

1. Considered 3/25 19 81
2. Name of Applicant Bernard T. Lee
3. Post Office Address Summit 57266
4. Amount of Water Claimed .85
5. Source of Water Supply Existing Well
6. Water to be used for Irrig.
7. Acres to be irrigated 60 maximum acre feet
8. Water to be diverted and used in Grant County
about _____ miles of _____
9. PROOF OF PUBLICATION Received (10x) 3-23-81
Not Received _____
APPLICATION Approved 2/3/81
Subject to WI-12
Not Approved _____
Action deferred 3/25/81

Priority 2/23/81 Date Received 2/23/81 Application complete yes _____ no _____ FEE 150.00
Remarks _____

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

Disapproved _____

Returned _____

Diversion Point center of
NE 1/4 12-120-52

Lands to be irrigated SE 1/4 1-120-52

WELL LOG

Remarks _____

Driller _____ Licensed yes _____ no _____

Depth _____

MAP Map No. 2253-3 Map located in Water Right X Map file _____
Type of Map Aerial Prepared by ASCS

+++++

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 3/6/81. Operational
(Signed) Hy

+++++

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 _____

Map No. 3853-3 Water Division No. 3 MINNESOTA WHAETSTONE RIVER District 3503-3
(Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriately Water within the State of South Dakota

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

1. Name of Applicant BERNARD T. LEE
Postoffice address Summit 57266 State SOUTH DAKOTA
If a corporation show date and place of incorporation: _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) CONTRACT & DIRECT LABOR
3. Name of diversion work LEE ENTERPRISES IRRIGATION PROJECT
4. Amount of water claimed (cubic feet per second) 1.2 - .86 MAX ALLOWABLE
5. Source of water supply WATER WELL
6. Location of point of diversion 1860' N 135° W of NE CORNER SEC 12 - 120-52
County GRANT
7. Annual period or periods during which water is to be used April through October
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) IRRIGATION
9. For irrigation use: Total number of acres to be irrigated 60

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>S.E. 1/4 SEC. 1 - 120-52</u>	<u>60</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system THREE years. Additional time required to complete application of water to the proposed beneficial use TWO years.
11. Choice of newspaper for Notice of Intent to Appropriately Water publication GRANT COUNTY REVIEW
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source. WATER WELL WITH DEEP-Well TURBINEB. Works proposed to transport water to place of use. PVC PIPELINEC. Works proposed to apply water to beneficial use. CENTER PIVOT IRRIGATION MACHINEEstimated Total Cost \$ 15,000.Attachment: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Roberts)I, Bernard T. Lee 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 constructionSigned Bernard T. LeeSubscribed and sworn to before me this 20 day of February 1981

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4637-3BERNARD T. LEE
(Applicant)SUMMIT
(Post Office Address)SOUTH DAKOTA 57266 With the following modifications:
(State)

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

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

Date of first receipt of application FEBRUARY 23, 1981
 Date of return to applicant for correction, amendments or changes required FEBRUARY 24, 1981
 Date of receipt of corrected application FEBRUARY 27, 1981
 Approved FEBRUARY 4, 1982, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. 4637-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4637-3 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 FEBRUARY 23, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before AUGUST 4, 1983
3. The whole of said work is to be completed on or before FEBRUARY 4, 1985
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is FEBRUARY 4, 1987
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 .85 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before FEBRUARY 4, 1987; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 17TH day of MARCH, 1982

WATER RIGHTS COMMISSION

By.

John R. Balth
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

Approved

$$4637/3$$

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

DIVISION OF CONSERVATION

NAME OF APPLICANT Bernard T. Lee

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED



RECOMMENDED MANAGEMENT:

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

1

SOIL/WATER COMPATIBILITY APPLICATION FORM

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Bernard Lee OWNERS ADDRESS: Summit
COUNTY LAND LOCATED IN: Grant PHONE: 398-6221
TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

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

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

1. WELL LOCATION OR DIVERSION POINT: T120 R52 S86 12 NE 1/4
2. SURFACE WATER SOURCE _____
3. LOCATION OF AREA TO BE IRRIGATED: T120 R52 SEC 1 SE 1/4 (60 ac)
4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.)

TYPE OF IRRIGATION: (Show approximate acres under each type of system)

5. GRAVITY _____ TOWLINE _____ CENTER PIVOT 60 GUN _____ OTHER (Specify) _____
6. CROPS TO BE IRRIGATED alfalfa and corn
7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: 1977
LAND: T120 R52 SEC 12 NE 1/4
IN WHAT NAME: Bernard & Lee

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

8. SAMPLE NUMBER: 26-2071
9. SALINITY-(EC X 10⁶) 29.5
10. SODIUM (SAR) .25 ADJUSTED (SAR) .65 (0.4%)

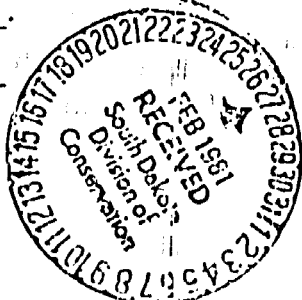
I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at _____ A.M./P.M., on N/A, 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 also hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from _____ Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS
26 DAY OF June, 1981.

(NOTARY PUBLIC)



APPLICANT'S SIGNATURE

Director, Division of Conservation

☒ APPROVED

☐ APPROVED
☐ CONDITIONALLY APPROVED

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application.

In all cases a WATER RIGHT must be obtained from the State Water Rights Commission.

SEE PERMIT N^o 3503-3

FOR WELL DATA.

No. 4637-3

Publish first publication, on or before March 11, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 8, 1981

Notice is hereby given that Bernard E. Lee whose post office

address is Summit, 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 .85 cubic feet of water per second of time from groundwater

(existing well) through the Lee Project #2, the point(s) of diversion of which ~~is~~(are) to be located in the center of the NE 1/4

of Section 12, Twp. 120N, Range 52W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE 1/4, Section 1, T120N, R52W

This Application No. 4637-3 will be considered by the Water Management Board at

Holiday Inn, Sandy Chore Room, Watertown upon the 25th day of March, 1981

at 1:00 P.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 1-25 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: Bernard T Lee
Summit SD 57266

BETTY WESTLUND
Water Rights Specialist

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

No 4637-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Grant) ss.

I, Clarence Justice hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Grant County Review

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 Milbank

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

March 11 and March 18, 1981

Clarence Justice
(Signature)

foreman

(Title)

3-19-81

(Date Signed)



NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

Notice is hereby given that
Bernard T. Lee whose post
office address is Summit, South
Dakota, has made an applica-
tion in accordance with the pro-
visions of SDCL 46-1-1 thru
46-1-9, 46-1-14, 46-2-11, 46-2-13, 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-6-3, 46-6-3.1, 46-6-5, 46-6-5.1, 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 .85 cubic feet of water per second of time from groundwater (existing well) through the Lee Project No. 2, the point of diversion of which is to be located in the center of the NE¼ of Section 12, Twp. 120N, Range 52W. Said water to be used for the purpose of provid- ing irrigation on portions of the following described land: SE¼, Section 1, T120N, R52W.

This Application No. 4637-3 will be considered by the Water Management Board at Holiday Inn, Sandy Shore Room, Water- town upon the 25th day of March, 1981 at 1:00 p.m. The Board is authorized to make a determination on this applica- tion at the hearing. All inter- ested 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 ac- cording 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. Deci- sions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wish- ing to attend this hearing can contact the Water Rights Divi- sion, DWNR, 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

March 11

March 18

RECEIPT

WATER RIGHTS COMMISSION

No 4 8003

State of South Dakota

PIERRE, February 23, 1931

RECEIVED OF Bernard T. Lee, Summit, SD 57266

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

Fee for Application for Permit to Appropriate Water No. 4637-3 (examination, processing, recording and filing)	150.00
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	150.00

WATER RIGHTS COMMISSION

By *(Signature)*
Chief Engineer, Executive Officer
JOHN HATCH / (65)

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

January 19, 1982

NOTICE

To : Persons Interested In Applications In southern Grant County
From : John Hatch, Chief Engineer, Water Rights Division *John Hatch*
Subject: Reconsideration of Deferred Applications No. 4153-3, Falk
Bros; 4184-3, R.E. Kahnke and 4637-3, Bernard Lee

The Water Management Board will reconsider these deferred water permit applications at 1:30 p.m., February 3, 1982, at Meeting Room #1, Kneip Building, Church and Illinois, Pierre, South Dakota.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 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, 46-5-25, 46-5-41, 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13.

These applications were previously deferred by the Board pending staff investigation.

After reconsideration of the deferred applications the Board can approve, conditionally approve, defer, or deny all or part of the applications.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

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

c11902ks.wr

c11903ks.wr

SOUTH DAKOTA Department of
Water & Natural Resources

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

March 23, 1987

BERNARD T LEE
SUMMIT, SD 57266

NOTICE

Re: Violation of Water Permit(s). 4637-3 and 1986 Irrigation
Questionnaire Requirements.

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 4637-3. 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). 4637-3 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). 3503-3A and 3503-3 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). 4637-3 until either the 1986 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s). 3503-3A and 3503-3 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.

A handwritten signature in cursive script, appearing to read "John Hatch", with a stylized flourish at the end.

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.



Department of Water & Natural Resources

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

April 13, 1987

3503-3
3503-3A
4637-3

Bernard T Lee
Box 66
Summit, SD 57266

Dear Mr. Lee:

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 Permits Nos. 3503-3, 3503-3A and 4637-3 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,

A handwritten signature in cursive script, appearing to read "John Hatch". The signature is written in dark ink and is positioned above the typed name and title.

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

WATER RIGHTS DIVISION

(605) 773-3352

3503-3
3503-3A
4637-3

December 2, 1987

Claire Konold
Federal Land Bank
Box 786
Watertown, South Dakota 57201

Dear Mr. Konold:

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

Upon receipt of the enclosed forms and the \$2.50 filing fee for each, total of \$7.50, the permits will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Secretary

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 2-27-88

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

60 acres - S1/4 Section 1, T120N, R52W

formerly owned by Bernard T. Lee

has been transferred to Warren & Elsie Hall RR 2 Box 59
(please include complete mailing address) South Shore SD
together with any rights to the beneficial use of water thereon as evidenced by 57263

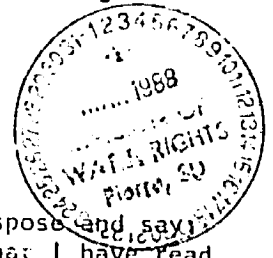
Water Right Permit No. 4637-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of Codington) ss.

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



Warren Hall
(Signed)

Subscribed and sworn to before me this 27 Day of Feb, 1988.

Cathy D. Helms
(Notary Public)
1-17-1992

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, March 2, 1997

RECEIVED OF Holland Realty, PO Box 661, Watertown, SD 57201 For Warron Falls
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>4637-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By

John Hatch
Chief Engineer JOHN HATCH (rs)

No. 4637-3



Department of Water & Natural Resources

Joe Foss Building

Water Rights Division

Pierre, South Dakota 57501

Phone (605) 773-3352

March 17, 1988

Helland Realty
P.O. Box 661
Watertown, South Dakota 57201

RE: Water Permit Transfer for Warren & Eloise Falk

Dear Sir:

Enclosed is receipt No. 411164 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 4637-3.

Our records now show Warren & Eloise Falk as the owner
~~you as the owner~~ of this Water Right.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

4637-3¹¹

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

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

January 29, 1988

BERNARD T LEE
BOX 66
SUMMIT, SD 57266

NOTICE

**Re: Violation of Water Permit No(s). 4637-3 and 1987 Irrigation
Questionnaire Requirements**

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 4637-3. 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). 4637-3 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) 3503-3, 3503-3A 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.

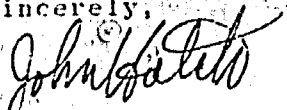
The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

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

1. Suspend Permit No(s). 4637-3 until either the 1987 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s) 3503-3, 3503-3A also held by BERNARD T LEE 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,



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.

Conversation or File Documentation

NAME OF PERSON OR FILE: Bernard T Lee/Warren & Eloise Falk

ADDRESS: _____ COUNTY _____

DATE: _____ TELEPHONE _____

RE: questionnaire

COMMENTS:

The original notice of hearing dated January 29, 1988 was sent to Bernard Lee. The water permit was transferred in March, 1988 to Warren & Eloise Falk. Since the Falk's did not receive the January 29, 1988 notice, the permit was deleted from the list of those scheduled for hearing March 2, 1988.

Permit No. 4637-3 was not suspended for 1988.

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

4/82

NAME: Lenny McMath

South Dakota

GREAT FACES. GREAT PLACES.

February 1, 1991

FALK FARMS INC
RR #1 BOX 59
SOUTH SHORE SD 57263

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

4637-3

NOTICE

RE: Violation of Water Permit No(s) 4417-3, 4637-3, 5269-3, 5271-3

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 4417-3, 4637-3, 5269-3, 5271-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 4417-3, 4637-3, 5269-3, 5271-3 qualification:

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

The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

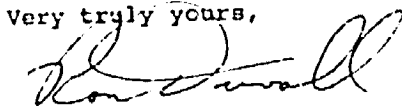
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s) 4417-3, 4637-3, 5269-3, 5271-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,



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



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 6, 1991

4637-3

Warren & Eloise Falk
Falk Farms Inc.
RR #1 Box 59
South Shore, SD 57263

Dear Mr. & Mrs. Falk:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Permit Nos. 2477-3, 2827-3, 4180-3, 4184-3, 4417-3, ~~4637-3~~, 5269-3, 5271-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaires and the Notice of failure to report chemical use. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

cc: Ina Kahnke, 405 5th Ave NW, Watertown, SD 57201

File No. 5269-3, 4637-3 & 5271-3
Water Rights Division -DWNR
Conversation or File Documentation

NAME OF PERSON OR FILE: Warren Falk, Falk Farms.

ADDRESS: RR 1, Box 59, South Shore, SD

COUNTY: Grant

DATE: 1/4/91

TELEPHONE: 605 886-9771

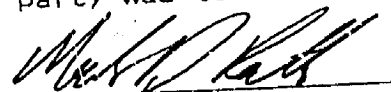
RE: Additional information about inspections

COMMENTS:

I called Mr. Falk about the inspections I performed of his irrigation systems. He said that the lands and irrigation covered under 5271-3 was now separate from the irrigation covered under 4417-3.

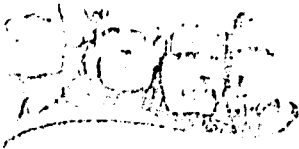
He also said that he would be sending the well logs that he had in, for the irrigation wells which I inspected.

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.



Mark D. Rath
Natural Resources Engineer II
DWNR, Water Rights Division

South Dakota



GREAT FACES. GREAT PLACES.

SEP 18 1991

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

5269-3

4637-3

Warren Falk
RR 1 Box 59
South Shore, SD 57263

Dear Mr. Falk:

Enclosed is Water License No. 5269-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412660 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. 5269-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

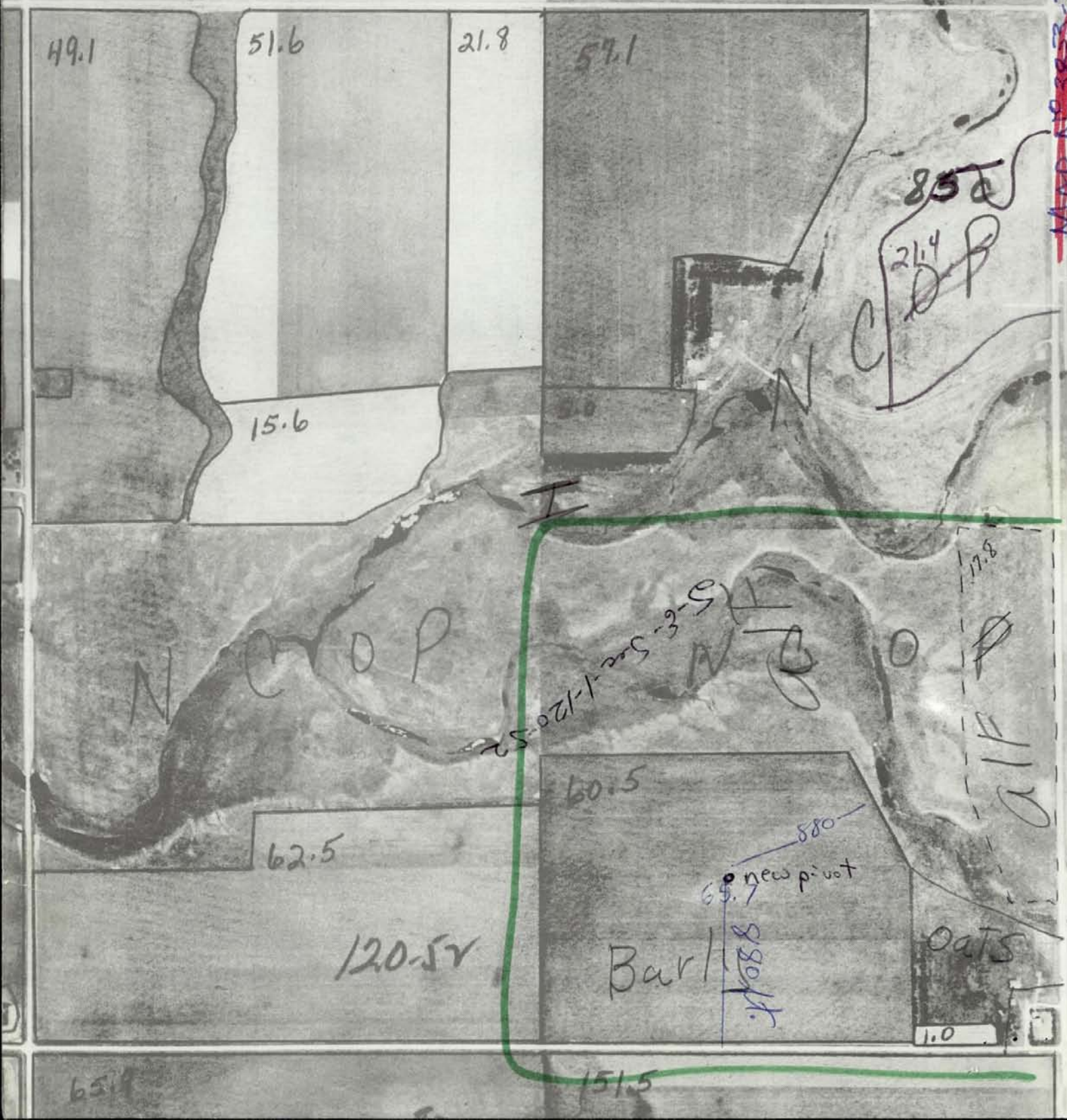
JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

enclosures

Note: The applicable portions of Permit No. 4637-3 have been incorporated into Water License No. 5269-3.

1979

~~MAP № 38-3-3 APP № 4637-3~~



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7-6-52-12-120-52