

Water Right Number 4154-3

1. Considered 11-30, 1977
2. Name of Applicant GERALD FOSTER
3. Post Office Address BROOKINGS
4. Amount of water claimed 2.0
5. Source of water supply 112' WELL
6. Water to be used for IRRIGATION
- Acres to be irrigated 146
7. Water to be diverted and used in BROOKINGS County  
about 2W, 4N Miles of BUSHEL
8. Proof of Publication Received 11-30-77  
Not received \_\_\_\_\_
9. Application Approved \_\_\_\_\_  
Subject to \_\_\_\_\_  
Not approved \_\_\_\_\_  
Action deferred \_\_\_\_\_

10. Remarks:

No. 4154-3  
 Map No. 3384-3 Water Division No. 3 BIG SIOUX RIVER District  
 (Blanks to be filled by the Engineer for the W. R. C.)


## APPLICATION FOR PERMIT

## To Appropriately Water within the State of South Dakota

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

1. Name of Applicant Gerald Foster  
 Postoffice address RR#2 Brookings 57006 State South Dakota  
 If a corporation show date and place of incorporation \_\_\_\_\_
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contracted Direct Labor
3. Name of diversion work Gerald Foster Irrigation Project #1
4. Amount of water claimed (cubic feet per second) 2.0
5. Source of water supply Well
6. Location of point of diversion 2000' N 20°W of SE corner Sec 27-111-49-

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, 146 Total number of acres to be irrigated

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 of SE 1/4 Sec 27-111-49 | 40             |                  |                |
| NE 1/4 " " " "                 | 39             |                  |                |
| SW 1/4 " " " "                 | 39             |                  |                |
| SE 1/4 " " " "                 | 28             |                  |                |

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. well with deep well turbineB. Works proposed to transport water to place of use. closed conduitC. Works proposed to apply water to beneficial use. center pivot irrigation systemEstimated Total Cost \$ 50,000
 Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.  
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Brookings
 I, Gerald Foster 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 Gerald FosterSubscribed and sworn to before me this 16 day of Sept 19 77

Notary Public (or other qualified officer)

# WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4154-3  
GERALD FOSTER (Applicant) R.R.#2, BROOKINGS (Post Office Address)  
SOUTH DAKOTA 57006 (State) With the following modifications:

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 19, 19 77  
 Date of return to applicant for correction, amendments or changes required SEPTEMBER 19, 19 77  
 Date of receipt of corrected application OCTOBER 17, 19 77  
 Approved JANUARY 25, 19 78, Recorded in Book 19 Page 257

## WATER RIGHT PERMIT NO. 4154-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4154-3 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 19, 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 2.0 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before JANUARY 25, 19 86; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 31<sup>ST</sup> day of JANUARY, 19 78

WATER RIGHTS COMMISSION

By:

John H. Hahn  
 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 24", Depth 112'
- (2) Casing, Type Steel (wood, concrete, steel, etc) Diameter 16" Thickness 1/4"
- (3) Perforated Screen.  
Type Johnson, Diameter 16", Length 20'
- (4) Gravel Pack. Thickness 4", Length of gravel pack 40'

E. Dugout Information or Estimates.

- (1) Surface dimensions                     , Depth

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

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

Character of Water bearing materials 0' to 1' Top Soil; 1' to 2 1/2' yellow clay;  
2 1/2' to 6' yellow clay sand; 6' to 70' yellow sand with  
small streaks of blue clay; 70' to 112' - gray  
water bearing sand; 112' to 120' blue clay

- Depth to top of water bearing material 70'
- Depth to bottom of water bearing material 112'
- Thickness of water bearing material 42'
- Depth to water (ground surface to water level) 32'

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

On same owner's property No Supply rds. On property owned by others 60 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.

Shirley Est  
Signature of Applicant

COMMISSION  
FORM W1 #1

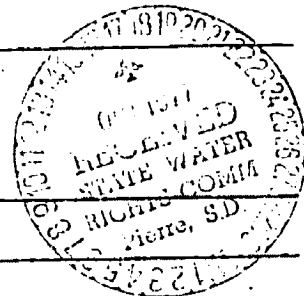
STATE CONSERVATION COMMISSION  
SUPPORTING INFORMATION  
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE  
WITH SDCL 46-6-3 AS AMENDED  
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)



NAME Gerald Foster  
ADDRESS Brookings South Dakota RR# 57006  
COUNTY Brookings

LEGAL DESCRIPTION

1. WELL LOCATION NE<sup>1</sup> of SE<sup>1</sup> of Sec 27-111-49  
2. LOCATION OF AREA TO BE IRRIGATED SE<sup>1</sup> Sec 27-111-49



TYPE OF IRRIGATION

3. GRAVITY \_\_\_\_\_ TOWLINE \_\_\_\_\_ CENTER PIVOT ☒ GUN \_\_\_\_\_  
4. CROPS TO BE IRRIGATED Corn, alfalfa, beans

WATER QUALITY

5. SAMPLE NUMBER 77-1342  
6. SALINITY (EC X 10<sup>6</sup>) 21.53 (11.41)  
7. SODIUM (SAR) 1.56 (1.11)  
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 Brookings Co. Dist. #1 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.

Gerald Foster  
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS  
16 DAY OF Sept 19 72.

John Sullivan  
(TITLE OR SEAL)

Albert J. Hoffman  
APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)

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

Submitted by: Gerald Foster  
 Address: At. 2  
Brookings, SD 57006

Date Rec'd: September 16, 1977  
 Sample No. 77-1392  
 Identification Well-112  
Sec. 27, T. 111N, R. 49E

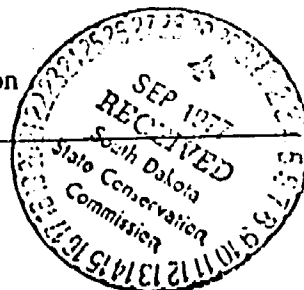
**WATER ANALYSIS**

|                                       |       |                             |       |           |
|---------------------------------------|-------|-----------------------------|-------|-----------|
| Calcium (Ca)                          | 298   | ppm*                        | 14.90 | me/l**    |
| Magnesium (Mg)                        | 116   | ppm                         | 9.51  | me/l      |
| Sodium (Na)                           | 69    | ppm                         | 3.00  | me/l      |
| Potassium (K)                         | 7     | ppm                         | 0.18  | me/l      |
| Sulfate (SO <sub>4</sub> )            | 988   | ppm                         | 20.54 | me/l      |
| Nitrate (as N)                        |       | ppm                         |       | me/l      |
| Chloride (Cl)                         | 2     | ppm                         | 0.06  | me/l      |
| Bicarbonate (HCO <sub>3</sub> )       | 471   | ppm                         | 7.72  | me/l      |
| Carbonate (CO <sub>3</sub> )          |       | ppm                         |       | me/l      |
| Iron (Fe)                             |       | ppm                         |       | me/l      |
| Fluoride (F)                          |       | ppm                         |       | me/l      |
| Hardness (EDTA as CaCO <sub>3</sub> ) |       | ppm                         |       | g.p.g.*** |
| Alkalinity (Methyl Orange)            | 386   | ppm (as CaCO <sub>3</sub> ) |       |           |
| Alkalinity (Phenolphthalein)          | 0     | ppm (as CaCO <sub>3</sub> ) |       |           |
| Electrical Conductivity               | 2133  | micromhos per cm at 25° C.  |       |           |
| Sodium Adsorption Ratio               | 0.86  |                             |       |           |
| Sodium                                | 10.87 | % of cations                |       |           |
| Residual sodium carbonate             | 0.00  | me/l                        |       |           |
| pH                                    | 7.22  |                             |       |           |

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

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

COMMENTS: Total cations 27.59 me/l  
 Total anions 28.32 me/l



By: Shirley Litten

| Service Performed   | Amount Due   |
|---------------------|--------------|
| Irrigation analysis | \$15.00 PAID |

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 77-1392

Amount Enclosed \$ \_\_\_\_\_

Signed \_\_\_\_\_

Mad 15-3384-3 App 424154-3

1-209

290

29.7

234

22

114:4

## 1.4

21.3

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2040  
2000  
40

78.8

111-49

11259-15-77 - Certified correct  
a b c d e f g h i j k l m n o p q r s t u v w x y z

Publish first publication, on or before November 17, 1977

NOTICE OF HEARING ON  
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

November 1, 1977

Notice is hereby given that Gerald Foster 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 2.0 cubic feet of water per second of time from groundwater

through the Gerald Foster #1, the point of diversion of which is to be located in the NE 1/4 Sec 27

of Section 27, Twp. 111N Range 49W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE 1/4, Section 27, T111N, R49W.

This Application No. 4154-3 will be considered by the Water Rights Commission at

Pierre, South Dakota upon the 30 day of November, 1977 at 10 AM. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION

**JAMES WINTERTON**  
Water Rights Specialist

cc: Gerald Foster, Brookings, SD

**NOTE: Final Proof of Publication must be received by the 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 No. 406

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 \_\_\_\_\_ Two

successive week S., to-wit:

November 8, 1977

November 15, 1977

....., 19....., 19....., 19.....

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

Fifteen dollars and seventy-eight cents \_\_\_\_\_ Dollars

Subscribed and sworn to before me this \_\_\_\_\_ 23rd \_\_\_\_\_ day of

November, 1977

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

My Commission expires \_\_\_\_\_, 1985

## Exhibit "A"

Legal No. 406, Nov. 8, 1977

### NOTICE OF HEARING ON APPLICATION TO APPROPRIATE WATER

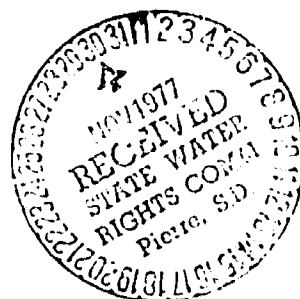
Pierre, South Dakota 57501

November 1, 1977

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This Application No. 4154-3 will be considered by the Water Rights Commission at Pierre, South Dakota on 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.

WATER RIGHTS COMMISSION  
James Winterton  
Water Rights Specialist





BROOKINGS COUNTY DEFERRED

4154-3

# 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

No. 4154-3

**Dakota Department of  
Water & Natural Resources**

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

WATER RIGHTS DIVISION  
Phone (605) 773-3352

July 11, 1983

NOTICE

Gerald Foster  
Rt 2,  
Brookings SD 57006

Dear Mr. Foster:

The inspection of your water use system and inspection of the extent application of water to beneficial use, as developed under your Water Right No. 4154-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

Section 58 of House Bill 1001 as passed by the 1983 Legislature effective March 8, 1983 states that a permit holder may not divert water until this \$50.00 license fee has been paid.

Sincerely,

KAREN SCHLAACK  
Administrative Aide

NOTE: On form of payment, please include the number of the water permit. This insures proper handling of the fee.

WNR-814 3/83  
Request for W/L fee(\$50)

Permit No. 4154-3  
 Water Division 3 Sioux River Water District  
10130002

REPORT 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 Gerald  
Easter of 212, Breckinridge holder  
 of Permit No. 4154-3, bearing date of priority of 19 September, 1977  
 authorizing the diversion of 2.0 cu. ft. per second of the waters of Groundwater  
 for irrigation purposes, in Breckinridge 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 drilled by Kaiser Drilling Desmet, SD  
 National pump model N260-8 serial # 1177-650 4 stage  
 Motor - Westinghouse model GUDP serial # 7705 HP = 100  
 3 phase service factor 1.15 RPM = 1770 style 7738920G15

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

1200 feet buried 8 inch 125psi PVC pipe

C. Works used to apply water to beneficial use.

Reinke Electrogator, model 680, serial # 7790614-0  
 with end gun, original setting 900 gpm at 85 psi  
 length 1284 feet

The system is in the following condition: excellent

The point of diversion is located 100' N 84° W of SE cor. 27, T11N, R49W

The works are capable of diverting and conveying to the place of use 2.0

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: 105 Acres SE 1/4 27, T11N,

|             |             |           |
|-------------|-------------|-----------|
| <u>R49W</u> | <u>NWSE</u> | <u>32</u> |
|             | <u>NESE</u> | <u>32</u> |
|             | <u>SWSE</u> | <u>32</u> |
|             | <u>SESE</u> | <u>19</u> |

comprising a total of 105 acres of land.

1.64 cfs maximum allowable

Date 6 July 83

John A. Silken  
 (Signature)

18 May 83

Gerald Foster

LICENSE FOR PERMIT NUMBER 4154-3

1. Legal location of wells: \_\_\_\_\_

dams & structures: \_\_\_\_\_

2. Well Information: Well Drilling Firm Keiser

No. of wells 1 Depth 112 ft. (No log on file)

Casing a) diameter \_\_\_\_\_ Screen a) type \_\_\_\_\_  
b) length \_\_\_\_\_ b) length \_\_\_\_\_

c) type steel Static Water Level Could not get in

Pump a) make National (Lubbock Texas) Motor a) make Westinghouse

b) model N 260-8 b) model no. GUPP Ser 7705

c) size Serv# 1177-650 c) horsepower rating 100

d) capacity \_\_\_\_\_ GPM d) motor efficiency rating \_\_\_\_\_

e) turbine pump  
no. of stages 4

3. Distribution lines:

a) size of lines 8"

b) type 125 PSI PVC

c) length \_\_\_\_\_

3 phase  
ser. fac. 1.15  
1770 RPM  
Motor style 7738920417

4. Dam Information:

a) height to crest \_\_\_\_\_

b) height to spillway \_\_\_\_\_

c) crest width \_\_\_\_\_

d) crest length \_\_\_\_\_

e) spillway length \_\_\_\_\_

f) spillway width \_\_\_\_\_

g) approx. storage \_\_\_\_\_

h) Distribution lines or canals:

1) size \_\_\_\_\_

2) type \_\_\_\_\_

3) length \_\_\_\_\_

i) Outlet tubes:

1) diameter \_\_\_\_\_

2) type \_\_\_\_\_

3) valued (Y/N) \_\_\_\_\_

4) valve type \_\_\_\_\_

5) location on structure \_\_\_\_\_

5. System Type: a) sideroll:

1) length \_\_\_\_\_ feet

2) diameter of pipe \_\_\_\_\_

3) make, model & number of sprinklers \_\_\_\_\_

4) spacing of sprinklers \_\_\_\_\_

5) nozzle size \_\_\_\_\_

b) towline:

1) length \_\_\_\_\_ feet

2) make, model & number of sprinklers \_\_\_\_\_

3) spacing of sprinklers \_\_\_\_\_

4) nozzle size \_\_\_\_\_

5. System Type: c) center pivot

1) make Reinke Electrojetur.

