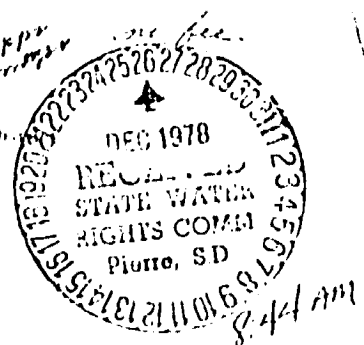


Water Right Number 4364-2

1. Considered January 31, 19 79
2. Name of Applicant Warren D. Thompson
3. Post Office Address Aurora, S.D. 26-111-49
35
4. Amount of water claimed 5.6
5. Source of water supply five 58' wells
6. Water to be used for irrigation
- Acres to be irrigated 4.11
7. Water to be diverted and used in Brookings County
about 6N Miles of AURORA
8. Proof of Publication Received 2-8-79
Not received _____
9. Application Approved 3-29-79
Subject to WI 660' spacing
Not approved _____
Action deferred 2-1-79

10. Remarks:

Map No. 3562-3 Water Division No. 3 Big Sioux River
(Blank) to be filled by the Engineer for the W. R. C. I.



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

- Name of Applicant: Warren D. Thompson
Postoffice address: Harvard 57002 State: South Dakota
If a corporation show date and place of incorporation: _____
- Method of accomplishing work (contract, employment of others, or by direct labor): Contract
- Name of diversion work: Warren D. Thompson Irrigation Project #1
- Amount of water claimed (cubic feet per second): 6.0
- Source of water supply: 5 wells
- Location of point of diversion: Well #1 - 1860' N 135° E, H.S. 2380' N 145° E but not NW corner Sec 26-111-49; Well #2 - 1860' N 45° E; Well #3 - 1475' N 110° E; Well #4 - 1860' N 135° E of NW corner Sec 35-111-49 County: Brackney
- Annual period or periods during which water is to be used: April through October
- Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.): EE Irrigation
- For irrigation use, Total number of acres to be irrigated: 411

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 Sec 26-111-49	33	SW 1/4 Sec 26-111-49	20
NE 1/4 NW 1/4 Sec 26-111-49	32	SE 1/4 Sec 26-111-49	20
S 1/4 NW 1/4 Sec 26-111-49	79	NW 1/4 NW 1/4 Sec 35-111-49	26
N 1/4 SW 1/4 Sec 26-111-49	79	NE 1/4 NW 1/4 Sec 35-111-49	35

Attach sheet if more space is needed: S 1/4 NW 1/4 Sec 25-111-49 79

- Time required to complete construction of water supply system: Field years. Additional time required to complete application of water to the proposed beneficial use: three years.
- Choice of newspaper for Notice of Intent to Appropriate Water publication: Brackney Register
- Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source: 5 nearby vertical wells with deep well turbines

B. Works proposed to transport water to place of use: buried closed conduit

C. Works proposed to apply water to beneficial use: center pivot irrigation machines

Estimated Total Cost: \$160,000

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

STATE OF SOUTH DAKOTA

County of Brackney

Warren D. Thompson 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: Warren D. Thompson

Subscribed and sworn to before me this 22 day of DEC 1978.

J. D. [Signature]
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4364-3

Warren D. Thompson
(Applicant)

Aurora
(Post Office Address)

South Dakota 57002 With the following modifications:
(State)

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

The wells approved under this Permit shall be spaced so that there is at least 660 feet between wells.

Date of first receipt of application DECEMBER 26, 19 78

Date of return to applicant for correction, amendments or changes required DECEMBER 27, 19 78

Date of receipt of corrected application JANUARY 12, 19 79

Approved MARCH 28, 19 79, Recorded in Book 20 Page 287

WATER RIGHT PERMIT NO. 4364-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4364-3 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 DECEMBER 26, 19 78
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPT. 28, 19 81
3. The whole of said work is to be completed on or before MARCH 28, 19 84
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 28, 19 87
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 5.6 cubic feet per second, neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is

actually and beneficially applied for irrigation on or before MARCH 28, 19 87; said water to be used during the following described annual period: APRIL TO OCTOBER

Witness my hand this 10th day of APRIL, 19 79

WATER RIGHTS COMMISSION

By:

John Hatch
Civil Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

GRIMSHAW DRILLING CO.

DRILLING LOG

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

Name WARREN THOMPSON Date 11-4-77
Address Bushnell S.D.
County Brule Kings Sec. Twp. Range

NO. FT.	DIA.	RATE	CASING	TOTAL
90	4 3/4"	53.00		4770.00

BALANCE DUE:

4770.00

0 ft. to 1 ft. Topsoil ft. to ft.

1 ft. to 4 ft. Brown Clay ft. to ft.

4 ft. to 2 1/2 ft. Red Gravel ft. to ft.

2 1/2 ft. to 58 ft. Coarse uniform sand & gray fine layers
of blue clay & shale
 ft. to ft. ft. to ft.

58 ft. to 90 ft. Blue & Brown Clay ft. to ft.

 ft. to ft. ft. to ft.

 ft. to ft. ft. to ft.

 ft. to ft. ft. to ft.

 ft. to ft. ft. to ft.

 ft. to ft. ft. to ft.

STATIC WATER LEVEL 5 ft. Larry M. Wells
DRILLER

REMARKS: Good water bearing sand and lower
layer - very coarse with round white rock.
Should produce very well --

5 nearby existing wells

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates

(1) Drill Hole, Diameter 24", Depth 578'
 (2) Casing, Type 8" dia. pipe Diameter 16" Thickness 3/8"
 (wood, concrete, steel, etc.)
 (3) Perforated Screen.
 Type Solomon, Diameter 16", Length 15'
 (4) Gravel Pack, Thickness: 4", Length of gravel pack 30'

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

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

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

Character of Water bearing materials 4' to 1' - top soil 16 1/2' - Brown clay
4' to 26' - Red gravel 26' to 58' gravel layer 58' to 90' gravel layer
5' to 8' to 90' blue & brown clay

Depth to top of water bearing material 56'

Depth to bottom of water bearing material 58'

Thickness of water bearing material 22'

Depth to water (ground surface to water level) 5'

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

On same owner's property _____ rds. On property owned by others _____ rds.

G. Water Storage Dams.

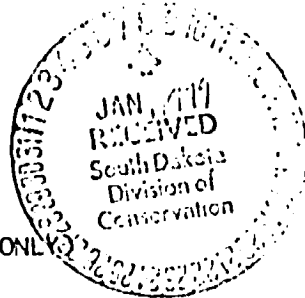
If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

well #	owners property	other property
1	90	130
2	130	90
3	120	170
4	60	80
5	90	110

Zelma Harper
 Signature of Applicant

water Right

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



NAME Wayne D. Thompson 629-4221 White, S.D.
ADDRESS Aurora South Dakota 57002
COUNTY Brookings

LEGAL DESCRIPTION

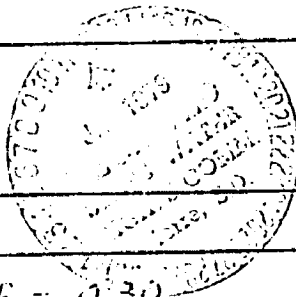
1. WELL LOCATION NW 1/4 of 35 & W 2 of 26 - 111-49
2. LOCATION OF AREA TO BE IRRIGATED NW 1/4 of 35 & W 2 of 26 - 111-49

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT ☒ GUN _____
4. CROPS TO BE IRRIGATED corn & alfalfa

WATER QUALITY

5. SAMPLE NUMBER 78-1115
6. SALINITY (EC X 10⁶) 647
7. SODIUM (SAR) 0.11 Adjusted SAR = 0.30
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0.0



I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and: the soils information has been acquired from Brookings, S.D. 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.

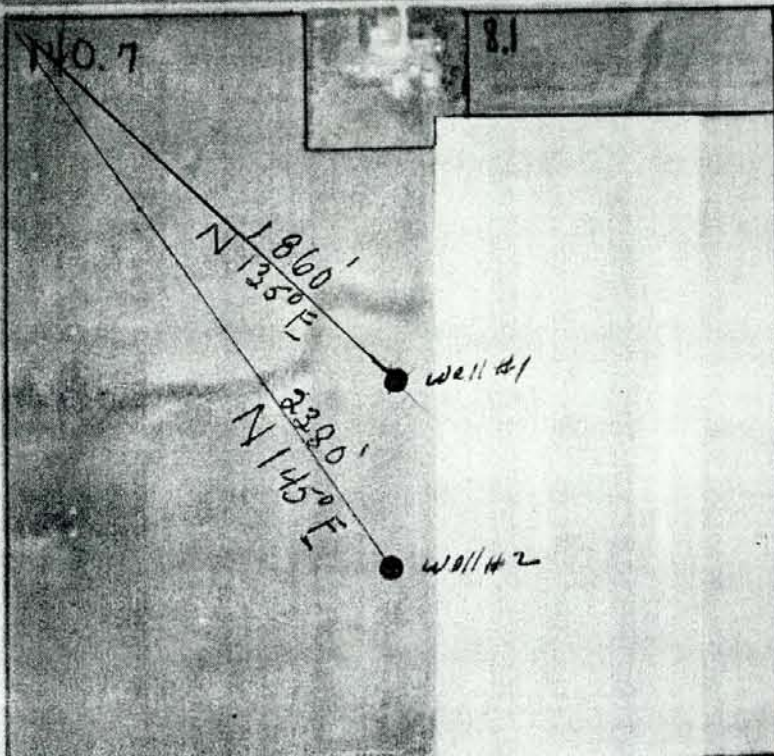
Wayne D. Thompson
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
22 DAY OF Dec 19 78.

[Signature]
(TITLE OR SEAL)

Albert J. [Signature]
APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)

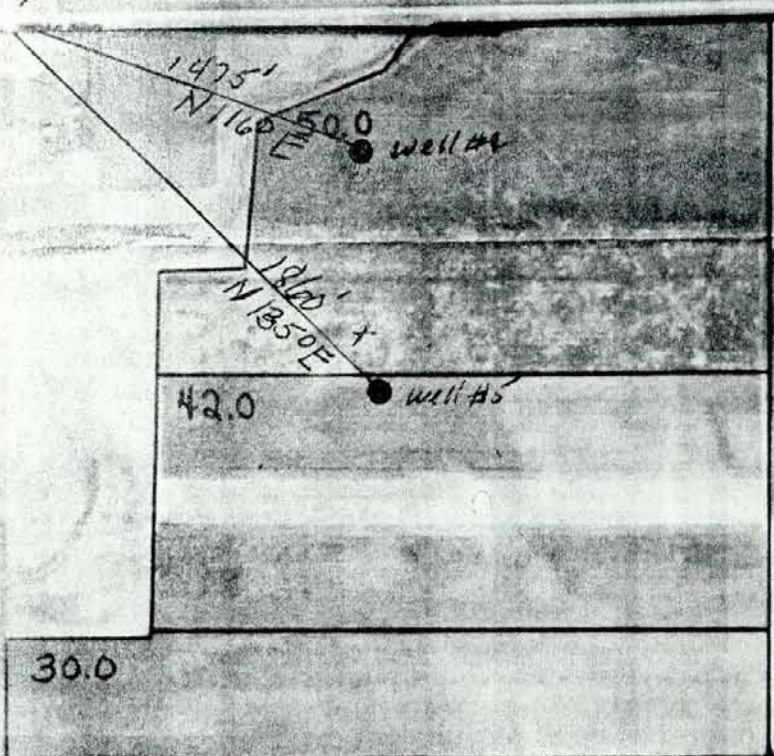
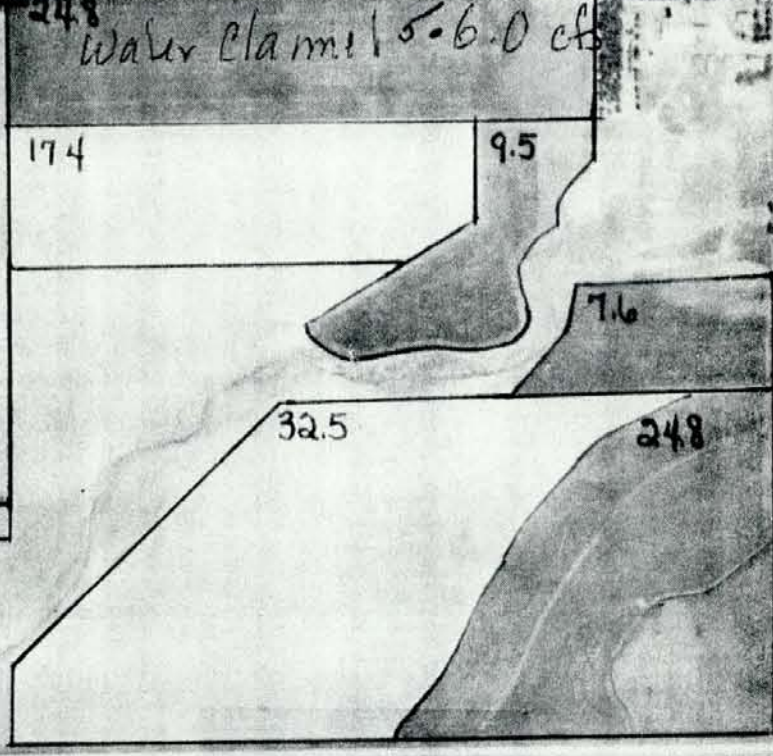
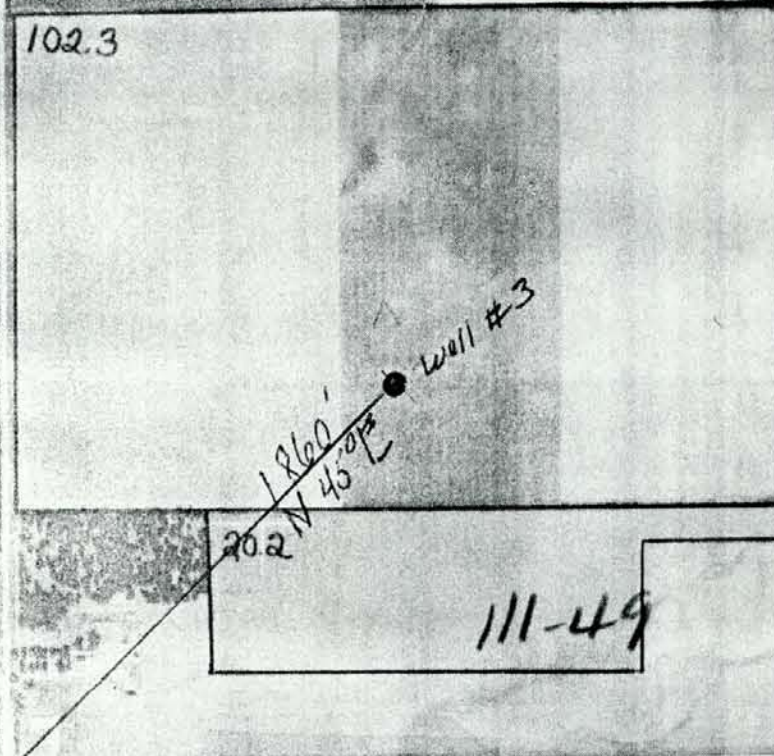


146.4

1-209

Warren D. Thompson
Irrigation Project #1
Aurora S.D. 57002

Area Irrigated - W² sec 26-111-49
NW⁴ sec 35-111-49



154.0

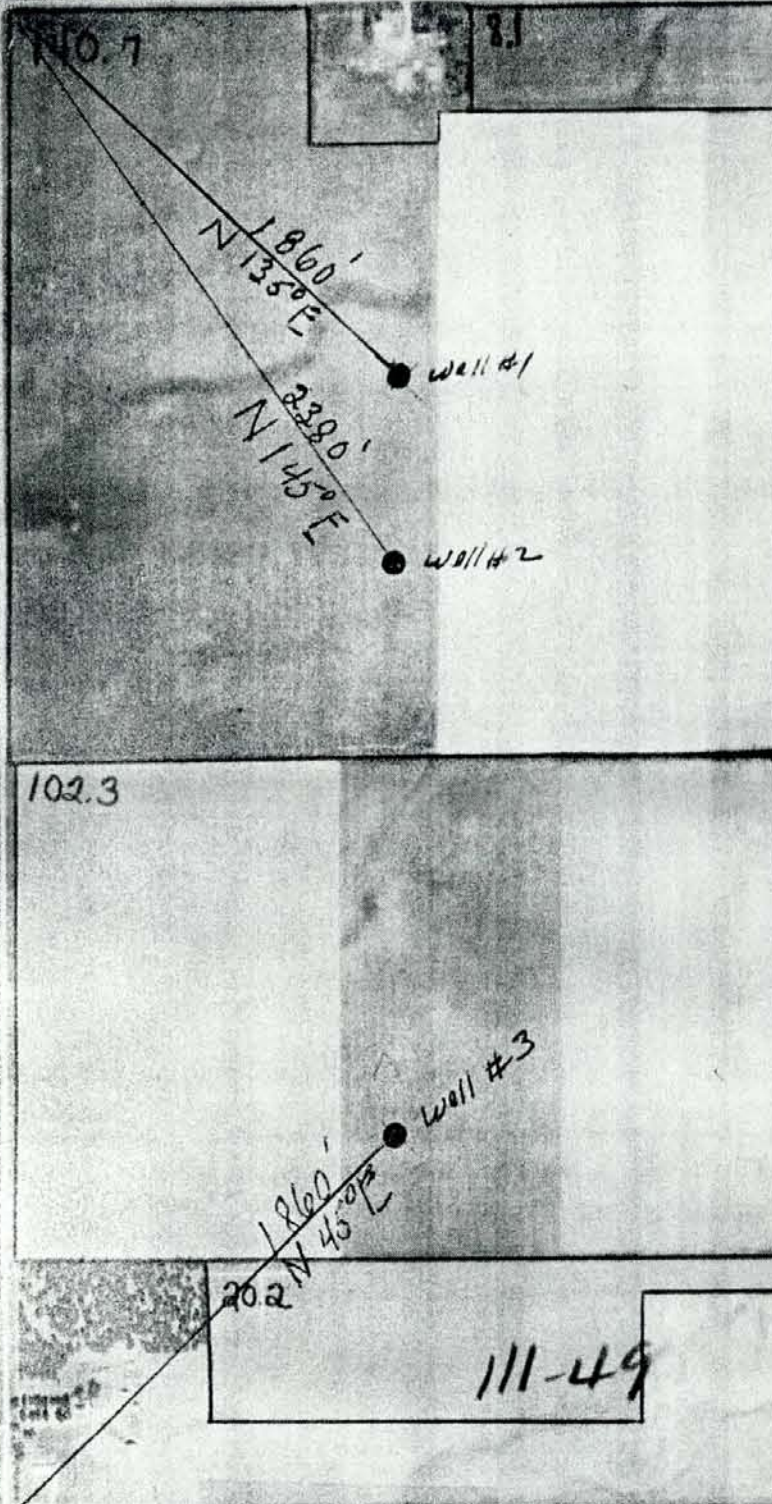
1-209

REGISTERED PROFESSIONAL SURVEYOR
REC. NO. 2000
12-22-26
J. L. [unclear]
G. L. [unclear]

31-

76.0 78.9 147.7

MAP # 3562-3
(APPL. # 4364-3)



1-209
 Warren D. Thompson
 Irrigation Project #1
 Aurora S.D. 57002

Sven Irving Lek - W² sec 26 - 111-49
 NW⁴ sec 35 - 111-49

Water claim 15.6.0 cfs

1-209

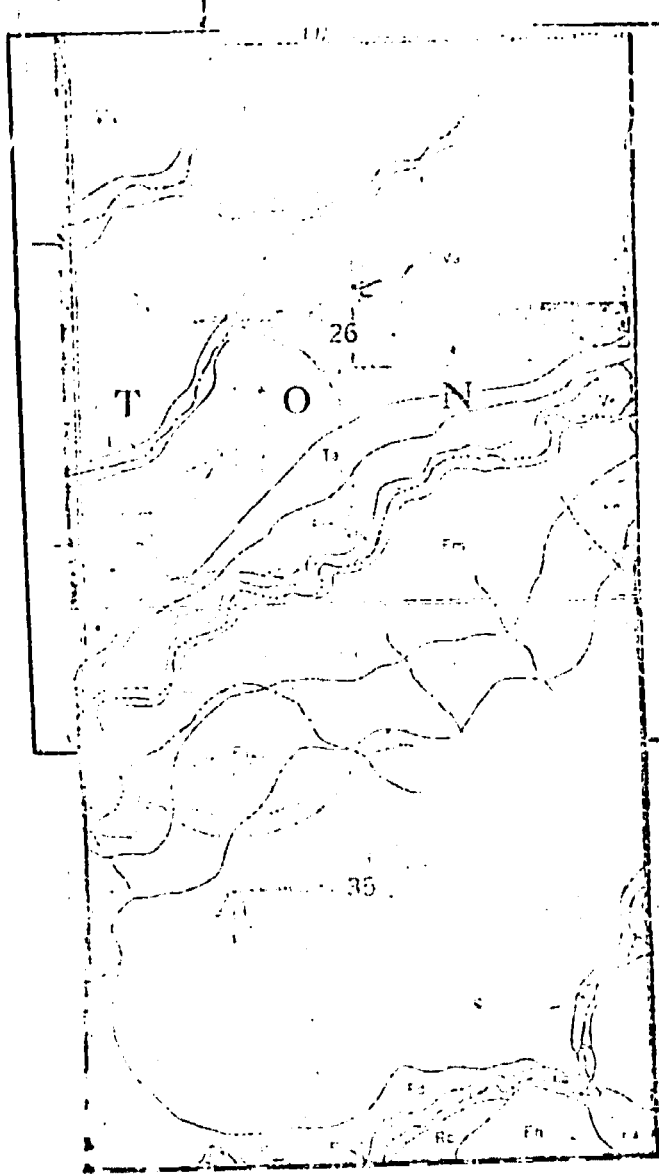


app file copy

~~APP# 4364-3~~
 APP# 4364-3

map of the area

MAP

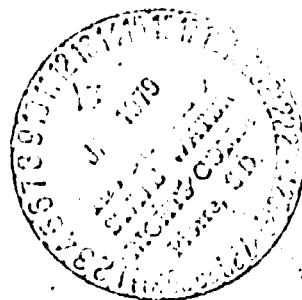


scale 1:20000

NW 35
W 2 26

NARRATIVE

- Ca - Upland - level
- Ld - Limestone - Dismantling
- Ta - Terrace as cement
- Fm - Fordville loam - level
- Ur - Upland silt clay loam
- Fo - Fordville loam



REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57007

Submitted by: Arren D. Thompson
Address: Box 1
Aurora, SD 57002

Date Rec'd: December 22, 1973
Sample No. 73-1115
Identification cell-
N. 1, Sec. 35, T. 111N, R. 49E

WATER ANALYSIS

Calcium (Ca)	92	ppm*	4.60	me/l**
Magnesium (Mg)	34	ppm	2.79	me/l
Sodium (Na)	5	ppm	0.22	me/l
Potassium (K)	4	ppm	0.10	me/l
Sulfate (SO ₄)	96	ppm	2.00	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	13	ppm	0.36	me/l
Bicarbonate (HCO ₃)	251	ppm	4.12	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	206	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	647	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.11	Adjusted SAR	0.30	
Sodium	2.80	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.45			

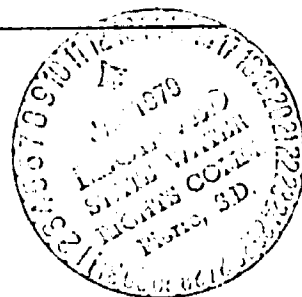
Others:

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 7.71 me/l
Total anions 6.48 me/l



By: Shirley Litten

Service Performed	Amount Due
Irrigation analysis	\$15.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 73-1115

Amount Enclosed \$

Signed

APPROVED

NAME OF APPLICANT Harper J. Thompson, Anchorage, AK

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

Vr - Volga SiCl. (few acres in major drainageway)



1. Water should not be applied more than NA times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least NA inches of water.
3. (x) Yes () No Surface drainage suggested on areas receiving water.
4. () Yes () No Subsurface drainage suggested on _____.
5. (x) Deep tillage (for the purpose of aiding movement of water through dense subsoils.

COMMENTS: Vienna soils in W-Section 20.

6. () Heavy fall application of irrigation water.
7. Type of irrigation system recommended for use on this application see below.

The Fortville soils in the W-25 will require a lesser application and with more frequency than your Vienna soils in W-26.

You will want a permanent pivot set on the 104-75 while a moveable pivot would work on the 104 of 35.

Would recommend you keep the drainmaster say (354-35) in press if you intend to cross it with your system.

Copy to applicant
Copy to Water Rights
Copy on file

No. 4364-3

Publish first publication, on or before January 18, 1979

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 12, 1979

Notice is hereby given that Warren D. Thompson whose post office address is Aurora, South Dakota, has made an application 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, 46-6-3.1, 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 5.6 cubic feet of water per second of time from groundwater ^S (5 wells) through the Thompson Irrigation Project #1, the point (X) of diversion of which XX(are) to be located in the center of the NW $\frac{1}{4}$, center of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, center of the SW $\frac{1}{4}$, Section 26, center of the NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Twp. 111N, Range 49W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

W $\frac{1}{2}$, Section 26 and NW $\frac{1}{4}$, Section 35, T111N, R49W.

This Application No. 4364-3 will be considered by the Water Rights Commission at SD the SDEA Auditorium, 411 E. Capitol, Pierre, upon the 31st day of January, 1979

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

Burton F. Jones
Water Rights Specialist

DFJ:plh

cc: Warren D. Thompson, RR 1, Aurora, SD 57002

Affidavit of Publication

State of South Dakota

County of Brookings

ss

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

Legal No. 22

51 lines x .367

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

of this affidavit, was published in said newspaper for two

successive week...., to-wit:

January 15....., 1979....., 19.....
January 25....., 1979....., 19.....
....., 19....., 19.....
....., 19....., 19.....

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

Eighteen dollars and seventy-two cents Dollars

Subscribed and sworn to before me this 25th day of

January....., 1979

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

My Commission expires

September 6....., 1985

Exhibit "A"

Legal No. 22, Jan. 18 and 25

No. 4384-3

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501
January 12, 1979

Notice is hereby given that Warren D. Thompson, whose post office address is Aurora, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-14; 46-2-6 thru 46-2-11, 46-2-13; 46-3-1 thru 46-3-8; 46-3-10 thru 46-3-22, 46-3-41; 46-6-3, 46-6-3.1, 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 5.6 cubic feet of water per second of time from groundwater (5 wells) through the Thompson Irrigation Project No. 1, the points of diversion of which are to be located in the center of the NW¼, center of the S¼ NW¼, center of the SW¼, Section 28, center of the NW¼ and NW¼ NW¼ of section 35, Twp. 111N, Range 48W. Said water to be used for the purpose of providing irrigation on portions of the following described land: W¼, Section 28 and NW¼, Section 35, T111N, R48W.

This Application No. 4384-3 will be considered by the Water Rights Commission at the SDEA Auditorium, 411 E. Capitol, Pierre, South Dakota, upon the 31st day of January, 1979, 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 1-94 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

Burton F. Jones
Water Rights Specialist

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6683

PIERRE, January 8, 1979

RECEIVED OF Warren Thompson, RR 1, Aurora SD 57002
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. 4364-3 (examination, processing, recording and filing) -----	150	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	350	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH kjw



4364-3

Department of Natural Resource Development

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

March 14, 1979

TO: Holders of Deferred Applications in Brookings, Hamlin and Deuel Counties
FROM: John Hatch, Chief Engineer, Water Rights Commission
SUBJECT: Reconsideration of Deferred Applications

The Water Rights Commission will reconsider deferred water right applications in Brookings, Hamlin and Deuel Counties at 1:45 p.m. on March 28, 1979, at the Community Room of the Pierre City Hall, 222 East Dakota Ave, 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.

These applications were deferred by the Water Rights Commission in 1977 and 1978, pending Staff investigation. Data from the computer model are not complete at this time, the Commission Staff may recommend deferral on some of the applications until this data is obtained.

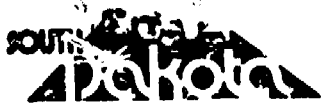
After reconsideration of the deferred applications the Commission can approve, conditionally approve, defer, or deny all or part of the Application.

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,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Commission

JH:kjw



Department of Water & Natural Resources

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

April 15, 1985

Warren D Thompson
Aurora SD 57002

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s) 4364-3. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

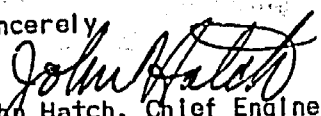
The hearings will be held at 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

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

1. Amend Permit No(s). 4364-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

Sincerely,


John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

NOTE: If the questionnaire(s) is received in this office before the May 15th hearing date, your name will be deleted from the agenda for the hearings.

**South Dakota Department of
Water & Natural Resources**

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

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Warren D. Thompson
Aurora, SD 57002

FROM: John Hatch, Chief Engineer
Water Rights Division / 773-3352 *John Hatch*

SUBJECT: Amendment to Water Permit No(s). 4364-3.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 4364-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required Irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.



Department of Water & Natural Resources

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

Attachment to Water Permit No(s). 4364-3

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 4364-3 to add the following qualification:

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

 **Department of
Water & Natural Resources**

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

March 26, 1986

NOTICE

Warren D. Thompson
Aurora, SD 57002

Re: Violation of Water Permit No(s). 4364-3

Our records indicate that the 1985 Irrigation Questionnaire has not been received for Water Permit No(s). 4364-3. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4364-3 qualification:

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

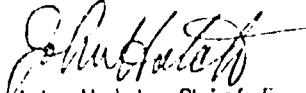
The hearing(s) will be at 2:00 p.m., May 14, 1986, Joe Foss Building, Room 216, Pierre, South Dakota. The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

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

1. Suspend Permit No(s). 4364-3 until either the 1985 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

Sincerely,



John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Note: If the questionnaire(s) is received in this office before the May 14 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

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

May 16, 1986

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: Warren E Thompson
Aurora,
South Dakota 57002

FROM: John Hatch, Chief Engineer *John Hatch*
Water Rights Division *by Del Brong*
605 773-3352

SUBJECT: One Year Suspension of Water Permit No(s). 4364-3
If the 1985 Irrigation Questionnaire Is Not Received By
June 1, 1986

Pursuant to the provisions of the notice dated March 26, 1986 and following the Hearing May 14, 1986, the Water Management Board ordered:

That Water Permit No(s). 4364-3 be suspended until December 31, 1986, unless the required 1985 Irrigation Water Use Questionnaire is received by June 1, 1986.

Suspension of a permit means water may not be pumped during the 1986 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

Equal Opportunity Employer

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-2181
May 26, 1986

Permit No. 4364-3

Warren Thompson
RR 1, Box 108
Aurora SD 57002

Dear Mr. Thompson:

I am writing to acknowledge receipt of your 1985 Irrigation Questionnaire. A notice was sent to you May 16, 1986 regarding the Board action taken May 14, 1986 to suspend your permit(s) if the 1985 irrigation questionnaire was not received before June 1, 1986.

You may disregard the May 16 notice. With receipt of your 1985 questionnaire(s), your permit(s) will not be suspended.

If you have any questions, please contact us.

Very truly yours,


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

Equal Opportunity Employer

**South Dakota Department of
Water & Natural Resources**

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

January 29, 1988

WARREN D THOMPSON
RR 1 BOX 108
AURORA, SD 57002

NOTICE

Re: Violation of Water Permit No(s). 4364-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 4364-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4364-3 qualification:

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

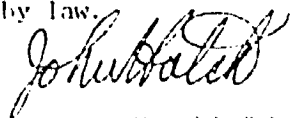
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

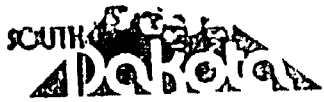
Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 4364-3 until either the 1987 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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


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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

February 18, 1988

4364-3

Warren D Thompson
RR 1, Box 108
Aurora SD 57002

Dear Mr. Thompson:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 4364-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773 3352

SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 8, 1989

WARREN D THOMPSON
RR 1 BOX 108
AURORA, SD 57002

NOTICE

RE: Violation of Water Permit No(s). 4364-3

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 4364-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4364-3 qualification:

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

The hearing will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

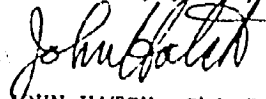
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 4364-3 until the 1988 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
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 is received in this office before the March 1st hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,



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



**South Dakota Department of
Water & Natural Resources**

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

February 24, 1989

4364-3

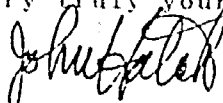
Warren D Thompson
RR #1 Box 108
Aurora, SD 57002

Dear Mr. Thompson:

I am writing to acknowledge receipt of your 1988 irrigation questionnaire for Water Permit No. 4364-3. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaire your name has been deleted from the March Water Management Board meeting agenda.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

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

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

August 29, 1989

4364-3

Warren D Thompson
RR #1 Box 108
Aurora, SD 57002

Dear Mr. Thompson:

The inspection of your water use system and the inspection of the extent of the application of water to beneficial use, as developed under your Water Permit No. 4364-3 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 issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



Permit From 2 quarters + 2 separate pivots

LICENSE FOR PERMIT NUMBER 4364-3 (NW 1/4)

1. Legal location of wells: SW 1/4 NW 1/4, Sec. 26, T111N, R49W

dams & structures: Center Pivot in center of NW 1/4, Sec. 26, T111N, R49W

2. Well Information: Well Drilling Firm _____

Completion Report Yes ☒ No _____ No. of Wells 1 Depth 130'

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level 38'

Pump a) make _____ Motor a) make _____

b) model _____ b) model No. _____

c) size _____ c) horsepower rating _____

d) capacity _____ gpm

e) turbine pump - no. of stages _____

f) operating PSI _____

3. Distribution lines or canals

a) size 10"

b) type PVC

c) length See Map

(Other information on
"Examination of works"
report)

4. Dam Information:

a) height to crest _____ m) Outlet tubes:

b) height to primary spillway _____ 1) diameter _____

c) height to secondary spillway _____ 2) type _____

d) crest width _____ 3) valved (Y/N) _____

e) crest length _____ 4) valve type _____

f) spillway length _____ 5) location on structure _____

g) spillway width _____

h) approx. storage _____ n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

NOTE:

For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

See second sheet

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
☒	☐	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
☒	☐	2. Special qualifications to permit being abided by?
☒	☐	3. All structures, wells and lands on map?
☒	☐	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
☒	☐	5. Is chemigation used?
☐	☒	6. If yes, does equipment comply with chemigation rules?

REMARKS:

Inspected prior to chemigation rules.

Permit covers 2 quarters & 2 separate pivots

LICENSE FOR PERMIT NUMBER 4364-3 (SW $\frac{1}{4}$)

1. Legal location of wells: NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, T111N, R49W.

dams & structures: Center Pivot near center of SW $\frac{1}{4}$, Sec. 26, T111N, R49W.

2. Well Information: Well Drilling Firm Kaiser

Completion Report Yes ☒ No ☐ No. of Wells 1 Depth 140'

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level 41'

Pump a) make _____ Motor a) make _____

b) model _____ b) model No. _____

c) size _____ c) horsepower rating _____

d) capacity _____ gpm

e) turbine pump - no. of stages _____

f) operating PSI _____

3. Distribution lines or canals

a) size 6"

b) type Aluminum, Above ground

c) length See Map

(Other information on
"Examination of Works"
report.)

4. Dam Information:

a) height to crest _____ m) Outlet tubes:

b) height to primary spillway _____ 1) diameter _____

c) height to secondary spillway _____ 2) type _____

d) crest width _____ 3) valved (Y/N) _____

e) crest length _____ 4) valve type _____

f) spillway length _____ 5) location on structure _____

g) spillway width _____

h) approx. storage _____ n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles

- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

NOTE:

For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
☒	☐	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
☒	☐	2. Special qualifications to permit being abided by?
☒	☐	3. All structures, wells and lands on map?
☒	☐	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
☐	☒	5. Is chemigation used?
☐	☒	6. If yes, does equipment comply with chemigation rules?

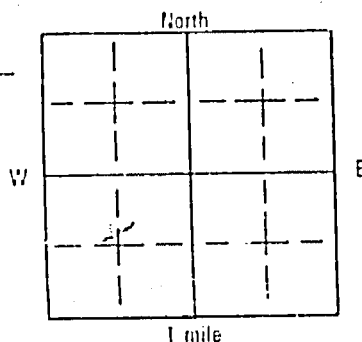
REMARKS:

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location S 40 Sec 26 Twp 111 N Rg 47 WCounty Brookings

Please mark well location with an "X"

Well Completion Date 4/21/21

PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Direct Rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>21.57</u> LB/FT	<u>14</u> IN	<u>53</u> FT	<u>61</u> FT	<u>18</u> IN
<u>24.57</u> LB/FT	<u>14</u> IN	<u>61</u> FT	<u>72</u> FT	<u>18</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☐ YES ☒ NO

To what depth? _____ FEET

What is grouting material? Drill cuttings

If cement, number of sacks? _____

Describe grouting procedure _____

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 14 IN Length 1-8'-1-6' FEETMaterial Johnson S.S. H-1-QSlot Size 150 Set From 53 Feet To 61 FeetSlot Size 150 Set From 78 Feet To 84 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information Both Formations Run together 1400' to 1450' WESTWas a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☐ YES ☒ NOExplain 11/11/21Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name Arviden Thomas M.Address White, S.D.

Well Log:

Depth

Formation	From	To
Topsoil	0	1'
yellow clay	1'	12'
gravel (dirt)	12	18'
yellow clay	18'	38'
gravel yellow coarse	38'	61'
Blue clay	61'	78'
gravel very coarse	78	84
Blue clay	84	126'
yellow clay	126'	140'

STATIC WATER LEVEL 41 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedTurbine☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

52 ft. After 24 Hrs. pumped 700 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

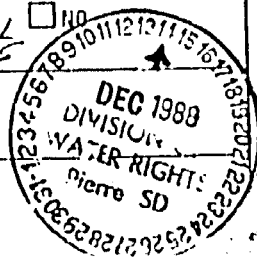
REMARKS: WORKED ON WELL FOR 1 WEEK
in order to get production up. closed
sodium tripolyphosphate, with surge
Block, then jetted with high
pressure 3 TIMES.

This well was drilled under license # 337

And this report is true and accurate.

Drilling firm Harold's WellsSignature of License Representative: Harold's Wells

Signature of Well Owner: _____

Date 12/12/28

Permit No. 4364-3BIG SLOW RIVER Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by WARREN D. THOMPSON of AURORA, SOUTH DAKOTA holder of Permit No. 4364-3, bearing the priority of DECEMBER 26, 1978 authorizing the diversion of 5.60 cu. ft. per second of the waters of GROUNDWATER (5 WELLS) for IRRIGATION purposes, in BROOKINGS County.

I have to report on the conditions of the same as follows: 2 WELLS, 2 QUARTERS + 2 PIVOTS

A. Works used to divert the water: (NW¹/₄)

SEE SHEET FOR SW¹/₄ PIVOT + WELL

A 130' DEEP WELL WITH 98' OF 14" STEEL CASING + 20' OF 14" JOHNSON SS SCREEN VALLEY PUMP; HEAD-170, CODE 3-80; 1765 RPM; 850 GPM CAPACITY SET AT 750 GPM;
A 50 HP 6-E. INDUCTION MOTOR; MODEL-5K6252XMS024; FL RM-1765; TYPE-K. SERIAL# 12446 2418
B. Works used to transport water to place of use: (NW¹/₄)
560' OF 10" UNDERGROUND PVC
SERIAL# EPT510317 14-2157

C. Works used to apply water to beneficial use: (NW¹/₄)

A 7 TOWER VALLEY CENTER PIVOT WITH NELSON 100 END GUN LOW PRESSURE (40 PSI); 750 GPM CAPACITY; 1284' LONG
MODEL-4271, SERIAL# 33426

The system is in the following condition GOOD

The point of diversion is located (NW¹/₄) 1620' S AND 870' E OF THE NORTHWEST CORNER OF SECTION 26; (SW¹/₄) 1420' N AND 1300' E OF THE SOUTHWEST CORNER OF SECTION 26; ALL IN T11N, R49W.

The works are capable of diverting and conveying to the place of use 3.00 (1350 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 26, T11N, R49W

<u>NW¹/₄ NW¹/₄ - 31 ACRES</u>	<u>NW¹/₄ SW¹/₄ - 34 ACRES</u>
<u>NE¹/₄ NW¹/₄ - 31 ACRES</u>	<u>NE¹/₄ SW¹/₄ - 34 ACRES</u>
<u>SE¹/₄ NW¹/₄ - 34 ACRES</u>	<u>SE¹/₄ SW¹/₄ - 34 ACRES</u>
<u>SW¹/₄ NW¹/₄ - 34 ACRES</u>	<u>SW¹/₄ SW¹/₄ - 23 ACRES</u>

comprising a total of 255 acres of land and the license should be issued for 3.00 cfs

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: _____ Date 8-17-88

James M. Bunch
(Signature)

(WELL + PIVOT ON SW $\frac{1}{4}$)

A. WORKS USED TO DIVERT THE WATER: (SW $\frac{1}{4}$)

A 140' DEEP WELL WITH 14" DIAMETER STEEL CASING + 14" DIAMETER
(14")
JOHNSON SS SCREEN IN ~ 53-61 FOOT DEPTH + 78-84 FOOT DEPTH

A SUBMERSIBLE PUMP; 3400 RPM; 600 GPM CAPACITY

A 40 HP MITSUBISHI 3 PHASE INDUCTION MOTOR; TYPE-WSB-C;
SERIAL # Z01672086

B. WORKS USED TO TRANSPORT WATER TO PLACE OF USE (SW $\frac{1}{4}$)

80' OF 6" ABOVE GROUND ALUMINUM PIPE TO PIVOT

C. WORKS USED TO APPLY WATER TO BENEFICIAL USE (SW $\frac{1}{4}$)

A 7 TOWER VALLEY CENTER PIVOT WITH NELSON 100 END GUN
1284' LONG; LOW PRESSURE (25 PSI); 600 GPM CAPACITY

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4364-3

(1) Warren D. Thompson of RR 1, Box 108, Aurora SD 57002 made Application No. 4364-3, December 26, 1978 for a water permit to appropriate 5.6 cubic feet of water per second from groundwater (5 wells), Brookings County, South Dakota for irrigation purposes. Permit No. 4364-3 with a priority date of December 26, 1978 was approved March 28, 1979 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before March 28, 1984 and for the application to beneficial use of said water on or before March 28, 1987.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 3.00 cubic feet of water per second for beneficial use. The location of the diversion points are: 1620'S and 870'E of the NW corner of Section 26 (SW 1/4 NW 1/4) and 1420'N and 1300'E of the SW corner of Section 26 (NW 1/4 SW 1/4) T111N, R49W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T111N, R49W Section 26	NW 1/4 NW 1/4	31	acres
	NE 1/4 NW 1/4	31	"
	SE 1/4 NW 1/4	34	"
	SW 1/4 NW 1/4	34	"
	NW 1/4 SW 1/4	34	acres
	NE 1/4 SW 1/4	34	"
	SE 1/4 SW 1/4	34	"
	SW 1/4 SW 1/4	23	"

TOTAL 255 ACRES

(4) Pursuant to Section 46-5-30.1 Warren D. Thompson of RR 1, Box 108, Aurora SD 57002 the holder(s) and/or owner(s) of Water Permit No. 4364-3 is issued a license to appropriate water, the right to use 3.00 cubic feet of water per second from groundwater (two wells) with a priority date of December 26, 1978 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 4364-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources

MAR 21 1990

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412070

Pierre, February 1, 19 20

RECEIVED OF Warren Thompson RR #1 Box 108 Aurora, SD 57002

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____ Water Permit No. 4064-5	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By

Chief Engineer

**South Dakota Department of
Water & Natural Resources**

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

MAR 21 1990

4364-3

Warren D. Thompson
RR 1, Box 108
Aurora SD 57002

Dear Mr. Thompson:

Enclosed is Water License No. 4364-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412070 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4364-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,



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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

WARREN D THOMPSON
RR 1 BOX 108
AURORA SD 57002

NOTICE

RE: Violation of Water Permit No(s) 4364-3

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 4364-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 4364-3 qualification:

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

The hearing will be held at 9:15 am, March 4, 1992, 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 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 of a permit qualification or up to three years for a 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) 4364-3 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 questionnaire(s) is(are) received in this office before the March 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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



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

February 5, 1992

4364-3

Warren D Thompson
RR #1 Box 108
Aurora, SD 57002

Dear Mr. Thompson:

I am writing to acknowledge receipt of your 1991 irrigation questionnaire for Water Right No. 4364-3. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaire was received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

Genny McMath
Natural Resources Analyst
Water Rights Division

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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 Fee will provide you the signature of the person delivered to and the date of delivery.

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:

WARREN D THOMPSON
RR 1 BOX 108
AURORA, SD 57002

4a. Article Number

P 906-557-836

4b. Service Type

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

7. Date of Delivery

1-29-92 84

5. Signature (Addressee)

Warren D Thompson

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

6. Signature (Agent)



4364-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: WARREN D THOMPSON
RR 1 BOX 108
AURORA SD 57002

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

RE: Violation of Water Permit No(s) 4364-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 4364-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 4364-3 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, 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 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 of a permit qualification or up to three years for a 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) 4364-3 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 February 22, 1993, 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 questionnaire(s) is(are) received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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:

4364-3

WARREN D THOMPSON
RR 1 BOX 108
AURORA SD 57002

4a. Article Number

P906 560 108

4b. Service type

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

7. Date of Delivery

2-6-93

5. Signature (Addressee)

Warren Thompson

6. Signature (Agent)

H. Jensen

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

PS Form 3811, December 1991 • U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



4364-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 8, 1993

4364-3

Warren Thompson
RR #1 Box 108
Aurora, SD 57002

Dear Mr. Thompson:

I am writing to acknowledge receipt your 1992 irrigation questionnaire for Water Right 4364-3. You may disregard the January 29, 1993, Notice of Violation of Water Permit.

The questionnaire was received prior to the Water Management Board meeting, and your name was deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352



4364-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

WARREN D THOMPSON
RR 1 BOX 108
AURORA SD 57002

NOTICE

RE: Violation of Water Permit No 4364-3.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 4364-3. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No 4364-3 qualification:

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

The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S 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 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 of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No 4364-3 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 questionnaire is received in this office on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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: 4364-3

WARREN D THOMPSON
RR 1 BOX 108
AURORA, SD 57002

4a. Article Number

P757576422

4b. Service Type

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

7. Date of Delivery

29-95

5. Signature (Addressee)

[Signature]

6. Signature (Agent)

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

PS Form 3811, December 1991 U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

4364-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 28, 1995

4364-3

Warren D Thompson
RR #1 Box 108
Aurora, SD 57002

Dear Mr. Thompson:

I am writing to acknowledge receipt of your 1994 irrigation questionnaire. You may disregard the February 7, 1995, **Notice of Violation of Water Permit No. 4364-3.**

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

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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



4364-3

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

January 9, 1998

NOTICE**TO:** WARREN D THOMPSON, 47600 207TH ST, AURORA, SD 57002**FROM:** Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program**SUBJECT:** Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4364-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4364-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a 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) 4364-3 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 questionnaire(s) is(are) received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in 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.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

4364-3

WARREN D THOMPSON
47600 207TH ST
AURORA SD 57002

4a. Article Number

119 141 508

4b. Service Type

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

7. Date of Delivery

1-13-98

5. Received By: (Print Name)

8. Addressee's Address (Only if requested)

6.

PS Form 3811, December 1994

102595-97-B-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.

4364-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1998

4364-3

Warren D Thompson
47600 267th St
Aurora, SD 57002

Dear Mr. Thompson:

I am writing to acknowledge receipt of your 1997 irrigation questionnaire. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit No. 4364-3.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2000

NOTICE

TO: WARREN D THOMPSON, 47600 207TH ST, AURORA, SD 57002

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4364-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4364-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a 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) 4364-3 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 questionnaire(s) is(are) received in this office on/or before February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in 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.

4364-3



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

RETURN SERVICE REQUESTED

CERTIFIED

MAIL

RECEIVED
FEB 24 1992
U.S. POSTAGE
2.98
SD

WARREN D THOMPSON
47600 107TH ST
AURORA SD



UNCLAIMED



4364-3

Seal this flap to keep contents secure. Fold in flap to seal.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

WARREN D THOMPSON
47600 207TH ST
AURORA SD 57002

COMPLETE THIS SECTION FOR DELIVERY

A. Received by (Please Print Clearly):

B. Date of Delivery

C. Signature

X

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

2227670 232

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 8, 2000

NOTICE

TO: Warren D Thompson, 47600 207th St, Aurora, SD 57002

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

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Right No. 4364-3

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed". The envelope indicated the post office notified you January 15th and January 20th, 2000 to pick up and sign for the certified mail.

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 6, 2000

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: Warren Thompson, 47600 207th St, Aurora, SD 57002

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: One Year Suspension of Water Right No. 4364-3

Pursuant to the provisions of the notice dated January 14, 2000, and following the hearing March 1, 2000, the Water Management Board has ordered:

That Water Right No. 4364-3 be suspended until December 31, 2000, for failure to submit the 1999 irrigation questionnaire.

Suspension of a water permit or right means water may not be pumped during the 2000 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 1999 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 3, 2000 in Pierre, SD. The letter should include your reasons for not completing the 1999 irrigation questionnaire.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on March 6, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 6, 2000, regarding One Year Suspension of the following Water Rights/Permits, addressed as stated below:

W.R. #1770-2: Germain Leber, RR 1, Box 8AA, Colome, SD 57528-9701.

W.R. #1113-3: Duane Mercer, Mercer Brothers, 31309 199th St., Blunt, SD 57522.

W.R. #1693A-3: Calvin Frank Andersen, 25518 411th Ave., Mitchell, SD 57301.

W.R. #2411-3: Dave Tuttle, 41804 Tuttle Rd., Alexandria, SD 57311.

W.R. #4364-3: Warren Thompson, 47600 207th St., Aurora, SD 57002.

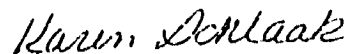
W.P. #4503-3: Kathleen Chicoine, 32873 479th Ave., Elk Point, SD 57025.

W.P. #4585-3: John F. Roost, 1 Edgewater Ln., Dakota Dunes, SD 57049-5016.

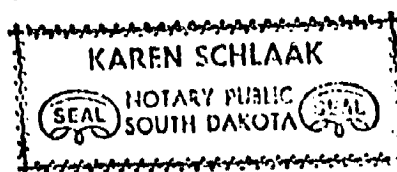

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of March, 2000


Notary Public

KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001



March 22, 2000

Water Management Board
Department of Environment
And Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181



RE: Petition to Rescind Suspension

Dear. Mr. Erbele:

I wish to petition the Water Management board to rescind the suspension on Water Right No. 4364-3 and I request time on the agenda for same for the May 3, 2000 board meeting. The 1999 irrigation questionnaire was not completed because it had been misplaced on my desk.

Sincerely,

A handwritten signature in cursive script, appearing to read "Warren D. Thompson".

Warren D. Thompson



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 27, 2000

NOTICE

TO: Warren D Thompson, 47600 207th St, Aurora, SD 57002

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

SUBJECT: Notice of Hearing to Consider Request to Rescind Suspension of Water Right No. 4364-3

On March 24, 2000, a letter was received from you explaining the reason your 1999 irrigation questionnaire was not returned in a timely manner. The questionnaire was received with your letter and is now on file in our office.

Your request to have the suspension of Water Right No. 4364-3 reconsidered by the Water Management Board has been scheduled for 10:00 am, May 3, 2000, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

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

After all evidence is taken at the hearing, the Board may issue a decision to rescind either the suspension of the water right, defer action or take no action. The hearing is an adversary proceeding and any party 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. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

If you have any questions concerning this notice or the hearing process, please contact Genny McMath at (605) 773-3352.

c: Diane Best, Assistant Attorney General

Note: Prior to April 28, 2000, please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 25, 2000

Warren D Thompson
47600 207th St
Aurora, SD 57002

Dear Mr. Thompson:

I am writing as a reminder to you that the Water Management Board meets next week to consider your request to have the suspension of your water right reviewed. The meeting is scheduled for 10:00 am, May 3, 2000 (Wednesday), in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

Your letter requesting time on the agenda and explaining the reason your 1999 irrigation questionnaire was not submitted in a timely manner is on file and will be presented to the Board. I strongly encourage you to attend the hearing. The Board often has more questions for the permit holder and generally likes to hear from the permit holder in person as to why the questionnaire was not returned on time.

Please get in touch with me prior to the hearing date to let me know whether you will be able to attend the hearing.

Sincerely,

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

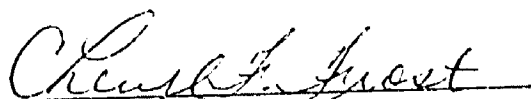
CERTIFICATION

I hereby certify that on March 27, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 27, 2000, regarding Notice of Hearing to Consider Request to Rescind Suspension of Water Right No. 4364-3, addressed as stated below:

Warren D. Thompson, 47600 207th St., Aurora, SD 57002.

A copy of the above described Notice and a copy of the letter from Warren D. Thompson dated March 22, 2000, requesting that Water Right No. 4364-3 be rescinded, was sent Inter-office to:

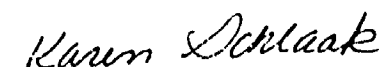
Diane Best, Assistant Attorney General, Capitol Building.

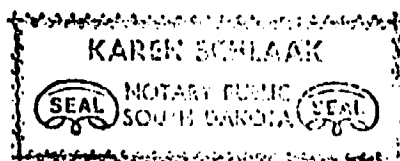


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 28th day of March, 2000


Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001

IRRIGATION QUESTIONNAIRE VIOLATION WATER RIGHT NO. 4364-3, WARREN THOMPSON

BRIEF DESCRIPTION

Water Right No. 4364-3, Warren Thompson, Aurora, SD authorizes diversion of 3.00 cubic feet of water per second from ground water (two wells) to irrigate 255 acres in the W ½ Section 26, T111N, R49W, Brookings County.

The water right was amended in 1985 to include the irrigation questionnaire qualification.

SUBMISSION OF PAST IRRIGATION QUESTIONNAIRES:

DATE MAILED	DATE DUE IN OFFICE	DATE RECEIVED	BOARD ACTION
October, 1993	December 17, 1993	October 25, 1993	none
November, 1994	December 16, 1994	February 27, 1994	none
October 1995	December 15, 1995	October 27, 1995	none
October 1996	December 20, 1996	January 8, 1997	none
October 1997	December 1, 1997	February 4, 1998	none
October 1998	December 1, 1998	January 21, 1999	none
October 1999	December 1, 1999	March 24, 2000	March 1, 2000

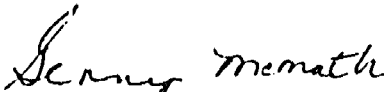
January 14, 2000: A certified letter was sent to Mr. Thompson requesting the 1999 irrigation questionnaire be returned prior to the March 1, 2000 hearing date. The notice outlined what action the Board could take concerning the past due questionnaire.

February 8, 2000: The January 14th certified letter was returned by the post office marked "unclaimed". The notice was re-mailed to Warren Thompson via first class mail.

March 1, 2000: The Board suspended Water Right No. 4364-3 for one year for failure to submit the 1999 irrigation questionnaire.

March 6, 2000: A notice was sent by first class mail to Mr. Thompson informing him of the Board's action to suspend the water right for one year.

March 24, 2000: A letter was received from Mr. Thompson requesting the Board reconsider their action to suspend his water right (copy attached). The 1999 irrigation questionnaire was received with the letter.


Genny McMath
Water Rights Program
April 26, 2000



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 4, 2000

NOTICE

TO: Warren D Thompson, 47600 207th St, Aurora, SD 57002

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Reinstatement of Water Right No. 4364-3

On May 3, 2000, the Water Management Board passed a motion to reinstate Water Right No. 4364-3, effective immediately. The Board's motion included the following statement:

- Failure to submit future required irrigation questionnaires will result in a one year suspension without reinstatement, or the possibility of cancellation.

The Board took into consideration that the irrigation questionnaire was now on file with the Water Rights Program and that this was your first violation. Violations of any qualifications on irrigation rights and the subsequent Board action become part of the permanent record. Failure to submit future irrigation questionnaires will result in past violations being reviewed by the Water Management Board.

If you have any questions concerning your water right or the Board's action, please contact Genny McMath at (605) 773-3352.

c: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on May 4, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 4, 2000, regarding Reinstatement of the following Water Rights/Permits, addressed as stated below:

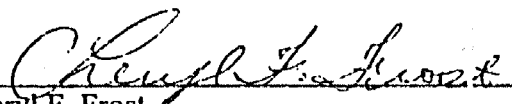
W.P. #1693A-3: Brett & Calvin Andersen, Dakota Acres, 25518 411th Ave., Mitchell, SD 57301.

W.R. #4364-3: Warren D. Thompson, 47600 207th St., Aurora, SD 57002.

W.R. #4585-3: John Roost, JFV-INV-LTD, 1 Edgewater Ln., Dakota Dunes, SD 57009-5016

A copy of all of the above described Notices was sent Inter-office to:

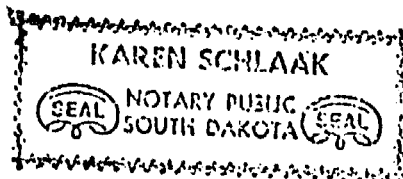
Diane Best, Assistant Attorney General, Capitol Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of May, 2000


Notary Public



KAREN SCHLAAK, Notary Public
My Commission Expires
April 1, 2003



4364-3

**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 14, 2004

NOTICE

TO: WARREN D THOMPSON, 47625 206TH ST, WHITE, SD 57276

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4364-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4364-3 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a 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) 4364-3 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 questionnaire(s) is(are) received in this office on/or before **February 27, 2004**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in 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.



4364-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 9746

Your item was delivered at 1:37 pm on January 15, 2004 in WHITE, SD 57276. The item was signed for by W THOMPSON.

[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](#)

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 9746

WARREN D THOMPSON
47625 206TH ST
WHITE SD 57276

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

☐ Priority Mail®
☐ Package Services



January 27, 2004

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-1182
www.state.sd.us/denr

4364-3

Tammy Krein
PO Box 176
Estelline SD 57234

Dear Ms. Krein:

Thank you for contacting us about the ownership change for Water Right No. 4364-3. Enclosed is a copy of the water right. You may keep this for your records.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

I have also included the 2003 irrigation questionnaire for No. 4364-3. Mr. Thompson did not return the form for last year and it's currently scheduled for hearing before the Water Management Board. If you owned the land during the irrigation season, please complete the form and return it along with the transfer of ownership. If you did not own the land during the season, give me a call or write as soon as possible. The matter is scheduled for on March 3rd.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4364-3

Date: 2/3/04

I/We request that Water Right No. 4364-3

formerly owned by: Warren D Thompson

be transferred to: (name & address) Kenneth & Tamara Krein

PO Box 176

Estelline, SD 57234 Telephone No. 605 873-2980 (H)
605 873-2199 (W)

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

255 acres in the W 1/2 Section 26, T111N, R49W

I/We understand that the validity of Water Right No. 4364-3 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.

I/We Tamara Krein, the new owner, certify that the above information is true and correct.

Tamara Krein
(Signed by new owner)

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

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

RECEIVED

FEB 10 2004

WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 10, 20 04

RECEIVED OF Kenneth & Tamara Krein, PO Box 176, Estelline SD 57234

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>4364-3</u>		2 50
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	2.50

No.

001151

By

Darla L. Erbe
Chief Engineer *gm*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 2004

4364-3

Kenneth & Tamara Krein
PO Box 176
Estelline SD 57234-0176

Dear Mr. & Mrs. Krein:

I am writing to acknowledge receipt of the 2003 irrigation questionnaire and the transfer of ownership form and filing fee for Water Right No. 4364-3. The transfer has been completed. The water right formerly listed in the name of Warren D Thompson is now listed in your names.

Enclosed is your Receipt No. 001181 in the amount of \$2.50. You may keep this for your records.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure

FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>4364-3</u> (office use only)
	Hydrologic Unit _____
	Basin _____
	Newspaper _____

RECEIVED
APR 26 2004
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. Name of Applicant Kenneth + Tamara Krein Phone 605 873-2980
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address PO Box 176 Estelline State SD 57234
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed _____ *CFS or 800 **GPM _____ ***AF Total Acreage _____
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Brookings
1 well SE corner of the NE 1/4 Sec 27 11N 49W
5. County or counties where water will be used Brookings
6. Annual period during which water is to be used May - Oct
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>NW 1/4 SW 1/4 Sec 26 11N 49W</u>	<u>32</u>		
<u>NE 1/4 SW 1/4 Sec 26 11N 49W</u>	<u>33</u>		
<u>SE 1/4 SW 1/4 Sec 26 11N 49W</u>	<u>34</u>		
<u>SW 1/4 SW 1/4 Sec 26 11N 49W</u>	<u>29</u>		

8. Give a description of the project. (Attach sheet if more space is needed)

To replace a dry well in sec 26 SW 1/4 with a well in sec 27 that is not in use

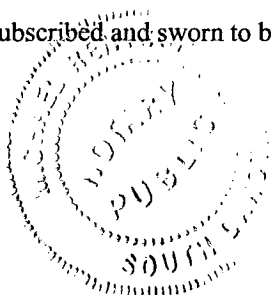
STATE OF SOUTH DAKOTA)
County of Brookings) SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Kenneth + Tamara Krein, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Kenneth + Tamara Krein

Subscribed and sworn to before me this 21st day of April 20 04



Michael R. Reth

Notary Public signature

Commission expires 6-28-2008

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 14" Depth 123'
- b) Casing Type steel Diameter 14" Thickness _____
- c) Screen Type Johnson SS Diameter 14" Thickness _____
- d) Gravel Pack Yes Length of Gravel Pack 93'-123'
- e) Depth to Top of Water Bearing Material 65'
- f) Depth to Water (ground surface to water level) 32'
- g) Distance to nearest existing domestic well:
- On applicants property 4000' On property owned by others 2700'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

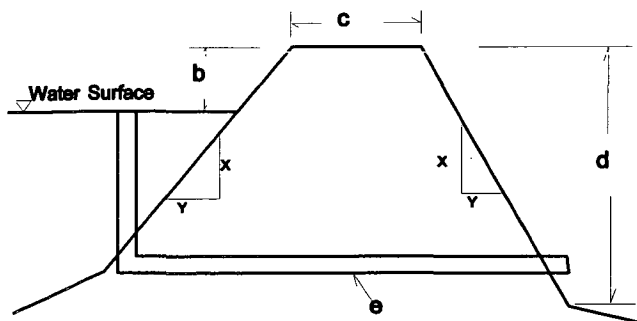
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

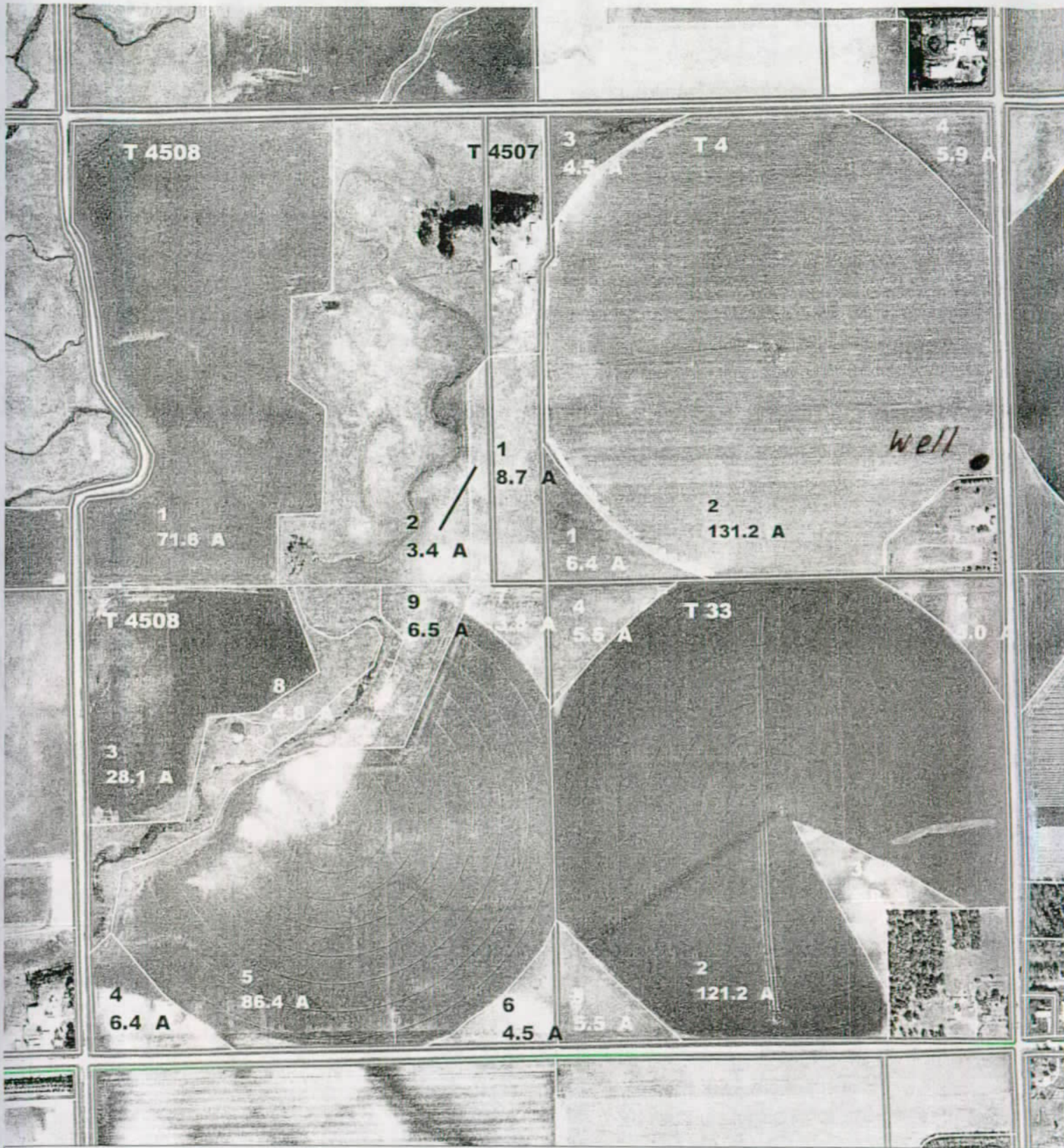
4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



Sharon Steffens, PT
Brookings Co. LSA 4-16-04

27-111-49

United States Department of Agriculture
 Farm Service Agency

Brookings County

January 15, 2004

1997 Digital Orthophotography - Not To Scale



4364-3



April 28, 2004

Kenneth & Tamara Krein
PO Box 176
Estelline SD 57234

Dear Mr. & Mrs. Krein:

Thank you for submitting the *Application for a Permit to Appropriate Water for Irrigation* for a replacement well. As I indicated in our phone conversation earlier this week, there is a question on the diversion rate for this replacement well.

Water Right No. 4364-3 authorizes 3.00 cubic feet of water per second (1350 gallons per minute) from two wells. Based on an 1988 water right inspection; the system located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26 (north pivot) had a capacity of 750 gpm and the system located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26 (south pivot) had a capacity of 600 gpm. It is my understanding the well in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26 (south pivot) is the well that is being replaced.

Your application requests 800 gpm from the replacement well which is 200 gpm more than you are authorized to use. The filing fee for an additional 200 gpm will be \$200. If you do not exceed the 600 gpm authorized, the Water Rights Program can review the proposed change of location and may be able to approve the change without going through the formal application process. We have receipted your check for \$300 and will refund accordingly after we know the amount of water you are requesting.

If you do not plan to use the old well, the old well is considered abandoned. All abandoned wells must be plugged by a licensed well driller.

During our phone conversation you stated that a pipeline will need to be run through the road from the well to the pivot. The water right does not grant an easement or authority to place this pipeline through the road. Permission will need to be obtained from the proper entity to place the pipeline through the road. Contact the county, township or state depending on who is responsible for the road to find out what type of permission is necessary.

Please let us know the amount of water you are requesting. If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Water Rights Program - File Documentation

NAME: Ken Krein

ADDRESS: Estelline

DATE: 5-5-04 **COUNTY:** Brookings **TELEPHONE:** 605 873-2199

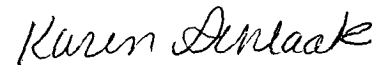
RE: Request for replacement well

COMMENTS:

Based on my letter dated 4-28-04, Mr. Krein called and stated they have decided not to increase the diversion rate from the new well to 800 gpm and will stay with the 600 gpm as authorized by Water Right No. 4364-3.

They are requesting a replacement well for the well located in the NW ¼ SW ¼ Section 26-T111N-R49W.

Mr. Krein stated he understood the old well needed to be plugged. This would be done when the driller pulled the pump from the old well.


Karen Schlaak
Environmental Scientist

Approval of Additional Diversion Point

NAME: Kenneth and Tamara Krein**ADDRESS:** PO Box 176, Estelline SD 57234**DATE:** June 2, 2004**COUNTY:** Brookings**TELEPHONE:** 605 873-2199 or 873-2980

Kenneth and Tamara Krein have made a request to allow changing the location of one of the two wells authorized by Water Right No. 4364-3. The well located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, T111N, R49W has failed. The Krein's request to change the location of this diversion point to an existing well located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, T111N, R49W.

Water Right No. 4364-3 appropriates 3.00 cfs from two wells (Big Sioux – Six Mile Creek Aquifer) located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26 to irrigate 255 acres in the NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 26; all in T111N, R49W.

The Krein's request states they want to replace the dry well in SW $\frac{1}{4}$ of Section 26 with a well in Section 27 that is not in use. In future discussion with the water right holder, Mr. Krein said there will be no increase in the authorized combined diversion rate from the two wells of 3.00 cfs (1,350 gpm). Also Mr. Krein indicated that the old (dry) well will be plugged.

The well completion report is on file for this replacement well located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27. The well was drilled in 1978 by Kaiser Well Works for Walter Olson. The well is constructed to a depth of 130 feet. The remarks section of completion report says:

“This well was never used. There was a dispute between the Farmers and Clark Irri. Over crossing there land or using the county ditches to irrigated Section 36 when Mr. Olson found out about the he tabled the project. This dispute was brought on by James Johnson employee of Clark Irrig, which tried to rail road it through.”

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The water source remains the Six Mile Creek Management Unit of the Big Sioux Aquifer.

- **If irrigation, no new land is irrigated**

No additional land is to be irrigated.

- **Review of Existing Diversions**

A review of existing water rights and domestic wells was conducted.

The review of Water Rights Program well log database found only one domestic well in the section surrounding and including Section 27. This is a 134 foot deep well drilled for Murry Lievan in the NW quarter of Section 27, T111N, R49W. This well was drilled in 1956 and its current status is unknown.

Based the limited information known, the Krein well will be slightly closer than the original well. The Water Rights Program's well log database only reflects those well completion reports that have been filed.

A review was also conducted on existing water rights in the neighboring sections.

Permit No.	Holder	Location of well	Div. rate	Approx. distance proposed Krein well to permitted well & distance new well is compared to old well
4518-3	Glenn Thompson	SW¼SE¼ Sec 23	2.79 cfs	2,500 ft (2,300 feet closer)
4468-3	Alvin Schmidt	NW¼NE¼ Sec 26	1.78 cfs	3,200 ft (150 feet farther away)
2665-3	Walter Olson	SW ¼ NE ¼ Sec 27	1.86 cfs	1,530 ft (2,200 feet closer)
4154-3	Gerald Foster	SW ¼ SE ¼ Sec 27	1.64 cfs	3,386 ft (407 feet farther)
4155-3	Rodney Foster	NW ¼ SW ¼ Sec 27	1.08 cfs	5,218 ft (1187 feet closer)

All in all, authorizing this change in diversion point of one of the well permitting by Water Right No. 4364-3 will allow the well in the SE ¼ NE ¼ Section 27 to be located closer other permitted wells.

The Water Rights Program monitors an observation well BG-80H completed into the Big Sioux : Six Mile Creek Aquifer located in the SW ¼ SW ¼ Section 27, T111N, R49W. Water levels in this observation well show a response to climatic conditions. Since 1980, the well a total of approximately 7.5 feet. It appears that climatic conditions control the aquifer's water level and that pumping has a minimal influence on the aquifer. A copy of the hydrograph for BG-80H is attached to this report.

OTHER DISCUSSION

The completion report on file for this well shows there was a dispute over the use of the well when it was originally constructed. If this change is authorized, it will need to be clear to Mr. Krein that this approval does not provide access to the well. If he does not have ownership of the well, the land where the well is located or the land where the pipeline will be placed, Mr. Krein will have to obtain necessary easements to allow him to use the well. Also the pipeline will be placed through a road. Mr. Krein will need to obtain permission from the proper local authority to construct works through the roadway.

Finally, the old well in the SW ¼ of Section 26, T111N, R49W shall be plugged in accordance with well construction standards.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the change in diversion point be authorized pursuant to SDCL 46-5-13.1 be licensed as developed.



Eric Gronlund, Natural Resources Engineer
Water Rights Program

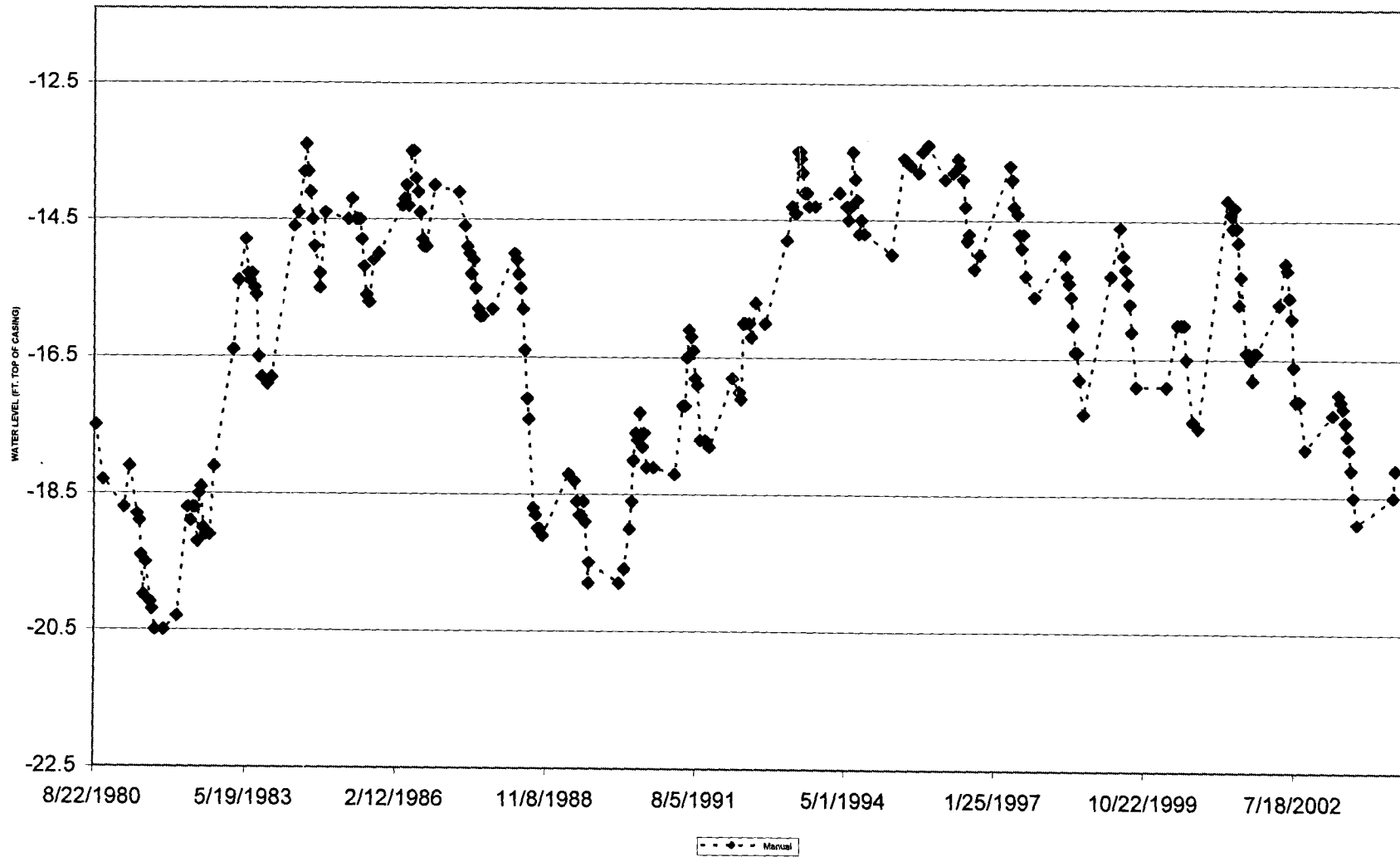
The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program

**WATER RIGHTS' OBSERVATION WELL
BG-80H**





4364-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 4, 2004

Kenneth and Tamara Krein
PO Box 176
Estelline SD 57234

Dear Mr. and Mrs. Krein:

I am writing in regard your request to change the location of one of the wells authorized by Water Right No. 4364-3.

Water Right No. 4364-3 appropriates 3.00 cfs from two wells (Big Sioux – Six Mile Creek Aquifer) located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26 to irrigate 255 acres in the NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 26; all in T111N, R49W. The request is to change the location of the well in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26 to the existing well located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, T111N, R49W.

Upon review of the request and pursuant to SDCL 46-5-13.1, the change in the well location is authorized without application or publication of a notice of hearing. No increase in the diversion rate or irrigated acreage is allowed.

A copy of the staff report is enclosed. This well was the subject of a dispute back when it was drilled in 1978. The approval of this request does not provide access to the well. If you do not own the well, land or property where pipeline will be constructed, you will have to obtain all necessary easements. Also, since the pipeline will be placed through a road, necessary permission must be secured from the proper local authority to construct works through the roadway.

The old well located in the SW $\frac{1}{4}$ of Section 26, T111N, R49W shall be plugged in accordance with well construction standards.

No application filing fee is required since this request was approved pursuant to SDCL 46-5-13.1. The \$300 application filing fee you submitted will be refunded to you. You can expect the check in the next few weeks.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

enclosure

RECEIPT

Fee refunded

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date APRIL 28, 20 04

RECEIVED OF Kenneth Krein, PO Box 176, Estelline SD 57234

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	250	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. _____	50	00
Fee for Filing Transfer Form _____		
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	300.00	

No. **001303**

By *Darland Erbe*
Chief Engineer *gm*

PAYMENT REQUEST FORM

PAYEE: Kenneth Krein
PO Box 176
Estelline SD 57234

FROM: Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund for application fee

AMOUNT: \$300.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

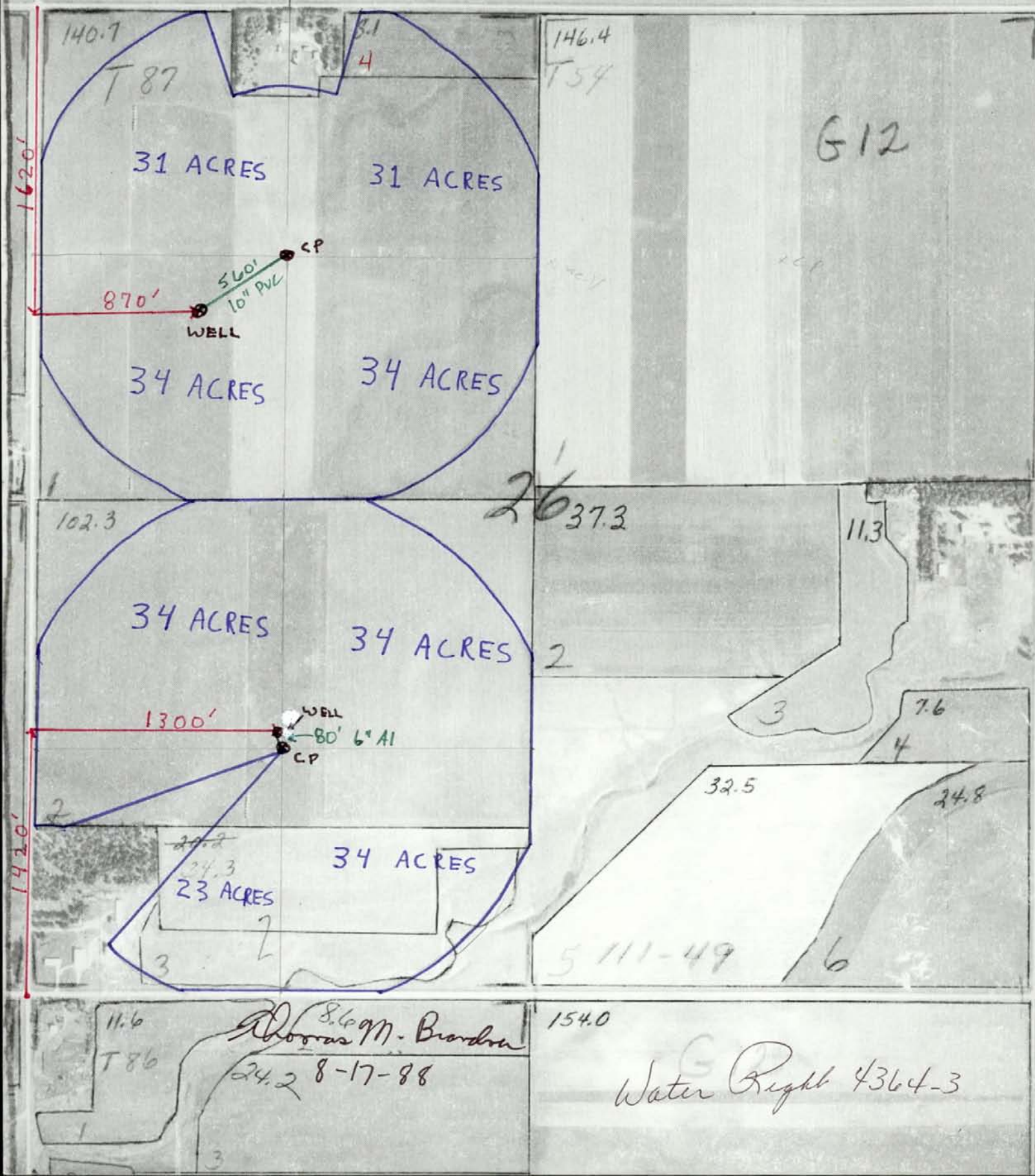
COMMENTS:

AUTHORIZATION:

Barbara E. White 6/4/04

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

NOT TO SCALE





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: KENNETH & TAMARA KREIN, PO BOX 176, ESTELLINE, SD 57234 0176

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(s) has not been submitted for Permit No(s) 4364-3. 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(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4364-3 qualification:

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

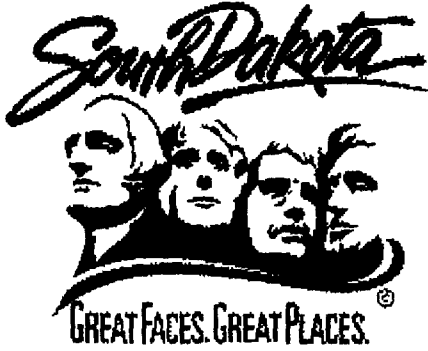
The hearing will be held at **10:00 am, March 7, 2012** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a 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) 4364-3 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 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2012

4364-3

Kenneth & Tamara Krein
PO Box 176
Estelline SD 57234 0176

Dear Mr. & Mrs. Krein:

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

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right No. 4364-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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