.

FROM: GFNNY MCMATH AGENCY: DENR - WATER RIGHTS PROGRAM
ADDRESS: JOE FOSS BUILDING, 523 E CAPITOL, PIERRE, SD 57501-3181
PHONE: (605) 773-3352 FAX: (605) 773-4068

****THIS TRANSMISSION INCLUDES 9 PAGES INCLUDING THIS PAGE****

IF THERE IS ANY PROBLEM WITH THIS TRANSMITTAL, PLEASE CALL (605) 773-3352.

THANK YOU

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 3822-3

Date: Dec 18, 1995

I/We request that Water Right No. 3822-3

formerly owned by: Hi Spirit Ranch - Bernard Larsen

be transferred to: (name & address) Joan A Jencks, 5204 South Jasmine Circle, Sioux Falls, SD 57106

Telephone No. 1-605-334-3333

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

SW 1/4 Section 9, T111N, R56W

I/We understand that the validity of Water Right No. 3822-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

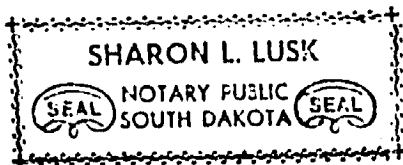
STATE OF SOUTH DAKOTA)

County of MINNEHAHA)

I/We JOAN A JENCKS being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Joan A. Jencks
(Signed)

Subscribed and sworn to before me this 18th day of Dec, 19 95.



(COMMISSION EXPIRES 10-29-2000)

Sharon L. Lusk
(Notary Public)

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

414740

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ January 5, 19 96

RECEIVED OF Jerald Jencks, 5204 S. Jasmine Circle, Sioux Falls, SD 57106

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>Water Right No. 3822-5</u> | 2 | 50 |
| Fee for Filing Extension Request _____ | | |
| Fee for _____ | | |
| _____ | | |
| _____ | | |
| (Any Other Work Provided by Law) | Total | 2 50 |

By John Hatch
Chief Engineer



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

January 10, 1996

No. 3822-3

Joan A. Jencks
5204 S. Jasmine Circle
Sioux Falls, SD 57106

Dear Ms. Jencks:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 3822-3.

Our records now show you as the owner of Water Right No. 3822-3.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl F. Frost".

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 14, 1996

LaVonne Williams
Kingsbury County Register of Deeds
PO Box 146
DeSmet, SD 57231

Dear Ms. Williams:

Enclosed, as we discussed, is a certified copy of a "Notice of Transfer of Ownership" form filed by Joan A Jencks. I typed the certification language on the back side of the transfer form.

Hopefully the enclosed copy will be sufficient for recording the ownership change. If you need anything further, please contact me.

Sincerely,

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

enclosure



3822-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2002

NOTICE

TO: HI SPIRIT RANCH INC, OPERATOR, RANDY LARSON, 19759 428TH AVE, DESMET,
SD 57231

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire has not been submitted for Permit No(s) 3822-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 13, 2002, in the Visitor Center (west bank of Capitol Lake), 650 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3822-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 8, 2002, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

c: JOAN JENCKS, 5204 S JASMINE CIRCLE, SIOUX FALLS, SD 57106

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.

3822-3

SENDER, COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

HI SPIRIT RANCH INC. OPERATOR
 RANDY LARSON
 19759 428TH AVE
 DESMET SD 57231

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery
1-17-02

C. Signature

X *Randy Larson* ☐ Agent ☐ AddresseeD. Is delivery address different from item 1? ☒ Yes

If YES, enter delivery address below

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes2. Article Identification Number
7001 2510 0004 4797 5156

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

SENDER, COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Joan Jencks
 5204 S Jasmine Circle
 Sioux Falls, SD 57106

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

Joan Jencks

1-17-02

C. Signature

X *Joan Jencks*☐ Agent☐ AddresseeD. Is delivery address different from item 1? ☒ Yes

If YES, enter delivery address below

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes2. Article Identification Number
7001 2510 0004 4797 6757

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

Jan 18 2002

Dear Water Rights Program

I am really sorry for being late with this questionnaire, I thought I had already sent it until I got your letter yesterday. Some how it got put in a different drawer of my desk and I finally found it.

Sincerely Sorry

Randy Larson



3822-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2002

3822-3

Randy Larson
Hi Spirit Ranch Inc
19759 428th Ave
DeSmet SD 57231

Dear Mr. Larson:

I am writing to acknowledge receipt of your 2001 irrigation questionnaire. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right No. 3822-3.

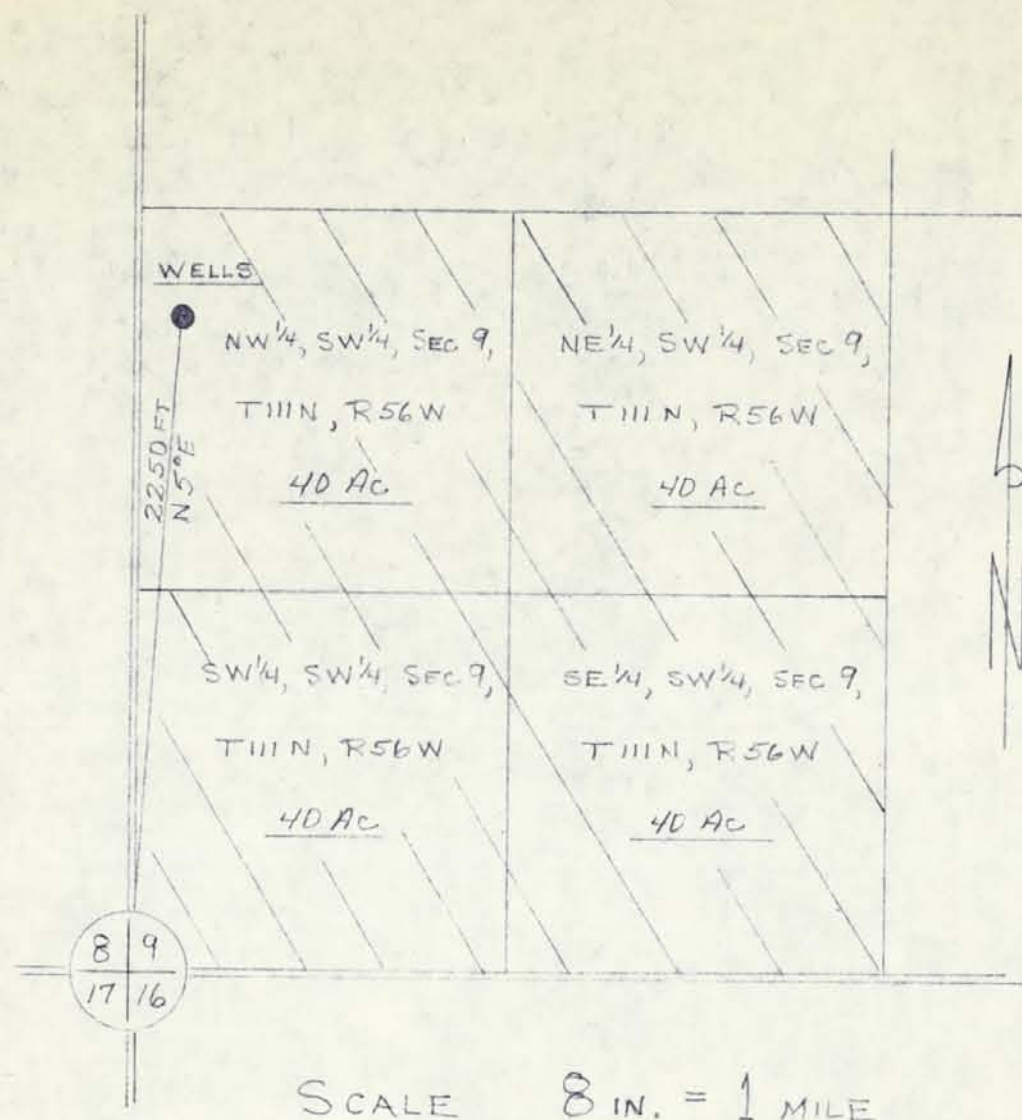
The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

c: Jean Jencks, 5204 S Jasmine Circle, Sioux Falls, SD 57106



ROGER EASLAND

IRRIGATION PROJECT # 1

DE SMET, SOUTH DAKOTA

KINGSBURY COUNTY

AREA IRRIGATED 160 AC

WATER CLAIMED 2.2 CFS

POINT OF DIVERSION

WELLS 2250 FT N 5° E OF SW CORNER
OF SEC. 9, T111N, R56W

I, DARRELL W. DE BOER, DO HEREBY CERTIFY
THAT THIS MAP IDENTIFIES A REASONABLY
ACCURATE RECORD OF THE LAND OF

ROGER EASLAND DE SMET, S.D.

