

Water Right Number 3960-3

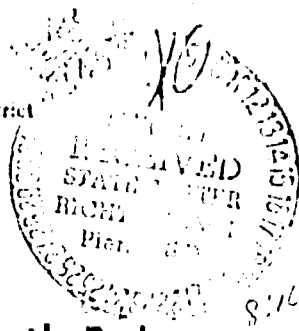
1. Considered 7-27, 19 77
2. Name of Applicant MILB WALLUM
3. Post Office Address DE SMET
4. Amount of Water claimed 1.86
5. Source of Water supply 60' DEEP WELL
6. Water to be used for IRRIGATION
- Acres to be irrigated 130
7. Water to be diverted and used in KINGSBURY County
about 15 miles of DE SMET
8. Proof of Publication Received 6-27-77
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

10. Remarks:

No. 3950-3Map No. 3211-3Water Division No. 3James River

District

(Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant Milo Wallum
 Postoffice address De Smet, State South Dakota
 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 _____
4. Amount of water claimed (cubic feet per second) Two Cubic Feet per second
5. Source of water supply Well
6. Location of point of diversion proposed location of well - 1280' W of E. Quarter Line and 1280' S. of N. Quarter Line NE 1/4 4-110-56, Kingsbury County

County Kingsbury

7. Annual period or periods during which water is to be used May through September
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) approx. 130 acres
9. For irrigation use, 130 Total number of acres to be irrigated

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE 1/4 4-110-56	130		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 years years. Additional time required to complete application of water to the proposed beneficial use none years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication The De Smet News, De Smet, S. Dak.

12. Principal Features of the Proposed Water Supply System.

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

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

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ 30,000.00

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 KingsburyI, Milo Wallum

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 Milo WallumSubscribed and sworn to before me this 28th day of February, 1977

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3960-3

MILLO WALLUM
(Applicant)

De Smet
(Post Office Address)

SOUTH DAKOTA 57231
(State)

With the following modifications:

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 9, 19 77
Date of return to applicant for correction, amendments or changes required MARCH 18, 19 77
Date of receipt of corrected application MAY 16, 19 77
Approved JULY 28, 19 77, Recorded in Book 19 Page 8

WATER RIGHT PERMIT NO. 3960-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3960-3 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 9, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 28, 19 78
3. The whole of said work is to be completed on or before JULY 28, 19 79
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 28, 19 79
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 1.86 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 JULY 28, 19 79; said water to be used during the following described annual period: MAY THRU SEPTEMBER

Witness my hand this 15TH day of AUGUST, 19 77

WATER RIGHTS COMMISSION

By:

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

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 32", Depth 60'
- (2) Casing, Type Steel Diameter 16" Thickness 1/8"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type Stainless Steel, Diameter approx. 16", Length 15'
- (4) Gravel Pack, Thickness 8", Length of gravel pack 60'

E. Dugout Information or Estimates.

- (1) Surface dimensions n/a, 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 gravel

Depth to top of water bearing material 15' - 18'

Depth to bottom of water bearing material approx. 60'

Thickness of water bearing material approx. 45'

Depth to water (ground surface to water level) 15' - 18'

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

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

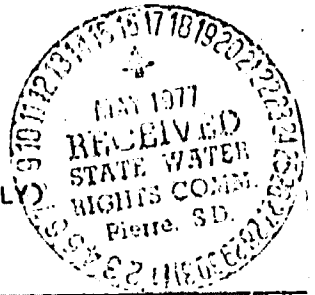
G. Water Storage Dams.

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.

Mike Wall
Signature of Applicant

CONSERVATION
COMMISSION
FORM W1 11

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 Milo Wallum
ADDRESS De Smet, South Dakota
COUNTY Kingsbury

LEGAL DESCRIPTION

1. WELL LOCATION NE¼ 4-110-56
2. LOCATION OF AREA TO BE IRRIGATED 1280'S. of N. Section Line and 1200 ft. W. of E. Section Line

TYPE OF IRRIGATION

3. GRAVITY TOW LINE X CENTER PIVOT GUN
4. CROPS TO BE IRRIGATED Alfalfa

WATER QUALITY Mailed to Water Quality Laboratory, Brookings, S. Dak.

5. SAMPLE NUMBER
6. SALINITY (EC X 10⁶)
7. SODIUM (SAR)
8. RESIDUAL SODIUM CARBONATE (meq/l.)

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 Donald Bohn Conservation District, County Extension Office or Soil Conservation Service Soil Conservation Service and: that the legal description for the location of the well and land to be irrigated is true and correct.

Milo Wallum
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
28 DAY OF 19 77

(TITLE OR SEAL)

(SOILS INFORMATION ON REVERSE SIDE)

APPROVED/DISAPPROVED

N 1
MAP 3 11 12
2-1



- NEGATIVE
- II Deep, loamy, well and moderately well drained soils on better lands that sometimes receive beneficial overflow. They have few or no limitations in use.
- IIIs3 Moderately deep, well drained soils with 20 to 40 inches of loamy material over sand and gravel on nearly level (0 to 3%) upland slopes. Sandy and gravelly subsoils and substrata limit water storage capacity and rooting depths.
- IIIs2 Deep, loamy, well drained soils on gently undulating (2 to 6%) slopes. They have a moderate water erosion hazard.
- IIIs1 Deep, clayey, firm, poorly drained soils on bottom lands that are sometimes flooded. Time of tillage is often delayed by wetness and yields are affected.
- IIIs1 Deep, loamy, well drained soils on undulating and sloping (4 to 9%) upland and eroded soils on gently undulating (2 to 6%) uplands. They have moderate to severe water erosion hazards.
- IVs.. Moderately deep, well drained soils with 20 to 30 inches of loamy material over gravel and sand on undulating (4 to 9%) slopes and eroded soils on gently undulating (2 to 6%) slopes. They have limited water holding capacity and moderate to severe water erosion hazard.

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

To: Griffiths

Submitted by: Kilo Wallum
Address: Rt. 2
Dakota, SD 57231

Date Rec'd April 22, 1977
Sample No. 77-634
Identification #2 Well-
B2, Sec. 4, T 110N, R 56E

WATER ANALYSIS

Calcium (Ca)	159	ppm*	7.95	me/l**
Magnesium (Mg)	56	ppm	4.59	me/l
Sodium (Na)	31	ppm	1.35	me/l
Potassium (K)	4	ppm	0.10	me/l
Sulfate (SO ₄)	370	ppm	7.70	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	9	ppm	0.25	me/l
Bicarbonate (HCO ₃)	434	ppm	7.12	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)	356	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1245	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.54			
Sodium	9.64	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.78			

Others:

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 13.99 me/l
Total anions 15.07 me/l

By: Shirley Kitten

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. 77-634

Amount Enclosed \$

Signed

WILKINSON & STEELE
103 SECOND STREET
DE SMET, SOUTH DAKOTA 57231

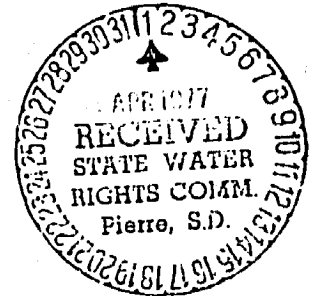
HARRY J. EDDEN
1922 - 1969

ELLSWORTH F. WILKINSON
RODNEY J. STEELE

OFFICE OF STATES ATTORNEY

TELEPHONE 605--854-3378
605--854-3379

March 30, 1977



Department of Natural Resource Development
Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Attention: Betty Westlund, Technical Assistant

Re: Milo Wallum - Maps

Dear Ms. Westlund:

Pursuant to your request enclosed herewith are maps showing the proposed location of the wells for Mr. Wallum. These maps are duly signed by a registered professional engineer. If there is anything further please advise. Thank you.

Sincerely yours,

WILKINSON & STEELE

Rodney J. Steele
By: Rodney J. Steele

RJS:ew
Enc.

No. 3960-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Kingsbury) ss.

I, Dale Blegen hereby

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

Water was taken from the De Smet News

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

City of De Smet

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

June 15, 1977

June 22, 1977

Dale Blegen
(Signature)
Public
(Title)
6/24-77
(Date Signed)

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

No. 3960-3
Pierre, South Dakota 57501
June 9, 1977

Notice is hereby given that Milo Wallum whose post office address is Le Smet, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11; 46-2-18; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22; 46-5-41; Ground Water 46-6-3, 46-6-5, 46-6-8; 46-6-10, 46-6-14 and Commission Rule ARSD 52:01:01:01 thru 52:01:01:18, for a permit to appropriate for beneficial use 1.86 cubic feet of water per second of time from ground water through the Wallum #1, the point of diversion of which is to be located near the Center of NE 1/4 of Section 4, Twp. 110N, Range 56W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE 1/4, Section 4, T110N, R56W.
This Application No. 3960-3 will be considered by the Water Rights Commission at the Stanrolite Inn, Brookings, S. D. upon the 27th day of July, 1977, at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION
James Winterton
Water Rights Specialist
6-15 2wc-6-22



No. 3960-3

July 14, 1977

Publish first publication, on or before _____

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 9, 1977

Notice is hereby given that Milo Wallum whose

post office address is De Smet, South Dakota, has made an application 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, ~~Future Use 46-5-38,~~ ~~Temporary Permit 46-5-39, 46-5-40;~~ Ground Water 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, ~~Future Use 52:01:01:21~~

~~thru 52:01:01:24~~, for a permit to appropriate for beneficial use 1.86 cubic feet

of water per second of time from ~~the~~ ground water through

the Wallum #1 the point of diversion of which is

to be located ~~backback~~

near the Center of NE 1/4

of Section 4, Twp. 110N, Range 56W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE 1/4, Section 4, T110N, R56W

This Application No. 3960-3 will be considered by the Water Rights Commission

at the Staurelite Inn, Brookings, S.D. upon the 27th day of July, 1977, at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION

JAMES WINTERTON
Water Rights Specialist

cc: Milo Wallum, De Smet, S.D. 57251

**Department of
Water & Natural Resources**

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

March 23, 1987

MILO WALLUM
RR #2 BOX 47
DE SMET, SD 57231

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

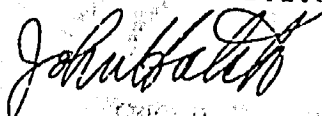
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 3960-3, 4419-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

1. Amend Permit No(s). 3960-3, 4419-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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


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

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

SOUTH DAKOTA
Department of
Water & Natural Resources

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

April 13, 1987

3960-3
4419-3

Milo Wallum
RR #2 Box 47
De Smet, SD 57231

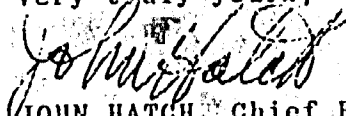
Dear Mr. Wallum:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 3960-3 and 4419-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

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

January 29, 1988

MILO WALLUM
RR #2 BOX 47
DE SMET, SD 57231

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

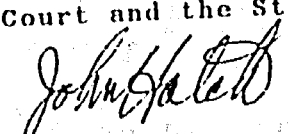
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 3960-3, 4419-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

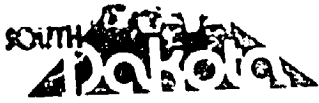
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 3960-3, 4419-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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


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

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



Department of
Water & Natural Resources

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

February 5, 1988

3960-3
4419-3

Milo Wallum
RR 2, Box 47
DeSmet SD 57231

Dear Mr. Wallum:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the the requirement to submit the Irrigation Questionnaire(s) for Water Permit Nos. 3960-3 & 4419-3 and the hearing date before the Water Management Board.

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

Very truly yours,

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

South Dakota

DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

February 1, 1991

MILO WALLUM
RR #2 BOX 47
DE SMET SD 57231

NOTICE

RE: Violation of Water Permit No(s) 3960-3, 4419-3

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 3960-3, 4419-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 3960-3, 4419-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

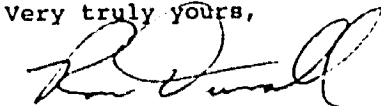
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s) 3960-3, 4419-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one 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 February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,



Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 8, 1991

3960-3

3960-3
4419-3

Milo Wallum
RR #2 Box 47
DeSmet, SD 57231

Dear Mr. Wallum:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Permit No. 3960-3 and Water Right No. 4419-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

Permit No. 3960-3James River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Milo William
PLS, B0447 of DeSmet SD 57231 holder of
 Permit No. 3960-3, bearing the priority of March 9 1977 authorizing
 the diversion of 1.86 cu. ft. per second of the waters of groundwater
 for irrigation purposes, in Kingsbury County.

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

A. Works used to divert the water:

60HP-12" GouldsNo. 55895 powered by a GE Model No.SK6254XH 502A capable of 750 gpm

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

8" Aluminum 1200'

C. Works used to apply water to beneficial use:

towable minimigator with 4 towers and 600' long and an end gun
capable of 750 gpm.The system is in the following condition goodThe point of diversion is located 1155' South and 1420' West of NE Corner Section 4-
T110N-R56WThe works are capable of diverting and conveying to the place of use 1.66cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: Section 4-T110N-R56WNW 1/4 NE 1/4 - 18 AcresNE 1/4 NE 1/4 - 18 AcresSW 1/4 NE 1/4 - 15 AcresSE 1/4 NE 1/4 - 15 Acrescomprising a total of 66 acres of land and the license should be issued for 94 dsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: Date 8/27/1991Norma C. Job
(Signature)

L

LICENSE FOR PERMIT NUMBER 3960-3

1. Legal location of wells: NW 1/4 NE 1/4 Section 4-T110N-R56W

dams & structures: _____

2. Well Information: Well Drilling Firm Empire no log available
Bullman-Recessed

Completion Report Yes ___ No ___ No. of Wells 1 Depth 72'

Casing a) diameter 12" Screen a) type PVC

b) length 52' b) length 20'

c) type PVC Static Water Level _____

Pump a) make Goulds Motor a) make GE

b) model 58895 b) model No. SK10254xH502A

c) size 12" c) horsepower rating 100

d) capacity 750 gpm

e) turbine pump - no. of stages _____

f) operating PSI 85

3. Distribution lines or canals

a) size 8"

b) type Alum

c) length 1200'

4. Dam Information:

a) height to crest _____ m) Outlet tubes:

b) height to primary spillway _____ 1) diameter _____

c) height to secondary spillway _____ 2) type _____

d) crest width _____ 3) valved (Y/N) _____

e) crest length _____ 4) valve type _____

f) spillway length _____ 5) location on structure _____

g) spillway width _____

h) approx. storage _____ n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make Minigator
- 2) number of towers 4
- 3) distance between towers _____
- 4) overall length 600'
- 5) end gun (Y/N) Y
- 6) high or low pressure _____
- 7) make & size of nozzles
Nelson - 60'
- 8) capacity (GPM) 750*

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

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

REMARKS:



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

January 3, 1992

3960-3

Milo Wallum
Rt 2, Box 47
DeSmet SD 57231

Dear Mr. Wallum:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 3960-3, has been completed. Your final water right document, the Water License, can now be issued.

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

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

Sincerely,

Genny McMath/ks

Genny McMath
Natural Resources Analyst
(605) 773-3352

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____ January 7, 1912

RECEIVED OF Wallum Farms, Inc., Hill Wallum, Pres., DeSmet, SD 57231

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. 3969-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By

Chief Engineer

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 3960-3

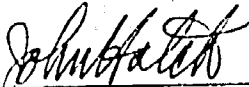
(1) Milo Wallum of RR 2, Box 47, DeSmet, SD 57231 made Application No. 3960-3, March 9, 1977 for a water permit to appropriate 1.86 cubic feet of water per second from groundwater, Kingsbury County, South Dakota for irrigation purposes. Permit No. 3960-3 with a priority date of March 9, 1977 was approved July 28, 1977 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before July 28, 1979 and for the application to beneficial use of said water on or before July 28, 1979.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.94 cubic feet of water per second for beneficial use. The location of the diversion point is: 1155'S and 1420'W of the NE corner of Section 4, T110N, R56W (NW 1/4 NE 1/4).

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

T110N, R56W Section 4	NW 1/4 NE 1/4	18 Acres
	NE 1/4 NE 1/4	18 Acres
	SW 1/4 NE 1/4	15 Acres
	SE 1/4 NE 1/4	15 Acres
	Total-----	66 Acres

(4) Pursuant to Section 46-5-30.1 Milo Wallum of RR 2, Box 47, DeSmet, SD 57231 the holder(s) and/or owner(s) of Water Permit No. 3960-3 is issued a license to appropriate water, the right to use 0.94 cubic feet of water per second from groundwater (one well) with a priority date of March 9, 1977 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 3960-3 and subject to South Dakota State Law.


FEB 17 1992
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources



FEB 17 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

3960-3

Milo Wallum
RR 2, Box 47
DeSmet, SD 57231

Dear Mr. Wallum:

Enclosed is Water License No. 3960-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412996 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 3960-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

enclosures



3960-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 1994

No. 3960-3
4419-3

Juanita Wallum
RR 2, Box 47
DeSmet, SD 57231

Dear Ms. Wallum:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 3960-3 and 4419-3. The water rights are currently listed in the name of Milo Wallum.

The transfer forms should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 per transfer, a total of \$5.00.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

3960-3

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



No. 3960-3

Date: January 24, 1994

I\We request that Water Right No. 3960-3

formerly owned by: Milo Wallum

be transferred to: (name & address) Juanita Wallum, RR#2, Box 47, De Smet, SD 57231

(Telephone No) 605-854-3472

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

NE 1/4 Section 4, T110N, R56W (66 acres)

I\We understand that the validity of Water Right No. 3960-3 has not been determined by this transfer action. If I\We have any questions on validity, I\We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Kingsbury)

I\We Juanita Wallum 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.

Juanita Wallum
(Signed)

Subscribed and sworn to before me this 24th day of January, 19 94.

Elizabeth L. Latham
(Notary Public)

My Commission expires 09/10/98.

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

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

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

3960-3
4140J9

Pierre, January 25, 19 94

RECEIVED OF Juanita Wallum, RR 2, Box 47, DeSmet, SD 57231

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____	
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____	
Fee to retain Future Use Permit No. _____ after period of seven years.	
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	
Fee for Filing Transfer Form <u>Water Right No. 3960-3</u>	2 50
Fee for Filing Extension Request _____	
Fee for _____	

(Any Other Work Provided by Law)	
Total	2 50

By *Robert L. Hinton*
Chief Engineer



3960-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 8, 1994

No. 3960-3
4419-3

Juanita Wallum
RR 2, Box 47
DeSmet, SD 57231

Dear Ms. Wallum:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 3960-3 and 4419-3.

Our records now show you as the owner of Water Right Nos. 3960-3 and 4419-3.

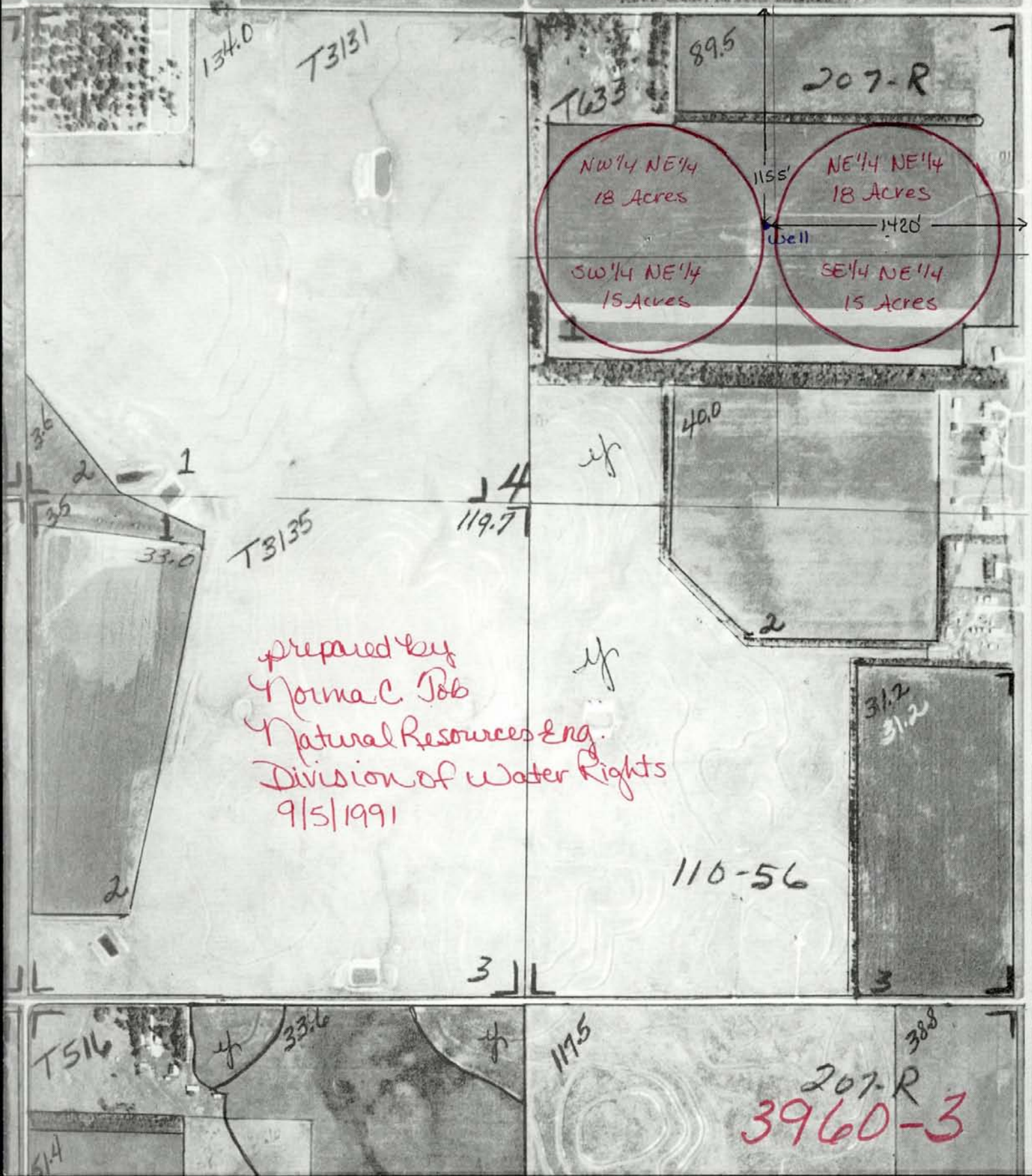
Sincerely,

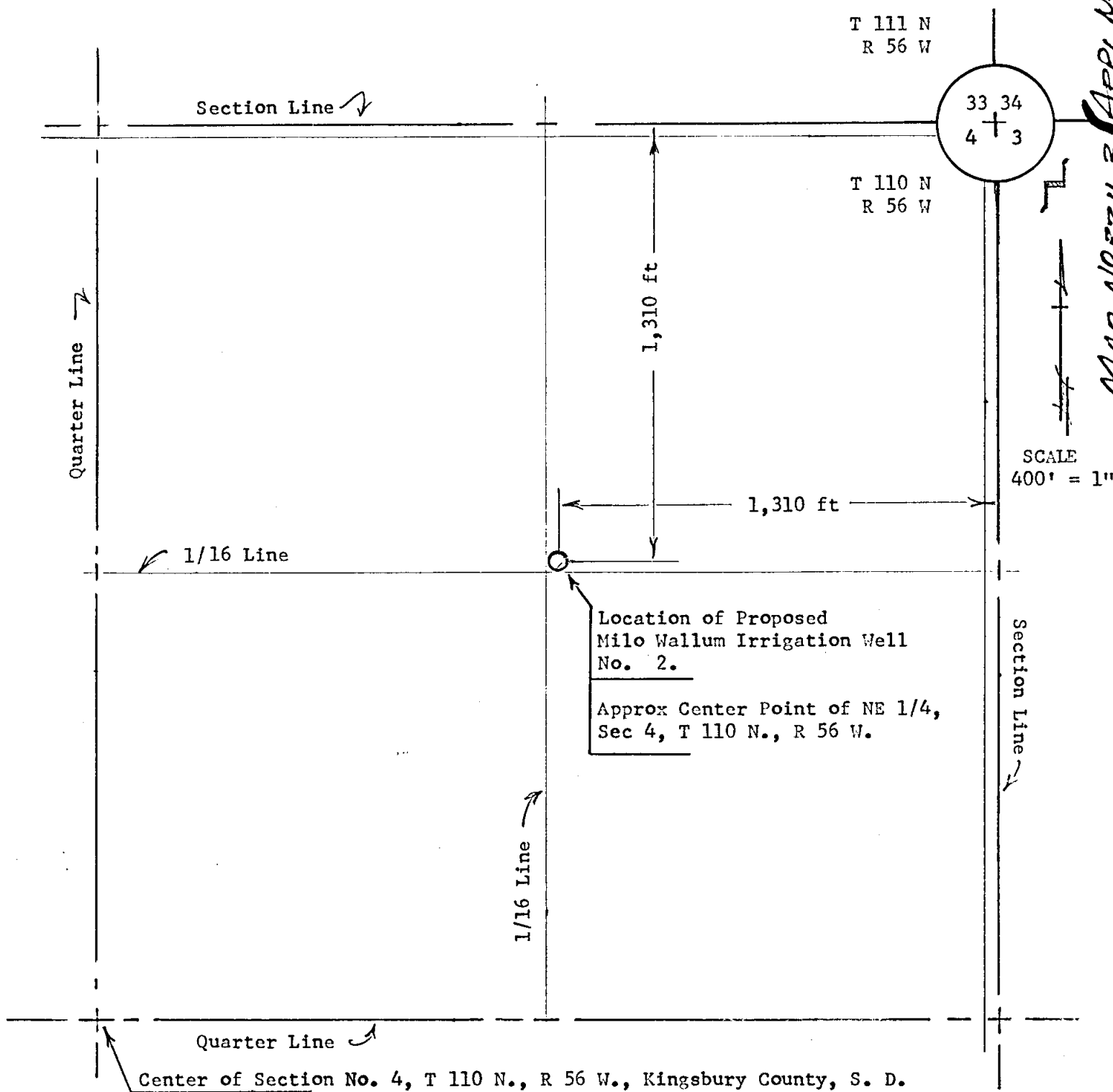
Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure

3960-3

NOT TO SCALE





I, Emiel E. Belzer, P. E., a Registered Professional Engineer of the State of South Dakota, hereby states that I have prepared the above map in full compliance with all of the facts and data as has been furnished to me by the Owner of the land, Mr. Milo Wallum, De Smet, South Dakota, 57231 plus information furnished by Mr. Rodney J. Steele, Attorney At Law, De Smet, South Dakota, 57231.

My hand and seal affixed this 30th day of March, 1977.

Emiel E. Belzer, P. E.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 26, 2013

3960-3

Arlen Wallum
43180 US Hwy 14
De Smet SD 57231

Dear Sir:

I am contacting you in regard to Water Right No. 3960-3 currently listed in the name of Juanita Wallum. The water right authorizes irrigation of 66 acres in the NE ¼ Section 4, T110N, R56W.

I noticed after going through the file that the water right should probably be transferred to reflect current ownership. Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

MAY - 7 2013

WATER RIGHTS
PROGRAM

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

No. 3960-3

Date: 5-6-13

I/We request that Water Right No. 3960-3

formerly owned by: Juanita Wallum

be transferred to: (name & address) Wallum Farms Inc

43180 US Hwy 14 Desmet So. Dak 57231

Telephone No. 1-605-854-3472

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

66 acres - NE 1/4 Section 4, T110N, R56W

I/We understand that the validity of Water Right No. 3960-3 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 Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Wallum Farms Inc, the new owner, certify that the above information is true and correct.

Allen L Wallum - Pres.

(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/7, 20 13

RECEIVED OF Wallum Farms Inc Arlen Wallum 43180 US Hwy 14 De Smet SD 57231

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>3960-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 06329

By Jeanne Looman *ef*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 7, 2013

3960-3

Arlen L Wallum
Wallum Farms Inc
43180 US Hwy 14
DeSmet SD 57231

Dear Mr. Wallum:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 3960-3.

The ownership change has been completed. The water right formerly held by Juanita Wallum is now listed in the name of Wallum Farms Inc.

Enclosed for your records is Receipt No. 06329 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

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

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

enclosure



3960-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

TO: ROD GEPPERT, FARM MGR, 20174 N HWY 1806, FT PIERRE, SD 57532

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire has not been submitted for Permit No(s) 3960-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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 **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3960-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: WALLUM FARMS INC, 43180 US HWY 14, DESMET SD 57231

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 10, 2016

3960-3

Wallum Farms Inc
43180 US Hwy 14
DeSmet SD 57231

Dear Sirs:

I am writing to acknowledge receipt of your 2015 irrigation questionnaire.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right No. 3960-3. The information was received in our office prior to the Water Management Board meeting and the issue has been deleted from the agenda.

As requested, future questionnaires will be directed to Rick Gullickson as the new farm manager. If you have any questions, please contact me.

Sincerely,

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

c: Rick Gullickson, 601 E Pine St, Aurora SD 57002



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 27, 2016

3960-3

Rick Gullickson, Farm Mgr
22219 480th Ave
Flandreau SD 57028 7005

Dear Mr. Gullickson:

Enclosed is a "Notice" dated October 21, 2016 concerning the 2016 irrigation questionnaire for Wallum Farms.

The notice was originally mailed to 601 E Pine, Aurora SD. The post office notified us that your address has changed and I will update our records accordingly.

Let me know if you no longer manage the property and if there is someone else I should be sending the questionnaire to. Thank you in advance for your help.

If you have any questions, please contact me.

Sincerely,

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

enclosures