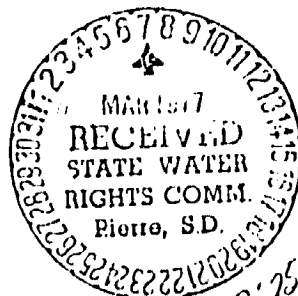


Water Right Number 3907-3

1. Considered 5-25, 1977
2. Name of Applicant RUSSELL LA FLEUR
3. Post Office Address JEFFERSON
4. Amount of Water claimed 1.28
5. Source of Water supply 100' WELL
6. Water to be used for IRRIGATION
- Acres to be irrigated 90
7. Water to be diverted and used in UNION County
about 5.5 miles of JEFFERSON
8. Proof of Publication Received 5-23-77
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

10. Remarks:

Map No. 3164-3 Water Division No. 3 BIG SIOUX RIVER District 3907-3
(Blanks to be Filled by the Engineer for the W. H. 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 Russell LaFleur
Postoffice address Jefferson State S.D. 57033
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work LaFleur #2
4. Amount of water claimed (cubic feet per second) 1.28 c.f.s.
5. Source of water supply Well
6. Location of point of diversion SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 1 T89-49 So. Dak. Survey
County Union

7. Annual period or periods during which water is to be used April through October
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Total number of acres to be irrigated 90

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 23 89-49			
Nebr. Survey	45		
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 1 89-49	45		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 5 years.
11. Choice of newspaper for Notice of Intent to Appropriately Water publication Elk Point Leader Courier
12. Principal Features of the Proposed Water Supply System.

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

Well

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

Pipe

C. Works proposed to apply water to beneficial use.

SprinklersEstimated Total Cost \$ 35,000.00

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

STATE OF SOUTH DAKOTA

County of Union

I, Russell LaFleur 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 Russell LaFleurSubscribed and sworn to before me this 12th day of March 1977

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3907-3
RUSSELL LAFLEUR JEFFERSON
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57038 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 MARCH 7, 19 77
 Date of return to applicant for correction, amendments or changes required —, 19 —
 Date of receipt of corrected application APRIL 29, 19 77
 Approved MAY 25, 19 77, Recorded in Book 18 Page 307

WATER RIGHT PERMIT NO. 3907-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3907-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is MARCH 7, 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 1.28 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MAY 25, 19 82; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 2ND day of AUGUST, 19 77

WATER RIGHTS COMMISSION

By:

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19 —

Water License Issued —, 19 —

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

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 30, Depth 100
- (2) Casing, Type Transite Diameter 16 Thickness 1 1/2"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
- Type Sawed slotted, Diameter 16, Length 39
- (4) Gravel Pack. Thickness 14, Length of gravel pack 50

E. Dugout Information or Estimates

- (1) Surface dimensions _____, Depth _____

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

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Water bearing sand

Depth to top of water bearing material 35

Depth to bottom of water bearing material 100

Thickness of water bearing material 65

Depth to water (ground surface to water level) 18

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

On same owner's property 80 rds. On property owned by others 80 rds.

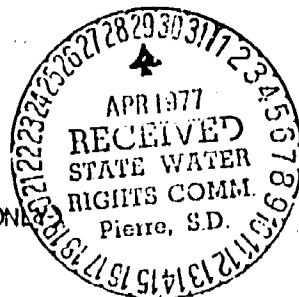
G. Water Storage Dams.

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.

Russell P. [Signature]
Signature of Applicant

CONSERVATION
COMMISSION
FORM WI #1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)



NAME Russell LaFleur
ADDRESS Jefferson So. Dak.
COUNTY Union

LEGAL DESCRIPTION

1. WELL LOCATION SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 1 T89 R49
2. LOCATION OF AREA TO BE IRRIGATED SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 1 T89 R49

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT X GUN _____
4. CROPS TO BE IRRIGATED _____

WATER QUALITY

5. SAMPLE NUMBER 77-499
6. SALINITY (EC $\times 10^6$) 1117 (high)
7. SODIUM (SAR) 1.50
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and: the soils information has been acquired from Union Co. Conservation District, County Extension office or Soil Conservation Service.

and:

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

Russell LaFleur
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
1 DAY OF March 19 77.

