

Water Right Number 3809-3

1. Considered 5-25 19 77
2. Name of Applicant JAMES O. EIDEM
3. Post Office Address HURLEY
4. Amount of water claimed 4.57
5. Source of water supply 112' WELL
6. Water to be used for IRRIGATION

Acres to be irrigated 320

7. Water to be diverted and used in TURNER County
about 3N Miles 1 of HURLEY

8. Proof of Publication

Received 5-16-77

Not received _____

9. Application

Approved _____

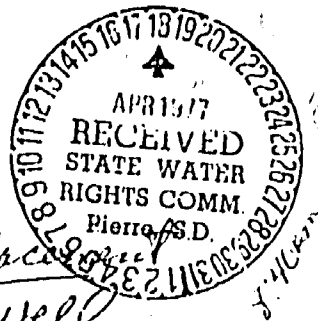
Subject to _____

Not approved _____

Action deferred _____

REPLACEMENT

10. Remarks:

No. 3899-3Map No. _____ Water Division No. 3 VERMILLION RIVER District _____
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

Replace
well

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through item if not applicable)

1. Name of Applicant James O. and Betty R. Eidem
 Postoffice address Hurley State S. Dak. 57036
 If a corporation show date and place of incorporation n/a
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
 3. Name of diversion work James O. Eidem Irrigation System #1 - Well #2 Note: Well #1 was a shallow well; Well #2 is a deeper well drilled about 10' from Well #1. (h.57)
 4. Amount of water claimed (cubic feet per second) _____
 5. Source of water supply 2 Wells - 1 shallow and 1 deep
Approx. 80 rods S. and 10 rods W. of the NE corner Sec. 10-98-53
 6. Location of point of diversion _____

County Turner

7. Annual period or periods during which water is to be used April - November
 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 320

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE 1/4 NE 1/4 10-98-53	40	NE 1/4 NW 1/4 10-98-53	40
SE 1/4 NE 1/4 10-98-53	40	SE 1/4 NW 1/4 10-98-53	40
SW 1/4 NE 1/4 10-98-53	40	SW 1/4 NW 1/4 10-98-53	40
NW 1/4 NE 1/4 10-98-53	40	NW 1/4 NW 1/4 10-98-53	40

Attach sheet if more space is needed

10. Time required to complete construction of water supply system _____ years. Additional time required to complete application of water to the proposed beneficial use 0 years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication: Hurley Leader, Hurley, S. D. 57036
 12. Principal Features of the Proposed Water Supply System.

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

Elec. Pump

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

Buried Pipeline to C.P.

C. Works proposed to apply water to beneficial use.

G.P. Sprinkler System

Estimated Total Cost \$ 50,000.00

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 Turner

I, James O. Eidem 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 James O. Eidem

Subscribed and sworn to before me this

day of April 19 77

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3899-3
JAMES O & BETTY B. EIDEM HURLEY
 (Applicant) (Post Office Address)

SOUTH DAKOTA 57036 With the following modifications:
 (State)

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

Date of first receipt of application APRIL 18, 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 293

WATER RIGHT PERMIT NO. 3899-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3899-3 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 APRIL 18, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 25, 19 77
3. The whole of said work is to be completed on or before MAY 25, 19 78
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 25, 19 78
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 4.57 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 78; said water to be used during the following described annual period: APRIL - NOVEMBER

Witness my hand this 14TH day of June, 19 77

WATER RIGHTS COMMISSION

By: John H. Tsch
 Chief Engineer, Executive Officer

Certificate of Construction Issued , 19

Water License Issued , 19

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 3 1/8", Depth 112'
 (2) Casing, Type Steel Diameter 1 1/4" Thickness 1/4"
 (wood, concrete, steel, etc)
 (3) Perforated Screen.
 Type Stainless Steel, Diameter 1 1/4", Length 35'
 (4) Gravel Pack, Thickness 2", Length of gravel pack 100'

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 1 ft. topsoil; Gravel to 45'; Clay from 45'
to 60'; and gravel from 60' to 112'.

