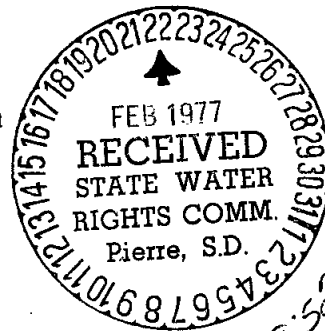


1. Considered 5-25, 1977
2. Name of Applicant DAVID ESTABROOK
3. Post Office Address MT. VERNON
4. Amount of Water claimed 2.28
5. Source of Water supply 140' DEEP WELL
6. Water to be used for IRRIGATION
- Acres to be irrigated 160
7. Water to be diverted and used in SANBORN County
about 15.4 W miles of LETCHER
8. Proof of Publication Received 5-19-77
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

No. 3929-3Map No. 3181-3 Water Division No. 3 JAMES RIVER District _____
(Blanks to be Filled by the Engineer for the W. R. C.)10160011

APPLICATION FOR PERMIT



To Appropriate Water within the State of South Dakota

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

1. Name of Applicant David Estabrook
 Postoffice address Mount Vernon, State South Dakota 57363
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor
3. Name of diversion work David Estabrook - Unit # 2
4. Amount of water claimed (cubic feet per second) 2.28 cfs
5. Source of water supply Ground Water
6. Location of point of diversion _____

- County Sanborn
7. Annual period or periods during which water is to be used March - 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.
<u>N$\frac{1}{2}$ of 25-105-62</u>	<u>320</u>		

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 2 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Daily Republic, Mitchell, SD
12. Principal Features of the Proposed Water Supply System.

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

Pump Bowl

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

Main Line

C. Works proposed to apply water to beneficial use.

GunEstimated Total Cost \$ -----

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)
) ss.
 County of Sanborn)

I, David Estabrook 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 David EstabrookSubscribed and sworn to before me this 18 day of February, 1977Deane G. Casberg
Notary Public (or other qualified officer)

MY COMMISSION
 EXPIRES NOV. 4, 1984

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3920-3
DAVID ESTABROOK MT. VERNON
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57363 With the following modifications:
 (State)

Date of first receipt of application _____, 19____
 Date of return to applicant for correction, amendments or changes required _____, 19____
 Date of receipt of corrected application _____, 19____
 Approved _____, 19____, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. _____

The Water Rights Commission hereby grants and issues this Water Right Permit No. _____ 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 _____, 19____
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____, 19____
3. The whole of said work is to be completed on or before _____, 19____
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is _____, 19____
5. The water appropriated shall be used for the purpose of _____
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 _____ 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 _____, 19____; said water to be used during the following described annual period: _____

Witness my hand this _____ day of _____, 19____

WATER RIGHTS COMMISSION

By: _____
 Chief Engineer, Executive Officer

Date of Construction Issued _____, 19____
 Date Issued _____, 19____

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type _____, Diameter _____, Length _____
- (4) Gravel Pack. Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

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

*Log will be provided by driller

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

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

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

On same owner's property 91 rds. On property owned by others 240 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.

David Estabrook
Signature of Applicant

HURON DRILLING INC. DRILLERS LOG

PAGE NO.

David Estabrook

NE-25-105-62

6-29-76

12

Lloyd Peterson

JOB NAME

LOCATION

DATE _____

RIG NO.

FOREMAN, Jr.

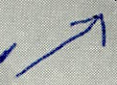
FOREMAN

[illegible]

