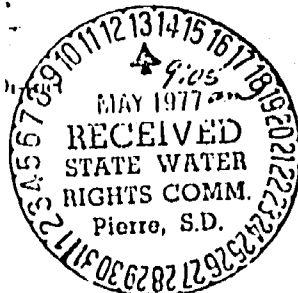


Map No. 3278-3 Water Division No. 3 Big Sioux River
(Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

- Name of Applicant E. M. Sweetman
Postoffice address 100 S. Dakota Ave., Sioux Falls, South Dakota
If a corporation show date and place of incorporation Not a Corporation
- Method of accomplishing work (contract, employment of others, or by direct labor) -----
- Name of diversion work Sweetman #2
- Amount of water claimed (cubic feet per second) 5.64 Cu. Ft. Per Second Maximum Allowable
- Source of water supply Underground Wells
- Location of point of diversion See Attached Supplemental Sheet

County Minnehaha

- Annual period or periods during which water is to be used May 1 to Sept. 1
- Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
- For irrigation use. ----- Total number of acres to be irrigated 395

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.
<u>See attached supplemental sheet</u>			

Attach sheet if more space is needed

- Time required to complete construction of water supply system -0- years. Additional time required to complete application of water to the proposed beneficial use -0- years.
- Choice of newspaper for Notice of Intent to Appropriate Water publication Argus Leader
- Principal Features of the Proposed Water Supply System.

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

Wells

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

Pipe

C. Works proposed to apply water to beneficial use.

Gun

Estimated Total Cost \$ -0-

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

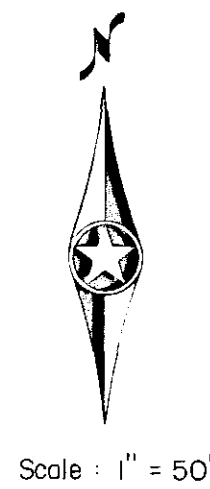
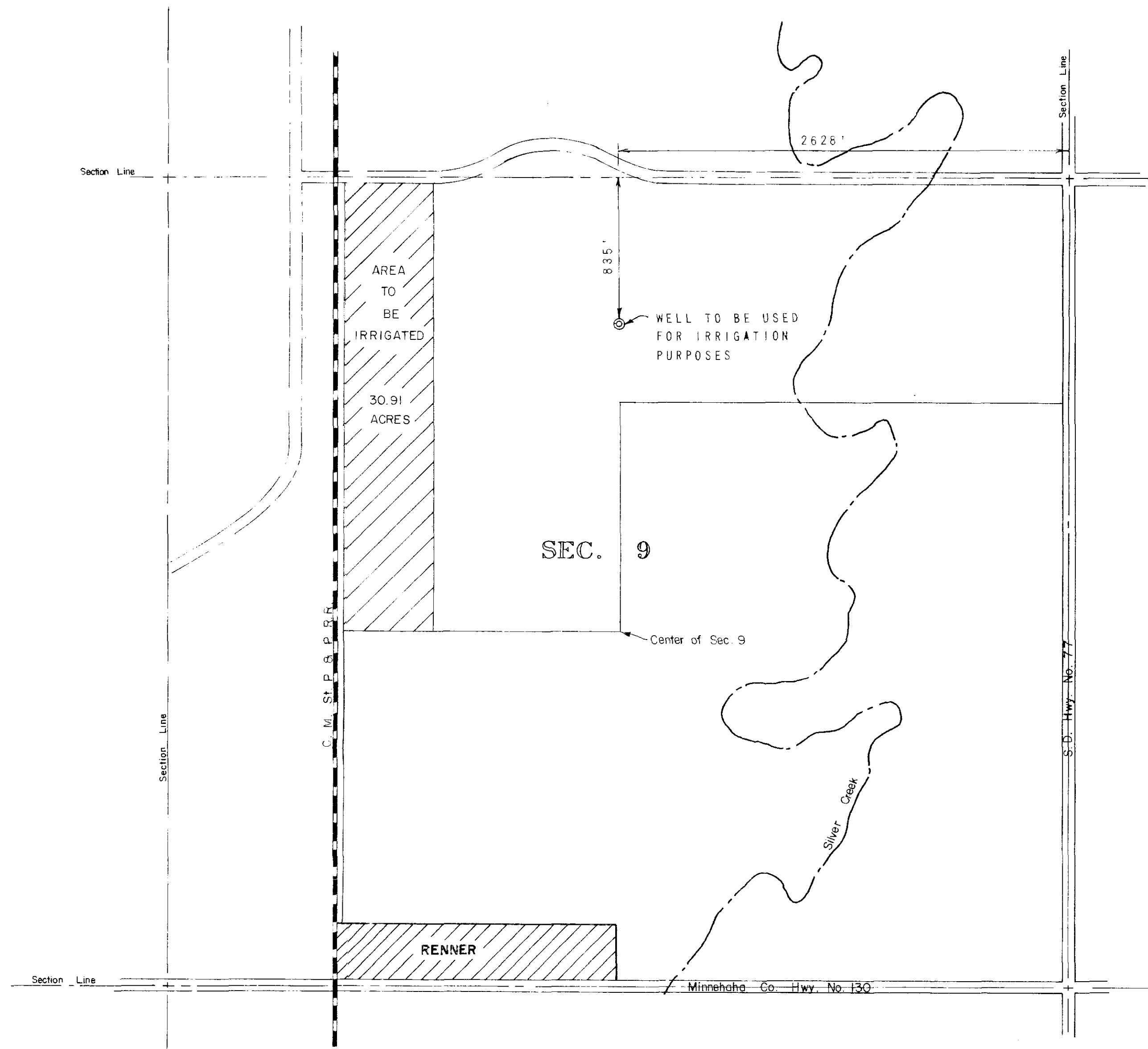
County Minnehaha

I, Richard C. Sweetman, 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 Richard C. Sweetman

Subscribed and sworn to before me this 11th day of May, 1977

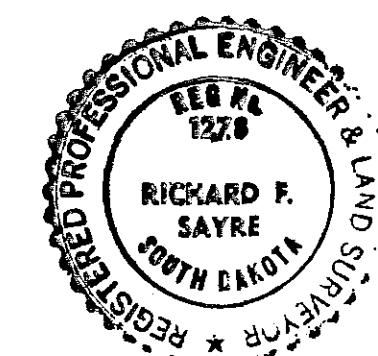
Angus L. Schutte
Notary Public (or other qualified officer)



Scale: 1" = 50'

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER AND LAND SURVEYOR UNDER THE LAWS OF THE STATE OF SOUTH DAKOTA.

Richard F. Sayre
RICHARD F. SAYRE 5/5/77



WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 4034.3
REINHOLD E.M. SWEETMAN 100 S. DAKOTA AVE., SIOUX FALLS,
 (Applicant) Box 809 (Post Office Address)

SOUTH DAKOTA 57105 With the following modifications
 (State)

THIS PERMIT IS APPROVED FOR AN ADDITIONAL 32 ACRES IN THE E2NE 1/4 SECTION 9, T102N, R14TH FROM EXISTING WELLS UNDER PERMIT NS1271-B

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.

THE WELLS AUTHORIZED FOR USE UNDER THIS PERMIT ARE LOCATED ON LAND TO WHICH THE CITY OF SIOUX FALLS HAS PRIORITY RIGHTS TO THE WATER UNDER FUTURE USE WITHDRAWAL PERMITS, AND THIS APPLICATION IS APPROVED SUBJECT TO THESE PRIORITY RIGHTS, IF OR WHEN THE CITY DEVELOPS THE RESERVED SUPPLY.

Date of first receipt of application MAY 13 19 77
 Date of return to applicant for correction, amendments or changes required MAY 13 19 77
 Date of receipt of corrected application JUNE 24 19 77
 Approved JULY 27 19 77 Recorded in Book 19 Page 49

WATER RIGHT PERMIT NO. 4034.3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 4034.3 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 MAY 13 19 77
2. The equivalent of at least one-fifth of the work above specified is not completed on or before
3. The whole of said work is not completed on or before
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED ++
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 NO ADDITIONAL 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 THIS DATE ++ said water to be used during the following described annual period: MAY 1 - SEPTEMBER 1

Witness my hand this 15TH day of AUGUST 19 77

WATER RESOURCES COMMISSION

By

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued 19

Water License issued 19

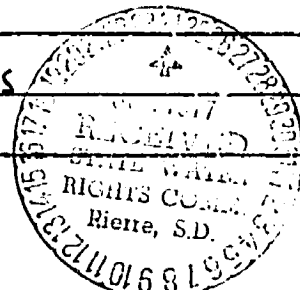
Question #9

The Southeast Quarter (SE 1/4) and the East Half (E 1/2) of the Southwest Quarter (SW 1/4) of Section 4, Township 102, Range 49; and the North Half of the Northeast Quarter (N 1/2 NE 1/4) and the East Half of the Northwest Quarter (E 1/2 NW 1/4) of Section 9, Township 102, Range 49, Minnehaha County, South Dakota

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 Richard C Sweetman
ADDRESS 100 S Dakota Ave Sioux Falls
COUNTY Minnehaha



LEGAL DESCRIPTION

1. WELL LOCATION See map
2. LOCATION OF AREA TO BE IRRIGATED W 1/2 NW 1/4 Sec 9 T102N R49N

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE X CENTER PIVOT _____ GUN _____
4. CROPS TO BE IRRIGATED Corn ~~Alfalfa~~ ALFALFA

WATER QUALITY

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 Minn. 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.

