

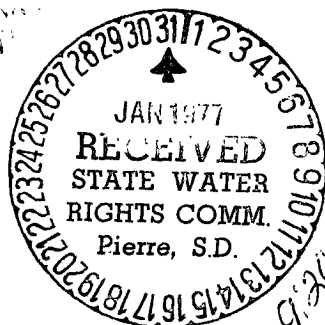
1. Considered 7-27, 19 77
2. Name of Applicant CALVIN T. BOHLE
3. Post Office Address SELBY
4. Amount of Water claimed 1.93
5. Source of Water supply 50' DEEP WELL
6. Water to be used for IRRIGATION
 Acres to be irrigated 160
7. Water to be diverted and used in WALWORTH County
 about 5 N miles of SELBY
8. Proof of Publication
 Received 7-15-77
 Not Received _____
9. Application SEE
LTR
 Approved _____
 Subject to _____
 Not Approved _____
 Action Deferred _____

10. Remarks:

No. 3991-3Map No. 3239-3Water Division No. 3MISSOURI 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 CALVIN T. BOHLE
 Postoffice address R. RT., SELBY, 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 Bohle #1
4. Amount of water claimed (cubic feet per second) 1.93
5. Source of water supply Ground Water
6. Location of point of diversion SW⁴ NW⁴, SEC. 9-T124N-R76W

County Walworth

7. Annual period or periods during which water is to be used April - October
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use, Total number of acres to be irrigated 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.
NW ¹ / ₄ NW ¹ / ₄ SEC 9-124-76	40		
NE ¹ / ₄ NW ¹ / ₄ SEC 9-124-76	40		
SW ¹ / ₄ NW ¹ / ₄ SEC 9-124-76	40		
SE ¹ / ₄ NW ¹ / ₄ SEC 9-124-76	40		

Attach sheet if more space is needed

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

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

Well, Pump, Motor

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

Pipeline

C. Works proposed to apply water to beneficial use.

ToelineEstimated Total Cost \$ 45,000

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 WALWORTH) ss.

I, CALVIN T. BOHLE 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 Calvin T. BohleSubscribed and sworn to before me this 27 day of JANUARY 19 77
Roger S. Anderson
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3991-3
CALVIN T. BOHLE SELBY
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57472 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 JANUARY 31, 19 77
 Date of return to applicant for correction, amendments or changes required _____, 19 ____
 Date of receipt of corrected application _____, 19 ____
 Approved MARCH 29, 19 78, Recorded in Book 19 Page 298

WATER RIGHT PERMIT NO. 3991-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3991-3 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 JANUARY 31, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 29, 19 80
3. The whole of said work is to be completed on or before MARCH 29, 19 83
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 29, 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 1.93 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 MARCH 29, 19 84; said water to be used during the following described annual period: APRIL - OCTOBER

Witness my hand this 6th day of APRIL, 19 78

WATER RIGHTS COMMISSION

By:

John Hatch
 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 30", Depth 50 feet
- (2) Casing, Type plastic Diameter 18" Thickness
(wood, concrete, steel, etc)
- (3) Perforated Screen.
- Type , Diameter , Length 20 feet
- (4) Gravel Pack. Thickness 5', Length of gravel pack 50

E. Dugout Information or Estimates.

- (1) Surface dimensions , Depth

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

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

Character of Water bearing materials

Depth to top of water bearing material 0

Depth to bottom of water bearing material 40

Thickness of water bearing material 36

Depth to water (ground surface to water level) 6

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

On same owner's property ~~125~~ rds. On property owned by others 220 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.

Calvin T Bell
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 Calvin T Bolly
ADDRESS Selby S.D.
COUNTY Walworth

LEGAL DESCRIPTION

1. WELL LOCATION NW 9-124-76
2. LOCATION OF AREA TO BE IRRIGATED NW-9 124-76

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT ☒ GUN _____
4. CROPS TO BE IRRIGATED Corn Alfalfa

WATER QUALITY

- | | | |
|---------------------------------------|-----------------------------------|------------------------------------|
| 5. SAMPLE NUMBER | <u>No 1 Well</u>
<u>77-504</u> | <u>No 2 Well</u>
<u>77-5051</u> |
| 6. SALINITY (EC x 10 ⁶) | <u>12.24 (high)</u> | <u>12.37 (high)</u> |
| 7. SODIUM (SAR) | <u>6.88 (moderate, but)</u> | <u>3.95 (low, but)</u> |
| 8. RESIDUAL SODIUM CARBONATE (meq/l.) | <u>5.01 (high)</u> | <u>2.74 (moderate)</u> |

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

Calvin T Bolly
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
____ DAY OF _____ 19 ____.

Albert L. Hoff

(TITLE OR SEAL)

APPROVED/REAPPROVED

Publish first publication, on or before July 14, 1977

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 22, 1977Notice is hereby given that Calvin T. Bohle whose

post office address is Selby, 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 46-5-30, Temporary Permit 46-5-39, 46-5-40, XXXXXX~~ 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 1.93 cubic feet

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

the Bohle # 1, the point of diversion of which is

to be located in the SW 1/4 NW 1/4

of Section 9, Twp. 124N, Range 76W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NW 1/4, Section 9, T124N, R76W

This Application No. 3991-3 will be considered by the Water Rights Commission ~~at their office at Pierre~~ the Stanzel Inn, Brookings, SD

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: Calvin T. Bohle, R.R., Selby, SD 57472

No. 3991-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Walworth) ss.

I, Ida K. Clement, Editor hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Selby Record

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 Selby

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

July 7th, 1977

July 14th, 1977

Selby Record
(Signature)

by Ida K. Clement, Editor
(Title)

July 14, 1977
(Date Signed)

NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501
June 22, 1977

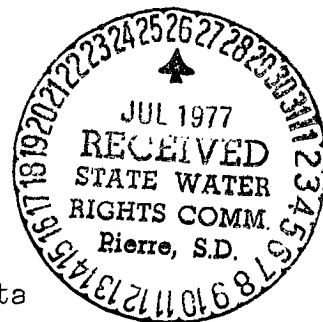
Notice is hereby given that
Calvin T. Bohle, whose post office
address is Selby, South Dakota,
has made an application in ac-
cordance with the provisions of
SDCL 46-1-1 thru 46-1-8; 46-2-9
thru 46-2-11, 46-2-13; 46-5-1 thru 46-
5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-
6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-
14 and Commission Rules ARSD
52:01:01:01 thru 52:01:01:13, for a
permit to appropriate for
beneficial use 1.93 cubic feet of
water per second of time from
ground water through the Bohle
No. 1, the point of diversion of
which is to be located in the
SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Twp.
124N, Range 76W. Said water to
be used for the purpose of
providing irrigation on portions
of the following described land:

NW $\frac{1}{4}$ Section 9, T124N, R76W.

This Application No. 3991-3 will
be considered by the Water
Rights Commission at the
Staurolite Inn, Brookings, S. D.,
upon the 27th day of July, 1977 at
10 a. m. The Commission is
authorized to make a deter-
mination on this application at
the hearing. All interested per-
sons may appear and be heard.
Any person who may be affected
by a Commission decision who
desires to present evidence or
cross-examine witnesses ac-
cording 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
77-714





Selby, South Dakota
July 25, 1977

Water Rights Commission
Pierre, SD 57501

Gentlemen:

I hereby wish to file a protest on the application for a water permit No 399~~7~~3 by Calvin T. Bohle, Selby, SD.

As I am located in this immediate vicinity, this is bound to further hamper my present wells and dugouts. I am presently being effected by irrigation that is now in operation in my area. Further irrigation permits are going to effect our area some more and us farmers will not have water for our own consumption. My wells are effected now and all this water bed is now being depleted by irrigation in this area.

I am strongly against any further permits being approved as the farmers in this immediate area are suffering now due to shortage of water and further permits are not to be approved.

We cannot afford to go all over our land to try and seek a producing well. There has never been a shortage of water in all the wells in this area all these years until the irrigation has been started. There are too many approved irrigation permits now in operation.

Your consideration in the above will be greatly appreciated.

Sincerely yours,

Edmund Neuz

The above is for the hearing to be held in Brookings, SD
July 27th, 1977.

Report on Selby Aquifer
Water Right Applications
March 2, 1978

The Selby Aquifer underlies portions of Walworth County and Campbell County. The aquifer is composed of outwash sands and gravels. Ground water in the aquifer occurs under water table and artesian conditions. The aquifer is recharged by infiltration of snow-melt and spring rainfall.

The Water Rights Commission presently has five observation wells which monitor the Selby Aquifer. These wells have shown only seasonal fluctuations. Only one observation well CA-3 has historical data, this well showed a stable water level of approximately 14 feet until 1976 and 1977 when the water level dropped to 17 feet. This drop can be attributed to the lack of recharge during the 1975, 1976 and 1977.

Proposed Projects:

Application	Priority Date	Acres	CFS	Comments
3417-3	13 Dec 1976	200	2.85	Proposes to pump from Permit No. 2772-3 well
3418-3	13 Dec 1976	160	2.0	Proposes to pump from Permit No. 2773-3 well
3419-3	13 Dec 1976	320	4.0	Proposes to pump from Permit No. 2773-3 well
3991-3	31 Jan 1977	160	1.93	One 50 foot well
4173-3	3 Oct 1977	320	1.93	Two 40 foot wells

Discussion:

An aquifer test was conducted at the site of the present Selby wells. The calculated aquifer coefficients are T(transmissivity) equals 60,000 gallons per day per foot and S(storage) equals 0.18. A well with forty feet of saturated material would have a sustainable yield of approximately 1700 gallons per minute assuming the entire length of aquifer could be utilized.

Application 3417-3 proposes to pump from the well of Permit 2772-3. This would make a total withdrawal rate of 5.05 cubic feet per second or 2273 gallons per minute. This would exceed the calculated safe yield for the well if both systems were operated at the same time.

Applications 3418-3 and 3419-3 propose to withdraw water from the well of permit 2773-3. The total withdrawal rate would be 8.2 cubic feet per second or 3690 gallons per minute. This also would exceed the calculated safe yield of the well of 2773-3 if all systems operated at the same time.

Recommendations:

The Staff recommends:

1. Approval of application No. 3417-3 from the well authorized by Permit No. 2772-3, total withdrawal from well is not to exceed 3.78 cubic feet per second.
2. Approval of applications No. 3418-3 and No. 3419-3 from the well authorized by Permit No. 2773-3, total withdrawal from the well not to exceed 3.78 cubic feet per second.
3. Approval of Application No. 3991-3
4. Approval of Application No. 4173-3

The applications are approved with the following qualifications:

"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 irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights".

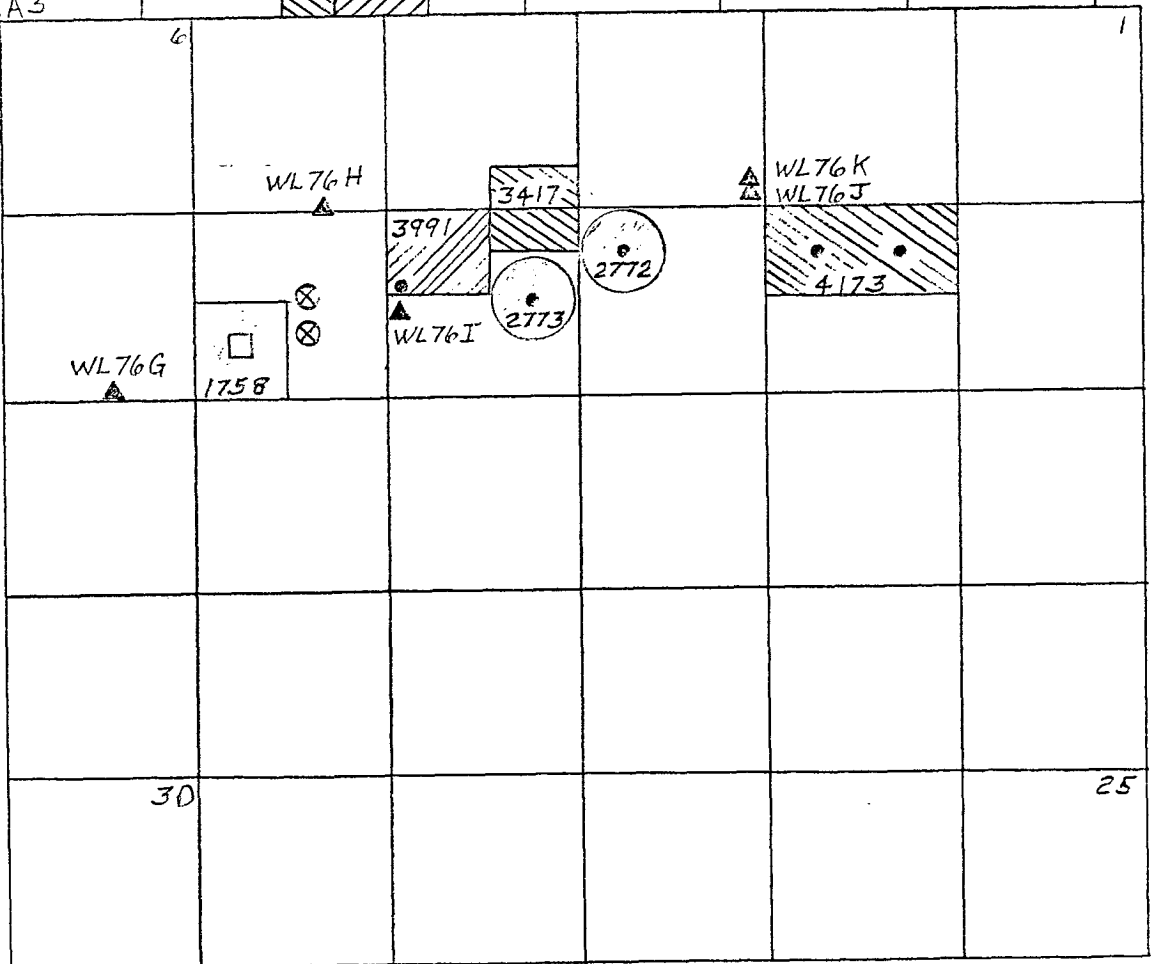
Gale N. Selken
Hydrologist

R 76 W

T 125 N

CAMPBELL CO. CA3
WALWORTH CO.

T 124 N



-  Deferred Applications
-  Approved Applications
-  Observation Well
-  Production Well
-  City Well



SELBY AQUIFER
WALWORTH & CAMPBELL CO.

Department of Natural Resource Development

WATER RIGHTS COMMISSION

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

March 21, 1978

TO: Persons concerned with Selby Aquifer

FROM: John Hatch, Chief Engineer, Water Rights Commission

SUBJECT: Reconsideration of applications in the Selby Aquifer area.

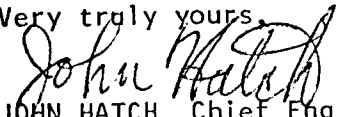
The Water Rights Commission will reconsider Water Right Applications in the Selby Aquifer at 10:15 a.m. March 29, 1978 at the Guest House, Watertown, South Dakota.

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, 46-6-6.1, 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 Applications in the Selby Aquifer the Commission can approve, defer, or deny all or parts of the Applications. A copy of the "Report on the Selby Aquifer" is enclosed for your information.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Commission

JH:kjw

enclosure



SELBY AQUIFER
WALWORTH & CAMPBELL CO.

Department of Natural Resource Development

WATER RIGHTS COMMISSION

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

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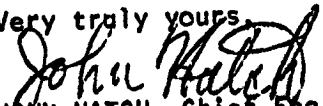
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Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Commission

JH:kjw

enclosure

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

January 29, 1988

CALVIN T BOHLE
HCR BOX 4
SELBY, SD 57472

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

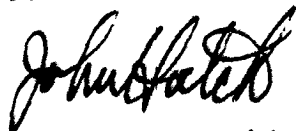
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 3991-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given 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). 3991-3 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.

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

March 14, 1988

NOTICE OF AMENDMENT TO WATER PERMIT(S)

TO: CALVIN T BOHLE
HCR BOX 4
SELBY, SD 57472

FROM: John Hatch, Chief Engineer
Water Rights Division
773-3352



SUBJECT: Amendment to Water Permit No(s). 3991-3

Pursuant to the provisions of the notice dated January 29, 1988 and following the Hearing March 2, 1988, the Water Management Board has amended Water Permit No(s). 3991-3 to add the following qualification to each:

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

The addition of this qualification to your Permit(s) means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

**Department of
Water & Natural Resources**

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

Attachment to Water Permit No(s). 3991-3

Pursuant to the provisions of the notice dated January 29, 1988 and following the Hearing March 2, 1988, the Water Management Board has amended Water Permit No(s). 3991-3 to add the following qualification to each:

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

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery *(Extra charge!)*

CALVIN T BOHLE
HCR BOX 4
SELBY, SD 57472

4. Article Number

P 501 739 031

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED**.

8. Addressee's Address (ONLY if requested and fee paid)

5. Signature - Addressee

X

6. Signature - Agent

X *Calvin Bohle*

7. Date of Delivery

3-15-88

**Department of
Water & Natural Resources**

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

November 13, 1990

3991-3

Rory Thorstenson
HCR 1 Box 7
Selby, SD 57472

Dear Mr. Thorstenson:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 3991-3. It is my understanding that you now own the land described in this permit, currently listed in the name of Calvin T Bohle.

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

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,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

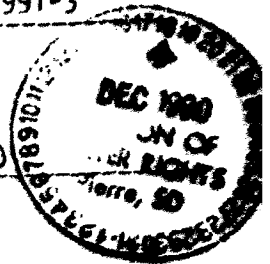
enclosure

NOTICE OF TRANSFER OF OWNERSHIP

No. 3991-3

TO: Chief Engineer
Water Rights Division, DWNR
523 East Capitol
Pierre, SD 57501-3181

Date: 14 DEC 1990



I/We request that Water Permit/Right No. 3991-3

formerly owned by: Calvin T Bohle

be transferred to: (name & address) Roy Thorstensen
HCR 1 Box 7, Selby, SD 57472 (telephone No.) 605-649-7000

Title to the following described land(s)/property has been transferred as described above:
NW 1/4 Section 9, T124N, R76W

I/We understand that the validity of Water Permit/Right No. 3991-3 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 Walworth

I/We Roy Thorstensen 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.

Roy Thorstensen
(Signed)

Subscribed and sworn to before me this 14th day of DECEMBER, 1990.

[Signature]
(Notary Public)
Commission Expires 20 July 1997

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 water 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 Water and Natural Resources

Pierre, December 1st, 1940

RECEIVED OF Rory Thorstenson, NCQ 1 Box 7, Selby SD 57472

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 _____ Water Permit No. 3931-3	
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

2 50

By John Hatala
Chief Engineer



DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 8, 1991

No. 3991-3

Rory Thorstenson
HCR 1 Box 7
Selby SD 57472

Dear Mr. Thorstenson:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 3991-3.

Our records now show you as the owner of this Water Permit No. 3991-3.

Sincerely,

Jaci Konop

JACI KONOP
Senior Secretary
Water Rights Division
605 773-3352

enclosure

3991-3

Date: 14 Dec 1990

Water Right No. 3991-3

Transferred by Calvin T. Bohle

Transferred to (name & address) Rory Thorstenson

HCR, 1 Box 7, Selby, SD 57472

Telephone No. 605-649-7008

File to the following described lands: property has been transferred as described above:

NW 1/4 Section 9, T124N, R76W

I/We understand that the validity of Water Permit/Right No. 3991-3 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).

I/We 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 Walworth

I, Rory Thorstenson, 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 therein stated is true.

Signed:

(Notary Public)

Water permits may be cancelled for nonconstruction within the five year period. Since a water permit is developed and the water used, the permit is considered a water right. A water right may be lost for three reasons: 1. Failure to use water and use is abandoned. 2. Failure to use water for three year period without legal excuse. 3. Failure to maintain a water permit right.

RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS MAINTAINED IN THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROFILM PHOTOGRAPHY.

DATE MICROFILMED

CAMERA OPERATOR

9-28-98 LB
3991-3 back in "1992" and come out 2006.

File No. 2772-3, 2773-3, 3417-3,
3418-3, 3419-3, 3991-3,
4173-3, 4173A-3 and 4925-3

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: **Norman Thorstenson**

ADDRESS: **Selby, SD 57427** COUNTY: **Walworth**

DATE: **9-24-92 (date of insp.)** TELEPHONE: **(605) 649-7008**

RE: **Lands in CRP**

COMMENTS:

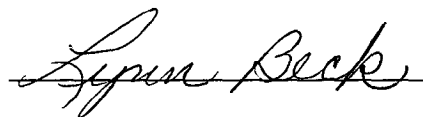
Permits with land in CRP 87-97 program:

All lands under Permit Nos. 3418-3, 3419-3, 3991-3, 4173-3 and 4173A-3. The SW 1/4 Sec. 9-124-76 under Permit No. 4925-3 and the S 1/2 SE 1/4 Sec. 4 under Permit No. 3417-3.

Permits in use:

2772-3 which should be licensed with Permit No. 3417-4 which has land in CRP. 2773-3 which should be licensed with Permit No. 4925-3.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.



Lynn Beck

Natural Resources Engineer III

DENR, Water Rights Division

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: **Rory Thorstenson** File No. **3991-3**
Address: **3702 1st Ave., Selby, SD 57472** County: **Walworth**
Date: Telephone: **(605)649-7008**
RE:

Comments:

On September 28, 1998, I visited the lands covered under Permit No. 3991-3. The irrigation had been developed, though the center pivot has been removed. The land is now in CRP. This permit should be looked at when the land comes out of CRP.

The end of construction period was March 29, 1983. I checked the irrigation questionnaires and the system was completed and irrigation had taken place by 1983.

On 12-30-98 I spoke with Joel, FSA in Walworth County, and he confirmed that the lands under Permit No. 3991-3 would be in CRP until the year 2008.

A handwritten signature in cursive script that reads "Lynn Beck".

Lynn Beck
Natural Resources Engineer

NOT TO SCALE

124-76

App. No. 3991-3

126.6

8.2

224.2

36B

City
Dump

9.9

Well

Soil Conservation
Doughs the the tech

77.5

124-76

NOT TO SCALE

7.1

124-76

124.6

8.2

224.2

36B

City 2.7
Dump

9.9

• Well

2

Soil Conservation Service
Danga Haha Lake

17.5

124-76

~~124-76~~ App No 3991-5

Irrigation Overspray

Photo Location: 45.580, -100.034; NW ¼ Sec. 9 T142N-R76W in Walworth County

Photo Date and Time: August 13, 2018 at 6:52 PM

Photo is facing east; pivot is on the right hand side



Permit: Water Permit No. 3991-3 for Rory Thorstenson

Comments: The system was not in operation at the time of the photo. However, the road was wet and there definite erosion of the road surface where the water from the end gun had impacted the road several times making noticeable grooves.





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

3991-3

August 20, 2018

Rory Thorstenson
13067 308th Ave
Selby SD 57472

Dear Mr. Thorstenson:

On August 13, 2018, a staff member from the Department of Environment and Natural Resources (DENR) observed overspray from the irrigation system located in the NW 1/4 Section 9-T142N-R76W onto the adjacent road east/west road (see attached photo). This irrigation system is covered by Water Permit No. 3991-3.

It is common for center pivots to have stops which are used to shut off the end gun when the pivot nears a road. Please take steps to insure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to waste water or operate an irrigation system in violation of state water law, which includes end gun overspray upon lands, including roadways, not authorized by the water right. Application of water to a roadway or unauthorized lands is a waste and unreasonable use of water pursuant to SDCL 46-1-4.

If you don't believe this irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

A handwritten signature in black ink, appearing to read 'Eric Gronlund'.

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosure