

Water Right Number 3935-3

1. Considered 5.26, 1977
2. Name of Applicant PEARL VIEW FARMS
3. Post Office Address CAVOUR
4. Amount of Water claimed 2
5. Source of Water supply 7-63' DEEP WELLS
6. Water to be used for IRRIGATION
- Acres to be irrigated 160
7. Water to be diverted and used in BEADLE County
about 28, 4E miles of HURON
8. Proof of Publication Received HE 5-20-77
Not Received _____
9. Application Approved 3-28-79
Subject to WI
Not Approved _____
Action Deferred _____

10. Remarks:

Map No. 3187-3 Water Division No. 3 JAMES RIVER District _____
 (Blanks to be filled by the Engineer, for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriately Water within the State of South Dakota

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

1. Name of Applicant Pearl View Farms Limited Partnership
 Postoffice address Cavour State South Dakota 57324
 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 Pearl View Farms - Unit # 5
 4. Amount of water claimed (cubic feet per second) 2.0
 5. Source of water supply Ground Water
 6. Location of point of diversion 2 Wells in the W $\frac{1}{2}$ of NE $\frac{1}{2}$ of 23-110-61

- County Beadle
 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 160

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 $\frac{1}{4}$ of NE $\frac{1}{2}$ of 23-110-61	40		
NE $\frac{1}{4}$ of NE $\frac{1}{2}$ of 23-110-61	40		
SE $\frac{1}{4}$ of NE $\frac{1}{2}$ of 23-110-61	40		
SW $\frac{1}{4}$ of NE $\frac{1}{2}$ of 23-110-61	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 2 years.
 11. Choice of newspaper for Notice of Intent to Appropriately Water publication Daily Plainsman, Huron, 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.

Center Pivot

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 Beadle)

I, Robert Ingle 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 Robert IngleSubscribed and sworn to before me this 22 day of April, 1977

Notary Public for other qualified officers

COMMISSION EXPIRES
MARCH 4, 1984

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 3935-3
PEARL VIEW FARMS 40 ROBERT INGLE, CAYOUR
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57324 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 25 19 77
 Date of return to applicant for correction, amendments or changes required _____ 19 _____
 Date of receipt of corrected application MAY 4 19 77
 Approved MARCH 23 19 79 Recorded in Book 20 Page 252

WATER RIGHT PERMIT NO. 3935-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 3935-3 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 25 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPT. 28 19 80
3. The whole of said work is to be completed on or before MARCH 28 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 28 19 84
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 2.0 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 2 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 MARCH 28 19 84; said water to be used during the following described annual period: MARCH - NOVEMBER

Witness my hand this 16th day of APRIL 19 79

WATER RESOURCES COMMISSION

By:

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 _____

Water License Issued _____ 19 _____

HUKON DRILLING INC. DRILLERS LOG

PAGE NO.

Pearl View Farms

NE-23-110-61

4-11-77

15

Dana Heinzerling

JOB NAME**LOCATION**

DATE _____

RIG NO.

FOREMAN

[illegible]

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 20", Depth 79'

(2) Casing, Type PVC Diameter 12" Thickness 1"
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type PVC Diameter 12" Length 45"

(4) Gravel Pack, Thickness 4" Length of gravel pack 50'

E. Dugout Information or Estimates. *Log will be provided by driller

(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 _____

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 2,560 rds. On property owned by others 155 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.

Rand R. Lutz
Signature of Applicant

ATION
ION
1 #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 Pearl View Farms Limited Partnership - Unit # 5
ADDRESS Cavour, South Dakota 57324
COUNTY Beadle

LEGAL DESCRIPTION

1. WELL LOCATION W $\frac{1}{2}$ of the NE of 23-110-61
2. LOCATION OF AREA TO BE IRRIGATED NE $\frac{1}{4}$ of 3-110-61

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT X GUN _____
4. CROPS TO BE IRRIGATED Corn, Alfalfa, Small Grain

WATER QUALITY

5. SAMPLE NUMBER 77-629
6. SALINITY (EC X 10⁶) 1066 (high)
7. SODIUM (SAR) 0.95 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

I do hereby certify that a chemical analysis of the ground water representative of that well to irrigate shall be acquired from South Dakota State University and:
the soils information has been acquired from Beadle 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.