Richard C Sweetman
APPLICANT'S SIGNATURE

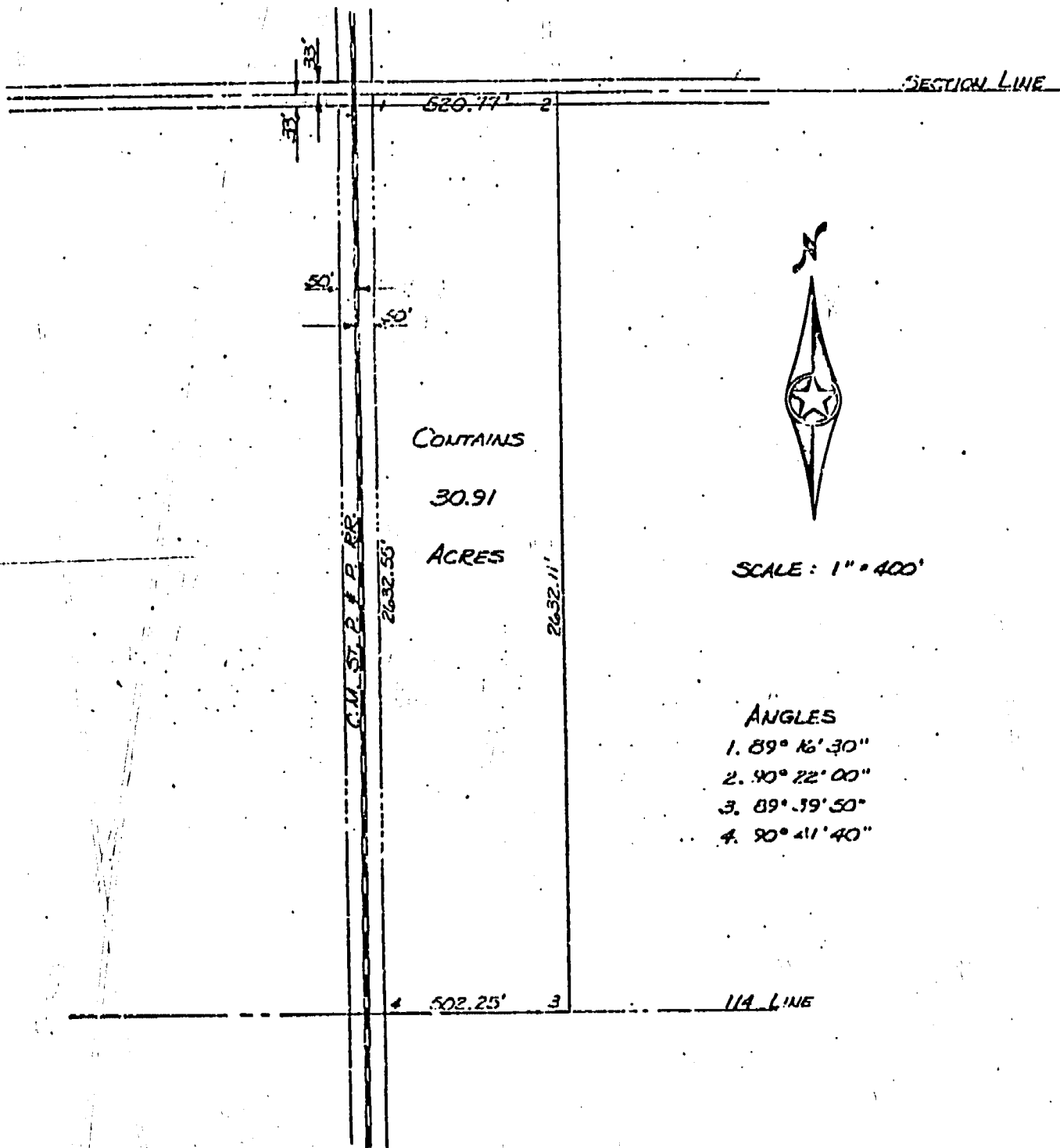
SUBSCRIBED AND SWORN BEFORE ME THIS
____ DAY OF _____ 19 ____.

(TITLE OR SEAL)

Alfred J. Hoff
APPROVED/6/29/77

(SOILS INFORMATION ON REVERSE SIDE)

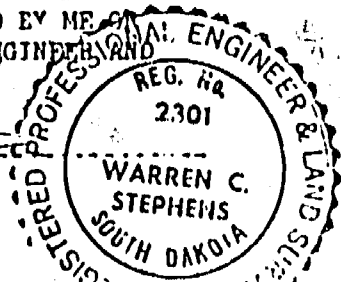
SUBJECT: THE WEST HALF OF THE NE 1/4 SECTION 9 (1/2 NW 1/4)
 OF SECTION 9 - 102 N - R 49 W, MINN. TADA COUNTY, SOUTH DAKOTA



I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR BY AN ENGINEER OR LAND SURVEYOR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ENGINEER AND LAND SURVEYOR UNDER THE LAWS OF THE STATE OF SOUTH DAKOTA.

MAY 1977

WARREN C. STEPHENS
 REG. NO. 2301



LABORATORY

Sample: Irrigation Well - Renner, SD

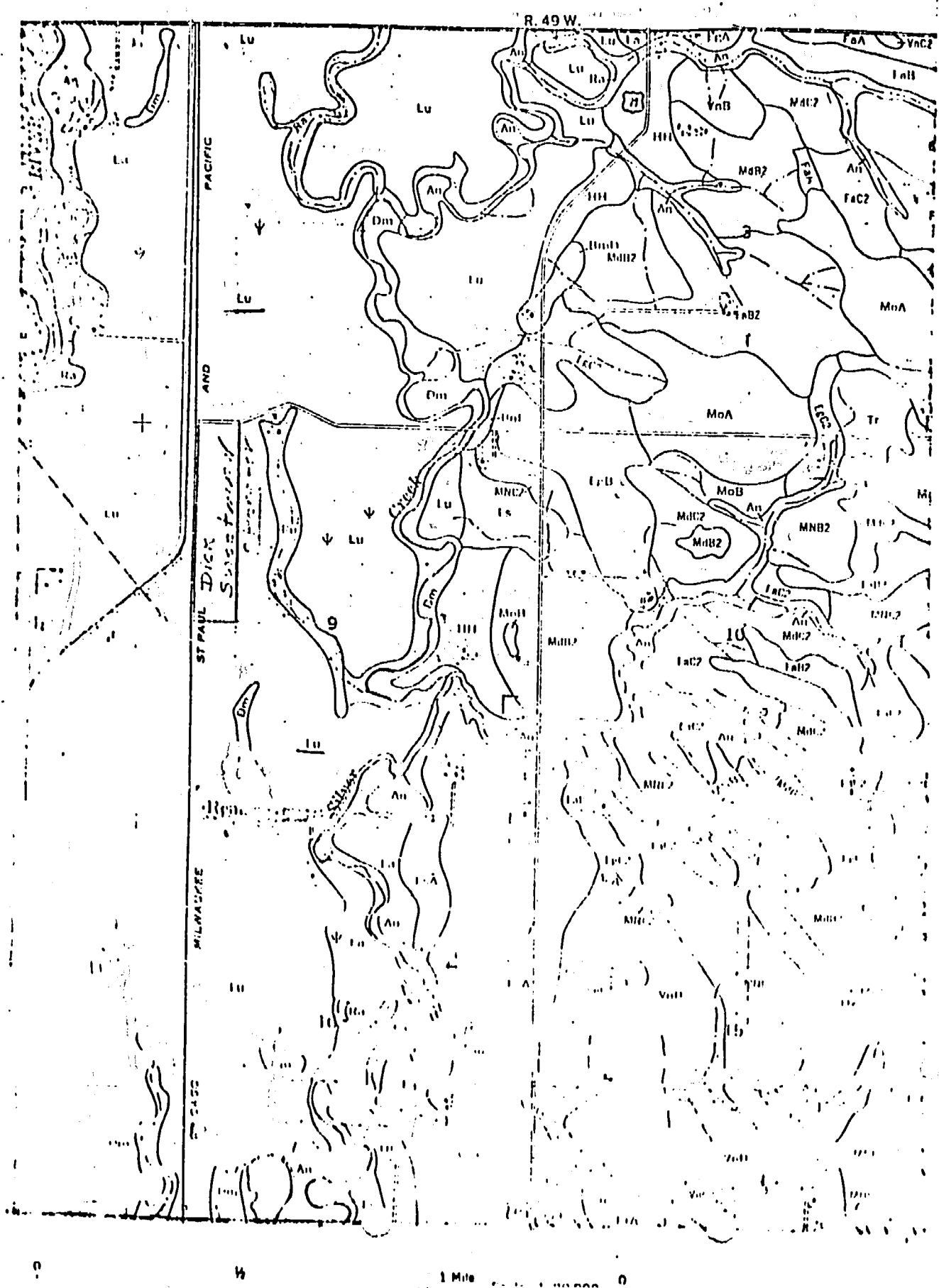
Type of Test:

Total Alkalinity	290 mg/l
Sodium	9 mg/l
Chloride	5 mg/l
Sodium Chloride	8.3 mg/l
Conductivity	620 umho/cm

Date Tested: 5-27-77


David Sanders
Chemist

MINNEHATA COUNTY, SOUTH DAKOTA - SHEET NUMBER 31



SOIL AND CAPABILITY MAP

PREPARED BY U. S. DEPARTMENT OF AGRICULTURE, SOIL CONSERVATION SERVICE
 COOPERATING WITH Minnehaha SOIL & WATER CONSERVATION DISTRICT
 AND PLAN NO. _____ DATE 5/25/77
 OWNER/OPER. Dick Sweetman AC. _____
 PHOTO _____ APP. SCALE 1"/MI. COUNTY Minnehaha

See Attached Soils map - C.D. Culhane, SOS

*1000
430
200
deposition
H2O &*

Luton

In the Luton series are deep, somewhat poorly drained, fine-textured soils that formed in water-deposited sediments on level flood plains. In this county these soils are mainly along the Big Sioux River.

It is difficult to work because it puddles if it is worked when wet and it clods when it dries.

These somewhat poorly drained soils are very slowly permeable, and water may pond on them during wet seasons. They have good natural fertility and a high water-holding capacity.

Most areas of the Luton soils are cultivated, but in spring farming operations may be delayed because of wetness. Good to excellent yields of corn, soybeans, and alfalfa are produced in areas protected from excess water.

CHECKED BELOW ARE CAPABILITY CLASSES ON YOUR FARM OR RANCH!

THE LAND CAPABILITY CLASSIFICATION

The capability classification is a practical method of grouping soils for use, treatment, and management. There are eight general classifications (Class I through Class VIII). The erosion hazards and limitations for use increase as the class number increases. In other words, Class I land has few hazards or limitations, whereas Class VII has many.

Class I	Soils in Class I have few or no limitations or hazards that restrict their use. With good management practices these soils can be used safely for cultivated crops, pasture, range, woodland or wildlife.	Class V	Soils in Class V have little or no erosion hazard but have other limitations that are normally impractical to remove that limits their use largely to pasture, range, woodland, or wildlife.
Class II	Soils in Class II have some limitations or hazards that restrict their use. Choice of crop or easily applied conservation practices, or both, are needed where cultivated. Suited for cultivated crops, pasture, range, woodland or wildlife.	Class VI	Soils in Class VI have severe limitations that make them generally unsuited for cultivation and limit their use largely to pasture, range, woodland, or wildlife.
Class III	Soils in Class III have severe limitations or hazards that restrict their use. Choice of crop and intensive conservation practices are needed when cultivated. Suited for cultivated crops, pasture, range, woodland or wildlife.	Class VII	Soils in Class VII have very severe limitations that make them unsuited for cultivation and restrict their use largely to grazing, woodland, or wildlife under proper management.
Class IV	Soils in Class IV have very severe limitations or hazards. Best suited for permanent vegetation. When cultivated require careful selection of crops and very intensive conservation practices.	Class VIII	Soils in Class VIII have no agricultural value because of very extreme limitations. They may have value for recreation or wildlife.

The above capability classes are further divided into sub-classes that show the principal kinds of problems involved. These sub-classes are: erosion as indicated by a, such as 11(a); water as indicated by w, such as 1(a); soil limitations (shallowness or droughtiness) indicated by s, such as 1(s); and climate limitations indicated by c, such as 1(c).

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

Pierre, South Dakota 57501

July 1, 1977Notice is hereby given that E. M. Sweetman whose

post office address is Sioux Falls, 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, ~~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, ~~XXXXXX~~ ~~XXXXXX~~, for a permit to appropriate for beneficial use no add'l ~~XXXXXX~~

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

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

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

of Section 9, Twp. 102N, Range 49W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

E 1/2 W 1/2 NW 1/4, Section 9, T102N, R49W

This Application No. 4034-3 will be considered by the Water Rights Commission the Staurolite Inn, Brookings, SD at ~~XXXXXX~~ upon the 27th day of July, 1977, at 10 AM. 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 WINTERSON

Water Rights Specialist

cc: E. M. Sweetman, 100 S. Dakota Ave., Sioux Falls, SD 57105

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 4034-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Minnehaha) ss.

I, JOHN K. KOLL hereby

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

Water was taken from the STOUX FALLS ARGUS LEADER

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 SIOUX FALLS

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

Tuesday July 12, 1977

Tuesday July 19, 1977

JOHN K. KOLL
(Signature)

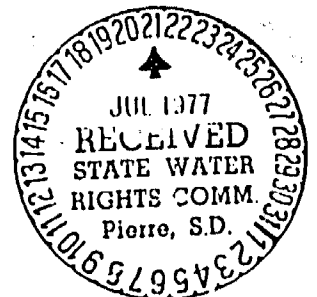
JOHN K. KOLL
CONTROLLER

(Title)

JULY 19, 1977

(Date Signed)

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota 57501
July 1, 1977
Notice is hereby given that E. M.
Sweetman whose post office address is
Sioux Falls, 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, 46-6-6.1, 46-6-10, 46-6-14 and
Commission ARSD 52:01:01:01 thru
52:01:01:13, for a permit to ap-
propriate for beneficial use no add'l
water per second of time from ground
water through the Sweetman #2, the
point of diversion of which is to be
located in the NW 1/4 NE 1/4 of Section 9,
Twp. 102N, Range 49W. Said water to
be used for the purpose of providing
irrigation on portions of the following
described land:
E 1/2 W 1/2 NW 1/4, Section 9, T102N,
R49W
This Application No. 4034-3 will be
considered by the Water Rights
Commission at the Staurollite 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 af-
fected 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
July 12, 19, 1977





Dear Mr. Hatch:

Enclosed please find two (2) copies of Form 2. The information on these forms is the same as that shown on Permit No. 1271-3.

The only change is in the legal description. I am asking for a permit to allow irrigation on 32 acres, more or less, formerly owned by Clarence Oien, and contiguous with the land we presently irrigate. I am willing to relinquish a similar size tract located in the N 1/2 of the NE 1/4 of Section 9, Township 102N, Range 49 West, Minnehaha County, so that the total acres shown on the permit will remain the same as on the original.

If it is not necessary to relinquish this acreage, the answer to question #9 on Form 2 should be increased to 427 acres.

Sincerely,

Richard C. Sweetman

RCS/mk'

Attachments:

1. \$150.00 check
2. 2 copies of Form 2
3. 2 copies - Map of Site

Wick Sweetman 4034-3

9-23-77

Called and stated
that they were not able
to put the water to
beneficial use this year
because of all the
rainfall in the area.

I told him he
could wait until
next year to return the



Department of Water & Natural Resources

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

January 29, 1988

E M SWEETMAN
BOX 809
SIOUX FALLS, SD 57105

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). (4034-3). 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). 4034-3 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

February 12, 1988

1270-3
1271-3
4034-3

R. C. Sweetman
Sweetman Construction
Box 809
Sioux Falls SD 57101

Dear Mr. Sweetman:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 1270-3, 1271-3 & 4034-3 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



4034-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

WADE PETERSON, MGR
RR 1 BOX 627
RENNER SD 57055

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 1270-3, 1271-3 & 4034-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1270-3, 1271-3 & 4034-3 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 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,

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

cc: E M Sweetman, PO Box 84140, Sioux Falls, SD 57118



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 14, 1992

1270-3
1271-3
4034-3

Wade Peterson, Mgr
RR #1 Box 627
Renner, SD 57055

Dear Mr. Peterson:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for Water Right Nos. 1270-3 and 1271-3 and Water Permit No. 4034-3. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division

cc: E M Sweetman, PO Box 84140, Sioux Falls, SD 57118

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee

3. Article Addressed to:

E. I. Sweetman
20 Box 34140
Sioux Falls SD 57118

4a. Article Number

P 906 557 839

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

1-30-72

5. Signature (Addressee)

E. I. Sweetman
Signature (Agent)

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

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form, so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

3. Article Addressed to:

WADE PETERSON, MGR
RR 1 BOX 627
RENNER, SD 57055

5. Signature (Addressee)

6. Signature (Agent)

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

P 906 557 720

4b. Service Type:

☐ Registered☐ Insured☒ Certified☐ COD☐ Express Mail☐ Return Receipt for Merchandise

7. Date of Delivery

1-29-92

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

Mathison's

4034-3

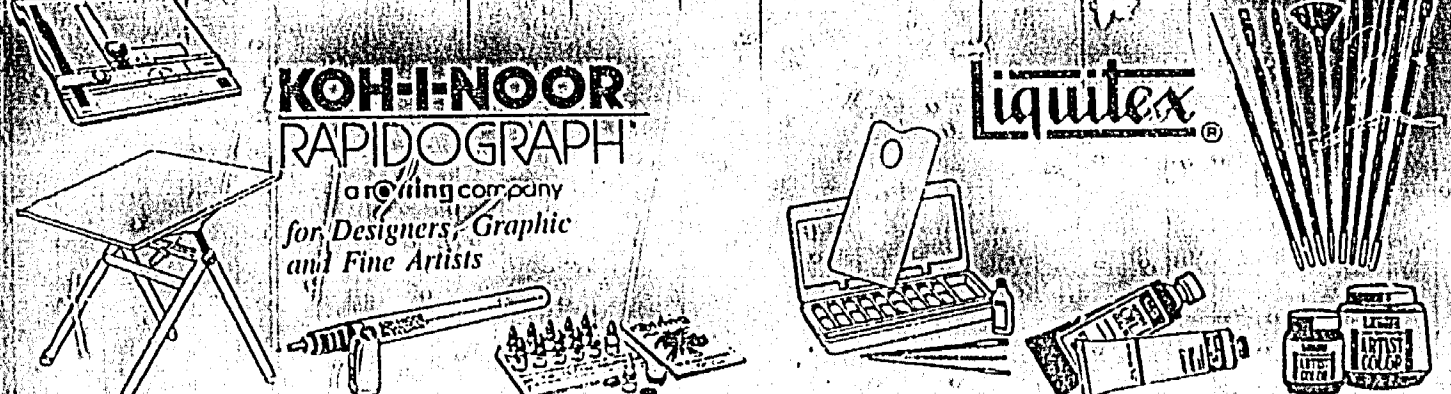
1213 NP Ave. Box 333, Fargo, ND 58107 (701) 232-8971
 112 N. 4th St. Box 1256, Bismarck, ND 58502 (701) 258-5060
 109 Indiana Box 31, Sioux Falls, SD 57117 (605) 336-2437
 2928 Gordon Dr. Box 1644, Sioux City, IA 51102 (712) 74-2650

Toll-Free: 1-800-437-4744
 Fax: (701) 280-9106

Point Year	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	
1270-3 (1270-3)	No 100	No 100	No 100	118 ac.	118 ac.	None None	100 ac.	*90 (?)	65 ac.	65 ac.	95 ac.
1271-3 (395-3)	None	155 ac.	215 ac.	60 ac.	60 ac.	62 ac.	80 ac.	120 ac.	80 ac.	80 ac.	80 ac.
4034-3 (320-3)	None	None	None	None	None	*150 ac. (?)	60 ac.	*239 ac. (?)	40 ac.	40 ac.	40 ac.
1270-3 (1270-3)	35 ac.										
1271-3 (395-3)	80 ac.										
4034-3 (320-3)	20 ac.										

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 for Designers, Graphic
 and Fine Artists

Liquitex



REDUCED FATO: 100%
 ROLL NUMBER: 100
 DATE MICROFILMED: 10/10/00
 CAMERA: OPERATOR SIGNATURE



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 5, 1993

Dick Sweetman
1201 W. Russell
Sioux Falls, SD 57104

Dear Mr. Sweetman:

Enclosed is a map of the lands irrigated under Water License No. 1271-3 and Water Permit No. 4034-3 in Sections 4 and 9, T102N-R49W in Minnehaha County. Last August we looked at the area that was irrigated under these two permits. I've drawn out the actual acres irrigated based on an aerial photo and what I observed last August. Water License No. 1271-3 was originally issued to divert 5.64 cubic feet per second (cfs) for irrigating 395 acres of land. The aerial photo indicates that only 295 acres are being irrigated under No. 1271-3 and 32 acres under No. 4034-3 for a total of 327 acres. The statutory limit of water to be diverted for irrigation is 1 cfs (450 gpm) for 70 acres; therefore, the amount of water diverted cannot exceed 4.21 cfs for 295 acres.

Please review the map I have enclosed and call me if there are any questions about land that may be irrigated that is not indicated on the aerial photo. In addition, I need the following information:

- 1) The pumping capacities (gpm) of each of the four wells used on the system under Nos. 1271-3 and 4034-3.
- 2) The capacity (gpm) and pressure (psi) of each of the two Big Guns used on the irrigated ground.

Once I receive all of this information, I will write up a revised license report for Nos. 1271-3 and 4034-3 with the correct number of acres irrigated and the proportionate amount of water to be diverted for those acres.

Your immediate attention would be appreciated, and if you have any questions, please feel free to contact me.

Sincerely,

Gregory C. Johnston
Natural Resources Engineer II
Water Rights Division
(605) 773-3352

encl

File No. 1270-3/1271-3/4340-3

Water Rights Division -DENR

Conversation or File Documentation

NAME OF PERSON OR FILE: Dick Sweetman

ADDRESS: Sweetman Construction COUNTY: Minnehaha

DATE: 8/4/92 TELEPHONE:

RE: Water license Nos. 1270-3 and 1271-3 and Water Permit No.
4034-3

COMMENTS:

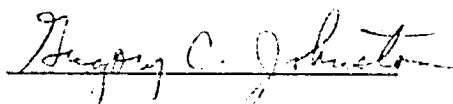
Spoke with Dick Sweetman in regards to acres irrigated under Water License No. 1270-3 and 1271-3 as well as Water Permit No. 4034-3 in Minnehaha County, SD.

Water License No. 1270-3 appropriates 1.8 cfs for irrigation of 127 acres in the SW1/4 and the W1/2 SE1/4 of Section 20-T102N-R49W. Water License No. 1271-3 appropriates 5.64 cfs for the irrigation of 395 acres located in the SE1/4 and SW1/4 of Section 4; and the N1/2 NE1/4, E1/2 NW1/4 of Section 9 both in T102N-R49W. Water Permit No. 4034-3 appropriates no additional water, but 32 additional acres located in the E1/2 W1/2 NW1/4 of Section 9-T102N-R49W to be irrigated from the system used under water License No. 1271-3.

The Irrigation Questionnaire submitted in 1987 for No. 1270-3 noted that 190 acres were irrigated (the License is permitted for only 127 acres). Mr. Sweetman mentioned that the farm manager may have included acres under Permit No. 1271-3 on the Irrigation Questionnaire for 1270-3 for 1987. When I checked the acreages and the systems with Mr. Sweetman, it was very likely that this could have occurred. Mr. Sweetman believes that all 127 acres were irrigated under No. 1270-3 and that the remaining 63 acres reported on the questionnaire should be attributed to acres under No. 1271-3. The Irrigation Questionnaire submitted for Permit No. 4034-3 (Permit covers only 32 acres) in 1987 stated that 239 acres were irrigated under No. 4034-3. Again, it looks as though the farm manager associated the incorrect number of acres with the incorrect Water Permit. Only 32 acres were to be irrigated under Permit No. 4034-3, the remaining 207 acres ought to be included under the Irrigation Questionnaire submitted for No. 1271-3.

The Irrigation Questionnaire submitted for No. 1271-3 stated that 120 acres were irrigated. There ought to be an additional 270 acres added to the total amount irrigated under this Permit in 1987. This would then bring the total acres irrigated in 1987 under No. 1271-3 to 390 acres.

I instructed Mr. Sweetman to be certain that the farm manager attributes the correct acreages with the correct permit on future Irrigation Questionnaires.

A handwritten signature in cursive script, reading "Gregory C. Johnston", written over a horizontal line.

Gregory C. Johnston

Natural Resources Engineer

DENR, Water Rights Division

Permit No. 4034-3Big Sioux River Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day made a thorough examination of the water use system constructed by FH Sweetman of Box 309 Sioux Falls, SD 57105 holder of Permit No. 4034-3 (1271-3), bearing the priority of May 13, 1977 (February 23, 1966) authorizing the diversion of no additional (5.64) cu. ft. per second of the waters of the Big Sioux - Sioux Falls Management Unit for irrigation purposes, in Minnichaha County.

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

A. Works used to divert the water:

4 wells - 40 to 50 feet deep with 18" casing, Western Land Poller Pumps - all 4 stages, 6", Model No. for wells nos. 1, 2 and 4 are 6 030 4 10H, and well no. 3 is 6M 7 10C, No. 1 and 2 have 20 HP Lincoln AC motors, Model No. T-2557, No. 3 has a 50 HP GE Motor, Model No. 5K6248XH4A and No. 4 has a 60 HP US Electric, Model No. 03-75N-5001937, Total capacity is 2400 GPM

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

1600' of 10", 1200' of 8' and 1200' of 6" aluminum pipe

C. Works used to apply water to beneficial use:

Big Gun and EZ Rain Traveling Guns, both 1.5" nozzles, 1100 GPM each, 660' of 6" hose length each

The system is in the following condition fair. The point of diversion is located Well No. 1 is 749'S and 2845'W, Well No. 2 is 1913'S and 2578'W, Well No. 3 is 520'S and 956'W all from the East 1/4 corner of Section 4-T102N-R49W; Well No. 4 is 918'S and 2219'W of the SE corner of Section 4-T102N-R49W. The works are capable of diverting and conveying to the place of use 4.9 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

No. 1271-3

All in Section 4-T102N-R49W: All in Section 9-T102N-R49W:

NE1/4 SW1/4 = 40 acres NE1/4 NW1/4 = 32 acres (Total No. 1271-3 is 295 acres)

SE1/4 SW1/4 = 35 acres SE1/4 NW1/4 = 32 acres

NW1/4 SE1/4 = 27 acres NW1/4 NE1/4 = 31 acres

SW1/4 SE1/4 = 25 acres NE1/4 NE1/4 = 30 acres

NE1/4 SE1/4 = 34 acres

SE1/4 SE1/4 = 9 acres

No. 4034-3

All in Section 9-T102N-R49W: (Total No. 4034-3 is 32 acres)

NW1/4 NW1/4 = 16 acres

SW1/4 NW1/4 = 16 acres

comprising a total of 327 acres of land and the license should be issued for 4.21 cfs. ^{4.67}

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: None Date 8/4/92


Gregory C. Johnston
Natural Resources Engineer II
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NUMBER 4034-3

DATE 8/4/92

Other permit(s) associated with the project Incorporate License No. 1270-3

DIVERSION POINT LEGAL LOCATION: 4 wells - Well No. 1 is 749'S and 2845'W; Well No. 2 is 1913'S and 2578'W; Well No. 3 is 520'S and 956'W all from the East 1/4 corner of Section 4-T102N-R49W

Well No. 4 is 918'S and 2219' W of the SE corner of Section 4-T102N-R49W

WELL INFORMATION: Well Drilling Firm unknown

No. of Wells 4 Depth(s) 40-50 feet

a) Casing: 1) diameter 18 inches

2) length feet

3) type

c) Pump

d) Static Water Level unknown feet

b) Screen: 1) type

2) length feet

1) make all Western Land Roller

2) model Well Nos. 1, 2 and 4 - 6 030 4 10 H.

No. 3 - 6M 7 10C M

3) size all 6 inches

e) Motor:

1) make No. 1 and 2 - Lincoln AC, No. 3 is GE and No. 4 is US Electric

4) capacity 2400 GPM total

2) model No. 1 and 2 are T-2557, 3 is 5K6248XH4A and 4 is 03-75 N-5001937

5) turbine pump - No. of stages all 4

3) horsepower rating 20/20/50/60 hp

6) operating pressure unknown PSI

DISTRIBUTION LINES OR CANALS:

a) type all aluminum b) size 10/8/6 inches c) length 1600/2200/1200 feet

System Type:

a) Gun:

1) make Big Gun/ EZ Rain

2) nozzle size 1.5 each

3) capacity 1100 each GPM

4) hose size 6/6 inches

5) hose length 660/660 feet

CHEMIGATION EQUIPMENT:

a) does chemigate N (Y/N)

PERMIT QUALIFICATIONS AND REGULATIONS:

a) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y (Y/N)

b) Special qualifications to permit being abided by Y (Y/N)

c) All structures, wells and lands on map Y (Y/N)

d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y (Y/N)

This license reissues Water License No. 1271-3 and Incorporates No. 1271-3 into Water License No. 4034-3. Water License No. 4034-3 permits 32 acres of additional land (no additional water) to be irrigated from the wells and the system under License No. 1271-3.



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

April 11, 1994

Permit No. 4034-3

E. M. Sweetman
P.O. Box 84140
Sioux Falls, SD 57118

Dear Mr. Sweetman:

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 Nos. 1271-3 and 4034-3, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 1271-3 will be incorporated into 4034-3.

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.

Please Remit fee to:
Department of Environment & Natural Resources
Water Rights Division
523 E. Capitol
Pierre, SD 57501-3181

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,

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

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

RECEIPT

414137

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, April 18, 19 91

RECEIVED OF L Evelyn Sweetman, PO Box 84140, Sioux Falls, SD 57114

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. <u>4054-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Haddad
Chief Engineer

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4034-3**

(1) E M Sweetman, of Box 84140, Sioux Falls, SD 57118 made Application No. 4034-3, May 13, 1977 for a water permit to appropriate no additional cubic feet of water per second from groundwater (four existing wells), Minnehaha County, South Dakota for irrigation purposes. Permit No. 4034-3, with a priority date of May 13, 1977 was approved July 27, 1977 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 4034-3 authorized irrigation of an additional 32 acres in the E½ W½ NW¼ Section 9, T102N, R49W from existing wells authorized under Water Right No. 1271-3. The applicable portions of Water Right No. 1271-3 are being incorporated into this Water License No. 4034-3. Priority dates, as they pertain to the acres being irrigated, are described in (3) of this license.

(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 4.67 cubic feet of water per second for beneficial use. The location of the diversion points are Well #1 - 749'S and 2845'W of the E¼ corner (NE¼ SW¼); Well #2 - 1913'S and 2578'W of the E¼ corner (SW¼ SE¼); Well #3 - 520'S and 956'W of the E¼ corner (NE¼ SE¼) Section 4, T102N, R49W; Well #4 - 918'S and 2219'W of the SE corner Section 4, T102N, R49W (NW¼ NE¼ Section 9).

(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: all in T102N, R49W

Section 4		Section 9
NE¼ SW¼ 40 acres		NW¼ NE¼ 31 acres
SE¼ SW¼ 35 acres		NE¼ NE¼ 30 acres
 NW¼ SE¼ 27 acres		 NE¼ NW¼ 32 acres
SW¼ SE¼ 25 acres		SE¼ NW¼ 32 acres
NE¼ SE¼ 34 acres	**	NW¼ NW¼ 16 acres
SE¼ SE¼ 9 acres	**	SW¼ NW¼ 16 acres
		 Total 327 acres

** The 32 acres in the W½ NW¼ Section 9 carry a May 13, 1977 priority date (established by No. 4034-3)
The remaining acreage carries a February 23, 1966 priority date (established by No. 1271-3)

(4) Pursuant to South Dakota Water Law 46-5-30.1 E M Sweetman of Box 84140, Sioux Falls, SD 57118 the holder and/or owner of Incorporated Water Permit No. 4034-3 is issued a license to appropriate water, the right to use 4.67 cubic feet of water per second from groundwater (4 wells) with priority dates of February 23, 1966 and May 13, 1977 from the location specified in (2) of this license. The water 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 Incorporated Water Permit No. 4034-3 and subject to South Dakota State Law.



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

NOV 14 1994

date



4034-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOV 14 1994

4034-3

E. M. Sweetman
Box 84140
Sioux Falls, SD 57118

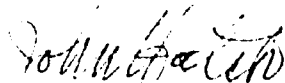
Dear Mr. Sweetman:

Enclosed is Water License No. 4034-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414137 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. 4034-3, 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 Right No. 1271-3 are being incorporated into this Water License No. 4034-3.

4034-3



February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: WADE PETERSON, MGR, 25565 475th AVE, RENNER, SD 57055

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Requirement to Submit 1996 Irrigation Questionnaire

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 1270-3 & 4034-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 2:30 pm, March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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) 1270-3 & 4034-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 1997, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

c: EM & RC SWEETMAN, SWEETMAN CONST., PO BOX 84140, SIOUX FALLS, SD 57118

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.



4034-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 25, 1997

4034-3
1270-3

Wade Peterson, Mgr
25565 475th Ave
Renner, SD 57055

Dear Mr. Peterson:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, Notice of Violation of the Requirement to Submit the 1996 Irrigation Questionnaire.

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

Thank you and if you have any questions, please contact me.

Sincerely,

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

c: EM & RC Sweetman, Sweetman Construction, PO Box 84140, Sioux Falls, SD 57118



January 9, 1998

4034-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: WADE PETERSON, MGR, 25565 475th AVE, RENNER, SD 57055

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire has not been submitted for Permit No(s) 1270-3 & 4034-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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 9:45 am, February 25, 1998, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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) 1270-3 & 4034-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

cc: EM & RC SWEETMAN, SWEETMAN CONST., PO BOX 84140, SIOUX FALLS, SD 57118

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.



4034-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 6, 1998

1270-3
4034-3

Dick Sweetman
PO Box 84140
Sioux Falls, SD 57118

Dear Mr. Sweetman:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 1270-3 and 4034-3.

I completed questionnaires for you based on your February 6th telephone conversation with Ron Duvall. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

During your conversation with Ron, you indicated the land has been placed in CRP through 2006. I will make a notation of this in your file and take your name off of the list of irrigators having to report annual water use. You will not receive annual questionnaires for this land until 2007.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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

c: Wade Peterson, Mgr, 25565 475th Ave, Renner, SD 57055

4034-3

Richard C. Sweetman
300 So. Main Ave. Suite 102
Sioux Falls SD 57104-6312



February 5, 1998

Mr. Ron Duvall, natural Resources Engineer
Water rights Program
D.E.N.R.
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Irrigation Permit Numbers 1270-3 & 4034-3

Dear Ron:

Thank you for discussing the above-referenced permits with me on Feb. 5, 1998. It is my understanding that the requirement for submittal of the annual irrigation questionnaire for the permits has been met and no further documentation is needed. It is also my understanding that for subsequent years through the year 2007 no questionnaire will be needed as the property described for both permits has been accepted for the Conservation Reserve Program starting in 1997 and continuing through 2007. When we spoke I was under the impression that the contract terminated in the fall of 2006. It actually terminates 09/30/07.

For your information I have included some documentation of the program and the affected acres.

Sincerely,

Richard C. Sweetman

CRP-1
(01-30-97)U.S. DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

CONSERVATION RESERVE PROGRAM CONTRACT

COUNTY OFFICE ADDRESS AND PHONE NO. (area code)
Minnehaha County FSA
3812 North Cliff Avenue
Sioux Falls SD 57104

PH: 605-330-4514

1. ST. & CO. CODE & C/D
46 099 92. SIGN-UP NUMBER
143. CONTRACT NUMBER
3044. ACRES FOR ENROLLMENT
115.85. FARM NUMBER
31026. TRACT NUMBER(S)
25198. OFFER (Select one)
STANDARD9. CONTRACT PERIOD
FROM (M/D/Y) TO (M/D/Y)
01-01-97 01-30-07

ENVIRONMENTAL PRIORITY

THIS CONTRACT is entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned owners, operators, or tenants (who may be referred to as "Owner", "Operator", and "Tenant", respectively) on the farm identified above. The undersigned person or persons may hereafter collectively be referred to as "the Participant". The Participant agrees to place the designated acreage into the Conservation Reserve Program ("CRP") for the stipulated contract period from the date the Contract is executed by the CCC or other use set by CCC. The Participant also agrees to implement on such designated acreage the Conservation Plan developed for such acreage and approved by the CCC and the Participant. Additionally, the Participant and CCC agree to comply with the terms and conditions contained in this Contract including the Appendix to this Contract, entitled Appendix to CRP-1, Conservation Reserve Program Contract (referred to as "Appendix"). By signing below, the Participant acknowledges that a copy of the Appendix for the applicable sign-up period has been provided to such person. Such person also agrees to pay such liquidated damages in an amount specified in the Appendix if the Participant withdraws prior to CCC acceptance or rejection. The terms and conditions of this contract are contained in this Form CRP-1 and in the CRP-1 Appendix and any addendum thereto. BY SIGNING THIS CONTRACT PRODUCER: ACKNOWLEDGE RECEIPT OF THE FOLLOWING FORMS: CRP-1; CRP-1 Appendix and any addendum thereto; CRP-2 and if applicable, CRP-15 and CRP-1 Continuation.

10. OFFER FOR PERMISSION TO ALLEY CROP

In order to participate in CRP under CP19, Alley Cropping, I/we submit an offer of \$ _____ per acre reduction, from the amount specified in item 11A, in the annual rental payments for permission to produce agricultural commodities on eligible acres in accordance with the provisions for alley cropping set out in the applicable regulations. I/we understand that for each year of the CRP contract the annual rental payment will be reduced by the amount agreed to above, which reduction must be a reduction of at least 50 percent in the annual rental payment.

11A. Rental Rate Per Acre

\$ 79.80

12. Identification of CRP Land

B. Annual Contract Payment

\$ 9241.00

A. Tract No.

B. Field No.

C. Practice

D. Acres E. Total C/S

C. First Year Payment

\$ 3873.56

2519

1

CP1

115.8

(Item 11C applicable only to continuous sign-up when the first year payment is prorated.)

13. OWNERS, OPERATORS, AND TENANTS

A. OPERATOR NAME AND ADDRESS

SOCIAL SECURITY NUMBER

SIGNATURE

DATE

B. OWNER NAME AND ADDRESS

SOCIAL SECURITY NUMBER

SIGNATURE

DATE

C. NAME AND ADDRESS

SOCIAL SECURITY NUMBER

SIGNATURE

DATE

14. CCC USE ONLY - Payments according to the shares are approved

SIGNATURE OF CCC REPRESENTATIVE

DATE

NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is the Food Security Act of 1985 (Pub. L. 99-198) as amended, and regulations promulgated at 7 CFR PART 1410 and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct dates to the contract. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in determination of ineligibility for certain program benefits and other financial assistance administered by USDA agency. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies and in response to a court, may state or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 285, 287, 371, 651, 1001; 15 USC 714m, and 31 USC 3729, may be applicable to the information provided.

Federal Agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 4 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, (OMB No. 0560-0125), STOP 7630 Washington, D.C. 20250-7630. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.

Program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, or disability

☐ Original - County Office Copy ☐ Owner's Copy ☐ Operator's Copy ☐ NRCS Copy

See 20 T102 N R49 W

Permit # 1270-3

CRP-1
(01-30-97)

U.S. DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

CONSERVATION RESERVE PROGRAM CONTRACT

COUNTY OFFICE ADDRESS AND PHONE NO. (area code)
Minnehaha County FSA
3812 North Cliff Avenue
Sioux Falls SD 57104

PH: 605-330-4514

1. ST. & CO. CODE & CD 46 099 9	2. SIGN-UP NUMBER 14
3. CONTRACT NUMBER 303	4. ACRES FOR ENROLLMENT 146.9
5. FARM NUMBER 4481	6. TRACT NUMBER(S) 3603
8. OFFER (Select one) STANDARD	9. CONTRACT PERIOD FROM (M/D/Y) TO (M/D/Y) 05-01-97 03/30/97
ENVIRONMENTAL PRIORITY	

THIS CONTRACT is entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned owners, operators, or tenants (who may be referred to as "Owner", "Operator", and "Tenant", respectively) on the farm identified above. The undersigned person or persons may hereafter collectively be referred to as "the Participant". The Participant agrees to place the designated acreage into the Conservation Reserve Program ("CRP") for the stipulated contract period from the date the Contract is executed by the CCC or other use set by CCC. The Participant also agrees to implement on such designated acreage the Conservation Plan developed for such acreage and approved by the CCC and the Participant. Additionally, the Participant and CCC agree to comply with the terms and conditions contained in this Contract including the Appendix to this Contract, entitled Appendix to CRP-1, Conservation Reserve Program Contract (referred to as "Appendix"). By signing below, the Participant acknowledges that a copy of the Appendix for the applicable sign up period has been provided to such person. Such person also agrees to pay such liquidated damages in an amount specified in the Appendix if the Participant withdraws prior to CCC acceptance or rejection. The terms and conditions of this contract are contained in this Form CRP-1 and in the CRP-1 Appendix and any addendum thereto. BY SIGNING THIS CONTRACT PRODUCERS ACKNOWLEDGE RECEIPT OF THE FOLLOWING FORMS: CRP-1; CRP-1 Appendix and any addendum thereto; CRP-2; and if applicable, CRP-15 and CRP-1 Continuation.

10. OFFER FOR PERMISSION TO ALLEY CROP

In order to participate in CRP under CP19, Alley Cropping, I/We submit an offer of \$ _____ per acre reduction, from the amount specified in item 11A, in the annual rental payments for permission to produce agricultural commodities on eligible acres in accordance with the provisions for alley cropping set out in the applicable regulations. I/We understand that for each year of the CRP contract the annual rental payment will be reduced by the amount agreed to above, which reduction must be a reduction of at least 50 percent in the annual rental payment.

11A. Rental Rate Per Acre	\$ 2.62	12. Identification of CRP Land				
B. Annual Contract Payment	\$ 12137.00	A. Tract No.	B. Field No.	C. Practice	D. Acres	E. Total CRP
C. First Year Payment	\$ 5037.51	3603	1	CP1	51.2	
(Item 11C applicable only to continuous signup when the first year payment is prorated.)			2	CP1	64.1	
			3	CP1	31.6	

13. OWNERS, OPERATORS, AND TENANTS

A. OPERATOR NAME AND ADDRESS	SOCIAL SECURITY NUMBER
	SIGNATURE
	DATE
B. OWNER NAME AND ADDRESS	SOCIAL SECURITY NUMBER
Mary Pat Sweetman 1201 W Russell St Sioux Falls SD 57104	504-54-0995
C. NAME AND ADDRESS	SOCIAL SECURITY NUMBER
Kathleen Sweetman 1201 W Russell St Sioux Falls SD 57104	504-64-2649
14. CCC USE ONLY - Payments according to the shares are approved	SIGNATURE OF CCC REPRESENTATIVE
	DATE

NOTE: The foregoing statement is made in accordance with the Privacy Act of 1974 (5 USC 552) and the Paperwork Reduction Act of 1995 as amended. The authority for requesting the following information is the Food Security Act of 1985 (Pub. L. 99-198), as amended, and regulations promulgated at 7 CFR PART 1410 and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct payment to the contract. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in determination of ineligibility for certain program benefits and other financial assistance administered by USDA agency. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 288, 287, 371, 651, 1001, 15 USC 714m, and 31 USC 3729, may be applicable to the information provided.

Federal Agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 4 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM (OMB No. 0560-0125), STOP 1630, Washington, DC 20250-1630. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.

Program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, or disability

☐ Original - County Office Copy ☐ Owner's Copy ☐ Operator's Copy ☐ NRCS Copy

Sec 9 T 102 N R 49 W
Permit # 4034-3

CONSERVATION RESERVE PROGRAM CONTRACT

COUNTY OFFICE ADDRESS AND PHONE NO. (area code)

Minnehaha County FSA
3812 North Cliff Avenue
Sioux Falls SD 57104

PH: 605-330-4514

1. ST. & CO. CODE & C/D 46 099 9	2. SIGN-UP NUMBER 114
3. CONTRACT NUMBER 299A	4. ACRES FOR ENROLLMENT 157.2
5. FARM NUMBER 4481	6. TRACT NUMBER(S) 3602
8. OFFER (Select one) STANDARD	9. CONTRACT PERIOD FROM (MM/DD) TO (MM/DD) 05-01-97 09-30-97
ENVIRONMENTAL PRIORITY ☒	

THIS CONTRACT is entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned owners, operators, or tenants (who may be referred to as "Owner", "Operator", and "Tenant", respectively) on the farm identified above. The undersigned person or persons may hereafter collectively be referred to as "the Participant". The Participant agrees to place the designated acreage into the Conservation Reserve Program ("CRP") for the stipulated contract period from the date the Contract is executed by the CCC or other use set by CCC. The Participant also agrees to implement on such designated acreage the Conservation Plan developed for such acreage and approved by the CCC and the Participant. Additionally, the Participant and CCC agree to comply with the terms and conditions contained in this Contract including the Appendix to this Contract, entitled "Appendix to CRP-1, Conservation Reserve Program Contract (referred to as 'Appendix')". By signing below, the Participant acknowledges that a copy of the Appendix for the applicable sign-up period has been provided to such person. Such person also agrees to pay such liquidated damages in an amount specified in the Appendix if the Participant withdraws prior to CCC acceptance or rejection. The terms and conditions of this contract are contained in this Form CRP-1 and in the CRP-1 Appendix and any addendum thereto. BY SIGNING THIS CONTRACT PRODUCERS ACKNOWLEDGE RECEIPT OF THE FOLLOWING FORMS: CRP-1; CRP-1 Appendix and any addendum thereto; and if applicable, CRP-1S and CRP-1 Continuation.

10. OFFER FOR PERMISSION TO ALLEY CROP

In order to participate in CRP under CP19, Alley Cropping, I/we submit an offer of \$ _____ per acre reduction, from the amount specified in item 11A, in the annual rental payments for permission to produce agricultural commodities on eligible acres in accordance with the provisions for alley cropping set out in the applicable regulations. I/we understand that for each year of the CRP contract the annual rental payment will be reduced by the amount agreed to above, which reduction must be a reduction of at least 50 percent in the annual rental payment.

11A. Rental Rate Per Acre \$ 77.50	12. Identification of CRP Land
B. Annual Contract Payment \$ 12514.56	A. Tract No. B. Field No. C. Practice D. Acres E. Total C/S
C. First Year Payment \$ 5258.00 (Item 11C applicable only to continuous signup when the first year payment is prorated.)	3602 1 CRP 108.5
	3602 2 CRP 48.7

13. OWNERS, OPERATORS, AND TENANTS

A. OPERATOR NAME AND ADDRESS	SOCIAL SECURITY NUMBER
	SIGNATURE DATE
	%
B. OWNER NAME AND ADDRESS Waters Farm Partnership PO Box 100 1501 W. Russell St Sioux Falls, SD 57104	SOCIAL SECURITY NUMBER 46-0426238
	SIGNATURE DATE
	100 % Waters Farm Partnership by Grant Rogers
C. NAME AND ADDRESS	SOCIAL SECURITY NUMBER
	SIGNATURE DATE
	%
14. CCC USE ONLY - Payments according to the shares are received	SIGNATURE OF CCC REPRESENTATIVE Dorion H. Henson
	DATE 7-8-97

NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is the Food Security Act of 1985, (Pub. L. 99-198), as amended, and regulations promulgated at 7 CFR PART 1410 and the Internal Revenue Code (26 USC 8109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct payment to the contract. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in determination of eligibility for such program benefits and other financial assistance administered by USDA agency. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court magistrate or administrative inquest. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 551, 1001; 18 USC 714m; and 31 USC 3729, may be applicable to the information provided.

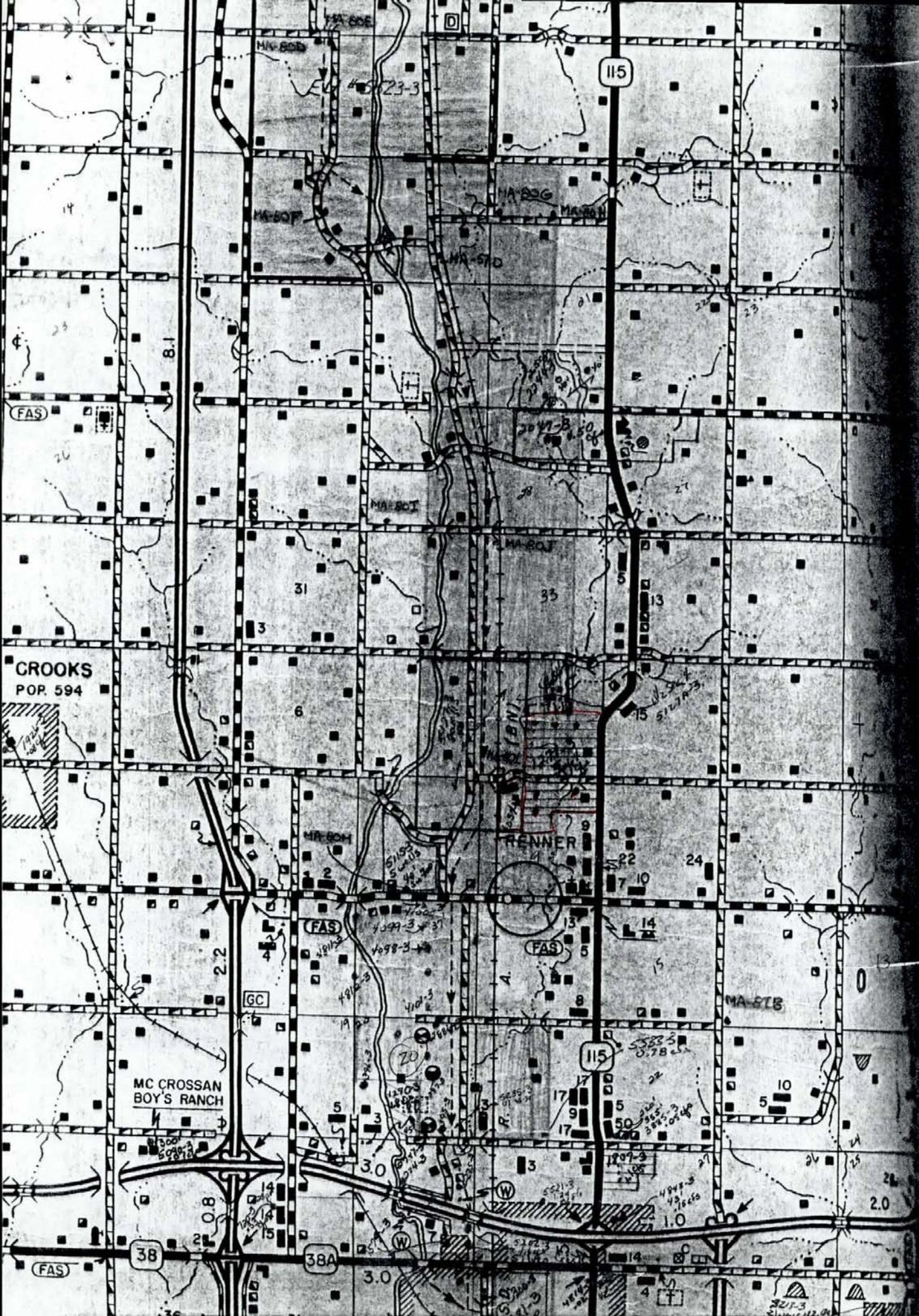
Federal Agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 4 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, ROMB No. 0560-0125, STOP 7830, Washington, D.C. 20250-7830.

Return this completed form to your county FSA office.

Sec 4 r 102 N R49W

Termil # 4034-3

ORIGINAL-COUNTY OFFICE COPY.



NOT TO SCALE

4034



Map 3228-3

53-R

Total
both 1271-3 = 327 acres
44634-3

DRAWN BY: GREGORY C. JOHNSTON, Gregory C. Johnston
NATURAL RESOURCES ENGINEER II
WATER RIGHTS DIVISION, DENR
14 3/17/93

CENTER SECTION 4
72534

$$NE\frac{1}{4} NE\frac{1}{4} = 30ac.$$

SE 1/4
— NW 1/4
= 32 ac.

CENTER
SECTION

4034-3

4034-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 3, 2008

1270-3
4034-3

Wade Peterson
25565 475th Ave
Renner SD 57055

Dear Mr. Peterson:

I am contacting you in regard to Water Right Nos. 1270-3 and 4034-3 listed in the name of RC or EM Sweetman, Sweetman Construction. We have you listed as manager of the property described in these water rights. Enclosed is a copy of the water rights for your review.

Our records reflect that the land was in CRP through 2007 and would be eligible for irrigation beginning in 2008. We have held up mailing annual irrigation questionnaires while the land has been in CRP and will resume sending them to you this fall if the land will be irrigated. Please take a few minutes to answer the following questions and return the information to us.

- Will the land be re-enrolled for another term? _____
If yes, what year will it come out? _____
If no, will the land be irrigated? _____
- Do you still manage the land? _____
(If no, please include the name and mailing address of the new manager)
- Do Sweetman's still own the land? _____
(If no, please include the name and mailing address of the new owner(s) if known)

Thank you in advance for your help in updating the records. I have enclosed a postage paid envelope for your reply.

A handwritten signature in cursive script that reads 'Genny McMath'.

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

enclosures



4034-3

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 22, 2010

NOTICE

TO: WADE PETERSON, MGR, 25563 475th AVE, RENNER, SD 57055

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire has not been submitted for Permit No(s) 1270-3 & 4034-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 10, 2010**, 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) 1270-3 & 4034-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted 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: <https://denr.sd.gov/iq.aspx>

cc: EM & RC SWEETMAN, SWEETMAN CONST., PO BOX 84140, SIOUX FALLS, SD 57118

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.

McMath, Genny

40343

From: Duvall, Ron

Sent: Tuesday, February 16, 2010 11:19 AM

To: McMath, Genny

Subject: Irrigation Questionnaires

Dick Sweetman called concerning IQ violations for 1270-3 and 4034-3 - neither permit was irrigated so I said we (you) can complete the IQs for him and a letter will be sent to remove them from the Board's agenda.

Other stuff -- address change on both of them to PO Box 2320, Sioux Falls SD 57101

Ownership change on No. 4034-3 from E M Sweetman to Mom's Farm Partnership (send transfer of ownership form)

Entire acreage under No. 1270-3 re-enrolled into CRP for another 10 years (just came out of CRP in 2009)

Some acreage under No. 4034-3 is re-enrolled in CRP for another 10 years and some is not (outside of 1,000 feet diameter around Su Fu wells)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 17, 2010

1270-3
4034-3

Dick Sweetman
PO Box 2320
Sioux Falls SD 57101

Dear Mr. Sweetman:

I am writing to acknowledge receipt of the information for your 2009 irrigation questionnaires. You may disregard the January 22, 2010, 'Notice' concerning reporting requirements for Water Right Nos. 1270-3 and 4034-3.

I completed questionnaires for you based on your phone conversation with Ron Duvall. The questionnaires reflect that no irrigation took place during 2009. I have made notations in the file that the land described in 1270-3 has been re-enrolled in CRP for another 10 years. Portions of the land under 4034-3 have also been re-enrolled in CRP. You will continue to receive annual irrigation questionnaires for No. 4034-3 since some of the land was not re-enrolled.

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

Enclosed as you and Ron discussed is a partially completed "Notice of Transfer of Ownership" form for filing an ownership change on 4034-3. 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,


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

4034-3

Richard C. Sweetman
PO Box 2320
Sioux Falls SD 57101

RECEIVED

FEB 19 2010

WATER RIGHTS
PROGRAM

February 17, 2010

Mr. Ron Duvall, Natural Resource Engineer
Water Rights Program
D.E.N.R.
Joe Foss Building
PBM 2020
Pierre SD 57501-3182

Irrigation Permit Nos. 1270-3 & 4034-3

Dear Mr. Duvall:

This packet contains 4 USDA maps and the first page of two lease agreements covering all the property included in the two above-referenced irrigation permits. As I noted in our phone conversation, all land within 1,000 feet of a City of Sioux Falls well is in CRP. The balance, as noted in the lease papers, is being cultivated but it is not anticipated that the irrigation wells will be used and the lease does not allow for their use.

Thank you for your help in resolving this matter and for taking me off the March Board agenda! I understand that you will be sending me a form to change the permit owner designation from **EM Sweetman** to **Mom's Farm Partnership** for permit No. 4034-3.

Sincerely,



Richard C. Sweetman

ATTACHMENT TO WATER RIGHT NO. 4034-3

The water right authorizes irrigation of 327 acres in portions of the S ½ Section 4 and N ½ Section 9, T102N, R49W. On February 22, 2010, two ownership changes were filed with the water right. Based on the ownership changes, the water right has been divided and reissued as follows:

- **No. 4034A-3, Mom's Farm Partnership LLP, PO Box 2320, Sioux Falls SD 57101,** authorizing diversion of 2.43 cfs from three wells in the S ½ Section 4 to irrigate 170 acres located in the E ½ SW ¼ and SE ¼ Section 4, T102N, R49W.
- **No. 4034B-3, Kathleen A and Mary Pat Sweetman, PO Box 2320, Sioux Falls SD 57101,** authorizing diversion of 2.24 cfs from one well in the NW ¼ NE ¼ Section 9 to irrigate 157 acres located in the N ½ NE ¼ and NW ¼ Section 9, T102N, R49W.