Depth to top of water bearing material 60'

Depth to bottom of water bearing material 112'

Thickness of water bearing material 52'

Depth to water (ground surface to water level) 15'

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

On same owner's property 30 rds. On property owned by others 160 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.

n/a

James O. Eiden
 Signature of Applicant

Permit No. 3899-3

Water Diversion No. 3 Vermillion River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That James O. and Betty B. Eidem

_____ the holder of
Permit No. 3899-3, issued upon Application No. 3899-3, bearing date of priority of April 18,
1977 authorizing the diversion of 4.57 cu. ft. per second of the waters of _____
groundwater (one well) County of Turner, State of South Dakota at a
point S 30° W, 90 rods from the NE Corner, Sec. 10-T98N-R53W

_____ for irrigation

_____ purposes, have complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.22 cu. ft. per second of water.

Date January 23, 1981

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3899-3

(1) WHEREAS, On the 18th day of April A. D. 19 77James O. and Betty B. Eidemmade Water Right Application No. 3899-3 for a permit to use 4.57 cubic feet per second of the waters of groundwater (one well)County of Turner, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 25th day of May A. D. 19 77Permit No. 3899-3, with a date of priority of April 18, 1977was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 25th day of May A. D. 19 78 and for the application to beneficial use of said water on or before the 25th day of May A. D. 19 78

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 2.22 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

to irrigate the following lands all in section 10-T98N-R53W

	acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$	21
SE $\frac{1}{4}$ NW $\frac{1}{4}$	21
NW $\frac{1}{4}$ NE $\frac{1}{4}$	40
NE $\frac{1}{4}$ NE $\frac{1}{4}$	23
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40
SE $\frac{1}{4}$ NE $\frac{1}{4}$	23
Total	168 acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us, the laws of the State of South Dakota, We hereby grant and confirm to James O. and Betty B. Eidem

Hurley, SD

the holder S and owner S of said permit No. 3899-3 a water right, dating from April 18, 1977
to use of 4.57 cubic feet per second of the waters
of groundwater (one well)

in the County of Turner and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point S 30° W, 90 rods from the NE Corner,
Section 10-T98N-R53W

and conducted to and upon portions of Section 10-T98N-R53W, more fully described
on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 3899-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 23rd day of January A. D.
Nineteen Hundred and eighty-one

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

No. 2899-3Publish first publication, on or before May 13, 1977**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

May 6, 1977

Notice is hereby given that James O. Eiden
whose post office address is Hurley, 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
4.57 cubic feet of water per second of time from the ground water through the
James O. Eiden 4:1 are
the point of diversion of which is to be located in the
center of E $\frac{1}{2}$ NE $\frac{1}{4}$ (2 wells)

of Section 10, Twp. T8N, Range R5W. Said water to be used for the purpose
of providing irrigation on portions of
the following described land:
N $\frac{1}{2}$, Section 10, T8N, R5W

This application No. 2899-3 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 WHITTON
Water Rights SpecialistBLS:W
cc. James O. Eiden, Hurley, SD 57036

No 3899-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Turner) ss.

I, James E. Wipf hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Hurley Leader

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 Hurley

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

Thursday, May 12, 1977

Thursday, May 19, 1977

x James E. Wipf
(Signature)

Publisher
(Title)

5-19-77
(Date Signed)

— THE HURLEY LEADER —

Thursday, May 19, 1977

No. 3899-3

NOTICE

INTENT TO

APPROPRIATE WATER

Pierre, South Dakota 57501

May 6, 1977

Notice is hereby given that
James O. Eldem whose post of-
fice address is Hurley, South Da-
kota, has made an application in
accordance with the provisions
of the water laws of South Dak-
ota for a permit to appropriate
for beneficial use 4.57 cubic feet
of water per second of time from
ground water through the James
O. Eldem # 1, the points of diver-
sion of which are to be located
in the center of E½ NE¼ (2
wells) of Section 10, Twp. 08N,
Range 53W. Said water to be used
for the purpose of providing ir-
rigation on portions of the fol-
lowing described land:

N¼, Section 10, T96N, R53W.

This application No. 3899-3 will
be considered by the Water
Rights Commission at their of-
fice 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

Publish: May 12 & 19, 1977.

Commission Expires 2-4-83

James E. Wipf
5-19-77





144-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501
Phone 605/224-3151

April 21, 1977

James O. Eidem
Pierre, South Dakota 57501

Dear Mr. Eidem:

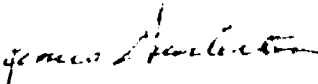
This acknowledges your letter of April 12, 1977 pertaining to Water License No. 144-3. The Water License was issued to you on the 2nd day of November, 1970. Your priority date on your water right is February 8, 1956.