KINGSBURY COUNTY

DRAWN BY D.W. DE BOER FEB. 10, 1977

BROOKINGS, S.D. P.E. # 2630

Darrell W. De Boer

MAA 1/3/77 APP. N° 3822-3

Water Right
No. 3822-3



3822-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: HI SPIRIT RANCH INC, OPERATOR, RANDY LARSON, 19759 428TH AVE, DESMET, SD 57231

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire has not been submitted for Permit No(s) 3822-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 10, 2010**, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3822-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 5, 2010**, 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 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

cc: JOAN JENCKS, 5204 S JASMINE CIRCLE, SIOUX FALLS, SD 57106

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.



3822-3

[Home](#) | [Help](#) | [Sign In](#)[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 7965

Service(s): Signature Confirmation™

Status: Delivered

Your item was delivered at 12:06 PM on January 23, 2010 in DE SMET, SD 57231. The item was signed for by R LARSVN.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 23, 2010, 12:06 pm, DE SMET, SD 57231
- Out for Delivery or Available at PO Box, January 23, 2010, 9:02 am, DE SMET, SD 57231
- Sorting Complete, January 23, 2010, 8:32 am, DE SMET, SD 57231
- Arrival at Post Office, January 23, 2010, 7:17 am, DE SMET, SD 57231

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)[Site Map](#)[Customer Service](#)[Forms](#)[Gov't Services](#)[Careers](#)[Privacy Policy](#)[Terms of Use](#)[Business Customer Gateway](#)

Copyright© 2010 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 7965

HI SPIRIT RANCH INC, OPERATOR
RANDY LARSON
19759 428TH AVE
DESMET SD 57231

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel



3822-3

[Home](#) | [Help](#) | [Sign In](#)[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 7972

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 1:44 PM on January 23, 2010 in SIOUX FALLS, SD 57108. The item was signed for by J JENCKS.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 23, 2010, 1:44 pm, SIOUX FALLS, SD 57108
- Out for Delivery or Available at PO Box, January 23, 2010, 8:37 am, SIOUX FALLS, SD 57106
- Sorting Complete, January 23, 2010, 8:07 am, SIOUX FALLS, SD 57106
- Arrival at Post Office, January 23, 2010, 4:35 am, SIOUX FALLS, SD 57106

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)[Site Map](#)[Customer Service](#)[Forms](#)[Gov't Services](#)[Careers](#)[Privacy Policy](#)[Terms of Use](#)[Business Customer Gateway](#)

Copyright© 2010 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 7972

JOAN JENCKS
5204 S JASMINE CIRCLE
SIOUX FALLS SD 57106

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 2010

3822-3

Joan & Jerry Jencks
5204 S Jasmine Circle
Sioux Falls SD 57106

Dear Mr. & Mrs. Jencks:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. I completed a questionnaire for you based on a telephone conversation Jerry had with Ron Duvall with our program. The questionnaire reflects that no irrigation was done in 2009.

You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Permit No. 3822-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

March 20, 2012

3822-3

Joan and Jerry Jencks
5204 S Jasmine Circle
Sioux Falls SD 57106

Dear Mr. & Mrs. Jencks:

I am writing as a follow-up to the 2011 irrigation questionnaire you sent in for Water Right No. 3822-3. The water right authorizes irrigation of 126 acres in the SW ¼ Section 9, T111N, R56W in Kingsbury County.

In December, 2011 you reported the system had not yet been constructed and you were trying to find a new renter for the property. In 2009 you reported you were going to be putting up a new system. Up until 2009, the land had been continually irrigated.

My reason for writing is for informational purposes only and to ensure that you are aware of the criteria for maintaining a water right. Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water right. This three year period may be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

If you have any questions concerning the water right or the enclosed excerpts, please contact me.

