

Wm R.
10170102

Water Right No. 4572-3

1. Considered 1-28 19 81
2. Name of Applicant LARRY HANSON & BAR K CATTLE Co., INC.
3. Post Office Address HURLEY, S.D.
4. Amount of Water Claimed 3.43
5. Source of Water Supply 2 WELLS @ 270' DEEP
6. Water to be used for IRR
7. Acres to be Irrigated 240 maximum acre feet
8. Water to be diverted and used in TURNER County
about ~~4~~ 4 miles SOUTH of PARKER
9. PROOF OF PUBLICATION Received ☒ 12-29-80

Not Received _____

Approved 1-28/81 3/26/82 FEC of L

Subject to WI 10

Not Approved _____

Action deferred _____

Priority _____

Date _____

Received 10/22/80

Application Complete yes _____ no _____

FEE 275.00

Remarks _____

Date information and/or
fee or corrected Application received _____

Period of Annual use _____

Received ☒ 12/24/80 no ☐ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application ☒ yes ☐ no _____ Remarks _____

Disapproved _____

Returned _____

Diversion Point's TWO WELLS
IN SW⁴ SW⁴, SEC. 5 -
T9AN - R53W

Lands to be Irrigated SW⁴ AND W¹/₂ SE⁴
SEC. 5 - T9AN - R53W

WELL
LOG

Remarks ONE drillless log for well - other proposed

Driller SCHEMLFING

Licensed yes ☒ no _____

Depth 270' DEEP

Water Right No. 4572-3

MAP

Map No. 3791-3 Map located In Water Right X Map file 11

Type of Map AERIAL Prepared by Turner Co. SCS
(Seal)

+++++

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 1-28-80

Betty Westlund
(Signed)

+++++

PROTESTS

Letters/Petitions In File - yes no Remarks

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

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

Remarks

No. 4572-3Map No. 3791-3 Water Division No. 3 VERMILLION RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)10170102
APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant Larry Hansen & Bar K Cattle Co. Inc.
Postoffice address Hurley, S. D. 57036, State SD
If a corporation show date and place of incorporation August 1979, Hurley, S. D.
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Larry Hansen & Bar K Cattle Co. Inc. #1
4. Amount of water claimed (cubic feet per second) 3.93 (MAX. ALLOWABLE)
1.5 (2000 gpm needed for linear system)
5. Source of water supply 2 wells- #1 and #2
6. Location of point of diversion #1 approx. 60 rods E. and 15 rods N. of the SW corner 5-98-53
and #2 approx. 60 rods E. and 55 rods N. of the SW corner 5-98-53
County Turner

7. Annual period or periods during which water is to be used April-October
8. Use to be made of water: (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use: Wells Total number of acres to be irrigated 240

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NW 1/4 SW 1/4 5-98-53	40	NW 1/4 SE 1/4 5-98-53	40
SW 1/4 SW 1/4 5-98-53	40	SW 1/4 SE 1/4 5-98-53	40
SE 1/4 SW 1/4 5-98-53	40		
NE 1/4 SW 1/4 5-98-53	40		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use 3 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Hurley Leader, Hurley, S. D. 57036
12. Principal Features of the Proposed Water Supply System.

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

2 Diesel powered pumps

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

2 linear sprinkler system with 2 short buried pipelines to one open ditch.

C. Works proposed to apply water to beneficial use.

linear sprinkle system

Estimated Total Cost \$ 100,000.00Attachments: Attach Form 3 if diversion from a well or dugout, or if storage of water is proposed. Attach map.
(See instruction concerning preparation.)

STATE OF SOUTH DAKOTA

County of TURNERI, LARRY E. HANSEN

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 Larry E. HansenSubscribed and sworn to before me this 20th day of October, 19 80Merle W. G. Breen
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4572-3

Larry Hansen and Bar K Cattle Co., Inc.

Hurley

(Applicant)

(Post Office Address)

South Dakota 57036

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 OCTOBER 22, 1980
 Date of return to applicant for correction, amendments or changes required OCTOBER 22, 1980
 Date of receipt of corrected application NOVEMBER 24, 1980
 Approved MARCH 26, 1981, Recorded in Book 22 Page 173

WATER RIGHT PERMIT NO. 4572-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4572-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is OCTOBER 22, 1980
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 26, 1982
3. The whole of said work is to be completed on or before MARCH 26, 1983
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 26, 1986
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 3.43 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if, for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MARCH 26, 1986; said water to be used during the following described annual period: APRIL - OCTOBER

Witness my hand this 28TH day of MAY, 1981

WATER RIGHTS COMMISSION

By:

John H. Hallett
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

6/60

Water Level Information:
 Static water level 30' below land surface
 If flowing: closed in pressure _____ PSI
 rate of flow _____ GPH
 Controlled by:
☒ Valve ☐ Reducers ☐ Other
 If other; specify _____

Well Test Data:

☒ Pumped
☐ Bailed
☐ Other

Describe: _____

Pumping Level	Below Land Surface	Ft. After	Hrs. pumped	GPM
200		3	600	GPM
200	" "	12	600	" "
200	" "	24	600	" "

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

☒ Forward Rotary ☐ Bored ☐ Jetted
☐ Reverse Rotary ☐ Cable ☐ Other

Diameter of Hole 18"
Depth 270'
Casing 17 Steel 17 Concrete

☒ Plastic ☐ Other

If other, specify _____

Was casing end left open 110

Was a well screen installed

Describe Well Screen

Diameter 16" Material Plastic

Slot size 80

Was well gravel packed Yes

Was well grouted Yes

Was water sample taken Yes

Remarks:

Well Log:

Depth

[illegible]

(Use Back if Necessary)

Date Completed: 4-28-80

Driller

Driller's or Firm's Name

License NO.

PO Box 586

Address

Signed By

Date

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

OWNERS NAME: Larry Hansen & Har K Cattle Co. Inc. OWNERS ADDRESS: Harley, S. D. 57026

COUNTY LAND LOCATED IN: Turner PHONE: 238-5753

TENANT'S NAME AND ADDRESS: (If Other Than Owner) --- (Same)

2616-TU

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: Approx. 60 rods E. and 15 rods N. of the SW corner Sec. 11

2. SURFACE WATER SOURCE: n/a

3. LOCATION OF AREA TO BE IRRIGATED: The SW 1/4 & W 1/2 Sec. 5-28-53

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) Linear

6. CROPS TO BE IRRIGATED: Corn, Soybeans, Alfalfa, Sunflowers

SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED:
LAND: none

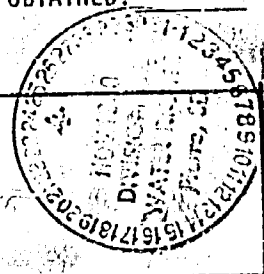
IN WHAT NAME: ---

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

8. SAMPLE NUMBER: 80-928

9. SALINITY (EC X 10⁶): 1505

10. SODIUM (SAR): 1.65 ADJUSTED (SAR): 4.40 3.08



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 6:00 A.M. on Oct 20, 1980, at the following location: Approx. 60 rods E. and 15 rods N. of SW corner Sec. 5-28-53 by Diane Schiller (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 Turner Co. 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
26th DAY OF October, 1980.

Therese J. Benson
(NOTARY PUBLIC)

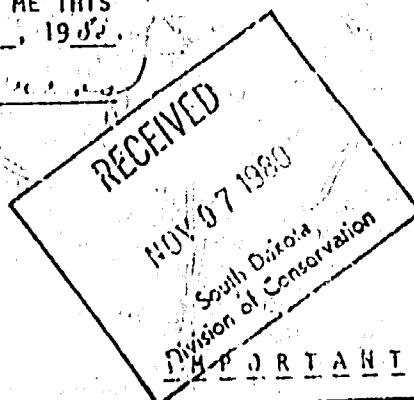
[Signature]
APPLICANT'S SIGNATURE

[Signature]
Director, Division of Conservation

APPROVED

DISAPPROVED

☒ CONDITIONALLY APPROVED



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.

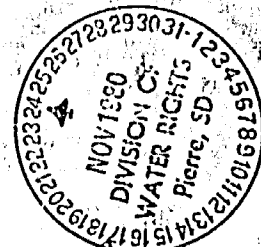
REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57007

Submitted by: Larry Hansen & Bar K Cattle Co. Rec'd. October 20, 1980
 Address: Hurley, SD 57036 Sample No. 80-928
 Identification 011-
Sec. 5, T. 98N, R. 53W

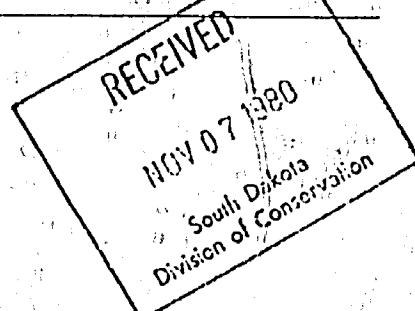
WATER ANALYSIS

Calcium (Ca)	190	ppm*	9.48	me/l**
Magnesium (Mg)	54	ppm	4.45	me/l
Sodium (Na)	100	ppm	4.33	me/l
Potassium (K)	16	ppm	0.70	me/l
Sulfate (SO ₄)	464	ppm	9.65	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	50	ppm	1.41	me/l
Bicarbonate (HCO ₃)	366	ppm	6.00	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)	300	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1505	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.65	Adjusted SAR	4.40	
Sodium	22.85	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.02			
Others:				

*ppm=parts per million
 **me/l=millequivalents per liter
 ***g-p-g=grains per gallon



COMMENTS: Total cations 18.96 me/l
 Total anions 17.06 me/l



By: Shirley Litten

Service Performed	Amount Due
Irrigation analysis	15.00 PAID
Make checks payable to: Water Quality Laboratory	
Cut along dotted line and return the lower portion with payment	

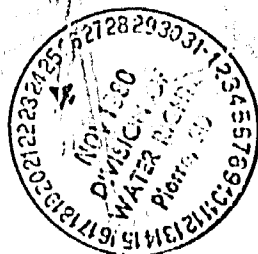
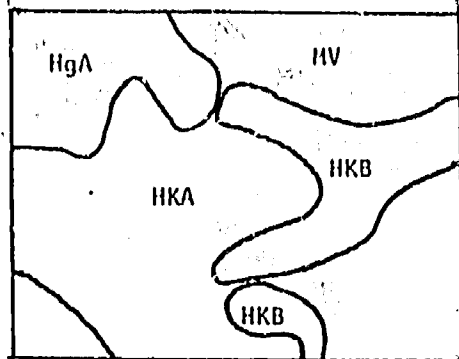
Sample No. 80-928

Amount Enclosed \$

Signed

SOILS INFORMATION

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 - Munjon fine sandy loam - 0-2% slopes
Moderately rapid permeability, moderate or high available water capacity.

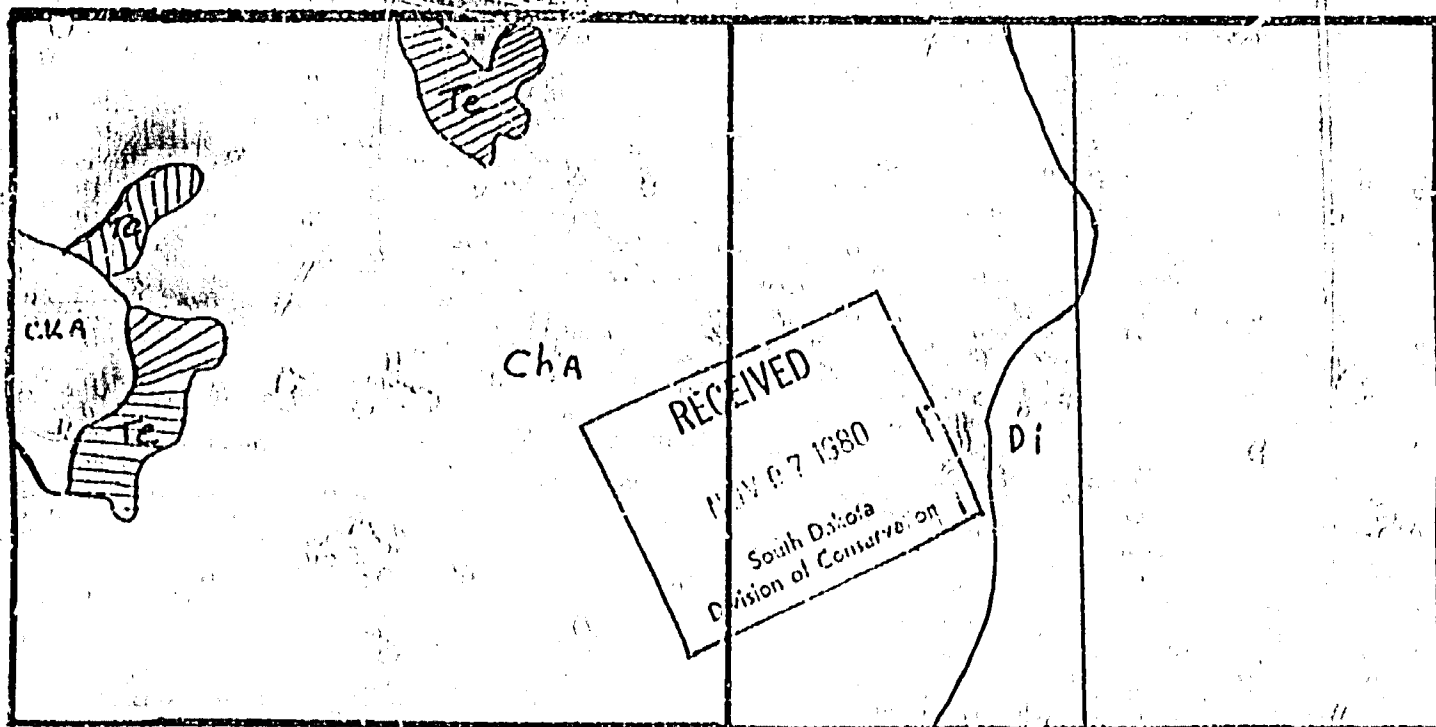
Residents of counties with published or up-to-date soil surveys shall contact their local Conservation District for a copy of the soils map for the area to be irrigated and the narrative explanation of the map.

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.

MAP

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



SW 1/4 + W2 SE 1/4 5-98-53

Conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Larry Hansen & Bar K. Cattle Co.

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED unless the areas are shaped or filled to eliminate wheel tracking.

7. - Tetonka depressions (3 small areas)



RECOMMENDED MANAGEMENT:

Water should not be applied more than 3 to 5 times during the irrigation season.

Each uninterrupted application should be of at least 2 to 3 inches of water.

Surface drainage suggested as noted above.

If you find deep tillage advantageous, coordinate with heavy fall application of irrigation water.

The ~~arrangement~~ (elevation) map indicates sufficient overall elevation differential from the west to the east (10 to 15 feet) to permit shaping out the flatter Tetonka spots and improve surface drainage of those areas.

Contact your local SCS for assistance.

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 2 1/4", Depth 275'
- (2) Casing, Type plastic Diameter 16" Thickness 3/8"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type Slotted plastic, Diameter 16", Length 75'
- (4) Gravel Pack, Thickness 4", Length of gravel pack 265'

E. Dugout Information or Estimates.

- (1) Surface dimensions n/a, 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: Top soil - 2 ft. clay 8', 10 ft. of gravel,
180' of blue clay, 75' of quartzite.

Depth to top of water bearing material 200 ft.

Depth to bottom of water bearing material 275 ft.

Thickness of water bearing material 75 ft.

Depth to water (ground surface to water level) 18 ft.

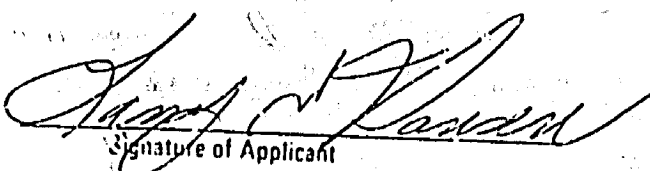
- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property none rds. On property owned by others 60 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.

n/a


Signature of Applicant

4572-3

No.

Publish first publication, on or before December 10, 1980NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 1, 1980

Notice is hereby given that Larry Hansen and Bar K Cattle Co. Inc. whose post office address is Hurley, 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 5.43 cubic feet of water per second of time from ground water (two wells) through the Larry Hansen and Bar K Cattle Co., Inc. #1, the point(s) of diversion of which ~~xxx~~ (are) to be located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ (both wells)

of Section 5, Twp. 98N, Range 53W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 5, T98N, R53W

This Application No. 4572-3 will be considered by the Water Management Board at Meeting Room #1, Knapp Building Church & Illinois, Pierre, SD upon the 28th day of January, 1981 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 can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Larry Hansen and Bar K Cattle Co. Inc. ETTY WESTLUND
Hurley, SD 57036

Water Rights Specialist

WNR-806A-7/79 Notice of Intent to Appropriate Water
GROUNDWATER

No. 4572-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Turner) ss.

I, James E. Wipf hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Hurley 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 of Hurley

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

Thursday, December 11, 1980

Thursday, December 18, 1980

James E. Wipf
(Signature)

Publisher & Editor
(Title)

12-18-80
(Date Signed)

No. 45723
NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
Pierre, S. D. 57501
December 1, 1980
Notice is hereby given that
Larry Hansen and Bar K Cat-
tle Co., Inc. whose post office
address is Hurley, South
Dakota, has made an applica-
tion for water rights in
5, 798N, R58W, T22N, R10E, S4
This Application No. 45723
will be considered by the Water
Management Board at a
Meeting Room 1113 Kneib
Building, Church & Illinois
Pierre, South Dakota upon the
28th day of January, 1981 at
10:00 a.m. The Board is
authorized to make a deter-
mination on this application at
the hearing. All interested per-
sons may appear and be heard.
Any person who may be af-
fected by a Board decision who
desires to present evidence or
cross-examine witnesses ac-
cording to SDCR 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, DWR, Joe Foss
Building, Pierre, South
Dakota, prior to the hearing
date for assistance to assure
access to the hearing.
- WATER MANAGEMENT
BOARD
Betty Westlund
Water Rights Specialist
Larry Hansen and Bar K
Cattle Co., Inc.
Hurley, S. D. 57036

Published Dec. 11 & 18, 1980



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7755

PIERRE

October 29

1980

RECEIVED OF Larry Hanson and Bar K Cattle Co. Inc, Hurley, SD 57036

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

Fee for Application for Permit to appropriate Water No. 4572-3 (examination, processing, recording and filing)	275.	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	275.	00

WATER RIGHTS COMMISSION

By (John Hatch)
Chief Engineer, Executive Officer

JOHN HATCH / CH

Davis S. Dak.
Jan. 25, 1951

Water Management Board,

Pierce, S. Dak.

Dear Sirs:

Regarding application No. 4572-3 for a permit to appropriate ground water for irrigation in $2\frac{1}{4}$ and $2\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 5, T9S N, R. 53W. This being applied for by Larry Hansen and Dak. Cattle Co. Inc. Hurley, S. Dak.

We are life-long residents and farmers of Turner County and we have "dry land farmed" for over 50 years and have managed to make our living and even prospered to the extent that we also are landowners of 320 acres.

We do want to stress the facts of life - we all (animals on farms included) need water to live and we are in a much drier cycle at this time. Our water level in our well is greatly lowered each summer when irrigation is turned on and the rains do not come. We live on a quarter of land surrounded on three sides by irrigation farming.

When our records show us to be over eleven inches short on precipitation, naturally our water supply is being depleted too much, if unlimited irrigation permits are being granted.

Some lighter soils or submarginal lands really do need some limited use.

of irrigation in order to support the family
farm - many farms on heavier soil
should never have been given irrigation
permits! Let's strive for conservation
of all our precious resources, so all of
us can have the necessities of life.

Thanking you, we remain,

Sincerely,

Chris H. and Martha A. Smith

STATE OF SOUTH DAKOTA
WATER MANAGEMENT BOARD

APPLICATION OF LARRY HANSEN AND
BAR K CATTLE COMPANY, INC. FOR
PERMIT NO. 4572-3

) 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 January 28, 1981 at the Richard B. Kneip Building, Pierre, South Dakota, the Board hereby makes the following:

FINDINGS OF FACT

1. That on October 22, 1980 the Water Management Board received an application for Water Permit No. 4572-3 from Larry Hansen and the Bar K Cattle Company, Inc.
2. That the application was complete and was duly advertised on December 11 and 18, 1980 in the Hurley Leader of Hurley, South Dakota.
3. That the water applied for is to be used for irrigation of two hundred and forty acres of land.
4. That a soil/water compatibility permit has been issued for this land.
5. That the water will be withdrawn from the formation lower than that used by any other irrigators in the area.
6. That the Board received a letter from Chris and Marthina Smith from Davis, South Dakota expressing concern about the availability of water in the area.
7. That the Smiths live several miles from the point of diversion specified in Application No. 4572-3.
8. That withdrawals under Application No. 4572-3 will not adversely affect the domestic or stock watering uses of water by the Smiths.
9. That there is unappropriated water available.
10. That granting Application No. 4572-3 will not adversely affect any senior water right holders.
11. That approving the application is in the public interest and the plan of the project is feasible.

CONCLUSIONS 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 the state.
3. That all legal requirements for a water permit have been met and Application No. 4572-3 should be approved.

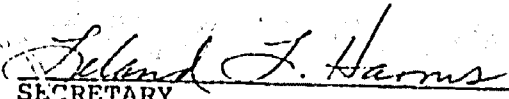
FINAL DECISION

Water Permit Application No. 4572-3 is hereby approved subject to the following conditions:

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 that there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.
2. That the irrigation water use questionnaire be submitted each year.

Dated this 26th day of March, 1981.


CHAIRMAN


SECRETARY



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501
March 22, 1983

Water Rights Division
605 773-3352

4572-3
Larry Hansen
Bar K Cattle Co.
Hurley SD 57036

Dear Sir:

Water Permit No. 4572-3 was approved with the qualification that the irrigation questionnaire be submitted each year. To date we have not received the 1982 questionnaire from you.

Please complete the enclosed questionnaire and return to this office. Failure to return the questionnaire is in violation of the conditions under which the permit was approved.

Please advise, if you have any questions.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks
enclosure

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

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

August 1, 1983

NOTICE

(45/2-3)

Larry Hansen
Bar K Cattle Co.
Hurley SD 57036

Dear Sir:

July 19, 1983, the Water Management Board passed a motion directing that those persons with water permits that have the qualification:

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

be notified of this requirement.

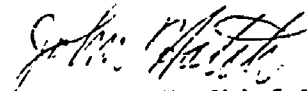
Our records do not show we have received the 1982 Irrigation Questionnaire for Permit No. 4572-3. The questionnaire was requested on the following dates:

1. September 1982-Initial request
2. December 1982 followup request
3. March 22, 1983 Notice that submittal of questionnaire is a qualification to water permit

The Board has directed that owners of permits not in compliance with the Irrigation Questionnaire qualification be given until August 30, 1983 to submit the 1982 questionnaire. Any person not submitting the Questionnaire is to be noticed for hearing before the Board to consider disciplinary action including suspension of the permit.

Another questionnaire is enclosed. Please advise if there are any questions or if you believe our records are not correct.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

4572-3

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

March 7, 1984

NOTICE

Dear Sir:

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

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

be notified of this requirement.

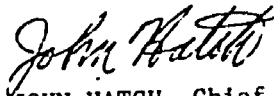
Our records show we have not received the 1983 Irrigation Questionnaire for your Permit. The Questionnaire was requested:

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

Owners of water permits not in compliance with the Irrigation Questionnaire qualification are being given until April 2, 1984 to submit the 1983 questionnaire. The Board will consider disciplinary action including possible suspension of the permit on April 25, 1984 at 10:30 am in Room 216, Joe Foss Building, 523 E Capitol, Pierre, SD for all permits without questionnaires returned by April 2.

Another questionnaire is enclosed. Please advise if there are any questions or if you believe our records are not correct.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

Equal Opportunity Employer

121-3A
289-3
2234-3
2506-3
3411-3
3944-3
3945-3
4736-3
4572-3

April 2, 1984

Larry Hansen
Bar K Cattle Co., Inc.
RR#1, Box 5
Hurley, South Dakota 57036

Dear Mr. Hansen:

This letter will acknowledge receipt of and thank you for the return of your 1983 Irrigation Questionnaires. A notice was sent to you March 7, 1984 regarding the Irrigation Questionnaire submittal violation of Permit Nos. 4736-3 and 4572-2 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation. Notice was also sent to you concerning possible Board Action to amend Water Permit Nos. 121-3A, 289-3, 2234-3, 2506-3, 3411-3, 3944-3 and 3945-3 if the questionnaires were not received. Our records now show that you have returned your 1983 Irrigation Questionnaires and are no longer in violation of your permits.

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

If you have any questions, please contact us.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division

JH:GM:ms

Equal Opportunity Employer



Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 2234-3
4572-3
4736-3

February 7, 1986

Bar K Cattle Company
Rural Route 1, Box 5
Hurley, South Dakota 57036

Dear Sir:

Please find enclosed ^{copies} ~~a copy of a~~ Notice of Transfer of Water Permit forms. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 for each transfer, total of \$7.50.

Upon receipt of the enclosed form and the \$2.50 filing fee ^{for each, total of \$7.50} the permits will be transferred to the proper name. 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.

Please advise if you have any questions.

Sincerely,

Maxine Stirling

Maxine Stirling
Staff Assistant

ms/
Enc.

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 3-18-86

This is to notify you that the title to the lands described as follows:

240 Acres - SW1/4 and W1/4SE1/4 Section 5, T98N-R53W

formerly owned by Larry Hansen & Bar K Cattle Co., Route 1 Box 5, Hurley, SD 57036
has been transferred to Bar K Cattle Co., Inc. Route #1 Box 5 Hurley, SD 57036
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4572-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Turner) ss.

Larry E. Hansen &
I, Bar K Cattle Co. 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 I know of my own personal knowledge that the information herein stated is true.

[Signature]
(Signed)
Bar K Cattle Co. Robert L. Hansen, Pres.

Subscribed and sworn to before me this 18th day of March, 1986.

[Signature]
(Notary Public)

NOTARY PUBLIC
Merrianna J. Berens
My commission expires:
September 19, 1987

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, March 19, 1936

RECEIVED OF Bar K Cattle Co., Inc., Route 1 Box 5 Hurley, S.D. 57036
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. _____		
Fee for Filing Transfer Form <u>4572-3</u>	2	50
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	2	50

By John Patch
Chief Engineer JOHN PATCH (ms)

No. 2234-3

4572-3

SOUTH DAKOTA Department of
Water & Natural Resources
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

March 24, 1986

Bar K Cattle Co., Inc.
RR 1, Box 5
Hurley, South Dakota 57036

Dear Sir:

Enclosed is receipt Nos. 410367 & 410368 in the amount of \$2.50 each which you
paid for transfer of Water Right Nos. 4572-3 and 2234-3.

Our records now show Bar K Cattle Co. as the owner of these Water Rights

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc 2

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

Division of Water Rights
605 773-3352

No. 2234-3 & 4572-3

July 15, 1986

Bar K Cattle Company, Inc.
Rt 1, Box 5
Hurley SD 57036

Dear Sir:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50. (\$5.00 total).

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. 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.

Please advise if you have any questions.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Administrative Aide

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 7/16/86

This is to notify you that the title to the lands described as follows:

SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 5, T98N, R53W

formerly owned by Bar K Cattle Company Inc.

has been transferred to Prudential Insurance Company

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4572-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
) ss.
County of Turner)

I, Bar K Cattle Co., Inc. being first duly sworn on my oath despose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Bar K Cattle Co., Inc.
Robert K. K. P.
(Signed)

Subscribed and sworn to before me this 16th Day of July, 1986.

Marianna J. Berens
(Notary Public)

NOTARY PUBLIC
Marianna J. Berens
My commission expires
September 16, 1990

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

440492

Pierre, July 17, 1956

RECEIVED OF Bar K Cattle Co., Inc., RR 1, Box 5, Hurley, SD 57036

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. _____

Fee for Filing Transfer Form 4572-3 _____

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

2 50

2 50

By

Chief Engineer

JOHN HATCH/MS



**Department of
Water & Natural Resources**

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

WATER RIGHTS DIVISION
(605) 773-3352

No. 2234-3
4572-3

July 18, 1986

Prudential Insurance Company of America
1431 Opus Place, Suite 665
Downers Grove, Illinois 60515

Dear Sir:

Enclosed are receipt Nos. 410492 and 410493 in the amount of \$2.50 each, which was paid for transfer of Water Right Nos. 4572-3 and 2234-3.

Our records now show Prudential Insurance Company of America as the owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.



**Department of
Water & Natural Resources**

No. 4572-3

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

December 3, 1987

John R. Davis
RR 1, Box 46
Parker, South Dakota 57053

Dear Mr. Davis:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. 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.

Please advise if you have any questions.

Sincerely,

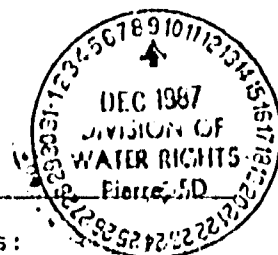
Maxine Stirling
Secretary

ms/
Enc.

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____



This is to notify you that the title to the lands described as follows:

240 Acres - SW $\frac{1}{4}$ & W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 5, T98N, R53W

formerly owned by Prudential Insurance Company of America

has been transferred to John R. Davis, RR 1, Box 46, Parker, SD 57053

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4572-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of TURNER) ss.

I, John R. Davis 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 I know of my own personal knowledge that the information herein stated is true.

John R. Davis
(Signed)

Subscribed and sworn to before me this 7th Day of December, 19 87.

Yvonne Dexter
(Notary Public)

No. 4572-3



**Department of
Water & Natural Resources**

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division

Phone (605) 773-3352

December 10, 1987

John R. Davis
RR 1, Box 46
Parker, South Dakota 57053

Dear Mr. Davis:

Enclosed is receipt No. 411086 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 4572-3.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

RECEIPT

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

411086

Pierre, December 9, 1987

RECEIVED OF John R. Davis, RR 1, Box 46, Parker, South Dakota 57053
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>11</u> 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. _____		
Fee for Filing Transfer Form <u>4572-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for <u>60</u>		
(Any Other Work Provided by Law)		
Total	2	50

By John Hatch
Chief Engineer

JOHN HATCH

RIS



January 29, 1993

NOTICE

4572-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

TO: MRS JOHN R DAVIS
RR 1 BOX 46
PARKER SD 57053

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

RE: Violation of Water Permit No(s) 4572-3, 4736-3 & 5506-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 4572-3, 4736-3 & 5506-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 4572-3, 4736-3 & 5506-3 qualification:

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

The hearing will be held at 9:30 a.m., March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4572-3, 4736-3 & 5506-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

4572-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 18, 1993

4572-3
4736-3
5506-3

James J Davis
RR #1 Box 43
Parker, SD 57053

Dear Mr. Davis:

I am writing to acknowledge receipt of your 1992 irrigation questionnaires. You may disregard the January 29, 1993 Notice of Violation of Water Permit Nos. 4572-3, 4736-3 and 5506-3. Since the questionnaires were received in our office prior to the Water Management Board Meeting, your name has been deleted from the agenda.

Enclosed, as you requested, are copies of the test hole logs submitted with the water permit applications.

Also enclosed, are three "Notice of Transfer of Ownership" forms. You indicated in your letter, that you now own the land. There is a form for each permit, however, you will note that the permits all cover the same land. Please complete the forms and sign them in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$7.50).

Water Permit Nos. 4572-3, 4736-3 and 5506-3 will be transferred to your name as soon as the forms and filing fees are returned to our office. If you have any questions, please contact me.

Sincerely,

Genny McMath

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

enclosures: test hole logs
transfer forms



4572-3

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

April 26, 1993

SECOND NOTICE
PERMIT NO. (4572-3)
4736-3
5506-3

James J. Davis
RR 1, Box 43
Parker, SD 57053

Dear Mr. Davis:

On February 18, 1993, notice was sent to you concerning the transfer of Water Permit Nos. 4572-3, 4736-3 and 5506-3 in the name of John R. Davis. To date, we have not heard from you on this matter.

Transfer forms were previously sent to you, enclosed are additional forms. Please sign, have notarized and return the forms to this office with the required filing fee of \$2.50 per "Notice of Transfer of ownership", a total of \$7.50. The permits can then be transferred to your name. If you are not the present owner of the land covered under these permits, 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 Genn McMath, (605) 773-3352.

Very truly yours,

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

enclosure

[illegible]

Consult postmaster for fee.

4a. Article Number

P 318 052 514

4b. Service Type

☐ Registered ☒ Insured

☒ Certified

(1) Expires

EXPRESS MAIL

21 Insured

☐ CUD☐ Return Receipt for Merchandise7. Date of Delivery

5-40-73

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

James J. Davis
RR 1, Box 43
Parker, SD 57053

Year auto (Address)

Marlys M. Davis

1992 (1992: 157)

3341, DocId:3341 1991 335 GPG:1990-213 402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

NOTICE OF TRANSFER OF OWNERSHIP

4572-3

To: Chief Engineer
Water Rights Division, DEMR
623 E. Capitol
Pierre, SD 57501-3481

No. 4572-3

Date: June 2, 1993



I/We request that Water Permit No. 4572-3

formerly owned by: John R Davis

be transferred to: James J Davis, RR #1 Box 43, Parker, SD 57053 (Telephone No) _____

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

SW 1/4, W 1/2 SE 1/4 Section 5, T98N, R53W

I/We understand that the validity of Water Permit No. 4572-3 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)

I/We have requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, 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.

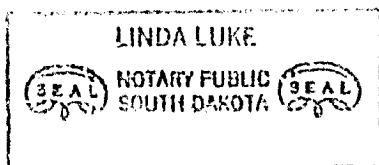
STATE OF SOUTH DAKOTA)

County of: TURNER)

I, James J. Davis being first duly sworn on my oath depose and say that my relation to the above described land/relating 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.

James J Davis
(Signed)

Tested and sworn to before me this 2nd day of June, 19 93.



Linda Luke
(Notary Public)

MY COMMISSION EXPIRES JULY 28, 1999

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

Division of Water Rights

South Dakota Department of Environment and Natural Resources

4572-3
413803

Pierre, June 15, 1993

UNITED OF
Total amount in fees for services rendered as provided for by law:

for Application for Permit No. to Appropriate Water, to construct
and to put water to beneficial use
for Application for Permit No. to Appropriate Water, for Future
Extension Future Use Permit No. after period of seven years.
for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No.
for Filing Transfer Form
for Filing Extension Request

2 50

(Any Other Work Provided by Law)

Total

2 50

By Robert H. Heston
Chief Engineer



4572-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 13, 1993

No. 4572-3
4736-3
5506-3

Dwight L. Davis
P.O. Box 41
Parker, SD 57053

Dear Mr. Davis:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Permit Nos. 4572-3, 4736-3 and 5506-3.

Our records now show you as the owner of Water Permit Nos. 4572-3, 4736-3 and 5506-3.

Sincerely,

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

enclosure



DEC 18 1995

45723

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

4736-3

James J. Davis
RR 1, Box 43
Parker, SD 57053

Dear Mr. Davis:

Enclosed is Water License No. 4736-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414619 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. 4736-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

gm
enclosures

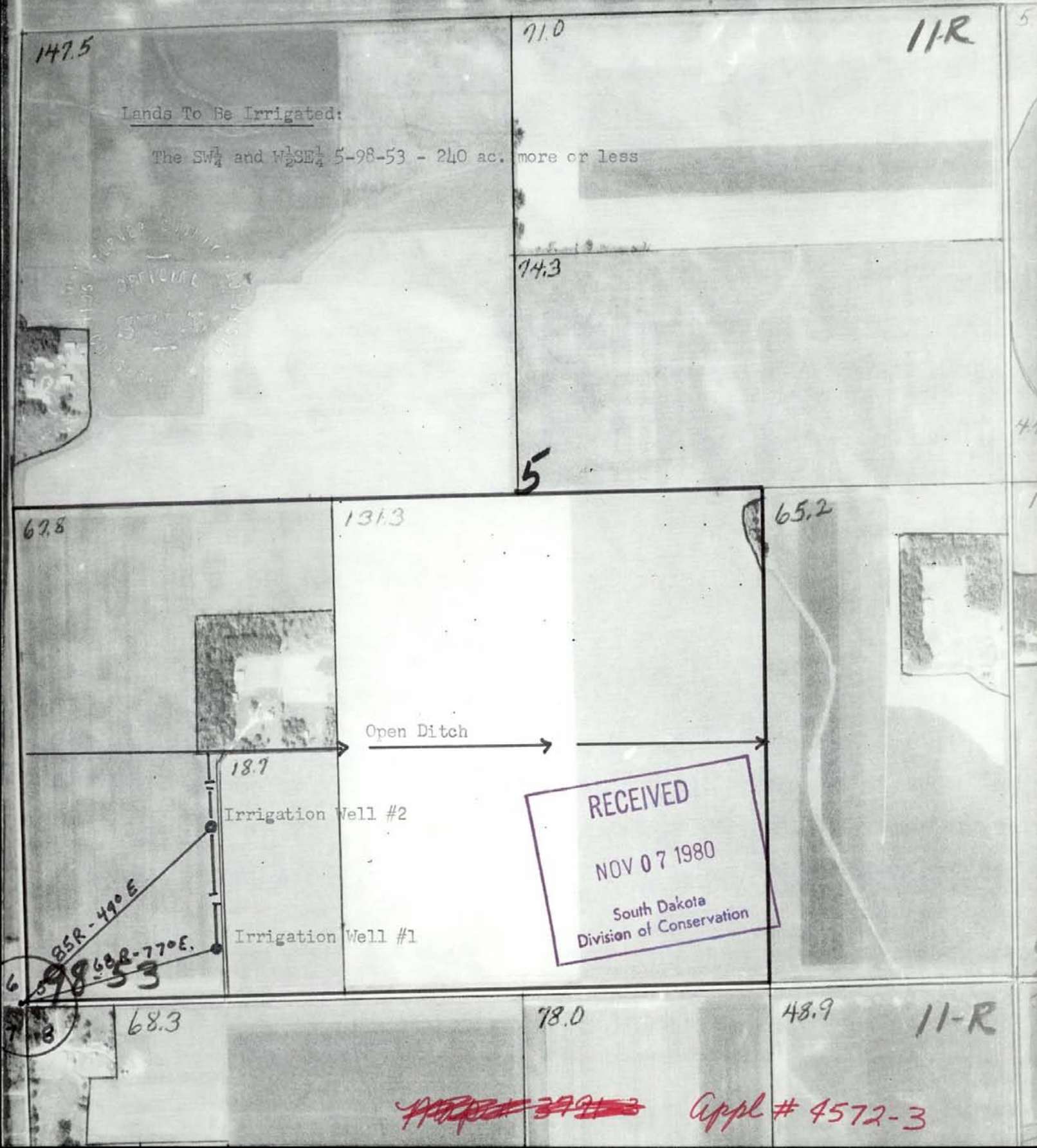
NOTE: The applicable portions of Water Permit No. 4572-3 are incorporated into this Water License No. 4736-3.

NOT TO SCALE

Owners: Larry Hansen & Bar K Cattle Co. Inc. System #1
Hurley, S. D. 57036
Operators: Same

Lands To Be Irrigated:

The SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ 5-98-53 - 240 ac. more or less



NOT TO SCALE

Owner: Larry E. Hansen & Bar-K Cattle Co. Irrigation System #1
Inc.
Hurley, S. Dak. 57036

147.5

71.0

11-R

By *JWR*
Dist. Cont.

74.3

5

67.8

131.3

65.2

Area To Be Irrigated:
SW $\frac{1}{4}$ & W $\frac{1}{2}$ SE $\frac{1}{4}$ 5-98-53
240 ac. more or less

18.7

65 RODS
75° E.

Irrigation
Well #1

598-53

68.3

78.0

48.9

11-R

~~App # 572-3~~ Appl # 4572-3