

1. Considered 1/28 19 81
2. Name of Applicant Brand Farms
3. Post Office Address 214 NW 3rd, Watertown 57201
4. Amount of Water Claimed 2.8
5. Source of Water Supply Two wells 90' each
6. Water to be used for IRR
7. Acres to be irrigated 200 maximum acre feet
8. Water to be diverted and used in Codington County
about 2 1/2 miles WEST of WATERTOWN
9. PROOF OF PUBLICATION Received (initials) Feb 26, 1981

Not Received _____
APPLICATION Approved 1/28/81 FFCL-March 26, 1981
Subject to WI-1 - 1/4 mile, 1/4 section, 1/4 NW 1/4, Section 5, T117N-R52W
Not Approved Disapproved & IRR FF & C/L
Action deferred _____

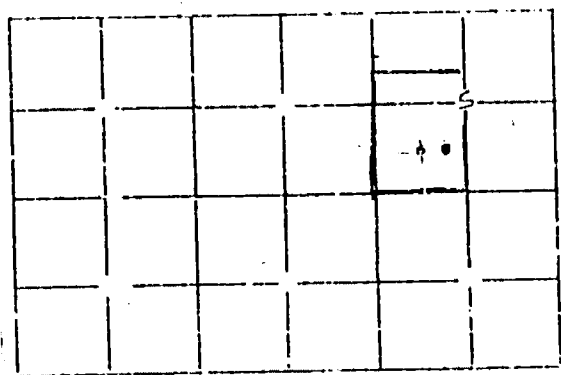
Priority _____ Date Received 12/4/80 Application Complete yes _____ no _____ FEE 275.00
Remarks Needed fee

WATER
QUALITY

Date information and/or fee or corrected Application received 12/15/80 fee received _____
Period of Annual use _____
Received yes 12/15/80 no _____ APPROVED/CONDITIONAL (circle one)
WI-1 Description same as application yes _____ no _____ Remarks only had one well down - called 12/15/80 informed him see about this

Disapproved _____

Returned _____



Diversion Point _____
Well #1 in the approximate center SW 1/4, and Well #2, in the approximate center of the E 1/2 SW 1/4, Section 5-T117N-R52W
Lands to be irrigated _____
SW 1/4 and S 1/2 S 1/4 NW 1/4, Section 5-T117N-R52W

WELL
LOG

Remarks _____
IRIGATION SUPPLY
Driller 8220240202 Licensed yes xx no _____
Depth 2 @ 90'

MAP Map No. #3806-7 Map located in Water Right xx Map file _____

Type of Map drawn Prepared by J. Wiersma, PE

+++++

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 1/28/82

Betty Wiersma
(Signed)

+++++

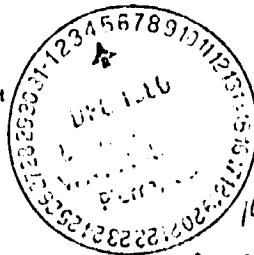
PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

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

Remarks _____

No. 4588-3

Map No. 3806-3 Water Division No. 3 BIG SIOUX District
(Returns to be Filed by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

10175202

10:13
Lappa
map

To Appropriate Water within the State of South Dakota

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

- Name of Applicant Brand Farms Total 886-2577 / 886-8016
- Postoffice address 214 NW 3rd Waterloo State SD 57201
- If a corporation show date and place of incorporation _____
- Method of accomplishing work (contract, employment of others, or by direct labor) Contract & Direct Labor
- Name of diversion work Brand Farms Irrigation Project #1
- Amount of water claimed (cubic feet per second) 2.8
- Source of water supply 2 wells
- Location of point of diversion Well #1 - 1860' N 45° E of SW corner section 5 - 117-52
Well #2 - 2330' N 56° E of SW corner section 5 - 117-52
- Annual period or periods during which water is to be used County of Budington
April through October
- Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
- For irrigation use, Total number of acres to be irrigated 200

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.
<u>NW 1/4 of SW 1/4 Sec 5 - 117-52</u>	<u>10</u>	<u>SW 1/4 of NW 1/4 Sec 5 - 117-52</u>	<u>20</u>
<u>NE 1/4 of SW 1/4 Sec 5 - 117-52</u>	<u>40</u>	<u>SE 1/4 of NW 1/4 Sec 5 - 117-52</u>	<u>20</u>
<u>SW 1/4 of SW 1/4 Sec 5 - 117-52</u>	<u>40</u>		
<u>SE 1/4 of SW 1/4 Sec 5 - 117-52</u>	<u>40</u>		

Attach sheet if more space is needed

- Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 3 years.
- Choice of newspaper for Notice of Intent to Appropriate Water publication Water town Public Opinion
- Principal Features of the Proposed Water Supply System.

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

2 wells with deep well turbines

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

closed conduit

C. Works proposed to apply water to beneficial use.

center pivot irrigation machines

Estimated Total Cost \$ 65,000

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

STATE OF SOUTH DAKOTA

County of Brown

I, Brand Farms 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 Brand Farms by Paul Spink

Subscribed and sworn to before me this 14 day of Nov 1966

John H. Wiersma
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

4588-3

The Water Rights Commission hereby approves Water Right Application No. _____

Brand Farms

214 NW 3rd, Watertown

(Applicant)

(Post Office Address)

South Dakota

57201

(State)

With the following modifications:

This application is approved with the qualification that the irrigation wells will not be closer than one quarter of a mile from any present existing domestic wells and the irrigation wells 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 _____ December 4 19 80
 Date of return to applicant for correction, amendments or changes required _____ December 5 19 80
 Date of receipt of corrected application _____ December 17 19 80
 March 26 81 22 226
 Approved _____, 19 _____, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. 4588-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4588-3 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 _____ December 4 19 80
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____ September 26 19 83
3. The whole of said work is to be completed on or before _____ March 26 19 86
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is _____ March 26 19 89
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 need not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed _____ 2.80 _____ 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 irrigator 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 _____ March 26 19 89, said water to be used during the following described annual period: _____ April thru October

Witness my hand this _____ 8th _____ day of _____ July 19 81

WATER RIGHTS COMMISSION

By:

John Hatch
 Chief Engineer, Executive Officer JOHN HATCH

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

ADDRESS

STATE

DATE _____

1970

STONE

SHALE

GRAVEL

SAND

CLAY

FT. | FT.

14

4126

20150

569.

1	2
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12	7
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11-11

27

55 NC

555

JOHN

TO EX-103

MI
OB
SE

200

AS

END

5) 6)

STATIC WATER LEVEL

AQUIFER THICKNESS

SCREEN LENGTH:

SLOT SIZE

FITTING - TOP

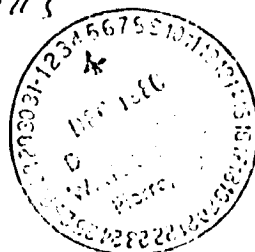
FITTING - BOTTOM

1320/Exh. 101

Disruption Super

Waterbury, Vt.

TOTAL DEPTH 786-5395



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

D. Well Information or Estimates

(1) Drill Hole, Diameter 20", Depth 90'
 (2) Casing, Type Steel (wood, concrete, steel, etc), Diameter 12" Thickness 1/4"
 (3) Perforated Screen.
 Type Continuous Slot, Diameter 12", Length 15'
 (4) Gravel Pack, Thickness 3", Length of gravel pack 45'

E. Dugout Information or Estimates.

(1) Surface dimensions —, Depth —

F. Fill out for Either a Well or a Dugout

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

Character of Water bearing materials See log

Depth to top of water bearing material 50'

Depth to bottom of water bearing material 90'

Thickness of water bearing material 40'

Depth to water (ground surface to water level) 10'

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

On same owner's property No supply rds On property owned by others 240 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, 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.

Brand Farm, Inc. Bill R. Spack
 Signature of Applicant

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

OWNERS NAME: ARMON LARSEN OWNERS ADDRESS: 211 2nd St. S.D.

COUNTY LAND LOCATED IN: WYOMING PHONE: 907-7077

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

2636-CD

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

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

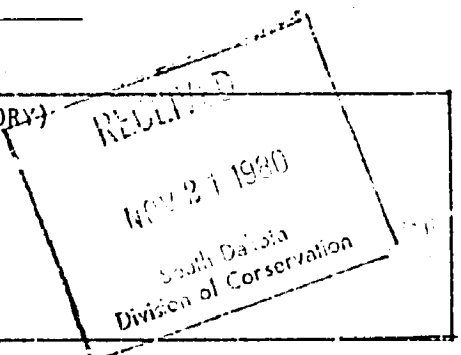
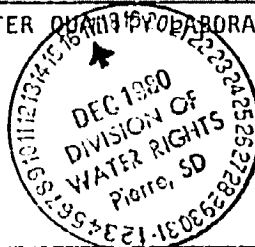
1. WELL LOCATION OR DIVERSION POINT: Center of SW 1/4 Sec 5-117-52
2. SURFACE WATER SOURCE: _____
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>SW 1/4 Sec 5 T. 117 N. R. 52</u>	<u>16.0</u>		
<u>SW 1/4 Sec 5 T. 117 N. R. 52</u>	<u>40</u>		

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: _____ (Specify)
5. CROPS TO BE IRRIGATED: _____
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
- LEGAL DESCRIPTION: _____
- IN WHAT NAME: _____

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

7. WATER SAMPLE NUMBER: 90-1020
8. SALINITY (EC X 10⁶): 27.42
9. SODIUM (SAR): 1.55
10. ADJUSTED (SAR): 4.90



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 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.

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 _____ DAY OF _____, 19____.

(NOTARY PUBLIC)

Armon Larsen
APPLICANT'S SIGNATURE

Tom H. [Signature]
Director, Division of Conservation

APPROVED _____
DISAPPROVED _____
☒ CONDITIONALLY APPROVED

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

Conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Brad Spevek, Brand Farms

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED

RECOMMENDED MANAGEMENT:

Water available to plants (Fordville soils) in the top 20 to
36 inches is 4.5 inches. Since part of the 5 inches will go
to the plant and the balance will be lost to deep percolation
quite frequent irrigations will be necessary for optimum yields
of shallow rooted crops. Fordville soils may be brought under
dryland conditions, but will produce under irrigation.
The Lamoure soils comprise approximately 10 percent of your unit.
These soils are deeper and have slower permeability. They will
not require as frequent irrigations.

No. 1,588-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Codington) ss

I, John R. Lowrie hereby

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

Water was taken from the Shantou Public Spring

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

town of Watertown

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

December 31, 1980

January 7th, 1983


(Signature)
John R. Lowrie, General
(Title)

January 7th, 1981
(Date Signed)

PUBLIC NOTICE

NO. 4584-1
NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501
December 19, 1980

Notice is hereby given that Br and Farms whose post office address is Watertown, 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 46-5-12, 46-5-4; 46-6-3, 46-6-5, 46-6-6, 46-6-10, 46-6-14 and Board Rules ASD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 2.8 cubic feet of water per second of time from ground water (two wells) through the Br and Farms Irrigation Project No. 1, the point(s) of diversion of which are to be located as follows: Well No. 1, in the approximate center of the SW 1/4 and Well No. 2, in the approximate center of the E 1/4 SW 1/4 of Section 5, Twp. 11N, Range 52W. Said water to be used for the purpose of providing irrigation on portions of the following described land: SW 1/4 and 3 1/2 S 1/4 NW 1/4, Section 5, T11N, R52W.

This Application No. 4588-3 will be considered by the Water Management Board at Meeting Rejm. No. 1, Kin. 3 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, DYNR, 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
(Dec. 31, 1980; Jan. 1, 1981)

6 1/2 @ 5.5% =
\$39.60

No. 4588-3

Publish first publication, on or before January 2, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 19, 1980

Notice is hereby given that Brand Farms whose post office

address is Watertown, 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 52:01:01:12, for a permit to appropriate for beneficial use 2.8 cubic feet of water per second of time from ground water

(two wells) through the Brand Farms Irrigation/Project #1, the point(s) of diversion of which ~~is~~(are) to be located ~~where~~ as follows: Well #1 in the approximate center of the SW $\frac{1}{4}$ and Well #2 in the approximate center of the E $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 5, Twp. 117N, Range 52W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW $\frac{1}{4}$ and S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$, Section 5, T117N, R52W

This Application No. 4588-3 will be considered by the Water Management Board at Meeting Room #1, Knoll 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: Brand Farms
214 NW 3rd, Watertown. SD 57201

BETTY WESTLUND
Water Rights Specialist

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

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

N2 4 7812

PIERRE, December 12, 1970

RECEIVED OF Grand Farms, 214 NW 3rd, Watertown, SD 57201

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

Fees for Application for Permit to Appropriate Water No. 4588-3 (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 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	285	00

WATER RIGHTS COMMISSION

By *John White*
Chief Engineer, Executive Officer
JUN 11 1971

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

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

February 4, 1981

Brand Farms
214 NW 3rd
Watertown SD 57201

Dear Sir:

You are aware that the Water Management Board requested that proposed Findings of Fact, Conclusions of Law and a proposed Decision regarding Water Rights Application No. 4588-3 approval be prepared. The Water Management Board will meet in the Sandy Shore Room, Holiday Inn, Watertown SD, March 25 & 26, 1981. We have tentatively placed consideration of the proposed Findings of Fact, Conclusions of Law and Decision on the agenda for 4:00 pm. March 25, 1981.

The Attorney General's Office will prepare proposed Findings, Conclusions and Decision for consideration by the Board. This notice is provided to you in the event you wish to prepare or have prepared your own proposed Findings, Conclusions and Decision for consideration by the Board.

Please have any proposed Findings, Conclusions and Decision in this office by March 16, 1981. We will be mailing information concerning the Board meeting to the Board members March 18, 1981.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

kw

cc: Sherman Pickthorn
Mr & Mrs Lloyd Shenk
P P DAngona
Rod Redlin
LeRoy Cordely
Roland Redlin
LaVerna Redlin
Brad Spevak
Randy Spevak

Equal Opportunity Employer

Division of Water Rights (605) 773-7352

February 23, 1981

Brand Farms
214 NW 3rd
Watertown, SD 57201

Dear Sirs;

On February 4, 1980 our office wrote you a letter stating that proposed Findings of Fact, Conclusions of Law and a Final Decision were being prepared for your application.

At that time, we overlooked the fact that we did not have the affidavit of publication from the newspaper. Please have the affidavit sent to our office as soon as possible so the Findings, Conclusions and Final Decision can be prepared for the Board's consideration.

Your prompt attention in this matter would be appreciated..

Sincerely,

GENNY YOUNG
Staff Assistant

gy/kw/gy



Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

March 17, 1981

Brand Farms
214 NW 3rd
Watertown SD 57201

Dear Sir:

Enclosed please find a copy of the proposed Findings of Fact, Conclusions of Law and Final Decision on Application No. 4588-3, Brand Farms as prepared by the Attorney General's office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:kw

enclosure

cc: Sherman Pickthorn
Mr & Mrs Lloyd Shenk
P P Dangona
Rod Redlin
LeRoy Cordely
Poland Redlin
LaVerna Redlin
Brad Spevak
Randy Spevak

Equal Opportunity Employer

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

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

March 30, 1981

Brand Farms
214 NW 3rd
Watertown SD 57201

Dear Sir:

This is to notify you that final Decisions including Findings of Fact and Conclusions of Law were adopted by the Water Management Board on Application No. 4588-3 at the March 1981 meeting.

The final Decision, Findings and Conclusions are on file in this office and signed copies will be furnished upon request. South Dakota Statutes provide that the decisions of the Board may be appealed to the Courts.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

kw

cc: Sherman Pickthorn
Mr & Mrs Lloyd Shenk
P P Dangona
Rod Redlin
LeRoy Cordery
Roland Redlin
LaVerna Redlin
Brad Spevak
Randy Spevak

Equal Opportunity Employer

STATE OF SOUTH DAKOTA
WATER MANAGEMENT BOARD

IN THE MATTER OF WATER PERMIT
APPLICATION NO. 4588-3

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

FINDINGS OF FACT

1. That on December 4, 1980 application for Water Permit No. 4588-3 was submitted to the Water Management Board by Brand Farms.
2. That the application complied with all applicable state laws, rules, and regulations.
3. That a soil/water compatibility permit has been issued for this land.
4. That the application was duly advertised on December 31, 1980 and January 7, 1981 in the Watertown Public Opinion.
5. That numerous persons expressed their concerns by letter, oral testimony, and petition as to the effect the granting of Application No. 4588-3 would have on the water levels in the area.
6. That there are several domestic wells in the area of the proposed diversion point.
7. That there are several observation wells also in the area.
8. That the aquifer is subject to natural fluctuations in the water level.
9. That it is unlikely that the approval of Application No. 4588-3 will have an adverse impact on the water level of the aquifer.
10. That there is unappropriated water available.
11. That approving Application No. 4588-3 is in the public interest and the plan of the project is feasible.

CONCLUSIONS OF LAW

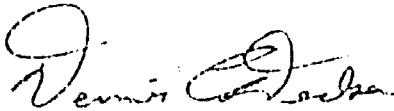
1. That the Board has jurisdiction to consider the granting or denying of Application No. 4588-3.
2. That it is in the best interest of the people of this state to maximize to the full extent the beneficial use of the waters of this state.
3. That the Board may condition a water permit so as to protect both adequate and inadequate domestic wells if such action is in the public interest.
4. That all legal requirements for a water permit have been met and Application No. 4588-3 should be approved.

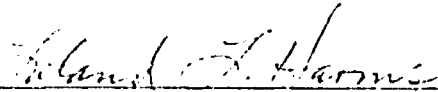
FINAL DECISION

Application No. 4588-3 is hereby approved subject to the following conditions:

1. That the diversion points will not be closer than one-quarter of a mile from any presently existing domestic well.
2. That the irrigation wells approved under this permit are located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells.
3. That the irrigation water use questionnaire be submitted each year.

Dated this 26th day of March, 1981.


CHAIRMAN


SECRETARY

Milton P. Cordell
R R 1 BOX 83
Watertown N. D.
57251

I live in Section 7, Elmira Twp.

I own the S.E. $\frac{1}{4}$ of Sec 7; and the S. $\frac{1}{2}$ of the
N.E. $\frac{1}{4}$ of Sec. 7.

I also have the N.W. $\frac{1}{4}$ of Sec. 7, Elmira Twp.
I own 80 acres in the S.W. corner of Sec. 8,
Elmira Twp.

When Harlan Stadheim, started irrigating
his $\frac{1}{2}$ Section, one mile west of me, my creek
dried up, so I was forced to dig a Stock
Dam in my North Pasture, so I could
have water for my stock Cattle during
the summer months; without having
to pump water at my building site twice
a day, and force my cattle to come home
for water.

If this irrigation project goes through,
my north Dugout, will go dry too.

and so will, (4) other stock dams. in
this area, not to mention, the shallow
wells of the neighbors.

When Harlan Stadheim, started his
Irrigation my neighbors west, (over)

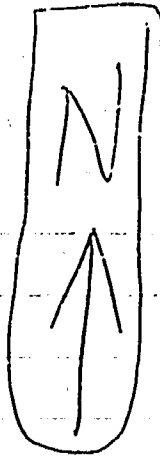
of me, Boilering his $\frac{1}{2}$ Section, of
Irrigated land, had to dig deeper wells,
for the house use, because their wells
went dry. So does my creek in the
Pastures. Including the Deep Pot Holes.
My Stock Pan on the S.E. 80, of Sec 8,
goes almost dry, when the irrigation
Pumps start up.

My Well in the yard, by the Building,
is used for domestic use in the House,
as well as for watering my hogs and
other animals, the are confined at home.

My well at home here, is 110' deep; it
has a 32" curbing and my submersible
Pump hangs 60', below ground level, to
insure enough water for my use, at
my Building site.

40' down would go dry during the
Irrigation months of the summer.

Attached is a sketched map of this
area, we live in. The Proposed site is
3 mil. north of Watertown. I Oppose it.
Milton F. Corbell



SIoux RIVER
flowing SOUTH
Sioux CONVEY ROAD
INTO TOWN

HARLAN STADIUM
IRRIGATION IN
1/2 SECTION

RAVILLÉ
9
OLIN

SHUMAN
PICKTHORNE

⑥

L. ANDERSON
D. HSELMAN

⑤

PROPOSED
IRRIGATION
SITE
PLAN - 2-80' well

BUB
ARNOLD

STOCK
DAM

DENNIS
ARNOLD

⑦

STOCK
DAM

CHAS
HAIGHT
LEROY
CORDELL

STOCK
DAM

③

BUB
CORDELL
STOCK
DAM

DUANE
DAHL

MILTON
CORDELL

STOCK
DAM

MILLET
CORDELL

⑧

⑪

PPF

⑫

⑬

4TH AVENUE

WATER TOWN

1-13 31

CALL FROM MR. REDLIN
N OF WATERTOWN -
IS CONCERNED ABOUT
APPL COMING UP AT THIS
MEETING 4588-3, WILL
BE AT MEETING. SAYS WELLS
ARE FROM 12' TO 38' DEEP -
SEVERAL $\frac{1}{4}$ - $\frac{1}{2}$ MILE
FROM PROPOSED IRRIGATION

Approx. $\frac{1}{4}$ mile from existing
domestic well - Well Interference

I Robert J. Cordell live
in Elmore Township
Section 8

I live 1/2 mile south
from where test well is
dug.

I have 2 wells in
my yard 20 ft deep, two
dug out in my pastures
they are about 70 ft deep.

There is an irrigation well
about one mile west from
me when they irrigate
my water table goes
down. So I oppose this
permit because of my wells.
Robert J Cordell

WILLIAM R. McCANN
THOMAS F. MARTIN
GEORGE S. MICKELSON
MICHAEL E. McCANN
RICHARD J. HELSPER

MCCANN, MARTIN & MICKELSON, P.C.
LAWYERS
317 SIXTH AVENUE
BROOKINGS, SOUTH DAKOTA
57006

P. O. DRAWER 248
DIAL 692-6163
AREA CODE 605

June 15, 1981

Department of Natural Resources Development
Water Rights Commission
Joe Foss Building
Pierre, SD 57501



RE: RICHARD R. SPEVAK & RANDY C. SPEVAK dba
BRAND FARMS PARTNERSHIP, CODINGTON COUNTY,
SOUTH DAKOTA

RE: WATER PERMIT #4588-3

Dear Sir:

This office will be assisting Richard and Bradley Spevak with a loan with John Hancock Insurance Company.

Findings of Fact and Conclusions of Law were entered in March of 1981 and I enclose herewith a copy of the Findings.

I understand that application #4588-3 for the water permit has been approved and I would request that you verify when the permit itself will be issued.

I understand that as a practical matter, it will require an inspection after the system is operational and it is my understanding that at the present time the system is operational and ready for inspection.

May we hear from you.

Very truly yours,

MCCANN, MARTIN & MICKELSON, P.C.

T. F. MARTIN

TFM:mib

Enclosure

4-14-82

CALL FROM DENNIS ARNOLD
RT #1, Box 86

ARNOLD'S WELL
ABOUT 50' DEEP

WATERTOWN, SD
57201

SAYS BRAND FARMS DRILLED
A TEST HOLE IN THE SW CORNER
OF SECTION 5, T17N, R51W LAST
FALL. THEY ARE NOW DUMPING
GRAVEL IN THE SAME AREA.
HE IS WONDERING IF THEY INTEND
TO DRILL A PRODUCTION WELL

BRAND'S PERMIT NO 4588-3 SAYS
WELL NOT TO BE CLOSER THAN
1/4 MILE. TOLD MR ARNOLD THEY
WOULD HAVE TO MAKE APPLICATION
TO CHANGE LOCATION. HE WOULD
LIKE TO BE NOTIFIED IF WE GET
AN APPLICATION.

NOT OPPOSED TO THEIR IRRIGATION, BUT IS CONCERNED



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

May 10, 1982

4588-3

Randy Stevak
Brand Farms
214 NW 3rd
Watertown SD 57201

Dear Mr. Stevak:

In answer to your phone call May 7, 1982, before you irrigate from your new well it will be necessary for you to submit an application to this office for a change of diversion on your existing permit No. 4588-3. Enclosed are our forms and instructions. A new soil/water compatibility approval from the State Conservation Commission for the new diversion is also needed. For procedures and required forms, contact the State Conservation Commission, Anderson Bldg, Pierre SD 57501 (phone 773-3259).

Your permit No. 4588-3 calls for two 90 foot deep wells, located in the approximate center of the SW 1/4 & E 1/2 SW 1/4, Section 5, T117N, R52W to irrigate 200 acres in SW 1/4 & S 1/2 S 1/2 NW 1/4 of Section 5. Your permit was approved March 26, 1981 with the following qualifications:

Irrigation wells will not be closer than one-quarter of a mile from any present existing domestic wells.

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.

If you have any questions, please contact this office.

Very truly yours,

JH:ks
enclosures

JOHN HATCH, Chief Engineer
Water Rights Division

cc: Martin Gertonsen, Conservation Comm.

Conversation or File Documentation

NAME OF PERSON OR FILE: Gandy, Brandt FarmsADDRESS: Watertown COUNTY CedingtonDATE: 5-7-82TELEPHONE home 816-8016RE: Abandoned 100' well & drilled new well 145' deep 1600' away

COMMENTS:

Is he still in same aquifer?
Does he need ~~new~~ permit for new well?
Well is about S N of Watertown near Hwy 8!
He has not used well yet and wants
to know if he has to do anything
before he connects pipe to ~~new~~ well
and uses it should pump about 800
gpm.

I told him we would send letter
to him on Monday.

He may need permit to change point
of diversion, depends on permit.

#1
BRAND FARMS - 2 wells - Approx Center SW 1/4 & #2 - E 1/2 SW 1/4,
Section 5 - 117N - R52W - in 200 acres (2.80 ac.)

SW 1/4 E S 1/2 S 1/2 NW 1/4 S-117-52 has WQ approval.

Per FFCAL - wells must be no closer than 1/4 mile

from existing domestic well of WI/223 well location

approved for 3/90' wells

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

NAME: John M. [Signature]

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

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

July 19, 1988

4588-3
5002-3

Brand Farms
214 NW 3rd
Watertown SD 57201

Dear Sir:

During the week of July 12-15 an investigation of domestic well complaints was conducted in Codington and Grant Counties. In all instances, the domestic wells were completed into the Prairie Coteau Aquifer (artesian aquifer) and the water levels were being affected by irrigation withdrawals. One of the complaints was that irrigation systems were wasting water by spraying on county roads and highways. This is not necessary and needs to be prevented. Not only is this a hazard to motorists with potential liability for the irrigator, but it is poor public relations.

I am requesting that you prevent the end guns from spraying on the county roads and highways. Technically, spraying roads is a waste of water and legislation could be introduced and passed by the Legislature that could be difficult to live with.

Very truly yours,

Jan A. Hatch
For JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



#4588-3
#4588-3A

 **Department of
Water & Natural Resources**

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

February 17, 1989

Brand Farms
214 NW 3rd
Watertown, SD 57201

Dear Sirs:

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

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

The new standards include:

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

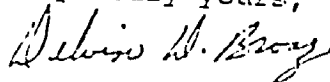


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

No. 70, 1908, p. 16.

Date: _____

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.

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

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

March 7, 1991

4588-3
4588-3A
5332-3

Robert L Carr
Hwy 59 North
Marshall, MN 56258

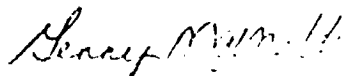
Dear Mr. Carr:

Enclosed are the "Notice of Transfer of Ownership" forms you submitted for Water Permit Nos. 4588-3, 4588-3A and 5332-3. Since the time these forms were mailed to you, we have changed the content of the transfer form. The filing fee remains the same.

I have included a new set of transfer forms. The forms will need to be completed and then signed in the presence of a notary. Additional filing fees will not be necessary.

If you have any questions, please contact me.

Sincerely,



Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 12, 1991

No. 4588-3
4588-3A
5332-3

Robert L. Carr
Hwy. 59 North
Marshall, MN 56258

Dear Mr. Carr:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Permit No. 4588-3, Water Permit No. 4588-3A and Water Permit No. 5332-3.

Our records now show you as the owner of Water Permit No. 4588-3, Water Permit No. 4588-3A and Water Permit No. 5332-3.

Sincerely,

Cheryl F. Frost

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

enclosure

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____, 19____

RECEIVED OF _____

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 _____

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

By _____
Chief Engineer

South Dakota

GREAT FACES. GREAT PLACES

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 6, 1991

4588-3A
4588-3

Robert L Carr
Hwy 59 N
Marshall, MN 56258

Dear Mr. Carr:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 4588-3 and 4588-3A, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 4588-3 will be incorporated into Water License No. 4588-3A.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

FEB 19 1997

4588-3A

Robert L. Carr
506 Washington Avenue
Marshall, MN 56258

Dear Mr. Carr:

Enclosed is Water License No. 4588-3A. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412791 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. 4588-3A, 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 Division
(605) 773-3352

enclosures

NOTE: The applicable portions of Water Permit No. 4588-3 are incorporated into this Water License No. 4588-3A.

L

S² of SW⁴ of NW⁴ S² of SE⁴ of NW⁴
 Sec 5 - 117-52 Sec 5 - 117-52

NW⁴ of SW⁴ Sec 5 NE⁴ of SW⁴ Sec 5
 117-52 117-52

↑
N

SW⁴ of SW⁴ Sec 5 Well #1
 117-52
 1860' N 45° E
 2330' N 56° E
 SE⁴ of SW⁴ Sec 5
 117-52

BRAND FARMS

214 NW 3rd Watertown
 South Dakota
 57201

Water claimed - 2.8 cfs
 Acres irrigated 200

Nov 15 - 1980
 Certified Correct
 John L. Weisma

~~Doc 138003~~ Appl # 4588-3

S² of SW⁴ of NW⁴ S² of SE⁴ of NW⁴
 Sec 5 - 117-52 Sec 5 - 117-52

NW⁴ of SW⁴ Sec 5 - 117-52 NE⁴ of SW⁴ Sec 5 - 117-52

N

SW⁴ of SW⁴ Sec 5 - 117-52 Well #1 Well #2
 1860' N 45° E 2330' N 56° E
 SE⁴ of SW⁴ Sec 5 - 117-52

BRAND FARMS

214 NW 3rd Watertown
 South Dakota
 57201

Water claimed - 2.8 cfs
 Acres irrigated 200

Nov 15 - 1980
 Certified Correct
 John L. Weisman

Map # 3806-3 Appl. # 4588-3

NOT TO SCALE

4588-3

52.0

142.6

679-57L

27.5

39.3

5

88.8

158.0

67.2

117-52

679-57L

35.0

213.0

1 Row Trees