Water License No. 144-3 is in compliance with the water rights laws of South Dakota and will be considered a continuing right to use the water as long as the water is used beneficially with not over a period of three consecutive years of nonuse.

Water License No. 144-3 allows diversion of water from a depth of 32 feet at a rate of 1.9 c.f.s. from a point 1599 feet South 30° 55' West from the NE Corner of Section 10, T98N, R53W to irrigate 160 acres in the NE 1/4 of Section 10, T98N, R53W.

Please advise this office of any questions.

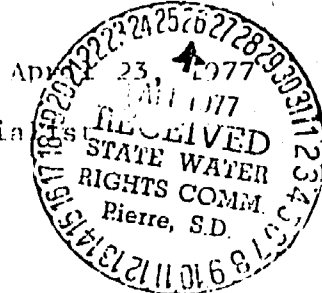
Sincerely,


JAMES WINTERTON
Water Rights Specialist

1-274-300

3899-3

James Winterton, Water Rights Specialist
Water Rights Commission
Joe Foss Bldg, Pierre, S.D.



Dear Sir;

Thank you for your reply of April 21 Regarding license 14-3 issued 11/70 with priority date of 2/8/56. From your letter, we realize you have checked our situation and say a special thanks. We feel our problem exists from a misunderstanding in summer of 75 when we "test holed" and dug the deeper well which is located about 10-feet from the one in permit. In phoning the commission July 75, they said no additional fee not filing was necessary. we jumped from that well in summer of 76 first and filed our gallonage report which revealed that data and were not questioned by commission. Earl Rasmussen and others put in wells at that time and since we were sorta "pioneer irrigators" they called upon us for advice and I'm sure they will all confirm our comment to them was FIRST "go to your water commission".

Thus we hope you understand our reluctance in seeing that Senate Bill 58 can in reality be retro-active

to cause us to pay approximately \$275. new license
fee plus loose our priority rights. we were willing
to file any forms, but whatelse could we have done
when we called for advise and wa. told to do nothing?
We think senate bill 58 is great and will yet be
interested (in fact want too) bring all data up to
date but hopefully without paying the new fee and
without loosing our priority rights. THANK YOU.

Sincerely

James O. Eidem
James O. Eidem *JOE*

Rt 1 Box 11

Hurley, PA

57036

Hurley, S. Dak.
May 20, 1977



James Winterton, Water Rights Specialist
Water Rights Commission
Joe Foss Building
Pierre, S. Dak. 57501

Dear Mr. Winterton,

Attached are copies of the most recent information relative to our compliance with the new law of 1977.

Inquiring from our neighbors that have secured permits two years later than our most recent survey we find that they paid much smaller fee than the the \$150.00 charged to us.

Since our current survey information was furnished your office in July of 1975 and confirmed by phone with your office then that we needed no other fee. The new well is on the same quarter (approx. 10th from the first one) and irrigates 160 acres on the N $\frac{1}{2}$ of Section 10. Should we not then, if charged an additional filing fee, be charged the fee for that time?

We would appreciate your reviewing our file, and feel that the current fee paid of \$150.00 was perhaps an incorrect charge and can be refunded as such. Thank you for your assistance.

Sincerely,

James O. Eidem

James.O. Eidem
Hurley, S. Dak.



STATE OF SOUTH DAKOTA

OFFICE OF ATTORNEY GENERAL

STATE CAPITOL
Pierre, South Dakota 57501

WILLIAM J. JANKLOW
ATTORNEY GENERAL

May 18, 1977

James O and Betty Eiden
Route 1, Box 11
Hurley, South Dakota 57036

Re: Senate Bill 58 - Conservation Commission Approval of Irrigation.

Dear Mr. & Mrs. Eiden:

Your letter of April 19, 1977, requests my opinion as to whether Senate Bill 58 passed by the 1977 legislature affects your well for which a vested right exists under South Dakota Law. While this cannot be considered an official opinion of the Attorney General, this office has done some research on your question.

Section 1 of Senate Bill 58 requires that "Any person desiring to appropriate water for irrigation purposes shall make application for a permit to irrigate a specific land area to the department of agriculture and at such time as notice to appropriate water for irrigation is filed with the water rights commission."

By its own language this bill applies to persons "desiring to appropriate water for irrigation purposes," and places a requirement on them "at such time as notice to appropriate water for irrigation is filed with the water rights commission." Clearly, you are not "desiring" to appropriate water for under your vested right you have already appropriated water. In addition, any requirement for notice to appropriate with respect to your water right has already been satisfied and is not addressed by Senate Bill 58. The language of the bill alone leads me to conclude that it is only prospective in effect and does not apply to your situation.

In addition, the South Dakota courts are reluctant to give any statute retrospective effect unless that intent is clearly stated in the statute by the legislature. In State v. Westling, 130 N.W. 2d 109 (S.D. 1964) our state Supreme Court said:

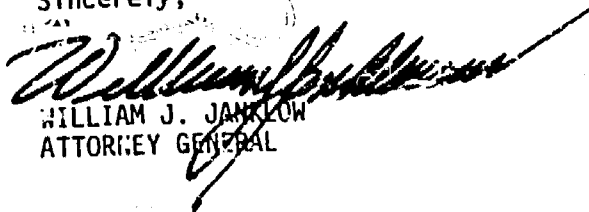
A statute should not be applied retroactively unless an intention to have it so operate is clearly expressed. Courts must hesitate to imply in a statute an unexpressed legislative intent that its provisions should apply retrospectively. (Citations omitted.)

If Senate Bill 58 were construed against your position to the maximum extent its language allows, there would still be nothing in that statute which clearly indicates it is retroactive. Even in this situation, the language of the South Dakota Supreme Court would require me to state that Senate Bill 58 is not retroactive.

Finally, this office has talked with both the Water Rights Staff of the Department of Natural Resource Development and the Division of Conservation of the Department of Agriculture. Those two agencies both stated that they were not enforcing Senate Bill 58 retroactively, but that the bill would apply if you sought to transfer your irrigation right to another piece of land. While I am not prepared to agree or disagree with their opinion on the transfer of water rights to new land, I do agree that Senate Bill 58 is not retroactive in its effect and would not apply to the continued use of an existing water right and permit.

Thank you for this opportunity to be of assistance.

Sincerely,



WILLIAM J. JANKLOW
ATTORNEY GENERAL

WJJ:WRN:sw

cc: Vern Butler, Department of Natural Resource Development
Al Griffiths, Director
Division of Conservation,
Department of Agriculture

C1/23

June 7, 1977

James Winterton
Water Commission



Dear Jim,

I received your letter of June 3rd and may I apologize if in any way you felt I intended to be critical of the water commission. This was not my intent for I realize you all have no easy job.

I was seeking any explanation to my frustration to realize and learn I was not in compliance. However, I now feel it was due to a lack of communication between both of us. In relation to the conversation by phone (two years ago), it was at that time explained by me to be a deeper new well into more water. I especially remember the conversation because we visited at length about the deeper water and the fact that it had already be done by several neighbors and the experience was proving successful. We also visited of the different test holes, formations of soil, depths etc. It was confirmed to me I had a continuing water permit and that your office then expressed the interest in coming to this area on the sand by Hurley and conducting some other studies of whatever. I invited whoever to stop when they did for a chat and some coffee, and that invitation is still good. Having not heard any more, and having filed our 1976 pumping data on which we were not notified nor questioned by your office, we assumed it was o.k. and sorry we have not been in compliance. Certainly, if it had been explained as I now understand, I would have complied with your instructions and not lost a priority date and went for a higher license fee.

So, if I "missed the boat" on my own understanding, I have helped many new irrigators to first go to the water commission. Hopefully, we are so located that water will not be a problem. I do appreciate your time in the various letters and visits with me to try to answer my frustrations. Thanks again and the invitation still stands to stop in and chat when you are in the area.

Sincerely,

Jim Eidem
Jim Eidem
Rt 1 Box 11
Hurley, S. Dak.

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7776

PIERRE, November 6, 1980

RECEIVED OF James O. Eidem, Hurday SD 57036

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. 3899-3)	50	00
Fee for inspecting Beneficial Use, and Issuing Water License No. 3899-3)		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filling		
• Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 3899-3Water Division 3 VERMILLION RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by JAMES O. EIDEM of HURLEY holder of Permit No. 3899-3 bearing date of priority of APRIL 18, 1977 authorizing the diversion of 4.57 cu. ft. per second of the waters of GROUNDWATER for IRRIGATION purposes, in TURNER County.

