

1. Considered JANUARY 30 19 80
2. Name of Applicant ALAN BROWN
3. Post Office Address WENTWORTH, S.D.
4. Amount of Water Claimed 2.0
5. Source of Water Supply 62' well 2 1/4 mile from
Reynolds River
North of plain NW 1/4
68'
6. Water to be used for IRRIGATION
7. Acres to be irrigated 144 maximum
acre feet
8. Water to be diverted and used in LAKE County
about 2W, 2 1/2 miles NORTH of CHESTER
9. PROOF OF PUBLICATION Received 1-3-80

Not Received

APPLICATION

Approved 1-30-80

Subject to WT

Not Approved

Action deferred

Priority

Date

Received 11-19-79 Application Complete yes X no FEE 250.00

Remarks

orig
Fee not enough rec. required am't

Date information and/or

fee or corrected Application received Nov 26, 1979

Period of Annual use

WATER
QUALITY

12-13-99

Received yes X no APPROVED (CONDITIONAL) (Circle one)

WI-1 Description same as application yes X no Remarks

Disapproved

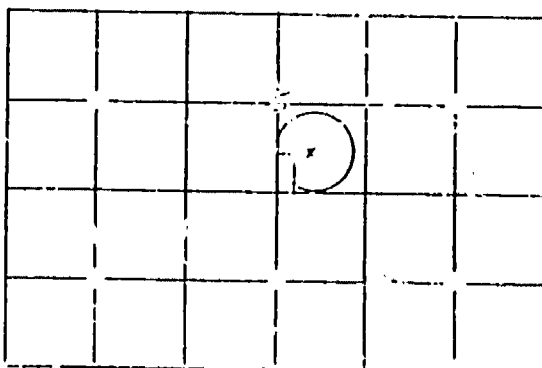
Returned

Diversion Point

NW 1/4 SE 1/4 - 5-105-51

Lands to be irrigated

SE 1/4 5-105N-R 51W



WELL
LOG

Remarks

Driller Marmshaw Drilling Co. Licensed yes X no

Depth 62' dnr.

600/800 CFM

MAP Map No. 3682-3 Map located in Water Right X Map file _____
Type of Map Aerial Prepared by W. H. M. M.

+++++

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 1-30-80.
B. W. Westlund
(Signed)

+++++

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

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

WATER RIGHT APPLICATION APPROVAL

The Board of Water Management hereby approves Water Right Application No. 4453-3

ALAN BROWN
(Applicant)

RR#1-Box 70 - WENTWORTH
(Post Office Address)

SOUTH DAKOTA 57075
(State)

With the following qualifications.

The irrigation well approved under this Permit will be located near domestic wells and other ~~domestic~~ 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 ~~domestic~~ wells having prior water rights.

Date of first receipt of application NOVEMBER 19, 1979

Date of return to applicant for correction, amendments or changes required NOVEMBER 19, 1979

Date of receipt of corrected application WQ DECEMBER 13, 1979

Approved JANUARY 30, 1980, Recorded in Book 21 Page 111

WATER RIGHT PERMIT NO. 4453-3

The Board of Water Management hereby grants and issues this Water Right Permit No. 4453-3 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 NOVEMBER 19, 1979
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 30, 1982
3. The whole of said work is to be completed on or before JANUARY 30, 1985
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 30, 1988
5. The water appropriated shall be used for the purpose of IRRIGATION

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

7. The amount of the appropriation herein granted shall not exceed 2.0 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for 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 JANUARY 30, 1986; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 4th day of FEBRUARY, 1980

THE BOARD OF WATER MANAGEMENT

By:

John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

SOIL/WATER COMPATIBILITY APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Marion B. Johnson OWNERS ADDRESS: P.O. Box 70
 COUNTY AND LOCATED IN: Lake PHONE: Windsor 111 South Dakota
 TENANT'S NAME AND ADDRESS (if other than owner): Same 57015

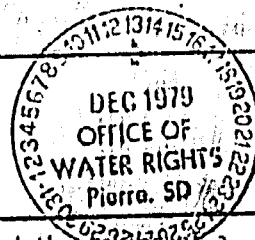
In accordance with State Law SDCL 46-5-6.5, if a water right is granted with a conditional permit (Soil/Water Compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.
 This action must be taken by the holder of a water right within 6 months of receipt of such water right.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres.)

1. WELL LOCATION OR DIVERSION POINT: North of Sec 5-105-51
2. SURFACE WATER SOURCE: _____
3. LOCATION OF AREA TO BE IRRIGATED: Portion of Sec 5-105-51 - Excluded NE corner
4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.)
- TYPE OF IRRIGATION: (Show approximate acres under each type of system):
5. GRAVITY _____ TOWLINE _____ CENTER PIVOT ☒ GUN _____ OTHER (Specify) _____
6. CROPS TO BE IRRIGATED: Corn & alfalfa
7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
 LAND: _____
 IN WHAT NAME: _____

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

8. SAMPLE NUMBER: _____
9. SALINITY (EC X 10⁶) _____
10. SODIUM (SAR) _____ ADJUSTED (SAR) 1.70



I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at 4 N. 105-51, on Nov 6, 1979, at the following location: Portion of Sec 5-105-51 by Larry Wood (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I also hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from Lake County Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS
7 DAY OF November, 1979.

John S. Wood
 (NOTARY PUBLIC)

L. B. Brown
 APPLICANT'S SIGNATURE
W. L. Farmer
 Director, Division of Conservation

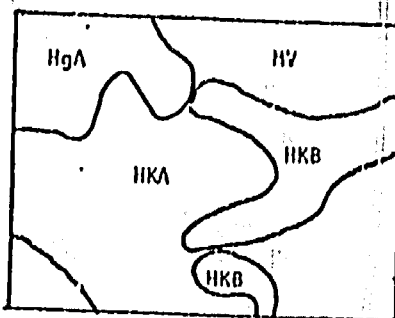
APPROVED _____
 DISAPPROVED _____
☒ CONDITIONALLY APPROVED



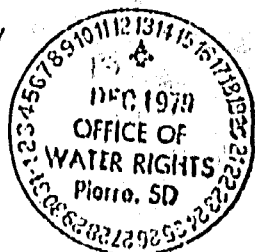
IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application.

EXAMPLE



- HgA - Highmore - DeGrey silt loams - 0-2% slopes
DeGrey soils have a shallow clay-pan and have slow to very slow permeability. Generally not suitable for irrigation.
- HKA - Highmore - Eakin silt loams - 0-2% slopes
Soils have a high available water capacity and moderate permeability.
- HKB - Highmore - Eakin silt loams - 2-5% slopes
Same physical composition as HKA - moderate erosion problems.
- Hv - Huron fine sandy loam - 0-2% slopes
Moderately rapid permeability, moderate or high available water capacity.



Residents of counties with published or up-to-date soil surveys shall contact their local Conservation District for a copy of the soils map for the area to be irrigated and the narrative explanation of the map.

Residents of counties with no up-to-date soil survey information shall contact the Soil Conservation Service or their local Conservation District to obtain the best information available. If soil survey information is not available, the applicant is requested to obtain this information from a private consultant or professional soil classifier.

NOTE: If at all possible, provide information concerning subsoil physical conditions.

HAP

PLEASE READ LEGAL DESCRIPTION #1 THROUGH #4 ON FRONT SHEET BEFORE COMPLETING THIS SECTION.

5 DmB - Dempster Silt loam - 2 to 6% slope 5 DmH - Dempster Silt loam - 0-2% slope TdE - Talons-Delmont loam - 6 to 31% slope DeB - Delmont Talons loam - 3-6% DeC - Delmont Talons loam - 6 to 11% Wo - Worthing Silt Clay loam Wh - Whiteoak Silt Clay loam HeB - Henkin loam - 3-9% NE corner will not be irrigated center point will miss it	TdE 30-45% 30-45% DeB 30-45% 30-45% DeC 30-45% 30-45% Wo 30-45% 30-45% Wh 30-45% 30-45% HeB 30-45% 30-45% subject to farming subject to farming	
---	---	--

Talons - silt loam

Page 38 Lake County soil survey

PLEASE USE BACK OF THIS SHEET FOR NARRATIVE.
OR ATTACH SEPARATE SHEET

12/76

d

ADDITIONAL

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Alan Brown, Wentworth, South Dakota

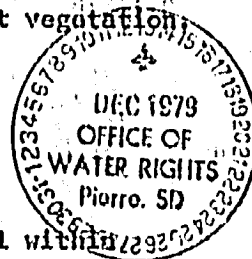
SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED unless kept in permanent vegetation

Wo - Worthing Silty Clay Loam both subject to ponding.
Wh - Whitewood Silty Clay Loam

Gravelly knobs scattered throughout the Talmo-Delmont soil complex.

The number of acres involved cannot accurately be estimated, but fall within the red dashed acres of the soils map.



RECOMMENDED MANAGEMENT:

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 depressional soils if economically feasible.
4. () Yes () No Subsurface drainage suggested on _____.
5. () Deep tillage (for the purpose of aiding movement of water through dense subsoils)

COMMENTS:

6. () Heavy fall application of irrigation water.
7. Type of irrigation system recommended for use on this application See below
Gun or smaller pivot.

GENERAL COMMENTS:

There are a few acres of depressional soils that will be subject to ponding and a few acres that are shallow to sand or gravel. These will not produce corn or alfalfa beneficially under irrigation. You could pick your irrigable soils better with a gun. A shorter pivot that could make a full circle and push to the north and west as much as possible would give you approximately 86 acres without the use of an end gun and eliminate some gravelly areas in the extreme southern edge.

Moving some soil from your gravelly slopes to the depressional heavy soils, especially for wheel tracks, may have merit.

Copy to applicant
Copy to Water Rights
Copy on File

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

Submitted by: John Smith Date Rec'd: November 2, 1979
 Address: Brookings, SD 57075 Sample No.: 726633
 Identification: 011
Box 1, Loc. 1, T 165N, R 51E

WATER ANALYSIS

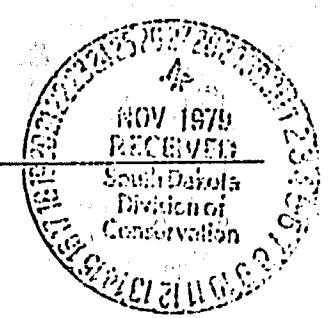
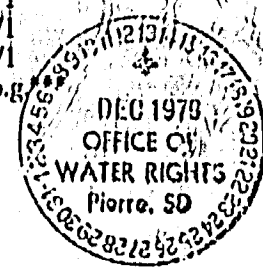
Calcium (Ca)	92	ppm*	4.60	me/l**
Magnesium (Mg)	51	ppm	4.18	me/l
Sodium (Na)	15	ppm	0.65	me/l
Potassium (K)	3	ppm	0.08	me/l
Sulfate (SO ₄)	67	ppm	1.40	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	15	ppm	0.42	me/l
Bicarbonate (HCO ₃)	259	ppm	4.24	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.
Alkalinity (Methyl Orange)	212	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	759	mc/cmhos per cm at 25° C.		
Sodium Adsorption Ratio	0.30	Adjusted SAR	6.70	0.49
Sodium	5.35	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.50			
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 7.51 me/l
 Total anions 6.06 me/l



By: Shirley Litten

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. 726633

Amount Enclosed \$

Signed

GRIMSHAW DRILLING CO.

P.O. BOX 81
CHESTER, S.D. 57016

LARRY WOLD
(605) 489-2102

DRILLING
LOG

JAY VAN LIERE
(605) 489-2427

Name Alvin Brown Date 11-6-79

Address Wentworth S.D. 5174

County Lake Sec. 5 Twp. 105 Range 51

NO. FT.	DIA.	RATE	CASING	TOTAL
70'	4 1/4"	\$ 3.00	---	210.00
	7 1/2" excess for			3.40

BALANCE DUE:

\$ 218.40

0 ft. to 2 ft. Topsoil
2 ft. to 18 ft. Red Sand & Gravel
18 ft. to 39 ft. Blue Clay
39 ft. to 62 ft. Good Fine to Medium Grey Sand
62 ft. to 70 ft. Blue Clay
ft. to ft.
ft. to ft.

Production well should produce 600-800 gpm.
ft. to ft.

STATIC WATER LEVEL 20' ft.

Jay M. Wold
DRILLER

REMARKS:

23' of uniform grey sand & N
A good producing aquifer - Suggest 15'
of 10/20" to 20/40" slot stainless steel screen

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 3 1/2", Depth 60'
 (2) Casing, Type Plastic, Diameter 1 1/2", Thickness 3/8"
 (wood, concrete, steel, etc)
 (3) Screen, Type Continuous slot, Diameter 1 1/2", Length 15'
 (4) Gravel Pack, Thickness 4", Length of gravel pack 25'

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 39'
 Depth to bottom of water bearing material 62'
 Depth to water (ground surface to water level) 20'

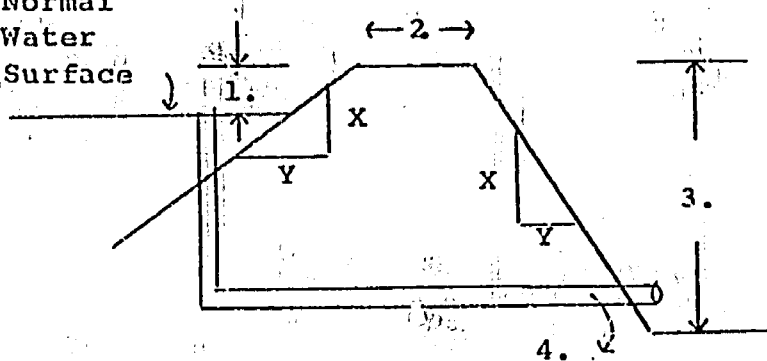
(2) Distance to nearest existing household or livestock watering well.

- On same owner's property 80 rds.
 On property owned by others 170 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 _____

Alan Brown
 Signature Applicant

RECEIPT
WATER RIGHTS COMMISSION

No 4 7135

State of South Dakota

November 26

70

PIERRE,

19

RECEIVED OF Alan Brown, RR #1, Box 70, Wentworth SD 57075

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

Fee for Application for Permit to appropriate Water No.4453-3.... (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

law

No. 4453-3

Publish first publication, on or before December 20, 1979

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

Dec 14, 1979

Notice is hereby given that Alan Brown whose post office address is Wentworth, 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 2.0 cubic feet of water per second of time from groundwater (cane well) through the Alan Brown Irr. Proj. #1, the point of diversion of which is to be located in the NW 1/4 Sec 4

of Section 5, Twp. 105N, Range 51W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE 1/4, Section 5, T105N, R51W

This Application No. 4453-3 will be considered by the Water Management Board AK in Meeting Room #1, Kneip Building, Church & Illinois, Pierre SD upon the 30th day of January, 1980

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

cc: Alan Brown
Box 1, Box 70
Wentworth SD 57075

FORM 6 - Notice of Intent to Appropriate Water
GROUNDWATER

No. 4453-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Lake) ss.

I, Merrill D. Hunter hereby

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

Water was taken from the Madison Daily Leader

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

City Madison of Madison

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

Monday - December 24, 1979

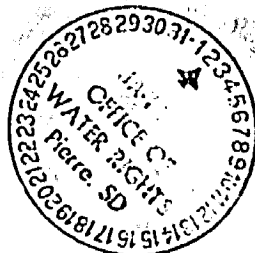
Monday - December 31, 1979

Merrill D. Hunter
(Signature)

Publisher
(Title)

December 31, 1979
(Date Signed)

Mon. Dec. 24 & 31 1979
NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
Notice is hereby given that Alan Brown, whose post office address is Wentworth, South Dakota, has made an Application in accordance with the provisions of SDCL 46-1-1 through 46-1-9, 46-1-11, 46-2-1 through 46-2-13, 46-5-1 through 46-5-8, 46-5-10 through 46-5-22, 46-5-41, 46-5-43, 46-6-1, 46-6-10, 46-6-11 and Board Rules ARSD 52:01:01.01 through 52:01:01.19 for a permit to appropriate for beneficial use 2.0 cubic feet of water per second of time from groundwater (one well) through the Alan Brown Irrig. Proj. No. 111, the point of diversion of which is to be located in the NW 1/4 SE 1/4 of Section 5, Twp. 105N, Range 51W, said water to be used for the purpose of providing irrigation on portions of the following described land: SE 1/4 Section 5, T105N, R51W, 24th & 31st Meridian, 4453-3. This Application No. 4453-3 will be considered by the Water Management Board in Meeting Room No. 31, Knapp Building, Church & Illinois, Pierre, SD upon the 30th day of January, 1980 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 to cross-examine witnesses according to SDCL 1-25 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
CC: Alan Brown
RR 1, Box 70
Wentworth, SD 57075 49 line



Allen Brown

Wentworth S. Dak.

67.075

Area 1000 ft - SE 9 SE 5
105-51

134.3

5

Wall Paper

105-51
106-51
105-51

147.6 28D

Copy 11-7-79
John J. Williams

MAP No. 3082-3

4453-3

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

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

January 29, 1988

ALAN BROWN
RR #1, BOX 70
WENTWORTH, SD 57075

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

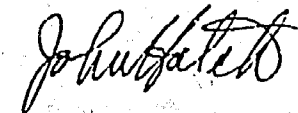
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 4453-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of 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 9:00 am, March 2, 1988 in Room 216, 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. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 4453-3 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.



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, your name will be deleted from the agenda for the hearing.

SOUTH DAKOTA Department of
Water & Natural Resources

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

February 18, 1988

4453-3

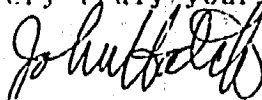
Allan Brown
RR 1, Box 70
Wentworth SD 57075

Dear Mr. Brown:

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. 4453-3 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

Form 12

Permit No. 4453-3

Big Sioux River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Alan Brown of RR 1, Box 70, Wentworth, SD 57075 holder of Permit No. 4453-3, bearing the priority of November 19, 1979 authorizing the diversion of 2.0 cu. ft. per second and/or the storage of acre-feet of the waters of the Big Sioux Aquifer - North Skunk Creek Unit for irrigation purposes, in Lake County.

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

A. Works used to divert the water:

One well - 55' deep with 55' of 16" Plastic Casing and 16" Stainless Steel screen (length unknown); 3 Stage Western Land Roller Pump Model No. 312 CM, 8", 700 GPM @ 40 PSI

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

125' of 10" Aluminum Pipe

C. Works used to apply water to beneficial use:

Zinnatic Center Pivot Model No. 507307, 7 Towers total Length 1220', Low Pressure Rain Bird Sprinklers with End Gun, 700 GPM

The system is in the following condition Good. The point of diversion is located 1360' West and 131 1/2' North of the SE corner of Section 5-T105N-R51W, Lake County, SD. The works are capable of diverting and conveying to the place of use 1.56 cu. ft. per second of water and/or storing acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 5-T105N-R51W:

NW1/4 SE1/4 = 27 acres

SW1/4 SE1/4 = 26 acres

NE1/4 SE1/4 = 21 acres

SE1/4 SE1/4 = 26 acres

comprising a total of 100 acres of land and the license should be issued for 1.43 cfs.

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: None

Date 9/5/91

A handwritten signature in cursive script that reads "Gregory C. Johnston".

Gregory C. Johnston
Natural Resources Engineer
DENR, Water Rights Division

LICENSE FOR PERMIT NUMBER 4453-3

(pagination required, remove before printing)

1. Legal location of wells: 1360' West and 1313' North of the SE corner of Section 5-T105N-R51W, Lake County, SD

Dams and Structures None

2. Well Information: Well Drilling Firm Grimshaw Drilling Co.

Completion Report? Yes X No No. of Wells 1 Depth(s) 55 feet

Casing a) diameter 16 inches Screen a) type Stainless Steel (.070 slot size)

b) length 55 feet

b) length Unknown feet

c) type Plastic

Static Water Level 14 feet

Pump a) make Western Land Roller

Motor a) make GE

b) model 312 CH

b) model no. 5K6237X115014

c) size 8"

c) horsepower rating 40

d) capacity 700 GPM

d) serial no. Unknown

e) turbine pump - no. of stages 3

f) operating PSI 40

3. Distribution lines or canals

a) size 10 inches

b) type Aluminum

c) length 125 feet

4. System Type

a)gun:

b) center pivot:

1) make

1) make Zimmatic

2) nozzle size

2) number of towers 7

3) capacity (GPM)	3) distance between towers
4) hose size inches	4) overall length <u>1220</u> feet
5) hose length feet	5) end gun (Y/N) <u>Y</u>
e) gated pipe:	6) high or low pressure <u>Low</u>
1) length feet	7) make and size of nozzles:
2) diameter inches	<u>Rain Bird</u>
3) spacing of gates inches	8) capacity (GPM) <u>700</u>

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
<u>X</u>		1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>X</u>		2. Special qualifications to permit being abided by?
<u>X</u>		3. All structures, wells and lands on map?
<u>X</u>		4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
	<u>X</u>	5. Is chemigation used?
<u>N/A</u>		6. If yes, does equipment comply with chemigation rules?

REMARKS:

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 27, 1991

4453-3

Alan Brown
RR #1 Box 70
Wentworth, SD 57075

Dear Mr. Brown:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 4453-3, 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 the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Genny McMath

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.

RECEIPT

Division of Water Rights

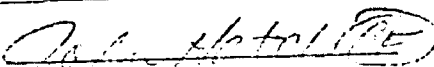
South Dakota Department of Water and Natural Resources

412965

Pierre, December 17, 19 91

RECEIVED OF Alan or Rita Brown, RR 1, Box 70, Wentworth, SD 57075
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. 4453-3	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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4453-3

(1) Alan Brown of RR 1, Box 70, Wentworth, SD 57075 made Application No. 4453-3, November 19, 1979 for a water permit to appropriate 2.0 cubic feet of water per second from groundwater (one well), Lake County, South Dakota for irrigation purposes. Permit No. 4453-3 with a priority date of November 19, 1979 was approved January 30, 1980 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before January 30, 1985 and for the application to beneficial use of said water on or before January 30, 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 1.43 cubic feet of water per second for beneficial use. The location of the diversion point is: 1360'W and 1313'N of the SE corner of Section 5, T105N, R51W (NW 1/4 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:

T105N, R51W Section 5	NW 1/4 SE 1/4	27 Acres
	SW 1/4 SE 1/4	26 Acres
	NE 1/4 SE 1/4	21 Acres
	SE 1/4 SE 1/4	26 Acres
	Total-----	100 Acres

(4) Pursuant to Section 46-5-30.1 Alan Brown of RR 1, Box 70, Wentworth, SD 57075 the holder(s) and/or owner(s) of Water Permit No. 4453-3 is issued a license to appropriate water, the right to use 1.43 cubic feet of water per second from groundwater (one well) with a priority date of November 19, 1979 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. 4453-3 and subject to South Dakota State Law.

 FEB 27 1992
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

FEB 27 1992

4453-3

Alan Brown
RR 1, Box 70
Wentworth, SD 57075

Dear Mr. Brown:

Enclosed is Water License No. 4453-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412965 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. 4453-3, 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

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

enclosures



4453-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1994

ALAN BROWN
RR #1 BOX 70
WENTWORTH SD 57075

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 4453-3. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 4453-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before April 1, 1994, your name will be deleted from the Board agenda.

Very truly yours,

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

Is your RETURN Address indicated 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:

4453-3

ALAN BROWN
RR #1 BOX 70
WENTWORTH SD 57075

4a. Article Number
P837 692 444

4b. Service Type
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery
2-18-94

5. Signature (Addressee)
Alan Brown

8. Addressee's Address (Only if requested and fee is paid)
PO Box 217
Chester SD 57016

6. Signature (Agent)

Thank you for using Return Receipt Service.



4453-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 23, 1994

4453-3

Alan Brown
PO Box 217
Chester, SD 57C16-0217

Dear Mr. Brown:

I am writing to acknowledge receipt of your 1993 irrigation questionnaire. You may disregard the February 16, 1994, Notice of Violation of the Requirement to Submit the 1993 Irrigation Questionnaire.

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,

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE $\frac{1}{4}$ SG $\frac{1}{4}$ Sec 5 Twp 105N Rg 51W
 County Lincoln North

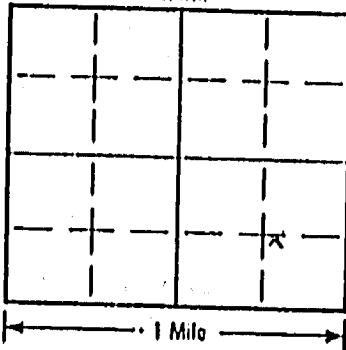
Please mark well location with an "X"

W

E

Well Completion Date

4-1-02



LOCATION:
 Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1 ft. from (identify source).

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

CASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>2.0</u> LB/FT	<u>14</u> IN	<u>0</u> FT	<u>1</u> FT	<u>2.0</u> IN
<u> </u> LB/FT	<u> </u> IN	<u> </u> FT	<u> </u> FT	<u> </u> IN
<u> </u> LB/FT	<u> </u> IN	<u> </u> FT	<u> </u> FT	<u> </u> IN

GROUTING DATA

Grout Type No. of Sacks 2 1/2 gds Grout Weight lb./gal From 23 ft To 0 ft
 lb./gal ft ft

Describe grouting procedure Tremied

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 14 IN Length FEET

Material
 Slot Size 11.5" Set From 17 Feet to Feet

Other information

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

so, what material?

Describe packer(s) and location?

DISINFECTION: Was well disinfected upon completion?

YES, How:

NO, Why Not?

Laboratory sent to for water quality analysis

Well Owner: Alan Brown

Business Name:

Address: P.O. Box

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Black Soil	0	8
Rusty Sand	8	11
Gray Clay	11	23
Fine Sand	23	37
Coarse Gravel	37	55
Clay		55

STATIC WATER LEVEL 1.1 Feet

If flowing: closed in pressure PSI

GPM flow through inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced Flowrate GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:
☐ Bailed
☐ Other

Pumping Level Below Land Surface ft. After Hrs. pumped GPM
 ft. After Hrs. pumped GPM
 If pump installed, pump rate GPM

REMARKS

Replacement Well

This well was drilled under license # 111

And this report is true and accurate.

Drilling firm Lucy Well Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Alan Brown

Date 4-1-02

RECEIVED

JUN 06 2002

WATER RIGHTS PROGRAM

N.T.

280

40.3

5.8

4.0

134.3

5

Alan Brown
Wentworth S. Dak.
57075

Area Irrigated - SE⁴ Sec 5
105-51

11 PFT
N 46.0 W
18901
105-5

85.9

147.6
280

11-7-79
John Swenson

NOT TO SCALE

No. 4453-3 **44L**

Alan Brown

Drawn by: Gregory C. Johnston

Gregory C. Johnston

Natural Resources Engineer

DENR, Water Rights Division

10/22/91

N

1" = 660'

Section 5-T105N-R51W

NW 1/4 SE 1/4 = 27 acres

NE 1/4 SE 1/4 = 21 acres

SW 1/4 SE 1/4 = 26 acres

SE 1/4 SE 1/4 = 26 acres

Total = 100 acres

Lake County
Section 5: T105N-S1W

NW 1/4 SE 1/4
= 27 acres

NE 1/4 SE 1/4
= 21 acres

SW 1/4 SE 1/4 =
26 acres

SE 1/4 SE 1/4
= 26 acres

Pivot
Well

1313'

1360'

105-51

22.8 T113

41.4

25.7

44L

4453-3

16.7

280

40.3

5.8

152.9

Alan Brown
Wentworth S. Dak.
57075

4.0

134.3

5

Area irrigated - SE⁴ Sec 5
105-51

300'

Well

N 18301
N 46° W
105-5

85.9

147.6
280

Copy 11-7-79
John Swenson

11.7

280

40.3

5.8

153.9

4.0

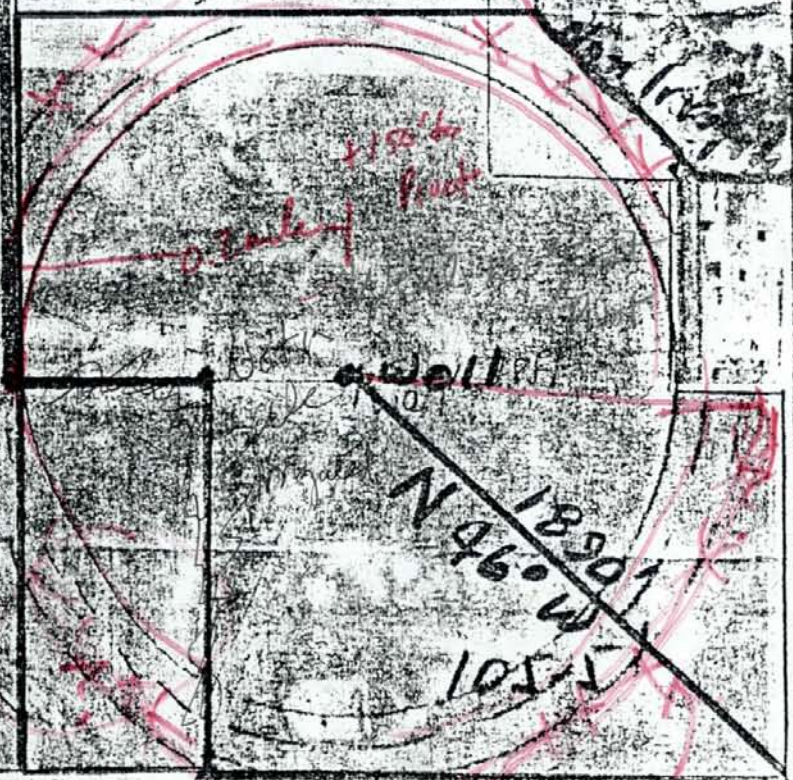
Alan Brown
Westworth S. Dak.
57075

134.3

5

ask

Area Irrigated - SE⁹ Sec 5
105-51



15.9

147.6

280

ask on these 2 areas

11-7-79

COPY

John Swaleson

2005 Water Management Board Irrigation Questionnaire

Please fill out and return before December 2, 2005

REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501-3181 (605) 773-3352 or send your form(s) electronically over the internet at <https://www.state.sd.us/eforms/secure/eforms/E0455V4-IQ.pdf>

Permit No. 4453-3

Any address/ownership corrections?

ALAN BROWN
PO BOX 217
CHESTER SD 57016 0217

Telephone No. 490-0213 Day time

1. Is the system constructed? *yes ☒ no ☐

3. Is the land enrolled in CRP? *yes ☐ no ☒

*Type of system used (check all that apply):

*If yes, through what year? _____

center pivots ☒ towlines ☐ big gun ☐

4. Did you apply chemicals or fertilizer through the system in 2005? yes ☐ no ☒

flood ☐ sprinklers ☐ other ☐

2. Did you irrigate in 2005? *yes ☒ **no ☐

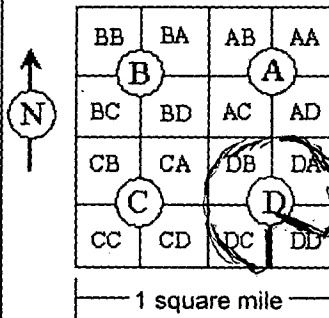
5. If more than one water source is listed below, circle each source used. A. GROUNDWATER

*If yes, number of acres irrigated 118

**If no, list reason(s) in comment box and answer No. 3:

Comment Box

If you have any question call me at
480-0213 day time
489-2263 Evening
Thank Alan Brown



Office use only

RECEIVED

NOV - 2 2005

WATER RIGHTS PROGRAM

Acreage permitted for irrigation under No. 4453-3 (see above section map for help reading legal descriptions)

sec 05-T105N-R51W, DB -- 27.00 acres
sec 05-T105N-R51W, DA -- 21.00 acres
sec 05-T105N-R51W, DC -- 26.00 acres
sec 05-T105N-R51W, DD -- 26.00 acres

100

These acres must be wrong because I'm able to irrigate more than you show on this quarter

my permit shows 38 in NW of SE 105-51
30 in NE of " " "
38 in SW " " "
38 in SE " " "

for a total of 144 A/c

P.S Hope this will help you
Thank Alan Brown

Please provide your 2005 water use to irrigate the above acreage on the REVERSE side of this form.

For an updated example questionnaire, please refer to the reverse side of your cover letter.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 3, 2005

4453-3

Alan Brown
PO Box 217
Chester SD 57016-0217

Dear Mr. Brown:

Thank you for the prompt return of your 2005 irrigation questionnaire.

On the form, I noted that you had some concerns on the number of acres described in your water right. You were originally permitted for 144 acres in the SE ¼ Section 5. In 1991 a staff member conducted a field investigation of your irrigation system for licensing purposes. The investigation found the project consisted of a 7 tower center pivot irrigating a total of 100 acres. The water license was subsequently issued for the amount of acres developed.

I am enclosing a copy of the inspection report, map and the water license. If after reviewing the materials, you still feel there is a discrepancy in the number of acres, let me know. We may need to stop out and take another look at the system to ensure that your water right accurately describes your project.

Thanks for bringing this to our attention and 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

4453-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 4453-3, Alan Brown

ADDRESS: COUNTY: Lake

DATE: April 15, 2005 TELEPHONE:

RE: Call concerning the number of acres authorized for irrigation by WR No. 4453-3

COMMENTS:

Mr. Brown called the Water Rights office in response to a letter Genny McMath sent to him regarding the number of acres authorized for irrigation by Water Right No. 4453-3. Genny sent him the letter because the annual irrigation questionnaire submitted indicated more than the licensed number of acres were being irrigated. The permit was issued for 144 acres but when it was licensed in 1992 after Gregory Johnston's investigation it was reduced to 100 acres.

Mr. Brown called and indicated that his system irrigates approximately 126 acres and has since he developed the pivot in the early 1980's. He inquired as to why he'd need to apply for additional acres above the 100 acres when he'd always been irrigating around 126 acres. He said the end portion of the system shuts down along the farm place in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5 and the W $\frac{1}{2}$ of the pivot. It appears that Mr. Johnston calculated the number of acres irrigated by best fitting the pivot to not include the farm yard or travel into the neighboring SW $\frac{1}{4}$. Therefore he didn't account for a larger pivot capable of shutting down the end section.

Mr. Brown said the only change in the system now from when it was first developed is that he went to drop nozzles.

I reviewed the aerial orthophoto to see the outline of the irrigated acres and using the area tools in ArcMap calculated the following acres under irrigation.

All in Section 5, T105N, R51W

NW $\frac{1}{4}$ SE $\frac{1}{4}$	35 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$	32 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$	29 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$	30 acres

Total acres under irrigation by my calculation are 126 acres.

NAME:





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 15 2005

4453-3

Alan Brown
PO Box 217
Chester SD 57016

Dear Mr. Brown:

Enclosed is Reissued Water License No. 4453-3. The license is being reissued to reflect the number of acres which have historically been irrigated since the project was developed.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosure

**STATE OF SOUTH DAKOTA
REISSUED
WATER LICENSE NO. 4453-3**

(1) Alan Brown, PO Box 217, Chester SD 57016 was issued Water License No. 4453-3, February 27, 1992 for a water right to divert 1.43 cubic feet of water per second from groundwater (one well), Lake County, South Dakota for irrigation purposes. Water Right No. 4453-3, with a priority date of November 19, 1979 was issued to the permit holder for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

The license is being reissued to reflect the number of acres which have historically been irrigated since the project was developed.

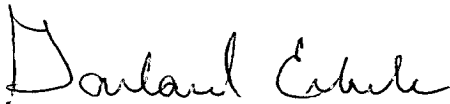
(2) The water supply system is completed and water has been applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 4453-3 is reissued a license, bearing a priority date of November 19, 1979 to appropriate 1.43 cubic feet of water per second from groundwater (one well) to irrigate 126 acres.

The diversion point is located: 1,360 feet west and 1,313 feet north of the southeast corner of Section 5-T105N-R51W (SW ¼ SE ¼). The acres authorized for irrigation are as follows:

Section 5-T105N-R51W	NW ¼ SE ¼	35 acres
	NE ¼ SE ¼	29 acres
	SW ¼ SE ¼	32 acres
	SE ¼ SE ¼	30 acres
Total 126 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 4453-3 including the following now applicable qualification:

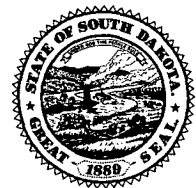
- The irrigation well approved under this Permit is located near domestic wells and other wells which may obtain water from the same aquifer. The irrigation well owner under this Permit shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic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



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 15 2005

date



WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Alan Brown

ADDRESS: PO Box 217, Chester SD 57016

DATE: March 2, 2018

RE: Replacement Well and Licensed CFS Rate

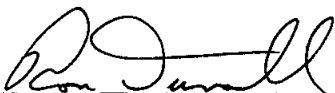
COMMENTS:

Mr. Brown called and indicated that he was planning on having a replacement well drilled and installing a new center pivot system. The well is being replaced because it is old and has been pumping fine material and rust. According to Mr. Brown the pivot had to be re-nozzled to accommodate declining production from the well. I told Mr. Brown that the replacement well probably wouldn't require a new permit but we would like to have a map showing the location of the new well in relation to the existing well. Mr. Brown indicated that it would be near the old well but the depth would be increased by 30 feet or so. Mr. Brown also indicated the new pivot would cover the exact same area as the old pivot.

Mr. Brown also questioned why his water license was issued for less water than the amount approved on the water permit. I told Mr. Brown at the time of the inspection the well was producing 700 gpm (1.56 cfs) and the license was issued for 1.43 cfs because the number of acres being irrigated was identified as 100 acres. By law, the amount of water could not exceed 1 cfs per 70 acres ($100/70 = 1.43$ cfs) so 1.43 cfs was listed on the license. After reviewing the file for No. 4453-3, the water license was reissued December 15, 2005, to correct the number of acres being irrigated from 100 acres to 126 acres. Reissuance of the license did not include a revision to the licensed pump rate but should have increased it from 1.43 cfs to the 1.56 cfs the well was producing at the time of the licensing inspection. I informed Mr. Brown the license should be reissued again to reflect the correct pump rate. Mr. Brown believes the new pivot will operate at 700 gpm (1.56 cfs) but would like to have 800 gpm (1.78 cfs) on the license to be on the safe side. Given that the decline in production from well has not been addressed since the time of licensing 25 years ago, any ability to get back to 800 gpm has likely been forfeited due to nonuse.

RECOMMENDED ACTION:

Reissuance of the license in 2005 should have reflected an increase in the diversion rate from 1.43 cfs to 1.56 cfs which is what the system was capable of when inspected. It is recommended that the license be reissued to reflect this change.



Ron Duvall
Natural Resources Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

MAR 27 2018

4453-3

Alan Brown
PO Box 217
Chester SD 57016

Dear Mr. Brown:

Enclosed is your Amended Water License No. 4453-3.

The water license was amended to correct an error in the diversion rate. The license should now reflect your water use system as it was operating at the time of the initial inspection.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
AMENDED WATER LICENSE NO. 4453-3

(1) Alan Brown, PO Box 217, Chester SD 57016 was issued water licenses on February 27, 1992 and December 15, 2005 authorizing diversion of water for irrigation purposes. The original water license did not contain the entire acreage irrigated and the reissued license did not include the correct diversion authority.

Amended Water License No. 4453-3, with a priority date of November 19, 1979 authorizes diversion of 1.56 cubic feet of water per second from ground water, one well, Lake County, South Dakota for irrigation of 126 acres as described below.

(2) It is certified that the water right holder complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 1.56 cubic feet of water per second for beneficial use.

The location of the diversion point is 1,360 feet west and 1,313 feet north of the SE corner of Section 5, T105N, R51W (SW ¼ SE ¼).

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

Section 5, T105N, R51W	NW ¼ SE ¼	35 acres
	NE ¼ SE ¼	29 acres
	SW ¼ SE ¼	32 acres
	SE ¼ SE ¼	30 acres
	Total	126 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Alan Brown, PO Box 217, Chester SD 57016 the holder and/or owner of Water Right No. 4453-3 is issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from ground water, one well with a priority date of November 19, 1979 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 4453-3 and subject to the following qualifications:

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



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 27 2018

date





4453-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: ALAN BROWN, PO BOX 217, CHESTER, SD 57016 0217

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire has not been submitted for Permit No(s) 4453-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

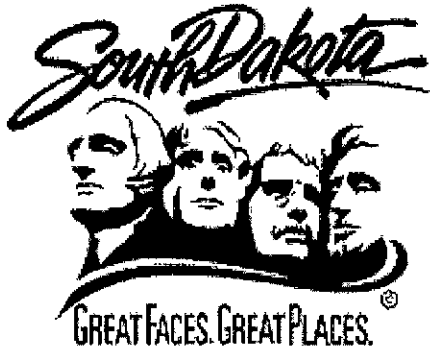
The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 4453-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: BNIWMC**

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.



4453-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 3, 2020

4453-3
7915-3

Jeff Brown
24131 465th Ave
Chester SD 57016

Dear Mr. Brown:

Thank you for calling concerning permits listed in the name of Alan Brown and Tom Park.

I have edited the database to show the annual irrigation questionnaires should be sent directly to you as tenant. This does not change ownership at all, it just ensures you receive the forms.

With respect to Water Right No. 4453-3, listed in the name of Alan Brown, please let Alan's wife know that at some point, the water right will need to be transferred to her name.

Enclosed are copies of both Nos. 4453-3 and 7915-3. You may keep these for your records. If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with the first name "Genny" being more prominent.

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 5, 2020

4453-3

Alan Brown
PO Box 217
Chester SD 57016 0217

Dear Mr. Brown:

I am writing to acknowledge receipt of your 2019 irrigation questionnaire.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right No. 4453-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Next season, the questionnaire will be forwarded to Jeff Brown. If you have any questions, please contact me.

Sincerely,

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

4453-3

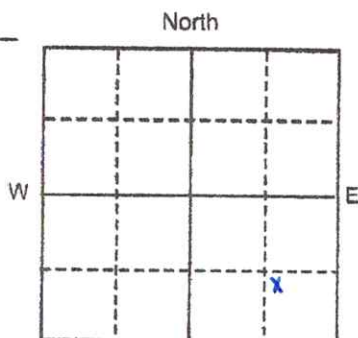
SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE ¼ SE ¼ Sec 5 Twp 105N Rg 51WCounty Lake

Please mark well location with an "X"



Well Completion Date

03/06/2018

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?

1200 ft. from Septic

(identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>16</u> IN	<u>0</u> FT	<u>20</u> FT	<u>28"</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite 10</u>		Lb/gal	<u>0</u> Ft	<u>15</u> Ft
<u>per driller</u>		Lb/gal	Ft	Ft

Describe grouting procedure 1/15/25 AW/MTremie Pipe

SCREEN:

☒ Perforated pipe ☐ Manufactured
Diameter 16 Inches Length 55 FeetMaterial PVCSlot Size 80 Set From 20 Feet to 75 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine Tablets
☐ No, Why Not?
 Lab to which water quality sample sent for analysis
Well Owner: Allen + Rita Brown

Business Name:

Address:

P.O. Box 217

City, State, Zip:

Chester, SD 57016

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	10
SAND / RED	10	12
CLAY / BLUE	12	27
SAND	27	40
COURSE GRAVEL	40	63
CLAY	63	75

STATIC WATER LEVEL

12

FEET

If flowing: closed in pressure

PSI

GPM flow

through

Inch pipe

Controlled by

☐ Valve☐ Reducers☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: Turbine
☐ Bailed☐ Other

Pumping Level Below Land Surface

35

Ft. After

Hrs. pumped

400

GPM

Ft. After

Hrs. pumped

GPM

If pump installed, pump rate:

GPM

REMARKS

3755-200 Grundfos Pump
20 HP Franklin Motor.

This well was drilled under license #

805

and this

report is true and accurate.

Drilling firm:

SAM HEINE WELL COMPANY, L

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

RECEIVED

Date:

DEC 19 2024OFFICE OF
WATER