2) number of towers 8

3) distance between towers

160'

4) overall length 1284'

5) End gun (Y/N) Y

6) high or low pressure Low

7) make & size of nozzles

8) PSI reading while system is

running 53 info from Steve Foster

Systems off when inspected 9) GPM 900

Model 680 Serial # 7790 6140

g) Gun original set 900 gpm @ 85 psi

1) make

2) serial number

3) nozzle size

4) capacity (GPM)

5) PSI

6) hose size

7) hose length

d) Gate Pipe

1) length

2) diameter

3) spacing of gates

e) Siphons

1) number

2) size

f) Portable boom

1) make

2) serial number

3) nozzle size

4) capacity (GPM)

5) PSI

h) Hydromatic

1) make

2) model

3) serial number

4) length

5) nozzle size

6) spacing

7) PSI

8) capacity (GPM)

YES

NO

Check Items

X

\_\_\_

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.

X

\_\_\_

2. Special Qualifications to permit being abided by.

X

\_\_\_

3. All Structures, wells and lands on map.

REMARKS:

## WATER LICENSE NO. 4154-3

(1) WHEREAS, On the 19th day of September A. D. 19 77  
Gerald Foster

made Water Right Application No. 4154-3 for a permit to use 2.0 cubic feet per second of the waters  
of groundwater (one well)

County of Brookings, State of South Dakota, for Irrigation

purpose; and

(2) WHEREAS, On the 25th day of January A. D. 19 78

Permit No. 4154-3, with a date of priority of September 19, 1977

was 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 1.64 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 land all in Section 27, T111N, R49W

NW $\frac{1}{4}$ SE $\frac{1}{4}$  32 acres (DB)

NE $\frac{1}{4}$ SE $\frac{1}{4}$  32 acres (DA)

SW $\frac{1}{4}$ SE $\frac{1}{4}$  32 acres (DC)

SE $\frac{1}{4}$ SE $\frac{1}{4}$  19 acres (DD)

TOTAL 115 ACRES

(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 Gerald Foster

of Route #2, Brookings, South Dakota 57006  
the holder and owner of said permit No. 4154-3 a water right, dating from September 19, 1977  
to use of 1.64 cubic feet per second of the waters  
of groundwater (one well)

in the County of Brookings and State of South Dakota, or on much thereof as may be necessary for the  
purposes hereinbelow mentioned, to be diverted at a point 1400'N 84°W of the SE Corner, Section 27,  
T111N, R49W

and conducted to and upon portions of Section 27, T111N, R49W more fully described  
on the face of this License.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 4154-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota  
this 26th day of July A. D.  
Nineteen Hundred and Eighty Three

WATER MANAGEMENT BOARD

By:

John Hatch  
Chief Engineer, Executive Officer JOHN HATCH

# RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9297

PIERRE, July 19, 1983

RECEIVED OF Gerald Foster, Route #2, Brookings, SD 57006

the following amount in fees 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. _____                                        |    |    |
| Fee for Inspecting Beneficial Use, and Issuing Water License No. 4154-3                                             | 50 | 00 |
| Fee for Issuing Location Certificate-Dry Draw, No. _____                                                            |    |    |
| Fee for filling _____                                                                                               |    |    |
| Fee for certified copy of _____                                                                                     |    |    |
| Fee for Print copy of map _____                                                                                     |    |    |
| Fee for Certifying _____                                                                                            |    |    |
| Fee for _____<br>(any other work as provided by law)                                                                |    |    |
| TOTAL                                                                                                               | 50 | 00 |

WATER RIGHTS COMMISSION

By *John Hatch*  
Chief Engineer, Executive Officer  
JOHN HATCH (ns)

No. 4154-3

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

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

WATER RIGHTS DIVISION  
Phone (605) 773-3352

July 28, 1983

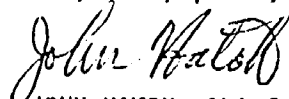
Gerald Foster  
Route #2  
Brookings, South Dakota 57006

Dear Mr. Foster:

Enclosed herewith is, Water License No. 4154-3. This is the final water right document completing your process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,



JOHN HATCH, Chief Engineer  
Water Rights Division

JH:ms

Enclosures

WNR-817 3/83  
Transmittal of Water License



## Department of Water & Natural Resources

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

February 9, 1990

GERALD FOSTER  
RR #2 BOX 85  
BROOKINGS, SD 57906

### NOTICE

RE: Violation of Requirement to Submit 1989 Irrigation Questionnaire

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 4154-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted 1989 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Jefferson-Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-25. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 4154-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire(s) is received in this office before the March 7th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,

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

**SOUTH DAKOTA**  
**Department of**  
**Water & Natural Resources**  
Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

March 14, 1990

4154-3

Gerald Foster  
RR #2 Box 85  
Brookings, SD 57006

Dear Mr. Foster:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit No. 4154-3. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,



RON DUVAL  
Natural Resources Engineer  
Water Rights Division

ad on the reverse side?