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

The Water Use System consists of,

A. Works used to divert the water:

112' DEEP WELL WITH 16" STEEL CASING - 36' SS SCREEN
FAIRBANKS MORSE 8" PUMP - 4 STAGE - 12 KM BOWLS
125 HP US ELECTRIC MOTOR

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

1350' OF 10" BURIED PLASTIC LINE TO CENTER OF
PLOT

C. Works used to apply water to beneficial use.

7 TOWER VALLEY CORNER SYSTEM -

The system is in the following condition: GOOD

The joint of diversion is located S 30° W, 90 RODS FROM THE NE
CORNER, SECTION 10, T98N, R53W

The works are capable of diverting and conveying to the place of use 2.22 (1000 GPM)

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

Water has been put to beneficial use to the maximum extent as follows: ALL IN SECTION 10, T98N, R53W

NE ¹ NW ⁴	21 ACRES	SW ⁴ NE ¹	40 ACRES
SE ¹ NW ⁴	21 ACRES	SE ¹ NE ¹	23 ACRES
NW ⁴ NE ¹	40 ACRES		
NE ¹ NE ¹	23 ACRES		

comprising a total of 168 acres of land.

THE SHALLOW WELL AUTHORIZED UNDER WATER RIGHT 10² 144-3
CAN BE USED AS BACK-UP IN CASE OF PROBLEMS ON NE¹ SEC. 10.

Date JUNE 17, 1980

[Signature]
(Signature)

SEE PERMIT NO 3648-3 FOR AERIAL
PHOTO FOR THIS PROJECT



Department of Water & Natural Resources

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

1411-3
3,399-9

February 17, 1989

James O Eidem
Rt. 1, Box 11
Hurley, SD 57036

Dear Mr. Eidem:

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 Ewar, Water Rights Engineer (605-773-3352).

Very truly yours,

John W. Hatch

JOHN HATCH, Chief Engineer
Water Rights Division



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

October 7, 1992

144-3
3899-3

Jon Benson
RR #1 Box 11
Hurley, SD 57036

Dear Mr. Benson:

I am contacting you in regard to ownership of land described in Water Right Nos. 144-3 and 3899-3. They are currently listed in the name of James O Eidem. You indicated on last year's irrigation questionnaires that you were the "owner" and not the "operator" of the land.

In order to change the name on the water rights, you will need to file a "Notice of Transfer of Ownership" with each water right. I have enclosed partially completed transfer forms. Please review the forms to ensure their accuracy and then sign them in the presence of a notary. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$5.00).

The 1992 irrigation questionnaires will be mailed from our office on October 16, 1992. I will leave your name on the mailing list as that of operator until the transfers are filed.

If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures: two transfer forms

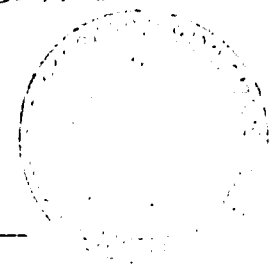
3899-3

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3899-3

Date: _____



I/We request that Water Right No. 3899-3

formerly owned by: James O Eidem

be transferred to: (name & address) Jon Benson, RR #1 Box 11, Hurley, SD 57036 (Telephone No.) 238-5834

Title to the following described land(s)/property has been transferred as described ab-

NE 1/4 and E 1/2 NW 1/4 Section 10, T98N, R53W

I/We understand that the validity of Water Right No. 3899-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)
County of Turner)

I/We Jon Benson 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.

Jon Benson
(Signed)

Subscribed and sworn to before me this 4th day of July, 1992.

[Signature]
(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

413526

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ December 7, 19 9.

RECEIVED OF Jon C Benson, RR 1 Box 11, Hurley, SD 57036

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. 3899-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50

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



3899-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

No. 144-3
3899-3

Jon Benson
RR 1, Box 11
Hurley, SD 57036

Dear Mr. Benson:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 144-3 and 3899-3.

Our records now show you as the owner of Water Right Nos. 144-3 and 3899-3.

Sincerely,

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

enclosure



Department of Agriculture
Division of Conservation
445 East Capitol Avenue
Pierre, South Dakota 57501-3185

Russell L. Stone, Director
(605) 773-3258

FAX (605) 773-5926

3899-3



Dale Anderson
Irrigation Program
(605) 773-4025

Keith Harner
District Specialist
(605) 773-4515

Mike Jahraus
Natural Resource
Planner
(605) 773-4321

Cec Johnson
Senior Secretary
(605) 773-3258

Clark B. Johnson
Wetlands Coordinator
(605) 773-6503

Arlene Pitan
Senior Secretary
(605) 773-3259

Roy Richardson
NPS I&E Coordinator
(605) 773-5276

James L. Stukel
Irrigation Program
Administrator
(605) 773-4003

September 10, 1993

Jon Benson
RR 1 Box 11
Hurley, SD 57036

RE: Land Transfer

Dear Mr. Benson,

A Notice of Transfer of Ownership has been received by this office for water permits 144-3 and 3899-3. These transfers cover the NE $\frac{1}{4}$ & E $\frac{1}{2}$ NW $\frac{1}{4}$ Sec 10 T98N-R53W, formerly owned by James O Eidem.

Water permit 3899-3 was issued in April of 1977 for the purpose of allowing Mr. Eidem to drill a deeper well. Because this new well was in a different aquifer, a Soil and Water Compatibility permit would have been required. However, a Soil and Water Compatibility permit was not issued, and the water permit is not in compliance with South Dakota laws.

Please find enclosed an application for a Soil and Water Compatibility permit. In addition to a notarized application, we will need a water sample. Please follow the highlighted instructions for taking the water sample. It is not necessary to operate the pump for six hours. That requirement applies to freshly dug wells. But you should let the water run until it is clear.

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

Sincerely,

Dale L. Anderson, Natural Resource Analyst
Division of Conservation

CC: Eric Gronlund, Division of Water Rights
enclosure





3899-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 29, 1996

Jon Benson
28031 Hwy 19
Hurley, SD 57036

144-3

3899-3

Dear Mr. Benson:

I am writing in regard to your 1995 irrigation questionnaires. You completed the forms and returned them to us in November, 1995. Prior to entering the data into the computer, I wanted to ask you a couple questions concerning the information you wrote on the forms.

Water Right No. 144-3 authorizes irrigation from a shallow well (approximately 42 feet deep) and Water Right No. 3899-3 authorizes use of a deeper well (approximately 112 feet deep). I noted that you reported the same acreage on both forms (190 acres). I assume that you are only irrigating 190 acres, and not a total of 380 acres. My question is, what source of water was used in 1995 - the shallow well or the deeper well, or a combination of both?

If you would, please take a few minutes to let me know which water source was used and if the 190 acres reported on each form is the same 190 acres. I am enclosing a postage paid envelope for your reply. Thank you for your assistance in this matter.

Sincerely,

Genny McMath

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

enclosure

3899-3

Dear Gerry Mc Math,

I'm sorry for my poor job
of fill out your question
form.

Last year I irrigated
190 A. out of the Deep
Well - NO. 3899-3.

Sorry again for any
inconvenience.

Jon Benson



JAMES O. AND BETTY B. EIDEM IRRIGATION SYSTEM #1
Hurley, S. Dak. 57036

98-53

R. 53 W.

Replacement
Amending to include
Well #2 which is a
deeper well than #1.

84.0

59.4

156.4

3-21

92 Rods - 300 W.

Irrig. Well
Well #1 #2

Area To Be Irrigated:

The N $\frac{1}{2}$ 10-98-53 - 320 ac. more or less

(RR right of way included as this
RR may be abandoned soon)

T. 98 N.

124.0

26.7

10

94.7

6.1

37.8

98-53

Appl # 3899-3
10/10/98

Gronlund, Eric

From: kknittel@gwtc.net
Sent: Thursday, August 14, 2014 10:13 AM
To: Gronlund, Eric
Subject: Water road

Eric the last couple days I have seen these center pivots over spraying the road.

T98N R53W

Sec 14 sw 1/4 on Hwy 19

Sec 15 ne 1/4 on Hwy 19

Sec 10 nw 1/4 on 280th street

T98N R52 W

Sec 6 sw 1/4 on 280th street.

Kelly Knittel
Freeman SD
605-929-6340



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



August 15, 2014

3899-3

Jon Benson
28031 Hwy 19
Hurley SD 57036

Dear Mr. Benson:

The Department of Environment and Natural Resources (DENR) has received another inquiry alleging the irrigation system located in the NW 1/4 Section 10-T98N-R53W had irrigation water from the end gun hitting the road. The water right for this system in this location is held your name under Water Right Nos 144-3 and 3899-3.

As stated in our August 1, 2014 letter to you, a water right holder is not allowed to operate an irrigation system in violation of state water law, which includes unauthorized end gun over spray upon land not authorized by the water right. Continued overspray can result in DENR taking enforcement action.

DENR asks that you check to make sure your end gun stops are functioning properly when the pivots near the roadway.

If you don't believe your irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352