

Water Right Number 4112-3

1. Considered 10-6, 1. 77
2. Name of Applicant DAVID LONGWORTH
3. Post Office Address BROOKINGS
4. Amount of water claimed 4.40
5. Source of water supply 62' & 71' WELLS
6. Water to be used for IRRIGATION
Acres to be irrigated 312
7. Water to be diverted and used in BROOKINGS County
about 35 Miles of BROOKINGS
8. Proof of Publication
Received 9-22-77
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

Map No. 3346-3 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)

1. Name of Applicant Dr. David Longworth
Postoffice address 719 MAIN AVE. BROOKINGS State South Dakota
If a corporation show date and place of incorporation S.D. 57006
2. Method of accomplishing work (contract, employment of others, or by direct labor) By Direct Labor
3. Name of diversion work Longworth Irrigation Project #1
4. Amount of water claimed (cubic feet per second) 4.4
5. Source of water supply 2 wells
6. Location of point of diversion Well #1 - 1860' N 45° E of SW corner
Sec 12 - 109-50 Well #2 - 1860' N 45° W of SE
Corner Sec 12 - 109-50 County Brookings
7. Annual period or periods during which water is to be used April through October
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use. Total number of acres to be irrigated 312

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NW 1/4 SW 1/4 Sec 12 - 109-50	39	NW 1/4 SE 1/4 Sec 12 - 109-50	40
NE 1/4 SW 1/4 Sec 12 - 109-50	40	NE 1/4 SE 1/4 Sec 12 - 109-50	39
SW 1/4 SW 1/4 Sec 12 - 109-50	38	SW 1/4 SE 1/4 Sec 12 - 109-50	39
SE 1/4 SW 1/4 Sec 12 - 109-50	39	SE 1/4 SE 1/4 Sec 12 - 109-50	38

Attach sheet if more space is needed

10. Time required to complete construction of water supply system FIVE years. Additional time required to complete application of water to the proposed beneficial use THREE years.
11. Choice of newspaper for Notice of Intent to Appropriately Water publication Brookings Register
12. Principal Features of the Proposed Water Supply System.
- A. Works proposed to divert water from its natural source. 2 wells with deep well
4 hydrants
- B. Works proposed to transport water to place of use. closed conduit
- C. Works proposed to apply water to beneficial use. center pivot irrigation machines

Estimated Total Cost \$ 100,000Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of BrookingsI, David Longworth, 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.Subscribed and sworn to before me this 3 d. of July 1977

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4112-3DR. DAVID LONGWORTH

(Applicant)

719 MAIN AVE., 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.

Date of first receipt of application AUGUST 10, 1977Date of return to applicant for correction, amendments or changes required AUGUST 11, 1977Date of receipt of corrected application AUGUST 19, 1977Approved JANUARY 25, 1978, Recorded in Book 19 Page 253WATER RIGHT PERMIT NO. 4112-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4112-3 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 10, 1977
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 25, 1980
3. The whole of said work is to be completed on or before JANUARY 25, 1983
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 25, 1986
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 4.4 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, 1986; 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 K. Hester
 Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 16, 1981Water License Issued SEPTEMBER 16, 1981

2 60115

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

Well #11 - 62'

(1) Drill Hole, Diameter 24", Depth Well #2 - 7'

(2) Casing, Type Fiberglass (wood, concrete, steel, etc) Diameter 16" Thickness 3/8"

(3) Perforated Screen.
Type Johnson, Diameter 16", Length 20'

(4) Gravel Pack, Thickness 4", Length of gravel pack 30'

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

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

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

Character of Water bearing materials See enclosed logs

	<u>Well #1</u>	<u>Well #2</u>
Depth to top of water bearing material	<u>7'</u>	<u>5'</u>
Depth to bottom of water bearing material	<u>62'</u>	<u>71'</u>
Thickness of water bearing material	<u>55'</u>	<u>66'</u>
Depth to water (ground surface to water level)	<u>7'</u>	<u>5'</u>

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

On same owner's property No Supply rds. On property owned by others Well #1 - 95
Well #2 - 270 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.

[Signature]
Signature of Applicant

GRIMSHAW DRILLING CO.

DRILLING
LOG

924 South Melrose
Sioux Falls, S.D. 57106
Phone 605-332-6974

TEST # 2

Well # 2

Name DR. HARBON SRAON Date July 26, 1971

Address 701 E. 1st St. (N. by Main) 57220

County SE 1/4 Sec 12 Twp McDary Range -----

NO. FT	DIA	RAIL	CASING	TOTAL
79	4 1/4"	3.5	---	237.00

BALANCE DUE:

0 ft. to 1 ft. Topsoil ft. to ft.
 1 ft. to 6 ft. Gravel ft. to ft.
 6 ft. to 31 ft. Fine to Medium Sand ft.
 31 ft. to 36 ft. Blue Clay ft. to ft.
 36 ft. to 44 ft. Fine Brown Sand ft. to ft.
 44 ft. to 61 ft. Coarse Sand ft. to ft.
 61 ft. to 71 ft. Gravel with Boulders ft.
 71 ft. to 73 ft. Blue Clay? ft. to ft.
 73 ft. to 79 ft. Blue Clay ft. to ft.
 ft. to ft. ft. to ft.
 ft. to ft. ft. to ft.

STATIC WATER LEVEL

5 ft.

Sandy Well
DRILLER

REMARKS: No Recovery at lower clay level.
 Our estimate is wells will be 90' to 80' deep
 Producing 1000 gpm using 20' of .085 slot screen

GRIMSHAW DRILLING CO.

DRILLING
LOG

924 South Melrose
Sioux Falls, S.D. 57106
Phone 605-332-6974

TEST # 1

W 2 (1 #)

Name DR. HARBANS SPAEN Date July 28, 1977
Address 401 FAIRGROUNDS ST. CANBY NEAR 51220
County SL 14 Sec. 12 Twp. McDARY Range

NO. FT.	DIA.	RATE	CASING	TOTAL
13	4 3/4"	3.33	—	\$219.00

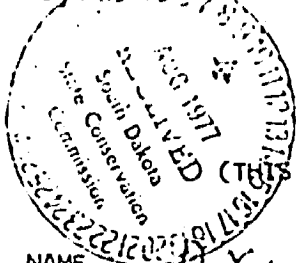
BALANCE DUE:

0 ft. to 1 ft. Topsoil ft. to ft.
1 ft. to 22 ft. Small med. Brown ft.
22 ft. to 24 ft. Small med. Brown
24 ft. to 27 ft. Clay Silt Brown ft.
27 ft. to 36 ft. 2nd medium Brown
36 ft. to 38 ft. Gravel gravel w/ pebbles
38 ft. to 62 ft. Gravel gravel (brown) ft.
62 ft. to 73 ft. Clay? ft. to ft.
ft. to ft. ft. to ft.
ft. to ft. ft. to ft.
ft. to ft. ft. to ft.