Ray L. Leland
(1 TLF OR SEAL)

Alfred A. L. Leland
APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)

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

Submitted by: Murrell LaFleur
 Address: Jefferson, SD 57038

Date Rec'd: March 28, 1977
 Sample No.: 77-499
 Identification: Well -
SE 1/4, Sec. 1, T 89N, R 49W

WATER ANALYSIS

Calcium (Ca)	152	ppm*	7.60	me/l**
Magnesium (Mg)	38	ppm	3.15	me/l
Sodium (Na)	80	ppm	3.48	me/l
Potassium (K)	9	ppm	0.23	me/l
Sulfate (SO ₄)	128	ppm	2.65	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	7	ppm	0.20	me/l
Bicarbonate (HCO ₃)	615	ppm	10.08	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		g.p.g.***
Hardness (EDTA as CaCO ₃)	504	ppm (as CaCO ₃)		
Alkalinity (Methyl Orange)	0	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	1117	micromhos per cm at 25° C.		
Electrical Conductivity	1.50			
Sodium Adsorption Ratio	24.06	% of cations		
Sodium	0.00	me/l		
Residual sodium carbonate	7.33			
pH				
Others:				

*ppm=parts per million
 **me/l=millequivalents per liter

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

COMMENTS: Total cations 14.46 me/l
 Total anions 12.93 me/l

By: Shirley Mittan

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. 77-499

Amount Enclosed \$

Signed

April 18, 1977

Mr. Russell LaFleur
Jofferaon, SD 57038

Dear Mr. LaFleur:

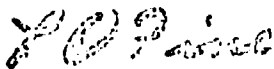
Your water sample (Lab. No. 77-499) has been analyzed and the results are reported on the accompanying sheet, which is your copy to keep.

I am also enclosing a copy of AHS 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
Water Quality Lab

LOF:ckb
Enclosures
cc: State Conservation Commission
D. Pahl, Extension Service



SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Russell LaFleur, Jefferson, S.D.

LEGAL DESCRIPTION OF LAND S 1/2 - SE 1/4-Section 1-T89-R49

☐ Application is incomplete

☒ Application approved and forwarded to DIVISION OF WATER RIGHTS FOR FURTHER ACTION.

☐ Application disapproved due to marginal condition of soil and/or water.
(Please see below for appeal procedure)

Reason for Disapproval:

- 1.) Salinity
- 2.) Sodium (Sodium Absorption Ratio)
- 3.) Sodium (Residual Sodium Carbonate)
- 4.) Soils
- 5.) Other _____

☐ Application conditionally approved and forwarded to State Conservation Commission, after review by Commission, application will be forwarded to Division of Water Rights for further action.

CONDITIONS

- 1.) Water shall not be applied more than 1, 2, 3, 4, 5, times during the irrigation season.
- 2.) Each uninterrupted application (one rotation of center pivot) shall be of at least 1, 2, 3, 4, inches of water.
- 3.) ☐ Yes ☐ No Surface drainage required
- 4.) ☐ Yes ☐ No Subsurface drainage required
- 5.) ☐ Yes ☐ No Specific land areas excluded from application

6.) ☐ Deep tillage (For the purpose of aiding movement of water through dense subsoils)

7.) ☐ Heavy fall application of irrigation water

APPEAL PROCEDURES

If any applicant wishes to contest the decision of this office, they may do so by notifying this office within 90 days of receipt of this notice.

All conditioned permits and contested decisions will be taken before the State Conservation Commission for their review. Each application contesting the decision of the Department of Agriculture is entitled to appear before the Commission.

Copy to Applicant -1

Copies to Water Rights -2

Copy to File -1

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Russell LaFleur, Jefferson, S.D.

LEGAL DESCRIPTION OF LAND S 1/2 - SE 1/4-Section 1-T89-R49

☐ Application is incomplete

☒ Application approved and forwarded to DIVISION OF WATER RIGHTS FOR FURTHER ACTION.

☐ Application disapproved due to marginal condition of soil and/or water.
(Please see below for appeal procedure)

Reason for Disapproval:

- 1.) Salinity
- 2.) Sodium (Sodium Absorption Ratio)
- 3.) Sodium (Residual Sodium Carbonate)
- 4.) Soils
- 5.) Other _____

☐ Application conditionally approved and forwarded to State Conservation Commission, after review by Commission, application will be forwarded to Division of Water Rights for further action.

CONDITIONS

- 1.) Water shall not be applied more than 1, 2, 3, 4, 5, times during the irrigation season.
- 2.) Each uninterrupted application (one rotation of center pivot) shall be of at least 1, 2, 3, 4, inches of water.
- 3.) ☐ Yes ☐ No Surface drainage required
- 4.) ☐ Yes ☐ No Subsurface drainage required
- 5.) ☐ Yes ☐ No Specific land areas excluded from application

6.) ☐ Deep tillage (For the purpose of aiding movement of water through dense subsoils)

7.) ☐ Heavy fall application of irrigation water

APPEAL PROCEDURES

If any applicant wishes to contest the decision of this office, they may do so by notifying this office within 90 days of receipt of this notice.

All conditioned permits and contested decisions will be taken before the State Conservation Commission for their review. Each application contesting the decision of the Department of Agriculture is entitled to appear before the Commission.

Copy to Applicant -1

Copies to Water Rights -2

Copy to File -1

Form 6 - Notice of Intent to Appropriate Water

No. 3907-3

Publish first publication, on or before May 12, 1977

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

May 3, 1977

Notice is hereby given that Russell LaFleur
whose post office address is Jefferson, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
1.20 cubic feet of water per second of time from the ground water through the
LaFleur # 2, the point of diversion of which is to be located in the

SW 1/4 SE 1/4

of Section 1, Twp. 85N, Range 45W. Said water to be used for the purpose
of providing irrigation on the following described land:

SW 1/4 SE 1/4, Section 23, T85N, R45W (Nebraska Survey)

SE 1/4 SW 1/4, Section 1, T85N, R45W (S. D. Survey)

This application No. 3907-3 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:

BURTON E. JONES
Water Rights Specialist

BFJ/bw

cc: Russell LaFleur, Jefferson, SD 57038

No. 3907-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Union) ss.

I, Lester E. Emerson hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Leader-Courier

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

city of Elk Point

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

May 12 - 1977

May 19 - 1977

Lester E. Emerson
(Signature)

Publisher
(Title)

May 19 - 1977
(Date Signed)

NOTICE OF INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
May 3, 1977

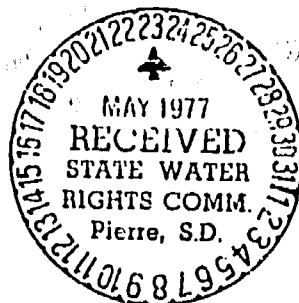
Notice is hereby given that Russell LaFleur whose post office address is Jefferson, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.28 cubic feet of water per second of time from ground water through the LaFleur #2, the point of diversion of which is to be located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Twp. 89N, Range 49W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, T89N, R49W (Nebraska Survey) SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, T89N, R49W (S. D. Survey)

This application No. 3907-3 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.

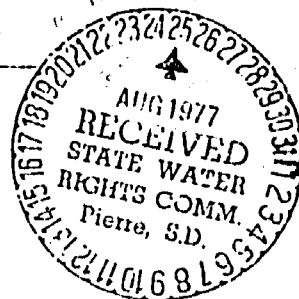
WATER RIGHTS COMMISSION

By Burton F. Jones
Water Rights Specialist
Pub. May 12, and 19.



Form 10.

No. 3907-3



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

Post Office JEFFERSON S.D.

Date 8-23-1977

TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 3907-3

Water Right Permit No. 3907-3 states that the diversion system is to be constructed by Max J. J., 1984 and that the water is to be put to beneficial use by Max J. J., 1984.

The diversion system was completed on July 1, 1977.
Applying the water to beneficial use was completed on July 1, 1977.

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

Max J. J.
(Signature)

South Dakota

3907-3

GREAT LAKES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 29, 1991

Russell Lafleur
NR #2 Box 26
Jefferson, SD 57038

Dear Mr. Lafleur:

Enclosed are your 1991 irrigation questionnaires pertaining to Water Permit Nos. 2342-3, 2343-3 and 3907-3. They were originally sent to George Kneebone. He has contacted our office and indicated he no longer farms the land for you.