Russ P. Lyle
APPLICANT'S SIGNATURE

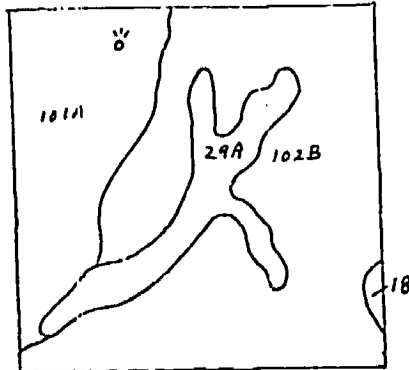
SUBSCRIBED AND SWORN BEFORE ME THIS
22 DAY OF March 19 77

Karl D. Schellberg
(TITLE OR SEAL) EXPIRES
COMMISSION EXPIRES
MARCH 4, 1984

[Signature]
APPROVED/CLERKED

(SOILS INFORMATION ON REVERSE SIDE)

SOILS MAP



NE $\frac{1}{4}$ -23-110-61

SOIL LEGEND

- 18 Tetonka-Hoven silt loams
This unit consists of poorly drained soils in enclosed depressions. Permeability is very slow, and surface drainage is lacking. Dense compact subsoils and ponding generally limit these soils for irrigation. Drainage of these soils is desirable under irrigation.

- 29A Tetonka-Dudley silt loams, 0 to 2 percent slopes
This unit consists of poorly drained soils in enclosed depressions and in swales. Permeability is very slow, and surface drainage is very slow to lacking. Dense compact subsoils limit these soils for irrigation when they are not drained.

- 101A Houdek-Prosper loams, 0 to 2 percent slopes
This unit consists of deep well and moderately well drained loamy soils with calcareous substratums. The subsoils contain 30-35% clay. Depth to the calcareous clay loam substratum ranges from 18 to 30 inches. Permeability is moderately slow. Included within these areas are small enclosed depressions and small areas of soil with claypan subsoils which contain salts. Drainage or fill of these included areas may become desirable to prevent ponding and excessive wetness.

- 102B Houdek-Prosper loams, 2 to 6 percent slopes
The Houdek and Prosper soils are described in the 101A mapping unit. The unit differs primarily in the degree of slope.

Pearl View Farm
Robert Ingle
Unit #5

Soil Conservation Service
Beadle County

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

Submitted by: Learl View Farms
 Address: Cavour, SD 57324
cc: Huron Drilling, Inc.
P.O. Box 1422
Huron, SD 57350

Date Rec'd April 21, 1977
 Sample No. 77-629
 Identification Well-65#5
NE1, Sec. 23, T 110N, R 61W

WATER ANALYSIS

Calcium (Ca)	148	ppm*	7.40	me/l**
Magnesium (Mg)	32	ppm	2.62	me/l
Sodium (Na)	49	ppm	2.13	me/l
Potassium (K)	6	ppm	0.16	me/l
Sulfate (SO ₄)	220	ppm	4.58	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	12	ppm	0.32	me/l
Bicarbonate (HCO ₃)	449	ppm	7.36	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	363	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1066	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.95			
Sodium	17.30	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.64			

Others:

*ppm=parts per million

**me/l=milliequivalents per liter

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

COMMENTS: Total cations 12.31 me/l
 Total anions 12.26 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. 77-629

Amount Enclosed \$.....

Signed.....

No. 3935-3Publish first publication, on or before May 12, 1977**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

May 5, 1977

Notice is hereby given that Pearl View Farms, Robert R. Ingle
whose post office address is Cavour, 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
2.0 cubic feet of water per second of time from the ground water through the
Pearl View Farms-Unit 5, the point of diversion of which ^{are} is to be located in the _____

W $\frac{1}{2}$ NE $\frac{1}{4}$ (2 wells)

of Section 23, Twp. 110N, Range 61W. Said water to be used for the purpose
of providing irrigation on the following described land:
NE $\frac{1}{4}$, Section 23, T110N, R61W

This application No. 3935-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 26th day of May, 1977, at 2:00 P.M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

JAMES WINTERTON
Water Rights Specialist

BEJ/bw

cc: Pearl View Farms, %Robert R. Ingle, Cavour, SD 57324

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

) ss.

