

1. Considered 1/28 19 81
2. Name of Applicant Lowell J. Hofer
3. Post Office Address Carpenter, S.D. 57322
4. Amount of Water Claimed No additional
5. Source of Water Supply 84' well existing on Permit 3103-3
6. Water to be used for IRP
7. Acres to be irrigated 115 maximum acre feet
(ADDITIONAL ACREAGE ON 3103-3)
8. Water to be diverted and used in Spink County
about 1N, 4 miles west of Doland
9. PROOF OF PUBLICATION Received 1-16-81

Priority Date July 12, 1980 Application Complete yes x no FEE 335⁰⁰
Received 12/17/80
Remarks _____

Date information and/or
 fee or corrected Application received _____
 Period of Annual use _____ April to September 30th _____
 Received yes 12/17/80 no _____ APPROVED CONDITIONAL (Circle one)
 WI-1 Description same as application yes xx no _____ Remarks _____

Disapprove _____

Returned: _____

Diversion Point _____

SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28-11⁷-61

Lands to be irrigated _____

NE4, Sec. 28-T117N-R61W

				*	
					28

WELL
LOG

Remarks

Driller Huron Drilling Licensed yes xx no

MAP Map No. 3804-3 Map located in Water Right xx Map file _____
Type of Map aerial Prepared by R. Sampson, Co. agent

+++++

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 1/28/81.

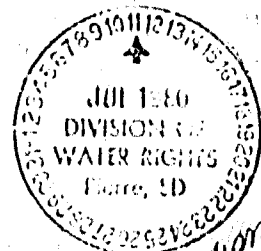
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes ☒ no _____ Remarks _____
James W. Stirling

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

Remarks _____

No. 4586-3Map No. 3804-3 Water Division No. 3 JAMES RIVER DistrictAbove for Office Use 10160006

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

Check one of the following:

New ☐ Vested Right ☐ Future Use ☐Change in Diversion ☐ Additional Diversion ☒Change in Acreage ☐ Additional Acreage ☒ ON # 3103-3

1. Name of Applicant Lewell J. Huber Phone No. 605-352-7635
 Post Office Address Casper State SD 57322
(Street, P.R. or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract3. Name of diversion work To use same well as per permit # 3103-34. Amount of water claimed (cubic feet per second) 0 No ADD'L5. Source of water supply Existing well as per permit # 3103-36. Location of point of diversion NW 28-117-61
SW 1/4 NW 1/4County Spink7. Annual period or periods during which water is to be used April - Sept 308. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 115

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.
NE 1/4 NE 1/4 28-117-61	40		
SE 1/4 NE 1/4 28-117-61	40		
NE 1/4 NW 1/4 28-117-61	17		
SE 1/4 NW 1/4 28-117-61	18		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system one years. Additional time required to complete application of water to the proposed beneficial use one years.11. Choice of county newspaper for publication of Notice of intent to Appropriate Water Redfield Press

12. Principal Features of the Proposed Water Supply System.

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

Existing well under permit # 3103-3

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

Buried pipeline from NW 28-117-61 to NE 28-117-61

C. Works proposed to apply water to beneficial use.

Turnable center pivot from existing wellEstimated Total Cost \$ 11,822.00

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

STATE OF SOUTH DAKOTA)

County of Spink) ss.I, Lewell J. Huber 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 Lewell J. HuberSubscribed and sworn to before me this 10 day of July, 1980D. B. Taylor, Dep. Reg. of Deeds
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No 4586-3

LOWELL J. HOFER

(Applicant)

CARPENTER

(Post Office Address)

SOUTH DAKOTA 57322

(State)

With the following qualifications

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

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

Date of first receipt of application July 11, 1980
 Date of return to applicant for correction, amendments or changes required July 15, 1980
 Date of receipt of corrected application December 17, 1980
 Approved January 28, 1981, Recorded in Book 32 Page 4

WATER RIGHT PERMIT NO. 4586-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4586-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is December 17, 1980
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before July 28, 1981
3. The whole of said work is to be completed on or before January 28, 1982
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is January 28, 1983
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 No add'l. cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before January 28, 1983; said water to be used during the following described annual period: April to September 30th

Witness my hand this 24th day of February, 1981

THE WATER MANAGEMENT BOARD

By:

John H. H. H.
 Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

JOB NAME

8/16/76
DATE

#14
RIG NO.

**Russell Rasmus:
FOREMAN**

Dr. No.	DEPTH	TIME	REMARKS
on.	0-10	10:30	Topsoil, Yellow Clay
	10-20	11:15	Yellow Clay, Blue Clay, 18-20 Gravel Coal, 18' Rock
	20-30	11:30	Medium Coarse Sand & Coal
	30-40	11:45	Medium Coarse Sand-Traces of Coal
	40-50	1:30	40-46 Medium Coarse Sand, Traces of Coal
			46-50 Coal, Some Sand & Gravel
	50-60	2:00	50-55 Coal, Sand 55-60 Coarse Sand Some Coal & Gravel
	60-70	2:15	Coarse Sand & Some Coal & Gravel
es.	70-80	10:00	70-74 Coarse Sand, Coal, Gravel - 74-80 Very Coarse Gravel
	80-84	11:30	80-84 Coarse Gravel, Rock 84-85 Shale
			Total Depth 84'
			2-20' - Plastic Screen - 100 Slot
			2-20'-Plastic Blank
			4'-Plastic Blank,
			2-Loads Pea Rock
			2 Days Drilling Time

Lowell Hoyer
Carpenter

Lowell Koller
Carpenter

CONSERVATION COMMISSION
WATER FORM
2/79

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

RECEIVED

SEP 2, 1980

South Dakota
Division of Conservation

OWNERS NAME: Lance H. J. H. Per OWNERS ADDRESS: Carpenter, SD
COUNTY LAND LOCATED IN: Spink PHONE: 352-7633 57322
TENANT'S NAME AND ADDRESS: (If Other Than Owner) 2624-50

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: Sec 28-117-61 SW 1/4 NW 1/4
2. SURFACE WATER SOURCE: ✓
3. LOCATION OF AREA TO BE IRRIGATED: NE 1/4 of 28-117-61
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 X GUN ✓ OTHER (Specify) ✓
6. CROPS TO BE IRRIGATED Small grains, crops that need minimum water
7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: 1971
LAND: SW 1/4 21-117-61 & NW 1/4 28-117-61
IN WHAT NAME: CL/Permit No. 10 H. J. Per, L. J. Per, H. J. Per

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

8. SAMPLE NUMBER: 80-819
9. SALINITY (EC x 10⁶): 1500
10. SODIUM (SAR): 7.75

ADJUSTED (SAR) 4.85

RECEIVED

OCT 10 1980

I hereby certify that I personally obtained or that I personally observed this water sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at 4:00 A.M. (P.M.) on Sept 19, 1980, at the following location: 28-117-61 by Lance H. J. Per (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 Spink 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
19 DAY OF Sept, 1980.

Bonnie M. Feldman Wagner
(NOTARY PUBLIC) 1-20-83

Lance H. J. Per
APPLICANT'S SIGNATURE

Frank W. Feldman
Director, Division of Conservation

APPROVED

DISAPPROVED

X 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.

Conditional
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Lowell Hofer

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED

RECOMMENDED MANAGEMENT:

Because of clayey compact subsoils, intake rates are usually less than .2 inches
per hour on the Aberdeen soils. This low application rate is difficult to achieve
with any type of sprinkler system, except for the initial irrigation application,
which is generally on loose or freshly tilled soil.
Water should not be applied more than 3-4 times during the irrigation season.
Each uninterrupted application should be of at least 2-3 inches of water.
Surface drainage suggested on any area that tends to pond water.
Deep plowing into the 3rd foot is expensive, but has more lasting effects than
chiseling. Heavy fall application of irrigation water should be coordinated
with deep plowing.
You indicate irrigation of small grain crops with minimum amounts of water.
Eventually, you may wish to irrigate deeper rooted crops... To do so may mean
altering the 4 to 16 inch layer of soil by deep tillage to allow gravitational
drill to become greater than evaporational forces. (See soil profile).
Enclosed is a map sheet showing the slope to the west would accommodate

(OVER)

No. 4586-3

Publish first publication, on or before December 31, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 19, 1980

Notice is hereby given that Lowell J Hofer whose post office address is Carpenter, 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; 46-5-1 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, 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 no add'l cubic foot of water per second of time from ground water (one well-existing) through the Hofer Unit #1, the point of diversion of which is (~~XXXXXXX~~) located in the SW 1/4

of Section 28, Twp. 117N, Range 61W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE 1/4, Section 28, T117N, R61W (additional acreage on existing Permit No. 3103-5)

This Application No. 4586-3 will be considered by the Water Management Board at Meeting Room #1, Kneip 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, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Lowell J Hofer,
Carpenter, SD 57322

BETTY WESTLUND
Water Rights Specialist

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

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 11

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Spink) ss.

I, Roger Matz hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Redfield Press

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

Redfield Press of Redfield, SD

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

December 31, 1980

January 7, 1981

Roger Matz

(Signature)

Publisher / Editor

(Title)

1/15/81

(Date Signed)

No. 11

NOTICE OF HEARING
TO APPROPRIATE
WATER

Pierro, South Dakota 57501
December 18, 1980

Notice is hereby given that Lowell J. Hofer, whose post office address is Carpenter, 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, 01 thru 52:01:01, 13, for a permit to appropriate for beneficial use (no add'l cubic feet of water per second of time from a ground water (one well) existing) through the Hofer Unit No. 1, the point of diversion of which is located in the SW 1/4 of Section 28, Twp. 17N, Range 61W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE 1/4, Section 28, T17N, R61W (additional acreage on existing Perm. (No. 3103-3) 2-10-1981)

This Application No. 4586-3 will be considered by the Water Management Board at Meeting Room No. 11, Kneip 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, DWRN, Joe Foss Building, Pierre, SD, prior to the hearing date for assistance to assure access to the hearing.

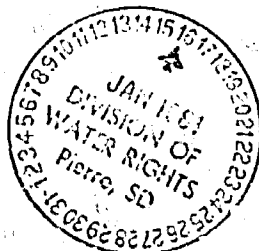
WATER MANAGEMENT

BOARD

BETTY WESTLUND

Water Rights Specialist
cc: Lowell J. Hofer, Carpenter,
SD 57322

(Dec. 31; Jan. 7)



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7587

July 14 80

PIERRE,

Lowell J. Hofer, Carpenter, SD 57322

RECEIVED OF

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

Fee for Application for Permit to Appropriate Water No. 4586-3 (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 filling	
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

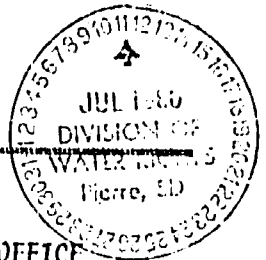
WATER RIGHTS COMMISSION

By *(John Hatch)*
Chief Engineer, Executive Officer

COOPERATIVE EXTENSION SERVICE



agriculture • 4-H • home economics



SPIK COUNTY EXTENSION OFFICE

P.O. Box 151

Redfield, South Dakota 57469

Phone 472-2023

July 10, 1980

Mr. Burton Jones
Water Rights Specialist
Department of Natural Resource Development
Division of Water Rights
Joe Foss Building
Pierre, SD 57501

Dear Burton:

Enclosed please find an application and check in the amount of \$225.00 from Lowell Hofer, Carpenter. Lowell has a well on the NW $\frac{1}{4}$ of 28--117-61; he wishes to get a water right for the NE $\frac{1}{4}$ of this same section (28--117-61) and irrigate from the same well, using a towable system between the two quarters.

The reason he would like this additional water right is to put a minimum amount of water on in a dry year. This would guarantee a minimal crop; he is not shooting for maximum production. He would irrigate this only once or twice a year.

Thank you!

Sincerely,

Robert S. Sampson
Robert S. Sampson
County Extension Agent

RSS:lg

SOUTH DAKOTA STATE UNIVERSITY, UNITED STATES DEPARTMENT OF AGRICULTURE,
AND COUNTY COOPERATING

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

July 14, 1980

Lowell J. Hofer
Carpenter,
South Dakota 57322

Dear Mr. Hofer:

Your application dated July 10, 1980 for a permit to appropriate water through an existing well on Permit No. 3103-3 was received July 11, 1980.

According to our records Permit No. 3103-3 was issued to Daniel Wolf. If you are the present owner of this land a transfer form must be completed (form enclosed). If necessary please complete and return to this office with a \$2.50 filing fee.

Your receipt No. 4 7587 for \$225.00 for the additional 115 acres is on file with your application. You will also need soil/water compatibility approval from the State Conservation Commission on the additional acreage.

Please advise us on this matter of the transfer.

Sincerely,

KAREN WERNSMANN
Administrative Secretary

kw

enclosure

cc: Robert Sampson, Co. Agent, Redfield SD

Equal Opportunity Employer

4586-3

Water Rights Division
685 773-3352

March 14, 1983

Lowell Hofer
RR 1
Carpenter SD 57322

Dear Mr. Hofer:

In writing up the Water License on Permit No. 4586-3 which will incorporate Permits No. 3103-3 and 3714-3 it was discovered that there was an error made in processing Permit No. 3714-3. Soil/water compatibility was not approved for SW# of Section 21. I have filled out the form and all it needs is your signature and to be notarized and returned to our office. We will then process it and issue your license. If you have any questions please contact this office.

Thank you,

KEVIN C LARSON
Water Resources Engineer

KCL:ks

enclosure



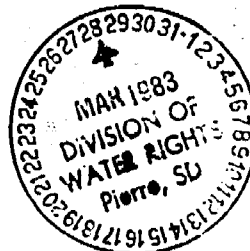
Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 • Pierre, South Dakota 57501
Phone 605/773-3258

March 25, 1983

Lowell Hofer
Carpenter,
South Dakota 57322



Dear Mr. Hofer:

In reviewing your soil and water compatibility application for the SW $\frac{1}{4}$ of sec. 21-T117N-R61W = 1 $\frac{1}{2}$ acres, the irrigation staff is recommending a Conditional Approval of your application to the State Conservation Commission at their May 5, 1983, meeting. The Conditional recommendation is based on the salt load of the irrigation water and the areas of Aberdeen (1), Tetonka (103) and LaDella-Tetonka (94) soils. All of these soils are poorly suited, or unsuited, to irrigation.

RESTRICTION:

The areas of Aberdeen, Tetonka and LaDella-Tetonka soils have inadequate internal drainage resulting in severe trafficability problems and making the leaching of salts difficult. Adequate internal drainage must be provided for these soils. It may be necessary to install a tile drainage system or plow to a depth of 3 ft. periodically to achieve this drainage. You may wish to discuss these soils with the SCS personnel in your county.

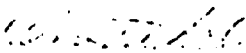
MANAGEMENT RECOMMENDATIONS:

We suggest management practices that leave crop residue in the field to control erosion and conserve moisture.

It is also suggested that you set up your water management to assure the leaching of salts. A soil monitoring program may be an asset to you in setting up your water management program.

If you have any questions concerning your application, please feel free to contact this office.

Sincerely,


Jim Stukel
Irrigation Program Director

JS/ah

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

4023

WR#

45863

OWNERS NAME: Lowell Hofer

OWNERS ADDRESS: RR 1

Carpenter South Dakota

COUNTY LAND LOCATED IN: SPINK

PHONE: 352-7633

TENANT'S NAME AND ADDRESS: _____

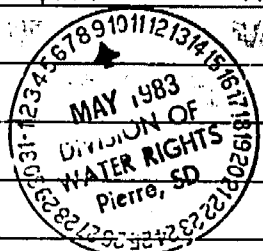
LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION 1870' South & 100' East of NW corner 28-T117N-R61W
Depth 90 FT.

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: _____

Diversion Location _____

Legal Description	Acres	Legal Description	Acres
<u>SW 4 Sec 21-T117N-R61W</u>	<u>132</u>		



3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED 1977

LEGAL DESCRIPTION: Same as above (Permit # 3714-3)

IN WHAT NAME: Lowell Hofer

4. LOCATION OF AREA TO BE IRRIGATED: NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: X GUN: _____ OTHER: _____ (Specify)

6. CROPS TO BE IRRIGATED: Corn, Alfalfa, Small Grain

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

7. WATER SAMPLE NUMBER: 80-1001 10 ADJUSTED (SAR): 3.85 (0.4)
8. SALINITY (EC X 10⁶): 1437 11. PERCENT SODIUM 21.35
9. SODIUM (SAR): 1.40

I hereby certify that I personally obtained or that I personally observed that 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 instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19____, at the following location: _____

by (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.

Signature _____

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-8.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

11th DAY OF May, 1983
Lowell Hofer
(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

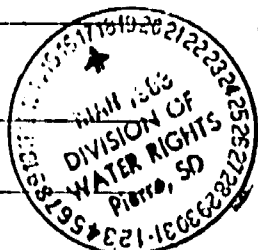
Lowell Hofer
Director, Division of Conservation
55-83

Date

APPROVED

DISAPPROVED
X CONDITIONALLY APPROVED

Conditional soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.



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 Board of Water Management, Foss Building, Pierre.

CONDITIONAL APPROVAL

APPL. #4023

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATIONNAME OF APPLICANT: Lowell HoferLEGAL DESCRIPTION: SW 21-T117N-R01W = 132 acresSOIL RESTRICTIONS:THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:THE SOIL(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:

The areas of Aberdeen, Tetonka and LaDella-Tetonka soils have inadequate internal drainage resulting in severe trafficability problems and making the leaching of salts difficult. Adequate internal drainage must be provided for these soils. It may be necessary to install a tile drainage system or plow to a depth of 3 ft. periodically to achieve this drainage. You may wish to discuss these soils with the SCS personnel in your county.

RECOMMENDED MANAGEMENT:

We suggest management practices that leave crop residue in the field to control erosion and conserve moisture.

It is also suggested that you set up your water management to assure the leaching of salts. A soil monitoring program may be an asset to you in setting up your water management program.

Jack H. Hylleberg
SIGNATURE5-5-83
DATE

Permit No. 4586-3Water Division 3 JAMES RIVER Water District
10160006REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by LOWELL J.HOEFER of CARPENTER holder
of Permit No. 4586-3, bearing date of priority of AUGUST 18, 1976, MARCH 4, 1977 *
authorizing the diversion of 1.7 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in SPINK County.

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

The Water Use System consists of,

A. Works used to divert the water:

90' DEEP WELL WITH 16" STEEL CASING - 25' SS SCREEN
AUROA VERTILINE 10" PUMP - 4 STAGE, 12" BOWLS
POWERED BY 75 HP US ELECTRIC MOTOR @ 1760 RPM

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

1850' OF 8" BURIED PVC FROM WELL TO CENTER OF PIVOT IN NW⁴ SEC 28
2280' OF 8" BURIED PVC FROM PIVOT POINT IN NW⁴ SEC 28, TO CENTER
OF PIVOT IN NE⁴ SEC 28
2750' OF 8" BURIED PVC FROM PIVOT POINT IN NW⁴ SEC 28, TO CENTER
OF PIVOT IN SW⁴ SEC 21

C. Works used to apply water to beneficial use.

8 TOWER OLSON CENTER PIVOT WITH NELSON #100 END GUN,
TOWED BETWEEN NW⁴ & NE⁴, SECTION 28
8 TOWER ELECTROGATOR CENTER PIVOT WITH NELSON #100 END
GUN ON SW⁴, SECTION 21The system is in the following condition: GOODThe point of diversion is located 1870'S & 100'E OF THE NW CORNER,
SECTION 28, T117N, R61WThe works are capable of diverting and conveying to the place of use 2.00 (900 GPM)cu. ft. per second of water which is to be used for: IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN T117N, R61W

<u>SECTION 28 NW⁴NW⁴ 15 AC</u>	<u>NW⁴NE⁴ 32 AC</u>	<u>SECTION 21 SW⁴ 132 AC</u>
<u>NE⁴NW⁴ 38 "</u>	<u>NE⁴NE⁴ 31 "</u>	
<u>SW⁴NW⁴ 15 "</u>	<u>SW⁴NE⁴ 33 "</u>	
<u>SE⁴NW⁴ 36 "</u>	<u>SE⁴NE⁴ 31 "</u>	

comprising a total of 364 * acres of land.* APPLICABLE PORTIONS OF PERMITS N° 3103-3 & 3714-3
HAVE BEEN INCORPORATED INTO THIS WATER LICENSE

LICENSE FOR 1982

Date AUGUST 25, 1982[Signature]
(Signature)

WATER LICENSE NO. 4586-3

(1) WHEREAS, On the 17th day of December, A. D. 1980
Lyell J Hofer

made Water Right Application No. 4586-3 for a permit to use no additional cubic feet per second of the waters of groundwater (one well) in Spink County of Spink State of South Dakota, for Irrigation

(2) WHEREAS, On the 28th day of January A. D. 1981
 Permit No. 4586-3, with a date of priority of December 17, 1980
 was issued to said applicant _____ for the diversion of said water, and provided for the completion of construction of the water
 supply system therein described on or before the 28th day of January A. D. 1982 and for the
 application to beneficial use of said water on or before the 28th day of January A. D. 198

WHEREAS, on the 25th day of August, 1982 the applicable portions of Permit Nos. 3103-3 and 3714-3 were incorporated into this Water License No. 4586-3 with dates of priority of August 18, 1976 and March 4, 1977. These permits were originally in the name of Daniel Wolf. Permit No. 3103-3 was transferred August 12, 1980 and Permit No. 3714-3 was transferred November 30, 1979 to the name of Lowell J Hofer, Carpenter SD.

ប្រជុំ:

(3) WHEREAS, it is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.7 cubic feet per second of water for beneficial use and,

(1) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,
to irrigate the following lands all in T117N, R61W

- Section 28	NW $\frac{1}{4}$	NW $\frac{1}{4}$	15 acres	(BB)	Section 21	NE $\frac{1}{4}$	SW $\frac{1}{4}$	33 acres	(CA)
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	38 "	(BA)		NW $\frac{1}{4}$	SW $\frac{1}{4}$	33 "	(CB)
	SW $\frac{1}{4}$	NW $\frac{1}{4}$	15 "	(BC)		SW $\frac{1}{4}$	SW $\frac{1}{4}$	33 "	(CC)
	SE $\frac{1}{4}$	NW $\frac{1}{4}$	36 "	(BD)		SE $\frac{1}{4}$	SW $\frac{1}{4}$	33 "	(CD)
	NW $\frac{1}{4}$	NE $\frac{1}{4}$	33 "	(AB)					
	NE $\frac{1}{4}$	NE $\frac{1}{4}$	31 "	(AA)				TOTAL 364 acres	
	SW $\frac{1}{4}$	NE $\frac{1}{4}$	33 "	(AC)					
	SE $\frac{1}{4}$	NE $\frac{1}{4}$	31 "	(AD)					

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

of Carpenter SD

the holder and owner of said permit No. 4586-3 a water right, dating from August 18, 1976 March 4, 1977 and Dec 17, 1980 to use of 1.7 cubic feet per second of the waters of groundwater (one well)

in the County of Spink and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 1870'S and 100'E of the NW corner, Section 28, T117N, R61W (BC)

and conducted to and upon portions of land in Sections 21 and 28, T117N, R61W more fully described on the face of this License.

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 4586-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 10th day of May A. D.
Nineteen Hundred and Eighty-three

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

RECEIPT

WATER RIGHTS COMMISSION

No 4 8970

State of South Dakota

September 27

82

PIERRE,

19

RECEIVED OF Lowell J. Hofer, RR#1, Carpenter, SD 57322

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No. 4586-7	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 4586-3		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH/ms

4586-3

No. _____

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

May 10, 1983

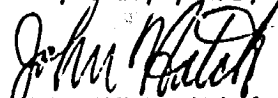
Lowell J Hofer
RR #1
Carpenter SD 57322

Dear Mr. Hofer:

Enclosed herewith is, Water License No. 4586-3. This is the final water right document completing your process of obtaining a water right.

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.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH: ks

Enclosures

NOTE: Applicable portions of Permit Nos. 3103-3 and 3714-3 have been incorporated into this Water License.

WNR-817 3/83
Transmittal of Water License

South Dakota
Department of
Water & Natural Resources

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

November 3, 1987

4586-3

Ardis Wolf Stanley
628 Nebraska SW
Huron, SD 57350

Dear Ms. Stanley:

Mr. Lowell J Hofer, Carpenter, SD has notified our office that you now own the land covered under Water Right No. 4586-3. I have enclosed a copy of the water right for your records.

In order for the water right to be changed over to your name, it will be necessary for you to file a "Notice of Transfer" with our office. Enclosed is a partially completed transfer form. Please check over the form, sign and have it notarized. Upon completion of the forms return it to our office with a required filing fee of \$2.50.

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 us.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure

 **Department of
Water & Natural Resources**

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

May 24, 1988

Second Notice
Water Right No. 4586-3

Ardis Wolf Stanley
628 Nebraska SW
Huron, SD 57350

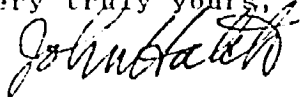
Dear Ms. Stanley:

On November 3, 1987, notice was sent to you concerning the transfer of Water Right No. 4586-3 in the name of Lowell J. Hofer which covers irrigation of 364 acres in the N 1/2 Section 28, and SW 1/4 Section 21, T117N, R61W. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed please find an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The permit can then be transferred to your name. If you are not the present owner of the land covered under this 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 us.

Very truly yours,



John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352



PS Form 3877-00c, 8-80

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

- **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

☒ Show to whom and date delivered —c
☐ Show to whom, date, and address of delivery —c

- 2.
- ☐
- RESTRICTED DELIVERY**

(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

3. ARTICLE ADDRESSED TO:

Ardis Wolf Stanley
 428 Nebraska SW
 Huron SD 57350

4. TYPE OF SERVICE:

☒ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER

P 404 786 492

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

5.

DATE OF DELIVERY

5-27-81

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS



 **Department of
Water & Natural Resources**

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

May 24, 1988

Second Notice
Water Right No. 4586-3

Ardis Wolf Stanley
628 Nebraska SW
Huron, SD 57350

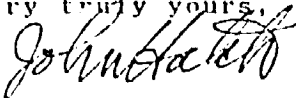
Dear Ms. Stanley:

On November 3, 1987, notice was sent to you concerning the transfer of Water Right No. 4586-3 in the name of Lowell J Hofer which covers irrigation of 364 acres in the N 1/2 Section 28, and SW 1/4 Section 21, T117N, R61W. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed please find an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The permit can then be transferred to your name. If you are not the present owner of the land covered under this 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 us.

Very truly yours,



John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352



NO. 4586-3

NOTICE OF TRANSFER OF



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

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

364 acres - N $\frac{1}{2}$ Section 28, and SW $\frac{1}{4}$ Section 21, T117N, R61W

formerly owned by Lowell J Hofer

has been transferred to Ardis Bayles 453 15th St. S.W. Huron S.D. 57350
(please include complete mailing address)

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

Water Right Permit No. 4506-3 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 Beadle) ss.

I, Ardis Bayles 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.

Ardis Bayles
(Signed)

Subscribed and sworn to before me this 1 Day of June, 19 83.

Karlton A. Crawford
(Notary Public)

10-29-1979

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, June 2, 1938

RECEIVED OF Ardis Bayles, 253 15th St., S.W., Huron, SD 57350

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 4536-3 _____	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 Hatch
Chief Engineer JOHN HATCH (115)

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

June 3, 1988

Ardis Bayles
253 15th Street, S.W.
Huron, South Dakota 57350

Dear Ms. Bayles:

Enclosed is receipt No. 411265 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 4586-3.

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

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

South Dakota
Department of
Water & Natural Resources

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

February 9, 1990

ARDIS BAYLES
253 15TH ST SW
HURON, SD 57350

NOTICE

RE: Violation of Water Permit No(s). 4586-3

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 4586-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4586-3 qualification:

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

The hearing will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City SD.

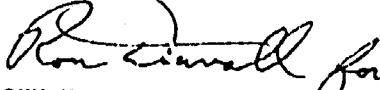
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 4586-3 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,


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

● **SENDER:** Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt for this card will be sent to you by mail. The card is delivered to you the date of delivery. For additional fees and charges, see the back of this card. For postage rates for fees and check boxes for additional services and charges.

1. ☒ **Postage** to whom delivered, date, and addressee's address.

3. **Article Addressed to:**

ARDIS BAYLES
253 15TH ST SW
HURON, SD 57350

5. **Signature - Addressee**

X *Ardis Bayles*

6. **Signature - Agent**

X

7. **Date of Delivery**

02-10-90

☐ **Registered**
☐ **Insured**
Always check the back of this card for the latest rates and charges.
For postage rates for fees and check boxes for additional services and charges.

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

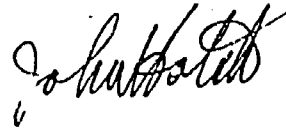
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 14, 1990

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: ARDIS BAYLES
253 15TH ST SW
HURON, SD 57350

FROM: John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352



SUBJECT: One Year Suspension of Water Permit No(s). 4586-3

Fursuant to the provisions of the notice dated February 9, 1990, and following the hearing of March 7, 1990, the Water Management Board has ordered:

That Water Permit No(s). 4586-3 be SUSPENDED until December 31, 1990.

Suspension of a permit means water may not be pumped during the 1990 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

Please contact Genny McMath (605 773-3352), if you have any questions.

- **SENDER:** Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
†(Extra charge)† †(Extra charge)†

3. Article Addressed to: ARDIS BAYLES 253 15TH ST SW HURON, SD 57350	4. Article Number P 176 378 317 Type of Service: ☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ COD Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Addressee ☒ <i>Ardis Bayles</i> 6. Signature — Agent ☒	8. Addressee's Address (ONLY if requested and fee paid)
7. Date of Delivery	

PS Form 3811, Mar. 1987

• U.S.G.P.O. 1987-178-268

DOMESTIC RETURN RECEIPT

GALLAGHER & BATTEY

ATTORNEYS AT LAW

615 NORTH MAIN

POST OFFICE BOX 10

REDFIELD, SOUTH DAKOTA 57469

RAYMOND A. GALLAGHER
RUSSELL H. BATTEY

TELEPHONE
(605) 472-2710

March 27, 1990



John Hatch
Water Resource Commission
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

RE: One Year Suspension of Water Permit No.(s). 4586-3

Dear Sir:

I am confirming my telephone conversation with Jenny McNath of this morning regarding the above-captioned land. Originally in modern times, Ardis Bales was the owner of this land and during her ownership she was indebted to the FHA and subsequently sold the land to Lowell Hofer subject to the FHA debt which was assumed by Hofer. Thereafter Hofer had several other mortgages including the new mortgage with Federal Land Bank and Lowell Hofer eventually defaulted on his mortgages.

Federal Land Bank foreclosed the mortgage against Lowell Hofer and sold the property at mortgage sale and Bob Freeburg was the high bidder and either on July 3 or August 3, 1989, the FHA redeemed the land from Robert Freeburg and became the owner of the land at that time.

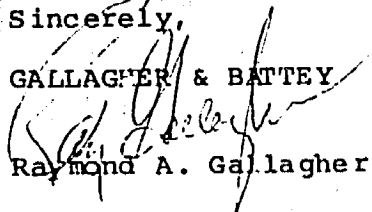
Obviously, the owner of the land at the time of your letter as well as the time of the questionnaire being mailed was the Farmers Home Administration and they did not receive the questionnaire or the notice in March of irrigation rights this coming year.

Accordingly, we do hope that Bob Freeburg will be the operator of this land this coming year and we would accordingly request the availability of irrigation upon this land the farm year of 1990.

We assume that in view of the fact the owner was not served by the department that the question of water suspension would be withdrawn and the operator will be allowed to irrigate the premises this coming year. Please advise.

Sincerely,

GALLAGHER & BATTEY


Raymond A. Gallagher

RAG:mr
Enclosure

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

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

April 11, 1990

4586-3

Raymond A Gallagher
GALLAGHER & BATTEY
PO Box 19
Redfield, SD 57469

Dear Mr. Gallagher:

I am writing in response to your letter of March 27, 1990 concerning suspended Water Right No. 4586-3 and the various ownership changes that have taken place in the last year.

SDCL 46-5-30.3 states that Notice of any sale, grant, lease, conveyance or other transfer of a permit or license to appropriate water issued under the provisions of this title shall be filed with the chief engineer within ninety days. An ownership change was not filed with our office which led to the 1989 irrigation questionnaire being mailed (October 13, 1989) to Ardis Bayles.

A notice of violation of Water Right No. 4586-3 was sent to Ardis Bayles February 9, 1990. The notice informed Ms. Bayles that if the 1989 questionnaire was received in this office prior to the March 7th hearing date, she would no longer be in violation and her name would be deleted from the agenda. No response was received.

You stated in your letter that the Farmers Home Administration owned the land at the time the 1989 irrigation questionnaire was mailed. We understand that the questionnaire was not mailed to the proper land owner, however if we would have been notified of the ownership change somewhere between the October mailing and the March 7th Water Management Board meeting, the suspension would not have occurred.

The 1989 irrigation questionnaire is still required. Enclosed is a form for reporting the questionnaire data. Please contact the owner and/or operator who had control of the land during the 1989 irrigation season to obtain this information. If the land was not irrigated in 1989, please indicate this on the form and return the questionnaire to our office by May 4, 1990. The suspension of Water Right No. 4586-3 will be deleted from the actions the Water Management Board took March 7, 1990 upon receipt of this information.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

Questionnaire received 4-17-90

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

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

May 2, 1990

4586-3

Farmers Home Administration
25 1/2 W 6th Ave
Redfield, SD 57469

Dear Sir:

Our office has been contacted by Raymond Gallagher, Gallagher & Battey, concerning ownership of land under Water Right No. 4586-3. Mr. Gallagher indicated that the land is now owned by FmHA. Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 4586-3. The water right is currently listed in the name of Ardis Bayles.

Please check over the form and sign in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

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 me.

Sincerely,



Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

No. 4586-3

TO: Chief Engineer
Water Rights Division, DWNR
523 East Capitol
Pierre, SD 57501-3181

Date: May 4, 1990



I/We request that Water ~~Right~~/Right No. 4586-3

formerly owned by: Ardis Bayles

be transferred to: (name & address) Farmers Home Administration, 200 4th Street S.W.,
Room 308, Huron, South Dakota 57350 (telephone No.) (605) 353-1591

Title to the following described land(s)/property has been transferred as described above:
N½ Section 28, SW½ Section 21, T117N, R61W

I/We understand that the validity of Water ~~Right~~/Right No. 4586-3 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 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 READLE)

I/We Maryls T. Hogen 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.

MARYLS T. HOGEN

(Signed)

Subscribed and sworn to before me this 4th day of May, 1990.

Ellen S. Casper
(Notary Public)

June 27, 1997

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 water 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

412231

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____ May 9 _____, 1990

RECEIVED OF William J. Becker, Jr., Green Acres 104, Redfield, SD 57469

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 _____ Water Right No. 4586-3	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 D. Hatch
Chief Engineer

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

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

May 11, 1990

No. 4586-3

William J Becker, Jr.
Green Acres 104
Redfield SD 57469

Dear Mr. Becker:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 4586-3.

Our records now show Farmers Home Administration as the owner of this Water Right.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
Water Rights Division
605 773-3352

enclosure

cc: Farmers Home Administration

L

 **Department of
Water & Natural Resources**

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

October 31, 1990

4586-3

Bill St Clair
RR #1 Box 85
Tulare, SD 57476

Dear Mr. St Clair:

Enclosed, as we discussed, are the following:

1. Copy of Water Right No. 4586-3,
2. Notice of Transfer of Ownership,
3. 1990 Irrigation Questionnaire; and
4. Water Level information from Observation Well

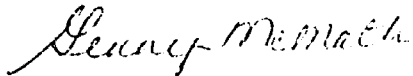
The transfer form should be checked over for accuracy and signed by the new owner(s) in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

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.

The 1990 irrigation questionnaire must be completed and returned to our office by December 14, 1990. You may return the questionnaire, completed transfer form and filing fee in the envelope provided.

If you have any questions, please contact me.

Sincerely,



Genny McMath
Natural Resources Analyst
(605) 773-3352

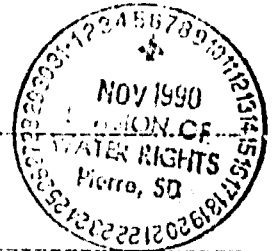
enclosures

NOTICE OF TRANSFER OF OWNERSHIP

No. 4586-3

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date 11/2/90



I/We request that Water Permit/Right No. 4586-3

formerly owned by: Farmers Home Administration

be transferred to: (name & address) Jim F St Clair RR1 Box 65 Tolare SD 57776
John Blum St Clair Box 95 Tolare SD 57776 (telephone No.) 416 4762

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

364 acres - N 1/2 Section 28 and SW 1/4 Section 21, T117N, R61W

I/We understand that the validity of Water Permit/Right No. 4586-3 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 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 Spink)

I/We Jim F St Clair 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.

Jim F St Clair
John Blum St Clair
(Signed)

Subscribed and sworn to before me this 2nd day of December, 1990.

NOTARY PUBLIC
SOUTH DAKOTA
Exp. July 13, 1991

Mary Haidar
(Notary Public)

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 water 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 Water and Natural Resources

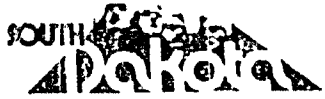
Pierre, November 7, 1990

RECEIVED OF St. Clair Ranch Partnership, 35 1/2 Box 75, Tulare SD 57170

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>Water Right No. 4526-2</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 [Signature]
Chief Engineer



Department of Water & Natural Resources

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

November 19, 1990

No. 4586-3

Wm. F. St. Clair
RR 1 Box 85
Tulare, SD 57476

Dear Mr. St. Clair:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 4586-3.

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

Sincerely,

JACI KONOP
Senior Secretary
Water Rights Division
605 773-3352

enclosure

4586-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 1996

Kevin Dettler
HC 71 Box 29
Doland, SD 57436

4586-3

Dear Mr. Dettler:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. I have a question concerning the questionnaire you submitted for Water Right No. 4586-3. Yesterday you contacted our office and spoke with Gale Selken concerning submission of the form. The reason you did not receive a form for this specific water right is because it is listed in the name of William F St Clair.

Mr. St Clair submitted a questionnaire for No. 4586-3, reporting irrigation of 132 acres of soybeans. Since you reported irrigation of 65 acres of kidney beans on the same acreage, there must be a discrepancy in our records pertaining to legal descriptions and/or ownership.

Water Right No. 4586-3 authorizes irrigation of 364 acres in the N $\frac{1}{2}$ Section 28 and the SW $\frac{1}{4}$ Section 21, T117N, R61W. The water right was formerly in the names of Lowell Hofer, Ardis Bayles, Farmers Home Administration, with the latest transfer filed by Mr. St Clair.

Do we have a discrepancy in our records or were you not given the correct water right number when you telephoned? Please contact me either by phone or letter so we can determine if a problem exists and how to remedy it.

Sincerely,

Genny McMath

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

Mr Dettler called - spoke with Gale Selken - land should be Section 28 and should have been included on 4586-3.

STATE OF SOUTH DAKOTA
REISSUED
WATER LICENSE NO. 4586-3

(1) Lowell J Hofer was issued Water Right No. 4586-3, May 10, 1983 for a water right to divert 1.7 cubic feet of water per second (cfs) from groundwater (one well), Spink County, South Dakota for irrigation purposes. Water Right No. 4586-3, with a priority dates of August 18, 1976, March 4, 1977 and December 17, 1980 was issued to irrigate 364 acres located in the N ½ Section 28 and SW ¼ Section 21; all in T117N-R61W.

In November, 1990 the water right was transferred to William St. Clair, 37644 184th St, Tulare SD 57476.

Water Right No. 4586-3 is being reissued to reflect the reduction of irrigated acres and limitation on the use of the well resulting from the approval and issuance of Water Permit No. 6382-3.

(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, the holder and/or owner of Water Right No. 4586-3 is reissued a license, bearing priority dates of August 18, 1976 (NW ¼ Section 28), March 4, 1977 (SW ¼ Section 21) and December 17, 1980 (NE ¼ Section 28) to appropriate 1.70 cubic feet of water per second from groundwater (one well) to irrigate 264 acres.

The diversion point is located: 1,870 feet south and 100 feet east of the NW corner of Section 28-T117N-R61W (SW ¼ NW ¼). The acres authorized for irrigation are as follows:

All in T117N-R61W					
Section 28	NW ¼ NW ¼	15 acres	Section 21	NE ¼ SW ¼	33 acres
	NE ¼ NW ¼	38 acres		NW ¼ SW ¼	33 acres
	SW ¼ NW ¼	15 acres		SW ¼ SW ¼	33 acres
	SE ¼ NW ¼	36 acres		SE ¼ SW ¼	33 acres
Section 28	NW ¼ NE ¼	14 acres			
	SW ¼ NE ¼	14 acres			
Total 264 acres					

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 4586-3 including the following now applicable 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.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
- The well authorized by reissued Water License No. 4586-3 may not be in use when the well authorized by Water Permit No. 6382-3 is in operation.

Garland Erbele

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

MAY 18 2004

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

May 18, 2004

NOTICE

TO: William St. Clair
37644 184th Street
Tulare SD 57476

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Issuance of Water Permit No. 6382-3 and Reissued Water Right No. 4586-3,
William St. Clair

Enclosed is Water Permit No. 6382-3 and reissued Water Right No. 4586-3. On May 12th, the Water Management Board affirmed the issuance of these documents authorizing the irrigation of the NE ¼ Section 29 and W ½ Section 28, T117N, R61W.

You will be contacted by a Water Rights staff person in the future to schedule an on-site investigation for the purpose of licensing Water Permit No. 6382-3

Please contact Eric Gronlund at (605) 773-3352, if you have any questions.

c: Diane Best, Assistant Attorney General
Kevin Dettler, 40168 173rd Street, Doland SD 57436

CERTIFICATION

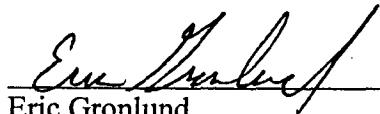
I hereby certify that on May 18, 2004, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 18, 2004, regarding issuance of Water Permit No. 6382-3 and reissued Water Right No. 4586-3, William St. Clair, addressed as stated below.

William St. Clair
37644 184th Street
Tulare SD 57476

Kevin Dettler
40168 173rd Street
Doland SD 57436

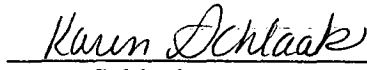
A copy of the Notice was sent Inter-office to:

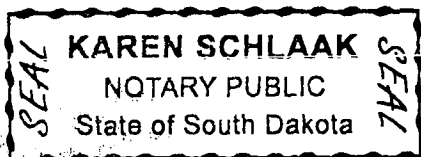
Diane Best, Assistant Attorney General


Eric Gronlund
Natural Resource Engineer
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 19th day of May, 2004.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007



3/31/2004

RECEIVED

APR 02 2004

WATER RIGHTS
PROGRAM

TO: Eric Gronland
DENR.
Joe Foss Bldg.
523 East Capitol
Pierre, SD. 57501-3182

FROM: WM. F. St. Clair
37644 184th St.
Tulare, SD. 57476

Subject: A Proposal in lieu of the DENR'S desire to install water meters on
Permit No 6382-3 and Permit No.4586-3.

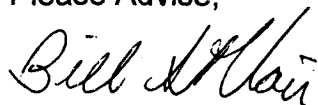
Hi Eric,

I had a meeting with Kevin Dettler on Monday to get his feeling on DENR's desire to install water meters to enable the use of permit # 6382-3 to go forward. His objection to DENR's qualification was immediate, just as mine was, and in the negative.

Of course we would like to use the system that we have both invested in, and Kevin suggested that I, as holder of the permits agree to this qualification: i.e., that only one well of the two wells may be pumped at one time, never both at the same time.

It seems to us, that this would be an automatic regulation, that would hold us to the intent of the DENR. The transfer of the 100 acres would go on as proposed and obviate the use of those irrigated acres under Permit 4586-3. It would be as if one well were being used on three circles. The appealing thing about our proposal is that it can be accomplished without a lot of extra equipment to install, keep up, and monitor.

Please Advise,



Bill St. Clair

DRAFT

SOUTH DAKOTA WATER PERMIT NO. 6382-3

Date of first receipt of application January 1, 2003.

The Water Management Board, approved Water Permit No. 6382-3 on December 3, 2003 to William St. Clair, 37644 184th Street, Tulare SD 57476 authorizing the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6382-3 transfers 100 acres from Water Right No. 4586-3 to lands located in the NE ¼ Section 29-T117N-R61W and authorizes use of a well (Tulare:East James Aquifer) located in the approximate center of the NE ¼ Section 29-T117N-R61W. This permit authorizes a diversion rate of 1.7 cfs from the well only at times when the well authorized by Water Right No. 4586-3 which is located in the SW ¼ NW ¼ of Section 28-T117N-R61W is not being operated (see reissued Water License No. 4586-3 for description of this water right). This Permit transfers 100 acres from the NE ¼ of Section 28 which was part of the 364 acres authorized by Water Right No. 4586-3 to the NE ¼ Section 29-T117N-R61W.

Water Permit No. 6382-3 is being issued as set forth in the Water Management Board's Final Decision adopted December 3, 2003 and Mr. St. Clair's subsequent identification of the acreage to be transferred and alternating use of the two wells. These documents can be found in the Water Rights Program's administrative file for Permit No. 6382-3.

Water Right No. 4586-3 is reissued to reflect the reduction in the diversion rate and irrigated acres resulting by the approval and issuance of Water Permit No. 6382-3.

2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is December 17, 1980 (established by Water Right No. 4586-3).
4. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Pursuant to SDCL 46-1-14, Permit No. 6382-3 is issued for a 5-year term to allow irrigation until a long term solution is in place. This permit will be brought back before the Water Management Board upon the permit holder submitting of a long term solution or the expiration of the 5-year term. If the 5-year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation. Permit No. 6382-3 may also be cancelled for nonconstruction, forfeiture, abandonment, or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1 and ARSD 74:02:01:37.

Water Permit No. 6382-3

William St. Clair

Page 2

2. The well authorized by Water Permit No. 6382-3 may not be in use when the well authorized by Water Right No. 4586-3 is in operation. Operating both wells at the same time is a violation of this permit and pursuant to SDCL 46-1-12 the matter will be brought before the Water Management Board for appropriate action.
3. 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.
4. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
5. The Water Management Board retains jurisdiction of Permit No. 6382-3 to settle disputes arising under the Final Decision.

WATER MANAGEMENT BOARD

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

_____ date



1/21/2004

RECEIVED

JAN 22 2004

WATER RIGHTS
PROGRAM

TO: Garland Erble, Chief Engineer
Water Rights Program
DENR
Joe Foss Bldg.
523 East Capitol
Pierre, SD. 57501-3182

FROM: William F. St. Clair
37644 184th Street
Tulare, SD. 57476

SUBJECT: The transfer of a portion of Water Right #4586-3 to pending Water Right #6382-3

Water Right #4586-3 provides for the irrigation of 364 acres from one well located on the southwest corner of Section 28-117-61 at a diversion rate of 1.7 cubic feet per minute. Three circles are permitted: One 132 acre circle in the SW 1/4 of Section 21-117-61, one 132 acre circle in the NW 1/4 of Section 28-117-61, overlapping into portions of the NE 1/4 of Section 28-117-61 (because of farmstead along the west side of the NW 1/4, that overlap creates a "pie cut" 100 acre part circle in the NE 1/4 of Section 28-117-61. This is the specific portion of Water Right #4586-3 we would like to move. (i.e.) Map is enclosed for reference.

We propose to transfer 100 irrigated acres out of Water Right #4586-3, located in the NE 1/4 of Section 28-117-61, along with 200 acre feet of water too a similarly configured "pie cut" 100 acre part circle into pending Water Right #6382-3, located in the NE 1/4 of Section 29-117-61 at the diversion rate of .57 cubic feet per minute from a well in the center of the NE 1/4 of Section 29-117-61.

The remaining 1.14 cfm. under Water Permit #4586-3 would be restricted to the irrigation of 132 acres in the SW 1/4 of Section 21-117-61 and 132 acres in the NW 1/4 of Section 28-117-61 for a total of 264 acres.

We will install gate valves on each pump to restrict the diversion rate to the prescribed limits stated above.

Our hope is, that, at the minimum, the matter can be settled on or before the March 3, 2004 Water Board meeting so that we have the necessary time to order the parts and effect the modifications to the pumping stations before spring planting.

Please advise,

My Regards,


William F. St. Clair

P.S. We can be reached at: wfs@venturecomm.net while in New Zealand from 2/9/04 to 3/1/04 and by Cel. Phone 605-450-0080 while in Georgia from 3/4/04 to 3/18/04.

1/16/2004

RECEIVED

JAN 16 2004

WATER RIGHTS
PROGRAM

TO: Garland Erble, Chief Engineer
Water Rights Program
DENR
Joe Foss Bldg.
523 East Capitol
Pierre, SD. 57501-3182

FROM: William F. St. Clair
37644 184th Street
Tulare, SD. 57476

SUBJECT: The transfer of a portion of Water Right #4586-3 to pending Water Right #6382-3

Water Right #4586-3 provides for the irrigation of 364 acres from one well located on the southwest corner of Section 28-117-61 at a diversion rate of 1.7 cubic feet per minute. Three circles are permitted: One 132 acre circle in the SW 1/4 of Section 21-117-61, one 132 acre circle in the NW 1/4 of Section 28-117-61, overlapping into portions of the NE 1/4 of Section 28-117-61 (because of farmstead along the west side of the NW 1/4, that overlap creates a "pie cut" 100 acre part circle in the NE 1/4 of Section 28-117-61. This is the specific portion of Water Right #4586-3 we would like to move. (i.e.) Map is enclosed for reference.

We propose to transfer 100 irrigated acres out of Water Right #4586-3, located in the NE 1/4 of Section 28-117-61, along with 200 acre feet of water too a similarly configured "pie cut" 100 acre part circle into pending Water Right #6382-3, located in the NE 1/4 of Section 29-117-61 at the diversion rate of .57 cubic feet per minute from a well in the center of the NE 1/4 of Section 29-117-61.

The remaining 1.14 cfm. under Water Permit #4586-3 would be restricted to the irrigation of 132 acres in the SW 1/4 of Section 21-117-61 and 132 acres in the NW 1/4 of Section 28-117-61 for a total of 264 acres.

I believe 2/12/2004 is the cutoff date for this request but I am wondering if it would be possible for the board to consider this at the February meeting?

Please advise,

My Regards,

Bill
William F. St. Clair

NOT TO SCALE

3714-3
3103-3
4586-3

117-61

76.4

84.4 379-22R

74.0

CENTER
SEC 21

79.5 79.5

70.0

78.7 78.7

76.0

117-61

135
135

1255

2750'
8" PVC
TO CENTER SEC 21

379-22L
139.0

1850'
8" PVC

2230'
8" PVC

WELL
100'

NE

53.3 CENTER SEC 28

NOT TO SCALE

3714-3
3103-3
1501-3

117-61

76.4

379-2

74.0

CENTER
SEC 21

79.5

70.0

78.7

78.7

76.0

117-61

135

1255

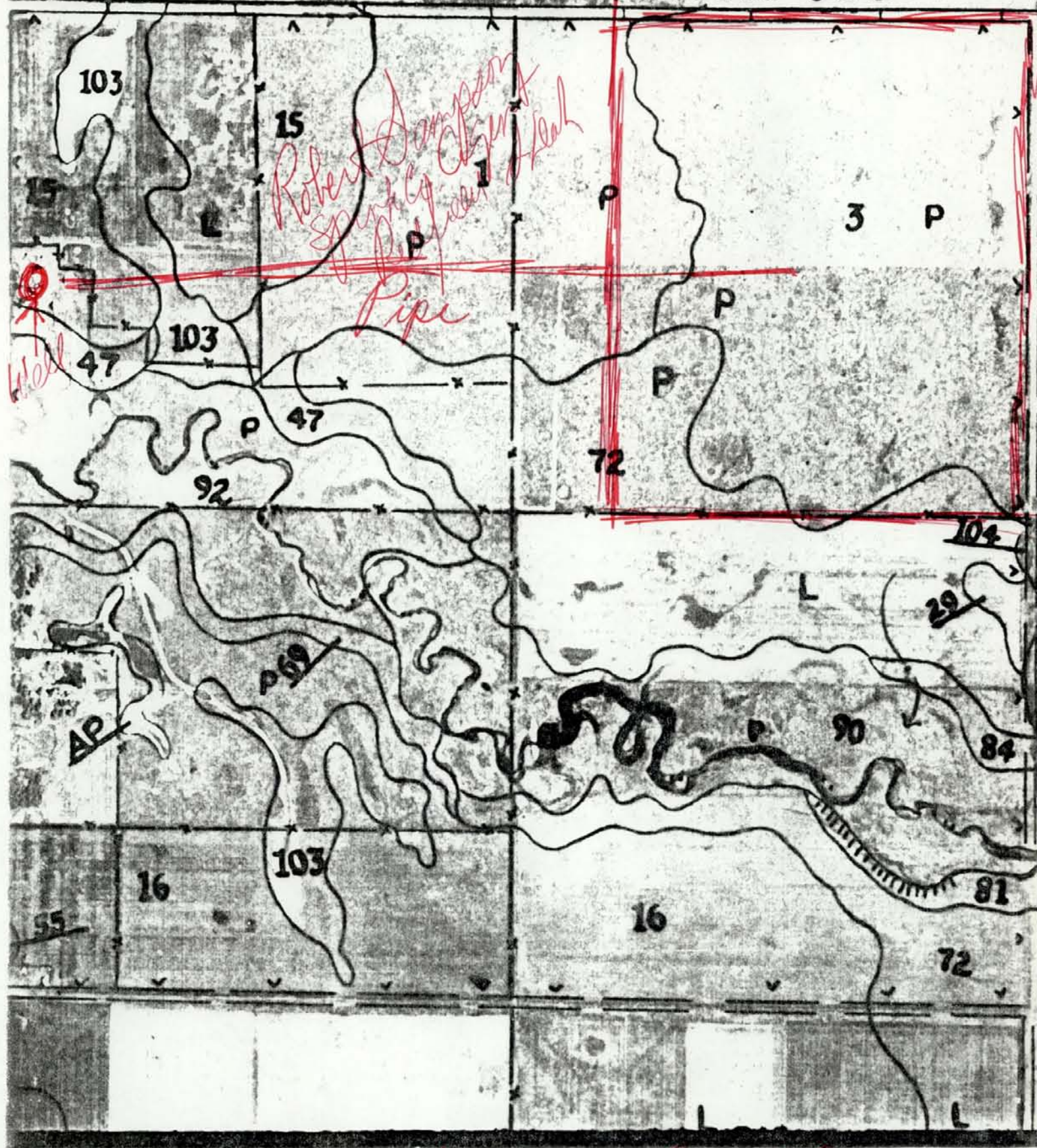
379-22L

139.0

128

53.3 CENTER SEC 28

PRAIRIE CENTER T117N R61W S28



No. 1 Aberdeen Silty Clay Loam (Level 0-190)

~~Good~~ Good prospect for irrigation

No. 3. Aberdeen Silty Clay Loam, Till substratum (Level 0-190)

No. 92 Harder Silt Loam, Firm Till substratum (Undulating 3-590)

Good prospect for sprinkler irrigation

Robert A. Dampson

Spink Co. Agent
Redfield, S. Dak.

~~Map 4586-3~~ Appl. 4586-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 17 2016

4586-3
4586A-3
4586C-3

William St Clair
St Clair Ranch
37644 184th St
Tulare SD 57476-7007

Dear Mr. St Clair:

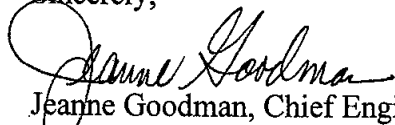
Enclosed is Water License No. 4586C-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 4586C-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.

Upon licensing, the applicable portions of Water Right No. 4586-3 and Water Permit No. 4586A-3 were incorporated into Water License No. 4586C-3. The license was issued for a maximum of 1.70 cfs from the two wells. The combined diversion rate from the two wells must not exceed that amount. Based on the current configuration of the pivots, the two pivots and wells can not be operated at the same time and will need to run on an alternating basis.

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

Sincerely,


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

enclosures