For your convenience in completion of the forms, the following is a brief summary of the legal descriptions for each permit:
Permit No. 2342-3 is for irrigation of 115 acres in the SE 1/4 Section 1, T90N, R49W
Permit No. 2343-3 is for irrigation of 105 acres in the NE 1/4 Section 1, T90N, R49W
Permit No. 3907-3 is for irrigation of 50 acres in the SE 1/4 SW 1/4 and SW 1/4 SE 1/4 Section 1, T90N, R49W

Please complete the questionnaires as accurately as possible and return them to our office by December 20, 1991. I have included a copy of the original cover letter sent out with this year's questionnaires.

If you have any questions, or need assistance in completion of the forms, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: **Russell LaFleur** File No. **3907-3**
Address: **RR 1 Box 155, Jefferson, SD 57038** County: **Union**
Date: **December 10, 1999** Telephone: **(605) 966-5852**
RE: **Legal description of lands irrigated.**

Comments:

The permit states the lands to be irrigated are 45 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, T89N, R49W (South Dakota survey) and 45 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, T89N, R49W (Nebraska survey). The Nebraska survey portion should be Section 23, T30N, R7E. This needs to be re-advertised.

The lands irrigated are located as follows:

Section 1, T89N, R49W
(South Dakota survey)
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 17 acres

Section 23, T30N, R7E
(Nebraska survey)
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 9 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 26 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 9 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 12 acres

Lynn Beck

Lynn Beck
Natural Resources Engineer

Permit No. 3907-3
Big Sioux River - Water District

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

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

I have this day, October 10, 1999 made a thorough examination of the water use system constructed by Russell LaFleur of RR 1 Box 155, Jefferson, SD 57038 holder of Permit No. 3907-3, bearing the priority of March 7, 1977 authorizing the diversion of 1.28 cu. ft. per second of the waters of Missouri-Elk Foint Aquifer for irrigation purposes, in Union County.

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

A. Works used to divert the water:

One well 100' deep with 69' of 16" transite casing and 39' of slotted transite screen, Armadillo pump with a 1000 gpm capacity and a diesel tractor motor.

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

15' of 8" steel pipe.

C. Works used to apply water to beneficial use:

Electrogrator center pivot 1177' long with 9 towers and an end gun, a high pressure system operating at 1000 gpm.

The system is in the following condition good. The point of diversion is located 3267' W and 1155' N of the SE corner Section 23, T30N, R7E (Nebraska survey). The works are capable of diverting and conveying to the place of use 2.22 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:

Section 1, T89N, R49W (South Dakota survey)

SE¼ SW¼ 17 acres

Section 23, T30N, R7E (Nebraska survey)

NE¼ SW¼ 9 acres

SE¼ SW¼ 26 acres

NW¼ SE¼ 9 acres

SW¼ SE¼ 12 acres

comprising a total of 73 acres of land and the license should be issued for 1.04 cfs.

Applicable permit qualifications have been complied with: no

Exceptions to compliance are: Need to reduce water use from 1.28 cfs (576 gpm) to 1 cfs per 70 acres or 1.04 cfs (468 gpm).

Lynn Beck
 Lynn Beck

Natural Resources Engineer
 DENR, Water Rights Program

Dec. 10, 1999
 Date

REPORT ON INSPECTION OF PERMIT NO. 3907-3

DATE OF INSPECTION: 10-19-99

Other permit(s) associated with the project: #

NAME & ADDRESS OF INSPECTION CONTACT: Doug LaFleur, LaFleur Farms RR 1 Box 155, Jefferson, SD 57038

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: brother

NAME & ADDRESS OF PERMIT HOLDER: Russell LaFleur, same as above.

DIVERSION POINT LEGAL LOCATION: 3267' W and 1155' N of the SE corner Section 23, T30N, R7E - Nebraska survey.

WELL INFORMATION:

- 1) Well Drilling Firm: #
- 2) No. of Wells 1
- 3) Depth(s) 100 feet
- 4) Well log is available no

Casing:

- 1) Diameter 6 inches
- 2) Length 61 feet
- 3) Type transite

Screen:

- 1) Type sawed slotted transite
- 2) Length 39 feet
- 3) Static water level 18 feet

Pump:

- 1) Make Armadillo
- 2) Model #
- 3) Size #
- 4) Capacity 1000 GPM

Motor:

- 1) Make diesel tractor
- 2) Model No. #
- 3) Horsepower rating # hp

DISTRIBUTION LINES OR CANALS:

- 1) Type steel 2) Size 8" 3) Length 15 feet

SYSTEM TYPE:

Center Pivot:

- 1) Make Electrogator
- 2) Overall length 1177'
- 3) Number of towers 9
- 4) End gun yes
- 5) High or low pressure high
- 6) Capacity 1000 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate no

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

**REPORT ON READVERTISEMENT OF
WATER PERMIT NOS. 2342-3, 2343-3 AND 3907-3
RUSSELL LaFLEUR
December 28, 1999**

Russell LaFleur obtained three water permits for irrigation in the 1970's in Union County that need to readvertised. A review of Water Permit Nos. 2342-3, 2343-3 and 3907-3 for the purpose of licensing these permits found errors in the original public notice or clarification needed prior to issuance of the final water right. In each instance, less acreage was developed than originally proposed. The water right will be issued based on the statutory limit set forth in SDCL 46-5-6 of one cubic foot of water per second for each seventy acres, or the equivalent thereof. The following provides the correct legal descriptions and defines the acres developed for irrigation.

Water Permit No. 2342-3 originally appropriated 1.6 cubic feet of water per second (cfs) from one well 105 feet deep located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23 to irrigate 115 acres located in the SE $\frac{1}{4}$ Section 23; all in T30N-R7E (Nebraska Survey). The licensing investigation found 100 acres being irrigated which by statute allows for the water right to be issued for 1.43 cfs.

Water Permit No. 2343-3 originally appropriated 1.5 cfs from one well 105 feet deep located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23 to irrigate 105 acres located in the NE $\frac{1}{4}$ Section 23; all in T30N-R7E (Nebraska Survey) and N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1-T89N-R49W (South Dakota Survey). The licensing investigation found 100 acres being irrigated which by statute allows for the water right to be issued for 1.43 cfs.

Water Permit No. 3907-3 appropriates 1.28 cfs from one well 100 feet deep located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23 to irrigate 90 acres located in the E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 23; all in T30N-R7E (Nebraska Survey) and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1-T89N-R49W (South Dakota Survey). The licensing investigation found 73 acres being irrigated which by statute allows for the water right to be issued for 1.04 cfs.

Readvertisement of these permits is necessary to correct the legal descriptions of the location of the lands irrigated and the location of the diversion points prior to issuance of the water licenses. This readvertisement does not authorize any increase in the developed water appropriation or irrigated acreage.

Conclusions

1. This is a readvertisement of the Notice of Hearing for Water Permit Nos. 2342-3, 2343-3 and 3907-3.
2. This readvertisement is necessary to correct the legal descriptions of the location of the lands irrigated and the location of the diversion points prior to issuance of the water licenses.
3. The original priority dates will be retained for each permit.

Karen Schlaak
Karen Schlaak
Environmental Scientist

Eric Gronlund
Eric Gronlund
Natural Resources Engineer

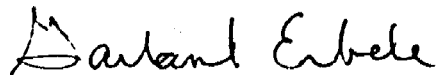
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
READVERTISED APPLICATION NO. 3907-3, Russell LaFleur**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning readvertised Water Permit Application No. 3907-3, Russell LaFleur, RR 1, Box 155, Jefferson SD 57038.

The Chief Engineer is recommending APPROVAL of readvertised Application No. 3907-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on readvertised application for additional information.



GARLAND ERBELE, Chief Engineer
January 12, 2000

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Union) SS

I, Susan Olson

certify that the attached printed Notice was taken

from the Leader-Courier

printed and published in Elk Point

County of Union and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

January 20, 2000

January 27, 2000

Cost of Printing \$55.77

Susan Olson
(Signature)

Offidavits Coordinator
(Title)

Jan 27, 2000
(Date Signed)



READVERTISEMENT OF NOTICE OF APPLICATION

NOS. 2342-3, 2343-3

AND 3907-3 TO

APPROPRIATE WATER

Notice is given of readvertisement of Water Permit Nos. 2342-3, 2343-3 and 3907-3 held by Russell LaFleur, RR 1, Box 155, Jefferson, SD, 57038. Mr. LaFleur obtained these three water permits for irrigation in the 1970's. A review of the permits found errors in the original public notice or clarification needed prior to issuance of the final water right. Readvertisement of these permits is necessary to correct the legal descriptions of the location of the lands irrigated and the location of the diversion points prior to issuance of the water licenses. This readvertisement does not authorize any increase in the developed water appropriation or irrigated acreage. The following reflects the correct developed acreage and diversion points.

Water Permit No. 2342-3 appropriates 1.43 cubic feet of water per second (cfs) from one well 105 feet deep located in the SW1/4 SE1/4 Section 23 to irrigate 100 acres located in the SE 1/4 Section 23; all in T30N-R7E (Nebraska Survey).

Water Permit No. 2343-3 appropriates 1.43 cfs from one well 105 feet deep located in the SE1/4 NE1/4 Section 23 to irrigate 100 acres located in the NE1/4 Section 23; all in T30N-R7E (Nebraska Survey) and N1/2 NE1/4, SW1/4 NE1/4 Section 1-T89N-R49W (South Dakota Survey).

Water Permit No. 3907-3 appropriates 1.04 cfs from one well 100 feet deep located in the SE1/4 SW1/4 Section 23 to irrigate 73 acres located in the E1/2 SW1/4, W1/2 SE1/4 Section 23; all in T30N-R7E (Nebraska Survey) and SE1/4 SW1/4 Section 1-T89N-R49W (South Dakota Survey).

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2342-3, 2343-3 and 3907-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-2, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is Water Rights Program, Foss Building,

523 E. Capitol, Pierre, SD 57501 (605-773-3362) and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 7, 2000.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Nettie H. Myers, Secretary
Department of Environment and
Natural Resources

Publish: January 20 & 27, 2000
3-3-95

55.77



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 11, 2000

Elk Point Leader Courier
Box 310
Elk Point, SD 57025-0310.

Attn: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Permit Nos. 2342-3, 2343-3 and 3907-3 to be published twice. Please publish the first notice on January 20, 2000, with the second publication 7 days later.

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

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

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

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 12, 2000

Russell LaFleur
RR 1, Box 155
Jefferson, SD 57038

Dear Mr. LaFleur:

The investigation of your water use systems was conducted on October 19, 1999, by Lynn Beck, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit Nos. 2342-3, 2343-3 and 3907-3.

The original notices of hearing for Water Permit Nos. 2342-3, 2343-3 and 3907-3 were published with incorrect legal descriptions of the lands irrigated and well locations. The errors occurred due to the fact that some of the lands are located in both the Nebraska Survey and South Dakota Survey. Therefore, the notice needs to be readvertised to correct the errors. A notice has been sent to the Publisher of the Elk Point Leader-Courier (Ph # (605) 356-2632). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the readvertisement are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Water Rights Program.

After the permits have been readvertised, the final water right document, the Water License, can then be issued for each permit. Statutes require that we charge a \$50.00 fee for the investigation and issuance of each Water License (total of \$150.00 fee).

Please contact us if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 2000

2342-3, 2343-3 (3907-3) & 6031-3

Russell LaFleur
RR 1 Box 155
Jefferson SD 57038

Dear Mr. LaFleur:

Water Permit Nos. 2342-3, 2343-3 & 3907-3 have been readvertised to correct errors on the original public notice and to clarify legal descriptions. The final water right documents, the Water Licenses, can now be issued.

Regarding Permit No. 6031-3, the license can not be issued until we receive a well completion report from Wetmore Drilling. We have requested the report from the driller but have not received it, as of today.

Statutes require that we charge a \$50.00 fee for the investigation and issuance of each Water License (total \$200.00)

Please send the fee to:

**Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

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



May 9, 2000

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Permit Nos. 2342-3

2343-3

3907-3

6031-3

REMINDER NOTICE

TO: Russell LaFleur
RR 1, Box 155
Jefferson, SD 57038

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

SUBJECT: Water License/Investigation Fee Requirement

On February 10, 2000, we advised you that a \$50.00 fee per license (\$200.00 total) is due for the completed investigation of Water Permit Nos. 2342-3, 2343-3, 3907-3 and 6031-3. The fee also covers issuance of your water licenses which is the final document in obtaining and perfecting a water right.

To date, we have not received the \$50.00 fee per license (\$200.00 total); therefore, we can not issue the water licenses. Your licensed water rights will be similar to a property right that can not be lost as long as the water use continues and you abide by any permit requirements.

In our letter to you in February, we had stated that we needed the well completion report from Wetmore Drilling before we'd be able to issue a Water License on Permit No. 6031-3. Please be advised that we have received the form from the well driller, and upon receipt of the fee for all the Water Licenses, further processing can continue.

Please remit the fee as soon as possible to obtain your water licenses. In addition, South Dakota water law does not allow water to be diverted until the license fee is paid. To avoid jeopardizing your ability to use water, please send the fee to the following address:

Department of Environment and Natural Resources
Water Rights Program
523 E Capitol
Pierre SD 57501-3181

Thank you for your prompt response. If you have any questions or believe our records are in error, please contact Genny McMath at (605) 773-3352.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416515

Pierre, May 15, 2000

RECEIVED OF Daniel, Richard, Douglas or Ernest Lafleur, RR 1, Box 155, Jefferson, SD 57038
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. <u>3907-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By Harold E. Ebel (SE)
Chief Engineer

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 3907-3

(1) Russell LaFleur, 33022 482nd Ave, Jefferson SD 57038 made Application No. 3907-3, March 7, 1977 for a water permit to divert 1.28 cubic feet of water per second from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 3907-3, with a priority date of March 7, 1977 was approved May 25, 1977 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 25, 1982 and for the application to beneficial use of said water on or before May 25, 1982.

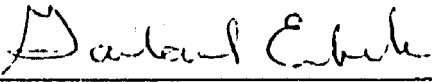
The permit was readvertised to correct errors on the original public notice and to clarify legal descriptions prior to issuance of the water license. The readvertisement of the original notice did not authorize an increase in the developed acreage or diversion rate.

(2) It is certified that the permit holder 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 1.04 cubic feet of water per second for beneficial use. The location of the diversion point is 3,267 feet west and 1,155 feet north of the southeast corner of Section 23-T30N-R7E (SE ¼ SW ¼) (Nebraska Survey).

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

Section 23-T30N-R7E (Nebraska Survey)	NE ¼ SW ¼	9 acres
	SE ¼ SW ¼	26 acres
	NW ¼ SE ¼	9 acres
	SW ¼ SE ¼	12 acres
Section 1-T89N-R49W (South Dakota Survey)	SE ¼ SW ¼	17 acres
Total 73 acres		

(4) Pursuant to South Dakota Water Law 46-5-30.1 Russell LaFleur, 33022 482nd Ave, Jefferson SD 57038 the holder and/or owner of Water Right No. 3907-3 is issued a license to appropriate water, the right to use 1.04 cubic feet of water per second from groundwater (one well) with a priority date of March 7, 1977 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 3907-3 and subject to South Dakota State Law.


CARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 10 2000

date





3907-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

OCT 10 2000

Russell LaFleur
LaFleur Farms
33022 482nd Ave
Jefferson, SD 57038

Dear Mr. LaFleur:

Enclosed are Water License Nos. 2342-3, 2343-3, 3907-3 and 6031-3. They are the final water right documents completing your process of obtaining Water Rights. Included is Reissued Water License No. 3336-3.

The investigation of our water use systems found three of them capable of diverting over the statutory limit for the acres irrigated. The water licenses were issued for the statutory limit of 1.00 cfs for every 70 acres irrigated.

Water Right No.	Capacity of system	Licensed (statutory limit)
2342-3	1000 gpm (2.22 cfs)	644 gpm (1.43 cfs)
2343-3	1000 gpm (2.22 cfs)	644 gpm (1.43 cfs)
3907-3	576 gpm (1.28 cfs)	468 gpm (1.04 cfs)

*gpm = gallons per minute

**cfs = cubic feet of water per second

For your information SDCL 46-6-27 requires that if the owner of an existing well(s), such as the well(s) authorized by Water Right Nos. 2342-3, 2343-3, 3336-3, 3907-3 and 6031-3, 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.

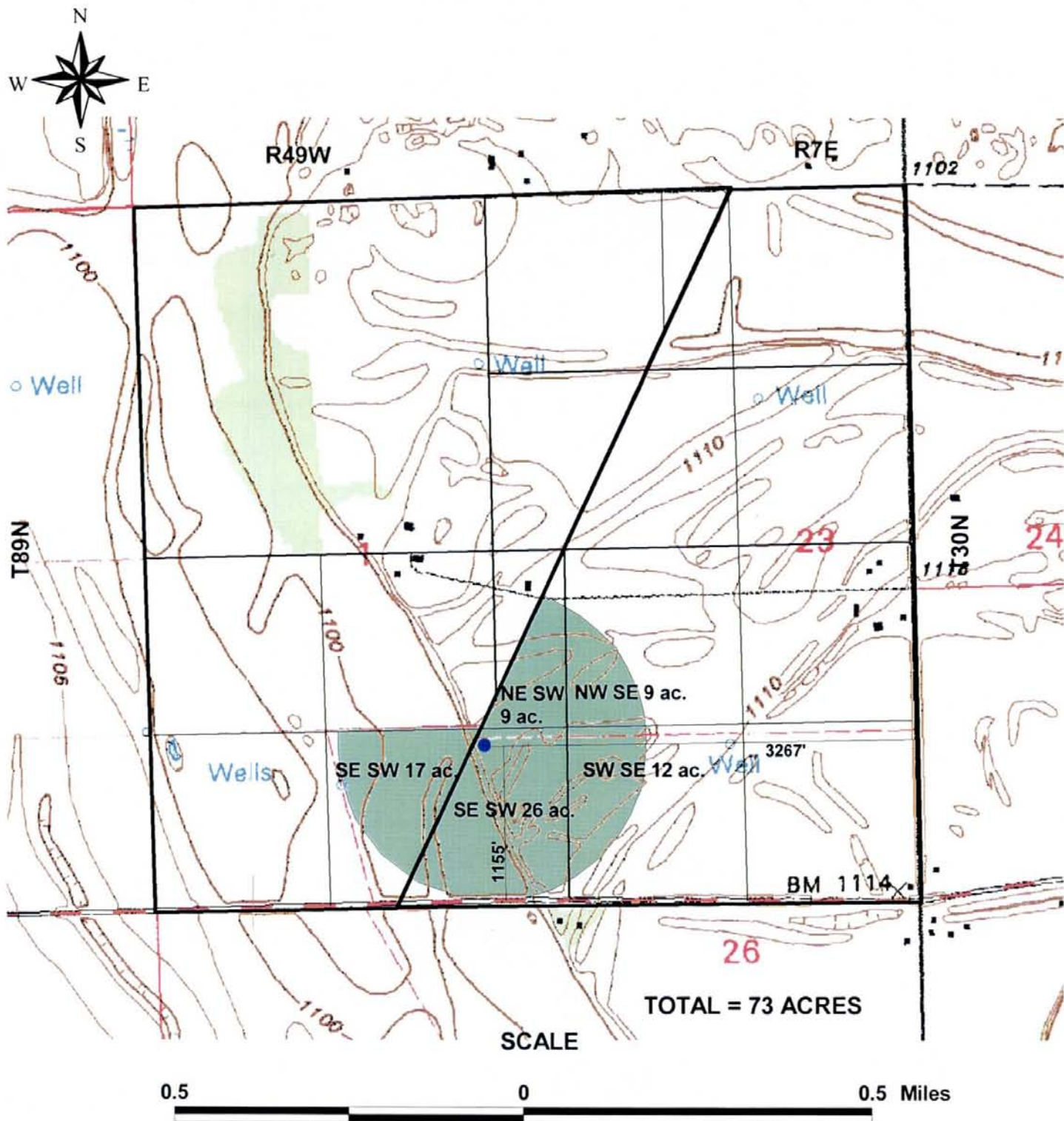
Also enclosed are Receipt Nos. 416513, 416514, 416515 and 416516 in the amounts of \$50.00 each which you paid for the investigation and issuance of the Water Licenses. As long as you use the water beneficially, as stated in the Licenses, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

WATER RIGHT NO. 3907-3



Lynn Beck

Lynn Beck
Natural Resources Engineer
DENR, Water Rights Program
December 9, 1999



South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today

8-201

NOT TO SCALE

