

Water Right Number 4438-3

1. Considered NOVEMBER 27 1979 % ED CARRY
ELK POINT,
87025
2. Name of Applicant KENNETH JOLIN
3. Post Office Address RR1 - Box 251 - ELK POINT, S.D
4. Amount of Water Claimed 1.71
5. Source of Water Supply EXISTING WELL 100' DEEP
6. Water to be used for IRRIGATION
7. Acres to be irrigated 120 (~~120~~) maximum
acre feet
8. Water to be diverted and used in UNION County
about 3/4 miles NORTH of ELK POINT
9. Proof of Publication Received ~~11-6-79~~
Not received
10. Application Approved 11-27-79
Subject to WT
Not approved
Action deferred

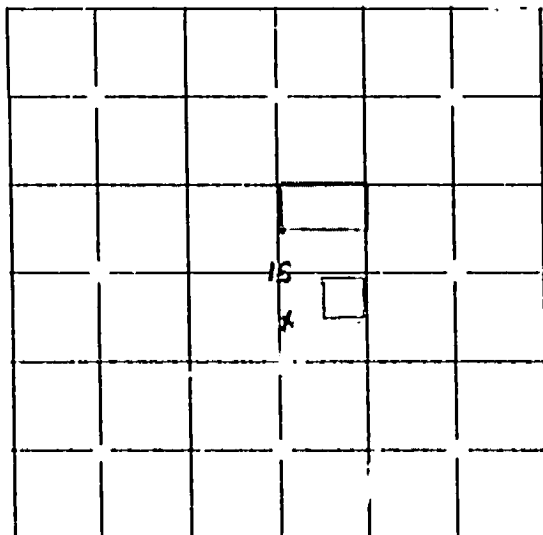
Priority 10-15-79 Date Received 3-8-77 Application Complete yes no X
Date Returned or additional information or fee requested NO never rec. notified
Remarks him June 23, 1978, said he would send in etc.

Date information and/or
fee or corrected Application received 10-15-79

FEE Amount \$ 00

Diversion Location

NW⁴ SE⁴, Section 18-91-49
(existing from # 1133-3)



Lands to be
irrigated N¹/₂ NE⁴ &
NE⁴ SE⁴ - 18-91N-49W

Period of annual use April thru October

MAP Type of Map Actual Prepared by Co Agent
Map No. 3667-3 Map located in W/R X Map file

WELL LOG Received yes _____ no ☒ Date of request _____

Remarks Log not required when received - log in 1133-3 (but not signed by Driller) Date _____
Returned _____

Driller _____ Licensed in SD yes _____ no _____

Depth and Formation 100' deep - existing

WATER
QUALITY

Date Received 10-15-79 Approved/Conditional (circle one)

Date Disapproved _____ Reason _____ Date Disapproved
Application returned _____

WI-1 Land Description - same as Application yes ☒ no _____ Remarks _____

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on Nov 27, 1979.

B. Woodard
(Signed)

This Application was unable to be completed - Reason _____

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

STAFF
RECOMMEN-
DATIONS

BOARD
ACTION

Date Approved _____ Qualifications _____

Deferred - Date _____ Reason _____

Denied - Date _____ Reason _____

REMARKS
F.F. & C.
OF LAW,
FINAL
DECISIONS,
ETC.

Date _____
Final Decision, including F.F. & C of Law was adopted _____
Date _____
Final Decision mailed to parties and/or parties notified that Final Decision
was adopted _____
Remarks _____

No. 4438-3Map No. 3667-3 Water Division No. 3 BIG SIOUX RIVER District
(Blanks to be Filled by the Engineer for the W. P. C.)

APPLICATION FOR PERMIT

To Appropriately Water within the State of South Dakota

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

1. Name of Applicant Kenneth Jolin
 Postoffice address R.R. 1 Box 251 Elk Point, State South Dakota 57025
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Jolin #1
4. Amount of water claimed (cubic feet per second) 1.71 c.f.s.
5. Source of water supply Well
6. Location of point of diversion NW 1/4 SE 4 Sec 18 91-49 This is an existing well
The well is under permit No. 1133-3
- County Union
7. Annual period or periods during which water is to be used April through October
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Total number of acres to be irrigated 120

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>N 1/2 NE 1/4 18 91-49</u>	<u>80</u>		
<u>NE 1/4 SE 1/4 18 91-49</u>	<u>40</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 14 years.
11. Choice of newspaper for Notice of Intent to Appropriately Water publication Elk Point Leader Courier
12. Principal Features of the Proposed Water Supply System.

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

Well

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

Pipe

C. Works proposed to apply water to beneficial use.

SprinklersEstimated Total Cost \$ 10,000.00

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

STATE OF SOUTH DAKOTA

County of Union

I, Kenneth Jolin, 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 Kenneth JolinSubscribed and sworn to before me this 7 day of MARCH, 19 77

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4438-3
KENNETH JOLIN (Applicant) (RR#1, Box 251) % ED CURRY - ELK POINT (Post Office Address)
SOUTH DAKOTA 57025 (State) With the following modifications:

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

Date of first receipt of application MARCH 8, 19 77
 Date of return to applicant for correction, amendments or changes required OCTOBER 15, 19 79
 Date of receipt of corrected application NOVEMBER 27, 19 79, Recorded in Book 21 Page 72
 Approved NOVEMBER 27, 19 79

WATER RIGHT PERMIT NO. 4438-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4438-3 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 OCTOBER 15, 19 79
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 27, 19 82
3. The whole of said work is to be completed on or before NOVEMBER 27, 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 27, 19 88
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 1.71 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 NOVEMBER 27, 19 88; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 30th day of NOVEMBER, 19 79

WATER RIGHTS COMMISSION

By: John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

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 30, Depth 100
- (2) Casing, Type Transite, Diameter 16, Thickness 1 1/2"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type Sawed slotted, Diameter 16, Length 39
- (4) Gravel Pack, Thickness 14, Length of gravel pack 50

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 Water bearing sand
log in 1133-3

Depth to top of water bearing material 35

Depth to bottom of water bearing material 100

Thickness of water bearing material 65

Depth to water (ground surface to water level) 18

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

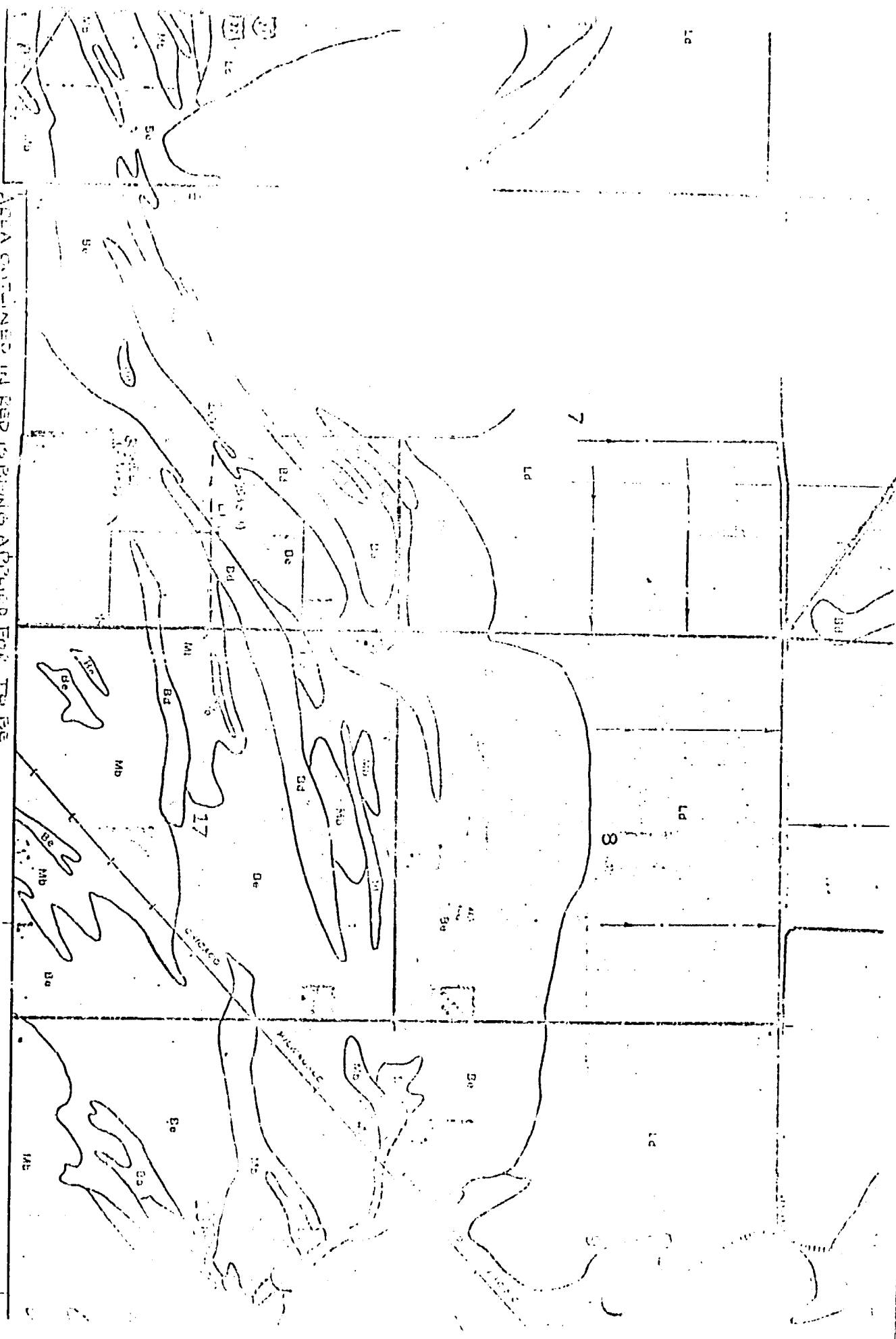
On same owner's property 80 rds. On property owned by others 80 rds.

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.

Kenneth Gelin
Signature of Applicant

In all cases a WATER RIGHT must be obtained from the State Water Rights Commission.



AREA CONTAINED IN RED IS BEING APPLIED FOR, TO BE
 DESIGNATED FROM AN EXISTING WELL (PERMIT NO. 237-4) IN THE
 AREA. THE REMAINDER OF SECTION 18 IS DESIGNATED BY
 COUNTY RECORDS UNDER PERMITS NO. 237-5, NO. 238-3 AND NO. 238-2 AND
 SECTION 3, PORTIONS OF THE LAND HAVE BEEN IRRIGATED SINCE 1957.

CONDITIONAL

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

DIVISION OF CONSERVATION

NAME OF APPLICANT Kenneth Jolin, Elk Point, SD

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than -- times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least -- inches of water.
3. ☒ Yes () No Surface drainage suggested on any area that tends to
4. () Yes () No Subsurface drainage suggested on pond water.
5. ☒ Deep tillage (for the purpose of aiding movement of water through dense subsoils.
COMMENTS: Occasional use. (See below)
6. () Heavy fall application of irrigation water.
7. Type of irrigation system recommended for use on this application Center Pivot.

GENERAL COMMENTS:

Overflow from adjoining lands and adequate surface drainage of your irrigated soils are the focal point of your management problems.

Normal dry cracking of your heavy soils goes hand-in-hand with deep tillage considerations and may substitute for deep tillage. At convenient times, curtailment of irrigation applications may be necessary to induce normal cracking and/or to accommodate deep tillage.

Under continual saturation conditions, leaching of salts (from your water) is not readily achieved.

Copy to applicant
Copy to Water Rights
Copy on File

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

[illegible]

Calcium (Ca)	300	ppm	12.00	mc/l**
Magnesium (Mg)	170	ppm	13.94	mc/l
Sodium (Na)	147	ppm	6.39	mc/l
Potassium (K)	9	ppm	0.25	mc/l
Sulfate (SO ₄)	50	ppm	17.68	mc/l
Nitrate (as N)		ppm		mc/l
Chloride (Cl)	65	ppm	1.82	mc/l
Bicarbonate (HCO ₃)	512	ppm	8.40	mc/l
Carbonate (CO ₃)		ppm		mc/l
Iron (Fe)		ppm		mc/l
Fluoride (F)		ppm		mc/l
Hardness (EDTA as CaCO ₃)		ppm		g-p.g.***
Alkalinity (Methyl Orange)	420	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	2401	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.1			
Sodium	17.95%	of cations		
Residual sodium carbonate	0.00	mc/l		
pH	7.90			
Others:				

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

COMMENTS:	Total options	35.55	no/1
	Total unions	27.90	no/1



By: Harley A. Little

Amount Due

16.00 / 10 2 1 2 5 -

Cut along dotted line and return the lower portion with payment

Amount Enclosed \$

Sigurd

SOUTH DAKOTA
Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 Pierre, South Dakota 57501
Phone 605/773-3250

IRRIGATION PROGRAM: 773-3259

Date: October 4, 1979

Kenneth Jolin
C/L Ed Curry
Elk Point, South Dakota 57025

Dear Mr. Jolin & Mr. Curry:

This is in reference to your WI#1 Soil/Water Compatibility Application Form for the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ -NE $\frac{1}{4}$ -Section 10-T81N-R49W.

At this time we have conditionally approved your WI#1 Form. Your application is conditional as your water and soils are marginal in nature and there does exist a possibility of land damage. However, with a high level of water and land management, the risks are minimal.

Your conditionally approved application is now being forwarded to the Water Rights Commission for their action. Please be advised that the Water Rights Commission will make the final determination on your water right application.

The following conditions have been added to your application. If these limits of salt and sodium build-up in the soil are exceeded, or soil restrictions are not followed, the State Conservation Commission may request suspension of your water right. However, the primary purpose of imposing these conditions upon your application is to call your attention to the necessity of avoiding salt and sodium build-up beyond these levels. As you reach or exceed these levels land and crop damage begins to occur. We urge you to begin a system of monitoring the salt and sodium conditions in your soil so that you may take action on your own if the build-up approaches these levels. In relation to the overall cost of installing and maintaining an irrigation system, the cost of monitoring soil conditions will be insignificant.

If you desire assistance in establishing a monitoring system, you may obtain assistance from a variety of places including this office, the Water Quality Laboratory at South Dakota State University, your Extension Agent or your local Conservation District.

CONDITIONS:

SALT: Maximum allowable salt build-up in soil profile: 3000 micromhos/cm

SODIUM: Maximum allowable sodium build-up in soil profile: 8% sodium saturation.

SOIL RESTRICTIONS: As noted on management form.

Sincerely,

Keith Harner
Keith Harner, Director
Division of Conservation

d

Enclosure: Management Form

Publish first publication, on or before November 1, 1979NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

November 15, 1979Notice is hereby given that Kenneth Jolin whose post officeaddress is Elk Point, 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 Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 1.71 cubic feet of water per second of time from groundwater(1 well existing) through the Jolin #1, the point XX of diversion of which is (to be located in the NW 1/4 SE 1/4of Section 18, Twp. 91N, Range 40W. Said water to be used for the purpose of providing irrigation on portions of the following described land:
N 1/2 NE 1/4 and NE 1/4 SE 1/4, Section 18, T91N, R40WThis Application No. 4438-3 will be considered by the Water Management Board XX in Meeting Room #1, Kneip Building, Church & Illinois, Pierre SD upon the 27 day of November, 1979at 10 A .M. The Board 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 Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board 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 Board may be appealed to the Courts as provided by law.

WATER MANAGEMENT BOARD

Betty Westlund
Water Rights Specialistcc: Kenneth Jolin
E. Ed Curry
Elk Point SD 57025FORM 6 - Notice of Intent to Appropriate Water
GROUNDWATER

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

256 12315
No 4 5854

PIERRE, May 1, 1977

RECEIVED OF E. Kenneth Jolin, R.R. 1, Box 251, Elk Point, SD Fund 290
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. <u>4422-2</u> (examination, processing, recording and filing) -----	8	00
Fee for inspecting Construction, and issuing Cert. of Construction No. -----		
Fee for inspecting Beneficial Use, and issuing Water License No. -----		
Fee for issuing Location Certificate-Dry Draw, No. -----		
Fee for filing -----		
Fee for certified copy of -----		
Fee for Print copy of map -----		
Fee for Certifying -----		
Fee for ----- (any other work as provided by law)		
TOTAL	8	00

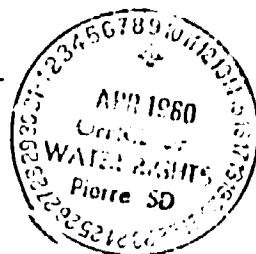
WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH bw

Form 10.

No. 11438-3

11438-3



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

#517

Post Office

Elk Point, S.D.

57025

Date

1 April 80

TO: Water Rights [REDACTED]
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 4438.3

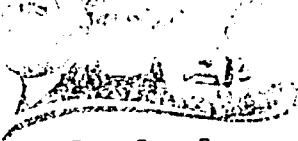
Water Right Permit No. 4438.3 states that the diversion system is to be constructed by May 27, 1982 and that the water is to be put to beneficial use by Nov 27, 1988.

The diversion system was completed on 30 Nov., 1979.
Applying the water to beneficial use was completed on 1 Apr., 1980.

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

Ed. L. Curry
For: Kenneth Jolin
(Signature) Deceased

South Dakota



GREAT FACES. GREAT PLACES.
February 1, 1991

DEPARTMENT OF WATER & NATURAL RESOURCES

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

CURRY SEED CO-OPERATOR
BOX 517
ELK POINT SD 57025

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 4438-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, 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. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s) 4438-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire(s) is received in this office before the February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,

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

cc: Kenneth Jolin, RR 1, Box 251, Elk Point SD 57025

[illegible]



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

GREAT FACES. GREAT PLACES.

February 11, 1991

Curry Seed Company
Box 517
Elk Point, SD 57025

RE: Irrigation Questionnaires and/or Chemical Application Use
Data for Water Permit Nos. 237-3, 306-3, 324-3, 501-3, 1086-3,
1133-3, 1136-3, 1297-3, 1530-3, 2141-3, 2189-3, 2370-3, 2371-3,
2450-3, 2940-3, 3310-3, 4438-3, 4532-3, 4598-3, 5030-3, 5201-3,
and 5254-3

Dear Sir:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires and/or chemical application use data for the above listed Water Permits. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire and the Notice of failure to report chemical use. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

Permit No. 4438-3
Big Sioux - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, August 20, 1996, made a thorough examination of the water use system constructed by Kenneth Jolin of RR#1 Box 251, Elk Point, SD 57025 holder of Permit No. 4438-3, bearing the priority of October 15, 1979 authorizing the diversion of 1.71 cu. ft. of water per second from ground water for irrigation purposes, in Union County.

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

A. Works used to divert the water:

A 100 HP US Electrical motor with a 900 GPM Fairbanks Morse pump.

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

2640 feet of buried 8" PVC.

C. Works used to apply water to beneficial use:

2 center pivots - 1 valley (9 tower) and 1 Electrogator (10 tower). Both are 900 GPM pivots and are 1280 feet long.

The system is in the following condition good. The point of diversion is located 1320 feet W of the E1/4 corner of Section 18 (on the 1/4 line between the NE1/4 and SE1/4) T091N R49W.

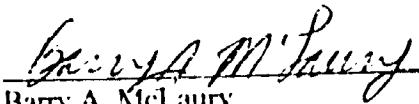
The works are capable of diverting and conveying to the place of use 2.00 cu. ft. of water per second which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

T091N R49W	SECTION 18	NW1/4 NE1/4	33 ACRES
		NE1/4 NE1/4	33 ACRES
		NE1/4 SE1/4	33 ACRES

comprising a total of 99 acres of land and the license should be issued for 1.41 cfs (1cfs/70 acres).

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: None Date Report Completed: 12-27-96


 Barry A. McLaury
 Natural Resources Scientist
 DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 4438-3

Other permit(s) associated with the project: 2730-3 (Curry Seed Company)

DATE OF INSPECTION: August 20, 1996

NAME OF INSPECTION CONTACT: Curry Seed Company, renter.

NAME & ADDRESS OF PERMIT HOLDER: Kenneth Jolin, RR1 Box 251, Elk Point, SD 57025

DIVERSION POINT LEGAL LOCATION: 1320 feet W of the E1/4 corner of Section 18 (on the 1/4 line between the NE1/4 and SE1/4) T091N R49W.

WELL INFORMATION:

1) Well Drilling Firm: Nichols Well Drilling

2) No. of Wells 1

Casing:

1) Diameter 18 inches

2) Length 91 feet

3) Type concrete

Motor:

1) Make US Electrical

2) Frame No. 404 TP

3) Horsepower rating 100 HP

3) Depth(s) 111 feet

4) Well log is available Y (see form 2A)

Screen:

1) Type concrete

2) Length 20 feet

3) Static water level 63 feet

Pump:

1) Make Fairbanks Morse

2) Model No. N2W 244 23X

3) Capacity 900 GPM

DISTRIBUTION LINES OR CANALS:

1) Type PVC 2) Size 8 inches 3) Length 2640 feet

SYSTEM TYPE:

Center pivots: (north pivot)

1) Make Electrogator

2) Overall length 1280 feet

3) Number of towers 10

4) End gun Y

5) High or low pressure High

6) Capacity 900 GPM

1) Make Valley

2) Overall length 1280 feet

3) Number of towers 2

4) End gun Y

5) High or low pressure High

6) Capacity 900 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate **N**

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by **Y**
- 2) All structures, wells and lands on map **Y**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **Y**

COMMENTS:

There is a capped well located in the center of the SE1/4 of Section 18 that can be used for supplying water to these two center pivots if the existing well goes bad. If that should happen, a "Change in Location of Diversion" will need to be made for Water Permit No. 4438-3. They can't operate both pivots at once. Both center pivots do a complete circle, but the acreage outside this permit is covered under Curry Seed Company's permits.



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

March 12, 1997

4438-3
5030-3

Curry Seeds
%Bill Curry
P.O. Box 517
Elk Point, SD 57025

Dear Mr. Curry:

The investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 4438-3 (this is the land owned by Kenneth Jolin), and 5030-3 (formerly owned by Agnes Murphy), have been completed. The final water right documents, the Water Licenses, can now be issued..

Statutes require that we charge a \$50.00 fee per license for the investigation and issuance of the Water Licenses. Upon receipt of the \$50.00 fee per license (\$100.00 total) from you, we will begin processing your Water Licenses.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 F. Capitol
Pierre, SD 57501-3181

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

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

RECEIPT

Division of Water Rights
South Dakota Department of Environment and Natural Resources

415279

Pierre, _____ March 19, 1997

RECEIVED OF Curry Seed Company, P.O. Box 517, Elk Point, SD 57025-0517

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. <u>4438-3</u>		
Fee for Filing Transfer Form _____	50	00
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)		
Total	50	00

By John Hatch
Chief Engineer





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 7 1997

4438-3

Curry Seeds
%Bill Curry
P.O. Box 517
Elk Point, SD 57025

Dear Mr. Curry:

Enclosed is Water License No. 4438-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415279 in the amount of \$50.00 which you paid for the investigation 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. 4438-3, 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 Program
(605) 773-3352

ks
enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4438-3

(1) Kenneth Jolin, RR 1, Box 251, Elk Point SD 57025 made Application No. 4438-3, March 8, 1977 for a water permit to divert 1.41 cubic feet of water per second from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 4438-3, with a priority date of October 15, 1979 was approved November 27, 1979 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 27, 1984 and for the application to beneficial use of said water on or before November 27, 1988.

(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 1.41 cubic feet of water per second for beneficial use. The location of the diversion point is 1,320 feet west of the east quarter corner of Section 18-T91N-R49W (on the quarter line between the NE 1/4 and SE 1/4).

(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:

Section 18-T91N-R49W	NW 1/4 NE 1/4	33 acres
	NE 1/4 NE 1/4	33 acres
	NE 1/4 SE 1/4	33 acres
Total		99 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Kenneth Jolin, RR 1, Box 251, Elk Point SD 57025 the holder and/or owner of Water Permit No. 4438-3 is issued a license to appropriate water, the right to use 1.41 cubic feet of water per second from groundwater (one well) with a priority date of October 15, 1979 from the location specified in (2) of this license. The water 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. 4438-3 and subject to South Dakota State Law.

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 7 1997

date



NOT TO SCALE

WATER PERMIT NO. 4438-3

T-858

NHEL
IRRIGATED
166.8



T-871

NW⁴ NE⁴
33 ACRES

NE⁴ NE⁴ 1.6
33 ACRES 3

NHEL
IRRIGATED

Gated Pipe
IRRIGATED
NHEL

8" PVC
diversion point

5 29.3

6

33
7

189

76.7

T-859

107L

NHEL

Gated Pipe
IRRIGATED
NHEL

Gated Pipe
IRRIGATED
NHEL

T-871
NE⁴ SE⁴ 7.9
33 ACRES 2
NHEL

IRRIGATED
130.9

4 39.5

Gated Pipe
IRRIGATED

Gated Pipe
IRRIGATED

1 119.6

91-49

1 79.5

Barry A. McLaury
Environmental Scientist
Water Rights Program
Date 12-13-96

Barry A. McLaury

4438-3

4438-3