

Water Right Number 4109-3

1. Considered 10-6, 19 77
2. Name of Applicant DONALD TOETE
3. Post Office Address BROOKINGS
4. Amount of Water claimed NO ADDITIONAL
5. Source of Water supply 5-27' DEEP WELLS
6. Water to be used for IRRIGATION
- Acres to be irrigated 424
7. Water to be diverted and used in BROOKINGS County
about 2N, 2 1/2 W miles of BROOKINGS
8. Proof of Publication Received 9-22-77
Not Received
Approved
Subject to
Not Approved
Action Deferred
9. Application
10. Remarks:

Note - This is a request for additional points of diversion on permit

At 2408-3

Form 2 - Application for Permit to Appropriation (Original (Includes Approval and Permit))

No. 2409-3

No new water or new lands

Map No. 3343-3 Water Division No. 3 Big Sioux 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)

- Name of Applicant Donald E. Tofte
Postoffice address Brookings RR #3 State South Dakota
If a corporation show date and place of incorporation _____
- Method of accomplishing work (contract, employment of others, or by direct labor) contract & direct labor
- Name of diversion work Donald E Tofte Irrigation Project #1
- Amount of water claimed (cubic feet per second) 4.0 - mto - no new water
- Source of water supply 6 wells on permit #1 2408-3
- Location of point of diversion #3 - 2180' N 35° W #4 - 1580' N 35° W #5 - 1450' N 13° W
#6 - 1860' N 135° W #7 - 2310' N 145° W all on NE
Reynolds sec 8 - 116-00 County Brookings
- Annual period or periods during which water is to be used April through October
- Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
- For irrigation use, Total number of acres to be irrigated 924

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>Same land as</u>	<u>95</u>	<u>Permit # 2403-3</u>	

Attach sheet if more space is needed

- Time required to complete construction of water supply system 1-100 years. Additional time required to complete application of water to the proposed beneficial use 1-100 years.
- Choice of newspaper for Notice of Intent to Appropriate Water publication Brookings Register
- Principal Features of the Proposed Water Supply System.
 - Works proposed to divert water from its natural source. wells with deep well turbines
 - Works proposed to transport water to place of use. raised conduit
 - Works proposed to apply water to beneficial use. center pivot irrigation machine

Estimated Total Cost \$27,000
Additional cost

Attachments: (Attach Form 2A if diversion from a well or dug-out, or if storage of water, is proposed. 4. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Brookings

I, Donald E. Tofte 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 Donald E. Tofte

Subscribed and sworn to before me this 13 day of Aug 1977

John E. [Signature]
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4109-3DONALD E. TOETE

(Applicant)

R.R. #3, BROOKINGS

(Post Office Address)

SOUTH DAKOTA 57006

(State)

With the following modifications:

The irrigation wells 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.

WELLS APPROVED UNDER THIS PERMIT SHALL BE SPACED SO THAT THERE IS AT LEAST 660' BETWEEN WELLS.

Date of first receipt of application AUGUST 26, 19 77Date of return to applicant for correction, amendments or changes required —, 19 —Date of receipt of corrected application —, 19 —Approved JANUARY 25, 19 78, Recorded in Book 19 Page 252WATER RIGHT PERMIT NO. 4109-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4109-3 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 AUGUST 26, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 25, 19 80
3. The whole of said work is to be completed on or before JANUARY 25, 19 83
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 25, 19 86
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 JANUARY 25, 19 86; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 31ST day of JANUARY, 19 78

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19 —Water License Issued —, 19 —

5 nearly identical wells.

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 24", Depth 27'
(2) Casing, Type Steel (wood, concrete, steel, etc) Diameter 16" Thickness 1/2"
(3) Perforated Screen.
Type Cent split, Diameter 16", Length 5'
(4) Gravel Pack, Thickness 3", Length of gravel pack 24'

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 0' to 2' top soil, 2' to 13' mixed
sand silt & clay, 13' to 27' water bearing sand,
27' to 30' clay

Depth to top of water bearing material 13'

Depth to bottom of water bearing material 27'

Thickness of water bearing material 14'

Depth to water (ground surface to water level) 13'

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

On same owner's property X rds. On property owned by others r 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.

	owner property	other property
well # 3	130 rds	50 rds
4	100 "	75 "
5	97 "	160 "
6	115 "	150 "
7	135 "	160 "

Donald Toft
Signature of Applicant

SEE PERMIT NO 2908-3

FOR WATER QUALITY DATA

Publish first publication, on or before September 15, 1977

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

August 31, 1977

Notice is hereby given that Donald E. Tofte whose post office address is Brookings, 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 Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit for additional points of diversion to appropriate for beneficial use no additional water per second of time from the ground water through the Donald E. Tofte Irr., ^{new} the ^{are} points of diversion of which ~~is~~ to be located Project #1 ~~xxxxx~~ near the centers of the N $\frac{1}{2}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 5, N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$

of Section 8, Twp. 110N Range 50W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

N $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 8; SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5; T110N, R50W.

This Application No. 4109-3 will be considered by the Water Rights Commission at the Holiday Inn, Spearfish, SD upon the 6th day of October 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 WINTERTON
Water Rights Specialist

cc: Donald E. Tofte, Brookings, SD 57006

Affidavit of Publication

State of South Dakota

County of Brookings

Dennis D. Koenders of said county, being first duly sworn, on oath, says: That he is one of the editors of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that he has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year next prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed in the office maintained at said place of publication; and that the

Legal

a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit "A," and is made a part

of this affidavit, was published in said newspaper for September successive week...S, to-wit:

September 14	1977	19
September 21	1977	19
		19
		19

That the full amount of the fee charged for the publication of said Exhibit "A" inures to the sole benefit of the publishers of said newspaper; that no agreement or understanding has been made with any other person for the division thereof has been agreed to be paid to any person; and that the fees charged for the publication thereof are:

Seventeen dollars and twenty-five cents Dollars

James Winterton

Subscribed and sworn to before me this 19th day of

September 19, 1977

Notary Public in and for the County of Brookings, South Dakota.

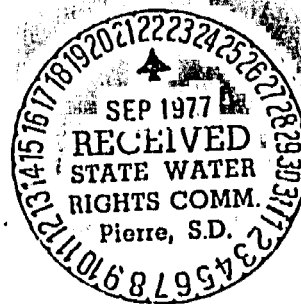
My Commission expires

September 6, 1985

Exhibit A

Legal No. 293 Sept. 14, 31, 1977
NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota 57501
Aug. 31, 1977
Notice is hereby given that Donald E. Toffe, whose post office address is Brookings, 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, 46-3-13, 46-4-1 thru 46-4-3, 46-5-10 thru 46-5-12, 46-5-11, 46-6-3, 46-6-4, 46-6-10, 46-6-14, and Commission Rules ARSD 52:01:01, 52:01:01F, thru 52:01:01I, for a permit for additional points of diversion to appropriate for beneficial use of additional water per second of time from the ground water through the Donald E. Toffe Irr. Project No. 1, the new points of diversion of which are to be located near the centers of the N $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, N $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{4}$, and S $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, Twp. 110N Range 50W. Said water to be used for the purpose of providing irrigation on pursuant to the following described land: Section 5, NE $\frac{1}{4}$, Section 8, SE $\frac{1}{4}$, Section 8, NE $\frac{1}{4}$, T110N, R50W.

This Application No. 4100-3 will be considered by the Water Rights Commission at the Holiday Inn, Spearfish, SD, upon the 6th day of October, 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





BROOKINGS COUNTY DEFERRED

7109-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

January 16, 1978

TO: Holders of Deferred Applications in Brookings County
FROM: John Hatch, Chief Engineer, Water Rights Commission
SUBJECT: Reconsideration of Deferred Applications

The Water Rights Commission will reconsider deferred Brookings County Water Right Applications at 2:00 P.M., January 25, 1978 at the South Dakota Education Association Building, 411 E. Capitol, Pierre, South Dakota.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13.

These Applications were deferred by the Water Rights Commission during 1977, pending Staff investigation.

After reconsideration of the deferred Applications the Commission can approve, defer, or deny all or part of any of these Applications.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/BFJ/hw

2908-3

4109-3



Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

June 21, 1979

Donald E. Tofte
RR #3
Brookings, SD 57006

Dear Mr. Tofte:

SDCL 46-1-14 authorizes the Water Rights Commission to issue amended permits recognizing the date of priority of the original application if certain conditions are met.

At the May 24, 1979 Commission Meeting, the Commission reviewed the amended Permits that had been issued with the later priority, and granted the earlier priority date to such amended permits.

By this action, the priority date for your Permit No. 4109-3 was established as August 26, 1976 instead of August 26, 1977 as now shows on your copy of the Permit.

If you have questions regarding this action, feel free to contact this office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/g;



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 4109-3

December 30, 1983

Margaret Tofte
RR#3, Box 203
Brookings, South Dakota 57006

Dear Mrs. Tofte:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

DWNR-820A-8/83

NO. 4109-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 1/4/84

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

424 acres (same land as covered under 2908-3) N1/4NW1/4, NE1/4 Section 8; SE1/4, SE1/4NE1/4
Section 5; Twp. 110N, Range 50W

formerly owned by Donald Tofte

has been transferred to Margaret Tofte, RR#3, Box 203, Brookings, SD 57006
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Rights Permit No. 4109-3 as provided for in SDCL 46-2-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of Brookings) ss.

I, Margaret A. Tofte being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Margaret A. Tofte
(Signed)

Subscribed and sworn to before me this 4th Day of January, 19 84

Barbara J. Lund
(Notary Public)

My Comm Exp.
4/26/84



RECEIPT

Division of Water Rights

No 4 9475

South Dakota Department of Water and Natural Resources

Pierre, January 6, 19 84

RECEIVED OF Margaree Tofta, RR#3, Box 203, Brookings, SD 57006

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form: 4109-3	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH/ms

No. 4109-3

SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

January 9, 1983

Margaret Tofte
RR #3, Box 203
Brookings SD 57006

Dear Ms. Tofte:

Enclosed is receipt No. 4 9475 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 4109-3.

Our records now show you as the owner of this Water Right.

Sincerely,

KAREN SCHLAAK
Administrative Aide

enclosure

WNR-821-7/79
Receipt & Notice of filing of Transfer of Water Right

4973-3

4109-3

June 12, 1984

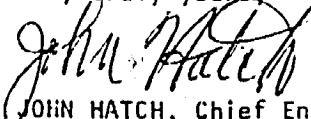
Margaret A. Tofte
RR#3, Box 203
Brookings, South Dakota 57006

Dear Mrs. Tofte:

Enclosed herewith is, Water License No. 4973-3. This is the final water right document completing your process of obtaining a water right.

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.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

Enclosures

The applicable portions of Water Permit Nos. 2908-3 and 4109-3 have been incorporated into this License.

WNR-817 3/83
Transmittal of Water License

 **Department of
Water & Natural Resources**

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

March 23, 1987

MARGARET TOFTE
RR #3, BOX 203
BROOKINGS, SD 57006

NOTICE

Re: Violation of Water Permit(s). 4973-3 and 1986 Irrigation
Questionnaire Requirements.

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 4973-3. The request for the questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4973-3 qualification:

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

The hearing will also be to determine if Permit No(s). 4109-3 and 2908-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

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

The hearing(s) 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 hearings(s), the Water Management Board can:

1. Suspend Permit No(s). 4973-3 until either the 1986 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s) 4109-3 and 2908-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. 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.

A handwritten signature in cursive script, appearing to read "John Hatch".

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

NOTE: If the questionnaire(s) are received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

South Dakota Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3101

April 13, 1987

2908-3
4109-3
4973-3

Margaret Tofte
RR #3 Box 203
Brookings, SD 57006

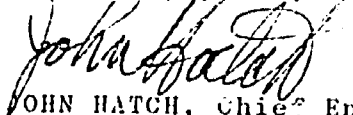
Dear Ms. Tofte:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 2908-3, 4109-3 and 4973-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

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

If you have any questions, please contact us.

Very truly yours,



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

DONALD TOFFE

Irrigation Project #1
Brookings S Dakota

Acres Irrigated - 92+
Water claimed 4.0 cfs

Points of Diversion:
Well #1 - 1450' N 117° E
of NW corner Sec 8 - 110-50
Well #2 - 1320' N 91° W
of NE corner Sec 8 - 110-50

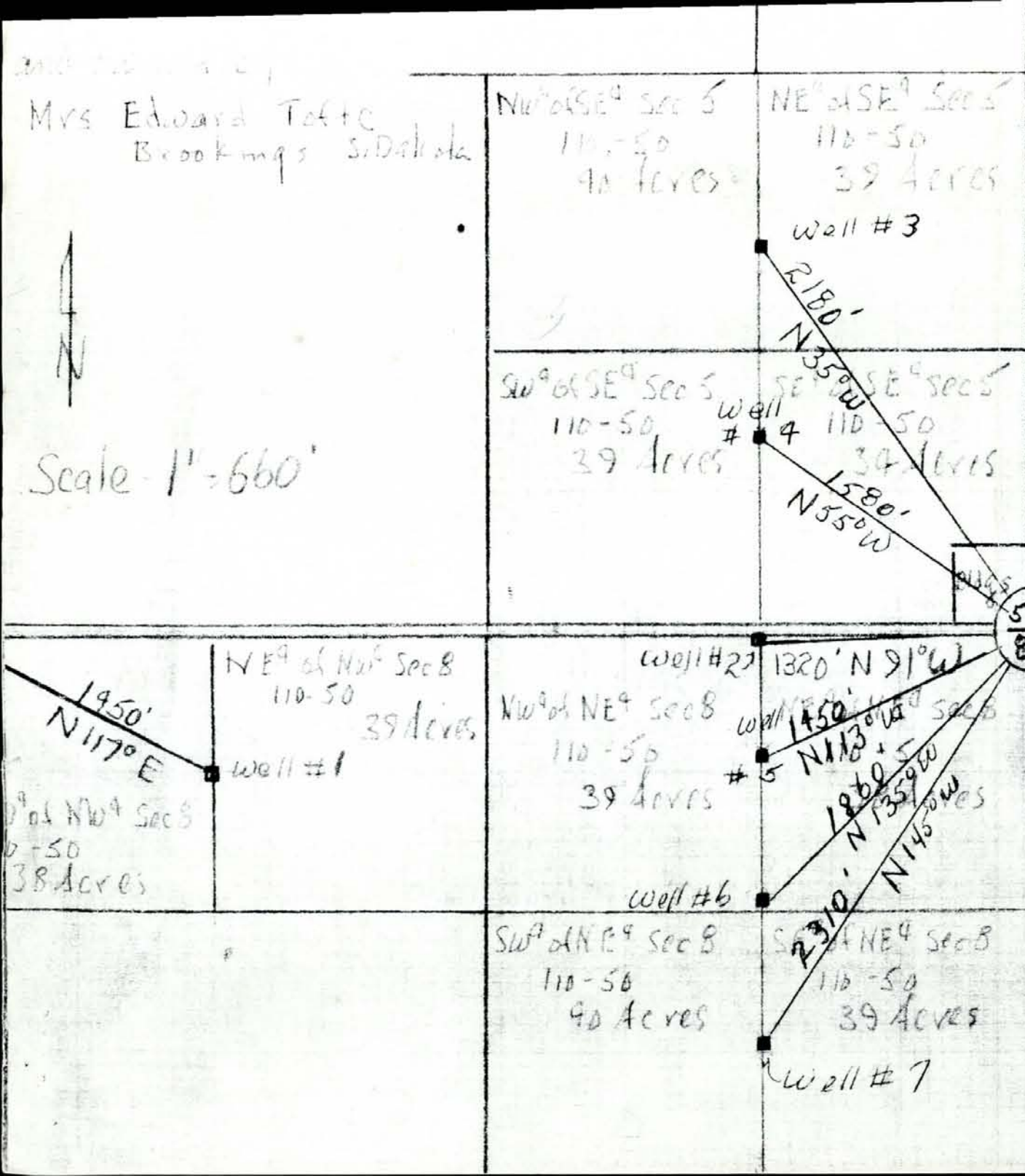
8-13-77 correct correct John L Wiersma
This is a request for additional
wells on Permit # 2908-3

Surveyor's Certificate

I, John L Wiersma, do hereby cert.
that this map identifies a reasonable
accurate record of the land on

Donald Toffe
Brookings RR-3 57006 South Dak
8-20-76
John Wiersma
Brookings

~~MAP 35003~~ App N 4109-3



Mrs Edward Toffe
Brookings S Dakota

Scale - 1" = 660'

NOT TO SCALE

110-50

22.8

22.6

23.3

150.8

71R

2908-3
4109-3

22.0

30.2

15.6

60.6

8

70.0

62.1

33.6

8.1

110-50

NOT TO SCALE