Sincerely,

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

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

enclosure

2011 Water Management Board Irrigation Questionnaire

Please fill out and return before **December 2, 2011**

REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501 3181 ph. (605) 773 3352 or send your form(s) electronically over the internet at <http://denr.sd.gov/iq.aspx>

Permit No. 3822-3

JOAN & JERRY JENCKS
5204 S JASMINE CIRCLE
SIOUX FALLS SD 57106

Any address/ownership corrections?

Email

Phone

Jencks @ howaldtmcdownsll.com
605-3340333 - Home

1. Did you irrigate in 2011? *yes ☐ **no ☒
*If yes, _____ acres were irrigated out of
the 126 acres covered by Permit No. 3822-3

**If no, check reason(s) for not irrigating:

sufficient moisture ☐ no water available ☐
system not constructed ☒ use abandoned ☐
enrolled in CRP ☐, through what year? _____
other ☐, please explain in the Comment Box:

Comment Box

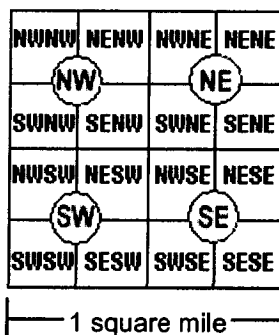
*Trying to find new
renter that will operate
maintain a center pivot
like 2 hours away from the land
Jerry Jencks*

2. If your answer to question No. 1 is "no," you are done!
If you answered "yes," please complete Nos. 3, 4 & 5.

3. Did you apply chemicals or fertilizer through the
system in 2011? yes ☐ no ☒

4. If more than one water source is listed below, circle
each source used. **A. GROUNDWATER**

5. Provide your water use on the back of this form.



Office use only

RECEIVED
DEC - 8 2011
WATER RIGHTS
PROGRAM

Acreage permitted for irrigation under No. 3822-3

(see above section map for help reading legal descriptions)

sec 09-T111N-R56W, NW1/4SW1/4 - 30.00 acres
sec 09-T111N-R56W, NE1/4SW1/4 - 34.00 acres
sec 09-T111N-R56W, SE1/4SW1/4 - 31.00 acres
sec 09-T111N-R56W, SW1/4SW1/4 - 31.00 acres

Please provide your 2011 water use to irrigate the above acreage on the REVERSE side of this form.



3822-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2013

NOTICE

TO: JOAN & JERRY JENCKS, 5204 S JASMINE CIRCLE, SIOUX FALLS, SD 57106

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire has not been submitted for Permit No(s) 3822-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **8:30 am, March 7, 2013**, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3822-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 4, 2013**, you will no longer be in violation of your permit and your name will be removed 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 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 13, 2013

3822-3

Joan & Jerry Jencks
5204 S Jasmine Circle
Sioux Falls SD 57106

Dear Mr. & Mrs. Jencks:

I am writing to acknowledge receipt of your 2012 irrigation questionnaire.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right No. 3822-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2014

NOTICE

TO: JOAN & JERRY JENCKS, 5204 S JASMINE CIRCLE, SIOUX FALLS, SD 57106

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire has not been submitted for Permit No(s) 3822-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **9:00 am, March 6, 2014**, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3822-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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, 2014**, you will no longer be in violation of your permit and your name will be removed 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 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 2014

3822-3

Jerry & Joan Jencks
5204 S Jasmine Circle
Sioux Falls SD 57106

Dear Mr. & Mrs. Jencks:

I am writing to acknowledge receipt of your 2013 irrigation questionnaire.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right No. 3822-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



3822-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: JOAN & JERRY JENCKS, 5204 S JASMINE CIRCLE, SIOUX FALLS, SD 57106

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire has not been submitted for Permit No(s) 3822-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

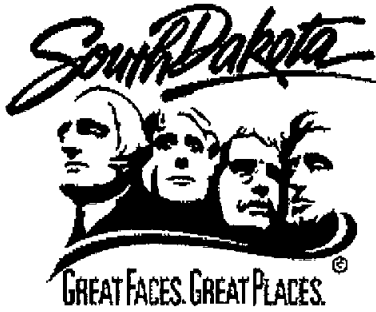
The hearing will be held at **10:00 am, March 4, 2015**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3822-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed 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 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

January 22, 2015

3822-3

Joan & Jerry Jencks
5204 S Jasmine Circle
Sioux Falls SD 57106

Dear Mr. & Mrs. Jencks:

I am writing to acknowledge receipt of your 2014 irrigation questionnaire.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right No. 3822-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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