

1326-3

Considered

NOVEMBER 15, 1978

Name of Applicant

LEONARD SHEFFIED & SONS

1976

Post Office Address

ALPENA, S.D.

4. Amount of Water claimed

2.1

5. Source of Water supply

100' DEEP WELL

PUMPING SINCE
~~1976~~

6. Water to be used for

IRRIGATION

Acres to be irrigated

150

7. Water to be diverted and used in

JERAULD

County

about

1 1/2 W & 2

miles

SOUTH

of

ALPENA

8. Proof of Publication

Received

11-6-78

Not Received

DOUGLAS JONES

CLARENCE GAULKE

FOR JENSEN

Approved

2/29/79

100' DEEP WELL

DOUGLAS JONES

GARY COTT

Subject to

ROLAND SOTTER

Not Approved

ROBERT SOTTER

Action Deferred

ROBERT SOTTER

DOUGLAS JONES

CLARENCE GAULKE

5' DEEP WELL

10. Remarks:

2200 WELL INDICATES SAND FROM

0'-20' - CLAY LAYERS TO 50' W/ GRAVEL STRIPES.

Map No. 3533-3 Water Division No. 3 JAMES RIVER
(Plans to be filed by the Engineer for the Water ... C.)



APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

- Name of Applicant LEONARD SHEFFIELD AND SONS
Postoffice address ALPENA 57812, State SOUTH DAKOTA
If a corporation show date and place of incorporation N/A
- Method of accomplishing work (contract, employment of others, or by direct labor) CONTRACT AND DIRECT LABOR
- Name of diversion work N/A SHEFFIELD #2
- Amount of water claimed (cubic feet per second) N/A 2.1
- Source of water supply WELL
- Location of point of diversion N/A
APPROX. CENTER N 1/2, SECTION 20, T10N - R 63W
County JERAULD
- Annual period or periods during which water is to be used APRIL - NOV.
- Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) IRRIGATION
- For irrigation use, 150 Total number of acres to be irrigated 150

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 NE 1/4 10 - 108-63	40 3/4		
SW 1/4 NE 1/4 20 - 108-63	40 3/4		
NE 1/4 NW 1/4 20 - 108-63	40		
SE 1/4 NW 1/4 20 - 108-63	40		

Attach sheet if more space is needed

- Time required to complete construction of water supply system ONE years. Additional time required to complete application of water to the proposed beneficial use NONE years.
- Choice of newspaper for Notice of Intent to appropriate Water publication ALPENA JOURNAL
- Principal Features of the Proposed Water Supply System.

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

N/A PUMP BOWL

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

N/A MAIN LINE

C. Works proposed to apply water to beneficial use.

N/A CENTER PIVOT

Estimated Total Cost \$ 1

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 Jerauld

I, Leonard Sheffield, 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 Leonard Sheffield

Subscribed and sworn to before me this 1st day of March, 1976

Paul J. Schaefer
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4326-3
LEONARD SHEFFIELD & SONS ALPENA
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57312 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.

Portions of land covered under this Permit is also covered under Permit No. 1267-3. Combinations of diversions under the two permits shall not exceed the Statutory limit of 1 c.f.s. for each 70 acres of land to be irrigated.

Date of first receipt of application MARCH 2, 19 76
 Date of return to applicant for correction, amendments or changes required _____, 19 ____
 Date of receipt of corrected application _____, 19 ____
 Approved MARCH 29, 19 79, Recorded in Book 20, Page 330

WATER RIGHT PERMIT NO. 4326-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4326-3 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 MARCH 2, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 29, 19 79
3. The whole of said work is to be completed on or before MARCH 29, 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 29, 19 80
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 2.1 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 use served, and if for the irrigation purposes said appropriation must be limited to not more than 2 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 MARCH 29, 19 80; said water to be used during the following described annual period: APRIL - NOVEMBER

Witness my hand this 4th day of JUNE, 19 79

WATER RIGHTS COMMISSION

By:

Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

HURON DRILLING INC. DRILLERS LOG

PAGE NO.

Leonard Sheffield & Sons
JOB NAME

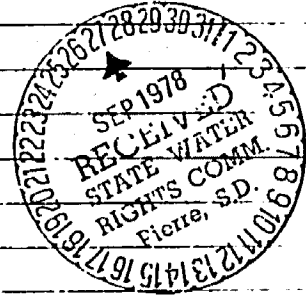
NEA-20-108-63
LOCATION

3/26/76
DATE

14
RIG NO.

Bernard
Schleder
FOREMAN.

St No.	DEPTH	TIME	REMARKS
	0-10	3:00	Top Soil Yellow Clay and small rocks
	10-20	4:20	Yellow Clay Coarse Sand
	20-30	5:50	Yellow Clay and gravel streaks and rocks
	30-40	7:30	Blue Clay and gravel streaks coal traces
	40-50	9:10	Blue clay and gravel streaks Rock 45
	50-60	10:10	Blue Clay and gravel streaks 50-64 Coal traces
	60-70	11:45	64-70 Good sand and gravel 70-72 blue clay, coarse sand
	70-80	12:00	72-80 Good sand and gravel rock 75 & 79
	80-90	8:00	Rocks Good sand and gravel
	88	TD	



EMPIRE

IRRIGATION DRILLING CO., INC.

Highway 14 East

P. O. Box 1252

Huron, South Dakota 57350

Ph. 352-4587

DRILLING REPORT

Location of Well: 1/4 NE 1/4 Section 20 Township 10S Range 6E
 Well to be drilled for: George Sheffield (Name) Albion (Address)
Beadle (County) S. Dak. (State)
 Date well drilling started 2-8-76 finished 2-8-76

Purpose of well _____ (domestic, irrigation, industrial, other)

Depth _____ ft. Casing Diameter _____ inches
 Slot Size _____ Screen Size _____
 Screen Depth: From _____ ft. to _____ ft.
 Remarks: _____

NORTH			

1 Mile

REPORT OF FINAL PUMPING TEST

Write Additional Times and Readings on Back of Page

Elapsed Time From Start of Pumping		Water Level		Discharge
hr.	min.	ft.	in.	(Static)
				GPM
				GPM
				GPM
				RECOVERY

#1	Formation: Clay, Silt, Sand, Gravel, Color, Hard or Soft, etc.	Depth (ft.)		#2	Formation (Continued)	Depth (ft.)	
		From	To			From	To
	Top soil	0	2		Top soil	0	2
	Yellow till	2	25		Yellow till	2	25
	Gray till	25	30		Gray till	25	60
	Gravel	30	35		Gravel	60	100
	Gray till	35	55				
	Sand	55	60				
	sand & gravel	60	75				
	Clay	75	78				
	Gravel	78	108				
	Clay (shale)	108	110				

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 28", Depth 125'
- (2) Casing, Type Fiberglass, Diameter 16", Thickness 1/4"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type Fiberglass, Diameter 16", Length 40'
- (4) Gravel Pack, Thickness 60', Length of gravel pack to the top

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 sand & gravel

Depth to top of water bearing material 68 ft.

Depth to bottom of water bearing material 128 ft.

Thickness of water bearing material 60 ft.

Depth to water (ground surface to water level) 30 ft.

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

On same owner's property none rds. On property owned by others 1 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.

George L. Smith
Signature of Applicant

BEST IMAGE POSSIBLE FROM POOR ORIGINAL

DRILLER'S LOG OF WELL

Location of Well N. E. Section Township Range

Well to be drilled for *Water* (Name) (Address)

Owner of land (if other than above) (Name) (Address)

Date well drilling started *8-22-11* finished *8-22-11*

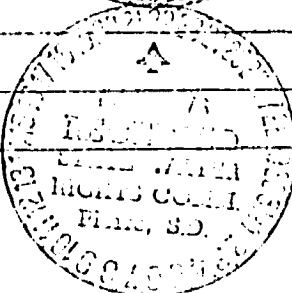
Purpose of well *Domestic* (domestic, irrigation, municipal, industrial, others)

Diameter		Inches	Ground Surface Elevation. (If Available)
Feet	Inches		
2			Kind and thickness of casing to be installed: <i>2" galvanized iron</i>
3			
4			Size of casing to be installed: <i>58 feet of 18 inches diameter</i> feet of inches diameter feet of inches diameter
			Type of soil between casing sizes: <i>loam, sand, gravel, etc.</i>
			Kind of perforated screen to be installed: Material <i>Steel</i> (steel, wood, concrete, etc.) Size of screen: Diameter <i>2</i> inches Length feet Size opening
			Depth below ground surface to which water rises in well feet

Describe kind of materials drilled through (add layers on back of form if necessary)

CONSERVATION
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)



NAME Leonard Sheffield and Sons

ADDRESS ALBANY S.D.

COUNTY TERRELL

LEGAL DESCRIPTION

1. WELL LOCATION: SW 1/4 NE 1/4 20-118-63
2. LOCATION OF AREA TO BE IRRIGATED 150 Acres or 1/2 20-118-63

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT X GUN _____
4. CROPS TO BE IRRIGATED Alfalfa and Grass

WATER QUALITY

5. SAMPLE NUMBER 76-163
6. SALINITY (EC X 10⁶) 1868
7. SODIUM (SAR) 3.73
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 TERRELL COUNTY 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.

Leonard Sheffield
APPLICANT'S SIGNATURE

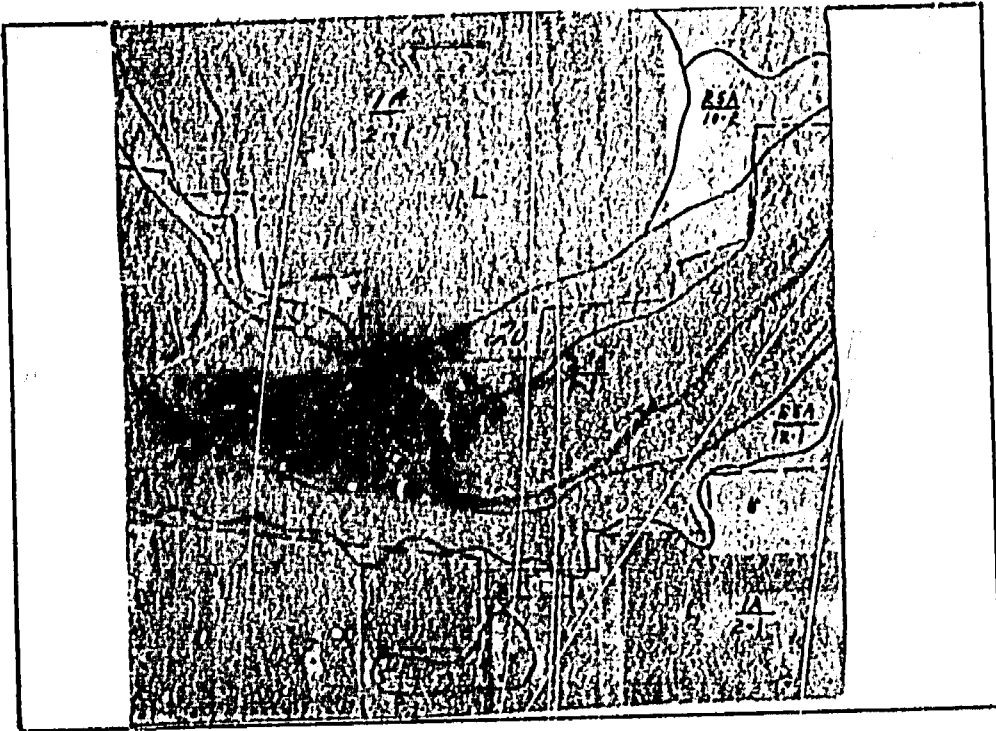
SUBSCRIBED AND SWORN BEFORE ME THIS
26 DAY OF Feb 1976.

Robert E. [Signature]
(TITLE OR NAME)

Albert J. [Signature]
APPROVED BY

(SOILS INFORMATION ON REVERSE SIDE)

MAP



NARRATIVE

1A
2-1

Clayey loam - Deep, well drained loamy soils having loam surface layers and loam or light clay loam subsoils; moderately permeable in solum to moderately slow permeability in subsoils.
0.5 Intake Family - Suitable for irrigation.

25A
10-2

Batts Loam - Not suitable for irrigation.

1FG
1-1

Loam Silt Loam - Deep, dark gray to black alluvial soils with silt loam surface layers and moderately slow permeability. Silty clay loam subsoils. Seasonal water table occurs at 2-8 feet.
0.3 Intake Family - Suitable for irrigation.

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



Submitted by: L. Sheffield
 Address: Alpena, SD

Date Rec'd: July 2, 1978
 Sample No.: 77-1052
 Identification: 1011-
1011, 100, 0, 1-1052, 1011

WATER ANALYSIS

Calcium (Ca)	179	ppm*	3.99	mc/l**
Magnesium (Mg)	44	ppm	2.11	mc/l
Sodium (Na)	214	ppm	7.11	mc/l
Potassium (K)	14	ppm	0.36	mc/l
Sulfate (SO ₄)	520	ppm	12.56	mc/l
Nitrate (as N)		ppm		mc/l
Chloride (Cl)	18	ppm	0.50	mc/l
Bicarbonate (HCO ₃)	625	ppm	10.14	mc/l
Carbonate (CO ₃)		ppm		mc/l
Iron (Fe)		ppm		mc/l
Fluoride (F)		ppm		mc/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	512	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1900	microhmhos per cm at 25° C.		
Sodium Adsorption Ratio	3.72			
Sodium	41.88	% of cations		
Residual sodium carbonate	0.00	mc/l		
pH	7.37			

Others:

*ppm=parts per million

**mc/l=millequivalents per liter

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

COMMENTS: Total cations 22.23 mc/l
 Total anions 22.35 mc/l

By: Shirley Ritten

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. 77-1052

Amount Enclosed \$

Signed

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

3-7-76

Submitted by: Leopoldo Hernandez
 Address: Albion, ID 83712

Date Rec'd: March 2, 1976
 Sample No.: 76-163
 Identification: Full
ESI, Inc. 20, T 108H, R 63H

WATER ANALYSIS

Calcium (Ca)	230	ppm*	11.50	me/l**
Magnesium (Mg)	56	ppm	4.52	me/l
Sodium (Na)	243	ppm	10.57	me/l
Potassium (K)	22	ppm	0.58	me/l
Sulfate (SO ₄)	525	ppm	10.92	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	20	ppm	0.56	me/l
Bicarbonate (HCO ₃)	625	ppm	10.24	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		g.p.g.***
Hardness (EDTA as CaCO ₃)	512	ppm		
Alkalinity (Methyl Orange)	0	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	1808	ppm (as CaCO ₃)		
Electrical Conductivity		micromhos per cm at 25° C.		
Sodium Adsorption Ratio	3.73			
Sodium	38.80	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.25			

Others:

*ppm=parts per million

**me/l=millequivalents per liter

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



COMMENTS: Total cations 27.24 me/l
 Total anions 21.72 me/l

By: Harley Kitten

Service Performed	Amount Due
Irrigation analysis	68.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-163

Amount Encl. 13

Signed

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

Submitted by: Leonard Sheffield
 Address: Alpena, SD 57312

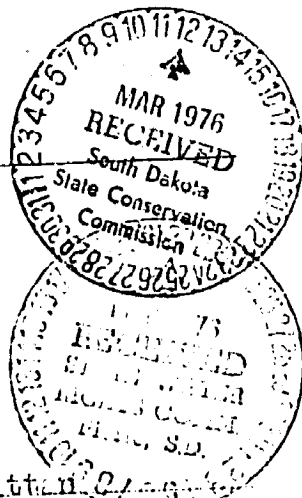
Date Rec'd March 2, 1976
 Sample No. 76-163
 Identification Well -
NE 1/4, Sec. 20, T 108N, R 63W

WATER ANALYSIS

Calcium (Ca)	230	ppm*	11.50	me/l**
Magnesium (Mg)	56	ppm	4.59	me/l
Sodium (Na)	243	ppm	10.57	me/l
Potassium (K)	22	ppm	0.58	me/l
Sulfate (SO ₄)	525	ppm	10.92	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	20	ppm	0.56	me/l
Bicarbonate (HCO ₃)	625	ppm	10.24	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		g.p.g.***
Hardness (EDTA as CaCO ₃)		ppm		
Alkalinity (Methyl Orange)	512	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1888	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	3.73			
Sodium	38.80	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.25			
Others:				

*ppm=parts per million
 **me/l=millequivalents per liter
 ***g.p.g.=grains per gallon

COMMENTS: Total cations 27.24 me/l
 Total anions 21.72 me/l



By: Shirley Litten

Service Performed	Amount Due
Investigation analysis	\$8.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-163

Amount Enclosed \$

Signed

Publish first publication, on or before October 26, 1978 No. 4326-3

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 19, 1978

Notice is hereby given that Leonard Sheffield & Sons whose post office address is Alpena, 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 2.1 cubic feet of water per second of time from groundwater (one well) through the Sheffield #2, the point of diversion of which is to be located in the approximate center of 30

of Section 20, Twp. 108N Range 63W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

1/4 NE 1/4 and E 1/4 NW 1/4, Section 20-T108N-R63W.

This Application No. 4326-3 will be considered by the Water Rights Commission at SDRA Auditorium, 411 E. Capitol, Pierre, SD upon the 15th day of November, 1978 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.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

WATER RIGHTS COMMISSION

Betty Westlund,
Water Rights Specialist

cc: Leonard Sheffield & Sons, Alpena, SD 57312

Form 6, Notice of Intent to Appropriate Water
GROUND WATER

No. 4326-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Jerome) ss.

I, A. L. Klob hereby

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

Water was taken from the Alpena Journal

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 Hot Springs

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

25th October 1978

1st November 1978

[Signature]
(Signature)

[Signature]
(Title)

1st November 1978
(Date Signed)



NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

Pierre, S.D. 57501

October 10, 1978

Notice is hereby given that Leonard Sheffield and Sons whose post office address is Alpena, 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 2.1 cubic feet of water per second of time from ground-water (one well) through the Sheffield #2, the point of diversion of which is to be located in the approximate center of N $\frac{1}{2}$ of Section 20, Twp. 108N Range 63W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

W $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$,
Section 20-T108N-R63W.

This application No. 4326-3 will be considered by the Water Rights Commission at SDEA Auditorium, 411 E. Capitol, Pierre, SD upon the 15th day of November, 1978 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.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law. —Water rights Commission. —Betty Westlund, Water Rights Specialist. c-5

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6554

PIERRE, October 10, 1978

RECEIVED OF Leonard Shaffield & Sons, Alpena, SD 57312

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

Fee for Application for Permit to Appropriate Water No. 4326-3 (examination, processing, recording and filing) -----	8 00
Fee for inspecting Construction, and issuing Cert. of Construction No.-----	
Fee for inspecting Beneficial Use, and issuing Water License No.-----	
Fee for issuing Location Certificate-Dry Draw, No.-----	
Fee for filing -----	
Fee for certified copy of -----	
Fee for Print copy of map -----	
Fee for Certifying -----	
Fee for ----- (any other work as provided by law)	
TOTAL	8 00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH plh

Top of Curbings to Bottom
of well 49 ft 8 in

Date measured once each week		ft and in to water
April	12	28 ft 7 in
April	19	28 ft 5 1/2 in
April	26	28 ft 8 in
May	3	29 ft
May	10	28 ft 11 in
May	17	29 ft 2 in
May	24	29 ft 6 in
May May	31	29 ft 8 in
June	7	30 ft 2 in
June	14	30 ft
June	21	30 ft 3 in
June	28	30 ft 4 in
July	5	31 ft 1 in
July	12	31 ft 7 in
July	19	32 ft 5 in
July	26	33 ft 2 in
Aug	2	34 ft 3 in
Aug	9	34 ft 11 in
Aug	16	35 ft 8 in
Aug	23	37 ft 1 1/2 in
O.C.T.	25	40 ft 4 in
Nov	1	40 ft 2 in
Nov	8	40 ft 1 in

No measurement recorded from Aug 23
to Oct 25, AT present Time

I can only pump well 20 min
at a Time before it is pumped dry.

Douglas Jones

10-25-78

A. Pena

849-3551

Protesting Leonard Sheffield

Appl. No. 4326-3

Claims pumping may be interfering
w/ creek flow ^{1977, 1978} & w/ neighbor well
Sheffield had a permit No. 1267-3
Licensed for ^{west} 55 acres of $S\frac{1}{2}NE^4$ 20-108-₂₃
w/ pumping from a dugout

Appl 4326-3 is for 1 well
to irrigate $W\frac{1}{2}NE^4$ & $E\frac{1}{2}NW^4$ 20-108-₂₃

Jones claims center pivot has been
used since 1976

Mason - has verified center pivot
in place 1978

We investigated complaint 1978,
but staff were not aware at the
time, center pivot & well were
not legal. Was not shut off, as he
should have been

Appl. Filed, but not complete - improper
map, ~~water & utility approval~~, no see

JE-78C nearby

Priority date 9-27-78

Shreffel

Nov 13, 1978

Gentlemen,

I wish to enter this letter in protest against the water permit to be issued for irrigation in section 20 of Alpena township.

My farm is one mile south of the well and I believe it has seriously affected my well for domestic use. I have kept a record of the water depth for the past several months and the chart shows a definite drop in water starting about three to four weeks after the irrigation well was started this spring. My well has not improved in recent weeks although the irrigation has stopped. My farm has not had a history of low water supply as my father had more livestock here than I have at the present time. I feel the permit should not be granted as it not only affects my well but other water supplies in the area.

Lloyd Albert
Alpena

Alpena S.D. 57312
Nov 2, 1978

Water Rights Commission

Dear Sirs:-

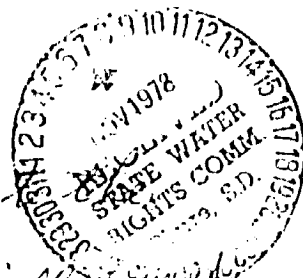
I am writing in regards application No. 4336-3, of Leonard Sheffield and I whose address is Alpena S.D. 57312, for application to pump water for irrigation purposes (well Sheffield #2) located on approximate center of N $\frac{1}{2}$ of section 20, Twp 108 N. Range 63 W.

I, Harold A. Mier live on Sw $\frac{1}{4}$ of Section 7, Twp 108 N. Range 63 W.

Sand Creek goes right through my land. And since above well has been in operation the Creek gets bone dry, also I have a dogant near the Creek for live stock use, and it gets dangerously low, during the summer, it is fed by a spring.

I have lived along or near Sand Creek all my life, and even in the 1930's I never saw the Creek this dry. I was born June 22, 1917. Sincerely yours
Harold A. Mier
Concerned Citizen

May, Sheffield, Notary Public



Verge Se Doh 57379

Nov. 14, 1978

Water Rights Commission
Dear Sirs

I am writing this letter on behalf of (Hansen Bros partnership) in regards to the application of Leonard Sheffield and Son whose address is Ogden S. & 57312. for rights to pump water for irrigation purposes (well Sheffield H2) located on center of $N\frac{1}{2}$ of Section 20 Twp 108N Range 63W.

I (Robert Hansen) live on W.E. $\frac{1}{4}$ 27 Twp 109 Range 64 and my brother lives on W.W. $\frac{1}{4}$ Sect 35 Twp 109 Range 64 and Sand Creek runs through both of our farms. We are mainly in the business of raising cattle and rely on Sand Creek for water for our cattle.

My brother (Russell) has a dugout on Sect 35 next to the creek. Also there are large holes in the creek that have been going dry every summer since since irrigation has been in operation.

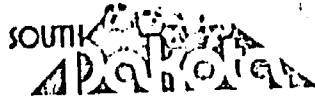
This dugout was dug several years ago and is fed by springs and was never dry until now.

We have lived on these farms since 1942 and have never seen the creek as dry as it

is now

Notary Public

Robert Hansen
Russell M. Hansen



Department of Natural Resource Development

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

March 14, 1979

TO: Persons concerned with Deferred Application No. 4326-3, Leonard Sheffield & Sons

FROM: John Hatch, Chief Engineer, Water Rights Commission

SUBJECT: Reconsideration of Deferred Application

The Water Rights Commission will reconsider deferred water right application no. 4326-3, at 11:00 a.m., March 29, 1979, at the Community Room of the City Hall, 222 East Dakota, Pierre, South Dakota.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-14; 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; 46-6-3.1; 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13.

This application was deferred by the Water Rights Commission in November of 1978, pending Staff investigation.

After reconsideration of the deferred applications the Commission can approve, conditionally approve, defer, or deny all or part of the Application.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

Very truly yours,

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

JOHN HATCH, Chief Engineer
Water Rights Commission

JH:kjw

STATE OF SOUTH DAKOTA)
 SS
COUNTY OF JERAULD)

AFFIDAVIT

Ronald Salter, after first being duly sworn on oath, deposes and says:

My wife and I have lived and raised five children at our present location the past twenty-six years. We own and operate the South One-Half of Section Twenty-Four and the Northwest Quarter of Section Twenty-Five. We have operated this small farm, along with outside employment, almost paid for it, raised our family and do not owe any money. To do this, we have relied heavily on our sub-irrigated quarter (NW $\frac{1}{4}$ S25) for alfalfa and have had very good yields (three and four cuttings consistantly).

In 1976, we had two fair cuttings, without any rain. We also had a sparse third cutting about like 1978. We have a shallow well (11 feet) on this particular quarter. When we used this for the house, livestock and garden we pumped twenty-four hours a day without any trouble. The past three summers, when the irrigators pumped, this well was completely dry and our third and fourth cuttings of alfalfa are not there.

I know there is a financial loss to us but the irrigators say my well is inadequate and sub-irrigated ground is not protected by South Dakota water laws. I would like to think the irrigation wells are inadequate - 45 to 90 feet. It is just reasonable that at this shallow depth, irrigation units are going to drain all our surface water for miles around. I am sure fifteen farmers in this area along Sand Creek will attest to this.

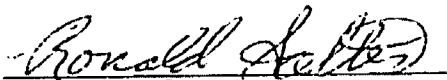
Compared to the three irrigators in this area who are mining the water from under good productive land and putting it on sub-marginal land at the very best, about fifteen other farmers are paying the price in lost yields on productive ground, loss of well water in the summer, worthless or even death-trap mud holes in dugouts, loss of creek water for livestock, recreation and wild life.

Our Governor, Mr. Janklow, stated in his State of the State message, "The water laws in South Dakota will be determined by the majority. The majority in South Dakota will rule."

In regard to Leonard Sheffield permit application number 4326-2 and permit number 267-3 and license issued dated June 6, 1966 and certificate of construction issued December 31, 1973, it is stated by Mr. Sheffield there was a distance of over one mile from existing wells owned by others. This is a false statement. There were and still are seven domestic wells within one mile and all are used as best they can be in the irrigation season. This was the first false statement.

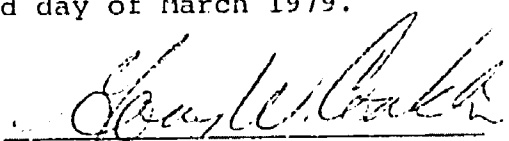
On November 15, 1978, at the water rights hearing, 4326-3, Leonard Sheffield & Sons, Mr. Sheffield requested a transfer of above permit from the dugout to the illegal well. Mr. Sheffield stated, under oath, that he had irrigated two years from this well from which he has never had an irrigation permit. Another false statement. He has used this well for three years for irrigation without a permit.

There is no question that irrigation, in this area, is ruining good land production and natural resources for the majority of us, from which we all make our living.


Ronald Salter

Subscribed and sworn to before me this 23rd day of March 1979.

SEAL


Gary W. Conklin
Notary Public, South Dakota
6-16-84

STATE OF SOUTH DAKOTA)
COUNTY OF JERAULD) SS

AFFIDAVIT

Douglas H. Jones, after being first duly sworn on oath,
deposes and says:

My name is Douglas P. Jones. I am writing in regards to
the Leonard Sheffield permit application number 4326-2.

Last fall after reading in the newspaper about Mr. Sheffield's
application, I called Pierre about it. It was only then that I
learned that Mr. Sheffield had been operating for the last three
years illegally and never did have a permit to operate his center
pivot.

1976 was the first year Mr. Sheffield operated this center
pivot. Although Sand Creek did dry completely up that year, I
was not too concerned because it was a very dry year. During
the next two years we had more than adequate rainfall but the
creek still dried up. I cannot help but feel that Mr. Sheffield's
pumping is the cause of this.

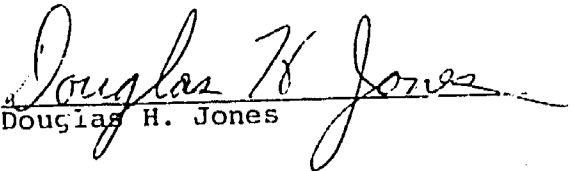
I am twenty-seven years old. For the past six years I have
been farming on my own. I have been renting land that has Sand
Creek running through it. The description of this land is
SW7-108-63. This land is about one and a half miles north of the
illegal system. Harold Mees is the owner of this land. I depend
on Sand Creek for water for my cattle. Soon after Mr. Sheffield
starts pumping the creek goes dry and I have to move my cattle.
Mr. Mees put a dugout in along the creek a few years ago. Even
this dugout becomes so low and stagnant I am concerned about
the cattle drinking out of it. There is also sub-irrigated farm
ground on this unit. Since Mr. Sheffield has been irrigating, this
land does not produce as much as the non-irrigated land. This
is costing me a considerable amount of money each year. When
I started renting this land I rented it figuring on the creek for
water for my cattle and paying a premium for sub-irrigated land.
I have neither one anymore.

Before starting farming on my own, I farmed with my father.
Sand Creek runs through his land also. I have watched this Creek
all my life and before Mr. Sheffield started pumping I can never

Page 2
Affidavit of Douglas H. Jones

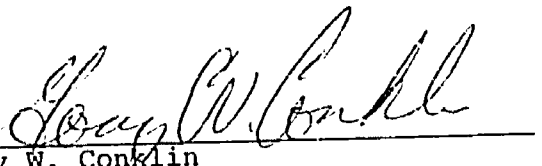
remember of it being so dry that cattle couldn't at least get a drink. I used to spend many hours along the Creek fishing and hunting. Since the irrigation started, the wildlife has become almost non-existent along it.

I feel that it is very unjust that other people of the community must suffer so one man can irrigate


Douglas H. Jones

Subscribed and sworn to before me this 23rd day of March 1979.

SEAL


Gary W. Conklin
Notary Public, South Dakota
6-16-84

STATE OF SOUTH DAKOTA)
COUNTY OF JERAULD) SS

AFFIDAVIT

Bob Jensen, after being first duly sworn on oath, deposes and says:

I, Bob Jensen, and family live on and own land legally described E 1/2 19-108-63; SW 1/4, SE 80 18-108-63; SE 1/4 22-108-63; SE 1/4 27-108-63; S 1/2 25-108-63; which most has Sand Creek going through it. We have lived on this farm since 1967. We have always had our pastures with cattle being able to water from the creek. Since the pumping of irrigation wells, we have had to go to other watering sources as the creek is pumped dry. Once the irrigators pump the water level to creek level, the creek is dry in less than a week. The springs in the creek cannot keep a puddle in the bed during pumping. After these wells are shut down in no time the water starts setting. The dugout on SE22 had water in it until 1976 when we had no rain and since the only water is a small runoff in the spring and is clear dry after.

I rent SE 1/4 17-108-63, by middle summer the well went dry and had to haul water to the livestock and soon was forced to move out. A new well will have to be drilled to get water to this pasture.

Alfalfa crops have always been good getting up to four cuttings and since the irrigating has begun we are lucky to get two good cuttings and a part third cutting. The sub-moisture is being pumped away from the roots.

I feel the transfer of the water permit for Sheffield & Sons to the well they have illegally pumped from for three years should not be issued as there is much land and several families being affected by irrigation.

I normally run about 150 cows plus calves and the creek is my primary source of water for the herd. The creek was dried up in 1976, 1977 and 1978. 1979 was a good year for rain but when the pumping began it soon dried up. I have noticed that since the pumping began in 1976 the creek has been slow to recharge.

Bob Jensen
BOB JENSEN

SUBSCRIBED AND SWORN TO BEFORE ME THIS 23rd DAY OF MARCH 1979

SEAL

6-16-84

Gary W. Conklin
Gary W. Conklin, Notary Public
SOUTH DAKOTA

STATE OF SOUTH DAKOTA)
COUNTY OF JERAULD) SS

AFFIDAVIT

Gary Orth, after being first duly sworn on oath, deposes and says:

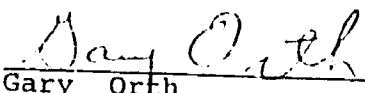
My farm is located in Section 1, Township 108 North, Range 64 West which is about three and a half miles northwest of Sheffield irrigation.

The fellow that lived here before I did was here fifteen years and he said Sand Creek was never dry during that time. I moved here in 1974 and in 1974-75 I used Sand Creek to water my cattle. Since 1976 when Sheffield has been irrigating the cattle have had to walk one mile to the yard for water because Sand Creek has gone dry in July!

This year I had corn on bottom land along Sand Creek which did not yield any better than corn a mile away on high ground. Also, had alfalfa on bottom land along Sand Creek off of which I should have had four cuttings but only got two good cuttings and mowed patches for the third cutting.

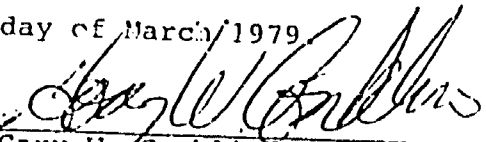
It is my opinion that Sheffield irrigation is taking out subsoil moisture from the bottom land and drying up Sand Creek.

We normally run about 100 head of cattle in the pasture by the creek. If the creek condition of being dried up continues we will have to drill two new wells to water our stock. The creek has not in my memory dried up in our pasture prior to the irrigation by Sheffield.



Gary Orth

Subscribed and sworn to before me this 23rd day of March, 1979.



Gary W. Conklin
Notary Public, South Dakota
6-16-84

SEAL

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF JERAULD)

AFFIDAVIT

Lloyd Arhart, after first being duly sworn on oath deposes and says:

My name is Lloyd Arhart. I live in Section Twenty-Nine of Alpena Township which is one mile from the irrigation well operated by Leonard Sheffield.

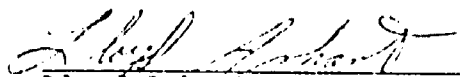
On April 12, 1978, I had 21 feet 5 inches of water in my farm well which is 50 feet deep. I measured the depth of water each week all summer long and on November 8, there was only 9 feet of water in the well. My well showed a steady drop in water between the third and fourth week after the irrigation well was turned on. My well has made little or no recovery during the fall and winter months.

I have only lived on this farm for one year, but this farm has been in the Arhart family for nearly ninety years and has always had an adequate supply of water. I have far less livestock than have been on this farm in past years. There is no chance for any expansion in operation with present water supplies.

I also feel severe damage has been done to the natural resources along the Sand Creek. Many hours of hunting and fishing have been enjoyed by past generations of Arharts and many other families but now it would be impossible to fish a dry creek and hunting is almost a thing of the past with no water.

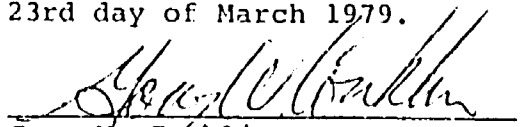
I feel that granting Leonard Sheffield a permit to operate a well that has been pumping for three years would be an injustice to all concerned parties.

Last summer when the well was dropping from the irrigation I was forced to haul water for about 150 hogs and pigs. If the irrigation continues I will be forced to put down a new well with the added expense.


Lloyd Arhart

Subscribed and sworn to before me this 23rd day of March 1979.

SEAL


Gary W. Conklin
Notary Public, South Dakota
6-16-84

STATE OF SOUTH DAKOTA)
COUNTY OF JERAULD) SS

AFFIDAVIT

Howard D. Jones, after being first duly sworn on oath, deposes and says:

My name is Howard D. Jones. I live in NE 18-108-63. My Address is Route 1, Alpena, South Dakota. I have lived on this farm for twenty-six years. My land is to the northwest of Sheffield's illegal irrigation system.

Sand Creek runs through my bottom land, which consists of pasture, crop land and hay ground. It winds its way through my land for a distance of about one mile.

Sheffield's have been irrigating from this system for the last three years. Each year when they turn this system on my crops, hay and pasture start drying up. In a few days the creek is nothing but mud and eventually dries completely up. I have always depended on Sand Creek for a source of water for my cattle. When the creek goes dry my cattle have to walk a mile to get water from a new artesian well I put down three years ago. Sand Creek is full of springs and used to get quite a lot of water in it in the fall of the year when we got our fall rains. The last three years the creek did not get any water in it once it had dried up, so I feel that this irrigation is ruining our natural springs in the creek.

Sand Creek used to have some very good fishing spots in it as the fish from the James River came up it in the spring of the year. When the creek goes dry the fish die, leaving our elderly fishermen from the Alpena community without this recreation and they are too old to go very far to fish. Many boys and girls have learned to fish at Sand Creek.

I feel that this irrigation system is decreasing the value of my land because it has reduced the production of my crops and beef. It has also ruined one of our recreations which is

fishing. Sand Creek has been pumped dry during the summers of 1976, 1977 and 1978. 1978 was a wet summer for us and the creek was still dried up. The last three years the creek has not recharged itself as it did before Sheffield began pumping. I have never been contacted by anyone from the Water Commission of South Dakota.

Howard D. Jones

Subscribed and sworn to before me this 23rd day of March 1979

SEAL

this 23rd day of March 1979
 Gary V. Conklin, Notary Public

STATE OF SOUTH DAKOTA)
COUNTY OF JERAULD) SS

AFFIDAVIT

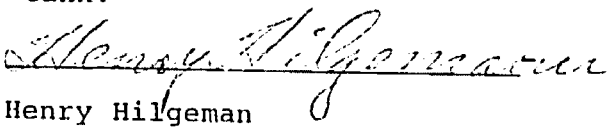
Henry Hilgeman, after being first duly sworn on oath,
deposes and says:

I, Henry Hilgeman am one of the concerned citizens that
notices the well on my place slows down when the Sheffield
well pumps steady.

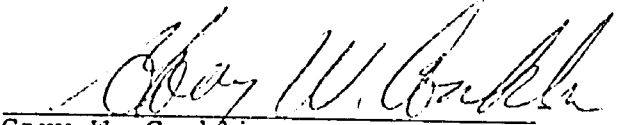
My well is about three-quarters of a mile northeast of
the Sheffield well as the crow flies.

I live in the south half of Section 16, Lot 108, Range
63. The well is sixty foot deep, four inch curb.

The well is used for home use and for watering stock. The
well pumps very well in the spring before the irrigation begins
by Sheffield. Then in the summer, even in summer 1978 when it
was a wet year, the water flow from the well really drops off.
Normally the pump on the well will fill my stock tank in about
3-4 hours but in the summer months since the irrigation started
it may take all day to fill the tank.


Henry Hilgeman

Subscribed and sworn to before me this 23rd day of March 1979.


Gary W. Conklin
Notary Public, South Dakota
6-16-84

SEAL

STATE OF SOUTH DAKOTA)
COUNTY OF JERAULD) SS

AFFIDAVIT

Robert Hansen, after first being duly sworn on oath,
deposes and says:

I am writing this letter on behalf of a partnership (Hansen Brothers, Robert and Russell). I, Robert Hansen, live on Section 27-109-64 and my brother lives on Section 35-109-64.

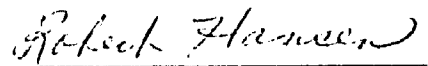
Sand Creek runs through our farms and we water approximately one hundred fifty head of cattle from this Creek.

The three years Mr. Sheffield has been pumping water we have been short of water in the Creek. Although we live approximately five miles up stream from his irrigation, we feel he is drawing from our supply.

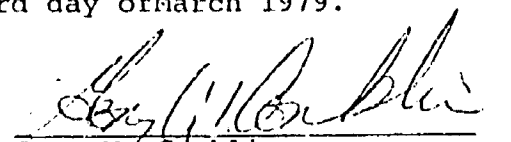
We have a dugout next to the Creek on Section 35 and for three years it has gone dry by the first of August. In other years it has never been dry.

We have a dugout approximately sixty rods west of the dugout on the Creek and it still is better than half full despite a dry year in 1978.

We have lived on these farms since 1942 and know the history of this Creek pretty well. In dry years the Creek dries up except for big holes, but now the Creek is completely dry. We had a flood on the creek in Spring 1978 and yet it was dry despite a wet spring. I have noticed that the creek has been slow to recharge since last fall.


ROBERT HANSEN

Subscribed and sworn to before me this 23rd day of March 1979.


Gary W. Conklin
Notary Public, South Dakota
6-16-84

SEAL

STATE OF SOUTH DAKOTA)
COUNTY OF JERAULD) SS

AFFIDAVIT

Clarence Gaulke, after being first duly sworn on oath,
deposes and says:

Regarding Sheffield irrigation well, this well is in section 20-108-63. My farm is just across the road in section 17-108-63.

I have a fifty-seven foot bored well which quit pumping last August. The well is about one-half mile from the irrigation well. I purchased this place in 1959 and lived here from 1938 to 1949. There never was any water problems until they started irrigating.

Over the years I always had as many or more livestock than the last three years. I am retired and renting out the place. I have eighty acres of pasture and if I don't have any water I cannot rent the place.

We had to haul some water last summer. The renter had to move his cattle before the first of September.

I feel that this irrigation well has definitely lowered the value of my farm.

There are five irrigating systems within three miles of my farm. I never noticed any water problems on my place from irrigators other than Sheffield. I can only conclude that Sheffield's operation has cut off my water supply.

I have ordered a new well bored and have received an estimate from the driller of about \$1500 to replace my board well mentioned above. The new well and the old board well are for the purpose of supplying water to our house and the stock.

Clarence Gaulke
Clarence Gaulke

Subscribed and sworn to before me this 23rd day of March 1979.

Gary W. Conklin
Gary W. Conklin
Notary Public, South Dakota
6-16-84

SEAL

STATE OF SOUTH DAKOTA)
COUNTY OF JERAULD) SS

AFFIDAVIT

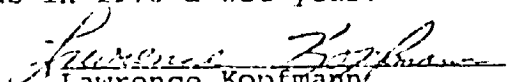
Lawrence Kopfmann, after being first duly sworn on oath,
deposes and says:

I, Lawrence Kopfmann am concerned about the future of my
farm due to the water supply which has been affected, I feel,
by Leonard Sheffield irrigation well located in Jerauld County,
Alpena Township, Section 20.

I have lived in Alpena Township for thirty-seven years,
and on the present farm since 1962, bought in 1967. Put down
a new well which is 96 feet deep, dug in September of 1967,
plus the old well which is a bored well, the exact depth I'm
not sure. Both wells were working fine before the Sheffield
irrigation well started pumping in 1976. Since that time, when
they are pumping in the summer the board well pumps very little
water and the new well throws a lot of rust. We put a filter
in the basement which has to be changed at least once a week
when they are pumping. When they are not pumping, in winter,
very seldom do we have to change filter. I keep very few cattle
around the place in summer. I always watered cattle from Sand
Creek which has been dried up the last three years. I have
three dugouts which are being dried up due to irrigation, plus
three wells on rented land which are within three quarters to
one and a half miles of the Sheffield well which are all affected.
Before irrigation started we fished, hunted and trapped from
Sand Creek which is now dried up.

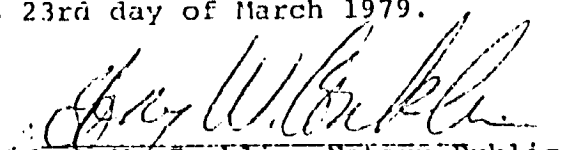
I live in Alpena Township, Jerauld County, Section 8. I
have land in same township on Section 7, 16, 21, 28.

Our pasture by the creek was always used in the past on a
year round basis because there was always water in the creek.
When the pumping began there was water in the creek and within a
few days the creek was dry. This was in 1978 a wet year.


Lawrence Kopfmann

Subscribed and sworn to before me this 23rd day of March 1979.

SEAL


Gary W. Conklin, Notary Public
South Dakota 6-16-84

STATE OF SOUTH DAKOTA)
COUNTY OF JERAULD) SS

AFFIDAVIT

Albert Orth, after first being duly sworn on oath, deposes and says:

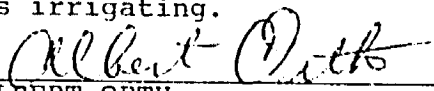
This letter is in regard to the Leonard Sheffield & Sons irrigation permit on section 20-108-63.

I live two miles north of this well and much of my pasture land is on the Sand Creek. I depend on this Creek for water on this pasture land of 220 acres. I have lived here all my life (54 years) and this Creek was never completely dry until August, 1976, when Sheffield's started to irrigate from this well on their land for which no permit had been issued to them.

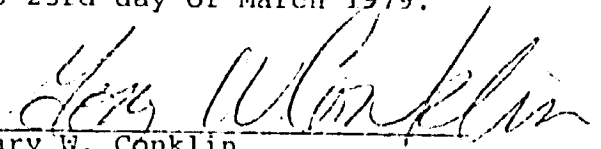
My pasture description is Dale Township 108-64, SE 1 and NE 12 and Alpena Township 108-63, NW 7, on which the Sand Creek lies. This Creek is dry now so I didn't get full use of my grassland again this year.

My home farm on which I reside is SW 1/4 6-108-63.

For the past three summers, 1976, 1977 and 1978 unlike previous years, we have been unable to use our pasture by Sand Creek because it has been dry. Thus we have been denied the use of our land for several months of the year because of lack of water for our livestock even though the grass in the pasture would be adequate for the stock. Prior to 1976 the pasture could be used year round. When Sheffield began irrigating last summer I could watch the creek level drop rapidly. On one occasion I saw the water drop about several feet to a few inches when Sheffield was irrigating.


ALBERT ORTH

Subscribed and sworn to before me this 23rd day of March 1979.


Gary W. Conklin
Notary Public, South Dakota 6-16-84

SEAL

STATE OF SOUTH DAKOTA)
 SS
COUNTY OF JERAULD)

AFFIDAVIT

Tom Hannah, after first being duly sworn on oath, deposes and says:

We have lived close to twenty-five years on our farm, the legal description is 23-108-63. Our fields are within a three mile radius of several irrigation units.

Last summer our well would flow very slowly after only a few minutes of running, and I believe we would have had a difficult time watering a herd of cows if we would have had to depend solely on the well.

In 1978 we had ample moisture in the spring with the creek that flows through our land running over and covering our fields. From my knowledge of previous years under these conditions we would usually get three good cuttings of alfalfa and possibly four if cut early. Many years we would have quite heavy yields from our alfalfa ground when fields around us on higher ground would only get two cuttings.

Last year we got two cuttings, but the third was very spotty and low yielding.

I have been very concerned about the fact that despite the wet year of 1978, my wells ran slow in the summer. I depend on my wells to water my stock. Usually I can water stock from the creek until July, last summer, 1978 a wet one, I noticed that the creek had dried up in June.

Tom Hannah
Tom Hannah

Subscribed and sworn to before me this 23rd day of March 1979.

Gary W. Conklin
NOTARY PUBLIC, SOUTH DAKOTA
Gary W. Conklin 6-16-84

SEAL

STATE OF SOUTH DAKOTA)
 SS
COUNTY OF JERAULD)

AFFIDAVIT

Ronny Kopfmann, after first being duly sworn on oath,
deposes and says:

I am the operator of land described. I live on NW 22.
I have a well located on NE 21 which has been affected. We
have always had sufficient water until irrigation well owned
by Leonard Sheffield located on section 20 was started 3 years
ago.

When irrigation is pumping, our well pumps dry. When they
discontinue pumping, we then have sufficient water to supply
cattle. I also have Creek running through sections 21 and 22
with stock dam on 22. Water level in this dam has been affected
by pumping of this well. With the addition of another pumping
well one mile south, also owned by Leonard Sheffield, this
stockdam has been pumped dry.

Sand Creek which runs through sections 21 and 22 has been
pumped dry by irrigation described. This Creek has always had
some places where water has stood all year, before they started
irrigating.

I also have subirrigated land located along the Creek on
section 21. We used to get three to four cuttings of alfalfa
before irrigation from well on section 20 was started. Now we
are only able to get one to two cuttings from this land. I am
convinced irrigation from this well has affected my farm operation
greatly.

On the home place when Sheffield begins irrigating, the well
pumps slower and sand content goes up rapidly. I run about
50-75 head of cattle and must move my cattle around because of the
dried up condition in the creek when irrigation begins. I think
we will have to drill at least two new wells to meet our water needs.

Ronny Kopfmann
Ronny Kopfmann

Subscribed and sworn to before me this 23rd day of March 1979.

Gary W. Conklin
Gary W. Conklin
Notary Public, South Dakota
6-16-84

SEAL

STATE OF SOUTH DAKOTA)
 SS
COUNTY OF JERAULD)

AFFIDAVIT

Ernest Kopfmann, after first being duly sworn on oath,
deposes and says:

I am the owner of land described. I lived two miles north of farm located on Northwest 22. I have well located on Northeast 21 which has been affected. We have always had sufficient water until irrigation well owned by Leonard Sheffield located on section 20 was started three years ago. When irrigation is pumping our well pumps dry. When they discontinue pumping we then have sufficient water to supply cattle. I also have creek running through section 21 and 22 with stockdam on 22. Water level in this dam has been affected by pumping of this well. With the addition of another pumping well one mile south, also owned by Leonard Sheffield, this stockdam has been pumped dry.

I also have large lake located below buildings on Northwest 22 which in years passed has always held some water. Since well on section 20 has pumped this lake has been pumped dry each year to the extent to where the operator has farmed it in the late summer.

I have owned this farm for thirty-six years and have never seen the creek and lake as dry as they have been since the pumping of the irrigation wells.

Ernest Kopfmann
Ernest Kopfmann

Subscribed and sworn to before me this 23rd day of March, 1979.

Gary W. Conklin
Gary W. Conklin, Notary Public
South Dakota

SEAL

6-16-84

LAW OFFICES
TOBIN & COVEY
422 MAIN STREET
WINNER, SOUTH DAKOTA 57580
(605) 842-2500

TOM D. TOBIN
DONALD E. COVEY
GARY W. CONKLIN
MICHAEL W. BRESKIN
DAVID ALBERT MUSTONE

WASHINGTON, D. C. OFFICES
SUITE 607, 1157 17TH STREET, N. W.
WASHINGTON, D. C. 20078
(202) 467-5712

March 23, 1979

Mr. John Hatch
Chief Engineer
Water Rights Commission
Foss Building
Pierre, South Dakota 57501

RE: Leonard Scheffield Water Irrigation Permit #4326-3

Dear Mr. Hatch:

Enclosed please find the original Affidavits in the above-entitled matter.

Sincerely,


Gary W. Conklin
Attorney at Law

GWC/dj

Enclosure



STATE OF SOUTH DAKOTA
WATER RIGHTS COMMISSION

APPLICATION OF LEONARD SHEFFIELD)	FINDINGS OF FACT
& SONS FOR PERMIT NUMBER 4326-3)	CONCLUSIONS OF LAW

Having heard and considered all the evidence presented before the Commission at the meeting on November 15, 1978, at the SDEA Auditorium, Pierre, South Dakota, and the meeting of March 29, 1979, at the City Hall, Pierre, South Dakota, and having considered the proposed Findings Fact and Conclusions of Law of both the Applicant as represented by their attorney, Mr. John Wehde of Huron, South Dakota, and of the Opponents as represented by their attorney, Mr. Tom D. Tobin of Winner, South Dakota the Commission hereby makes the following:

FINDINGS OF FACT

1. Leonard Sheffield & Sons, Alpena, South Dakota, have regularly applied for an application for 2.1 cfs of water from one 100 foot deep well to irrigate 150 acres.
2. The Affidavit of Publication has been received.
3. The Applicant has irrigated lands in addition to those he was authorized to irrigate by permit and in addition has drilled and utilized an irrigation well without a permit from this Commission. The reason for these actions appears to be that the Applicant was honestly mistaken as to his rights.
4. Sand Creek has dried up more than is typical since the Applicant began his unauthorized pumping.
5. The amount of rainfall was exceptionally low at the approximate time the Applicant began his unauthorized pumping.
6. When rainfall is exceptionally low for a period of time such as is involved here, it takes several years to recharge a water system.

7. There is a substantial layer of clay between Sand Creek and the location of the proposed well.

8. The permitted use of the water probably will not affect the flow of water in Sand Creek.

9. The proposed project is feasible.

10. The proposed project is in the public interest.

11. There is unappropriated water available for the proposed project.

CONCLUSIONS OF LAW

1. SDCL 46-1-4 requires the Commission to maximize the beneficial use of the State's water, and when there is a reasonable probability based upon the evidence to believe that unappropriated water is available, the Commission should issue a permit.

2. There is unappropriated water available for diversion in the quantity and at the rate applied for.

3. The unauthorized pumping by the Applicant is excusable, for the sole purpose of consideration of this Application, because the Applicant was honestly mistaken as to his rights.

4. The granting of the permit is in the public interest.

5. The irrigation project is feasible.

6. The use of water under the proposed permit will probably not affect water flow in Sand Creek.

7. The following is a reasonable condition to be attached to the permit under the Facts as found by the Commission: The irrigation well 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 its irrigation withdrawal so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

8. The permit should be approved subject to the
aforementioned condition.

Dated this _____ day of _____, 1979.

Chairman

Secretary

STATE OF SOUTH DAKOTA
WATER RIGHTS COMMISSION

APPLICATION OF LEONARD SHEFFIELD)
AND SONS FOR PERMIT NUMBER 4326-3)

FINAL DECISIONS

The Commission having heard the evidence presented at its hearings on November 15, 1978, at the SDEA Auditorium in Pierre, South Dakota, and at its meeting on March 29, 1979, at the City Hall in Pierre, South Dakota, and having entered Findings of Fact and Conclusions of Law, and having rejected proposed Findings of Fact and Conclusions of Law from both the Proponent and Opponent of the Application, it is the final decision of the Commission that:

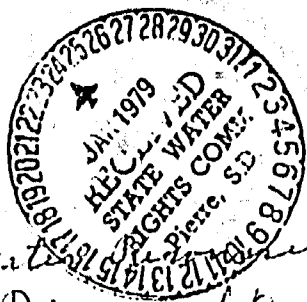
1. The Application of Leonard Sheffield & Sons of Alpena, South Dakota, for 2.1 cfs of water from one 100 foot deep well to irrigate 150 acres is approved.

2. That the permit is subject to the following condition: 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 withdrawal so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

Dated this _____ day of _____, 1979.

Chairman

Secretary



4326-3

22-79

Water rights dept.

Pierre S.D.

Sir: I have to put down a new well. I want the specifications for a well that will be adequate for protection against these irrigation wells that are so close to me. There are 5 systems within 3 miles of my well, the closest one about 1/2 mile from me. The closest one is Sheffield's well which we are protesting now. I live in the SE 1/4 sec. 17-108-63.

Jerould Co.

Clarence Gaulke

Revere S.D. 62

57312

Sand Creek Jerauld Co.

Location Lat. 44° 09' 20" Long. 98° 26' 10" (NE Section 19, T108N, R63W Left bank 5' downstream from highway bridge)
 Drainage area 240 sq. mile *drainage area of bridge 1515*

	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.
1950	0	0	0	0	0	81.2	32.2	40.5	34.3	0	0	0
1951	0	0	0	0	0	81.2	32.2	40.5	34.3	50.1	6.70	1.09
1952	1.59	.30	0	0	0	19.9	34.8	6.29	3.08	1.41	0	0
1953	0	0	0	0	0	31.5	6.38	30.4	31.5	18.5	6.4	0
1954	.02	.01	.17	.39	6.69	6.85	3.33	1.80	2.42	.65	.02	0.1
1955	.02	.21	.20	0	.11	8.41	3.02	.74	.41	.17	0	0
1956	0	0	0	0	0	1.1	7.96	1.35	0	0	5.29	.06
1957	.01	0.04	0.03	0.09	0.11	6.20	20.0	17.8	4.72	22.3	0.15	.11
1958	0.17	2.78	1.34	0.47	0.45	39.5	32.7	1.59	0.33	0.44	0.10	0
1959	0	0	0	0	0	0.02	0.21	0.16	0.07	0.05	0.006	0.01
1960	0	0	0	0	0	184.0	141.0	1.56	0.10	0.006	0	0
1961	0	0	0	0	.24	5.78	1.10	7.38	29.6	0.82	0	0
	0	0	0	0	4.9	14.0	5.0	38.0	130.0	8.0	0	0
	0	0	0	0	0	1.6	.20	0.10	0.10	0	0	0
1962	0	0	0	0	0	31.7	157.0	93.3	124.0	77.2	3.85	1.07
	0	0	0	0	0	700.0	650.0	804.0	611.0	387.0	7.0	4.6
	0	0	0	0	0	0	9.0	3.2	11.0	8.0	0.20	0.10
1963	1.06	1.73	1.16	.41	.28	5.26	4.25	4.95	2.08	0.75	0.026	0
	2.1	2.5	2.1	1.2	.60	14.0	7.6	13.0	9.6	3.9	.10	0
	1.0	1.1	0.40	0.10	.10	0.50	3.5	1.4	.80	0.20	0	0

	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.
1964	0.055 0.10 0	0.11 0.20 0.10	0.023 0.10 0	0 0 0	0 0 0	0.97 2.0 0	5.52 14.0 2.0	10.4 35.0 0.80	0.14 0.70 0	0 0 0	0 0 0	0 0 0
1965	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	5.92 36.0 0	10.8 115.0 1.0	1.76 5.4 0.20	0.026 .20 0	0 0 0	0 0 0
1966	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	105.0 950.0 0	3.41 5.2 2.3	2.01 4.50 .44	0.099 .40 0	0 0 0	0 0 0	0 0 0
1967	0 0 0	0 0 0	0 0 0	0 0 0	0.30 5.0 0	22.3 96.0 4.0	3.26 8.5 1.3	0.668 1.4 0.09	119.0 124.0 0.16	18.8 209.0 1.4	0.334 1.2 0	0 0 0
1968	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	4.62 1.9 0	6.28 28.0 .81	1.40 5.6 .18	1.15 9.6 0	.686 3.3 0	0 0 0	0 0 0
1969	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	198.0 1990.0 0	4.77 11.0 1.2	0.57 1.1 .13	0.33 3.9 0	0 0 0	0 0 0
1970	0 0 0	0 0 0	0 0 0	0 0 0	0.032 .60 0	27.5 120.0 1.0	40.8 229.0 1.3	7.04 22.0 1.2	7.09 24.0 .40	0.039 0.32 0	0 0 0	0 0 0
1971	0 0 0	0 0 0	0 0 0	0 0 0	1.13 8.0 0	54.2 375.0 0	5.31 12.0 1.3	3.31 13 1.1	.45 1.3 .02	0 0 0	0 0 0	0 0 0
1972	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	87.2 500. 0	6.82 11.0 4.9	106.0 758.0 24.0	9.34 26.0 1.8	1.18 2.7 0.72	0.29 1.4 0	0 0 0
1973	0 0 0	1.99 4.9 0	.52 1.4 .22	18.1 100 .10	34.1 210 1.0	82.9 290.0 16.0	6.22 15 3.1	2.03 4.0 .88	1.74 5.5 .02	.001 .02 0	0 0 0	0 0 0
1974	0 0 0	0 0 0	.32 .66 0	4.31 20.0 .06	9.93 42.0 .35	7.22 15.0 2.3	2.99 5.8 1.7	3.00 12.0 .76	2.89 5.6 .24	.023 .18 0	0 0 0	0 0 0

[illegible]

April 4, 1979

John B. Wehde, Attorney
351 Wisc. SW
Huron SD 57350

Dear Mr. Wehde:

You are aware that the Water Rights Commission requested that proposed Findings of Fact, Conclusions of Law and a proposed Decision regarding Water Right Application No. 4326-3 approval be prepared. The Water Rights Commission will meet in Rapid City, May 24 & 25, 1979 at Howard Johnson's. We have tentatively placed consideration of the proposed Findings of Fact, Conclusions of Law and Decision on the agenda for 1:00 p.m. May 24. We are enclosing, for your information, a list of the Commissioners and their addresses in the event you wish to mail the proposed Findings and Conclusions directly to the Commission.

If you would rather that we print and include the proposed Findings, Conclusions and Decision with the information that we mail to each Commissioner, please have the information in this office by May 15th. We will be mailing information concerning the Commission meeting to the Commission members May 16, 1979. If the proposed Findings and Conclusions are mailed to the Commission, please submit one copy to this office to become a part of the permanent file.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH:kjw

cc: John Smith, Attorney

enclosure

April 4, 1979

Tom Tobin, Attorney
422 Main
Winner SD 57580

Dear Mr. Tobin:

You are aware that the Water Rights Commission requested that proposed Findings of Fact, Conclusions of Law and a proposed Decision regarding Water Right Application No. 4326-3 approval be prepared. The Water Rights Commission will meet in Rapid City, May 24 & 25, 1979 at Howard Johnson's. We have tentatively placed consideration of the proposed Findings of Fact, Conclusions of Law and Decision on the agenda for 1:00 p.m. May 24. We are enclosing, for your information, a list of the Commissioners and their addresses in the event you wish to mail the proposed Findings and Conclusions directly to the Commission.

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Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH:kjw

cc: John Smith, Attorney

enclosure

June 22, 1979

Yon Tobin, Attorney
422 Main
Winner SD 57580

Dear Mr. Tobin:

The Water Rights Commission at its meeting March 29, 1979 approved Application No. 4326-3 for 2.1 cfs of water from one 100 foot deep well for irrigation. Attached are the Findings of Fact and Conclusions of Law adopted by the Water Rights Commission May 24, 1979 and their final decision.

South Dakota statutes provide that this decision by the Commission may be appealed to the courts.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH:kw

enclosure



Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-2464x 3352

June 22, 1979

Leonard Sheffield & Sons
Alpena, SD 57312

Gentlemen:

The Water Rights Commission at its meeting March 29, 1979 approved Application No. 4326-3 for 2.1 cfs of water from one 100 foot deep well for irrigation. Attached are the Findings of Fact and Conclusions of Law adopted by the Water Rights Commission May 24, 1979 and their final decision.

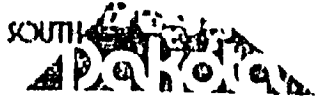
South Dakota statutes provide that this decision by the Commission may be appealed to the courts.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/gy

encl



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/773-3151 3352

June 22, 1979

John B. Wehde, Attorney
351 Wisc. SW
Huron, SD 57350

Dear Mr. Wehde:

The Water Rights Commission at its meeting March 29, 1979 approved Application No. 4326-3 for 2.1 cfs of water from one 100 foot deep well for irrigation. Attached are the Findings of Fact and Conclusions of Law adopted by the Water Rights Commission May 24, 1979 and their final decision.

South Dakota statutes provide that this decision by the Commission may be appealed by the courts.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/gy

encl

Tom Tobin, Attorney
Tobin Law Office
422 Main
Winner SD 57580

John B. Wehde, Attorney
351 Wisc. SW
Huron SD 57350

Leonard Sheffield & Sons
Alpena SD 57312

I hereby certify that on June 22, 1979, I have personally deposited with the U.S. Mail, postage prepaid envelopes containing copies of the attached letter to the above listed persons.

Karen Wernsmann
Karen Wernsmann, Secretary III

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES)SS

Swore to, before me, this 22nd day of June, 1979.

Louis L. Ries
Notary Public

LOUIS L. RIES, Notary Public
My Commission Expires
February 3, 1983

STATE OF SOUTH DAKOTA,
WATER RIGHTS COMMISSION

APPLICATION OF LEONARD SHEFFIELD	)	FINDINGS OF FACT
& SONS FOR PERMIT NUMBER 4326-3	)	CONCLUSIONS OF LAW

Having heard and considered all the evidence presented before the Commission at the meeting on November 15, 1978, at the SDEA Auditorium, Pierre, South Dakota, and the meeting of March 29, 1979, at the City Hall, Pierre, South Dakota, and having considered the proposed Findings Fact and Conclusions of Law of both the Applicant as represented by their attorney, Mr. John Wehde of Huron, South Dakota, and of the Opponents as represented by their attorney, Mr. Tom D. Tobin of Winner, South Dakota the Commission hereby makes the following:

FINDINGS OF FACT

1. Leonard Sheffield & Sons, Alpena, South Dakota, have regularly applied for an application for 2.1 cfs of water from one 100 foot deep well to irrigate 150 acres.
2. The Affidavit of Publication has been received.
3. The Applicant has irrigated lands in addition to those he was authorized to irrigate by permit and in addition has drilled and utilized an irrigation well without a permit from this Commission. The reason for these actions appears to be that the Applicant was honestly mistaken as to his rights.
4. Sand Creek has dried up more than is typical since the Applicant began his unauthorized pumping.
5. The amount of rainfall was exceptionally low at the approximate time the Applicant began his unauthorized pumping.
6. When rainfall is exceptionally low for a period of time such as is involved here, it takes several years to recharge a water system.

7. There is a substantial layer of clay between Sand Creek and the location of the proposed well.

8. The permitted use of the water probably will not affect the flow of water in Sand Creek.

9. The proposed project is feasible.

10. The proposed project is in the public interest.

11. There is unappropriated water available for the proposed project.

CONCLUSIONS OF LAW

1. SDCL 46-1-4 requires the Commission to maximize the beneficial use of the State's water, and when there is a reasonable probability based upon the evidence to believe that unappropriated water is available, the Commission should issue a permit.

2. There is unappropriated water available for diversion in the quantity and at the rate applied for.

3. The unauthorized pumping by the Applicant is excusable, for the sole purpose of consideration of this Application, because the Applicant was honestly mistaken as to his rights.

4. The granting of the permit is in the public interest.

5. The irrigation project is feasible.

6. The use of water under the proposed permit will probably not affect water flow in Sand Creek.

7. The following is a reasonable condition to be attached to the permit under the Facts as found by the Commission: The irrigation well 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 its irrigation withdrawal so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

8. The permit should be approved subject to the
aforementioned condition.

Dated this _____ day of _____, 1979.

Chairman

Secretary

STATE OF SOUTH DAKOTA
WATER RIGHTS COMMISSION

APPLICATION OF LEONARD SHEFFIELD)
AND SONS FOR PERMIT NUMBER 4326-3) FINAL DECISIONS

The Commission having heard the evidence presented at its hearings on November 15, 1978, at the SDEA Auditorium in Pierre, South Dakota, and at its meeting on March 29, 1979, at the City Hall in Pierre, South Dakota, and having entered Findings of Fact and Conclusions of Law, and having rejected proposed Findings of Fact and Conclusions of Law from both the Proponent and Opponent of the Application, it is the final decision of the Commission that:

1. The Application of Leonard Sheffield & Sons of Alpena, South Dakota, for 2.1 cfs of water from one 100 foot deep well to irrigate 150 acres is approved.
2. That the permit is subject to the following condition: 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 withdrawal so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

Dated this _____ day of _____, 1979.

Chairman

Secretary

Form 10.

No. 4326-3



NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office Pierre

Date 7/1/76

TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 4376-3

Water Right Permit No. 4376-3 states that the diversion system is to be constructed by May, 1976 and that the water is to be put to beneficial use by May, 1976.

The diversion system was completed on May, 1976.
Applying the water to beneficial use was completed on May, 1976.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Edward J. Hill
(Signature)

Permit No. 4326-3

Water Division 3 JAMES RIVER Water District

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 LEONARD SHEFFIELD & SONS of ALPENA holder of Permit No. 4326-3, bearing date of priority of MARCH 2, 1976 authorizing the diversion of 2.1 cu. ft. per second of the waters of GROUNDWATER for IRRIGATION purposes, in JERBAULD 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:
80' DEEP WELL - 16" STEEL CASING - 20' JOHNSON SS SCREEN
LAYNE BOWLER 8" PUMP (NO TAG) POWERED BY
60 HP GE ELECTRIC MOTOR @ 1765 RPM
- B. Works used to transport water to place of use,
15' 10" ALUMINUM LINE TO CENTER OF PLOT
- C. Works used to apply water to beneficial use.
8 TOWER LOCKWOOD CENTER PLOT SYSTEM -
MODEL 2286-8T WITH NELSON #100 END GUN

The system is in the following condition: GOOD

The point of diversion is located 1310'S & 2500' W OF THE NW CORNER,
SECTION 20, T108N, R63W

The works are capable of diverting and conveying to the place of use 2.0 (900 GPM)
cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows: ALL IN SECTION 20, T108N, R63W

<u>NE⁴ NW⁴</u>	<u>28 ACRES</u>	<u>NE⁴ NE⁴</u>	<u>3 ACRES</u>
<u>SE⁴ NW⁴</u>	<u>28 "</u>	<u>SE⁴ NE⁴</u>	<u>3 ACRES</u>
<u>NW⁴ NE⁴</u>	<u>35 "</u>		
<u>SW⁴ NE⁴</u>	<u>35 "</u>		

comprising a total of 132 acres of land.

Date JUNE 21, 1987
Dustin [Signature]
(signature)

No. 3271-3 & 4326-3



Department of Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3352

July 15, 1982

Leonard Sheffold & Sons
Alpena
South Dakota 57312

Dear Sirs:

The inspection of your water use system and inspection of the extent of your application of water to beneficial use, as developed under your Water Right No. 3271-3A ~~4-4326-3~~ 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 ~~each~~ ~~the~~ ~~XXX~~ Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you. (total of \$100 for the two)

You will also receive the Certificate of Construction as required by statute.

Sincerely,

KAREN SCHLAACK
Administrative Secretary

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

WNR-814-7/79
Notification of Water License Ready for Issuing (\$50.00)

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4326-3

(1) WHEREAS, On the 2nd day of March A. D. 19 76
Leonard Sheffield and Sons

made Water Right Application No. 4326-3, for a permit to use 2.1 cubic feet per second of the waters of ground water (one well)

County of Jerauld, State of South Dakota, for Irrigation

purposes; and
 (2) WHEREAS, On the 29th day of March A. D. 19 79

Permit No. 4326-3, with a date of priority of March 2, 1976
 was issued to said applicant 5 for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 29th day of March A. D. 19 80 and for the application to beneficial use of said water on or before the 29th day of March A. D. 19 80

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 1.88 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,

for irrigating the following land all in Section 20, T108N, R63W

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 28 acres

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 28 acres

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 35 acres

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 35 acres

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 3 acres

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 3 acres

TOTAL 132 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 Leonard Sheffield and Sons

_____ of Alpena
the holder s and owner s of said permit No. 4326-3 a water right, dating from March 2, 1976
_____ to use of 1.88 cubic feet per second of the waters
of ground water (one well)

in the County of Jerauld and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 1310'S and 2500'W of the NW Corner,
Section 20, T108N, R63W

and conducted to and upon portions of Section 20, T108N, R63W more fully described
on the face of this License.

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 4326-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 21st day of July A. D.
Nineteen Hundred and Eighty-Two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 4326-3

Water Diversion No. 3 James River Water District

10160006

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Leonard Sheffield and Sons

_____ the holder _____ of
Permit No. 4326-3, issued upon Application No. 4326-3 bearing date of priority of _____
March 2, 1976 authorizing the diversion of 2.1 cu. ft. per second of the waters of _____
groundwater (one well) County of Jerault, State of South Dakota at _____
a point 1310'S and 2500'W of the NW Corner, Section 20, T102N, R63W

_____, for Irrigation

purposes, has ye complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.0 cu. ft. per second of water.

Date July 21, 1962

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8904

PIERRE, July 21, 1935

RECEIVED OF Leonard Sheffield, Alpena, SD 57312

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. 4-6-3	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 4-6-3		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By W. L. 2684-1
Chief Engineer, Executive Officer
J. L. 17/1935

SOUTH DAKOTA
Department of
Water & Natural Resources

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

3271-3A

4326-3

December 4, 1987

Leonard Sheffield & Sons
Alpena, South Dakota 57312

Dear Mr. Sheffield:

I am returning your 1987 Irrigation Water Use Questionnaires. It is impossible to determine the amount of water use from your questionnaires as completed.

As stated in the October 8th letter, Water Management Board rules or water permit qualifications require questionnaires to be submitted each year. The questionnaires need to be completed in such a way that actual water use can be determined for a particular crop and acreage.

The questionnaires will have to be completed and returned by December 23, 1987.

If you have any questions, please contact me.

Sincerely,

Delvin D. Brosz

Delvin D. Brosz, P.E.
Hydrologist

DDR:ms

Enc.

#32-71-311
H 4306-3

SOUTH DAKOTA Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3131

February 17, 1989

Leonard Sheffield & Sons

Alpena, SD 57312

Dear Mr. Sheffield:

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

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

The new standards include:

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



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

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

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

Very truly yours,

John H. Hatch
for JOHN HATCH, Chief Engineer
Water Rights Division



February 16, 1994

LEONARD SHEFFIELD & SONS
RR 1 BOX 102
ALPENA SD 57312

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 3271-3A & 4326-3. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 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 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3271-3A & 4326-3 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. Those 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 April 1, 1994, your name will be deleted from the Board agenda.

Very truly yours,

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

4326-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3191

REPRODUCTION RATIO

ROLL NUMBER

DATE MICROFILMED

CANADA OFFICIAL INFORMATION



4324-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1994

NOTICE

TO: LEONARD SHEFFIELD & SONS
PR 1 BOX 102
ALPENA, SD 57312

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Failure to Report Chemical Use under Water Permit No(s) 3271-3A: & 4326-3

The first notice to file chemigation report(s) for Permit No(s) 3271-3A: & 4326-3 was dated October 18, 1993. Our records indicate that we have not received the 1993 chemigation report for Permits No(s) 3271-3A: & 4326-3. The Water Management Board has directed that owners of water permits who have not submitted the 1993 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 8:45 A.M. on April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3271-3A: & 4326-3 in accordance with applicable provisions of SDCL 46-1-12;
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. Prior to April 1, 1994, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to April 1, 1994, you will no longer be in violation and your name will be deleted from the Board agenda.



4326-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 28, 1994

3271-3A

4326-3

Leonard Sheffield & Sons
RR #1 Box 102
Alpena, SD 57312

Dear Mr. Sheffield:

I am writing to acknowledge receipt of your 1993 Irrigation questionnaires and information for chemical use in 1993. You may disregard the February 16, 1994, **Notice of Violation of the Requirement to Submit the 1993 Irrigation Questionnaire and the Notice of Failure to Report Chemical Use.**

The questionnaires were 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 Division
(605) 773-3352

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):

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

Consult postmaster for fee.

3. Article Addressed to:

43263

LAVERNE ARHART
39088 224th STREET
ALPENA SD 57312 5417

Andrew Arhart

5. Received By: (Print Name)

Andrew Arhart

6. Signature: (Addressee or Agent)

X

4a. Article Number

P 378 081 319

4b. Service Type

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

7. Date of Delivery

12-5-97

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



4326-3

February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181**NOTICE****TO:** LaVERNE ARHART, 39088 224th STREET, ALPENA, SD 57312 5417**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) 3271-3A & 4326-3. 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) 3271-3A & 4326-3 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.

4326-3



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

February 4, 1997

NOTICE

TO: LaVERNE ARHART, OPERATOR
39088 224th STREET
ALPENA SD 57312

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

RE: Failure to Report Chemical Use under Water Permit No(s) 3271-3A & 4326-3

The first notice to file chemigation report(s) for Permit No(s) 3271-3A & 4326-3 was dated 10/24/96. Our records indicate that we have not received the 1996 chemigation report for Permits No(s) 3271-3A & 4326-3. The Water Management Board has directed that owners of water permits who have not submitted the 1996 chemigation report(s) be given notice of violation and hearing before the board. The hearing held by the board is to determine what action is to be taken concerning violation of Administrative Rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical applied.

The hearing will be held at 2:30 PM on March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to chapter 1-26. According to SDCL 46-1-12, the board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 3271-3A & 4326-3 in accordance with applicable provisions of SDCL 46-1-12;
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 chemigation report(s) is(are) received by this office on/or before February 28, 1997 your name will be deleted from the board agenda.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 East 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.

4326-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 19, 1997

3271-3A
4326-3

LaVerne Arhart
39088 224th St
Alpena, SD 57312-5417

Dear Mr. Arhart:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires and chemical reporting forms. You may disregard the February 4, 1997, Notices of Violation.

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



4326-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 1999

NOTICE

TO: LaVERNE ARHART, 39088 224th STREET, ALPENA, SD 57312 5417

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) 3271-3A & 4326-3. 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) 3271-3A & 4326-3 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.

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.

c: Leonard Sheffield & Sons, RR 1 Box 102, Alpena, SD 57312



4326-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 1999

NOTICE

TO: LaVERNE ARHART, OPERATOR, 39088 224th STREET, ALPENA SD 57312

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

RE: Requirement to Report 1998 Chemical Use

The first notice to file chemigation report(s) for Permit No(s) 3271-3A & 4326-3 was dated October 16, 1998. Our records indicate that we have not received your 1998 chemigation report(s). The Water Management Board has directed that owners of water permits who have not submitted the 1998 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:45 am, March 3, 1999, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 3271-3A & 4326-3 in accordance with applicable provisions of SDCL 46-1-12;
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. Prior to March 3, 1999, contact the Water Rights Program, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to March 1, 1999 you will no longer be in violation and your name will be deleted from the Board agenda.

C: LEONARD SHEFFIELD & SONS, RR 1 BOX 102, ALPENA, SD 57312

4326-3

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 the 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: **LaVERNE ARHART**
3908 224th STREET
ALPENA SD 57312 5417

4a. Article Number: **2119 141 630**

4b. Service Type

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

7. Date of Delivery: **1-23-99**

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)
LaVerne Arhart

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

PS Form 3811, December 1994

102505-97-B-0179 Domestic Return Receipt

in your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

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 the 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: **Leonard Sh. Shick & Sons**
RR #1 Box 102
Alpena, SD 57312

4a. Article Number: **2119 141 629**

4b. Service Type

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

7. Date of Delivery: **1-23-99**

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)
Leonard Shick

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

PS Form 3811, December 1994

102505-97-B-0179 Domestic Return Receipt

in your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.



4326-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1999

3271-3A
4326-3

Laverne Arhart
39088 224th St
Alpena, SD 57312-5417

Dear Mr. Arhart:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires and chemical reporting forms. You may disregard the January 22, 1999, "Notices" concerning reporting requirements for Water Permit No. 3271-3A and 4326-3.

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: Leonard Sheffield & Sons, RR 1 Box 102, Alpena, SD 57312



4326-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2002

LaVerne Arhart
39088 224th St
Alpena, SD 57312

RE: Water Right Nos. 2364-3, 3271-3A and 4326-3

Dear Mr. Arhart:

Thank you for taking the time to visit with me today with regard to Water Right No. 2364-3, John Miller and Water Right Nos. 3271-3A and 4326-3, Leonard Sheffield and Sons. It is my understanding from our conversation that you now own the land described in these water rights. Enclosed are copies for your review.

Also enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please review the forms for accuracy and complete as needed. Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$7.50). The check or money order for the fee can be made payable to the Water Rights Program.

I have included the "2001" irrigation questionnaire for Water Right No. 2364-3. Please complete the form with any irrigation information from this past season. I have taken it off of the list of delinquent irrigation questionnaires that were scheduled for hearing before the Water Management Board. It was removed from the agenda because I did not mail the form to the proper owner of the land.

You may keep the copies of the water rights for your records. Please return the transfer forms, \$7.50 in filing fees and the irrigation questionnaires as soon as possible. I am enclosing a postage paid envelope for your convenience in returning the materials. If you have any questions, please get in touch with me.

Sincerely,

Genny McMath

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

enclosures

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 417060

Pierre, January 23, 2002

RECEIVED OF LaVerne Arhart, 39088 24th St., Alpena, SD 57312

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 4326-3 _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

David L. Erbe
Chief Engineer

gnd

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4326-3

Date: 1-22-02

I/We request that Water Right No. 4326-3

formerly owned by: Leonard Sheffield and Sons

be transferred to: (name & address) Laverne Arhart

39088 224 st. Alpena S.D. 57312 Telephone No. 605-849-3483

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

132 acres in the E 1/4 NW 1/4 and NE 1/4 Section 20, T108N, R63W

I/We understand that the validity of Water Right No. 4326-3 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 Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF SOUTH DAKOTA)

County of Jamuel)

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

Laverne Arhart

(Signed by new owner)

Subscribed and sworn to before me this 22nd day of Jan., 20 02

Wyburn Terry

(Notary Public)

comm. expires 01-29-04

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2002

LaVerne Arhart
39088 224th St
Alpena, SD 57312

Dear Mr. Arhart:

Thank you for following up on the ownership changes for Water Right Nos. 2364-3, 3271-3A and 4326-3. The transfers have been completed. Water Right No. 2364-3 (formerly held by John Miller) and Water Right Nos. 3271-3A and 4326-3 (formerly held by Leonard Sheffield & Sons) are now listed in your name.

Enclosed are your Receipt Nos. 417058, 417059 and 417060 in the amounts of \$2.50 each. You may keep these for your records.

If I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosures



4326-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: LaVERNE ARHART, 39088 224th ST, ALPENA, SD 57312 5417

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit Nos. 2364-3, 3271-3A & 4326-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 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 2, 2005, 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 Nos. 2364-3, 3271-3A & 4326-3 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 February 25, 2005, 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.

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.



4326-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 1138

Your item was delivered at 11:26 am on January 24, 2005 in ALPENA, SD 57312. The item was signed for by L ARHART.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

[Go >](#)



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Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 1138

LaVERNE ARHART
39088 224th ST
ALPENA SD 57312 5417

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail®
☐ Package Services

(See Reverse)

PS Form 158, July 2001



4326-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 2005

2364-3
3271-3A
4326-3

LaVerne Arhart
39088 224th St
Alpena SD 57312-5417

Dear Mr. Arhart:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 2364-3, 3271-3A and 4326-3.

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

108-63

12.3

22.2

24.5

1-239

64.8

50.6

7.0

4.3

57.6

X

20

21.1

133.4

78.7

Neil E. Ritt

District Conservationist
Wessington Springs, SD

APPROX SCALE: 8"/MILE

54.2

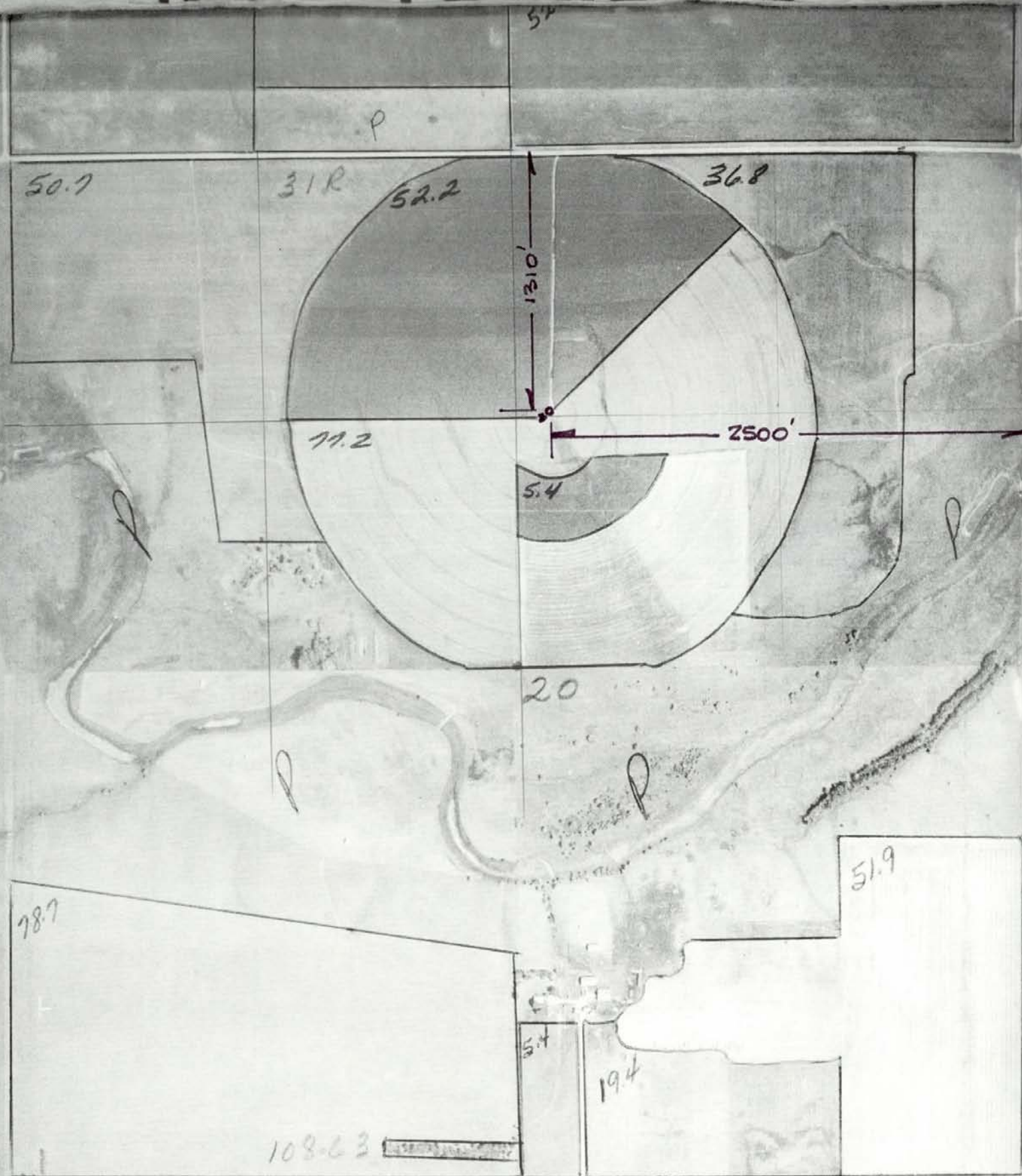
17.7

6.4

108-63

APPL. # 4326-3

NOT TO SCALE



Appl # 4326-3

Map # 3533-3



4326-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: LaVERNE ARHART, 39088 224th ST, ALPENA, SD 57312 5417

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire has not been submitted for Permit No(s) 2364-3, 3271-3A & 4326-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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, 2012**, 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:

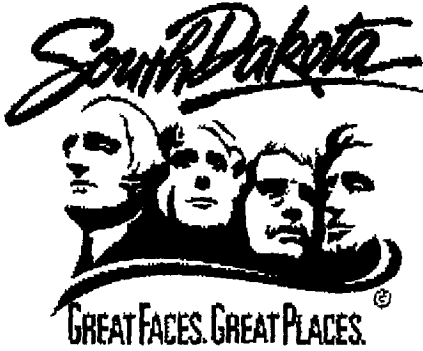
1. Amend Permit No(s) 2364-3, 3271-3A & 4326-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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 2, 2012**, 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. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.

4326-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2012

LaVerne Arhart
39088 224th St
Alpena SD 57312 5417

RE: Water Right Nos. 2364-3, 3271-3A & 4326-3

Dear Mr. Arhart:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right Nos. 2364-3, 3271-3A & 4326-3. 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 black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

4326-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 31, 2015

2364-3
3271-3A
4326-3

Andrew Arhart
22429 390th Ave
Alpena SD 57312

Dear Mr. Arhart:

Thank you for visiting with me this week concerning water rights held by LaVerne Arhart.

Enclosed as we discussed are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with the water rights. Please review the forms and complete as needed. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$150). The check or money order for the fee can be made payable to the Water Rights Program.

I have included copies of all three water rights. You may keep these for your records. If I can answer any questions for you, please let me know.

Sincerely,

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

RECEIVED

APR 10 2015

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4326-3

Date: _____

I/We request that Water Right No. 4326-3

formerly owned by: LaVerne Arhart

be transferred to: (name & address) Arhart Farms Inc. Andrew
22429 390th Ave
Apapa SD 57312 Telephone No. 605-350-3360

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

132 acres - E 1/2 NW 1/4 and NE 1/4 Section 20, T108N, R63W

I/We understand that the validity of Water Right No. 4326-3 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 Andrew Arhart for , the new owner, certify that the above information is true and
Arhart Farms Inc. correct.

Andrew Arhart
(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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/10, 20 15

RECEIVED OF Arhart Farms Inc 22429 390th Ave Alpena SD 57312

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	50	00
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>4326-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 07340

By Jeanne Lockman
Chief Engineer

4326-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 13, 2015

2364-3
3271-3A
4326-3

Andrew Arhart
22429 390th Ave
Alpena SD 57312

Dear Mr. Arhart:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on water rights listed in the name of LaVerne Arhart.

The ownership changes have been completed. Water Right Nos. 2364-3, 3271-3A and 4326-3 are now listed in the name of "Arhart Farms Inc." Enclosed for your records are Receipt Nos. 07344, 07345 and 07346 in the amount of \$50 each.

If you have any questions, please contact me.

Sincerely,

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

enclosures

4326-3



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: ARHART FARMS INC, ANDREW ARHART, 22429 390TH AVE, ALPENA, SD 57312 5417

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) 2364-3, 3271-3A & 4326-3 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) 2364-3, 3271-3A & 4326-3 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. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: NFTAKT**

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.

4326-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2021

2364-3
3271-3A
4326-3

Andrew Arhart
Arhart Farms Inc
22429 390th Ave
Alpena SD 57312-5417

Dear Mr. Arhart:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right Nos. 2364-3, 3271-3A & 4326-3. 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 blue ink that reads "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 17, 2025

2781-3
3271-3A
4326-3

Arhart Land & Cattle Inc
c/o Andrew Arhart
22429 390th Ave
Alpena SD 57312

Dear Mr. Arhart:

You had recently called the Water Rights Program requesting copies of all water rights presently assigned to yourself.

Please find enclosed the original licenses for Water Right Nos. 2781-3, 3271-3A, and 4326-3. In addition to these licenses, the full files maintained by the Water Rights Program for these and other water rights/permits can be found by visiting our website:

<https://danr.sd.gov/OfficeOfWater/WaterRights/Databases/WaterRights.aspx>

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 27, 2025

3271-3A
4326-3

Arhart Land & Cattle Inc
c/o Andrew Arhart
22429 390th Ave
Alpena SD 57312

Dear Mr. Arhart:

This letter is intended to follow up on a recent telephone conversation, where you requested to have Water Right Nos. 3271-3A & 4326-3, currently held by Arhart Farms Inc, transferred to Arhart Land & Cattle Inc.

Please find enclosed partially completed "Notice of Transfer of Ownership" forms for the above-mentioned Water Rights. The fees required for these transfers total \$100.00 (\$50/transfer).

Please review each transfer form, verify that the contact information is listed correctly, complete the highlighted portions, and return the forms with the appropriate fees in the prepaid envelope.

Checks should be made payable to "SD Water Rights". You may also submit payment over the phone by calling out Fiscal Office at (605) 773-5559.

If you have any questions or concerns while reviewing the "Notice of Transfer of Ownership" forms, please contact me via telephone or email.

Sincerely,

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

enclosures