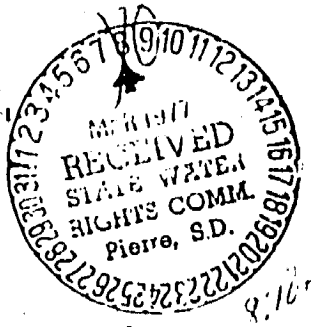


Water Right Number 3961-3

1. Considered 7-27, 1977
2. Name of Applicant MILO WALLUM
3. Post Office Address DE SMET
4. Amount of Water claimed 1.86
5. Source of Water supply 60' WELL
6. Water to be used for IRRIGATION
- Acres to be irrigated 130
7. Water to be diverted and used in KINGSBURY County
about 2W, 4N miles of DE SMET
8. Proof of Publication Received 6-27-77
Not Received _____
Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
9. Application

10. Remarks:

No. 3961-3Map No. 3212.3 Water Division No. 3 JAMES RIVER District me w/r
(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 E. 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 - that point 1200' W of the E Quarter Line & 1200' S of the N. Quarter Line NE 1/4 7-111-56, Kingsbury Co.

County _____

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.) Irrigation
 9. For irrigation use, _____ Total number of acres to be irrigated approx. 130 acres

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 7-111-56	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.D.
 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)
Kingsbury) ss.
 County of _____

I, 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. 3961-3

MILD WALLUM
(Applicant)

DE SNET
(Post Office Address)

SOUTH DAKOTA 57231 With the following modifications:
(State)

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

Date of first receipt of application MARCH 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 9

WATER RIGHT PERMIT NO. 3961-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3961-3 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 5TH day of AUGUST 19 77

WATER RIGHTS COMMISSION

By: John H. Smith
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

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

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 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 _____, 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 test hole will be drilled - well log will be forwarded when available

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

Depth to bottom of water bearing material 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 none rds. On property owned by others none 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.

M. L. Williams
Signature of Applicant

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 E. Wallum
ADDRESS De Smet, South Dakota
COUNTY Kingsbury

LEGAL DESCRIPTION

1. WELL LOCATION NE 1/4 7-111-56 Kingsbury County, S. Dak.
2. LOCATION OF AREA TO BE IRRIGATED 1200 ft. S. of N. Section Line and 1200 ft. W. of E. Section Line

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT X 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, Kingsbury 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.

s/ Milo Wallum

APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
28th DAY OF February 19 77.

s/ Rodney J. Steele

(TITLE OR SEAL)

Notary Public, South Dakota

(SOILS INFORMATION ON REVERSE SIDE)

APPROVED/DISAPPROVED

Publish first publication, on or before July 14, 1977

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 9, 1977Notice is hereby given that Milo Wallum whose

post office address is 11, 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 46-5-28, Temporary Permit 46-5-29, 46-5-49~~; 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 1.66 cubic feet

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

the Wallum #2, the point of diversion of which is

to be located in the ~~XXXXXX~~

~~near the Center of the NE 1/4~~

of Section 7, Twp. 111N, Range 56W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE 1/4, Section 7, T111N, R56W

This Application No. 3961-3 will be considered by the Water Rights Commission

at their office at Pierre upon the 27th day of June, 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

Water Rights Specialist

cc: Milo Wallum, De Smet, S.D. 57232

No. 3961-3

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)

De Smet News
(Title)

6/24-77
(Date Signed)

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

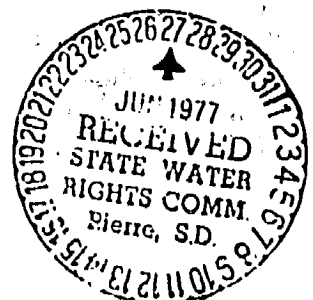
No. 3961-3
Pierre, South Dakota 57501
June 9, 1977

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; 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, for a permit to appropriate for beneficial use 1.86 cubic feet of water per second of time from ground water through the Wallum #2, the point of diversion of which is to be located near the center of the NE 1/4 of Section 7, Twp. 111N, Range 66W. Said water to be used for the purpose of providing irrigation on portions of the following described land: NE 1/4, Section 7, T111N, R56W.

This Application No. 3961-3 will be considered by the Water Rights Commission at the Sphaerolite 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



Department of Water & Natural Resources

Joe Foss Building
E23 East Capitol
Pierre, South Dakota 57501-3181

Water Rights Division
605 773-3352

September 29, 1983

(3961-3)
4245-3

Dale Anderson
DeSmet,
South Dakota 57231

Dear Mr. Anderson:

Our records show that Water Permit No. 3961-3, listed in the name of Milo Wallum covers irrigation of the NE $\frac{1}{4}$ Section 7, T11N, R56W. The W1-1 form in Permit No. 4245-3, listed in your name, indicates you purchased the above described land from Mr. Wallum. Therefore, Permit No. 3961-3 should be transferred to your name.

Enclosed is a partially completed notice of Transfer. Please check over, date, sign and have notarized before returning it to this office with a \$2.50 filing fee. The permit can then be transferred to your name.

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 Rights to appropriate water to be filed with this office within ninety days.

There appears to be a discrepancy in the legal description on your Water Permit No. 4245-3. This office would request information as to which lands you are irrigating in the SE $\frac{1}{4}$ of Section 7, T11N, R56W, i.e., which quarter sections in the SE $\frac{1}{4}$.

Your assistance in this matter would be appreciated. If you have any questions, please contact this office.

Sincerely,

GENNY MCNATH
Water Rights Specialist

GM:ks

enclosure

Equal Opportunity Employer

3961-3
4245-3

WATER RIGHTS DIVISION
(605) 773-3352

July 1, 1985

Alan Aughenbaugh & Dale Anderson
Rural Route #2, Box 21
Iroquois, South Dakota 57353

Dear Sirs:

In regard to a telephone conversation July 1, 1985, with Mrs. Aughenbaugh enclosed please find partially completed transfer forms for transferring ownership of Water Permit Nos. 3961-3 and 4245-3. Permit No. 4245-3 is currently listed under Dale Anderson's name; if no transfer is necessary please advise when returning the form.

The transfer forms should be checked over, dated and signed before a notary public before returning them to this office. A \$2.50 filing fee is required for each transfer. Upon receipt of the completed transfer forms and filing fees, the permits will be changed to the appropriate name.

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

A discrepancy was found with the legal description of lands in the SE $\frac{1}{4}$ Section 7, T111N, R56W listed under Permit 4245-3. When returning the transfer forms, please indicate which lands in the SE $\frac{1}{4}$ of Section 7 are irrigated. Our primary concern is with the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 7.

Your assistance in this matter will be appreciated. If you have any questions please contact our office.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

4245-3
3961-3

July 18, 1985

Alan Aughenbaugh
RR#2, Box 21
Iroquois, South Dakota 57353

Dear Mr. Aughenbaugh:

This will acknowledge receipt of the "Notice of Transfer" you submitted for transferring Water Permit No. 4245-3 to your name. However, as stated on the transfer form, a \$2.50 filing fee is required before the transfer can be completed.

You indicated when returning the Notice of Transfer for Permit No. 4245-3 that the lands under Permit 3961-3 were covered under No. 4245-3 and therefore no transfer was necessary. This is partially true. The lands under No. 3961-3 are covered under 4245-3, however, a separate transfer is required for the Permit itself.

Enclosed is another transfer form for Permit 3961-3. Please check over, sign, date and have the transfer form notarized before returning it to this office with the required filing fee of \$2.50. Upon receipt of the form and correct filing fee, Permit No. 3961-3 will be transferred to your name. The "Notice of Transfer" for Water Permit No. 4245-3 remains on file in our office awaiting the \$2.50 filing fee. A total of \$5.00 is required for both transfers.

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 do not hesitate to contact us.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

NOTICE OF TRANSFER OF WATER PERMIT

TG: Water Rights
Foss Building
Pierre, SD 57501

Date: August 8, 1985

This is to notify you that the title to the lands described as follows:

130 Acres - NE 1/4 Section 7, T11N, R56W

formerly owned by Milo E. Wallum

has been transferred to ALAN M. HUGHENBUGH RR 2, Box 31, Toppo, S. DAK. 57353
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 3961-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of BUTTE) ss.

I, ALAN M. HUGHENBUGH 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 I know of my own personal knowledge that the information herein stated is true.

ALAN M. HUGHENBUGH
(Signed)

Subscribed and sworn to before me this 9th Day of August, 1985.

Veronica Johnson
(Notary Public)



RECEIPT

Division of Water Rights

No 4 10152

South Dakota Department of Water and Natural Resources

Pierre, August 12, 1985

RECEIVED OF Alan M. Aughenbaugh, RR 2, Box 27, Iroquois, SD 57353

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. _____		
Fee for Filing Transfer Form _____ 3951-3	2	50
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	2 50

By

John Hatch
Chief Engineer JOHN HATCH/ms

SOUTH DAKOTA
Department of
Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

3961-3
4245-3

August 12, 1985

Alan M. Aughenbaugh
RR#2, Box 21
Iroquois, South Dakota 57353

Dear Mr. Aughenbaugh:

Enclosed are receipt Nos. 4 10152 and 4 10153 in the amount of \$2.50 each,
which you paid for transfer of Water Right Nos. 3961-3 and 4245-3.

Our records now show you as the owner of these Water Rights.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.-2

Equal Opportunity Employer

3961-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAR 14 1994

4245-3

Alan Aughenbaugh
RR 1, Box 210
Iroquois, SD 57353

Dear Mr. Aughenbaugh:

Enclosed is Water License No. 4245-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413859 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. 4245-3, 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

gm
enclosures

NOTE: The applicable portions of Water Permit No. 3961-3 have been incorporated into this Water License No. 4245-3.

9-226

NOT TO SCALE

95-50

(9-1243)

(1-62)

(9-226)

N ↑

71.5

37.7

22.3

29.4

9.8

78.2

(9-255)

6.7

15

39.8

(9-54)

32.4

34.5

(9-180)

7.5

4.3

12.7

95-50

Prepared by
L E De Smet
Coyt 3/1/77

MAR 19 1977 3 4 PM 123961-3

NOT TO SCALE