# SENDER:

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

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

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee

3. Article Addressed to:

4154-3

4a. Article Number

P378 081 343

4b. Service Type

- |                                                         |                                               |
|---------------------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Registered                     | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail                   | <input type="checkbox"/> Insured              |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD                  |

7. Date of Delivery

5. Received By: (Print Name)

6

6. Signature: (Addressee or Agent)

X

*[Signature]*

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

PS Form 3811, December 1994

Domestic Return Receipt

is your RETURN?

Thank you for using Return Receipt Service.



February 4, 1997

4154-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3191

NOTICE

TO: GERALD FOSTER, RR 2 BOX 85, BROOKINGS, SD 57006

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

SUBJECT: Violation of Requirement to Submit 1996 Irrigation Questionnaire

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 4154-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 2:30 pm, March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 4154-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

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

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



4154-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

February 21, 1997

2687-3

4154-3

4155-3

Steven R Foster  
20444 471 Ave  
Brookings, SD 57006

Dear Mr. Foster:

I am writing to acknowledge receipt the 1996 irrigation questionnaires for Rodney/Loretta Foster and Gerald Foster. You may disregard the February 4, 1997, Notice of Violation of the Requirement to Submit the 1996 Irrigation Questionnaire.

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

I have made the address change notation you wrote on the questionnaires. All forms will be directed to your attention until you let us know otherwise. If you have any questions, please contact me.

Sincerely,

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



4/154-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 9, 1998

**NOTICE**

**TO:** STEVEN FOSTER, OP, 20444 471 AVE, BROOKINGS, SD 57006

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

**SUBJECT:** Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire has not been submitted for Permit No(s) 2687-3, 4154-3 & 4155-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, February 25, 1998, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2687-3, 4154-3 & 4155-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

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

**cc: RODNEY FOSTER, RR 2 BOX 89, BROOKINGS, SD 57006**  
**GERALD FOSTER, RR 2 BOX 85, BROOKINGS, SD 57006**

**Note:** Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

4154-3



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 27, 1998

2687-3  
4154-3  
4155-3

Steven Foster  
20444 471st Ave  
Brookings, SD 57006

Dear Mr. Foster:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 2687-3, 4154-3 and 4155-3.

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

If you have any questions, please contact me.

Sincerely,

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

c: Rodney Foster, RR 2 Box 89, Brookings, SD  
Gerald Foster, RR 2 Box 85, Brookings, SD



January 22, 1999

4154-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

**NOTICE**

**TO: STEVEN FOSTER, OP, 20444 471 AVE, BROOKINGS, SD 57006**

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

**SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)**

Our records indicate that the 1998 Irrigation Questionnaire has not been submitted for Permit No(s) 2687-3, 4154-3 & 4155-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, March 3, 1999, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2687-3, 4154-3 & 4155-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1999, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

**C: RODNEY FOSTER, RR 2 BOX 89, BROOKINGS, SD 57006**

**Note:** Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



4154-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 27, 1999

2687-3  
4154-3  
4155-3

Steven Foster  
20444 471<sup>st</sup> Ave  
Brookings, SD 57006

Dear Mr. Foster:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Permit No. 2687-3, 4154-3 and 4155-3.

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

If you have any questions, please contact me.

Sincerely,

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

c: Rodney Foster



4154-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
www.state.sd.us/denr

January 14, 2000

NOTICE

TO: STEVEN FOSTER, OP, 20444 471 AVE, BROOKINGS, SD 57006

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire has not been submitted for Permit No(s) 2687-3, 4154-3 & 4155-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 1:30 pm, March 1, 2000, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2687-3, 4154-3 & 4155-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

c: RODNEY FOSTER, RR 2 BOX 89, BROOKINGS, SD 57006

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



4154-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
www.state.sd.us/denr

February 2, 2000

2687-3

4154-3

4155-3

Steven Foster  
20444 471<sup>st</sup> Ave  
Brookings, SD 57006

Dear Mr. Foster:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit No. 2687-3, 4154-3 and 4155-3.

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

If you have any questions, please contact me.

Sincerely,

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

c: Rodney Foster



4154-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

TO: STEVEN FOSTER, OP, 20444 471 AVE, BROOKINGS, SD 57006

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaires

Our records indicate that the 2000 Irrigation Questionnaire has not been submitted for Permit Nos. 2687-3, 4154-3 & 4155-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 7, 2001, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit Nos. 2687-3, 4154-3 & 4155-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaires are received in this office on/or before March 2, 2001, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaires, please contact Genny McMath at (605) 773-3352.

c: RODNEY FOSTER, RR 2 BOX 89, BROOKINGS, SD 57006

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 30, 2001

2687-3  
4154-3  
4155-3

Steven R Foster  
20444 471<sup>st</sup> Ave  
Brookings, SD 57006

Dear Mr. Foster:

i am writing to acknowledge receipt of your "2000" irrigation questionnaires. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right Nos. 2687-3, 4154-3 and 4155-3.

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

If you have any questions, please contact me.

Sincerely,

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

c: Rodney Foster



4154-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: STEVEN FOSTER, OP, 20444 471 AVE, BROOKINGS, SD 57006

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire(s)

Our records indicate that the 2002 Irrigation Questionnaire has not been submitted for Permit No(s) 2687-3, 4154-3 & 4155-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 5, 2003, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2687-3, 4154-3 & 4155-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2003, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

CC: RODNEY FOSTER, RR 2 BOX 89, BROOKINGS, SD 57006

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



4154-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 28, 2003

2687-3  
4154-3  
4155-3  
4468-3

Steven Foster  
20444 471 Ave  
Brookings SD 57006

Dear Mr. Foster:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right Nos. 2687-3, 4154-3, 4155-3 & 4468-3.

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

If you have any questions, please contact me.

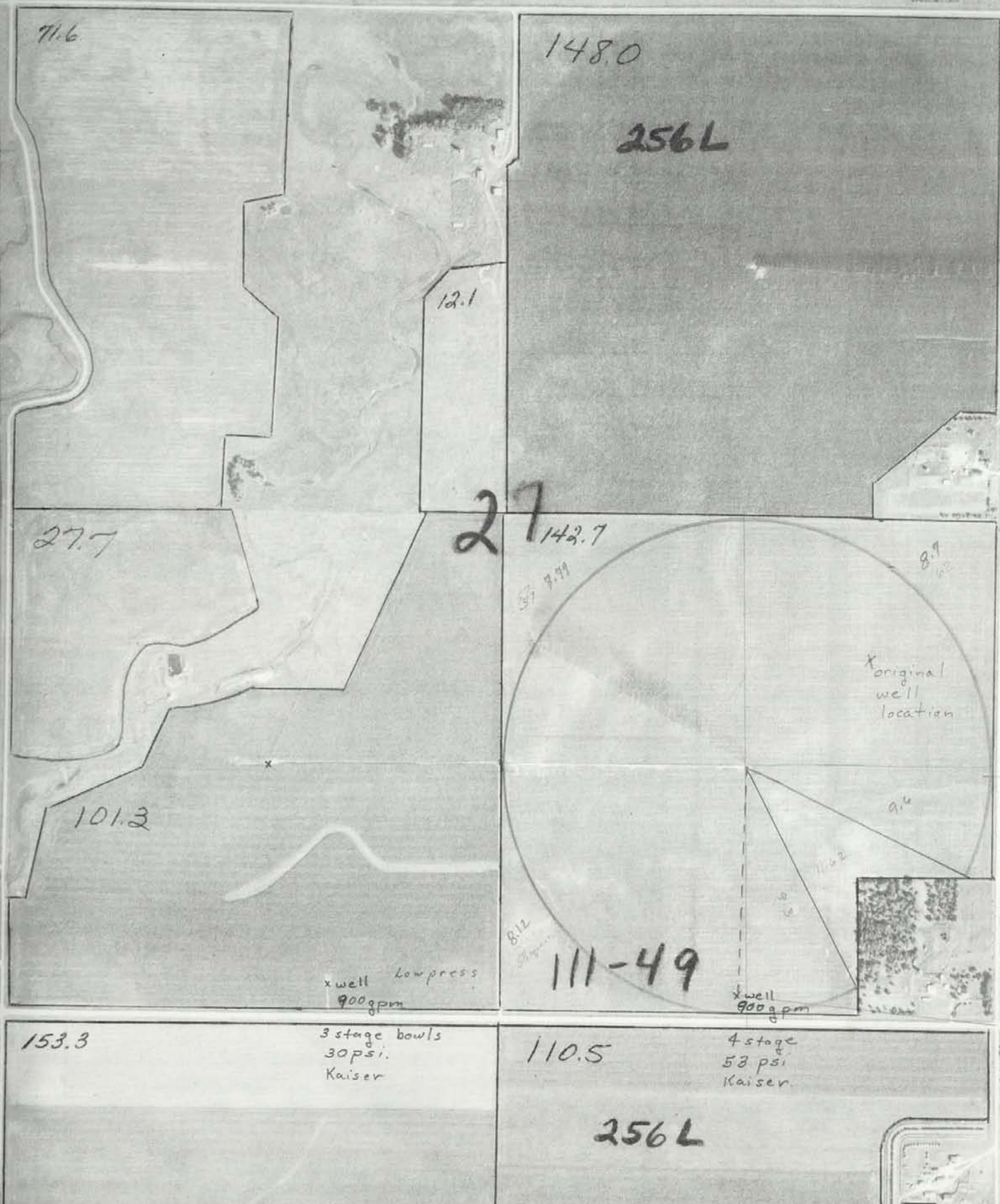
Sincerely,

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

c: Alvin Schmidt  
Rodney Foster

# NOT TO SCALE

~~MANUAL~~  
4154-3  
Gerald Foster



M. J. Lewis

1-112

Gerald Foster  
 Irrigation Project # 1  
 Brookings S.D.  
 Area Irrigated - SE<sup>1</sup> 27-111-48  
 Water claimed - 2.0 cts.

360

1-209

29.4

29.0

29.7

29.2

1.9

27

114.4

29.3

● wall  
 200.0  
 200.0  
 200.0

78.8

111-49

1533

1125 9-15-77 - certified correct  
 John Lewis

MAP NO. 3384-3 APP. NO. 4154-3



4154-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 26, 2007

**NOTICE**

TO: STEVEN FOSTER, OP, 20444 471 AVE, BROOKINGS, SD 57006

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire has not been submitted for Permit No(s) 2687-3, 4154-3, 4155-3 & 4468-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:30 am, March 7, 2007, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2687-3, 4154-3, 4155-3 & 4468-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:  
<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

**c: GERALD FOSTER, 20610 473RD AVE , BROOKINGS, SD 57006**

**Note:** Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

4154-3

[Home](#) | [Help](#)**Track & Confirm**

## Track & Confirm

### Search Results

Label/Receipt Number: 2303 2160 0000 0799 6583

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United States Postal Service® Signature Confirmation® Receipt

SIGNATURE CONFIRMATION NUMBER:  
2303 2160 0000 0799 6583

STEVEN FOSTER, OP  
20444 471 AVE  
BROOKINGS SD 57006

Waiver of Signature ☐ YES ☐ NO

Postmark  
Here

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PS Form 158, May 2002 (See Reverse)



4154-3

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## Track & Confirm

## Search Results

Label/Receipt Number: 2303 2160 0000 0799 7375

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Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0799 7375

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**GERALD FOSTER**  
**20610 473<sup>RD</sup> AVE**  
**BROOKINGS SD 57006**

Waiver of Signature ☐ YES ☐ NO

Postmark Here

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 Access internet web site at  
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PS Form 3800, May 2002 (See Reverse)



4154-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 28, 2007

Steven Foster  
20444 471<sup>st</sup> Ave  
Brookings SD 57006

RE: Water Right Nos. 2687-3, 4154-3, 4155-3 & 4468-3

Dear Mr. Foster:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right Nos. 2687-3, 4154-3, 4155-3 & 4468-3.

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

If you have any questions, please contact me.

Sincerely,

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

## No. 4154-3 & 4155-3

### Water Rights Program - DENR Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 4154-3 and 4155-3, Gerald Foster

ADDRESS: COUNTY: Brookings County

DATE: December 2, 2014 TELEPHONE:

RE: aquifer designation

In the review of Water Permit Application No. 8061-3, it was determined by the report writer, Whitney Kilts, that the aquifer designation on the database is not correct. The water rights are coded as being in the Unnamed Creek management unit of the Big Sioux aquifer. However, based on the location of the diversion points, the actual water source is Six Mile Creek management unit of the Big Sioux aquifer. A conclusion in the report states these water rights should be reassigned to the correct aquifer.

A review of the file shows the public notice did not specifically designate the water source. Therefore, I concur that the database can be changed for each water right to the Six Mile Creek management unit of the Big Sioux aquifer without readvertisement of the water permits.

This file documentation will need to be included in the administrative record for each water right.

NAME: Eric Humby



4154-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 26, 2018

NOTICE

TO: STEVEN FOSTER, OP, 20454 471 AVE, BROOKINGS, SD 57006

FROM: Ron Duvall, Natural Resources Engineer  
for Jeanne Goodman, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire has not been submitted for Permit No(s) 2687-3, 4154-3, 4155-3 & 4468-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

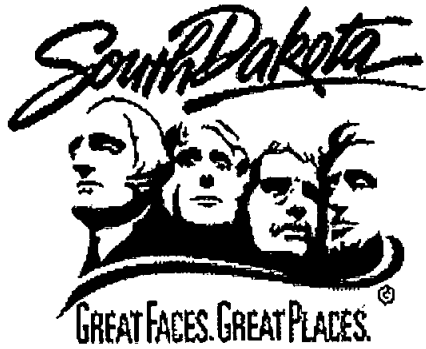
1. Amend Permit No(s) 2687-3, 4154-3, 4155-3 & 4468-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us). If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

**GERALD FOSTER, 20610 473RD AVE , BROOKINGS, SD 57006**

**Note:** Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



4154-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

February 7, 2018

2687-3  
4154-3  
4155-3  
4468-3

Steven Foster  
20454 471<sup>st</sup> Ave  
Brookings SD 57006

Dear Mr. Foster:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right Nos. 2687-3, 4154-3, 4155-3 & 4468-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

c: Gerald Foster, 20610 473<sup>rd</sup> Ave, Brookings SD 57006

4154-3



**DENR**  
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
denr.sd.gov

January 22, 2021

**NOTICE**

TO: STEVEN FOSTER, OP, 20454 471 AVE, BROOKINGS, SD 57006

FROM: Ron Duvall, Natural Resources Engineer  
for Jeanne Goodman, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire has not been submitted for Permit No(s) 2687-3, 4154-3, 4155-3 & 4468-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2687-3, 4154-3, 4155-3 & 4468-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us). **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: GLDRKK**

**C: GERALD FOSTER, 20610 473RD AVE , BROOKINGS, SD 57006**

**Note:** Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DENR**  
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
denr.sd.gov

February 24, 2021

Steven Foster  
20454 471<sup>st</sup> Ave  
Brookings SD 57006

RE: Water Right Nos. 2687-3, 4154-3, 4155-3 & 4468-3

Dear Mr. Foster:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires. Ben Foster completed all four forms online.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right Nos. 2687-3, 4154-3, 4155-3 & 4468-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, reading "Genny McMath".

Genny McMath  
Water Rights Program  
605 773-3352  
Genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

January 20, 2023

**NOTICE**

TO: STEVEN FOSTER, OP, 20454 471 AVE, BROOKINGS, SD 57006

FROM: Ron Duvall, Water Rights Permitting Administrator  
for Eric Gronlund, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire has not been submitted for Permit No(s) 2687-3, 4154-3, 4155-3 & 4468-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2687-3, 4154-3, 4155-3 & 4468-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us). **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: NPTLSJ**

**c: GERALD FOSTER, 20610 473RD AVE , BROOKINGS, SD 57006**

**Note:** Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**  
JOE FOSS BUILDING  
523 E. CAPITOL AVE  
PIERRE SD 57501-3182  
danr.sd.gov

January 31, 2023

Ben Foster  
Foster Farms LLC  
47346 207<sup>th</sup> St  
Brookings SD 57006-5909

RE: Water Right Nos. 2687-3, 4154-3, 4155-3 and 4468-3

Dear Mr. Foster:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right Nos. 2687-3, 4154-3, 4155-3 and 4468-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

In follow-up to our email communication, enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing ownership changes on the water rights. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$200). The check or money order for the fee can be made payable to the Water Rights Program.

I have included copies of the water rights for you to keep if you need them. If you have any questions, please contact me.

Sincerely,

Genny McMath  
Water Rights Program  
605 773-3352  
Genny.mcmath@state.sd.us

enclosures

4154-3

**RECEIPT**

**WATER RIGHTS PROGRAM**  
 South Dakota Department of Agriculture and Natural Resources

Date March 27, 2023RECEIVED OF Cathy Schmidt 222 E. Hwy 14, Lot 12 Volga SD 57071

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 <u>4154-3</u>                                                                     | <u>\$50.00</u> |
| 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                                                                         | <u>\$50.00</u> |

By *Eric Gronlund*  
 Chief Engineer  
*vm*

Cathy

# NOTICE OF TRANSFER OF OWNERSHIP

PAID

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

MAR 27 2023  
Ck# 1154  
Rec't#

No. 4154-3

Date: 3/23/2023

I/We request that Water Right No. 4154-3

formerly owned by: Gerald Foster

be transferred to: (name & address)

222 E Hwy 14, Lot 12, Volga SD 57071

Telephone No.

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

SE 1/4 Section 27, T111N, R49W

I/We understand that the validity of Water Right No. 4154-3 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 with the Water Rights Program, as evidence of the change of ownership.

**A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.**

I/We Cathy L. Schmidt, the new owner, certify that the above information is true and correct.

Cathy L. Schmidt  
(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 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.

RECEIVED

MAR 27 2023

OFFICE OF  
WATER



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

April 11, 2023

4154-3

Cathy L Schmidt  
222 E Hwy 14 Lot 12  
Volga SD 57071

Dear Ms. Schmidt:

Thank you for following up on the ownership change for Water Right No. 4154-3.

The ownership change has been completed. The water right formerly held by Gerald Foster is now listed in your name.

Enclosed for your records is a receipt for the filing fee you sent to us. If I can answer any questions, please let me know.

Sincerely,

Genny McMath  
Water Rights Program  
605 773-3352  
Genny.mcmath@state.sd.us

encl