County _____)

I, Brenda Haskett hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Huron Daily Plainsman

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 Huron

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

5-10-77

5-17-77

Brenda Haskett
(Signature)

Bookkeeper

(Title)

5-17-77

(Date Signed)

F.P. 5-10-77 L.F. 5-17-77

NOTICE INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501

May 5, 1977

Notice is hereby given that Pearl View Farms, Robert R. Angle whose post office address is Cavour, 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 2.0 cubic feet of water per second of time from ground water through the Pearl View Farms - Unit No. 5, the points of diversion of which are to be located in the W1/2NE1/4 (2 wells) of Section 23, Twp. 110 N, Range 61W. Said water to be used for the purpose of providing irrigation on portions of the following described land: NE1/4, Section 23, T110N, R61W.

This application No. 3935-3 will be considered by the Water Rights Commission at their office at Pierre upon the 26th day of May, 1977, at 9:00 a.m. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION
James Winterion
Water Rights Specialist
No. 340 (adv.)



Department of Natural Resource Development

WATER RIGHTS COMMISSION

THE STATE BUILDING, FIFTH SOUTH AVENUE, ST. PETERSBURG, FLORIDA 33701

JANUARY 19, 1978

TO: Holders of Deferred Applications for Saddle Creek
FROM: John Hatch, Chief Engineer, Water Rights Commission
SUBJECT: Reconsideration of Deferred Applications

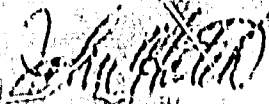
The Water Rights Commission will reconsider deferred Saddle Creek Water Right Applications at 2:00 P.M., January 23, 1978 at the South Dakota Education Association Building, 411 E. Capitol, Pierre, South Dakota.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-8, 46-2-9 thru 46-2-11, 46-2-13 thru 46-2-14, 46-5-2, 46-5-10 thru 46-5-22, 46-5-41, 46-6-3, 46-6-5, 46-6-6, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01 thru 52:01:01:13.

These Applications were deferred by the Water Rights Commission during 1977, pending Staff investigation.

After reconsideration of the deferred Applications the Commission can approve, defer, or deny all or part of any of these Applications.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Commission

JH/BFJ/bw



3935-3
BEADLE COUNTY DEFERRED

Department of Natural Resource Development

WATER RIGHTS COMMISSION

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

January 16, 1978

TO: Holders of Deferred Applications in Beadle County
FROM: John Hatch, Chief Engineer, Water Rights Commission
SUBJECT: Reconsideration of Deferred Applications

The Water Rights Commission will reconsider deferred Beadle County Water Right Applications at 4:00 P.M., January 25, 1978 at the South Dakota Education Association Building, 411 E. Capitol, Pierre, South Dakota.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-6-3, 46-6-5, 46-6-6.i, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13.

These Applications were deferred by the Water Rights Commission during 1977, pending Staff investigation.

After reconsideration of the deferred Applications the Commission can approve, defer, or deny all or part of any of these Applications.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch", written over a horizontal line.

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/BFJ/bw

3935-3



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

January 30, 1978

TO: Holders of Deferred Applications in Beadle County

FROM: John Hatch, Chief Engineer Water Rights Commission

SUBJECT: Reconsideration of Deferred Applications

This is to inform you that the Water Rights Commission reviewed your Water Right Application at the January 25-26, 1978 meeting and decided, at this time, that it remain in a deferred status pending further investigation by the Commission Staff.

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is written in a cursive, somewhat stylized script.

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/BW/gy



**Department of
Water & Natural Resources**

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3352

No. 3935-3

June 16, 1982

Pearl View Farms, Inc.
Cavour
South Dakota 57324

Dear Sirs:

The inspection of your water use system and inspection of the extent of your application of water to beneficial use, as developed under your Water Right No. 3935-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

You will also receive the Certificate of Construction as required by statute.

Sincerely,

MAREN SCHLAACK
Administrative Secretary

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

WNR-814-7/79

Notification of Water License Ready for Issuing (\$50.00)

Permit No. 3935-3Water Division 3 JAMES RIVER Water District

**REPORT 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 PEARL VIEW FARMS, INC. of CANDOR holder of Permit No. 3935-3, bearing date of priority of APRIL 25, 1977 authorizing the diversion of 2.0 cu. ft. per second of the waters of GROUNDWATER for IRRIGATION purposes, in BEADLE 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:

63' DEEP WELL WITH 16" PLASTIC CASING - 20' SLOTTED PLASTIC PIPE
WESTERN LAND ROLLER 8" PUMP - 4 STAGE - 12" BOWLS.
GE 50HP ELECTRIC MOTOR @ 1765 RPM

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

1050' OF 8" BURIED PUG TO CENTER OF PIVOT

C. Works used to apply water to beneficial use.

1 TOWER ELECTRIC DRIVE VALLEY CENTER PIVOT - 1300 LONG
WITH NELSON #100 END GUN

The system is in the following condition: GOOD

The point of diversion is located 2100' W & 570'S OF THE NE CORNER,
SECTION 23, T110N, R61W

The works are capable of diverting and conveying to the place of use 1.88 (850 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:

FOR IRRIGATING A 132 ACRE CIRCLE IN THE NE⁴
SECTION 23, T110N, R61W

comprising a total of 132 acres of land.

Date

MAY 5, 1982

(Signature)

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3935-3

(1) WHEREAS, On the 25th day of April A. D. 1977
Pearl View Farms

made Water Right Application No. 3935-3 for a permit to use 2.0 cubic feet per second of the waters of groundwater (one well)

County of Beadle, State of South Dakota, for Irrigation purposes; and

(2) WHEREAS, On the 28th day of March A. D. 1979
Permit No. 3935-3, with a date of priority of April 25, 1977

was 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 28th day of March A. D. 1982 and for the application to beneficial use of said water on or before the 28th day of March A. D. 1984

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 1.88 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,

for irrigating a 132 acre circle in the NE 1/4, Section 23, T110N, R61W

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Pearl View Farms, Inc.

_____ of Cavour, South Dakota
the holder, _____ and owner _____ of said permit No. 3935-3 a water right, dating from April 25, 1977
_____ to use of 1.88 cubic feet per second of the waters
of groundwater (one well)
in the County of Beadle and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 2100'W and 570'S of the NE corner,
Section 23, T110N, R61W

and conducted to and upon a 132 acre circle in the NE 1/4, Section 23, T110N, R61W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 3935-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 2nd day of July A. D.
Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No 3935-3

Water Diversion No. 3 James River Water District

10160006

CERTIFICATE OF CONSTRUCTION

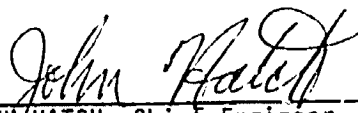
This is to Certify, That Pearl View Farms, Inc.

_____ the holder _____ of
Permit No. 3935-3, issued upon Application No. 3935-3, bearing date of priority of April 25,
1977 authorizing the diversion of 2.0 cu. ft. per second of the waters of _____
groundwater (one well) County of Beadle, State of South Dakota at _____
a point 2100'W and 570'S of the NE corner, Section 23, T110N, R61W

_____, for Irrigation

purposes, has 5 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 1.83 cu. ft. per second of water.

Date July 2, 1982



JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8870

PIERRE, June 27, 1912

RECEIVED OF Pearl View Farms, Robert R. Ingle, Cavour, South Dakota 57324

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. 2225-3	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 3935-3		
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	50	00

WATER RIGHTS COMMISSION

By John H. H. H.
Chief Engineer, Executive Officer
JOHN H. H. H.

 **Department of
Water & Natural Resources**

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

February 8, 1989

ROBERT INGLE
PEARL VIEW FARMS
RR 1 BOX 151
CAVOUR, SD 57324

NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 3935-3, 1793-3, 1794-3, 1795-3, 1796-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

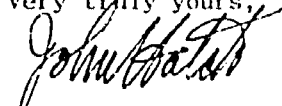
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s). 3935-3, 1793-3, 1794-3, 1795-3, 1796-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,



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



SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 24, 1989

1793-3
1794-3
1795-3
1796-3
3935-3

Robert Ingle
Pearl View Farms
RR #1 Box 151
Cavour, SD 57324

Dear Mr. Ingle:

I am writing to acknowledge receipt of your 1988 irrigation questionnaires for Water Permit Nos. 1793-3, 1794-3, 1795-3, 1796-3 and 3935-3. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaires your name has been deleted from the March Water Management Board meeting agenda.

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

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division



3935-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 2001

Wilkinson Law Firm
Attention: Janelle
PO Box 29
DeSmet, SD 57231-0029

RE: Pearl View Farms

Dear Janelle:

Enclosed as we discussed, are copies Water Right Nos. 1795-3, 1796-3 and 3935-3 held by Pearl View Farms in Beadle County. It is my understanding that the current owner of the land is putting the land up for sale.

Along with the copies I wanted to take this opportunity to make you aware that two of the water rights may be subject to cancellation for abandonment and/or forfeiture. A quick review of the files indicates that land described in 1795-3 was last irrigated in 1990 and land described in 1796-3 was last irrigated in 1992.

Under South Dakota water laws, water must be placed to beneficial use at least once every three years in order to maintain a water right. This three-year period may be waived if legal excuse exists for not irrigating. Legal excuse as defined in Water Management Board Rules includes, but is not limited to, the following: 1) unavailability of water to satisfy a permit or right; 2) legal proceedings which prevent the use of water; or 3) water use under existing climatic conditions would result in a waste of water. I have enclosed a brief overview of the water laws and Water Management Board rules dealing with these issues.

The final determination on whether a water right is valid is ultimately a decision of the Water Management Board. If, after reviewing this letter and the enclosed excerpts, there remains uncertainty as to whether the water rights may be subject to cancellation, you may file a declaratory ruling request. We can then proceed to bring the matter before the Water Management Board for a final determination.

If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures

File No. 1795-3
1796-3
3935-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Larry Graf

DATE: March 1, 2001

TELEPHONE: (908) 233-1734

RE: Pearl View Farms water rights

COMMENTS:

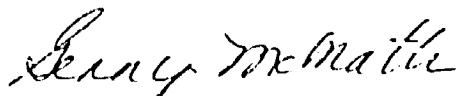
Mr. Graf called concerning a letter I had written February 16th to Wilkinson Law Firm in DeSmet. My letter concerned questions regarding possible abandonment of Water Rights held by Pearl View Farms (Nos. 1795-3 & 1796-3).

Mr. Graf explained that he was selling the land and expected to have sealed bids ready by next week. He said he had been saying that the land had water rights on it and wondered if he should be selling it as such. I explained what the law said regarding use of water for irrigation and what constituted legal excuse for nonuse of water. He said he knew for a fact that the land had not been irrigated because it has been wet enough that they didn't need to irrigate.

I reviewed the past 10 years irrigation questionnaires for these water rights. There were sporadic comments about it being too wet to irrigate. Most of the forms did not list a reason. No. 3935-3 has been irrigated every couple years -- sometimes a comment appeared that said part of the field was too wet.

Mr. Graf did say that irrigation systems were present on the land. He asked if he could list the water rights as being valid on his bill of sale. I told him at this time we would not pursue cancellation for abandonment and/or forfeiture, however I could not legally tell him that his water rights were valid. The WMB would be the only entity that could address the issue. If he wanted a legal opinion, he would have to petition the WMB for a declaratory hearing on the issue.

He said he understood and would word documents accordingly.



Genny McMath
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 17, 2001

3935-3

Ross Halter
21261 405th Ave
Cavour, SD 57324

Dear Mr. Halter:

Enclosed, as requested, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with Water Right No. 3935-3. The water right is currently listed in the name of Pearl View Farms. I have enclosed a copy of the water right for your review.

Please review the transfer form and complete as needed. Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the "Water Rights Program".

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416840

Pierre, May 22

2011

RECEIVED OF Ross Walter, 21261 405th Ave., Cavout, SD 57324
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 Filling Transfer Form 393503

Fee for Filling Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

Harland Erbe
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3935-3

Date: 5-21-01



I/We request that Water Right No. 3935-3

formerly owned by: Pearl View Farms, 40779 215th St, Cavour, SD 57324

be transferred to: (name & address) Ross Halter

21261 405th AVE, Cavour S.D. 57324

Telephone No. 605-352-8123

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

132 acres in the NE 1/4 Section 23, T110N, R61W

I/We understand that the validity of Water Right No. 3935-3 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 with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF SOUTH DAKOTA)

County of Beadle)

I/We Ross Halter 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.

Ross Halter

(Signature of new owner)

Subscribed and sworn to before me this 21st day of May, 2001.

[Signature]
(Notary Public)

Commission Expires 5-17-2005

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.



May 22, 2001

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www7.state.sd.us/denr

3935-3

Ross Halter
21261 405th Ave
Cavour, SD 57324

Dear Mr. Halter:

Thank you for following up on the ownership change for Water Right No. 3935-3. The transfer has been completed and the water right once held by Pease View Farms is now listed in your name.

Enclosed is your Receipt No. 416840 in the amount of \$2.50. You may keep this for your records.

Also enclosed is a sample copy of the annual irrigation questionnaire. This will give you an idea of what type of information you need to keep track of during the irrigation season. Water Management Board Rules require submission of the irrigation questionnaire on a yearly basis. The actual form that will need to be completed and returned to us will be mailed to you in October.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures



3935-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2002

NOTICE

TO: ROSS HALTER, 21261 405TH AVE, CAVOUR, SD 57324

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire has not been submitted for Permit No(s) 3935-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 13, 2002, in the Visitor Center (west bank of Capitol Lake), 650 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3935-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 8, 2002, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing in-paired.

3935-3.

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

ROSS HALTER
21261 405TH AVE
CAVOUR SD 57324

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) R. Date of Delivery

1/17/02

C. Signature

X *Ross Halter*

☐ Agent
☐ Addressee

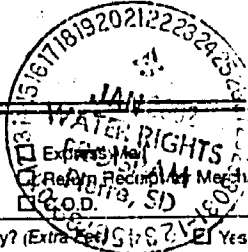
D. Is delivery address different from item 1? ☒ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail
- ☐ Registered
- ☐ Insured Mail

☐ Express Mail
☐ Return Receipt for Merchandise
☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes



2. PS Form 3811, July 1999 7001 2510 0004 4797 5200

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-1182
www.state.sd.us/denr

January 17, 2002

3935-3
4123-3

Ross & Glen R Halter
21261 405th Ave
Cavour, SD 57324-7602

Dear Sirs:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right Nos. 3935-3 and 4123-3.

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

If you have any questions, please contact me.

Sincerely,

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



3935-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: ROSS HALTER, 21261 405TH AVE, CAVOUR, SD 57324

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit No. 3935-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 2, 2005, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No. 3935-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire is received in this office on/or before February 25, 2005, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, please contact Genny McMath at (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



3935-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 1466

Your item was delivered at 12:13 pm on January 21, 2005 in CAVOUR, SD 57324. The item was signed for by E HALTER.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

[Go >](#)



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Preserving the Trust

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Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 1466

ROSS HALTER
21261 405TH AVE
CAVOUR SD 57324

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

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

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail®
☐ Package Services

(See Reverse)

PS Form 153, July 2001



3935-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 2005

3935-3
4123-3

Ross & Glen Halter
21261 405th Ave
Cavour SD 57324

Dear Sirs:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 3935-3 and 4123-3.

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

If you have any questions, please contact me.

Sincerely,

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

NOT TO SCALE

110-61

108.7

Y

378-79 L



Joe L. Sutter

92.4

Y

110-61

1540

570

2100

well

8" PUC
1050'

23

Pearl View

126.9

5.3

Dox
Boos

4.5

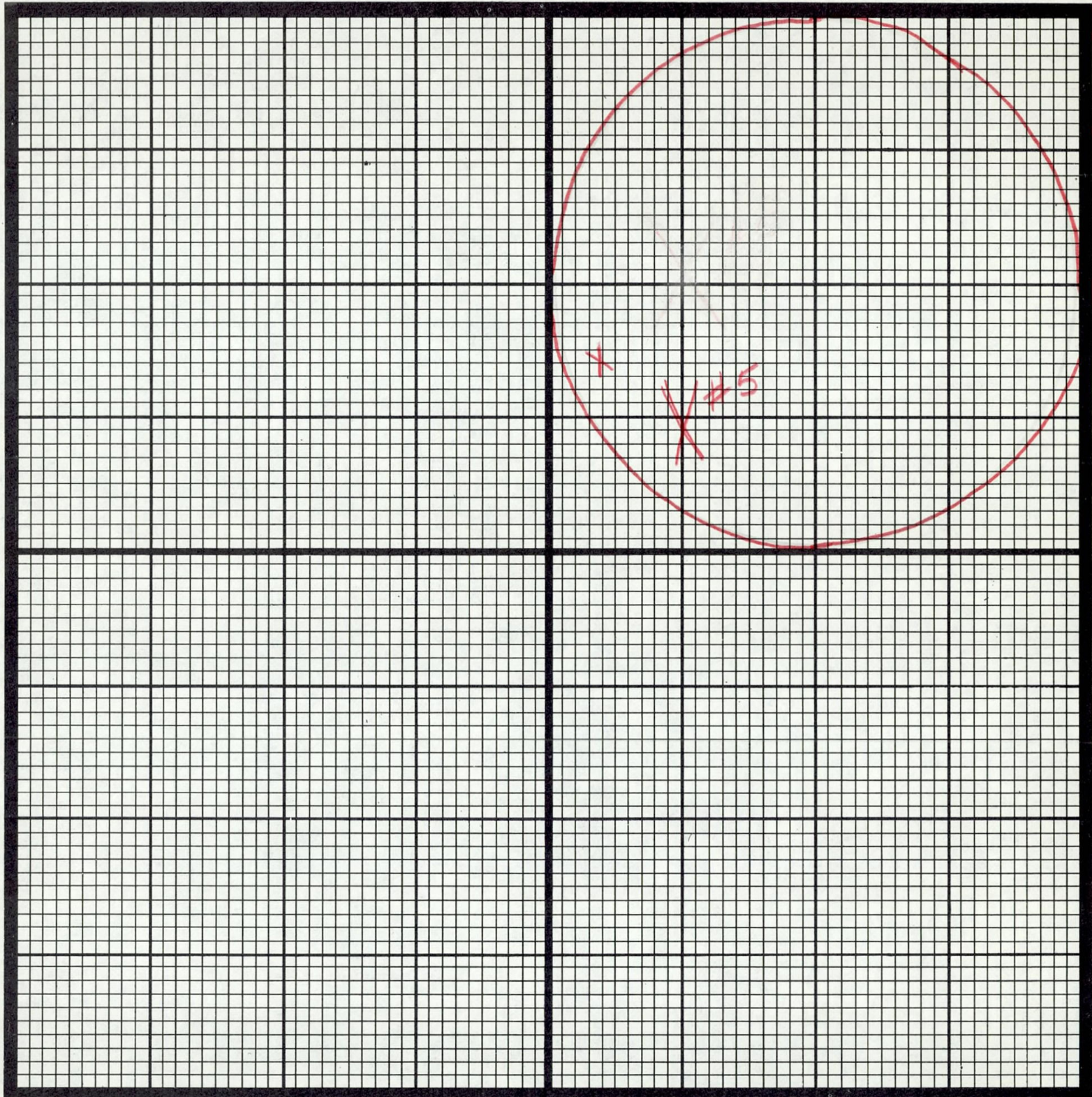
1.4

Mark W. Sutter

Appl No. 3935-3

HURON DRILLING INC.
WELL LOCATION MAP

NAME Pearl View Farms _____ DATE April 18 19 77
WELL NO. #5 _____ NE QUARTER, SECTION 23
TWP. 110 RANGE 61 IN Beadle County COUNTY



X — PROPOSED LOCATION

Prepared By Dick Fadgen
Dick Fadgen
Beadle County Extension Agent

MAP NO 3187-3 (APR 18 1977)



December 15, 2006

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

3935-3

Ross Halter
21130 404th Ave
Huron SD 57350

Dear Mr. Halter:

I am writing to acknowledge receipt of your irrigation questionnaires.

The irrigation questionnaire for Water Right No. 3935-3 is being returned to you for completion. The form was marked "yes" for irrigation but nothing was written on the back of the form. Please complete the questionnaire and return it to us by December 29th.

Enclosed is a postage paid envelope for your convenience in returning the completed questionnaire. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures