

- 1. Considered 1-28-1981
- 2. Name of Applicant Gerry W. Jacobson
- 3. Post Office Address 1300 Cedar Lane, Sioux Falls, S.D. 57003
- 4. Amount of Water Claimed 2.1
- 5. Source of Water Supply 47' deep well
- 6. Water to be used for IRR
- 7. Acres to be irrigated 156 maximum acre feet
- 8. Water to be diverted and used in Roberts County about 3.125 miles of ORTLEY

9. PROOF OF PUBLICATION Received 1-23-81
Not Received _____
APPLICATION Approved 1/28/81
Subject to WI-1 Q
Not Approved _____
Action deferred _____

Priority _____ Date Received 12/16/80 Application Complete yes x no _____ FEE 250.00
Remarks _____

WATER QUALITY Date information and/or fee or corrected Application received _____
Period of Annual use April through October
Received yes 1/8/81 no _____ APPROVED / CONDITIONAL (Circle one)
WI-1 Description same as application yes X no _____ Remarks _____

Disapproved _____

Returned _____

Diversion Point _____

Well in the approximate center of the SE4, Section 34-123-52

Lands to be irrigated SE4, Sec. 34-T123N-R52W

					34
					x

WELL LOG Remarks _____
Driller Lacy and Sons Licensed yes xx no _____
Depth 47' deep

MAP Map No. 3822-3 Map located in Water Right ✓ Map file _____
 Type of Map Drawn Prepared by PE-Machina

+++++

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
B. J. W. [Signature]
 (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. 4604-3Map No. 3822-3 Water Division No. 3 JAMES RIVER District:Above for Office Use 10160010

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 ☐1. Name of Applicant Garry W. Jacobson Phone No. 605-332-0358Post Office Address 1300 Cedar Lane Sioux Falls State South Dakota 57003
(Street, RR, 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) Contract & Direct Labor3. Name of diversion work Garry W. Jacobson Irrigation Project # 24. Amount of water claimed (cubic feet per second) 2.15. Source of water supply Well6. Location of point of diversion 1800' N 45° W of SE Corner Sec 34-123-52County Roberts7. Annual period or periods during which water is to be used April through October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 156

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.
NW 1/4 SE 1/4 Sec 34-123-52	40		
NE 1/4 SE 1/4 Sec 34-123-52	39		
SW 1/4 SE 1/4 Sec 34-123-52	39		
SE 1/4 SE 1/4 Sec 34-123-52	38		

Attach sheet if more space is needed

10. 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.11. Choice of county newspaper for publication of Notice of Intent to appropriate Water Sioux Falls Courier

12. Principal Features of the Proposed Water Supply System.

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

well with deep well turbine

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

closed conduit

C. Works proposed to apply water to beneficial use.

center pivot irrigation machineEstimated Total Cost \$ 52,000

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

STATE OF SOUTH DAKOTA)

) ss.

County of _____)

I, Garry W. Jacobson 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 Garry W. Jacobson XSubscribed and sworn to before me this 11 day of Dec, 1954

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4604-3

GARRY W. JACOBSON

(Applicant)

1300 CEDAR LANE, SIOUX FALLS

(Post Office Address)

SOUTH DAKOTA 57603

(State)

With the following qualifications

The irrigation well ~~is~~ 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 16, 1980

Date of return to applicant for correction, amendments or changes required DECEMBER 17, 1980

Date of receipt of corrected application JANUARY 8, 1981

Approved JANUARY 28, 1981, Recorded in Book 22 Page 16

WATER RIGHT PERMIT NO. 4604-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4604-3 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 16, 1980
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 28, 1983
3. The whole of said work is to be completed on or before JANUARY 28, 1986
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 28, 1989
5. The water appropriated shall be used for the purpose of IRRIGATION

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

7. The amount of the appropriation herein granted shall not exceed 2.1 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, 1989; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 24th day of FEBRUARY, 1981

THE WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

122-52-4d

Roberts Co

~~122 52 Hd~~

WON # ~~1~~

T123N R52W SEC 34D / 4604-3

locati

NO. FT.	DIA.	RATE	CASING	TOTAL
05	4 3/4"	3.00	none	\$195.00
BALANCE DUE				\$195.00

BALANCE DUE

Hole # _____ at NE of Buildings

0 ft. to 18" Lapis Lazuli
18" ft. to 5' Dry Brown Sand
5' ft. to 46' Sand Brown
46' ft. to 63' Sand well graded
63' ft. to 65' Shale Rocks

ft. to ft.
ft. to ft.
ft. to ft.
ft. to ft.
ft. to ft.

Sgt 47

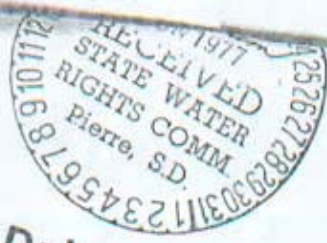
Stg 47' - 1825

PERMIT FOR

NOTE--Draw a line through items not applicable.

1. Name of Applicant Garry W. Jacob
Postoffice address 1300 Cedar
If a corporation show date

(NOTE--Draw a line through the name of the applicant.)



IRRIGATION SUPPLIES

- Berkeley Pumps
- E-Z Reel Machines
- Aluminum or Plastic Pipe
- Nelson Volume Guns
- Traveling Gun Hose
- Hygromatic Center Pivot
- Deep Well Turbine Pumps
- Hot Vulcanized Hose Repair
- Gravel Packed Irrigation Wells
- Test Boring

ED H. LACEY & SONS

Box 796

TRENT, SOUTH DAKOTA 57065

Phone (605) 428-5686 Ed (605) 428-5979 Jim

10.23.80

Test hole log - Gary
Jacobson Farm

0-2 Topsoil

2-15 Gravel

S.W. 14-16'

15-47 COARSE GRAVEL

quit drilling as can get enough
water from this much depth

Jim Lacey

ED H. LACEY & SONS

S.D. # 111

D. Well Information

- (1) Drill Hole, Diameter 20", Depth 47'
- (2) Casing, Type PVC (wood, concrete, steel, etc), Diameter 1 1/2", Thickness 3/8"
- (3) Screen, Type Cent. slot, Diameter 1 1/2", Length 10'
- (4) Gravel Pack, Thickness 3", Length of gravel pack Entire length

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

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

- (1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material 15'

Depth to bottom of water bearing material 47'

Depth to water (ground surface to water level) 15'

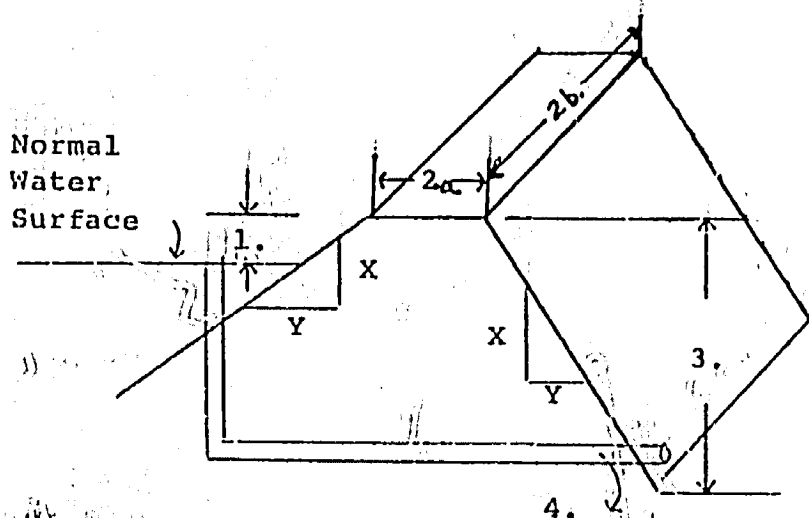
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property Not supplying rds.

On property owned by others 200 rds.

G. Water Storage (Dams)

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



1. Freeboard _____
- 2a Crest width _____ b. length _____
3. Height of Dam _____
4. Outlet dimensions:
 - Pipe diameter _____
 - Spillway width _____
 - X & Y slope:
 - Upstream _____
 - Downstream _____
 - Surface area of impoundment _____
 - Drainage area above dam _____

Approved

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Garry Jacobson

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED

RND - Renshaw-Sioux loams - Should not be irrigated because of their steep slopes - 9-20% and small amounts of gravel and stones.

These soils lie in the NW_{1/4} of the SE_{1/4} of Section 34-T123N-R52W.

RECOMMENDED MANAGEMENT:

Type of irrigation system recommended for use on this application is Center pivot

The Fordville soils are well suited for irrigation. However, there are small amounts of Renshaw soils. These soils are droughty, sloping, and subject to both wind erosion and gullies being formed in the wheel tracks.

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

OWNERS NAME: _____ OWNERS ADDRESS: _____

COUNTY LAND LOCATED IN: _____ PHONE: _____

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

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: approximate center of SE 4 Sec 34-123-52

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
SE 4 of Sec 34-123-52	16.0		

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: ☒ CENTER PIVOT: _____ GUN: _____ OTHER: _____ (Specify)

5. CROPS TO BE IRRIGATED: corn & alfalfa

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: 80-1101

8. SALINITY (EC X 10⁶): 552

9. SODIUM (SAR): 0.10

10. ADJUSTED (SAR): 0.25

RECEIVED

DEC 17 1980

South Dakota
Division of Conservation

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 4:28 a.m./p.m., on 01/13 1980, at the following location: 123-11-140-100 by M. K. Anderson (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

10 DAY OF 10, 1980

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

☒ APPROVED

☐ DISAPPROVED

☐ CONDITIONALLY APPROVED

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



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County ROBERTS } ss.

JAACK ADAMS

hereby

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

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

CITY of SISSETON

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

JAN. 15, 1981

JAN. 22, 1981

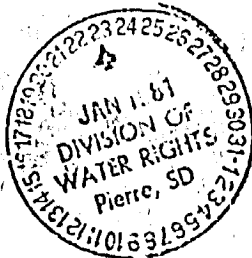
(Signature)

PUBLISHER

(Title)

JAN. 22, 1981

(Date Signed)



NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierce SD 5750

Jan. 9, 1981

Notice is hereby given that
Garry W. Jacobson whose post
office address is Sioux Falls,
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, 46-6-8, 1,
46-6-10, 46-6-14 and Board Rules
ARSD 52101:01101 thru
52101:01113 for a permit to
appropriate for beneficial use
2.1 cubic feet of water per
second of time from ground
water (one well) through the
Jacobson Irr. Project No. 2, the
point of diversion of which is to
be located at the approximate
center of the SE 1/4 of Section 31,
Twp. 123, Range 62. Said water
to be used for the purpose of
providing irrigation on portions
of the following described land
SE 1/4, Section 31, T123N, R52W.
This Application No. 4604-3
will be considered by the Water
Management Board at Meeting
Room No. 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 deter-
mination 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
(Jan. 12-22-2w)

No. 4604-3

Publish first publication, on or before January 15, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 9, 1981

Notice is hereby given that Garry W. Jacobson whose post office address is Sioux Falls, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 2.1 cubic feet of water per second of time from groundwater (one w. 1) through the Jacobson Irrig. Project #2, the point of diversion of which is to be located in the approximate center of the NE 1/4

of Section 34, Twp. 123, Range 52. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE 1/4, Section 34, T123N, R52W

This Application No. 4604-3 will be considered by the Water Management Board at Meeting Room #1, Knoll Building, Church & Illinois, Pierre SD upon the 20th 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: Garry W. Jacobson
1300 Cedar Lane
Sioux Falls SD 57103

BETTY WESTLUND
Water Rights Specialist

WNR-806A-7/79
GROUNDWATER

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7823

PIERRE, December 16, 1980

RECEIVED OF Garry Jacobson, 1300 Cedar Lane, Sioux Falls, SD 57103
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to appropriate Water No. 4604-3 (examination, processing, recording and filing)	250.	00
Fee for Inspecting Construction, and Issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and Issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	250.	00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH (BE)

NE¹ & SE¹ Sec 34
123-52
40 Acres

NE¹ & SE¹ Sec 34
123-52
39 Acres

SW¹ & SE¹ Sec 34
123-52
39 Acres

SE¹ & SE¹ Sec 34
123-52
1860 1/2 8
45 3/4
2
Acres

well

Garry W. Jacobson
Irrigation Project #2
1300 Cedar Lane S. Falls
South Dakota 57003
Land in
Roberts County

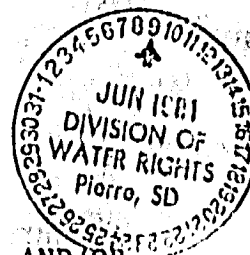
34 35
3 4

Scale: 1" = 660'

Water claimed 2004
Area irrigated - SE¹ & SE¹ Sec 34 123-52
Acres irrigated - 1860 1/2
Point of diversion
1860 N 45° W at SE corner

John S. Wren
12-8-80

Map # 3822-3
App # 4604-3

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USEPost Office 1300 Caduce Lane
Sioux Falls, S.D. 57103
Date 6/7/81TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No. 4604-3.

Water Right Permit No. 4604-3 states that the diversion system is to be constructed by 1-28-86, and that the water is put to beneficial use by 1-28-89.

The diversion system was completed on May 26-81. Applying the water to beneficial use was completed on May 26-81.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Garry Jacobson
(Signature)

SOUTH DAKOTA
Department of
Water & Natural Resources

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

March 23, 1987

GARRY W JACOBSON
1300 CEDAR LANE
SIOUX FALLS, SD 57103

NOTICE

Re: Violation of Water Permit(s). 4604-3 and 1986 Irrigation
Questionnaire Requirements.

Our records indicate that, the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 4604-3. The request for the questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires, be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4604-3 qualification:

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

The hearing will also be to determine if Permit No(s). 4041-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

The hearing(s) will be at 2:00 pm, May 6, 1987, in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

Following the hearings(s), the Water Management Board can:

1. Suspend Permit No(s). 4604-3 until either the 1986 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s). 4041-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

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



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

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

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

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

April 15, 1987

4041-3
4604-3

Garry W Jacobson
1300 Cedar Lane
Sioux Falls, SD 57103

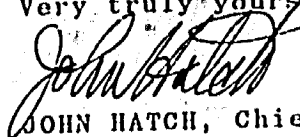
Dear Mr. Jacobson:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit No. 4041-3 and 4604-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



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

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
January 29, 1988

GARRY W JACOBSON
1300 CEDAR LANE
SIOUX FALLS, SD 57103

NOTICE

Re: Violation of Water Permit No(s). 4604-3 and 1987 Irrigation Questionnaire Requirements

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 4604-3. The request for the questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4604-3 qualification:

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

The hearing will also be to determine if Permit No(s) 4041-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

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

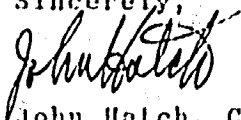
The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

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

1. Suspend Permit No(s). 4604-3 until either the 1987 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s) 4041-3 also held by GARRY W JACOBSON to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "John Hatch", written over the typed name.

John Hatch, Chief Engineer
Water Rights Division

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



Department of Water & Natural Resources

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

February 4, 1988

4041-3
4604-3

Garry W Jacobson
1300 Cedar Lane
Sioux Falls, SD 57103

Dear Mr. Jacobson:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the the requirement to submit the Irrigation Questionnaire(s) for Water Permit Nos. 4041-3 and 4604-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

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

South Dakota

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

GREAT LACES. GREAT PLACES.

August 28, 1992

4041-3
4604-3

Lee Schoenbeck
PO Box 181
Webster, SD 57274-0181

Dear Mr. Schoenbeck

Enclosed, as we discussed, are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Permit Nos. 4041-3 and 4604-3. The water permits are currently listed in the name of Garry W Jacobson.

The transfer forms should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50 each (total \$5.00).

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.

I have included a couple pamphlets on general water rights information which may be helpful to you. If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure



4604-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 18, 1992

SECOND NOTICE
PERMIT NO. 4041-3
(4604-3)

Lee Schoenbeck
P.O. Box 181
Webster, SD 57274-0181

Dear Mr. Schoenbeck:

On August 28, 1992, notice was sent to you concerning the transfer of Water Permit Nos. 4041-3 and 4604-3 in the name of Garry W. Jacobson. To date, we have not heard from you on this matter.

Transfer forms were previously sent to you, enc used are additional forms. Please sign, have notarized and return the forms to this office with the required filing fee of \$2.50 per transfer, a total of \$5.00. The water permits can then be transferred to your name. If you are not the present owner of the land covered under these water permits, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

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

Very truly yours,

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

enclosure

26-10-5

GRIBBIN, BURNS & EIDE

ATTORNEYS AT LAW

16 EAST KEMP - P.O. BOX 903

WATERTOWN, SOUTH DAKOTA 57201-0903
November 25, 1992

EDWARD F. GRIBBIN (1903-1958)
FRANCIS C. BURNS
ALLEN J. EIDE
THOMAS F. BURNS

PHONE
(605) 886-5885
FAX
(605) 886-2499

Genny McMath
Natural Resources Analyst
Department of Environment and
Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181



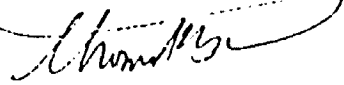
Re: Water Permit No. 4041-3

Dear Ms. McMath:

I am enclosing a Notice of Transfer of Ownership of the above-referenced Water Permit. This has been transferred to James N. Endres, as Trustee of the Endres Family Trust.

Cordially yours,

GRIBBIN, BURNS & EIDE


By: Thomas F. Burns
TFB/rs
enc.

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4604-3

Date: Nov. 25, 1992

I/We request that Water Permit No. 4604-3

formerly owned by: Garry W Jacobson, 1300 Cedar Lane, Sioux Falls, SD 57103

be transferred to: (name & address) James N. Endres, Trustee, RR 4 - Box 36,
Watertown, SD 57201 (Telephone No.) 605-886-7342

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

155 acres - SE 1/4 Section 34, T123N, R52W

I/We understand that the validity of Water Permit No. 4604-3 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 Codington)

I/we James N. Endres being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

James N. Endres
Jim Endres
(Signed)

Subscribed and sworn to before me this 25th day of Nov., 19 92

Thomas M. Burn

(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 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.



4604-3

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

December 3, 1992

4041-3
4604-3

Thomas F Burns
GRIBBIN, BURNS & EIDE
PO Box 903
Watertown, SD 57201-0903

Dear Mr. Burns:

This will acknowledge receipt of the "Notice of Transfer of Ownership" forms you submitted for transferring Water Permit Nos. 4041-3 and 4604-3. The permits, currently listed in the name of Garry W Jacobson are to be transferred to James H Endres, Trustee.

The forms were completed properly, however the transfers can not be processed without a required filing fee of \$2.50 each. Please submit a total of \$5.00 as soon as possible.

Thank you for your assistance in this matter. If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

413530

Pierre, _____ December 9 _____, 19 92

RECEIVED OF Att Thomas F Burns (James N Endres, Trustee), PO Box 993, Watertown, SD
the following amount in fees for services rendered as provided for by law:

57201-
690

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Permit No. 4604-5</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John D. Hatch / [Signature]
Chief Engineer



4604-3

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

December 11, 1992

No. 4041-3
4604-3

James N. Endres, Trustee
RR 4, Box 36
Watertown, SD 57201

Dear Mr. Endres:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Permit Nos. 4041-3 and 4604-3.

Our records now show you as the owner of Water Permit Nos. 4041-3 and 4604-3.

Sincerely,

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

enclosure



4604-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 1995

NOTICE

TO: JAMES ENDRES, TRUSTEE
C/O MILT CARTER, CSS FARMS
RR3 BOX 138B
WATERTOWN, SD 57201

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

RE: Failure to Report Chemical Use under Water Permit No(s) 4041-3 & 4604-3

The first notice to file chemigation report(s) for Permit No(s) 4041-3 & 4604-3 was dated December 29, 1994. Our records indicate that we have not received the 1994 chemigation report for Permits No(s) 4041-3 & 4604-3. The Water Management Board has directed that owners of water permits who have not submitted the 1994 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:30 A.M. on March 8, 1995, in the Crown Room, 3RD Floor, Kings Inn Best Western Convention Center, 220 South Pierre Street, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 4041-3 & 4604-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to March 3, 1995, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to March 3, 1995, you will no longer be in violation and your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

3. Article Addressed to: **4604-3**
JAMES N ENDRES, TRUSTEE
RR 4 BOX 36
WATERTOWN, SD 57201

4a. Article Number
P757 566 366

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

5. Signature (Addressee)
[Signature]

6. Signature (Agent)
[Signature]

7. Date of Delivery
FEB 13 1995

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

Thank you for using Return Receipt Service.



4604-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3191

February 7, 1995

JAMES N ENDRES, TRUSTEE
RR 4 BOX 36
WATERTOWN SD 57201

NOTICE

RE: Violation of Water Permit No 4604-3.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 4604-3. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No 4604-3 qualification:

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

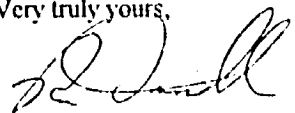
The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No 4604-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire is received in this office on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,


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



4604-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 13, 1995

4041-3
4604-3

James Endres, Trustee
RR #4 Box 36
Watertown, SD 57201

Dear Mr. Endres:

I am writing to acknowledge receipt of your 1994 irrigation questionnaires and chemigation reports. You may disregard the February 7, 1995, Notice of Violation of Water Permit No. 4604-3 and the Notice of Failure to Report Chemical Use under Water Permit Nos. 4041-3 and 4604 3.

The questionnaires were received from Milt Carter with CSS Farms in Watertown. Next year's questionnaires and chemigation reports will be sent directly to CSS Farms as the operator. If and when CSS Farms no longer operates your systems, please contact me so that I can update our records.

The questionnaires and chemigation reports were received in our office prior to the Water Management Board meeting and your name was deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

c: Milt Carter, CSS Farms, RR #3 Box 138B, Watertown, SD 57201



4604-3

February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: CSS FARMS, MILT CARTER, 3334 9TH AVE SW, WATERTOWN, SD 57201

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3, 2120-3, 3672-3, 4041-3 & 4181-3 and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3, 2120-3, 3672-3, 4041-3 & 4181-3. The request for the Questionnaires was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 2120-3, 3672-3, 4041-3 & 4181-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-7, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2120-3, 3672-3, 4041-3 & 4181-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office on/or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: MILT CARTER
CSS FARMS
3334 9TH AVE SW
WATERTOWN SD 57201

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

RE: Failure to Report Chemical Use under Water Permit No(s) 2120-3; 3229-3; 3672-3; 3782-3; 4041-3; 4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-3; 5379-3; 5586-3; 5723-3 & 5724-3

The first notice to file chemigation report(s) for Permit No(s) 2120-3; 3229-3; 3672-3; 3782-3; 4041-3; 4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-3; 5379-3; 5586-3; 5723-3 & 5724-3 was dated 10/24/96. Our records indicate that we have not received the 1996 chemigation report for any of the above listed permits. The Water Management Board has directed that owners of water permits who have not submitted the 1996 chemigation report(s) be given notice of violation and hearing before the board. The hearing held by the board is to determine what action is to be taken concerning violation of Administrative Rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical applied.

The hearing will be held at 2:30 PM on March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to chapter 1-26. According to SDCL 46-1-12, the board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 2120-3; 3229-3; 3672-3; 3782-3; 4041-3; 4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-3; 5379-3; 5586-3; 5723-3 & 5724-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the chemigation report(s) is(are) received by this office on/or before February 28, 1997 your name will be deleted from the board agenda.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 East Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 1997

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

Dear Mr. Carter:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires and chemical reporting forms. You may disregard the February 4, 1997, Notices of Violation.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you and if you have any questions, please contact me.

Sincerely,

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

NW¹ & SE¹ Sec 34
123-52
40 Acres

NE¹ & SE¹ Sec 34
123-54
39 Acres

SW¹ & SE¹ Sec 34
123-52
39 Acres

SE¹ & SE¹ Sec 34
123-52
1866' N 45° W
58 Acres

Well

Garry W. Jacobson
Irrigation Project #2
1300 Cedar Lane S. Falls
South Dakota 57003
Land in
Roberts County



Scale - 1" = 660'

Water claimed - 21 cfs

Area Irrigated - SE¹ of Sec 34 - 123-52

Acres Irrigated - 156 Acres

Point of diversion

1866' N 45° W of SE corner

Certified Correct
12-8-80

John Swenson

~~Map #38223~~
Appl. #4604-3

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

FEB 25 2021

Ck# 20033

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

FEB 25 2021

WATER RIGHTS
PROGRAMWater Right/Permit No. 4604-3Date: 2-23-21I/We request that Water Right/Permit No. 4604-3 formerly owned by:James N Endres Trustee

be transferred to:

New Owner Name: Wohlleber Enterprises LLCAddress: 14959 461st Ave

City, State, Zip

South ShoreSD57263

Telephone No.

605-398-6173605-881-8535

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

SE 1/4 Sec 34-T123N-R52W

☒ I understand that the validity of Water Right/Permit No. 4604-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, James Wohlleber, the new owner, certify that the above information is true and correct.


(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

4604-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date February 25, 2021RECEIVED OF Wohlleber Brothers Partnership 14959 461st Ave South Shore SD 57263

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$
Fee for Filing Transfer Form <u>4604-3</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By Eric Gronlund
 Chief Engineer


4604-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 2, 2021

James Wohlleber
Wohlleber Enterprises LLC
14959 461st Ave
South Shore SD 57263

RE: Water Permit/Right Nos. 4604-3, 5723-3, 6835A-3, 7036-3, 7832-3, 8028-3, 8036-3

Dear Mr. Wohlleber:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for changing ownership on the above listed water permits and water rights.

The ownership changes have been completed. The above listed water permits, and water rights are now listed under Wohlleber Enterprises LLC.

Enclosed are the receipts for the filing fees and stamped copies of the transfer forms for your records. If I can answer any questions, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 4604-3

I have this day, September 25, 2024, made a thorough examination of the water use system constructed by Gary Jacobson, 1300 Cedar Lane, Sioux Falls, SD 57003 of Permit No. 4604-3, bearing the priority of December 16, 1980 authorizing the diversion of 2.1 cu. ft. per second of the waters of the water source for irrigation purposes, in Roberts County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Lacey
- 2) No. of Wells 1
- 3) Depth(s) 47 feet
- 4) Well log is available Y If no, explain in comments

Comments: xx

Casing:

- 1) Diameter 14 inches
- 2) Length 37 feet
- 3) Type PVC

Screen:

- 1) Type Probably stainless steel
- 2) Length 10 feet
- 3) Static water level 15 feet

Pump:

- 1) Make Turbine
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 690 GPM

Motor:

- 1) Make Unknown (Nameplate faided)
- 2) Model No. Unknown
- 3) Horsepower rating 40 hp

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

- 1) Type Aluminum – above ground 2) Size 8 inches 3) Length 60 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
 2) Overall length 1300 feet
 3) Number of towers 8
 4) End gun Y
 5) Capacity 690 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: WELL LOCATION
From the SE corner Sec 34 T123N R52W, 1380 ft N & 1320 ft W, Lat 45.38838 Long -97.14974
(approx. center SE 1/4)
2. The works are capable of diverting and conveying to the place of use 1.53 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

<u>legal description/acreage</u>	<u>legal description/acreage</u>
All land in Sec 34 T123N R52W	
NW 1/4 SE 1/4 - 33 acres	
NE 1/4 SE 1/4 - 33 acres	
SE 1/4 SE 1/4 - 33 acres	
SW 1/4 SE 1/4 - 33 acres	

comprising a total of 132 acres of land and the license should be issued for 1.53 cfs
3. All structures, wells and lands on map Y

F. Comments or other permit(s) associated with the project:

This is an unusual permit in that it is very old going back to the 1980's.

FSA maps and the ArcGIS program were used to construct the attached well location and irrigated area map which was used to estimate irrigated acreage.

The flow rate reported on the 2023 Irrigation Questionnaire was used to establish the system flow capacity.

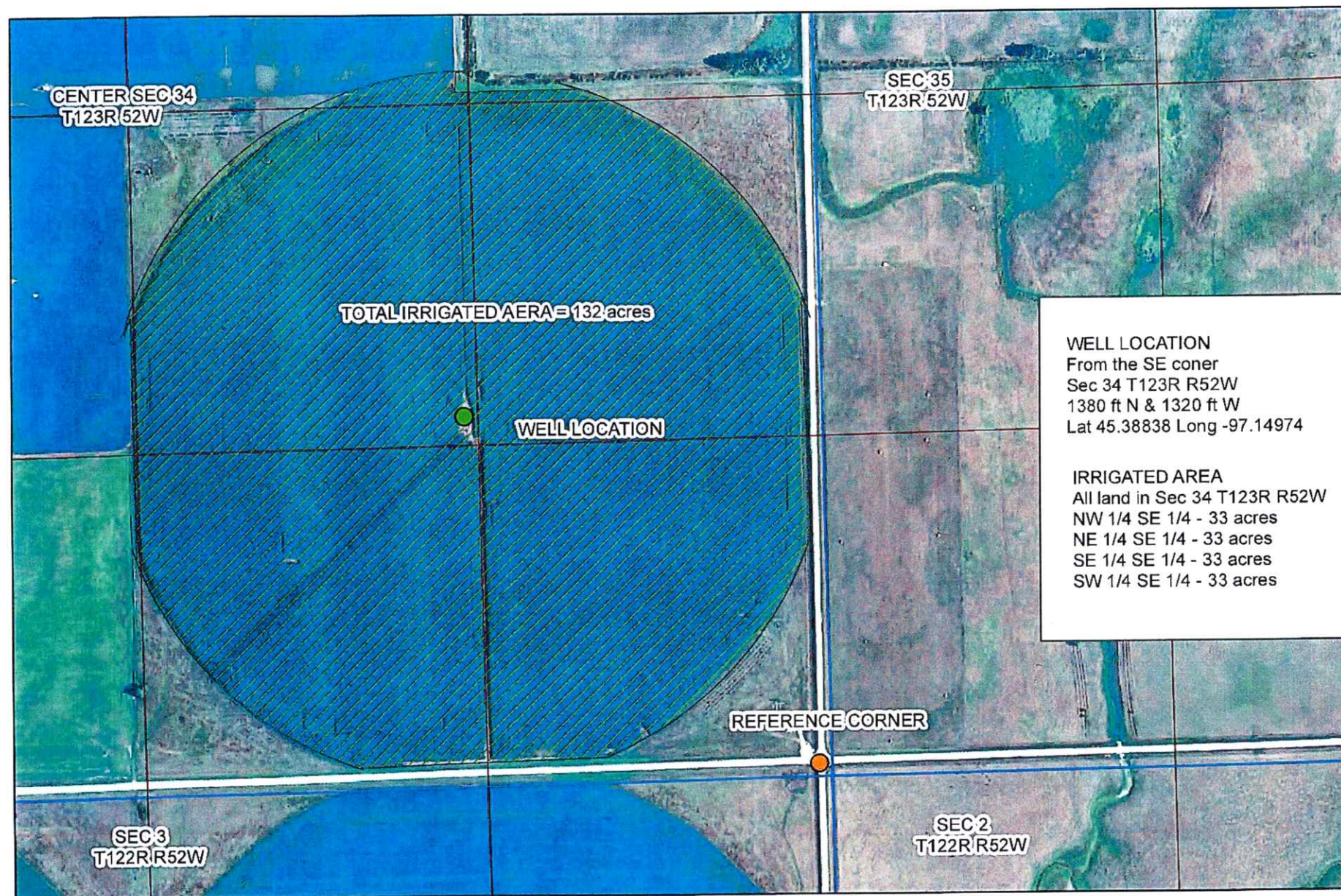
The address and phone number in the permit application materials have been changed. Property now managed by Josh Wholleber (605/881-8535), Wholleber Enterprises, LLC, 14959 461st Ave, South Shore, SD 57263. Chase O'Farrell (605/881-0396) is the contact person for the Water Permit related activities.

I talked to Mr. Josh Wholleber on the phone regarding Permit details.



Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: September 26, 2024



0 420 840 1,680 2,520 3,360 Feet

Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

MAR 18 2025

Wohlleber Enterprises LLC
c/o Josh Wohlleber
14959 461st Ave
South Shore, SD 57263

No. 4604-3

Dear Mr. Wohlleber:

Enclosed is Water License No. 4604-3. 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 in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

Mark Mayer, PE
Director of Office of Water
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4604-3**

(1) Gary Jacobson, made Application No. 4604-3, December 16, 1980, for a water permit to divert 2.1 cubic feet of water per second from groundwater, one well (Coteau Lakes Aquifer), Roberts County, South Dakota for irrigation purposes. Permit No. 4604-3, with a priority date of December 16, 1980, was approved January 28, 1981, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 28, 1986, and for the application to beneficial use of water on or before January 28, 1989.

Ownership of Permit No. 4604-3 was transferred to Wohlleber Enterprises LLC, 14959 461st Ave, South Shore, SD 57263 March 2, 2021.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.53 cubic feet of water per second for beneficial use. The location of the diversion point is: (within the former boundaries of the Sisseton Wahpeton Indian Reservation)

- 1,380 feet N and 1,320 feet W from the SE corner Section 34, T123N, R52W (approx. center SE ¼)
(Latitude 45.38838 & Longitude -97.14974)

(3) The amount of 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 – October 31.

(4) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate to following land: (within the former boundaries of the Sisseton Wahpeton Indian Reservation)

Section 34, T123N, R52W
NE ¼ SE ¼ - 33 acres
NW ¼ SE ¼ - 33 acres
SW ¼ SE ¼ - 33 acres
SE ¼ SE ¼ - 33 acres
Total – 132 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Wohlleber Enterprises LLC, the holder and/or owner of Water Right No. 4604-3 is issued a license to appropriate water, the right to use 1.53 cubic feet of water per second from groundwater, one well (Coteau Lakes Aquifer), with a priority date of December 16, 1980, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 4604-3 and subject to the following qualifications:

1. 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.

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



Mark Mayer, PE
Director of Office of Water

3/18/25

date