STATIC WATER LEVEL 6' 9" Perry Wild
DRILLER

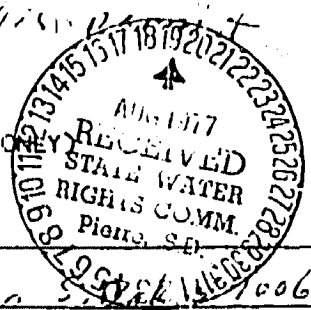
REMARKS Clay level on bottom difficult
to determine, could not see any
cuttings

COMMISSION
FORM W1 W1



Note: There are two water analysis because there are two wells on this property.

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-3-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)



NAME

R. David Longworth

ADDRESS

719 Main Ave

Brookings, SD

COUNTY

Brookings

LEGAL DESCRIPTION

1. WELL LOCATION Wells - Center of SE & center SW⁴ Sec. 12 - 109-50

2. LOCATION OF AREA TO BE IRRIGATED S² of Sec 12 - 109-50

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT ☒ GUN _____

4. CROPS TO BE IRRIGATED corn & alfalfa

WATER QUALITY

5. SAMPLE NUMBER (1) 77-1155 (2) 77-1156

6. SALINITY (EC X 10⁶) 416 396

7. SODIUM (SAR) 0.21 0.23

8. RESIDUAL SODIUM CARBONATE (meq/l.) 0.0 0.0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and: the soils information has been acquired from _____ Conservation District, County Extension office or Soil Conservation Service.

and: that the legal description for the location of the well and land to be irrigated is true and correct.

APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
3 DAY OF August 1977.

(TITLE OR SEAL)

APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)

REC-MCAT/FORM
6/77

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

(RECOMMENDED MANAGEMENT)

NAME OF APPLICANT David Longworth

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than 1, 2, 3, 4, 5, times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least 1, 2, 3, 4, inches of water.
3. (☒) Yes () No Surface drainage suggested
4. () Yes () No Subsurface drainage suggested
5. (☒) Yes () No Specific land areas that ^{need special management} ~~should be avoided.~~

Your Volga silty clay loam is your only land area of concern.

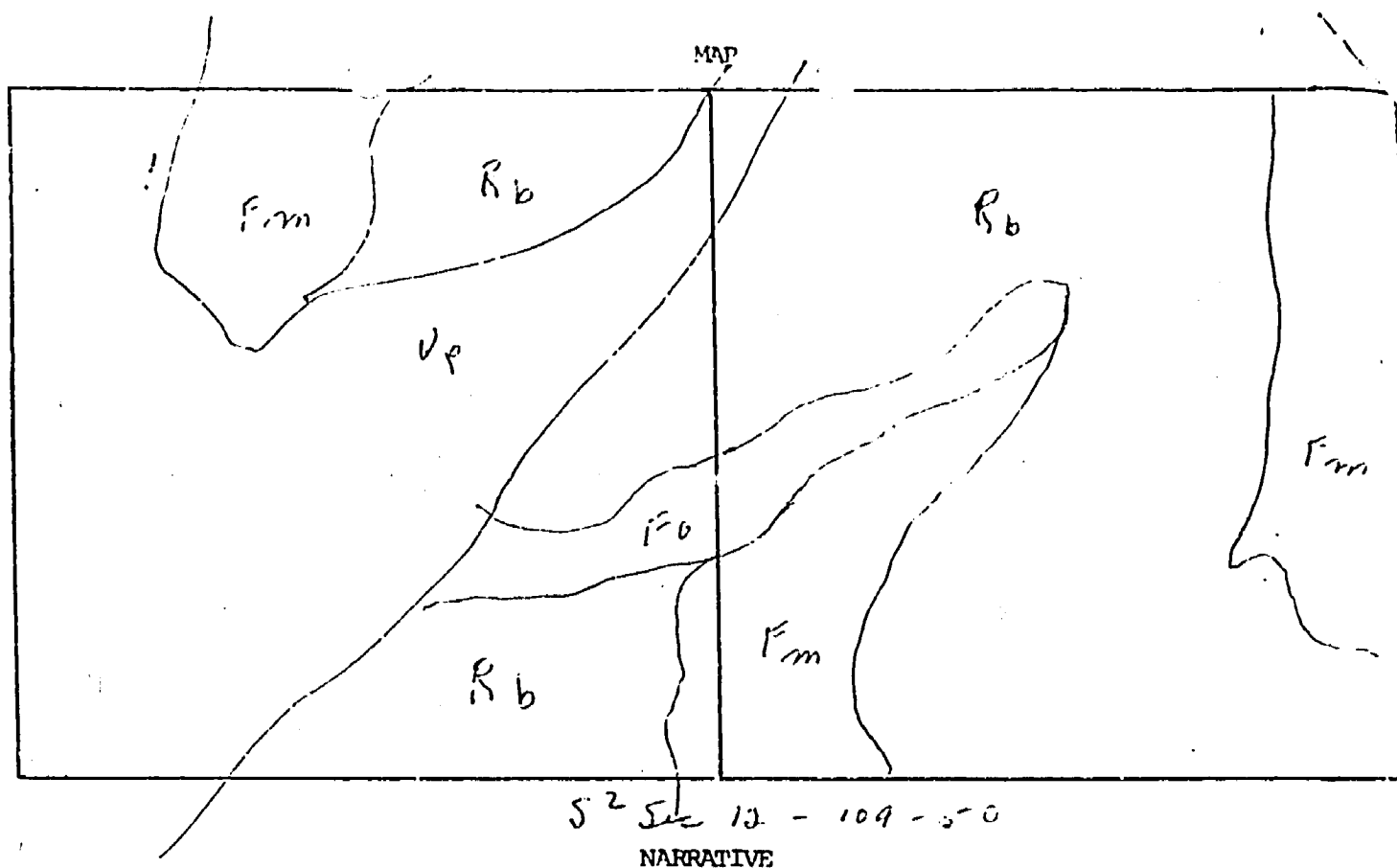
This land will absorb possibly less than 1/2 as much as your

Renshow sandy loam.

6. (☒) Deep tillage (For the purpose of aiding movement of water through dense subsoils)
7. (☒) Heavy full application of irrigation water

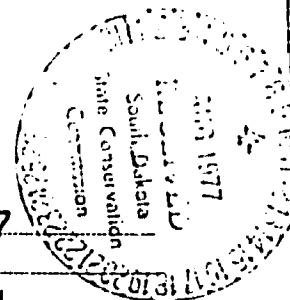
Chisel-type tillage after your fall crops are harvested followed by irrigation will permit nature's freeze-thaw action to work for you.

Copy to Applicant - 1
Copies to Water Rights - 2
Copy to File - 1



- Fm - Fordville loam
 Fo - Fordville loam - thick solum
 Rb - Renshaw sandy loam
 Vp - Volga silty clay loam

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57006



Submitted by: David Longworth
 Address: 719 Main Ave.
Brookings, SD 57006

Date Rec'd: July 29, 1977
 Sample No. 77-1155
 Identification Well- #1
SW1, Sec. 12, T 109N, R 50W

WATER ANALYSIS

Calcium (Ca)	41	ppm*	2.05	me/l**
Magnesium (Mg)	24	ppm	1.97	me/l
Sodium (Na)	7	ppm	0.30	me/l
Potassium (K)	5	ppm	0.13	me/l
Sulfate (SO ₄)	52	ppm	1.08	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	6	ppm	0.16	me/l
Bicarbonate (HCO ₃)	195	ppm	3.20	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	160	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	416	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	3.21			
Sodium	6.74	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.97			

Others:

*ppm=parts per million

**me/l=millequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 4.45 me/l
 Total anions 4.44 me/l

By: Shirley Mitten

Service Performed

Amount Due

Irrigation analysis

\$15.00

Make checks payable to: Water Quality Laboratory

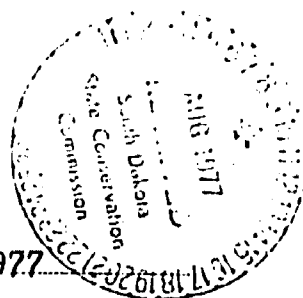
Cut along dotted line and return the lower portion with payment

Sample No. 77-1155

Amount Enclosed

Signed

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006



Submitted by: David Longworth
Address: 719 Main Ave.
Brookings, SD 57006

Date Rec'd: July 29, 1977
Sample No. 77-1156
Identification Well- #2
SE1, Sec. 12, T 109N, R 50W

WATER ANALYSIS

Calcium (Ca)	32	ppm*	1.95	me/l**
Magnesium (Mg)	18	ppm	1.48	me/l
Sodium (Na)	7	ppm	0.30	me/l
Potassium (K)	5	ppm	0.13	me/l
Sulfate (SO ₄)	52	ppm	1.08	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	6	ppm	0.15	me/l
Bicarbonate (HCO ₃)	189	ppm	3.10	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	155	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	396	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.23			
Sodium	7.77	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.63			

Others:

*ppm=parts per million

**me/l=millequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 3.86 me/l
Total anions 4.33 me/l

By: Shirley Vitan

Service Performed

Amount Due

Irrigation analysis

\$15.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 77-1156

Amount Enclosed

Signed

Permit No. 4112-3

Water Diversion No. 3 Big Sioux River Water District

10170202

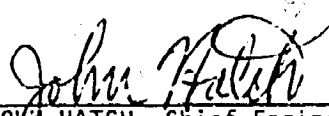
CERTIFICATE OF CONSTRUCTION

This is to Certify, That Dr. David Longworth

_____ the holder _____ of
Permit No. 4112-3, issued upon Application No. 4112-3, bearing date of priority of August 10, 1977
_____ authorizing the diversion of 4.4 cu. ft. per second of the waters of _____
groundwater (two wells) County of Brookings, State of South Dakota. At _____
Well #1 - 135' NE of Center of SE 1/4; Well #2 - 20', South of Center SE 1/4, Section 12
T109N - R50W
_____, for Irrigation

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 3.56 cu. ft. per second of water.

Date September 16, 1981


JOHN HATCH, Chief Engineer
Water Rights Division

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4112-3

(1) WHEREAS, On the 10th day of August A. D. 19 77Dr. David Longworthmade Water Right Application No. 4112-3 for a permit to use 4.4 cubic feet per second of the waters of groundwater (two wells)County of Brookings, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 25th day of January A. D. 19 78Permit No. 4112-3, with a date of priority of August 10, 1977was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 25th day of January A. D. 19 83 and for the application, to beneficial use of said water on or before the 25th day of January A. D. 19 86

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 3.47 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

to irrigate the following lands all in Section 12 - T109N - R50W

	<u>acres</u>		<u>acres</u>
NE $\frac{1}{4}$ SW $\frac{1}{4}$ CA	33	NE $\frac{1}{4}$ SE $\frac{1}{4}$ DA	33
NW $\frac{1}{4}$ SW $\frac{1}{4}$ CB	33	NW $\frac{1}{4}$ SE $\frac{1}{4}$ DB	33
SW $\frac{1}{4}$ SW $\frac{1}{4}$ CC	12	SW $\frac{1}{4}$ SE $\frac{1}{4}$ DC	33
SE $\frac{1}{4}$ SW $\frac{1}{4}$ CD	33	SE $\frac{1}{4}$ SE $\frac{1}{4}$ DD	33
<u>243 Total</u>			

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Dr. David Longworth

_____ of Brookings, SD

the holder _____ and owner _____ of said permit No. 4112-3 a water right, dating from August 10, 1977

_____ to use of 3.47 cubic feet per second of the waters

of groundwater (two wells)

in the County of Brookings and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at Well #1 - 135' NE of Center of S4; Well #2 - 20' South of

Center S4, Section 12 - T109N - R50W

and conducted to and upon _____

portions of S4, Section 12, T109N - R50W more fully described on the

face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 4112-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 16th day of September A. D.

Nineteen Hundred and Eighty-one

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer **JOHN HATCH**

Publish first publication, on or before September 15, 1977

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 8, 1977

Notice is hereby given that Dr. David Longworth 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 to appropriate for beneficial use 4.4 cubic feet of water per second of time from ground water

through the Longworth #1, the point of diversion of which ~~is~~^{are} to be located in the centers of the SW $\frac{1}{4}$ and SE $\frac{1}{4}$

of Section 12, Twp. 109N Range 50W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

S $\frac{1}{4}$, Section 12, T109N, R50W.

This Application No. 4112-3 will be considered by the Water Rights Commission at the Holiday Inn, Spearfish, SD upon the 6 day of October, 1977 at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION

JAMES WINIERTON
Water Rights Specialist

cc: Dr. David Longworth, Brookings, SD 57006

NOTE: Final Proof of Publication must be received by hearing date for the Commission to take action.

Affidavit of Publication

State of South Dakota

SS

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 15....., 19 77
September 21....., 19 77
....., 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 for the division thereof has been made with any other person; that no part thereof has been agreed to be paid to any person whatsoever; that the fees charged for the publication thereof are

Fifteen dollars and seventy-eight cents Dollars

James Winterton

Subscribed and sworn to before me this 20th day of

September....., 19 77

James Winterton

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

My Commission expires September 6, 1985

Legal No. 330 Sept. 15, 1977

NOTICE OF HEARING
ON APPLICATION TO

APPROPRIATE WATER RIGHTS
Pierre, South Dakota 57501

Notice is hereby given that Dr. David Longworth 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, 46-5-11 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-6-3, 46-6-5, 46-6-8.1, 46-6-10, 46-6-14 and Commission Rules 2-ARSD 2-1A52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 3.4 cubic feet of water per second of time from ground water through the Longworth No. 1, the points of diversion of which are to be located in the centers of the SW 1/4 and SE 1/4 of Section 12, Twp. 109N, Range 50W. Said water to be used for the purpose of providing irrigation on portions of the following described land: S 1/4, Section 12, T109N, R50W. This Application No. 4112-3 will be considered by the Water Rights Commission at the Holidays Inn, Spearfish, SD upon the 6 day of October, 1977 at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION
James Winterton
Water Rights Specialist





BROOKINGS COUNTY DEFERRED

4112-3

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

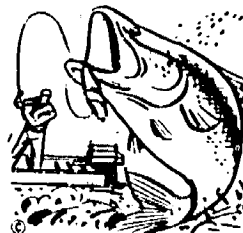
JH/BFJ/bw

Porter's BAIT FARM

- * WHOLESALE BAIT and TACKLE
- * NIGHT CRAWLERS
- * SNOWMOBILES

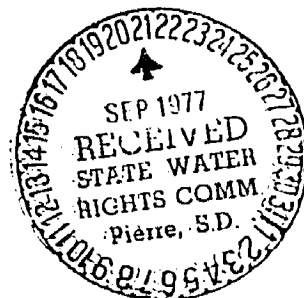
R.F.D. 1 — TELEPHONE (605) 693-3688
BROOKINGS, SOUTH DAKOTA 57006

September 13, 1977



Water Rights Commissioner
Joe Foss Bldg
Pierre, S. D. 57501

Attn: James Winterton
RE: Legal notice #390 Sept 15-21, 1977
Application #4112-3



Dear Sir,

We wish to go on record as being apposed to the application of Dr. David Longworth who gives his address as Brookings, S. D.

He has applied for water rights on the S $\frac{1}{2}$ of section 12 twp 109 N range 50W which is Medary twp in Brookings County, S. D. The hearing is scheduled for Octooer 6, 1977 in Spearfish.

We own the NE $\frac{1}{4}$ of section 13 twp 109N range 50W which is just south of the land which Dr. Longworth is asking for water rights on. We have about 20 acres of old gravel pits which we use as holding ponds for our fish bait business. We also use one pond for the hatchery for our suckers each spring. We depend on these ponds to make a living.

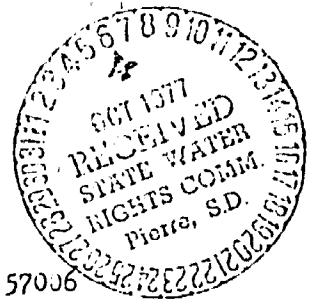
Dr. Longworth is also attempting to develop the entire section 12 as an industrial site. We question his wanting irrigation water @ 4.4 cubic feet per second for irrigation, as such.

Please help us to save our water by rejecting the above application for water rights.

Sincerely,

Mark H. Porter

Mark H. Porter, owner
PORTER'S BAIT FARM



RFD 1
Brookings, S. D. 57006
September 13, 1977

Water Rights Commissioner
Joe Foss Bldg
Pierre, S. D. 57501

Attn: James Winterton
Re: Application #4112.3

Dear Sir,

We wish to voice our objection to the application for water rights #4112-3 in the name of Dr. David Longworth for $3\frac{1}{2}$ of section 12 twp 109N range 50W (Medary twp in Brookings County).

We own the following property in the section:
W 372 feet of S 900 feet of $3\frac{1}{4}$ of Section 12
Twp 109 N range 50W

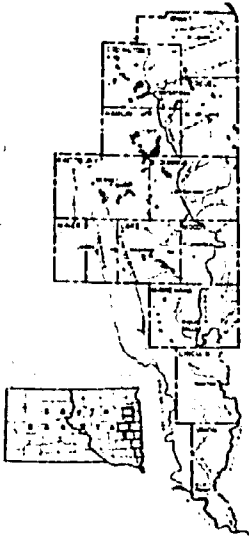
Dr. David Longworths application calls for 4.4 cubic feet per second of water for irrigation. We are worried about what this will do to our well which we use for drinking water. Our 13 acres is included in the $3\frac{1}{2}$ of the section and his proposed well for irrigation is bound to affect our supply of water.

We hope you will reject the above application.

Sincerely,

Dennis J. Welbig
Janice Welbig

Dennis and Janice Welbig



EAST DAKOTA CONSERVANCY SUB-DISTRICT

BOARD OF DIRECTORS

EARL ACHESON, *Chester*
WILFORD ANDERSON, *LaBolt*
ROYAL BERG, *Baltic*
NELS GRANHOLM, *Brookings*

JERRY L. SIEGEL
Manager-Treasurer

HAROLD HARTENHOFF, *Bushnell*, Chairman
WENDELL WISCHER, *Sioux Falls*, Vice Chairman
VERNELL JOHNSON, *Lyons*, Secretary

OLIVER HEISMAYER, *Estelline*
FAY KERR, *Akron, Iowa*
EDWARD I. RUDD, *Colman*
WALTER H. SCHWANKE, *Watertown*

Office
524 SEVENTEENTH AVENUE
BROOKINGS, SOUTH DAKOTA 57006
TELEPHONE 692-5185

November 26, 1979



John Hatch
Division of Water Management
Department of Water & Natural Resources
Joe Foss Building
Pierre, SD 57501

Dear John:

At my request, Burt Jones sent me the two water rights applications for David Longworth, Sec. 12, T 109 N, R 50 W, which have been approved by the Water Rights Commission. The Mark Porter, who operate Porter's Bait Shop, etc. in the NW $\frac{1}{4}$ Section 13 (just south of Longworth's), had asked me whether their fish rearing ponds are protected under Longworth's water rights since the water level in their ponds reflects the water level in the aquifer.

In reviewing Longworth's two water rights (4112-3 and 4241-3), I can't find specific reference to their ponds in the section that places restrictions on the water rights. There is only the normal interference clause referring to domestic wells and prior irrigation rights.

They had understood that they would be protected when Longworth's water rights were issued. Is there any way this is or can be assured under the water permits issued to Longworth?

Please send a written reply that I can relay to them. Thank you for your efforts in this regard.

Sincerely yours,

Jerry L. Siegel
Jerry L. Siegel
Manager-Treasurer

November 30, 1979

Jerry Siegel, Manager
East Dakota Sub-District
524 17th Ave.
Brookings SD 57006

Dear Mr. Siegel:

Reference is made to your letter regarding Mr. Longworths irrigation pumping under Permits No. 4112-3 and 4241-3.

While adequate wells into the formation are protected, the Water Management Board in issuing permits does not guarantee water levels are going to remain constant in an aquifer. Fluctuations occur naturally, and while such fluctuations may be exaggerated by high capacity pumping, in this particular aquifer it is not anticipated that effects from irrigation pumping would extend $\frac{1}{2}$ of a mile from the pump site.

The Porters water supply will be protected to the extent that withdrawals can not exceed anticipated annual average recharge, but with no guarantee that water level fluctuations will not occur.

Should you have further questions, feel free to contact this office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights, WMD

JH:BJ:kw

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8456

T.F. Martin, Attorney, for:

PIERRE,

September 8, 1981

David Longworth, 719 Main Ave., Brookings, SD 57006

RECEIVED OF

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and Issuing Cert. of Construction No. 4112-3	50.	00
Fee for Inspecting Beneficial Use, and Issuing Water License No. 4112-3		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50.	00

WATER RIGHTS COMMISSION

By

Chief Engineer, Executive Officer

JOHN HATCH / (bt)

Permit No. 4112-3Water Division 3 BIG SIOUX RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by DR DAVID
LONGWORTH of BROOKINGS holder
of Permit No. 4112-3, bearing date of priority of AUGUST 10, 1977
authorizing the diversion of 4.40 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in BROOKINGS County.

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

The Water Use System consists of,

A. Works used to divert the water:
WELL #1 - 62' DEEP WITH 16" FIBREGLAS CASING - 20' SS SCREEN
WESTERN LAND ROLLER BM-4 12CH PUMP, POWERED BY 60HP
US ELECTRIC MOTOR @ 1760 RPM
WELL #2 - 71' DEEP WITH 16" FIBREGLAS CASING - 20' SS SCREEN
WESTERN LAND ROLLER BM-4 12CH PUMP, POWERED BY 60HP
US ELECTRIC MOTOR @ 1760 RPM

B. Works used to transport water to place of use.
WELL #1 - 135' 8" BURIED PVC TO CENTER OF PILOT
WELL #2 - 20' 8" ALUMINUM PIPE TO CENTER OF PILOT

C. Works used to apply water to beneficial use.

2- 8 TOWER ELECTROGATOR CENTER PILOT SYSTEMS (MODEL 2-6E5)
BOTH WITH NELSON #100 END GUNS

The system is in the following condition: GOOD

The point of diversion is located WELL #1 - 135' NE OF CENTER OF SW⁴; WELL #2 - 20'S
OF CENTER SE⁴, SECTION 12, T109N, R50W

The works are capable of diverting and conveying to the place of use 3.56 (800 GPM)
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: ALL IN SEC 12, T109N, R50W

NW ⁴ SW ⁴	33 ACRES	NW ⁴ SE ⁴	33 ACRES
NE ⁴ SW ⁴	33 "	NE ⁴ SE ⁴	33 "
SW ⁴ SW ⁴	33 "	SW ⁴ SE ⁴	33 "
SE ⁴ SW ⁴	33 "	SE ⁴ SE ⁴	33 "

comprising a total of 243 acres of land. 3.56 cu. ft. per second

SEND NOTICE TO
12 & N LAND & CATTLE CO.
517 5TH AVE
BROOKINGS, SD 57006

D-10 2 JULY 22, 1981
[Signature]
(Signature)



Department of
Water & Natural Resources

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

4112-3
4241-3

June 28, 1988

Brian Hedman
PO Box 78
Brookings, South Dakota 57006

Dear Sir:

Please find enclosed copies of Notice of Transfer of Water Permit forms. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 for each, total of \$5.00 for two transfers.

Upon receipt of the enclosed forms and the \$2.50 filing fee for each, the permits 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
Secretary
(605) 773-3352





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3161

August 15, 1988

4241-3
4112-3

Gary Helland
Century 21
Box 661
Watertown, SD 57201

Dear Mr. Helland:

Enclosed, as you requested, are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 4112-3 and 4241-3, currently listed in the name of Dr. David Longworth. These forms should be signed by the new owner(s) in the presence of a notary public. Upon completion of the forms, return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The water rights will then be transferred to the proper name.

Also enclosed are copies of Water Right No. 2171-3 and 3229-3, currently listed in the name of Harlan Stadheim, and two blank "Notice of Transfer" forms. You indicated that water rights for land in the N 1/2 of Section 9, T119N, R52W, were also to be transferred. If these are the correct water rights to be transferred, please complete the transfer forms accordingly and return them to our office with a \$2.50 filing fee for each.

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

If you have any questions, please contact us.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



NO. 4112-3



NOTICE OF TRANSFER OF WATER PERMIT

Water Rights
Foss Building
Pierre, SD 57501

Date: 9-9-88

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

S $\frac{1}{2}$ Section 12, T109N, R50W

formerly owned by Dr. David Ingworth, 6 S Broadway, Watertown SD 57201

has been transferred to George Bader, PO Box 5249, McAllen, Texas 78502

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

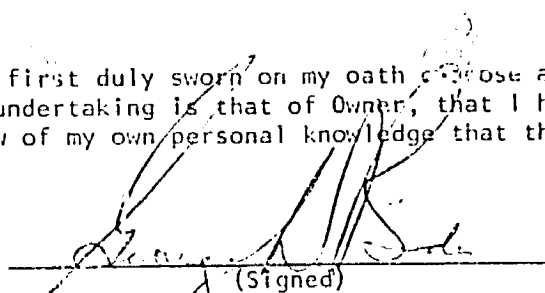
Water Right Permit No. 4112-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF ~~SOUTH DAKOTA~~ ^{TEXAS})
County of Hidalgo) ss.

I, GEORGE D Bader 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.


(Signed)

Subscribed and sworn to before me this 9th Day of September, 1988.

Charles E. (Bader) Bader
(Notary Public)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, September 13, 1962

RECEIVED OF George D. Bador, PO Box 5249, McAllen, Texas 78502

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 Permit No. 4112-3 _____	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 (S)



Department of Water & Natural Resources

Joe Foss Building

523 East Capitol

Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION

(605) 773-3352

September 15, 1988

George D. Bader
PO Box 5249
McAllen, Texas 78502

Dear Mr. Bader:

Enclosed are receipt Nos. 411406 and 411407 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 4141-3 and 4112-3.

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

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.



 **Department of
Water & Natural Resources**

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

February 17, 1989

George D. Bader
PO Box 5249
McAllen, TX 78502

Dear Mr. Bader:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;



Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

John Hatch
for JOHN HATCH, Chief Engineer
Water Rights Division



Department of Water & Natural Resources

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

July 27, 1990

Henry Halboth
Prudential Insurance Co
1431 Opus Place, Suite 665
Downers Grove, IL 60515

Dear Mr. Halboth:

In response to your telephone conversation with Eric Gronlund, with our office, enclosed are the following copies:

1. 1987, 1988 and 1989 irrigation questionnaires for Water Permit/Right Nos. 603-3 & 2039-3 (John Hancock Mutual Ins Co) and Nos. 4112-3 & 4241-3 (George Bader);
2. Water Management Board General Rules (page 18 describes the specific rules you were interested in)
3. Water Rights Law - State of South Dakota (see pages 46-47)

Eric indicated you were interested in water use information and monitoring well information for Brookings County. The acreage irrigated in the Sioux River basin in 1989 (Brookings County is in the Sioux River Basin) is approximately 58,775 acres. The amount of acreage permitted for this basin is approximately 97,479 acres.

The monitoring well information we have is site specific. If you have a particular well you are interested in, we could provide the data to you. The Brookings/Kingsbury County Study, as published by the US Geological Survey, could provide much of the information you are interested in. Copies of the report entitled "Water Resources of Brookings and Kingsbury Counties, SD, US Geological Survey Water Resources Investigations Report 88-4185" can be purchased from:

US Geological Survey
Books and Open File Reports
Federal Center, Building 810
PO Box 25425
Denver, CO 80225

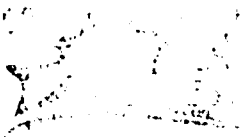
If you have any questions concerning the enclosed information, please contact either myself or Eric Gronlund at (605) 773-3352.

Sincerely,

Genny McMath
Natural Resources Analyst

enclosures

South Dakota



GREAT FACES. GREAT PLACES.

February 1, 1991

GEORGE D BADER
RR1 BOX 65B
BROOKINGS SD 57006

DEPARTMENT OF WATER & NATURAL RESOURCES

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

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s). 4112-3; & 4241-3

Our records indicate that the 1990 chemigation report(s) has not been received for Permits No(s) 4112-3; & 4241-3. The request for the chemigation report(s) was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 chemigation report(s) be given notice of 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 South Dakota general rule 74:02:09:02(3) requiring chemigation users to report the dates and hours of chemical application.

The hearing(s) will be held at 9:15 am, on February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

The hearing(s) will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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. Suspend Permit No(s). 4112-3; & 4241-3 until either the 1990 chemigation report(s) is submitted or for a period of up to one 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.

Very truly yours,

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

NOTE: If the chemigation report(s) is received in this office before the February 27th 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.

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
 Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional service(s) requested.

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

3. Article Addressed to:
 George D. Bader
 RRI Box 65B
 Brookings, SD 57006

4. Article Number
 P 430 906 202

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

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

5. Signature - Addressee
☒ *[Signature]*

6. Signature - Agent
☒

7. Date of Delivery
 2/21/91

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

PS Form 3811, Apr. 1989

U.S.G.P.O. 1989-238-815

DOMESTIC RETURN RECEIPT



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

4112-3

February 7, 1991

GEORGE D BADER
RR1 BOX 65B
BROOKINGS SD 57006

Dear Mr. BADER:

I am writing to acknowledge receipt of your 1990 chemigation report for Water Right No. (s) (4112-3) & 4241-3. You may disregard the February 1, 1991, Notice of failure to report chemical use for 1990. With receipt of the chemigation report, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall,
Natural Resources Engineer IV
Water Rights Division

4/12-3

FOLEY LAW OFFICE

124 SOUTH MAPLE
P.O. Box #15
WATERTOWN, SOUTH DAKOTA 57201-0015



TELEPHONE 886-7743
AREA CODE 605

ANDREW E. FOLEY (1983-1975)
JOHN L. FOLEY
VINCENT A. FOLEY

May 13, 1992

Genny McMath
Natural Resources Analyst
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Ms. McMath:

Herewith enclosed please find executed NOTICES OF TRANSFER OF OWNERSHIP for the following permits:

Water Permit No. 603-3, to be transferred to the Western Trust Company, Gary G. Hoffman, Trustee.

Water Permit No. 4112-3 and 4241-3, to be transferred to the Western Trust Company, Gary G. Hoffman, Trustee.

Also enclosed are checks to cover the filing fees.

If any additional information is needed, please advise.

Sincerely,

FOLEY LAW OFFICE


John L. Foley

JLF:cb

Enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 14, 1992

4112-3
4241-3

John L Foley
Foley Law Office
PO Box 845
Watertown, SD 57201-0845

Dear Mr. Foley:

Enclosed is the "Notice of Transfer of Ownership" form you submitted for filing an ownership change on Water Right Nos. 4112-3 and 4241-3. A "Notice of Transfer" must be filed with each water right and can not be combined on one form.

I have enclosed partially completed transfer forms for Nos. 4112-3 and 4241-3. Please review and have them signed by a representative of Western Trust Company. A filing fee of \$2.50 is required for each transfer.

Upon completion of the forms, please return them to our office with filing fees totalling \$5.00. The transfers will be processed as soon as the forms and filing fees are received.

The transfer form and fee for Water Right No. 603-3 was received and is being processed. You will be notified when the transfer has been completed.

If you have any questions, please contact me.

Sincerely,

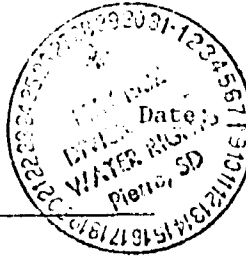
Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 4112-3



Date: May 26, 1992

I\We request that Water Right No. 4112-3

formerly owned by: George Bader

be transferred to: (name & address) Western Trust Company, Gary Hoffman, Trustee

PO Box 1052, Watertown, SD 57201-1052 (Telephone No.) (605) 874-2903

Title to the following described land(s)/property has been transferred as described above:
portions of the S 1/2 Section 12, T109N, R50W

I\We understand that the validity of Water Right No. 4112-3 has not been determined by this transfer action. If I\We have any questions on validity, I\We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
)
County of Codington)

I\We Gary G. Hoffman being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Western Trust Company
Gary G. Hoffman, Trustee
(Signed)

Subscribed and sworn to before me this 26th day of May, 19 92.

John L. Foley
(Notary Public)
John L. Foley
South Dakota

My commission expires: 11-1-1999

NOTE: (SDAL) Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

FOLEY LAW OFFICE

124 SOUTH MAPLE
P.O. Box 845
WATERTOWN, SOUTH DAKOTA 57201-0845

ANDREW E. FOLEY (1889-1973)
JOHN L. FOLEY
VINCENT A. FOLEY



TELEPHONE 886-7653
AREA CODE 605

May 27, 1992

Genny McMath
Natural Resources Analyst
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Water Permits

Dear Ms. McMath:

Herewith enclosed please find two permits to transfer water rights from previous owners to the new purchaser, Western Trust Company. These permits are as follows:

Water Right No. 4112-3, to be transferred to Western Trust Company, Gary Hoffman, Trustee.

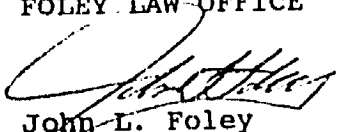
Water Right No. 4241-3, to be transferred to Western Trust Company, Gary Hoffman, Trustee.

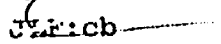
Also, we're enclosing a check made payable to the State of South Dakota - Department of Environment and Natural Resources, in the amount of \$5.00 to cover the cost of recording these two water permits.

If any additional information is needed, please advise.

Sincerely,

FOLEY LAW OFFICE


John L. Foley


J. Ricb

Enclosures

cc: Gary Hoffman

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, May 24, 1992

RECEIVED OF My Law Office (Western Trust Co) PO Box 845, Watertown SD 57201

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 <u>Water Right No. 4112-3</u>		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 H. H. H. H.
Chief Engineer



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

June 3, 1992

No. 4112-3
4241-3

Foley Law Office
P.O. Box 845
Watertown, SD 57201

Dear Mr. Foley:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 4112-3 and 4241-3.

Our records now show Western Trust Company, Gary Hoffman, Trustee, P.O. Box 1052, Watertown, SD 57201-1052 as the owner of Water Right Nos. 4112-3 and 4241-3.

Sincerely,

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

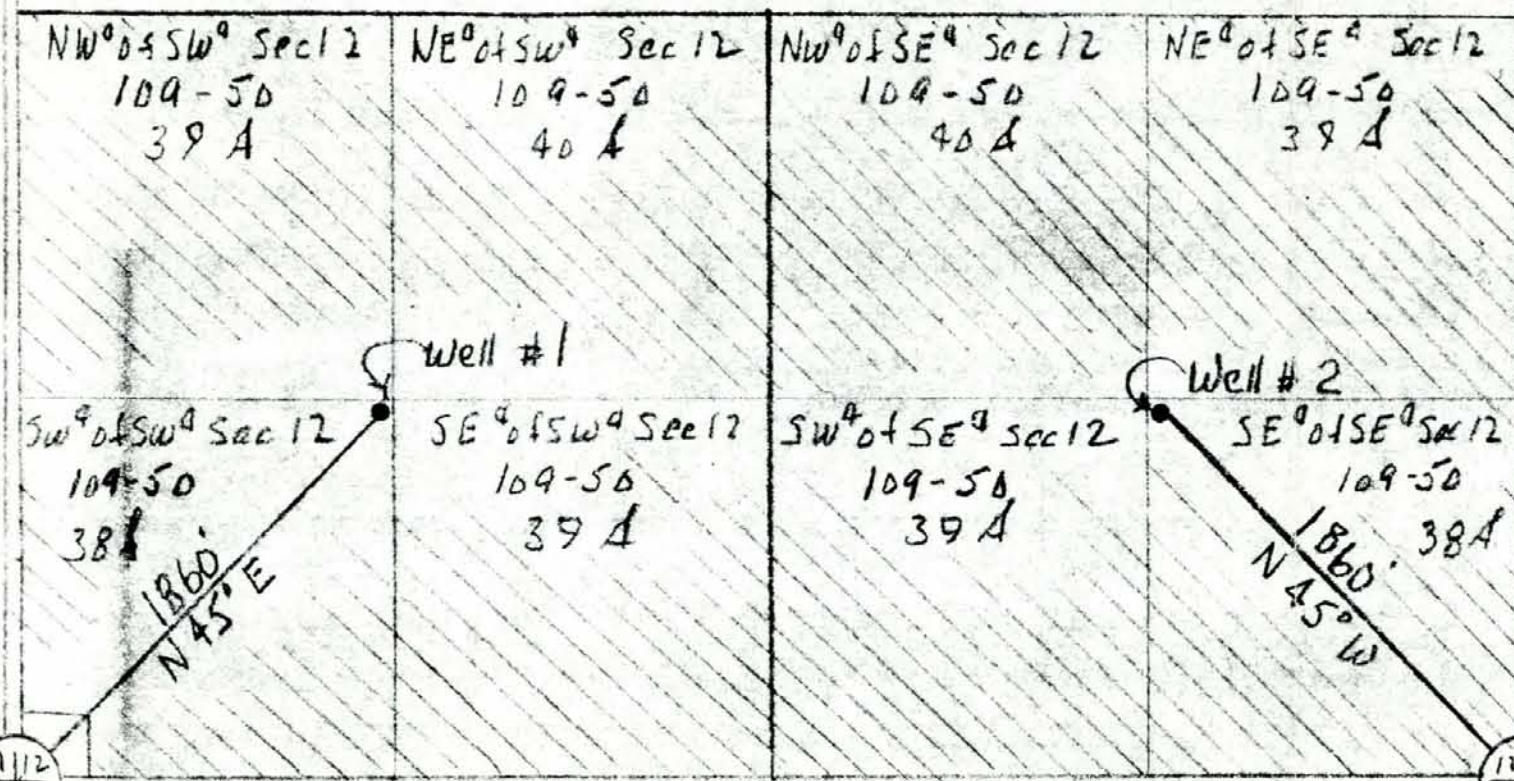
enclosure

cc: Western Trust Company

Points of Intersection

Well #1 - 1860' N45°E of SW Corner Sec 12-109-50

Well #2 - 1860' N45°W of SE Corner Sec 12-109-50



DAVID LONGWORTH

Irrigation Project #1

719 Main Ave

Brookings South Dakota

Land in Brookings County

Acres Irrigated - 312

Water Claimed - 4.4 cfs

Area Irrigated - S² Sec 12-109-50

8-3-77

Certified Correct

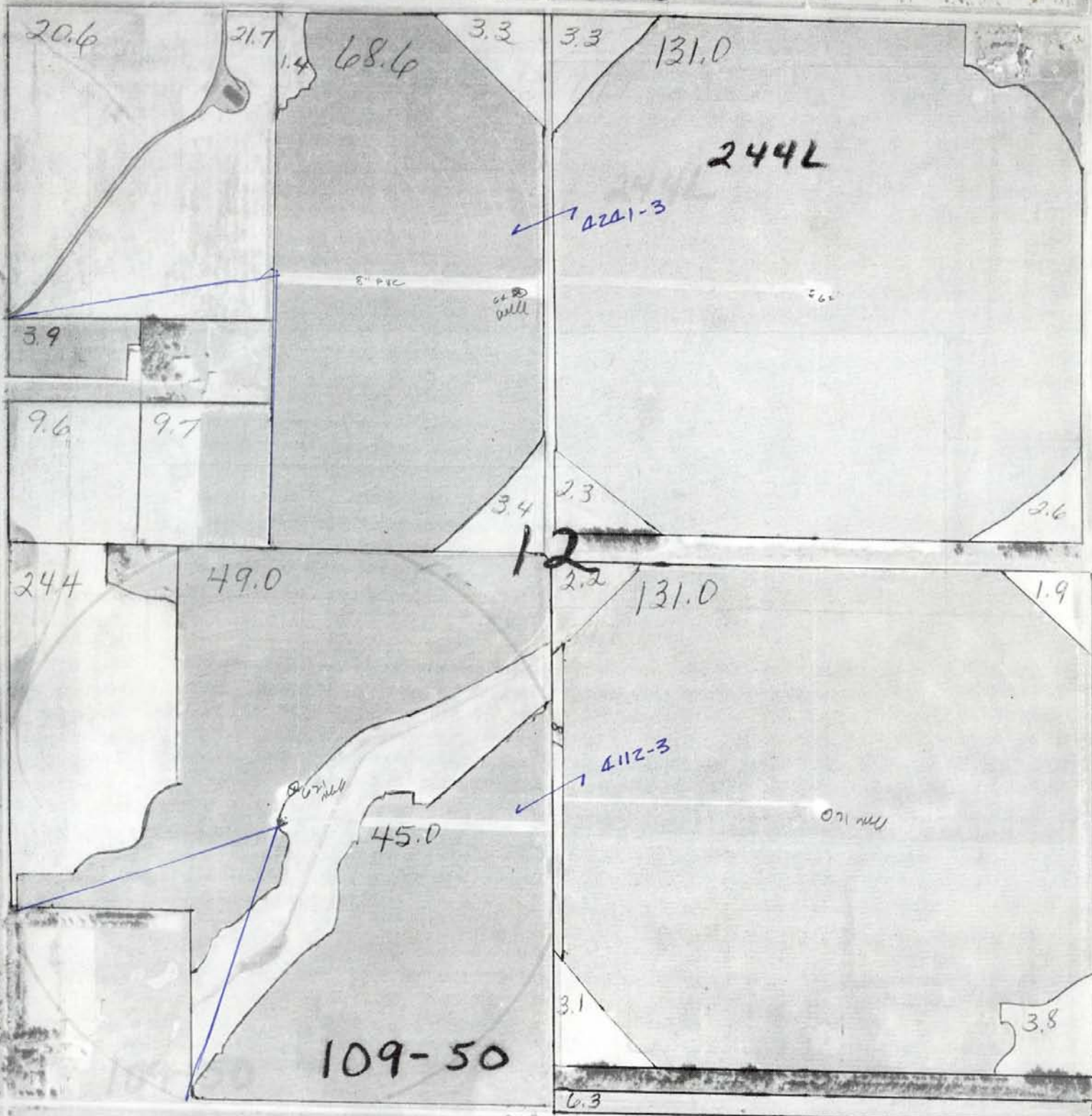
John Seelins
P.E. #1916

Scale 8" = 1 Mile

NOT TO SCALE

4112-3
4241-3

109-50





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 13, 2025

4112-3
4241-3

Western Trust Company
c/o Gary Hoffman
PO Box 1052
Watertown SD 57201

Dear Mr. Hoffman:

I write to you today in response to the 2024 Irrigation Questionnaire information submitted for Water Right Nos. 4112-3 & 4241-3.

Water Right No. 4112-3 (copy enclosed) authorized diversion of 3.47 cubic feet of water per second (1560 gpm) from two wells completed into the Big Sioux: Aurora Aquifer for irrigation of 243 acres located within the S ½ Section 12-T109N-R50W.

Water Right No. 4241-3 (copy enclosed) authorized diversion of 3.34 cubic feet of water per second (1500 gpm) from two wells completed into the Big Sioux: Aurora Aquifer for irrigation of 235 acres located within the N ½ Section 12-T109N-R50W.

On this year's questionnaire you reported the irrigation of 400 acres for each water right, 800 acres total. If an additional 322 acres have been developed for irrigation, additional permitting would be required.

Please contact me to either revise your 2024 Irrigation Questionnaires or discuss additional permitting.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
Amanda.Dewell@state.sd.us
(605) 773-3352

enclosures

NOTE: The 2024 Irrigation Questionnaire for Water Right No. 4697A-3 has not been received.

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 4112-3

Date: 2-1-26

PAID

FEB 06 2026

Ck# NO #

Rec't# _____

I/We request that Water Right/Permit No. 4112-3 formerly owned by:

Western Trust Company - Watertown SD

be transferred to:

New Owner Name:

CH and FW LLC

Address:

PO Box 1052

mobile:

605-880-0870

City, State, Zip

Watertown, SD 57201

email:

brittony.serie@gmail.com

Title to the following described land(s)/property has been transferred as described above:

243 acres located in: S 1/2 Section 12-T109N-R50W

RECEIVED

FEB 06 2026

OFFICE OF
WATER



I understand that the validity of Water Right/Permit No. 4112-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, CH & FW LLC, Carey Hoffman, the new owner, certify that the above information is true and correct.

and Fay Wiesner

Carey S. Hoffman
(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three-year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

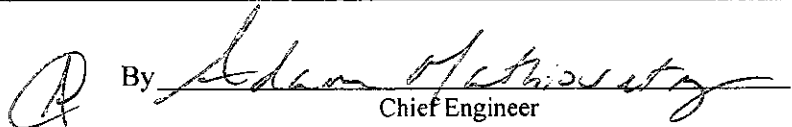
WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date February 06, 2026

RECEIVED OF CH & FW LLC PO Box 1052 Watertown, SD 57201

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. _____	\$ _____
Fee for Filing Transfer Form #4112-3 _____	\$50.00
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	\$50.00

By  Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 17th, 2026

4112-3

CH and FW LLC
PO Box 1052
Watertown, SD 57201

To Whom it May Concern,

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" form and the required fee you submitted for Water Right No. 4112-3. Enclosed is a receipt of payment for your records.

Water Right No. 4112-3, previously held by Western Trust Company, is now listed under CH and FW LLC. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the License (copy enclosed), State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the License will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

NOTE: The validity of Water Right No.4112-3 has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosure