

Water Right Number 4149-3

1. Considered 11-30 19 77
2. Name of Applicant WERNERSTRUCK, INC.
3. Post Office Address WOLSEY
4. Amount of Water claimed 2.2
5. Source of Water supply 185' WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 160
7. Water to be diverted and used in BEADLE County
about 65, 8W miles of WOLSEY
8. Proof of Publication
Received 11-15-77
Not Received _____
9. Application
Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

No. 4149-3Map No. 3379-3 Water Division No. 3 JAMES RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Wernerstruck, Inc
Postoffice address Wolsey, State SD.
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Wernerstruck Irrigation Project #6
4. Amount of water claimed (cubic feet per second) 2.2
5. Source of water supply Ground
6. Location of point of diversion NW 1/4 of NE 1/4 - 28-110-65
- County Beadle
7. Annual period or periods during which water is to be used April - October
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use, Total number of acres to be irrigated 160

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>SE 1/4 - 22-110-65</u>	<u>160</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 3 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Huron Daily News
12. Principal Features of the Proposed Water Supply System.
- A. Works proposed to divert water from its natural source.
Well - Turbine pump
- B. Works proposed to transport water to place of use.
Underground pipe
- C. Works proposed to apply water to beneficial use.
Center Pivot

Estimated Total Cost \$ 80,000.00

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

STATE OF SOUTH DAKOTA)

County of Beadle)I, Duane Struck 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 Duane Struck
Duane Struck, PresidentSubscribed and sworn to before me this 12th day of September 19 77

Margaret A. Cordts
Notary Public (or other qualified officer)
Margaret A. Cordts, Notary Public
My commission expires: June 15, 1984

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4149-3
WERNERSTRUCK, INC. Box 92, WOLSEY
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57384 With the following modifications:
 (State)

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application SEPTEMBER 15, 19 77
 Date 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 251

WATER RIGHT PERMIT NO. 4149-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4149-3 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 SEPTEMBER 15, 19 77
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 2.2 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 - OCTOBER

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

WATER RIGHTS COMMISSION

By:

John H. H. H.
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 2 1/2", Depth 85'
(2) Casing, Type steel Diameter 1 1/2" Thickness 1/4"
(wood, concrete, steel, etc)
(3) Perforated Screen.
Type Johnson SS, Diameter 1 1/2", Length 20'
(4) Gravel Pack, Thickness 4", Length of gravel pack 85'

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, 1-3 loess
3-61 clay
61-85 - gravel

Depth to top of water bearing material 61'

Depth to bottom of water bearing material 85'

Thickness of water bearing material 34'

Depth to water (ground surface to water level) 85'

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

On same owner's property 800' rds. On property owned by others 3/4 Mile 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.

Duane Strunk X
Signature of Applicant President

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 Wernerstruck Inc.

ADDRESS Wadena SD

COUNTY Beadle

LEGAL DESCRIPTION

1. WELL LOCATION NW 1/4 of NE 1/4 - 28 - 110 - 65
2. LOCATION OF AREA TO BE IRRIGATED SE 1/4 - 22 - 110 - 65

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT / GUN _____
4. CROPS TO BE IRRIGATED Corn
Water sample can be taken from Wernerstruck, Inc.
application for the SW 1/4 - 22 - 110 - 65 - where the water
WATER QUALITY will also be taken from NE 1/4 - 28 - 110 - 65
5. SAMPLE NUMBER 76-1021
6. SALINITY (EC X 10⁶) 1474 (high)
7. SODIUM (SAR) 7.91 (12-10-6)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 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.

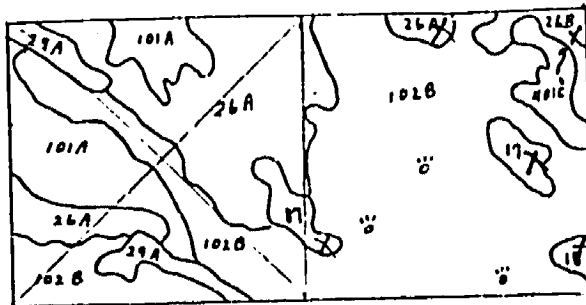
X Duane Struck
APPLICANT'S SIGNATURE President

SUBSCRIBED AND SWORN BEFORE ME THIS
12th DAY OF September 19 77.

(TITLE OR SEAL)
Margaret A. Cordts, Notary Public
My commission expires: June 15, 1984

Conditionally APPROVED
(SOILS INFORMATION ON REVERSE SIDE)

SOILS MAP



SL-22-110-65

SL-22-110-65

SOIL LEGEND

- 17 & 18 Tetonka-Hoven silt loams
This unit consists of poorly drained soils in enclosed depressions. Permeability is very slow, and surface drainage is lacking. Dense compact subsoils and ponding generally limit these soils for irrigation. Drainage of these soils is desirable under irrigation.
- 26A Dudley-Stickney silt loams, 0 to 3 percent slopes
This unit consists of moderately well drained soils with 4 to 10 inches of friable loamy surfaces over dense claypan subsoils. These soils have slow permeability and salts in the subsoil. Included within these units are small areas of enclosed depressions.
- 26B Houdek-Dudley complex, 3 to 6 percent slopes
The Houdek part consists of deep well and moderately well drained soils with calcareous substratums. The subsoils contain 30-35% clay. Depth of the calcareous clay loam substratum ranges from 18 to 30 inches. Permeability is moderately slow. Intermingled with the Houdek soils, the Dudley soils in small to large areas reduce farmability in wet seasons. Dudley soils consist of moderately well drained soils with 4-10 inches of friable loamy surfaces over dense claypan subsoils. Permeability is slow, and there are salts in the subsoils. Included within the complex unit are small areas of enclosed depressions.
- 29A Tetonka-Dudley silt loams, 0 to 2 percent slopes
This unit consists of poorly drained soils in enclosed depressions and in swales. Permeability is very slow, and surface drainage is very slow to lacking. Dense compact subsoils limit these soils for irrigation when they are not drained.

Werner
Duane Struck Unit

101A Houdek-Prosper loams, 0 to 2 percent slopes

This unit consists of deep well and moderately well drained loamy soils with calcareous substratums. The subsoils contain 30-35% clay. Depth to the calcareous clay loam substratum ranges from 18 to 30 inches. Permeability is moderately slow. Included within these areas are small enclosed depressions and small areas of soil with claypan subsoils which contain salts. Drainage or fill of these included areas may become desirable to prevent ponding and excessive wetness.

102B Houdek-Prosper loams, 2 to 6 percent slopes

The Houdek and Prosper soils are described in the 101A mapping unit. The unit differs primarily in the degree of slope.

401C Houdek stony loam, 0 to 9 percent slopes

This unit consists of well drained soils on uplands. It has a loam surface layer 5 to 8 inches thick and a clay loam subsoil about 22 inches thick. Permeability is moderate in the upper part and moderately slow through the underlying materials. Surface runoff is slow from the nearly level areas to rapid from the more sloping areas. The soil has many stones scattered on and below the surface which makes it unsuitable for farming.

Werner
Duane Struck Unit

Soil Conservation Service
Beadle County

102B Houdek - Prosper 2/24/1967
401C Houdek Stony L
101A 7-12-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100
701A 2-1-2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100

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

Submitted by: Wernerstruck Inc.
Address: Box 2, Box 92
Brookings, SD 57334

Date Rec'd: August 13, 1976
Sample No. 76-1022
Identification: 2-1011-125
NE 1/4, Sec. 28, T 110N, R 65W

WATER ANALYSIS

Calcium (Ca)	118	ppm*	5.90	me/l**
Magnesium (Mg)	27	ppm	2.21	me/l
Sodium (Na)	181	ppm	7.87	me/l
Potassium (K)	16	ppm	0.42	me/l
Sulfate (SO ₄)	373	ppm	7.75	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	27	ppm	0.76	me/l
Bicarbonate (HCO ₃)	542	ppm	8.88	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)	444	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1474	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	3.91			
Sodium	47.98	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.29			

Others:
*ppm=parts per million
**me/l=millequivalents per liter

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

COMMENTS: Total cations 16.40 me/l
Total anions 17.39 me/l

By: Shirley Wittan

Service Performed	Amount Due
Irrigation analysis	\$8.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-1022

Amount Enclosed \$

Signed

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

(RECOMMENDED MANAGEMENT)

NAME OF APPLICANT Wernerstruck, Inc. Wolsey, SD (Beadle County)

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 - Tetonka-Hoven in east-central portion of SE $\frac{1}{4}$, 22, 110, 65.
4. () Yes () No Subsurface drainage suggested
5. ☒ Yes () No Specific land areas that should be avoided

Depressions area should be sloped to the point that water will not pond during irrigation and/or wet years. You may find it profitable to physically raise the wheel track areas, rather than drain the depressions.

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

Actual EC - 1474 Permissible surface - 1500 Permissible sub-surface - 1000-1200

Your soils do not have natural internal drainage to raise top corn yields.

Experience with deep tillage will dictate spacing, depth, and frequency. As a general rule, deep tillage after crop removal, followed by irrigation, will permit nature's freeze-thaw action to work for you in aiding downward movement of soil water and its constituents. This will also open the soil for intake of rains and/or snow melt.

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

1925-3

3446-3

3448-3

4149-3

June 5, 1979

Mr. Duane Struck
Wernerstruck, Inc.
RR #2, Box 92
Wolsey, SD 57384

Dear Mr. Struck:

Before the Water Rights meeting in Rapid City on May 24th, it was discovered that your application to irrigate 300 acres in the NE1/4 Section 6, T111N, R63W, from a well in SW1/4 SW1/4, Section 4, T111N, R63W had never been approved by the State Conservation Commission. It was not brought before the Commission.

If you plan on completing this project, the water quality approval from the State Conservation Commission is needed.

Please inform this office of your decision. The time limit has lapsed on the priority and will be scheduled for cancellation if we do not hear from you within 60 days.

Also enclosed is an application and check #1299 in the amount of \$24.00. This application is covered by Permit No. 1925-3.

We are cancelling application No. 3448-3. This application has never been acted upon and is covered by Permit No. 4149-3.

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

Sincerely,

BETTY WESTLUND
Water Rights Specialist I

BW/gy

encl

Publish first publication, on or before November 17, 1977NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 31, 1977Notice is hereby given that Wernerstruck, Inc. whose

post office address is Wolsey, 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, ~~46-5-43, 46-5-44, 46-5-45, 46-5-46, 46-5-47, 46-5-48, 46-5-49, 46-5-50, 46-5-51, 46-5-52, 46-5-53, 46-5-54, 46-5-55, 46-5-56, 46-5-57, 46-5-58, 46-5-59, 46-5-60, 46-5-61, 46-5-62, 46-5-63, 46-5-64, 46-5-65, 46-5-66, 46-5-67, 46-5-68, 46-5-69, 46-5-70, 46-5-71, 46-5-72, 46-5-73, 46-5-74, 46-5-75, 46-5-76, 46-5-77, 46-5-78, 46-5-79, 46-5-80, 46-5-81, 46-5-82, 46-5-83, 46-5-84, 46-5-85, 46-5-86, 46-5-87, 46-5-88, 46-5-89, 46-5-90, 46-5-91, 46-5-92, 46-5-93, 46-5-94, 46-5-95, 46-5-96, 46-5-97, 46-5-98, 46-5-99, 46-5-100~~, ~~46-6-1, 46-6-2, 46-6-3, 46-6-4, 46-6-5, 46-6-6, 46-6-7, 46-6-8, 46-6-9, 46-6-10, 46-6-11, 46-6-12, 46-6-13, 46-6-14, 46-6-15, 46-6-16, 46-6-17, 46-6-18, 46-6-19, 46-6-20, 46-6-21, 46-6-22, 46-6-23, 46-6-24, 46-6-25, 46-6-26, 46-6-27, 46-6-28, 46-6-29, 46-6-30, 46-6-31, 46-6-32, 46-6-33, 46-6-34, 46-6-35, 46-6-36, 46-6-37, 46-6-38, 46-6-39, 46-6-40, 46-6-41, 46-6-42, 46-6-43, 46-6-44, 46-6-45, 46-6-46, 46-6-47, 46-6-48, 46-6-49, 46-6-50, 46-6-51, 46-6-52, 46-6-53, 46-6-54, 46-6-55, 46-6-56, 46-6-57, 46-6-58, 46-6-59, 46-6-60, 46-6-61, 46-6-62, 46-6-63, 46-6-64, 46-6-65, 46-6-66, 46-6-67, 46-6-68, 46-6-69, 46-6-70, 46-6-71, 46-6-72, 46-6-73, 46-6-74, 46-6-75, 46-6-76, 46-6-77, 46-6-78, 46-6-79, 46-6-80, 46-6-81, 46-6-82, 46-6-83, 46-6-84, 46-6-85, 46-6-86, 46-6-87, 46-6-88, 46-6-89, 46-6-90, 46-6-91, 46-6-92, 46-6-93, 46-6-94, 46-6-95, 46-6-96, 46-6-97, 46-6-98, 46-6-99, 46-6-100~~ and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, ~~52:01:01:14, 52:01:01:15, 52:01:01:16, 52:01:01:17, 52:01:01:18, 52:01:01:19, 52:01:01:20, 52:01:01:21, 52:01:01:22, 52:01:01:23, 52:01:01:24, 52:01:01:25, 52:01:01:26, 52:01:01:27, 52:01:01:28, 52:01:01:29, 52:01:01:30, 52:01:01:31, 52:01:01:32, 52:01:01:33, 52:01:01:34, 52:01:01:35, 52:01:01:36, 52:01:01:37, 52:01:01:38, 52:01:01:39, 52:01:01:40, 52:01:01:41, 52:01:01:42, 52:01:01:43, 52:01:01:44, 52:01:01:45, 52:01:01:46, 52:01:01:47, 52:01:01:48, 52:01:01:49, 52:01:01:50, 52:01:01:51, 52:01:01:52, 52:01:01:53, 52:01:01:54, 52:01:01:55, 52:01:01:56, 52:01:01:57, 52:01:01:58, 52:01:01:59, 52:01:01:60, 52:01:01:61, 52:01:01:62, 52:01:01:63, 52:01:01:64, 52:01:01:65, 52:01:01:66, 52:01:01:67, 52:01:01:68, 52:01:01:69, 52:01:01:70, 52:01:01:71, 52:01:01:72, 52:01:01:73, 52:01:01:74, 52:01:01:75, 52:01:01:76, 52:01:01:77, 52:01:01:78, 52:01:01:79, 52:01:01:80, 52:01:01:81, 52:01:01:82, 52:01:01:83, 52:01:01:84, 52:01:01:85, 52:01:01:86, 52:01:01:87, 52:01:01:88, 52:01:01:89, 52:01:01:90, 52:01:01:91, 52:01:01:92, 52:01:01:93, 52:01:01:94, 52:01:01:95, 52:01:01:96, 52:01:01:97, 52:01:01:98, 52:01:01:99, 52:01:02:00~~

~~46-6-101, 46-6-102, 46-6-103, 46-6-104, 46-6-105, 46-6-106, 46-6-107, 46-6-108, 46-6-109, 46-6-110, 46-6-111, 46-6-112, 46-6-113, 46-6-114, 46-6-115, 46-6-116, 46-6-117, 46-6-118, 46-6-119, 46-6-120, 46-6-121, 46-6-122, 46-6-123, 46-6-124, 46-6-125, 46-6-126, 46-6-127, 46-6-128, 46-6-129, 46-6-130, 46-6-131, 46-6-132, 46-6-133, 46-6-134, 46-6-135, 46-6-136, 46-6-137, 46-6-138, 46-6-139, 46-6-140, 46-6-141, 46-6-142, 46-6-143, 46-6-144, 46-6-145, 46-6-146, 46-6-147, 46-6-148, 46-6-149, 46-6-150, 46-6-151, 46-6-152, 46-6-153, 46-6-154, 46-6-155, 46-6-156, 46-6-157, 46-6-158, 46-6-159, 46-6-160, 46-6-161, 46-6-162, 46-6-163, 46-6-164, 46-6-165, 46-6-166, 46-6-167, 46-6-168, 46-6-169, 46-6-170, 46-6-171, 46-6-172, 46-6-173, 46-6-174, 46-6-175, 46-6-176, 46-6-177, 46-6-178, 46-6-179, 46-6-180, 46-6-181, 46-6-182, 46-6-183, 46-6-184, 46-6-185, 46-6-186, 46-6-187, 46-6-188, 46-6-189, 46-6-190, 46-6-191, 46-6-192, 46-6-193, 46-6-194, 46-6-195, 46-6-196, 46-6-197, 46-6-198, 46-6-199, 46-6-200~~, for a permit to appropriate for beneficial use 2.2 cubic feet of water per second of time from ~~the~~ ground water through the Wernerstruck #6, the point of diversion of which is to be located in the NW1/4

of Section 28, Twp. 110N, Range 65W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE1/4, Section 22, T110N, R65W.

This Application No. 4149-3 will be considered by the Water Rights Commission

at their office at Pierre upon the 30 day of November, 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.

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

WATER RIGHTS COMMISSION

JAMES WINTERTON
Water Rights Specialist

cc: Wernerstruck, Inc, Wolsey, SD

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

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County _____) ss.

I, BRENDA RASCHKE hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the HORN DAILY PLAINSMAN

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 _____

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

11-7-77

11-11-77

BRENDA RASCHKE
(Signature)

BOOKKEEPER
(Title)

11-11-77

(Date Signed)

F.P. 11-14-77 L.P. 11-14-77
NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
October 21, 1977
Notice is hereby given that
Wetmore, Inc. whose post
office address is Wolsey, South
Dakota, has made an application
in accordance with the provisions
of SDCL 46-1 thru 46-18; 46-29
thru 46-31; 46-32 thru 46-34;
46-35 thru 46-37; 46-41, 46-42
and Commission Rules 9 RSD
52:01:01 thru 52:01:13, for a
permit to appropriate for
beneficial use 22 cubic feet of
water per second of time from
ground water through the Well
located at the point of
diversion of which is to be located
in the NW 1/4 of Section 28,
Twp. 11N, R. 6W, S. 1W, water
to be used for the purpose of
providing irrigation on portions of
the following described lands:
SE 1/4, Section 22, T110N, R65W.
This Application No. 4163 will
be considered by the Water Rights
Commission at their office in
Pierre, upon the 3rd day of
November, 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 ac-
cording to SDCL 17A may notify
the Commission in writing prior to
the hearing or orally at the
hearing.
JAMES WINTERSON
Water Rights Specialist
NOTE: Final Proof of Publication
must be received for the com-
mission to take action.
No. 617 (adv.)



4149-3



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

November 22, 1977

TO: Applicants in Beadle, Brookings and Spink Counties

FROM: James Winterton, Water Resources Engineer III, Water Rights Commission

SUBJECT: New Water Right Applications

The Water Rights Commission will be delaying action on all applications for water rights within the counties of Spink, Beadle and Brookings until January of 1978.

Due to the large number of deferred applications in these counties, the Commission has decided to schedule the reconsideration of the deferred permit applications and any new applications until the January hearing date, in order that they can all be considered at the same time. Also, by this time a better knowledge of the water level recoveries will be known.

You will be contacted as to the time and place your application will be reconsidered. Please advise this office of any additional questions.

Very truly yours,

A handwritten signature in cursive script, appearing to read "James Winterton".

JAMES WINTERTON
Water Resources Engineer III
Water Rights Commission

JW/bw



41149-3
BEADLE COUNTY DEFERRED

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Loss Building, Pierre, South Dakota 57501

Phone 605/224-3151

January 16, 1978

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

The Water Rights Commission will reconsider deferred Beadle County Water Right Applications at 4:00 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, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/BFJ/bw

4149-3

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
January 29, 1988

WERNERSTRUCK INC %Duane Struck
RR #2 BOX 92B
WOLSEY, SD 57384

NOTICE

Re: Violation of Water Permit No(s). 4141-3, 4662-3A, 4663-3 and
1987 Irrigation Questionnaire Requirements

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 4141-3, 4662-3A, 4663-3. 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 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). 4141-3, 4662-3A, 4663-3 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) 1925-3, 4396-3, 4149-3, 4046-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

The hearing(s) will be at 9:00 am, March 2, 1988, in Room 216, Joe Foss Building, 523 E Capitol, Pierre, South Dakota.

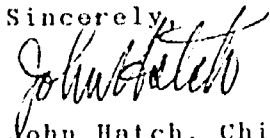
The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s), the Water Management Board can:

1. Suspend Permit No(s). 4141-3, 4662-3A, 4663-3 until either the 1987 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s) 1925-3, 4396-3, 4149-3, 4046-3 also held by WERNERSTRUCK INC 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.

Sincerely,

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

John Hatch, Chief Engineer
Water Rights Division

Note: If the questionnaire(s) are received in this office before the March 2 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.



Department of Water & Natural Resources

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

February 10, 1988

3447-3	1925-3
3449-3	4046-3
4141-3	4149-3
4396-3	4662-3A
4663-3	

Duane Struck
RE 2, Box 92P
Wolsey SD 57384

Dear Mr. Struck:

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. 1925-3, 3447-3, 3449-3, 4046-3, 4141-3, 4149-3, 4396-3, 4662-3A, 4663-3 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

South Dakota

GREAT FACES. GREAT PLACES.

MAY 27 1991

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

5452-3

Wernerstruck, Inc.
RR 2, Box 92B
Wolsey, SD 57384

Dear Sirs:

Enclosed is Water License No. 5452-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412560 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. 5452-3, 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.

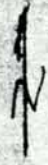
Very truly yours,

John Hatch

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

enclosures

NOTE: The applicable portions of Water Permit No. (4149-3) are incorporated into this Water License No. 5452-3.



Scale 1" = 660'

Barred line

NW 1/4 of SE 1/4 Sec 22
110-65

NE 1/4 of SE 1/4 Sec 22
110-65

SW 1/4 of SE 1/4 Sec 22
110-65

SE 1/4 of SE 1/4 Sec 22
110-65

21 22
38 37

24 23
27 26

Werner Struck Inc
Irrigation Project #6
Wolsey, S. Dak.

2110'
N 138°W
Well

9-13-77
Carl S. J. Cornett
John (W) Werner

MAP NO 3379-3 APP NO 4149-3