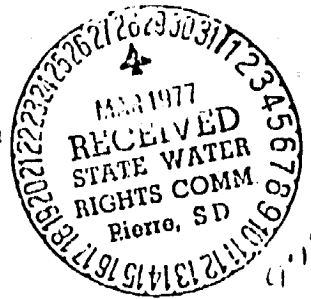


Water Right Number 4008-3

1. Considered 7-27, 1977
2. Name of Applicant FRED HARNER
3. Post Office Address TOLSTOY
4. Amount of water claimed .90
5. Source of water supply 55' DEEP WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 56
7. Water to be diverted and used in EDMUNDS County
about 2 1/2 N, 1/2 W Miles of TOLSTOY
8. Proof of Publication
Received 7-11-77
Not received
9. Application
Approved
Subject to
Not approved
Action deferred
10. Remarks:

No. 4008-3Map No. 3252-3 Water Division No. 3 JAMES 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 Fred Harner
Postoffice address Tolstoy, 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 Harney #2
4. Amount of water claimed (cubic feet per second) .9
5. Source of water supply Well
6. Location of point of diversion W 1/4 of SE 40 of SW 1/4 sec 34-121-23
- County Edmunds
7. Annual period or periods during which water is to be used May - Sept
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 56

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.
SW 40 SW 1/4 Sec 34-121-23	28		
SE 40 SW 1/4 Sec 34-121-23	28		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 3 years. Additional time required to complete application of water to the proposed beneficial use 2 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Abbeiden American News
12. Principal Features of the Proposed Water Supply System.

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

Well + Pump

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

Pipe

C. Works proposed to apply water to beneficial use.

Traveling gunEstimated Total Cost \$ 0,000

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 Brown)I, FRED HARNER 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 Fred HarnerSubscribed and sworn to before me this 25 day of MARCH, 1977

Notary Public (or other qualified officer)

My Comm. expires 14 Sept 77

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4008-3
FRED HARNER P.R. #3, Box 119, ABERDEEN
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57401 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 28, 19 77
 Date of return to applicant for correction, amendments or changes required —, 19 —
 Date of receipt of corrected application JUNE 21, 19 77
 Approved JULY 27, 19 77, Recorded in Book 19 Page 31
 WATER RIGHT PERMIT NO. 4008-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4008-3 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 JUNE 21, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 27, 19 79
3. The whole of said work is to be completed on or before JULY 27, 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 27, 19 82
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 0.9 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 27, 19 82; said water to be used during the following described annual period: MAY - SEPTEMBER

Witness my hand this 9TH day of AUGUST, 19 77

WATER RIGHTS COMMISSION

By:

John Hahn
 Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19 —

Water License Issued —, 19 —

SOUTH DAKOTA GEOLOGICAL SURVEY

Location: 0000 Section: 34 T. 121 S. 7 R. 7 W.
 Well: _____ Test Hole: #5-31 S6 Land Owner: _____
 County: Edmonds Date: 3-2-71 Elevation: _____ (A, I, T)
 E-Log: _____ Samples: _____ Drilling Company: EDGS
 Source of Data: _____
 From - to _____

[illegible]

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

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

D. Well Information or Estimates

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

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

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

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

Character of Water bearing materials (see Attached Well Log)

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

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

On same owner's property 120 rds. On property owned by others _____ 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.

Fred Harner
Signature of Applicant

SEE APPL NO 4007-3

FOR WATER QUALITY DATA

Publish first publication, on or before July 14, 1977NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 23, 1977Notice is hereby given that Fred Harner whose

post office address is Aberdeen, 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
~~xxxxxx~~

~~xxxxxx~~ thru 52:01:01:24 for a permit to appropriate for beneficial use 0.9 cubic feet of water per second of time from the ~~xx~~ ground water through the Harner 1, 2, the point of diversion of which is to be located in the SE 1/4 SW 1/4

of Section 34, Twp. 121N, Range 73W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE 1/4 SW 1/4, Section 34, T121N, R73W

This Application No. 4008-3 will be considered by the Water Rights Commission at the Stauriolite 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: Fred Harner, R.P. # 3, Box 119, Aberdeen, SD 57401

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Edmunds) ss.

I, James A. Morlock hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Ipswich Tribune

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 Ipswich

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

7-7-77

7-14-77

James A. Morlock
(Signature)

Publisher
(Title)

7-7-77
(Date Signed)

PUBLIC NOTICES

No. 4008-3

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501
June 23, 1977

Notice is hereby given that
Fred Harner, whose post office
address is Aberdeen, 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; 46-
6-3; 46-6-5; 46-6-8.1; 46-6-10; 46-6-14;
and Commission Rules ARSD
52:01:01:01 thru 52:01:01:13; for a
permit to take appropriate for
beneficial use 0.9 cubic feet of
water per second of time from
ground water through the Harner
No. 2, the point of diversion of
which is to be located in the SE 1/4
SW 1/4 of Section 34, Township
121N, Range 73W. Said water to
be used for the purpose of
providing irrigation on portions
of the following described land:
SW 1/4 SW 1/4, Section 34, T121N,
R73W.

This Application No. 4008-3 will
be considered by the Water
Rights Commission at the
Staurolite Inn, Brookings, S.D.
upon the 27th day of July, 1977,
at 10:00 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

26-27c

Harner
8-12-88

LICENSE FOR PERMIT NUMBER 4008-3

1. Legal location of wells: SW $\frac{1}{4}$ SW $\frac{1}{4}$ 34-121-73

dams & structures: _____

2. Well Information: Well Drilling Firm Dakota Boring
No. of wells 2 Depth 59' (NW) & 37' (SE)

Casing a) diameter 16" (Both) Screen a) type S.S. (NW) Plastic (SE)
b) length _____ b) length 15' 18'
c) type PVC (Both) Static Water Level _____

Pump a) make Berkeley (Both) Motor a) make Franklin (Both)
b) model _____ b) model no. _____
c) size _____ c) horsepower rating 2.5 (NW) 5 (SE)
d) capacity 350 gal (PH) d) motor efficiency rating _____
e) turbine pump no. of stages _____

3. Distribution lines:

a) size of lines 4" & 6"
b) type PVC (buried)
c) length 660' (4") & 1200' (6")

(Submersible Pumps & Motors)

4. Dam Information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____
h) Distribution lines or canals:
1) size _____
2) type _____
3) length _____

i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/H) _____
4) valve type _____
5) location on structure _____

5. System Type: a) slderoll:

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

b) tail line:

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

5. System Type: c) center pivot

- 1) make Minigator
- 2) number of towers 6
- 3) distance between towers _____
- 4) overall length 789'
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running 65
- 9) GPM 350

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

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

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES

NO

Check Items

- | | | |
|-------------------------------------|-------------------------------------|---|
| ☒ | ☒ | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit. |
| ☒ | ☐ | 2. Special Qualifications to permit being abided by. |
| ☒ | ☐ | 3. All Structures, wells and lands on map. |

REMARKS:

Needs another Permit.

Water Rights Division - DWR

File No. 4008-3

Conversation or File Documentation

NAME OF PERSON OR FILE: Fred HarnerADDRESS: Tolstoy, SD COUNTY EdmundsDATE: 9-8-88 TELEPHONE 442-2538RE: Addl. Permit Application For 4008-3.

COMMENTS:

Called Jim Stukel concerning Soil/Water
For the new application. The new application
proposes to add 12 acres in the N $\frac{1}{2}$ S $\frac{1}{4}$
of 34-121-73. Soil/Water approval is required
For the 12 acres, however, Mr. Harner will
not have to submit a water sample because
Stukel's office has a validated water sample
dated 1985.

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.

NAME:

James L. Wenker

4/82

4608-3

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

Sept. 8, 1988

Fred Harner
RR 3, Box 119
Tolsloy, SD 57475

Dear Mr. Harner:

Enclosed you will find the application which we have discussed and which is necessary to correctly describe your irrigation in the SW1/4 of Section 34, T121N, R73W. The application proposes to add one diversion point and 16 acres to cover land not described on Water Permit No. 4008-3. The 16 acres will also allow you to extend the pivot as we discussed so that you could irrigate a 62 acre circle.

Please review the application, map, and supplemental information sheets. Both copies of the application should be signed and notarized. Also complete any information on the supplemental information sheets that you are aware of and which is not already completed. You will not be required to submit a water sample or the soils information since the Division of Conservation already has this data. There is a \$153.00 fee required with this application.

After reviewing and completing the forms, please return the applications, map, supplemental information sheets, and fee to our office. We can then continue processing your application. If you have any questions, please contact us.

Sincerely,

James L. Wendte

James L. Wendte
Natural Resources Engineer
(605) 773-3352

enc

Supplemental Information

NW well

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 24" Depth 59'
- b) Casing Type PVC Diameter 16" Thickness 1/2"
- c) Screen Type Stainless Steel Diameter 16" Thickness 7
- d) Gravel Pack Thickness 8" Length of Gravel Pack 20'
- e) Depth to Top of Water Bearing Material 1'
- f) Depth to Water (ground surface to water level) 3'
- g) Distance to nearest existing domestic well:
- On applicants property 3/4 mi On property owned by others 1/4 mi

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please turn to the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

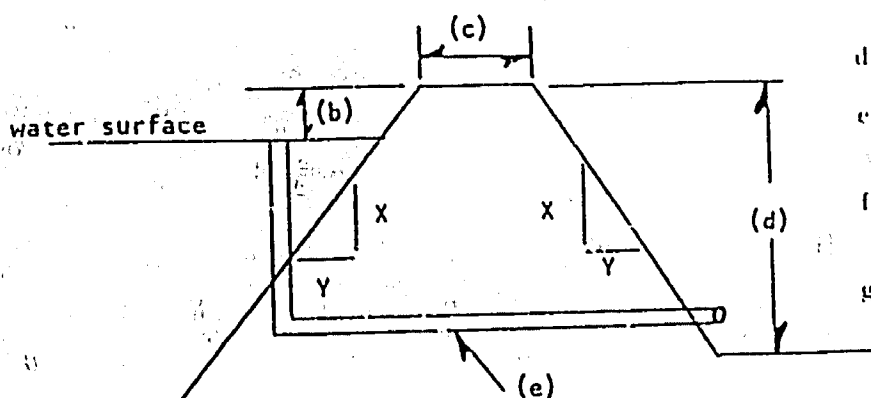
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Frederick
Signature of Applicant

Supplemental Information

SE Well

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 24" Depth 37
- b) Casing Type plastic Diameter 16" Thickness
- c) Screen Type plastic Diameter 16" Thickness
- d) Gravel Pack Thickness 8" Length of Gravel Pack 18'
- e) Depth to Top of Water Bearing Material 12'6"
- f) Depth to Water (ground surface to water level) 15'
- g) Distance to nearest existing domestic well:
- On applicants property 3/4 mi. On property owned by others 3/4 mi.

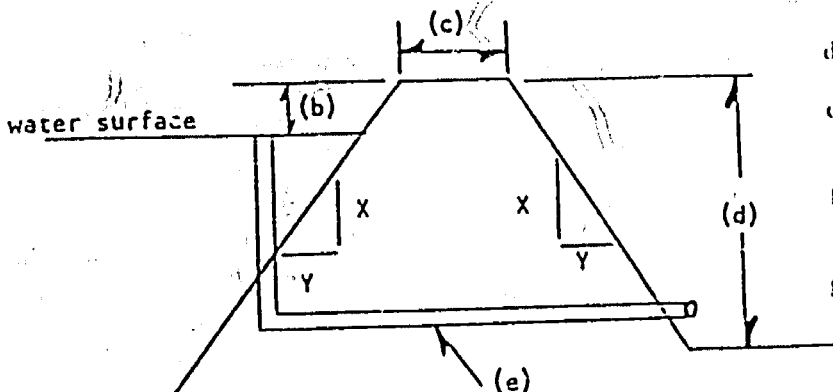
2. Dugout Information Estimates

- a) Surface Dimensions Depth
- b) Depth to water (ground surface to water level)

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard c) Crest Width Crest Length d) Height e) Primary Outlet Capacity
If Pipe, diameter f) Secondary Spillway Capacity
Spillway width g) X & Y Slope
Upstream Downstream Surface Area of Impoundment Storage acre feetDrainage area above dam 

Signature of Applicant

3622-3 Fred Farm Inc.

- 1987 Did Not Irrigate - No water
1986 Did Not Irrigate
1985 Did Not Irrigate
1984 Did Not Irrigate - Some water in line on CP
1983 No Questioning

3822-3 S. Neal Meyer (1984-1985)

- 1987 1 elec CP, ~~GW~~ ^{FW} SW, 27 acres, 700 GPM, 38 acre-ft
1986 Did Not Irrigate, - Flooded
1985 1 elec CP, used SW, 125 acres 730 GPM, 40 acre-ft
1984 1 elec CP, SW, 112 acres, 750 GPM, 33 acre-ft
1983 1 elec CP, GW & SW, 100 acres, 700 GPM, 75 acre-ft

4007-3 Fred Haeger (1984-1985)

- 1987 Not done for irrigation
1986 Not Constructed
1985 Not Constructed
1984 Not Constructed
1983 No Questioning

4008-3 Fred Haeger

- 1987 1 elec CP, GW, 56 acres 400 GPM, 20 acre-ft
1986 1 elec CP, GW, 56 acres 400 GPM, 10 acre-ft
1985 1 elec CP, GW, 56 acres 400 GPM, 11.9 acre-ft
1984 1 elec CP, GW, 52 acres, 400 GPM
1983 1 elec CP, GW, 60 acres, 400 GPM, 6.5 acre-ft



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE, SOUTH DAKOTA 57501-3181

AUG 5 1997

5360-3

Fred Harner
RR 1, Box 208
Tolstoy, SD 57475

Dear Mr. Harner:

Enclosed is Water License No. 5360-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412892 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. 5360-3, 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

NOTE: The applicable portions of Water Permit Nos. 4008-3 and 5347-3 are incorporated into Water License No. 5360-3.

NOT TO SCALE

121-73

76.5

234 D

3.5

33.4

34

155.5

157

56.0

121-73^{#2}

Well

MAP PREPARED by: GERALD T. JOHNSON
SOIL CONSERVATION SERVICE
IPSWICH, S.D.
for Fred Harner

MAP N-33251-3 (AAR N-4007-3)

N-4008-3