

C
Alameda
1-8-80

6-10-11

4440-3

RHODY BROS.
RR #1
CASTLEWOOD, SD 57223

26' deep well of 16' All County 15' 55' from

alluvial Venturian Pump #37472583
Type 120XL

Pumped by 75 HP OS Electric motor
15' 8" down to Valley 1200' CP
of return #100 and 500
350 GPM

(GOING TO LOW PRESSURE NOZZLES -
PROBABLY GO TO SHIP MODE -
WILL USE SAME AMOUNT OF WATER)

Water Right Number 4440-3

1. Considered NOVEMBER 27 19 79
2. Name of Applicant RHODY BROS.
3. Post Office Address RR #1 - CASTLEWOOD, S.D.
4. Amount of Water Claimed 2.08
5. Source of Water Supply 90' well
6. Water to be used for IRRIGATION
7. Acres to be Irrigated 146 maximum
acre feet
8. Water to be diverted and used in HAMLIN County
about 3 S & 1/2 miles EAST of CASTLEWOOD
9. Proof of Publication (121) Received 11-8-79
Not received
10. Application Approved 11-27-79
Subject to 107
Not approved
Action: deferred

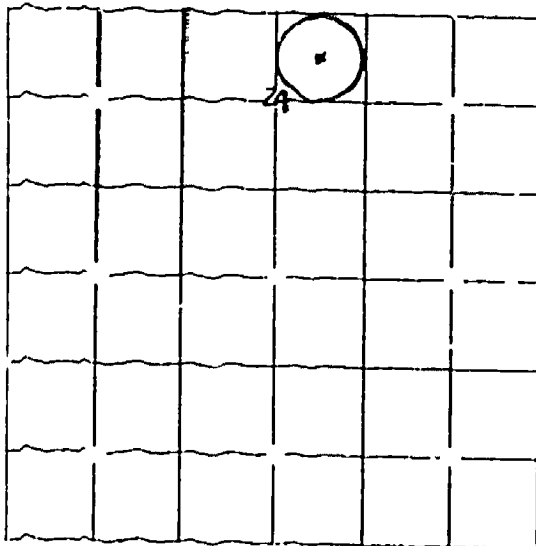
Priority 9-14-79 Date Received 9-14-79 Application Complete yes no X
Date Returned or additional information or fee requested 9-14-79

Remarks

Date Information and/or
fee or corrected Application received 9-18-79

FEE

Amount



Diversion Location

Approximate Center, NE 4,
Section 24-T114N-R52W

Lands to be
Irrigated

NE 4, Section 24-T114N-R52W

Period of annual use March - November

MAP

Type of Map Aerial Prepared by SCS-Hamlin Co.

Map No. 3669-3 Map located in W/R X Map file

WELL LOG Received yes ☒ no ☐ Date of request _____

Remarks _____
Date Returned _____

Driller Huron Oil Co. Licensed in SD yes ☒ no ☐

Depth and Formation 90' deep well

WATER
QUALITY

Date Received 10-12-79 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.

P. Westlund
(Signed)

This Application was unable to be completed - Reason _____

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

STAFF
RECOMMEN-
DATIONS

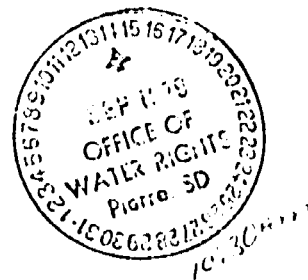
BOARD
ACTION

Date Approved _____ Qualifications _____

Deferred - Date _____ Reason _____

Denied - Date _____ Reason _____

REMARKS
F.F & C. Date Final Decision, including F.F. & C of Law was adopted _____
OF LAW, Date Final Decision mailed to parties and/or parties notified that Final Decision
FINAL was adopted _____
DECISIONS, Remarks _____
ETC. _____

No. 4440-3Map No. 3669-3 Water Division No. 3 BIG SIOUX RIVER District
Above for Office Use

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☒ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Rhody Brothers Phone No. 605-793-2404
 Post Office Address R.R. # 1 Castlewood State South Dakota 57322
 (Street, RR, or Box) (Town) (Zip Code)
 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 Rhody Brothers - Unit # 1
4. Amount of water claimed (cubic feet per second) 2.08
5. Source of water supply Ground Water
6. Location of point of diversion Center of the NE1/4-24-114-52

County Hamlin7. Annual period or periods during which water is to be used March - November8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 146

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.
NE1/4 of NE1/4-24-114-52	36.5
SE1/4 of NE1/4-24-114-52	36.5
NW1/4 of NE1/4-24-114-52	36.5
SW1/4 of NE1/4-24-114-52	36.5

Land Description	No. Acres Irr.

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 2 years. Blaw Anderson, Harold Enterprise
 11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Hayti 57241
 12. Principal Features of the Proposed Water Supply System.

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

Pump Bowl

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

Main Line

C. Works proposed to apply water to beneficial use.

Center Pivot

Estimated Total Cost \$ 25,000.00

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 Hamlin)ss.I, Rhody Bros. by (Verlyn Rhode) 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 Verlyn RhodeSubscribed and sworn to before me this 13th day of September, 1979Terrell A. Oster
Notary Public (or other qualified officer)MY COMMISSION
EXPIRES NOV. 4, 1984

WATER RIGHT APPLICATION APPROVAL

The Board of Water Management hereby approves Water Right Application No. 4440-3

RHODY BROS.
(Applicant)

RR # 1 - CASTLEWOOD
(Post Office Address)

SOUTH DAKOTA 57223
(State)

With the following qualifications.

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

Date of first receipt of application SEPTEMBER 14, 1979
Date of return to applicant for correction, amendments or changes required _____, 19____
Date of receipt of corrected application OCTOBER 12, 1979
Approved NOVEMBER 27, 1979, Recorded in Book 21 Page 94

WATER RIGHT PERMIT NO. 4440-3

The Board of Water Management hereby grants and issues this Water Right Permit No. 4440-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is SEPTEMBER 14, 1979
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 27, 1982
3. The whole of said work is to be completed on or before NOVEMBER 27, 1984
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 27, 1986
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 2.08 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 irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before NOVEMBER 27, 1986; said water to be used during the following described

annual period: MARCH - NOVEMBER

Witness my hand this 30th day of NOVEMBER, 1979

THE BOARD OF WATER MANAGEMENT

By John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued NOVEMBER 9, 1981

Water License Issued NOVEMBER 9, 1981

HURON DRILLING INC. DRILLERS LOG

PAGE NO.

Verlyn Rhode

WEL-24-114-52-Hamlin Co.

9-10-79

12

Lloyd Peterson

JOB NAME**LOCATION**

DATE:

RIG NO.

FOREMAN

[illegible]

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

- (1) Drill Hole, Diameter 26", Depth 85'
- (2) Casing, Type PVC, Diameter 16", Thickness .50
(wood, concrete, steel, etc)
- (3) Screen, Type Stainless Steel, Diameter 16", Length 25'
- (4) Gravel Pack, Thickness 6', Length of gravel pack 85'

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

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

(1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Depth to water (ground surface to water level) _____

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

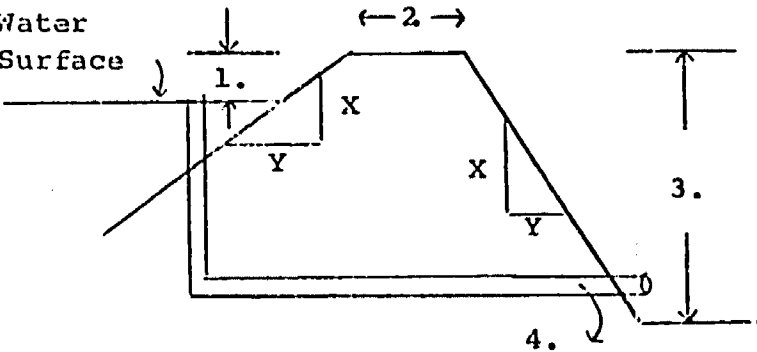
On same owner's property 4.80 rds.

On property owned by others 240 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, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.

Normal
Water
Surface



1. Freeboard _____
2. Crest width _____
3. Height of Dam _____
4. Outlet dimensions:
Pipe diameter _____
Spillway width _____
- X & Y slope:
Upstream _____
Downstream _____
Surface area of impoundment _____
- Drainage area above dam _____

Virgil T. B. Kelly
Signature of Applicant

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)

RECEIVED

SEP 18 1979

South Dakota
Division of Conservation

NAME RHODY BROS. UNIT #1
ADDRESS RR#1 CASTLEWOOD, SD 57223
COUNTY HAMLIN

LEGAL DESCRIPTION

1. WELL LOCATION NE 1/4 SEC 24 - T-113 N - R-55 W called 2/1/82
2. LOCATION OF AREA TO BE IRRIGATED Same as #1 near change line
WT-1, W2-1
correct from

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT ✓ GUN _____
4. CROPS TO BE IRRIGATED CORN AND ALFALFA

WATER QUALITY

5. SAMPLE NUMBER 79-606
6. SALINITY (EC X 10⁶) 12.7
7. SODIUM (SAR) 1.30 Adj. SAR = 3.60
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 HAMLIN COUNTY Conservation District, County Extension office or Soil Conservation Service.
and:
that the legal description for the location of the well and land to be irrigated is true and correct.

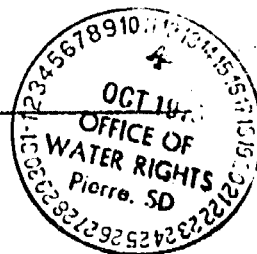
Virginia L. Rhody
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
12 DAY OF SEP 19 79.

Harold J. Heidemann
(TITLE OR SEAL)

Kath. F. Harner
APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)



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

Submitted by: Verlyn Rhode
 Address: Cattlewood, SD 57223

Date Rec'd: September 12, 1979
 Sample No.: 79-606
 Identification: Well-85'
NE 1, Sec. 24, T 114N, R 52W

WATER ANALYSIS

Calcium (Ca)	200	ppm*	10.00	me/l**
Magnesium (Mg)	58	ppm	4.72	me/l
Sodium (Na)	80	ppm	3.48	me/l
Potassium (K)	4	ppm	0.10	me/l
Sulfate (SO ₄)	450	ppm	9.36	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	4	ppm	0.13	me/l
Bicarbonate (HCO ₃)	420	ppm	6.88	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	344	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1267	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.30	Adjusted SAR	3.60	
Sodium	19.80%	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.62			

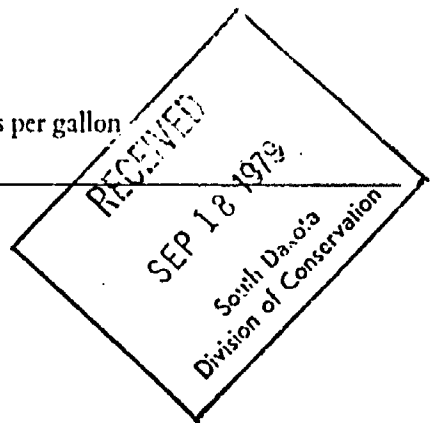
Others:

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 19.30 me/l
 Total anions 16.61 me/l



By: Shirley Pittan

Service Performed	Amount Due
-------------------	------------

Irrigation analysis	\$15.00
---------------------	---------

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 79-606

Amount Enclosed \$

Signed

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Rhody Bros. C/o Virlln Rhody, Castlewood, SD

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

Depressional areas: 2F3W2 and 2F2f3

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than 3-4 times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least 2-3 inches of water.
3. ☒ Yes ☐ No Surface drainage suggested on depressional areas.
4. ☐ Yes ☐ No Subsurface drainage suggested on _____.
5. ☒ Deep tillage (for the purpose of aiding movement of water through dense subsoils.
COMMENTS: Occasional use may be beneficial on your tighter soils.
6. ☐ Heavy fall application of irrigation water.
7. Type of irrigation system recommended for use on this application center pivot.

GENERAL COMMENTS:

Your pivot should be able to swing back and forth, missing the blower depressional area or flatter soils in the s.e. quadrant of your pivot.
In wet years, this would be especially advantageous.

Another approach to those depressional areas (s.e. quadrant) is to concentrate the lowest area by excavating a borrow pit or pits between your pivot towers. Water accumulated in these pits by rainfall and/or irrigation could be drained away or returned through your system.

Your soils have different intake rates in the subsoils, which will require water application and/or crop selection management decisions.

Copy to applicant
Copy to Water Rights
Copy on file

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4440-3

(1) WHEREAS, On the 14th day of September A. D. 19 79
Rhody Brothers

made Water Right Application No. 4440-3 for a permit to use 2.03 cubic feet per second of the waters
 of groundwater (one well)
 County of Hamlin, State of South Dakota, for irrigation

_____ purposes; and

(2) WHEREAS, On the 27th day of November A. D. 19 79

Permit No. 4440-3, with a date of priority of September 14, 1979

was issued to said applicant _____ for the diversion of said water, and provided for the completion of construction of the water
 supply system therein described on or before the 27th day of November A. D. 19 84 and for the
 application to beneficial use of said water on or before the 27th day of November A. D. 19 86

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to completion of the construction of the water supply system and is entitled to divert 1.38 cubic feet
 per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to the application of water to beneficial use of the following extent,

for irrigating a 132 acre circle in the NE1/4, Section 24, T114N, R52W

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Rhody Brothers

_____ of Castleton, South Dakota
the holder S and owner S of said permit No. 4442-3 a water right, dating from September 14, 1979
_____ to use of 1.88 cubic feet per second of the waters
of groundwater (one well)

In the County of Harrison and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 15' SE of the center of the NE1/4, Section
24, T114N, R52W

and conducted to and upon a 132 acre circle in the NE1/4 of Section 24, T114N, R52W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 4440-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 9th day of November A. D.
Nineteen Hundred and Eighty-one

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 4440-3

Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Rhody Brothers

the holder S of
Permit No. 4440-3, issued upon Application No. 4440-3, bearing date of priority of September 14,

1979 authorizing the diversion of 2.08 cu. ft. per second of the waters of
groundwater (one well) County of Harlin, State of South Dakota at
a point 15' SE of the center of the NE 1/4, Section 24, T114N, R52W

for irrigation

purposes, has bc complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.88 cu. ft. per second of water.

Date November 10, 1981

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

No. 4440-3

Publish first publication, on or before November 1, 1979

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 16, 1979

Notice is hereby given that Rhody Bros. whose post office address is Castlewood, 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 2.09 cubic feet of water per second of time from groundwater (one well) through the Rhody Bros. - Unit #1, the point(s) of diversion of which is(are) to be located in the approximate center of NE 1/4

of Section 24, Twp. 114N, Range 52W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE 1/4, Section 24, T114N, R52W

This Application No. 4440-3 will be considered by the Water Management Board ~~at~~ in Meeting Room #1, Knapp Building, Church & Illinois, Pierre SD upon the 27th day of November, 1979

at 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 Specialist

BW:kw

cc: Rhody Bros.
Unit #1
Castlewood SD 57223

FORM 6 - Notice of Intent to Appropriate Water
GROUNDWATER

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8536

PIERRE, November 3, 1921

RECEIVED OF Virlin Rhody, RR, Castlewood, SD 57223

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and issuing Cert. of Construction No. 4440-3	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 4440-3		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH / *CH*

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7048

PIERRE, September 18, 1920

RECEIVED OF Huron Drilling, Inc, Huron SD 57350 for Rhody Brothers of Castlewood SD
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. 4440-3 (examination, processing, recording and filing)	250	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	250	00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH / *hw*

Permit No. 4440-3Water Division 3 Big Sioux River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by RHODY BROS._____ of CASTLEWOOD _____ holder _____of Permit No. 4440-3, bearing date of priority of SEPTEMBER 14, 1979authorizing the diversion of 2.08 cu. ft. per second of the waters of GROUNDWATERfor IRRIGATION _____ purposes, in HAMLIN County.

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

The Water Use System consists of,

A. Works used to divert the water:

86' DEEP WELL WITH 16" STEEL CASING - 15' SS SCREEN
AURORA VERTI-LINE PUMP #37972583 TYPE 12 RXL
POWERED BY 75HP ELECTRIC MOTOR

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

15' OF 8" ALUMINUM MAINLINE TO CENTER OF
PIVOT

C. Works used to apply water to beneficial use.

VALLEY CENTER PIVOT SYSTEM WITH NELSON #100
END GUNThe system is in the following condition: GOODThe point of diversion is located 15' SE OF CENTER OF THE NE⁴
SECTION 24, T114N, R52WThe works are capable of diverting and conveying to the place of use 1.88 (850 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: _____

FOR IRRIGATING A 132 ACRE CIRCLE IN THE
NE⁴, SECTION 24, T114N, R52Wcomprising a total of 132 acres of land.Date JUNE 10, 1981Burton Jones
(Signature)

4440-3

**South Dakota Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
Water Resources Engineer
605 773-3352

March 7, 1984

NOTICE

Dear Sir:

The Water Management Board has directed that all owners of Water Permits not in compliance with the requirement:

"All irrigation Permit owners.....shall submit the Irrigation Questionnaire mailed to them each year by the Chief Engineer."

be notified of this requirement.

Our records show we have not received the 1983 Irrigation Questionnaire for your Permit. The questionnaire was requested:

- 1) November, 1983 initial request
- 2) December, 1983 followup request

Owners of Water Permits not in compliance with the annual Irrigation Questionnaire requirement are being given until April 2, 1984 to submit the 1983 questionnaire. The Board will consider disciplinary action April 25, 1984 including amending those permits for which the 1983 questionnaire has not been received by April 2 with the following qualification:

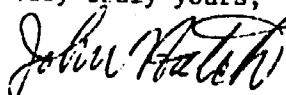
"This Permit amended April 25, 1984 is subject to the Irrigation Questionnaire being submitted each year."

Amendment of a Permit will mean that a Permit can be suspended for up to one year for continued violation of the Irrigation Questionnaire requirement.

The hearing before the Water Management Board April 25, 1984 will be at 10:45 am, Room 216, Joe Foss Building, Pierre SD. The amendment may be made pursuant to SDCL 46-1-14.

Enclosed is an additional questionnaire. Please advise if you have any questions, or you do not believe our records are correct.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

enclosure

Equal Opportunity Employer



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

March 14, 1984

2061-3
2578-3
2579-3
3888-3
4440-3
4682-3

Rhody Brothers
Rt 2, Box 117
Castlewood SD 57223

Dear Sirs:

This letter will acknowledge receipt of and thank you for the return of your 1983 Irrigation Questionnaires. A notice was sent to you March 7, 1984 regarding the Irrigation Questionnaire submittal violation of Permit No. 4682-3 and the date hearings are to be held before the Water Management Board to determine any action to be taken concerning this violation. Notice was also sent concerning possible Board action to amend Water Permit Nos. 2061-3, 2578-3, 2579-3 (Virgil Rhody), 3888-3 (V Rhody & Todd Woertink), and 4440-3 (Rhody Brothers) if the questionnaires were not submitted. Our records now show that you have returned these 1983 Irrigation Questionnaires and are no longer in violation.

Please disregard the notices sent to you dated March 7, 1984. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:GM:ks

Equal Opportunity Employer

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

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

I have this day made a thorough examination of the water use system constructed by Rhady
Brothers of Castleton, SD 57322 holder of
 Permit No. 4446-3, bearing the priority of Sept 14 1979 authorizing
 the diversion of 2.08 cu. ft. per second of the waters of Granddewler
 for irrigation purposes, in Hamlin County.

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

A. Works used to divert the water:

Pump: Valley, with 800 GPM capacity
 * Motor: Twin Disc, 54 HP

B. Works used to transport water to place of use

8" PVC, approx 150 ft. long

C. Works used to apply water to beneficial use:

Center Pivot: Valley, 7 towers 1320 ft. long, 800 GPM output at 43 PSI

The system is in the following condition Good

The point of diversion is located Well: 1250 ft. W., 1400 ft. S., from NE Corner Sec. 24,
T114N-R52W

The works are capable of diverting and conveying to the place of use 1.78cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: All in Sec. 24, T114N-R52WNE 1/4 NE 1/4 33 AC.SE 1/4 NE 1/4 31 AC.NN 1/4 NE 1/4 33 AC.SW 1/4 NE 1/4 34 AC.comprising a total of 131 acres of land and the license should be issued for 1.78 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date 8/27/86

* Portable motor, if is also being used for R#4462-3

(signature)

MP Rhady

LICENSE FOR PERMIT NUMBER 123456789

1. Legal location of wells: Section 16, T2N, R10E, N14W

dams & structures:

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____

c) type _____ Static Water Level _____

Pump a) make W. H. H. H. Motor a) make W. H. H. H.

b) model 1211A0001 b) model no. 1211A0001

c) size _____ c) horsepower rating _____

d) capacity 300 GPM

e) turbine pump
no. of stages _____

3. Distribution lines:

a) size of lines 12

b) type BC

c) length 2.150

4. Dam information:

d) height to crest _____

b) height to spillway_____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width_____

g) approx. storage _____

ii) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

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 _____

i) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure

b) towline:

1) length _____ feet

2) make, model & number of sprinklers

3) spacing of sprinklers_____

4) nozzle size _____

5. System Type: c) center pivot

- 1) make Valley
- 2) number of towers 1
- 3) distance between towers 100
- 4) overall length 1000
- 5) End gun ("/H) 1
- 6) high or low pressure 1
- 7) make & size of nozzles 1
- 8) PSI reading while system is running 100
- 9) GPM 1000

g) Gun

- 1) make Valley
- 2) serial number 1
- 3) nozzle size 1
- 4) capacity (GPM) 1
- 5) PSI 1
- 6) hose size 1
- 7) hose length 1

d) Gate Pipe

- 1) length 100
- 2) diameter 1
- 3) soacing of gates 1

e) Siphons

- 1) number 1
- 2) size 1

f) Portable boom

- 1) make Valley
- 2) serial number 1
- 3) nozzle size 1
- 4) capacity (GPM) 1
- 5) PSI 1

h) Hydromatic

- 1) make Valley
- 2) model 1
- 3) serial number 1
- 4) length 1
- 5) nozzle size 1
- 6) spacing 1
- 7) PSI 1
- 8) capcity (GPM) 1

YES	NO	Check Items
<u>---</u>	<u>---</u>	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
<u>---</u>	<u>---</u>	2. Special Qualifications to permit being abided by.
<u>---</u>	<u>---</u>	3. All Structures, wells and lands on map.

REMARKS:

Water Rights Division - DWR
Conversation or File Documentation

File No. WL # 4440

NAME OF PERSON OR FILE: Rhody Bros.

ADDRESS: RR #1 Castlewood, S.D. 57322 COUNTY Haw. Co.

DATE: 3/2/87 TELEPHONE —

RE: Relicensing the Permit

COMMENTS: On August 27, 1986, WL # 4440-3 was inspected

by myself. The irrigation system seemed to be the same

as on the water license. The acreage was reduced by

one (1) acre. The diversion point and the position of the pivot seemed
to be the same as the original inspection of June 10, 1981.

Since the change of acreage is very minimal, there is

no need to relicense the permit.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: MZA Rad

44410-3
44685-5

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

February 17, 1989

Rhody Brothers
RR 2, Box 117
Castlewood, SD 57223

Dear Sirs:

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

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

The new standards include:

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



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

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

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

Very truly yours,

John Hatch
for JOHN HATCH, Chief Engineer
Water Rights Division



4440-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1994

RHODY BROTHERS
RR #2 BOX 117
CASTLEWOOD SD 57223

NOTICE

RE: Violation of Water Permit No(s) 4440-3, 4682-3 and 1993 Irrigation
Questionnaire Requirements

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 4440-3, 4682-3. The request for the Questionnaires was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 4440-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4682-3 qualification:

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

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. 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) 4682-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4440-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before April 1, 1994, 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



4440-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 3, 1994

Virgil Rhody
Rhody Brothers
RR #2 Box 117
Castlewood, SD 57223

RE: Irrigation Questionnaires for Water Permit Nos. 2578-3, 2579-3, 3888-3, 4440-3 and 4682-3

Dear Mr. Rhody:

I am writing to acknowledge receipt of your 1993 irrigation questionnaires. You may disregard the February 16, 1994, Notice of Violation of Water Permits and the 1993 Irrigation Questionnaire Requirements.

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

If you have any questions, please contact me.

Sincerely,

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



4440-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 30, 1999

Clarice Rhody
RR 2 Box 117
Castlewood, SD 57223

RE: Water Right Nos. 2061-3, 2578-3, 2579-3, 4440-3 & 4682-3

Dear Mrs. Rhody:

Thank you for sending in your 1999 irrigation questionnaires. In response to your questions on how to transfer the water rights, I am enclosing partially completed "Notice of Transfer of Ownership" forms for use filing ownership changes.

You are correct about Water Right No. 2579-3 needing to be transferred to your name. Please review the enclosed form pertaining to No. 2579-3 and complete as needed. The form will need to be signed in the presence of a notary public and returned to our office with a required filing fee of \$2.50. The check or money order can be made payable to the "Water Rights Program."

The remaining water rights will need to be transferred after the land is sold on December 4th. The process is the same for transferring the water rights to new owners. They will need to complete the transfer of ownership form and return it along with a filing fee of \$2.50 (for each water right). You can go ahead and give the forms to the new owner(s) once the land is sold. They are responsible for signing the forms and following up on the transfers.

Thank you for getting in touch with me regarding the ownership changes. If I can answer any questions for you about the water rights or completion of the transfer forms, please let me know.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4440-3



Date: 3/28/00

I/We request that Water Right No. 4440-3

formerly owned by: Rhody Brothers

be transferred to: (name & address) Randy H. Harrison 2208 E. Evergreen Blvd
Vancouver WA 98661 Telephone No. 206 573 3818

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

132 acres in the NE 1/4 Section 24, T114N, R52W

I/We understand that the validity of Water Right No. 4440-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

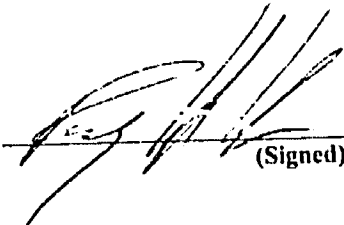
You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

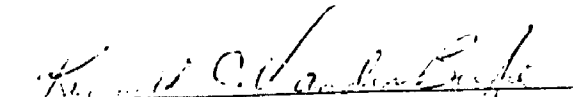
STATE OF SOUTH DAKOTA)

County of _____)

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


(Signed)

Subscribed and sworn to before me this 28 day of March, 1900.


(Notary Public) Notary Public, South Carolina, State at Large
My Commission Expires Nov. 22, 2006

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416460

Pierre, April 3, 2000

RECEIVED OF Randy H. Hansen, 2208 E. Evergreen Blvd., Vancouver, WA 98661
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 Water Right No. 4440-3

Fee for Filing Extension Request _____

Fee for _____

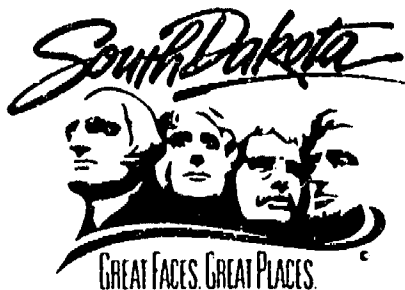
(Any Other Work Provided by Law)

Total

2 50

2 50

By Helen A. Peltola
Chief Engineer



4440-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 6, 2000

2578-3

4440-3

4682-3

Randy H Hanson
2208 E Evergreen Blvd
Vancouver, WA 98661

Dear Mr. Hanson:

Thank you for following up on the ownership changes for Water Right Nos. 2578-3, 4440-3 and 4682-3. The transfers have been completed and the water rights are now listed in your name.

Enclosed are your Receipt Nos. 416459, 416460 and 416461 in the amount \$2.50 each. I am sending a copy of the receipts and the transfer forms to Les Hanson for his files. It is my understanding that he operates the systems for you.

If you have any questions concerning the transfers or the water rights, please get in touch with me.

Sincerely,

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

enclosures

c: Les Hanson

NOT TO SCALE

Rhody Bros. 9-13-79
Well #1 NE $\frac{1}{4}$ -24-114-52
Hamlin County

Hamlin Co. ASCS
Hayes Sd 57241
Donna Lund, P.A.

Section 24-114-52

155.5

77.4

77.2
CR

103D

33.0

33.0

80.0

1400'

Pivot

Well #1

79.0

1250'

34.0

31.0

131.0

24

136.8

155.2

10.5

114-52

~~Map 57241~~ Appl # 4440-3