Farm # 5M144

223.0

1-8

the well is 200' 
from this corner N-E 25
No 3929-3
David Estabrook

4.6

1.9

8.3

25

66.0

57.1

15.9

13.9

53.3

30.0

105.62

101.4

N 1/2 - 25

11.4

230.9

1-8

HURON DRILLING INC.
WELL LOCATION MAP

NAME David Estabrook

DATE February 18, 1977 19

WELL NO. # 1

NE

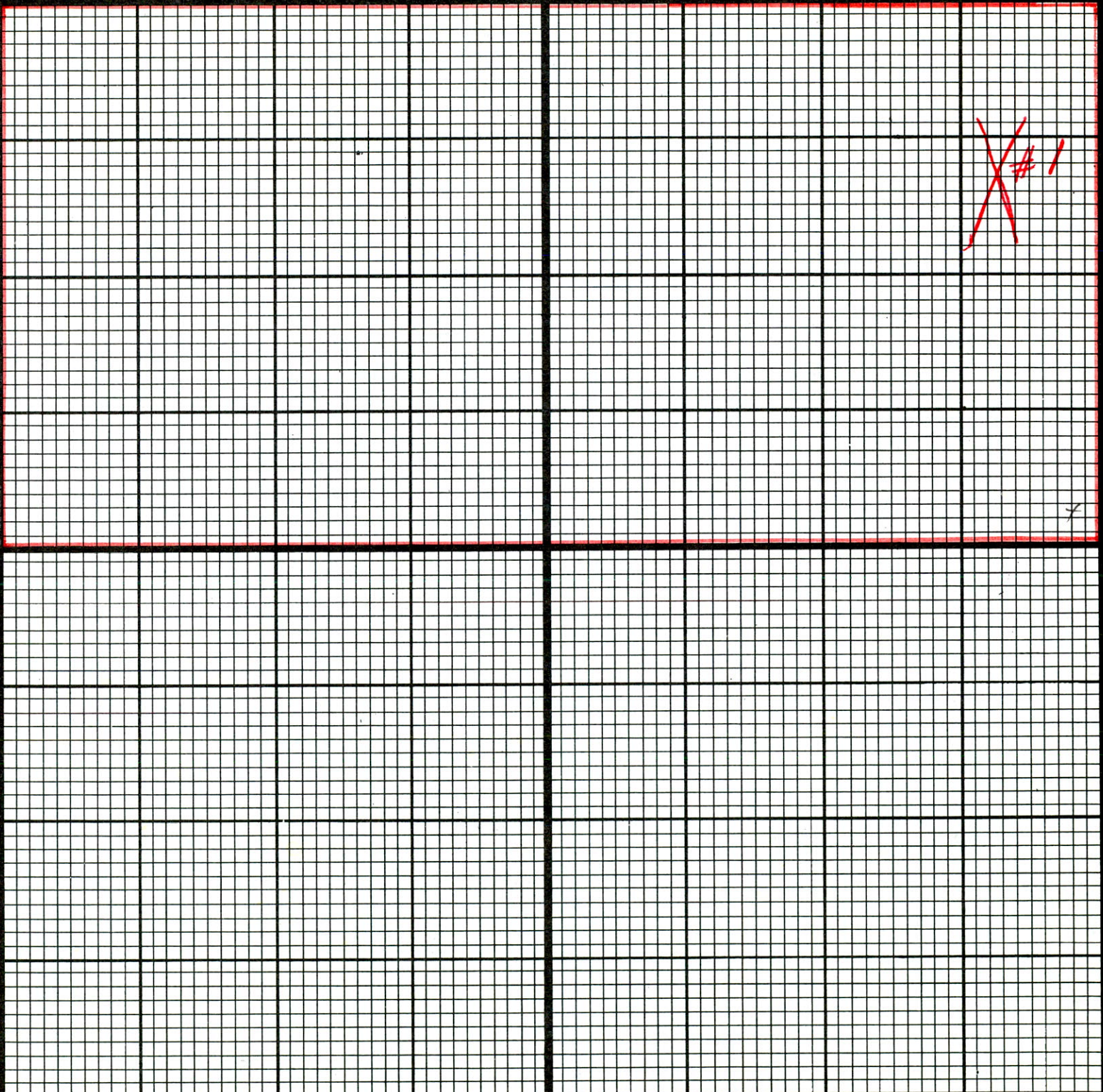
QUARTER, SECTION 25

TWP. 105

RANGE 62

IN Sanborn

COUNTY



X — PROPOSED LOCATION

Prepared By

Dick Fadgen

Dick Fadgen
Beadle County Extension Agent

MAP NO 3181-3
APR 29-3

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 5471

PIERRE, February 22, 1977

Fund 290

RECEIVED OF David Estabrook, Mount Vernon

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

Fee for Application for Permit to Appropriate Water No. <u>3929-3</u> (examination, processing, recording and filing) -----	8	00
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 -----		
Fee for certified copy of -----		
Fee for Print copy of map -----		
Fee for Certifying -----		
Fee for -----		
(any other work as provided by law)		
TOTAL	8	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

3929-3

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

Submitted by: David Estabrook
 Address: Mt. Vernon, SD 57363
cc: Huron Drilling, Inc.
P.O. Box 1422
Huron, SD 57350

Date Rec'd: February 22, 1977
 Sample No. 77-316
 Identification #2 Well-140'
NE1, Sec. 25, T 105N, R 62W

WATER ANALYSIS

Calcium (Ca)	8	ppm*	0.40	me/l**
Magnesium (Mg)	0	ppm	0.00	me/l
Sodium (Na)	351	ppm	15.27	me/l
Potassium (K)	7	ppm	0.18	me/l
Sulfate (SO ₄)	300	ppm	6.24	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	37	ppm	1.04	me/l
Bicarbonate (HCO ₃)	356	ppm	5.84	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		g.p.g.***
Hardness (EDTA as CaCO ₃)		ppm		
Alkalinity (Methyl Orange)	292	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1548	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	34.15			
Sodium	96.24	% of cations		
Residual sodium carbonate	5.14	me/l		
pH	8.18			
Others:				

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

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

COMMENTS: Total cations 15.85 me/l
 Total anions 13.12 me/l

By: Shirley Litten

Service Performed	Amount Due
Irrigation analysis	\$15.00 PAID

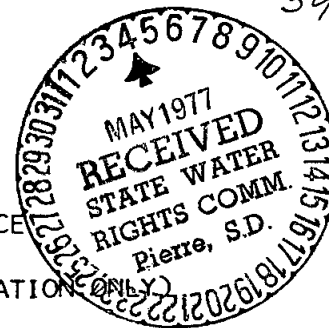
Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 77-316

Amount Enclosed \$

Signed



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)

NAME David Etalbrook
ADDRESS 915. Wernon
COUNTY S. Dak.

LEGAL DESCRIPTION

1. WELL LOCATION 100 rods south east of the center of the north east corner of 25
2. LOCATION OF AREA TO BE IRRIGATED N 1/2 Section 25 T105N, R62W

TYPE OF IRRIGATION

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

WATER QUALITY

5. SAMPLE NUMBER	<u>77-314</u>	New Sample <u>dy</u> 1 = 77-600
6. SALINITY (EC x 10 ⁶)	<u>1548 (high)</u>	<u>1500</u>
7. SODIUM (SAR)	<u>34.15 (Extreme)</u>	<u>1.2</u>
8. RESIDUAL SODIUM CARBONATE (meq/l.)	<u>5.44 !!</u>	<u>0.00</u>

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 Harvey 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.

NE 1/4 25

David Etalbrook
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
12th DAY OF Feb 19 77.

Phyllis J. Bremer
(TITLE OR SEAL) Natany Tucker

Albert J. J. J.
APPROVED/DISAPPROVED



No. 3929-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss, Building,, Pierre, South Dakota 57501

Phone 605/224-3151

May 5, 1977

David Estabrook
Mt. Vernon, SD. 57363

Dear Mr. Estabrook:

You are hereby notified that your irrigation

Application No. 3929-3 for a permit to appropriate water from

ground water

through the David Estabrook-Unit # 2

has been examined and found to comply with the water laws of South Dakota and the regulations thereunder. A notice of your intent to appropriate water has been

sent to the Publisher of the Daily Republic printed at

Mitchell, South Dakota for your information, a copy of this

notice is enclosed.

The Publisher of the Daily Republic has been instructed that he is to publish the notice of your proposed appropriation of water once a week, for two consecutive weeks after you have verified that the notice is to be published. The Publisher has also been informed that you are to pay the cost of publication and that you should make the necessary arrangements with him to pay these costs.

You should know that the publisher is to furnish proof of publication to the Water Rights Commission within 60 days of the date of this letter, otherwise South Dakota statute requires that your application lose its priority until proof of publication is received in proper form.

Encl: cc forms 6 and 7

Receipt # 4 5471

BFJ/bw

Respectfully,
WATER RIGHTS COMMISSION

By:

James Winterton
Water Rights Specialist



Department of Natural Resource Development

WATER RIGHTS COMMISSION

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

May 5, 1977

Jerry Putjenter, Publisher
Daily Republic
Mitchell, SD 57301

Dear Mr. Putjenter:

Enclosed is a Notice of Intent to Appropriate Water by David Estabrook
Application No. 3929-3, who proposes to divert water from ground water
David Estabrook-Unit # 2 in Sanborn County, So. Dak. Please
publish this notice once a week for two consecutive weeks in your paper, the
Daily Republic as provided for in SDCL 46-5-17, as amended. The first
publication should be on, or before May 12, 19 77.

The Applicant should verify to you that the notice is to be published, before you make
the first publication. The applicant is to pay the costs of publication and should
make the necessary arrangements with you to pay these costs.

Please receipt for this notice immediately after first publication attaching thereto
a copy of the first publication so that it may be compared with the records. For your
convenience, you may use the printed form below for this purpose.

After final publication, please complete the enclosed Form No. 8 to furnish Proof of
Publication. The permit to Appropriate Water cannot be issued until this proof of
final publication is received. This Proof of Publication must be filed within 60 days
of this notice for the applicant to retain his priority.

Encl: Forms 6 and 8

Sincerely, WATER RIGHTS COMMISSION

cc: Applicant

JAMES WINTERTON, Water Rights Specialist

No. 3929-3
TO: WATER RIGHTS COMMISSION
Joe Foss Building
Pierre, South Dakota 57501
Dear Sirs:

Date _____, 19____

We are in receipt of your letter of _____, 19____ enclosing Notice of
Proposed Appropriation of Water, as proposed in Application No. _____, which
was first published in our issue of _____, 19____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Sincerely,

No. 3929-3Publish first publication, on or before May 12, 19 77**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

May 5, 19 77Notice is hereby given that David Estabrookwhose post office address is Mt. Vernon, 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 use2.28 cubic feet of water per second of time from ~~the~~ ground water through the David Estabrook-Unit # 2, the point of diversion of which is to be located in the _____NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Twp. 105N, Range 62W. Said water to be used for the purpose of providing irrigation on ^{portions of} the following described land:N $\frac{1}{2}$, Section 25, T105N, R62W

This application No. 3929-3 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 WINTERTON
Water Rights Specialist

BFJ/bw

cc: David Estabrook, Mt. Vernon, SD 57363

No. 3929-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Davison)

I, Gerald Putjenter hereby

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

Water was taken from the DAILY REPUBLIC

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 Mitchell

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

May 11, 1977

May 18, 1977

Gerald Putjenter
(Signature)

Publisher
(Title)

May 18, 1977
(Date Signed)

NOTICE INTENT TO
APPROPRIATE WATER

Pierre, South Dakota 57501

Notice is hereby given that
David Estabrook whose post
office address is Mt. Vernon,
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
2.28 cubic feet of water per
second of time from ground
water through the David
Estabrook Unit No. 2, the point of
diversion of which is to be located
in the NE 1/4 NE 1/4 of Section 25,
Twp. 105N, Range 62W. Said
water to be used for the purpose
of providing irrigation on por-
tions of the following described
land: N 1/2, Section 25, T105N,
R62W.

This application No. 3929-3 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 in-
terested persons may appear and
be heard.

WATER RIGHTS
COMMISSION
By: JAMES WINTERTON
Water Rights Specialist



MAY 6 1977



No. 3929-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

June 6, 1977

Phone 605/224-3151

David Estabrook
Mt. Vernon, S.D. 57363

Dear Mr. Estabrook:

The Water Rights Commission deferred action on your Application

No. 3929-3 at the May 25-26, 1977 Commission meeting, pending investigation by the Commission Staff.

Although your Application has been deferred, it does retain the original priority date established when the Application was received. You will be notified when the Application will be reconsidered by the Commission.

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

Very truly yours,

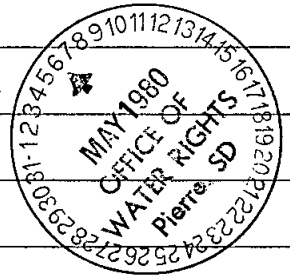
JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bw

May 5, 1980.

Water rights Commission.

Dear Sirs:



I would like application
number 3924-3 brought up
at your May meeting 1980.

It was deferred May 25 1977.

Dave Estabrook

SOUTH DAKOTA Department of
Water & Natural Resources

Joe Foss Building
 Pierre, South Dakota 57501

Water Rights, Water Management Division
 (605) 773-3352

May 8, 1980

David Estabrook
 Mt. Vernon SD 57363

Carl Estabrook
 Mt. Vernon SD 57363

Gentlemen:

This is in reference to the written request submitted by David Estabrook that his deferred application No. 3929-3 be considered by the Water Management Board at its regular meeting May 22 and 23, 1980. David Estabrook presently has two deferred Applications No. 3744-3 and 3929-3 and Carl Estabrook has deferred Application No. 3008-3 all in the same area.

In carefully checking over the three applications, the following information will be required before further consideration by the Board:

1. Application No. 3744-3 (NW $\frac{1}{4}$, Section 27, T105N, R62W) is in order but, we will need signed map or aerial photo (see attached instructions) showing the exact location of the well in rods or feet from the nearest corner or quarter section and showing the lands to be irrigated. The map we received with the application is not adequate.
2. For Application No. 3929-3 (N $\frac{1}{4}$, Section 25, T105N, R62W), we will need a signed map or aerial photo with the same information as above. Also, the WI-1 form and the application show the well to be in different locations. These location differences will need to be corrected and it may be necessary to readvertise this application.
3. For Application No. 3008-3 (NE $\frac{1}{4}$, Section 27, T105N, R62W) we will need a signed map or aerial photo with the same information as above. This application is also senior in priority to the other two applications.

It is doubtful that more than one application could and would be approved by the Board in your immediate area at one time. I believe the two of you should decide the order in which you want the three applications considered and send a letter stating such.

In accordance with the statutes, you have 60 days from the date of this letter to make the above corrections in order to retain the original priority dates.

Very truly yours,

JOHN HATCH, Chief Engineer
 Water Rights, WMD

JH:kw

Equal Opportunity Employer

John Hatch

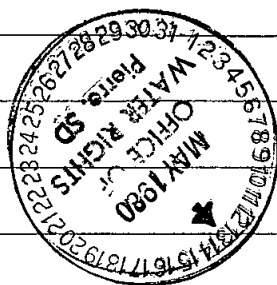
my son and I have decided we
would like application 3929-3
brought up at the next meeting

we would like 3744-3 and 3008-3
brought up at a later date

thank you

Carl Estabrook

David Estabrook



**SOUTH
Dakota**
Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 ● Pierre, South Dakota 57501
Phone 605/773-3258

May 13, 1980

Mr. John Hatch
Chief Engineer, Water Rights
Water Management Board
Foss Building
Pierre, South Dakota 57501



RE: REQUEST FOR CONTINUANCE ON WATER RIGHT APPLICATION
NOS. 3744-3, 3929-3, and 3008-3.

Dear Mr. Hatch:

Enclosed please find for filing the original request
to the Water Management Board for a continuance on
water right application nos. 3744-3, 3929-3, and 3008-3.

This is intended as service upon you as required by law.

Thank you.

Sincerely,

Wynn Sudtelgte

Wynn Sudtelgte
Program Director/Irrigation
Division of Conservation
Room 322, Anderson Building
Pierre, South Dakota 57501
Telephone: (605) 773-3259

WS:dt

Enclosure as stated



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322

Pierre, South Dakota 57501

Phone 605/773-3258

RECEIVED

MAY 13 1980

DEPT. OF WATER &
NATURAL RESOURCES

g. Hatcher

May 13, 1980

Mr. Warren R. Neufeld, Secretary
Department of Water and Natural Resources
Foss Building
Pierre, South Dakota 57501

RE: REQUEST FOR CONTINUANCE ON WATER RIGHT APPLICATION
NOS. 3744-3, 3929-3, and 3008-3.

Dear Mr. Neufeld:

Enclosed please find a copy of the request to the
Water Management Board for a continuance on water
right application nos. 3744-3, 3929-3, and 3008-3.

This is intended as service upon you as required by law.

Thank you.

Sincerely,

Wynn Sudtelgte

Wynn Sudtelgte
Program Director/Irrigation
Division of Conservation
Room 322, Anderson Building
Pierre, South Dakota 57501
Telephone: (605) 773-3259

WS:dt

Enclosure as stated

THE WATER MANAGEMENT BOARD

DEPARTMENT OF WATER AND NATURAL RESOURCES

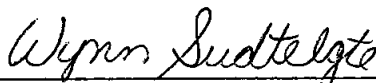
IN THE MATTER OF WATER RIGHT)
APPLICATIONS NOS. 3744-3;) REQUEST FOR CONTINUANCE
3929-3; and 3008-3.)

The Irrigation Program of the Division of Conservation, Department of Agriculture hereby prays and requests that a continuance be granted in the above-referenced water right applications, so that the Irrigation Program may validate water samples submitted in support of the soil/water compatibility permits issued on these applications. Authority for this procedure has been granted by SDCL 46-5-6.4, and the Official Attorney General's Opinion 80-2. The basis for this request is that evidence of water quality in the area, which was compiled after the soil/water compatibility permits were approved for the above water right applications, indicates that there may have been sampling errors in the water samples submitted in support of the soil/water compatibility applications for the above-referenced water right applications.

In addition, regarding Water Right Application No. 3929-3 (listed for the following lands: N 1/2, Sec. 25, T105N, R62W by the Division of Water Rights): The well location for this water right application was amended orally by David Estabrook over the telephone on May 12, 1980, so that the well location is on the following lands: the corner of the NE 1/4 of the NE 1/4 of Sec. 25, T105N, R62W. As this is not the well location previously approved on the soil/water compatibility permit for Water Right Application No. 3929-3, the Irrigation Program respectfully requests that a continuance be granted so that it may ascertain the water quality from this well.

Dated this 13th day of May, 1980.

Respectfully submitted,



Wynn Sudtelgte
Irrigation Program
Division of Conservation
Department of Agriculture

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the Request for Continuance In The Matter of Water Right Application Nos. 3744-3; 3929-3; and 3008-3 were served by United States Mail, first class, postage prepaid, upon

Carl Estabrook
Mt. Vernon, South Dakota 57363

David Estabrook
Mt. Vernon, South Dakota 57363

Warren R. Neufeld, Secretary
Department of Water and Natural Resources
Foss Building
Pierre, South Dakota 57501

John Hatch
Chief Engineer
Water Rights, Water Management Division
Foss Building
Pierre, South Dakota 57501

Dennis Decker
930 Idaho SE
Huron, South Dakota 57350

Marian B. Gunderson
811 West 3rd
Yankton, South Dakota 57078

Wendell H. Hanson
1323 South 2nd Avenue
Sioux Falls, South Dakota 57105

Raymond D. Rylance
916 University Blvd.
Mitchell, South Dakota 57301

Merwyn H. Walter
Route #1, Box 57R
Howard, South Dakota 57349

Lee Harms
3630 West Main
Rapid City, South Dakota 57701

Which are said person's last known addresses to the subscriber.

Dated this 13th day of May, 1980

NAME Wynn Sudtelgte



Department of Water & Natural Resources

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

November 6, 1986

NOTICE

TO: Carl Estabrook, Mt. Vernon, SD 57363
Carol Estabrook, RR #1 Box 51, Mt. Vernon, SD 57363
David Estabrook, RR #1 Box 51, Plankinton SD 57368

FROM: John Hatch, Chief Engineer
Water Rights Division *John Hatch*

RE: Withdrawal of Water Permit Applications No. 2863-3, 3008-3,
3744-3, 3929-3, 4003-3, 4460-3

The Water Management Board will consider withdrawal of the above Water Permit Applications at 1:30 p.m., December 10, 1986, Room 216, Joe Foss Building, 523 E Capitol, Pierre, South Dakota.

The Board has legal authority and jurisdiction to withdraw the applications pursuant to SDCL 46-2-9, 46-2-11, 46-2-17 and 46-2A-3. The following is a list of the application numbers and current status of each.

- 2863-3 (Carl Estabrook) Application is for one well, 625 feet deep located in the NW 1/4 NE 1/4 Section 6, to irrigate 135 acres in the NE 1/4 Section 6, T104N, R63W (Aurora County). The application was originally deferred and later determined to be incomplete due to lack of soil/water compatibility approval.
- 3008-3 (Carl Estabrook) Application is for one well 100 feet deep located in the approximate center of the NE 1/4 Section 27 to irrigate 170 acres in the NE 1/4 Section 27, T105N, R62W (Sanborn County). September 29, 1976, experimental pumping for one year was authorized. The pumping was never started. The Conservation Commission requested that the application not be reconsidered until the water sample was validated. No further action has been taken.
- 3744-3 (David Estabrook) Application is for one well 110 feet deep located in the NE 1/4 NW 1/4 Section 27 to irrigate 160 acres in the NW 1/4 Section 27, T105N, R62W (Sanborn County). The application has been deferred since May 25, 1977. Before this application can be reconsidered, the water sample will need to be validated.

November 5, 1986

NOTICE

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- 3929-3 (David Estabrook) Application is for one well 140 feet deep located in the NE 1/4 NE 1/4 Section 25 to irrigate 160 acres in the N 1/2 Section 25, T105N, R62W (Sanborn County). The application was deferred May 25, 1977. Before this application can be reconsidered, the water sample will need to be validated.
- 4003-3 (Carl Estabrook) Application is for one well 174 feet deep located in the center of the SE 1/4 Section 6, to irrigate 720 acres in the W 1/2 Section 6, SW 1/4 Section 5, all in T104N, R63W and W 1/2 Section 32, SE 1/4 SE 1/4 Section 31, T105N, R63W (Aurora County). The applicant stopped the newspaper from publishing the advertising notice. No further action has been taken.
- 4460-3 (Carl Estabrook) Application is for flood waters of Firesteel Creek to be pumped into a storage dam located in the SE 1/4 NW 1/4 Section 6 to irrigate Lots 1 & 2 of the NE 1/4, S 1/2 NE 1/4 & N 1/2 SE 1/4 Section 6 and W 1/2 NW 1/4, NW 1/4 SW 1/4 Section 5, T104N, R63W Aurora County). January 30, 1980, the application was deferred.

These applications have been on file for sometime and we have not heard from you regarding your intentions on these applications nor have we received any sample validation approvals or requests to give notice for hearings on the applications. I am giving notice of a hearing to withdraw the above applications to determine if you are planning to validate water samples where necessary and/or to proceed with the applications.

Following the hearing, the Board can:

- 1) Take no action, or
- 2) Withdraw certain applications or all of your applications based upon apparent lack of intent to validate water samples where necessary and/or to develop the applications, if approved and pursuant to SDCL 46-2-9.

Withdrawal of the applications by the Board will result in the applications being returned to you and forfeiture of the filing fees accept Application No. 4003-3 which has not been advertised. If you still intend to seek approval of and develop the deferred applications, please notify us in writing prior to November 26, 1986. Consideration of those applications you want to keep on file will then be removed from the agenda. Those applications still on file after December 10 that are complete will be noticed for hearing March 4, 1987. Water sample validation will need to be completed prior to July 1, 1987 for any application for which water sample validation is necessary. When we receive approval from the Conservation Commission, we will give notice of hearing on any validated sample application.



Department of Water & Natural Resources

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

December 8, 1986

Carl Estabrook
RR 1, Box 51
Plankinton SD 57368

Dear Mr. Estabrook:

This letter is in response to our telephone conversation on December 8, 1986 regarding withdrawal of several of your water permit applications.

Permit Application Nos. 3929-3 and 4460 will not be considered for withdrawals at the December 10, 1986 Board meeting as you requested. The water sample for Application No. 3929-3 needs to be validated before July 1, 1987 and Application No. 4460-3 will be rescheduled for the March 4, 1987 Board meeting. The remaining Application Nos. 2863-3, 3008-3, 3744-3 and 4003-3 listed on the November 6, 1986 notice will be considered for withdrawal by the Water Management Board.

I have also enclosed two Form 2A's for the dam located in Section 1, T104N, R64W. Please complete the forms and send an aerial photo of Section 1. I will also add the legal description of the second dam to the permit application unless you object to adding the dam in Section 1.

Please contact us if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall".

RON DUVALL
Natural Resources Engineer

RD:ks

enclosure