

500
0170202

Jan 28, 1981 FF&C L

Water Right No. 9554-3

1. Considered Nov. 19 1980
2. Name of Applicant WILLIAM & TOM UTNE
3. Post Office Address ORTLEY, S.D.
4. Amount of Water Claimed 1.54
5. Source of Water Supply 70' WELL
6. Water to be used for IRR.
7. Acres to be Irrigated 108 maximum acre feet
8. Water to be diverted and used in ROBERTS County
about 1 mile SOUTH of ORTLEY
9. PROOF OF PUBLICATION Received ☒ 10-24-80
Not Received ☐

APPLICATION

☒ Approved

11-19-80

needs

1/29/81

FF&C L

Subject to WI-10 ~~8~~

Not Approved ☐

Action deferred ☐

Priority

Date

Received 9-9-80

Application Complete yes

no

FEE 225.00

Remarks return appl and fee resubmitted 9/9/80 w/ fee

Originally received 10-15-79 (no fee)

Date information and/or
fee or corrected Application received 10/12/79

Period of Annual use APRIL THRU OCTOBER

Received yes 10/12/79 no ☒ APPROVED ☐ CONDITIONAL (circle one)

WI-1 Description same as application yes no Remarks

Disapproved ☐

Returned ☐

Diversion Point IN THE APPROX.

CENTER NW 4-33-122-52

Lands to be irrigated

NW 4, SEC. 33-T122N-

R52W

☒					

WELL
LOG

Remarks

log signed & filled out on Form 2A.

Driller

North Star Dril

Licensed yes

no

Depth

70' well

Water Right No. _____

MAP

Map No. 5772-3 Map located In Water Right X Map file _____
Type of Map Aerial Prepared by Asst John Waisona
PE

+++++

REVIEWED

This Application was reviewed within 30 days of date received, accepted as complete. Number assigned and written up for settlement before the Board on Nov. 19, 1980.

Betty Wood
(Signed)

+++++

PROTESTS

Letters/Petitions In File - yes no _____ Remarks _____

REMARKS

Date

F.F. & C

Final Decision, Including F.F. & C of Law were adopted

1-29-81

OF LAW,

Date

FINAL

Final Decision mailed to parties and/or parties notified that Final Decision

DECISIONS

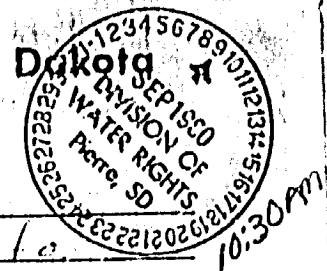
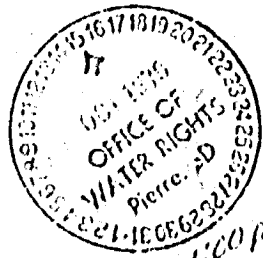
ETC.

was adopted ~~1-29-81~~

Remarks _____

Map No. 3772-3 Water Division No. 3 BIG SIOUX District 10170202
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT



To Appropriate Water within the State of South Dakota

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

- Name of Applicant Wm J. Toney, Lt. Col.
Postoffice address Oakleaf, State South Dakota
If a corporation show date and place of incorporation _____
- Method of accomplishing work (contract, employment of others, or by direct labor) Contract Direct Labor
- Name of diversion work Utine Irrigation Project #1
- Amount of water claimed (cubic feet per second) 1.05'4
- Source of water supply well
- Location of point of diversion 1860' N 135° E at NW corner of Sec 33 - 122 - 52
County Roberts
- Annual period or periods during which water is to be used April through October
- Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
- For irrigation use, Total number of acres to be irrigated 108

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
SE 1/4 of NW 1/4 Sec 33 - 122 - 52	38		
SW 1/4 of NW 1/4 Sec 33 - 122 - 52	38		
NE 1/4 of NW 1/4 Sec 33 - 122 - 52	19		
NW 1/4 of NW 1/4 Sec 33 - 122 - 52	13		

Attach sheet if more space is needed

- Time required to complete construction of water supply system Five years. Additional time required to complete application of water to the proposed beneficial use three years.
- Choice of newspaper for Notice of Intent to Appropriate Water publication COURIER, Sisseton, 57062
John A. Adams, Pub.
- Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source. Deep well with turbine

B. Works proposed to transport water to place of use. pipe & can ditch

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

Estimated Total Cost \$ 50,000

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

STATE OF SOUTH DAKOTA)
County of Brookings) ss.

I, Wm J. Toney, 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 The Butcher Spill

Subscribed and sworn to before me this

10 day of Oct, 1979

John A. Adams
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4554-3

WILLIAM AND TOM UTNE
(Applicant)

ORTLEY
(Post Office Address)

SOUTH DAKOTA 57256 With the following modifications:
(State)

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

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application SEPTEMBER 9 1980
Date of return to applicant for correction, amendments or changes required _____
Date of receipt of corrected application _____
Approved JANUARY 29 1981, Recorded in Book 22 Page 37
WATER RIGHT PERMIT NO. 4554-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4554-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is SEPTEMBER 9 1980
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 29 1983
3. The whole of said work is to be completed on or before JANUARY 29 1986
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 29 1989
5. The water appropriated shall be used for the purpose of IRRIGATION

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

7. The amount of the appropriation herein granted shall not exceed 1.54 cubic feet per second; neither shall it exceed the capacity of the above described water supply system; nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before JANUARY 29 1989; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 13th day of MARCH 1981

WATER RIGHTS COMMISSION

By:

John Kautz
Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19____

Water License Issued _____ 19____

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

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 18", Depth 70'
(2) Casing, Type Steel or Plastic (wood, concrete, steel, etc) Diameter 12 or 16" Thickness 3/8"
(3) Perforated Screen.
Type Wire Lurap, Diameter 12 or 16", Length 20'
(4) Gravel Pack, Thickness 3", Length of gravel pack full length

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

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

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

Character of Water bearing materials 0 to 1' top soil 1' to 15'
Oxidized Sand 15' to 70' coarse water
bearing sand

James A. Johnson North Star Milling
Depth to top of water bearing material 15'

Depth to bottom of water bearing material 70'

Thickness of water bearing material 55'

Depth to water (ground surface to water level) 13'

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

On same owner's property None fds. On property owned by others 2400' fds.

G. Water Storage Dams.

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

This sheet is submitted for North Star's
log of the well as given in section F

Signature of Applicant

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

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 18", Depth 70'
- (2) Casing, Type Steel (wood, concrete, steel, etc) Diameter 12" Thickness 3/16"
- (3) Perforated Screen, Type Jensen Perforated, Diameter 12", Length 20'
- (4) Gravel Pack, Thickness 3", Length of gravel pack 20'

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

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

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

Character of Water bearing materials 2' to 15' fine sand, 15' to 70' coarse water bearing sand.

Depth to top of water bearing material 15'

Depth to bottom of water bearing material 70'

Thickness of water bearing material 55'

Depth to water (ground surface to water level) 13'

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

On same owner's property none rds. On property owned by others 15' rds.

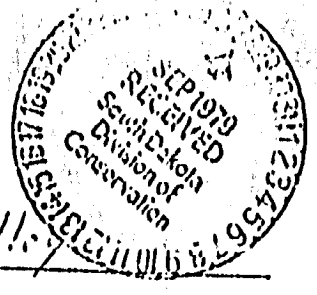
G. Water Storage Dams.

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

Walter Baethge
Signature of Applicant

11/1/79
2/1/5

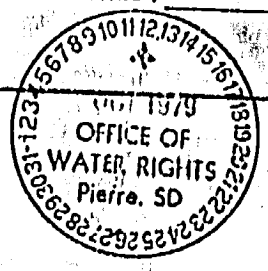
SOIL/WATER COMPATIBILITY APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE



OWNER'S NAME: Donna B. Smith OWNER'S ADDRESS: 0111
COUNTY LAND LOCATED IN: Roberts PHONE: 947-4531
TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

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: Center NW 1/4 Sec. 33 122-52
2. SURFACE WATER SOURCE: _____
3. LOCATION OF AREA TO BE IRRIGATED: NW 1/4 Sec 33-122-52
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: None
IN WHAT NAME: _____



WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)
8. SAMPLE NUMBER: 77-344
9. SALINITY (EC x 10⁶): 1.5
10. SODIUM (SAR) 0.15 ADJUSTED (SAR) 0.25

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 1:00 A.M./P.M., on Sept 3, 1979, at the following location: NW 1/4 Sec 33-122-52 about center of quarter
by John Johnson (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 Pierre 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).

SUBSCRIBER AND SWORN BEFORE ME THIS
26 DAY OF Sept, 1979.
John Johnson
(NOTARY PUBLIC)

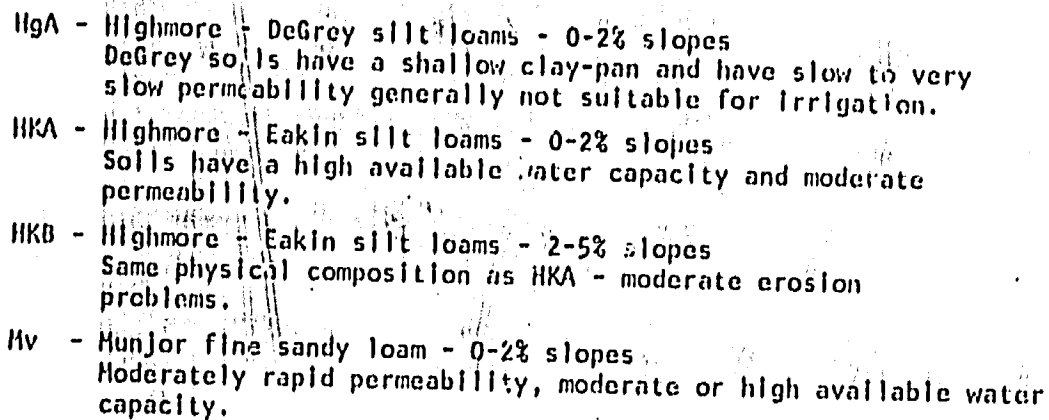


Wm. Brothers
APPLICANT'S SIGNATURE
Keith F. Harner
Director, Division of Conservation
☒ APPROVED
☐ DISAPPROVED
☐ CONDITIONALLY APPROVED

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application.
In all cases a WATER RIGHT must be obtained from the State Water Rights Commission.

E X A I P L E



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.

HAP

NW 9 - 33 - 122 - 5 C

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

Locations of areas to be Irrigated

E $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$	7 --- 17A
SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$	7 --- 6.4A
NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$	7 --- 10.0A
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	7 --- 6 A

*This is in addition the one
already listed in item 3*

APPLICANT
APPROVAL/FORM
8/77

Department of Agriculture

DIVISION OF CONSERVATION

SIGURD ANDERSON BUILDING, ROOM 322 773 PIERRE, SOUTH DAKOTA 57501
AC/605 - 7224 - 3258
IRRIGATION PROGRAM: 773-3259

(LETTER OF APPROVAL)

DATED: October 5, 1979

Utne Bros., Bill Utne,
(Name)

(Street or Box No.)

Ortley, South Dakota 57424
(City & State)

LEGAL DESCRIPTION: NW 1/4 of Section 33-122-52

COUNTY: Roberts

This is to notify you that your application for soil/water compatibility
(WI #1) Form) has been approved and forwarded to the Water Rights Commission.

Sincerely,

Keith I. Harner

Keith Harner, Director
DIVISION OF CONSERVATION

KH:dt

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

Submitted by: Bill Utne
 Address: Ortloy, SD 57256
Co: Jim Johnson
Reyillo, SD 57259

Date Rec'd September 4, 1979
 Sample No. 79-594
 Identification W011-601

WATER ANALYSIS

Calcium (Ca)	72	ppm*	3.60	me/l***
Magnesium (Mg)	43	ppm	3.54	me/l
Sodium (Na)	6	ppm	0.26	me/l
Potassium (K)	3	ppm	0.08	me/l
Sulfate (SO ₄)	28	ppm	0.58	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	2	ppm	0.06	me/l
Bicarbonate (HCO ₃)	361	ppm	5.92	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)	296	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	562	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.15	Adjusted SAR	0.35	
Sodium	3.50	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.42			

Others:

*ppm==parts per million

**me/l==millequivalents per liter

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

COMMENTS: Total cations 7.48 me/l
 Total anions 6.56 me/l



By: Shirley Hittan

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. 79-594

Amount Enclosed

Signed

No. 4554-2

Publish first publication, on or before October 23, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 8, 1980

Notice is hereby given that William & Tom Utne whose post office address is Ortley, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22; 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 1.54 cubic feet of water per second of time from groundwater (one well) through the Utne Irrigation Project, the point(s) of diversion of which is (are) to be located in the approximate center of the NW 1/4

of Section 33, Twp. 122N, Range 52W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NW 1/4, Section 33, T122N, R52W

This Application No. 4554-3 will be considered by the Water Management Board at Dakota State College, upon the 19th day of November, 1980
Karl Mundt Library, Madison SD

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 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.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DVMNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

BETTY WISTLUND
Water Rights Specialist

cc: William & Tom Utne

RFD 1

Ortley SD 57256

WNR-806A-7/73 Notice of Intent to Appropriate Water
GROUNDWATER

Form B - Proof of Publication - Notice of Intent to Appropriate Water

No. 4554-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County ROBERTS) ss.

I, JACK ADAMS

certify that the annexed printed copy of Notice of Intent to
Water was taken from the SISSETON COURIER

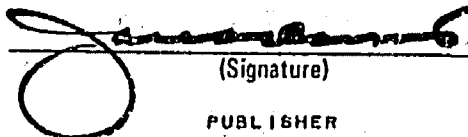
A newspaper which during the whole time of publication of
herein after stated, has been and is printed and published in the

CITY of SISSETON

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

Oct. 16, 1980

Oct. 23, 1980


(Signature)

PUBLISHER
(Title)

Oct. 24, 1980
(Date Signed)

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, SD 57501

October 8, 1980

Notice is hereby given that William & Tom Utne whose post office address is Ortle, South Dakota, has made an application in accordance with the provision of SDCL 46-1-1 thru 46-1-9, 46-1-14, 46-2-9 thru 46-2-11, 46-2-13, 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01-01-01 thru 52:01-01-13 for a permit to appropriate for beneficial use 1.54 cubic feet of water per second of time from groundwater (one well) through the Utne Irrigation Project the point of diversion of which is to be located in the approximate center of the NW 1/4 of Section 33, Twp. 22N, Range 52W. Said water to be used for the purpose of providing irrigation on portions of the following described land: NW 1/4, Section 33, T122N, R52W.

This Application No. 4554-3 will be considered by the Water Management Board at Dakota

State College, Karl Mundt Library, Madison, SD upon the 19th day of November, 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. Any handicapped person wishing to attend this hearing call contact the Water Rights Division, DWRN, J. Foss Building, Pierre, SD, prior to the hearing date for assistance to assure access to the hearing.

WATER
MANAGEMENT
BOARD
RECEIVED
WESTLUND
Special
(Oct. 16-23-2w)



RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7679

PIERRE, September 9, 1930

RECEIVED OF William Utne, RFD 1, Orfley, SD 57256
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to appropriate Water No. 4554-3 (examination, processing, recording and filing)	225.	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 (and other work as provided by law)		
TOTAL	225.	00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH / 67

Jan. 17, 1951

Ortley, S. D. 1.

I'm writing concerning the giving
of a permit to Bailey & Tom Hiron for
irrigating on a quarter south east of Ortley.
I show a quarter that joins them
to the S.W. & those 50 A of pasture with
a dugout for water. This dugout as of
now has less than 3 ft of water in it.
This is the lowest its ever been - even
lower than in 76. When they dug this,
it had a lot of springs feeding into it,
it had over 3 ft of water the morning
after they finished.

We already have too much irrigation
for this area. If it stops dry - my
pasture can't be used because of lack
of water.

I request that you refuse the
permit.

Henry Eidet

Ortley, S. D. 1.

STATE OF SOUTH DAKOTA
WATER MANAGEMENT BOARD

APPLICATION OF WILLIAM AND TOM
UTNE FOR PERMIT NO. 4554-3

) FINDINGS OF FACT
) CONCLUSIONS OF LAW
) FINAL DECISION

Having heard and considered all the evidence presented before the Board in the above-entitled matter on November 19, 1980, at the Carl Mundt Library, Dakota State College, Madison, South Dakota, the Board hereby makes the following:

FINDINGS OF FACT

1. That an application for Water Permit No. 4554-3 was submitted to the Water Management Board by William and Tom Utne on September 9, 1980.
2. That the application requested 1.54 c.f.s. from a seventy foot well for irrigation purposes.
3. That the application was duly advertised in the Sisseton Courier on October 16 and October 23, 1980.
4. That the land to be irrigated is in the NW 1/4, Section 33, Township 122 North, Range 52 West in Roberts County.
5. That a soil/water compatibility permit has been issued for this land.
6. That there is unappropriated water available.
7. That the well is located at a sufficient distance from any other presently used source of water so as to avoid interference with senior or domestic water rights.
8. That approving Application No. 4554-3 is in the public interest and the plan of the project is feasible.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction to consider the granting or denying of this application.
2. That it is in the best interest of the people of this state to maximize to the fullest extent the beneficial use of the waters of this state.

3. That all legal requirements for a water permit have been met and Application No. 4554-3 should be approved.

FINAL DECISION

Water Permit No. 4554-3 is hereby approved subject to the following qualifications:

1. That 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 and adequate domestic wells or irrigation wells having prior water rights.

2. That the applicant submit the irrigation water use questionnaire each year.

Dated this 29th day of January, 1981.


CHAIRMAN


SECRETARY

Water Rights Division - DWR
Conversation or File Documentation

File No. 4554-3

NAME OF PERSON OR FILE: Wm Utne (Permit under Wm & Tom Utne)

ADDRESS: Box 76, Shelby SD COUNTY

DATE: May 18, 1984 TELEPHONE 947-4531

RE: Submission of 1983 Irrigation Questionnaire

COMMENTS:

Mr. Utne stated he did not receive notices,
but he thought his brother might have.
Have me info for ques. over the phone.
They irrigated 90 acres of corn during 1983

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.

4/82

NAME: Henry Nemeth

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

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

January 29, 1988

WILLIAM/TOM UTNE
BOX 74
ORTLEY, SD 57256

NOTICE

Re: Violation of Water Permit No(s). 4554-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 4554-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4554-3 qualification:

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

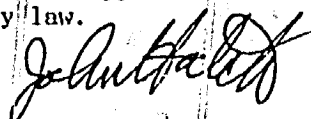
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

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

1. Suspend Permit No(s). 4554-3 until either the 1987 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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


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

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

(over)

Ortley, SD,

Feb. 9, 1988

Dear Sir,

We did not use any water
last year. I cannot find the questionnaire
to send back.

Sincerely Yours
William H. Hine



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

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

February 16, 1988

4554-3

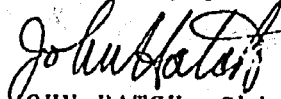
William & Tom Utne
Box 74
Ortley SD 57256

Dear Sirs:

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. 4554-3 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

4554-3

Land sold to

Endres Family Trust
C/O TIM Endres, Trustee

17212 460th Avenue

Watertown, S.D.
57201



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 15, 1996

4554-3

Jim Endres
Endres Family Trust
17212 460th Ave
Watertown, SD 57201

Dear Mr. Endres:

I am contacting you in regard to ownership of land described in Water Permit No. 4554-3. The water permit is currently listed in the names of William and Tom Utne. On their 1996 irrigation questionnaire, they indicated the land has been sold to the Endres Family Trust.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change on the water right. Please review the form for accuracy and make any necessary corrections. Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50.

If you have any questions concerning the transfer form or the water permit, please contact me.

Sincerely,

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

enclosure



4554-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 8, 1997

SECOND NOTICE
Permit No. 4554-3

Jim Endres
Endres Family Trust
17212 460th Ave.
Watertown, SD 57201

Dear Mr. Endres:

On November 15, 1996, notice was sent to you concerning the transfer of Water Permit No. 4554-3 in the name of Wm. & Tom Utne. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water permit can then be transferred to your name. If you are not the present owner of the land covered under this water permit, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

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

Very truly yours,

RON DUVALL
Natural Resources Engineer
For John Hatch, Chief Engineer
Water Rights Program

enclosure

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

Jim Endres
Endres Family Trust
17212 460th Ave.
Watertown, SD 57201

4554-3

4a. Article Number

P 4022 702 464

4b. Service Type

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

7. Date of Delivery

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

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X Jim Endres

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Print your name, address, and ZIP Code in this box •

DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES
WATER RIGHTS PROGRAM
523 E. CAPITOL JOE FOSS BLDG.
PIERRE, SOUTH DAKOTA 57501

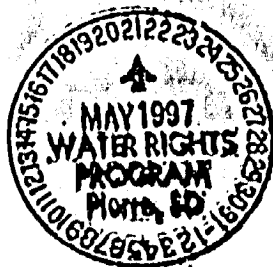


NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4554-3

Date: 5/20/97



I/We request that Water Permit No. 4554-3

formerly owned by: Wm. & Tom Utne

be transferred to: (name & address) Don Endres 919 Christine Ave
Brookings, SD 57006 Telephone No. 605-692-2807

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

108 acres in the NW 1/4 Section 33, T122N, R52W

I/We understand that the validity of Water Permit No. 4554-3 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 attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Roberts)

I/We Don Endres 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.

Don Endres
(Signed)

Subscribed and sworn to before me this 20th day of May, 1997.

Robt. L. Ottum
(Notary Public)

My Comm Expires: 4/30/98

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

415364

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, May 21, 1997

RECEIVED OF Jim or Maxine Endres (Don Endres), 17212 - 46th Ave., Watertown, SD 57201

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Permit No. 4554-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hitchcock
Chief Engineer

4554-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 29, 1997

No. 4554-3

Jim or Maxine Endres
17212 - 46th Ave.
Watertown, SD 57201

Dear Mr. and Ms. Endres:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 4554-3.

Our records now show Don Endres as the owner of Water Permit No. 4554-3.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl F. Frost".

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

enclosure

c: Don Endres, 919 Christine Ave., Brookings, SD 57006



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 1999

4554-3

Milt Carter
CSS Farms, Inc
3334 9th Ave SW
Watertown, SD 57201

Dear Mr. Carter:

Recently, when reviewing the file for Water Permit No. 4554-3, I realized it was still listed in the name of Don Endres. We were notified in 1997 that the water permit should be transferred and it looks like I neglected to send you a transfer form.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for filing the ownership change. Please review the form and complete as needed. Upon completion, please sign the form in the presence of a notary and return it to our office with a required filing fee of \$2.50.

A 1998 irrigation questionnaire was not submitted for No. 4554-3, however I am making an assumption that the information was included with the questionnaire you sent in for Water Permit No. 6004-3. No. 6004-3 was approved in July, 1997 and allowed additional acreage on No. 4554-3.

Thank you for your assistance in this matter and if I can answer any questions for you, please get in touch with me.

Sincerely,

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

encl



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
623 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57601-3181
www.state.sd.us/donr

June 1, 1999

4554-3

Milt Carter
CSS Farms, Inc.
3334 9th Ave SW
Watertown, SD 57201

Dear Mr. Carter:

In January, I contacted you regarding an ownership change needed for Water Permit No. 4554-3. The water permit authorizes irrigation of 108 acres in the NW ¼ Section 33, T122N, R52W. It was originally held by William & Tom Utne and was later transferred to Don Endres. To date, I have not heard from you regarding the transfer of ownership.

I am assuming you still wish to have the permit transferred to CSS Farms. Enclosed is a partially completed "Notice of Transfer of Ownership" form for filing the ownership change. Please review the form and complete as needed. Upon completion, please sign the form in the presence of a notary and return it to our office with a required filing fee of \$2.50.

Thank you for your assistance in this matter and if I can answer any questions for you, please get in touch with me.

Sincerely,

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

encl



April 27, 2000

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

THIRD NOTICE
Water Permit No. 4554-3

Milt Carter
CSS Farms, Inc.
3334 9th Ave. SW
Watertown, SD 57201

Dear Mr. Carter:

On January 19, 1999, and June 1, 1999, notices were sent to you concerning the transfer of Water Permit No. 4554-3 in the name of Don Endres. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water permit can then be transferred to your name. If you are not the present owner of the land covered under this water permit, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water be filed with this office within ninety days.

Failure to keep records current can mean a delay in receiving a notice or even no receipt of a notice that pertains to the water permit. In some cases, a notice from this office includes an order which could result in up to one year suspension of a permit or other penalty if not complied with.

The Statutes provide that a permit for irrigation remains appurtenant to the land. If there is an ownership change; however, no such assignment (transfer) shall be binding except upon the parties thereto, unless filed for record in this office.

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

Very truly yours,

RON DUVAL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

enclosure

4554-3

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

Milt Carter
CSS Farms, Inc.
3334 9th Ave. SW
Watertown, SD 57201

4a. Article Number

P 422 707 505

4b. Service Type

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

7. Date of Delivery

4/28/00

5. Received By: (Print Name)

Colette Van Wey

6. Signature: (Addressee or Agent)

Colette Van Wey

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

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Robin w/CSS Farms, Inc, 3334 9th Ave SW, Watertown, SD 57201

DATE: May 8, 2000

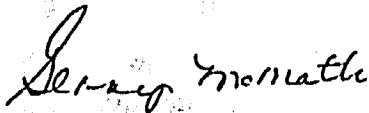
RE: ownership of Water Permit No. 4554-3

COMMENTS:

On April 27th, a third notice was sent to CSS Farms requesting they file an ownership change on Water Permit No. 4554-3.

Robin called in response to the letter and indicated they do not own the land. Robin indicated that CSS Farms rents the land from Don Endres and will fill out the yearly irrigation questionnaire, however, Mr. Endres still owns the land.

I told her to disregard the transfer notice we mailed to them and I would update the file accordingly.



Genny McMath
Environmental Scientist

RECEIP

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7679

PIERRE, September 9, 19⁸⁰

RECEIVED OF William Utne, RFD 1, Ortley, SD 57256
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. 4554-3 (examination, processing, recording and filing)	225.	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	225.	00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH / 51

Jan. 17, 1951
Orthey, S. Dak.

I'm writing concerning the giving of a permit to Billy + Tom Wtne for irrigating on a quarter south east of Orthey.

I have a quarter that joins them to the S.W. I have 80 A of pasture with a dugout for water. This dugout as of now has less than 3 ft of water in it.

This is the lowest its ever been - even lower than in 76. When they dug this, it had a lot of springs feeding into it. It had over 3 ft of water the morning after they finished.

We already have too much irrigation for this area. If it stays dry - my pasture can't be used because of lack of water.

I request that you refuse this permit.

Henry Eider
Orthey, S. Dak.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6004-3

(1) CSS Farms, 3334 9th Ave SW, Watertown SD 57201 made Application No. 6004-3, May 9, 1997 for a water permit to divert 0.73 cubic feet of water per second (cfs) from groundwater (one well), Roberts County, South Dakota for irrigation purposes. Permit No. 6004-3, with a priority date of May 9, 1997 was approved July 28, 1997 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 28, 2002 and for the application to beneficial use of water on or before July 28, 2006.

Water Permit No. 4554-3, Don Endres, 919 Christine Ave, Brookings SD 57006, with a priority date of September 9, 1980 authorized diversion of 1.54 cfs to irrigate 108 acres. The applicable portions of No. 4554-3 have been incorporated into No. 6004-3.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, CSS Farms Inc and Don Endres, the holders and/or owners of Incorporated Water Right No. 6004-3 are issued a license, bearing priority dates of September 9, 1980 (1.54 cfs) and May 9, 1997 (0.73 cfs) to appropriate 2.22 cubic feet of water per second from groundwater (one well) to irrigate 136 acres.

The diversion point is located: 1,320 feet south and 1,320 feet east from the northwest corner of Section 33-T122N-R52W (center of NW ¼). The acres authorized for irrigation are as follows:

Section 33-T122N-R52W (RES)	NW ¼ NW ¼	10 acres	NW ¼ SW ¼	20 acres
	NE ¼ NW ¼	10 acres	NE ¼ SW ¼	20 acres
	SE ¼ NW ¼	38 acres		
	SW ¼ NW ¼	38 acres		
Total 136 acres				

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 6004-3 including 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.
- Pursuant to SDCL 46-5-6, Permit Nos. 4554-3 and 6004-3 authorize a maximum diversion rate of 2.22 cfs and 2 acre-feet of water per acre per year.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Garland Erbele

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

MAR 11 2003

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 11 2003

6004-3

CSS Farms Inc
% Jim and Ray Carter
3334 9th Ave SW
Watertown SD 57201

Don Endres
919 Christine Ave
Brookings SD 57006

Dear Mr. Carter and Mr Endres:

Enclosed is Water License No. 6004-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 000363 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6004-3, 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.

Sincerely,

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

NOTE: The applicable portions of No. 4554-3 are incorporated into Water License No. 6004-3.

enclosures

NOT TO SCALE

122-52

W N
S E

167D

54

420

103.7

43
N 135° E
1860

1152 Roy Tree Est.
52 Well
103-A 66.2

Martin Pearson
Wm & Tom Utne
Irrigation Project #1
Ortley S.D.
Quinn Vista College
Alvin Roseman
Roberts County

50 acres
OF Out's

33

114.9

70

95.9

Area Irrigated - NW⁴ - 33-122-52
Acres Irrigated - 108.7
Water claimed - 1.54 cfs

Clarence
Orton

122-52

Oct 10 1979
called & covered

John Fred [unclear]

Orig

~~#207-37123~~ appl 4554-3

NOT TO SCALE

122-52

W N
S E

1670

1860

5+

420

103.7

43

115.2

Roy

the Est.

Well

103-A

65.2

50 acres
of Oats

Martin

Wm & Tom Utne

Irrigation Project #1

Ortley S.D.

Roberts County

Quana State College

Alvin Roseman

33

70

95.9

114.9

Area Irrigated - NW⁴ - 33-122-52

Acres Irrigated - 108.7

Water claimed - 1.54 cfs

Clarence
Orton

122-52

Oct 10 1979
calculated

John S. [unclear]

Copy

Page # 277233 Appl 4554-3