

356-2549

1. Considered 3/25 19 81
2. Name of Applicant Donald R. Abraham
3. Post Office Address R.D. 2, Box 64
Elk Point, 57025
4. Amount of Water Claimed 2.28
5. Source of Water Supply Well 260'
6. Water to be used for Irr.
7. Acres to be irrigated 160 maximum
acre feet
8. Water to be diverted and used in Union County
about 3 1/2 miles NORTH of JUNCTION CITY
9. PROOF OF PUBLICATION Received 3-24-81

Not Received

APPLICATION

Approved 3-26-81Subject to WI - I R

Not Approved

Action deferred

Priority

Date

Received 2/20/81 Application Complete yes ☒ no ☐ FEE 250.002/20/81

Remarks

Date information and/or
fee or corrected Application received
Period of Annual use April - OctoberWATER
QUALITYReceived yes ☒ 3/1/81 no ☐ APPROVED/CONDITIONAL (Circle one)WI-1 Description same as application ☒ yes ☐ no Remarks

Disapproved

Returned

					<u>32</u>

Diversion Point Center of
NE 1/4 Sec. 32-93-50

Lands to be irrigated

NE
NE 1/4 sec. 32-93-50WELL
LOG

Remarks

Driller Weimore Drilling Licensed yes ☒ no ☐Depth 260'

Water Right No. 4651-3

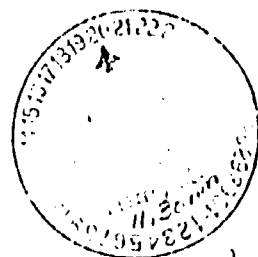
MAP

Map No. 3866-3 Map located in Water Right X Map file _____
Type of Map Aerial Prepared by AGCS

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 3/25/71 [Signature]
(Signed) [Signature]

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. 4651-3
 Map No. 3866 Water Division No. 3 BIG SIOUX RIVER District
 Above for Office Use

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 Donald R. Abraham Phone No. 356-2549
 Post Office Address RR 2 Box 64, Elk Point State South Dakota 57025
(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

3. Name of diversion work Abraham #1

4. Amount of water claimed (cubic feet per second) 2.28 CFS

5. Source of water supply well

6. Location of point of diversion center of NE 1/4 Sec 32 T93N R50W

County Union

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 160

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.
<u>NE 1/4 Sec 32 T93N R50W</u>	<u>160</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 3 years. Additional time required to complete application of water to the proposed beneficial use 74 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water, Elk Point, Leader Courier

12. Principal Features of the Proposed Water Supply System.

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

well

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

pipe

C. Works proposed to apply water to beneficial use.

sprinklers

Estimated Total Cost \$ 38,000.00

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

STATE OF SOUTH DAKOTA)

County of Union) ss.

I, Donald R. Abraham 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

Donald R. Abraham

Subscribed and sworn to before me this

27th day of Feb 1981

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4651-3

DONALD ABRAHAM
(Applicant)

RT 2, Box 64, ELK POINT
(Post Office Address)

SOUTH DAKOTA 57025
(State)

With the following qualifications.

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

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

Date of first receipt of application FEBRUARY 20, 1981
Date of return to applicant for correction, amendments or changes required FEBRUARY 23, 1981
Date of receipt of corrected application MARCH 5, 1981
Approved MARCH 26, 1981, Recorded in Book 22 Page 84

WATER RIGHT PERMIT NO. 4651-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4651-3 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 FEBRUARY 20, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 26, 1982
3. The whole of said work is to be completed on or before MARCH 26, 1984
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 26, 1988
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 2.28 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, and to which water is actually and beneficially applied

for irrigation on or before MARCH 26, 1988; said water to be used during the following described annual period: APRIL - OCTOBER

Witness my hand this 20th day of APRIL, 1981

THE WATER MANAGEMENT BOARD

By:

John H. Hallett
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____



WETMORE DRILLING

P.O. BOX 577 • ELK POINT, SOUTH DAKOTA 57025 • (605) 356 3272



24 pp
Lef
m
p

February 3, 1981

LOG OF IRRIGATION TEST DRILLED FOR DON ABRAHAM DEC.31, 1980

0	-	1.5'	Topsoil
1.5	-	122'	clay
122	-	138'	sand & clay mixed
138	-	233'	coarse sand & gravel
233	-	248'	clay w some gravel
248	-	260'	gravel

*Jama Watson
Wetmore Drilling*

D Well Information

- (1) Drill Hole, Diameter 24", Depth ±100' 260'
- (2) Casing, Type Transit, Diameter 16", Thickness 1/2"
(wood, concrete, steel, etc)
- (3) Screen, Type saw slotted, Diameter 16", Length 24'
- (4) Gravel Pack, Thickness 8", Length of gravel pack 30'

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 95'

Depth to bottom of water bearing material 260'

Depth to water (ground surface to water level) 95'

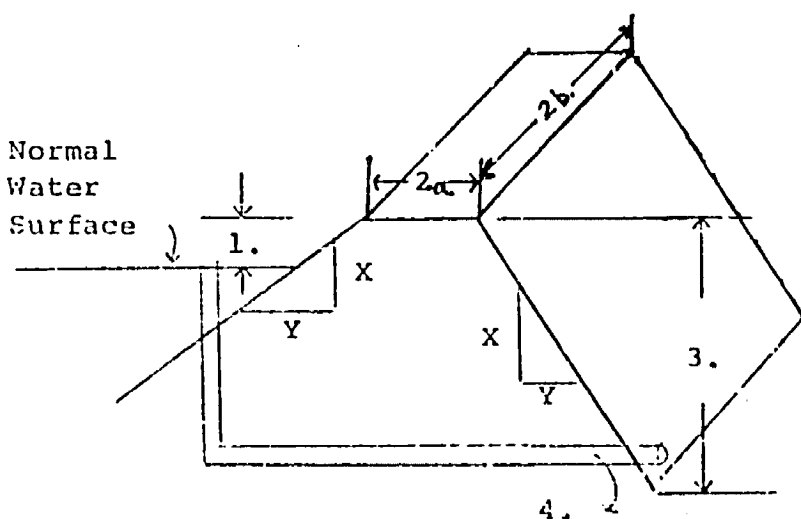
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property 80 rds.

On property owned by others 80 rds.

G Water Storage Dams

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

Daniel R. Abraham
Signature of Applicant

Conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

$$4651/3$$


NAME OF APPLICANT Don Abraham

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED unless drained or kept in permanent vegetation.

Wo - Worthing - slow intake rate, seasonal high water table.

RECOMMENDED MANAGEMENT:

Surface drainage is suggested on the Working soils.

A rising water table may develop on these soils.

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: D. J. A. J. OWNERS ADDRESS: Rt 2 Box 141

118 2nd St. S. Rapid City, SD 57701

COUNTY LAND LOCATED IN: 118 2nd St. S. Rapid City, SD 57701 PHONE: 251 2449

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)

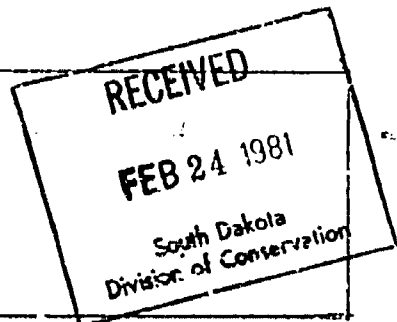
1. WELL LOCATION OR DIVERSION POINT: Section 22 T9S R50W
2. SURFACE WATER SOURCE: _____
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>1/4 Sec 22 T9S R50W</u>	<u>40</u>		

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: X GUN: _____ OTHER: _____ (Specify)
5. CROPS TO BE IRRIGATED: Corn, Soybeans, Alfalfa, etc.
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: 81-118
8. SALINITY (EC X 10⁶): 1212
9. SODIUM (SAF): 100
10. ADJUSTED (SAR): 2.60

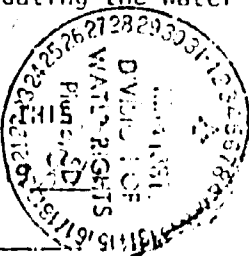


I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at 11:00 a.m./p.m., on Feb 4, 1981, at the following location: Section 22 T9S R50W by _____ (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

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

SUBSCRIBED AND SWORN BEFORE ME

9th DAY OF Feb,
1981
(NOTARY PUBLIC)



Donald R. Smith
APPLICANT'S SIGNATURE

John R. Smith
Director, Division of Conservation

____ APPROVED
____ DISAPPROVED
____ CONDITIONALLY APPROVED

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

STATE OF SOUTH DAKOTA, COUNTY OF UNION, ss.

LESTER E. EMERSON, of Said County and State, being first duly sworn on his oath says: That The Leader-Courier is a legal weekly newspaper of a general circulation, printed and published in Elk Point, in said County and State, and has been such legal newspaper during the time hereinafter mentioned, and that I, LESTER E. EMERSON, the undersigned, am the publisher of the said newspaper, in charge of the advertising department thereof, have personal knowledge of all the facts stated in this affidavit and that the advertising headed

Notice of Hearing on Application to Appropriate Water--

Donald R. Abraham

a printed copy of which is hereto attached, was printed and published in the said newspaper for Two successive weeks, to-wit. The first publication being made on Thursday, the 12 day of March, 1981, and the last publication on Thursday, the 19 day of March, 1981, that the full amount of the fees charged for publishing the same, to-wit, the sum of \$19.11 insures solely to the benefit of the publisher of The Leader-Courier; that no agreement or understanding for any division thereof has been made with any other person and that no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this 19 day of March, 1981

Lester E. Emerson

Harold M. Emerson

My commission expires: 7-21-83

Notary Public.

**NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER**

Pierre, South Dakota 57501

March 6, 1981

Notice is hereby given that Donald R. Abraham whose post office address is Elk Point, 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, 46-5-11; 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 2.28 cubic feet of water per second of time from groundwater (one well) through the Abraham #1, the point of diversion of which is to be located in the approximate center of the NE 1/4 of Section 32, Twp. 93N, Range 50W. Said water to be used for the purpose of providing irrigation on portions of the following described land: NE 1/4, Section 32, T93N, R50W.

This Application No. 4651-3 will be considered by the Water Management Board at the Holiday Inn, Sandy Shore Room, Watertown, South Dakota 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 1-26 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

Betty Westlund 3-12

Water Rights Specialist

Pub. Mar. 12, 13, 1981

No. 4651-3

Publish first publication, on or before March 12, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 5, 1981

Notice is hereby given that Donald R. Abraham whose post office

address is Elk Point, 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 2.26 cubic feet of water per second of time from groundwater

(one well) through the Abraham #1, the point ~~(X)~~ of diversion of which is ~~(xxx)~~ to be located in the _____

approximate center of the NE 1/4

of Section 32, Twp. 93N, Range 50W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE 1/4
Sec. 32 - T93N - R50W

This Application No. 4651-3 will be considered by the Water Management Board at the Holiday Inn, Sandy Shore Room, Watertown, South Dakota upon the 25th day of March 1981

at 1:00 PM. 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: Donald R. Abraham
Rt. 2, Box 64
Elk Point, SD 57025

BETTY WESTLUND
Water Rights Specialist

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7998

PIERRE, February 20, 1991

RECEIVED OF Donald R. Abraham, RR 2, Box 64, Elk Point, SD 57025
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. 4651-3 (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 / *Et*

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USEPost Office Ellis Point, S.D.Date July 1, 1981TO: 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. 4651-3

Water Right Permit No. 4651-3 states that the diversion system is to be constructed by Mar 26, 1984, and that the water is put to beneficial use by some.

The diversion system was completed on June 1981. Applying the water to beneficial use was completed on June 1981.

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.

Donald R. Atkinson
(Signature)

4651-3



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

January 29, 1993

NOTICE

TO: DONALD ABRAHAM
RR #2 BOX 64
ELK POINT SD 57025

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

RE: Violation of Water Permit No(s) 4651-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 4651-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 4651-3 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 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4651-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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.

3. Article Addressed to:

DONALD ABRAHAM
RR #2 BOX 64
ELK POINT SD 57025

5. Signature (Addressee)

6. Signature (Agent)

Donald Abraham

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

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

4651-3 P99 560 110

4b. Service Type

☐ Registered ☐ Insured

☒ Certified ☐ CB

☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

FEB 6 1993

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

PS Form 3811, December 1991 U.S. POSTAL SERVICE

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

4651-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 1993

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: DONALD ABRAHAM
RR #2 BOX 64
ELK POINT SD 57025

FROM: Ron Duvall, Natural Resources Engineer IV
Water Rights Division
(605) 773-3352 *Ron Duvall*

SUBJECT: One Year Suspension of Water Permit No. 4651-3

Pursuant to the provisions of the notices dated January 29, 1993, and following the hearing of March 3, 1993, the Water Management Board has ordered:

That Water Permit No. 4651-3 be SUSPENDED until December 31, 1993. Suspension of the permit does not excuse the permit owner from the requirement to submit the 1992 irrigation questionnaire.

Suspension of a permit means water may not be pumped during the 1993 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension(s), you will need to submit a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 5-6, 1993 in Pierre. The letter should include your reasons for not completing the irrigation questionnaire prior to the March Board meeting.

4651-3

CERTIFICATION

I hereby certify that on March 9, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 9, 1993, regarding NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT'S addressed as stated below:

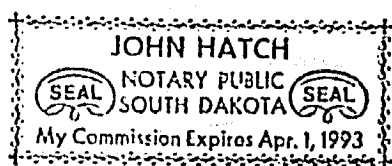
- 4651-3: Donald Abraham, RR 2, Box 64, Elk Point, SD 57025.
833-2: Sadie & Bob Assman, RR 3, Box 144, Winner, SD 57580.
754-1: Lloyd & Barbara Campbell, HC 62, Box 8, McIntosh, SD 57641.
573-2: Robert Christensen, HCR 81, Box 47, Kennebec, SD 57544.
2040-2: Gary L. Dickinson, HC 72, Box 22, Tuthill, SD 57574.
4702-3, 5226-3: Dan Hanson, RR 1, Box 6A, Elk Point, SD 57025.
5070-3: Mike Wurtz-Jamesville Colony, RR 1, Box 51, Utica, SD 57067.
584B-1: Dale Johnson, Mgr. RR 3, Box 23AA, Vale, SD 57788.
1252-3: Dave Kokesh, Renter, Rt 1, Wagner, SD 57380.
4948-2: Gerald A. Person, RR 2, Box 123, Britton, SD 57430.
731-1: Prairie View, Inc., HC 75, Box 154, Sturgis, SD 57785.
2137-2: Frank Simpson, 1116 Jackson Bl., Rapid City, SD 57702.
1022-3: William M. Smith, Rt 1, Box 136, Mission Hills, SD 57046.
200-3: Teresa Wessel, RR 1, Box 127, Woonsocket, SD 57385.
5482-3: Wiese Brothers Farms, RR 1, Box 36A, Twin Brooks, SD 57269-9801.
1341-3: Daniel J. Kamphuis, 8513 Keiser SE, Alto, MI 49302-9728.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of March, 1993.



John Hatch
Notary Public

4651-3



Department IV
Department of Natural Resources

Abraham
Mary
David

Statement

I am hereby petition the Water
Department for the suspension of the above water
rights for accomplishing this

My son in Malaysia (a one-year
old child) David Abraham (our son) is
in the hospital. He only arrived a few months
ago. At the many details of
my life, this particular
one is the most important. We sincerely petition the
Department for the most regretful that

in this matter.



4651-3

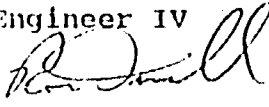
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 12, 1993

NOTICE

TO: Donald, Mary Abraham & David Abraham, RR #2 Box 64,
Elk Point, SD 57025

FROM: Ron Duvall, Natural Resources Engineer IV
Water Rights Division
(605) 773-3352 

SUBJECT: Notice of Hearing to Consider Request for
Reconsideration of Suspended Water Permit No. 4651-3

The hearing on your April 9, 1993, request to the Water Management Board to reconsider suspension of Water Permit No. 4651-3 has been scheduled for 9:00 am, May 5, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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.

After all evidence is taken at the hearing, the Board may issue a decision to rescind the suspension of your permit, defer action or take no action. The hearing is an adversary proceeding and any party 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. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

Prior to April 26, 1993, contact the Water Rights Division by writing to 523 E Capitol, Pierre, SD 57501-3181 or calling (605) 773-3352 to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

Enclosed is a 1992 irrigation questionnaire. The form must be completed and returned to our office prior to the May 5th, Water Management Board Meeting.

cy: Diane Best, Assistant Attorney General

CERTIFICATION

CERTIFICATION

I hereby certify that on April 12, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 12, 1993, regarding Notice of Hearing to Consider Request for Reconsideration of Suspended Water Permit No. 4651-3, along with a 1992 Irrigation Questionnaire to be completed and returned to our office prior to the May 5th Water Management Board Meeting addressed as stated below:

Donald, Mary Abraham & David Abraham
RR 2, Box 64
Elk Point, SD 57025

Copy Sent Inter-office To:

Diane Best, Assistant Attorney General, Capitol Building.

Cheryl Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) ss
COUNTY OF HUGHES)

Sworn to, before me, this 12th day of April, 1993.

Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

4651-3

REPORT ON
1992 SUSPENDED WATER PERMITS/RIGHTS
MAY 5, 1993

On October 16, 1992, notices to submit 3,293 irrigation questionnaires and 268 chemigation reports were sent by First Class Mail. The permit holders were given until December 18, 1992 to return the questionnaires and/or chemigation reports.

On January 29, 1993, 234 notices were mailed to those irrigators who had not returned irrigation questionnaires, and 44 notices were mailed to those irrigators who had not returned their chemigation reports. The notices, mailed by Certified Mail, Return-Receipt requested advised the permit holders that pursuant to SDCL 46-1-12 and 46-1-14, the Board could suspend or cancel their permits, if the required forms were not in the office prior to the Board hearing.

Board action taken March 3, 1993, resulted in the following:

1. Suspension of 16 water permits/rights (first violation of the irrigation questionnaire qualification) for the 1993 irrigation season;
2. Suspension of 4 water permits/rights (second violation of the irrigation questionnaire qualification) for the 1993, 1994, and 1995 irrigation seasons;
3. Cancellation of 5 water permits/rights (third violation of the irrigation questionnaire qualification, including violation for not reporting chemical use).

The following water permit/right holders have requested the Water Management Board to reconsider Board action to SUSPEND or CANCEL their permits/rights. Individual reports and letters are attached (pages 1-14)

1. Water Permit No. 1581-2 - Pat Taggart, Dallas, SD (Tripp County) SUSPENDED FOR 1993, 1994 and 1995 IRRIGATION SEASONS (pages 1-3)
2. Water Permit No. 4651-3 - Donald Abraham, Elk Point, SD (Union County) SUSPENDED FOR 1993 IRRIGATION SEASON (pages 4-5)
3. Water Right Nos. 781-1, 784-1, 791-1, 793-1 & 991-1, Curtiss Reitz, Ralph SD, (Harding County) CANCELLED (pages 6-8)
4. Water Right No. 1341-3, Daniel Kamphuis, Alto, MI (Campbell County) SUSPENDED FOR 1993 IRRIGATION SEASON (pages 9-10)
5. Water Permit No. 4948-3, Gerald Person, Britton, SD (Marshall Co.) SUSPENDED FOR 1993 IRRIGATION SEASON (pages 11-12)
6. Water Permit Nos. 4702-3 & 5226-3, Daniel J Hanson (Union County) SUSPENDED FOR 1993 IRRIGATION SEASON (pages 13-14)

Genny McMath

Genny McMath
Natural Resources Analyst
Water Rights Division

4651-3

Donald Abraham
Water Permit No. 4651-3

GENERAL

Application submitted by: Donald R Abraham
RR #2 Box 64
Elk Point, SD 57025

Permit Approved: March 26, 1981

Permit Approved with the irrigation questionnaire qualification.

FIVE YEAR HISTORY OF IRRIGATION QUESTIONNAIRE RETURNS

Year	<u>Date</u> <u>Request Mailed</u>	<u>Date Irrigation</u> <u>Ques. Returned</u>	<u>Date of any</u> <u>Board Action</u>
1988	October, 1988	November 4, 1988	none
1989	October, 1989	October 18, 1989	none
1990	October, 1990	October 25, 1990	none
1991	October, 1991	November 21, 1991	none
1992	October, 1992	April 15, 1993	March 3, 1993

PAST VIOLATION:

1. 1992 Irrigation Questionnaire Violation

January 29, 1993, Donald Abraham was given notice of permit violation for nonreturn of the 1992 irrigation questionnaire and of the hearing scheduled before the Water Management Board to be held March 3, 1993. The "Notice" was sent Certified Mail, Return-Receipt requested. David Abraham signed the Return-Receipt card on February 6, 1993.

March 3, 1993, the Water Management Board SUSPENDED Water Permit No. 4651-3 until December 31, 1993.

March 9, 1993, Donald Abraham was notified of the Board's decision to Suspend his water permit for one year.

March 11, 1993, David Abraham telephoned the office indicating his parents (Donald and Mary Abraham) were out of the country. A review of the correspondence and certification card returned on February 8, 1993, reflects David Abraham received the January 29, 1993 "Notice of Hearing".

April 9, 1993, a letter was received from Donald, Mary and David Abraham requesting the opportunity to petition the Water Management Board to rescind the suspension of Water Permit No. 4651-3.



4651-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 7, 1993

NOTICE

TO: Donald, Mary & David Abraham, RR #2 Box 64, Elk Point, SD
57023

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

SUBJECT: Reinstatement of Water Permit No. 4651-3

Pursuant to your letter of April 12, 1993, and following a hearing by the Water Management Board May 5, 1993, the Board rescinded the March 3rd motion to suspend Water Permit No. 4651-3. This action reinstated Water Permit No. 4651-3, effective immediately.

The Water Management Board took into consideration that the irrigation questionnaire was now on file in the Division office and that this was your first violation. The attendance at the hearing by David Abraham, to explain the circumstances involving the delay in returning the questionnaire assisted the Board in making their determination.

The Board's motion to rescind the suspension of your water permit for the 1993 irrigation season included a statement that "failure to submit future required irrigation questionnaires will result in a one year suspension or possible cancellation of the permit without reinstatement."

Violations of any qualifications on irrigation permits and subsequent Board action become part of the permanent record. This notice will be placed in Water Permit No. 4651-3 and failure to submit future irrigation questionnaires will result in past violations being reviewed by the Water Management Board.

c: Diane Bast, Assistant Attorney General

Permit No. 4651-3
Big Sioux River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, July 16, 1996, made a thorough examination of the water use system constructed by Donald Abraham of RR2 Box 64, Elk Point, SD 57025 holder of Permit No. 4651-3, bearing the priority of February 20, 1981 authorizing the diversion of 2.28 cu. ft. of water per from ground water for irrigation purposes, in Union County.

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

A. Works used to divert the water:

A 60 HP General Electric motor with an 800 GPM Fairbanks pump.

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

N/A

C. Works used to apply water to beneficial use:

A 7 tower Lynosey center pivot rated at 800 GPM low pressure system.

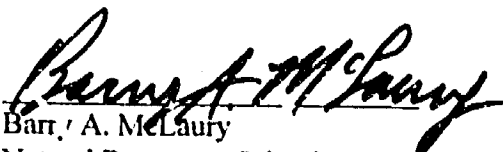
The system is in the following condition good. The point of diversion is located 1320 feet S and 1320 feet W from the NE corner of Section 32; T093N R50W (approximate center of the NE corner). The works are capable of diverting and conveying to the place of use 1.77 cu. ft. of water per second which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

T093N R50W	SECTION 32	NW1/4 NE1/4	34 ACRES
		NE1/4 NE1/4	23 ACRES
		SW1/4 NE1/4	34 ACRES
		SE1/4 NE1/4	30 ACRES

comprising a total of 121 acres of land and the license should be issued for 1.72 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: None Date Report Completed: February 7, 1997


 Barry A. McLaury
 Natural Resources Scientist
 DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 4651-3

Other permit(s) associated with the project: None

DATE OF INSPECTION: July 16, 1996

NAME OF INSPECTION CONTACT: Donald Abraham

NAME & ADDRESS OF PERMIT HOLDER: Donald Abraham, RR2 Box 64, Elk Point, SD 57025

DIVERSION POINT LEGAL LOCATION: 1320 feet S and 1320 feet W from the NE corner of Section 32; T093N R50W (approximate center of the NE quarter).

WELL INFORMATION:

1) Well Drilling Firm: Wetmore Drilling

3) Depth(s) 220 feet

2) No. of Wells 1

4) Well log is available N

Casing:

1) Diameter 16 inches

2) Length 130 feet

3) Type PVC

Screen:

1) Type PVC

2) Length 20 feet

3) Static water level 104 feet

Motor:

1) Make General Electric

2) Model No. _____

3) Horsepower rating 60 HP

Pump:

1) Make Fairbanks

2) Model No. _____

3) Capacity 800 GPM

SYSTEM TYPE:

Center pivot:

1) Make Lyndsey

2) Overall length 1280 feet

3) Number of towers 7

4) End gun Y

5) High or low pressure low

6) Capacity 800 GPM

CHEMIGATION EQUIPMENT:

1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

COMMENTS:

Well log not available.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3161

January 23, 1997

Wetmore Drilling Company
ATTN: Mike Wetmore
Box 880
Elk Point, SD 57025

Dear Mr. Wetmore:

After a review of Water Rights Program files, I could not locate well completion reports for several water permit holders in Turner and Union counties. The following is a list of well owners along with legal descriptions of their wells which were drilled by Wetmore Drilling Company:

Donald Abraham	NE1/4 Section 32; T093N R50W	Union County
Lyle Wagner	NW1/4 Section 35; T092N R50W	Union County
Don Lantis	SW1/4 Section 03; T098N R48W	Union County
Paul Peterson	SW1/4 Section 02; T098N R53W	Turner County
James Bondeson	NE1/4 Section 22; T098N R53W	Turner County

I would appreciate a copy of each well completion report if it is available to you. Please return the reports in the postage free envelope provided at your earliest convenience. If you have any questions, feel free to contact me at 605-73-3352.

Sincerely,

Barry A. McLaury
Water Rights Program

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 1997

4651-3

Donald Abraham
RP 2, Box 64
Elk Point, SD 57025

Dear Mr. Abraham:

The investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 4651-3, has been completed. Your final water right document, the Water License, can now be issued.

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

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

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

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

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

415259

Pierre, February 28, 1997

RECEIVED OF Donald Abraham, RR 2, Box 64, Elk Point, SD 57025

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. 6651-3 _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Chief Engineer

John A. Hatch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 7 1997

4651-3

Donald Abraham
RR 2, Box 64
Elk Point, SD 57025

Dear Mr. Abraham:

Enclosed is Water License No. 4651-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415259 in the amount of \$50.00 which you paid for the investigation 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. 4651-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

ks
enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4651-3

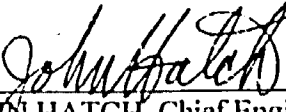
(1) Donald Abraham, RR 2 Box 64, Elk Point SD 57025 made Application No. 4651-3, February 20, 1981 for a water permit to divert 2.28 cubic feet of water per second from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 4651-3, with a priority date of February 20, 1981 was approved March 26, 1981 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 26, 1984 and for the application to beneficial use of said water on or before March 26, 1988.

(2) It is certified that the applicant 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 1.72 cubic feet of water per second for beneficial use. The location of the diversion point is 1,320 feet south and 1,320 feet west from the northeast corner of Section 32-T93N-R50W (approximate center of the NE corner).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 32-T93N-R50W	NW 1/4 NE 1/4	34 acres
	NE 1/4 NE 1/4	23 acres
	SW 1/4 NE 1/4	34 acres
	SE 1/4 NE 1/4	30 acres
Total		121 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Donald Abraham, RR 2 Box 64, Elk Point SD 57025 the holder and/or owner of Water Permit No. 4651-3 is issued a license to appropriate water, the right to use 1.72 cubic feet of water per second from groundwater (one well) with a priority date of February 20, 1981 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 4651-3 and subject to South Dakota State Law.

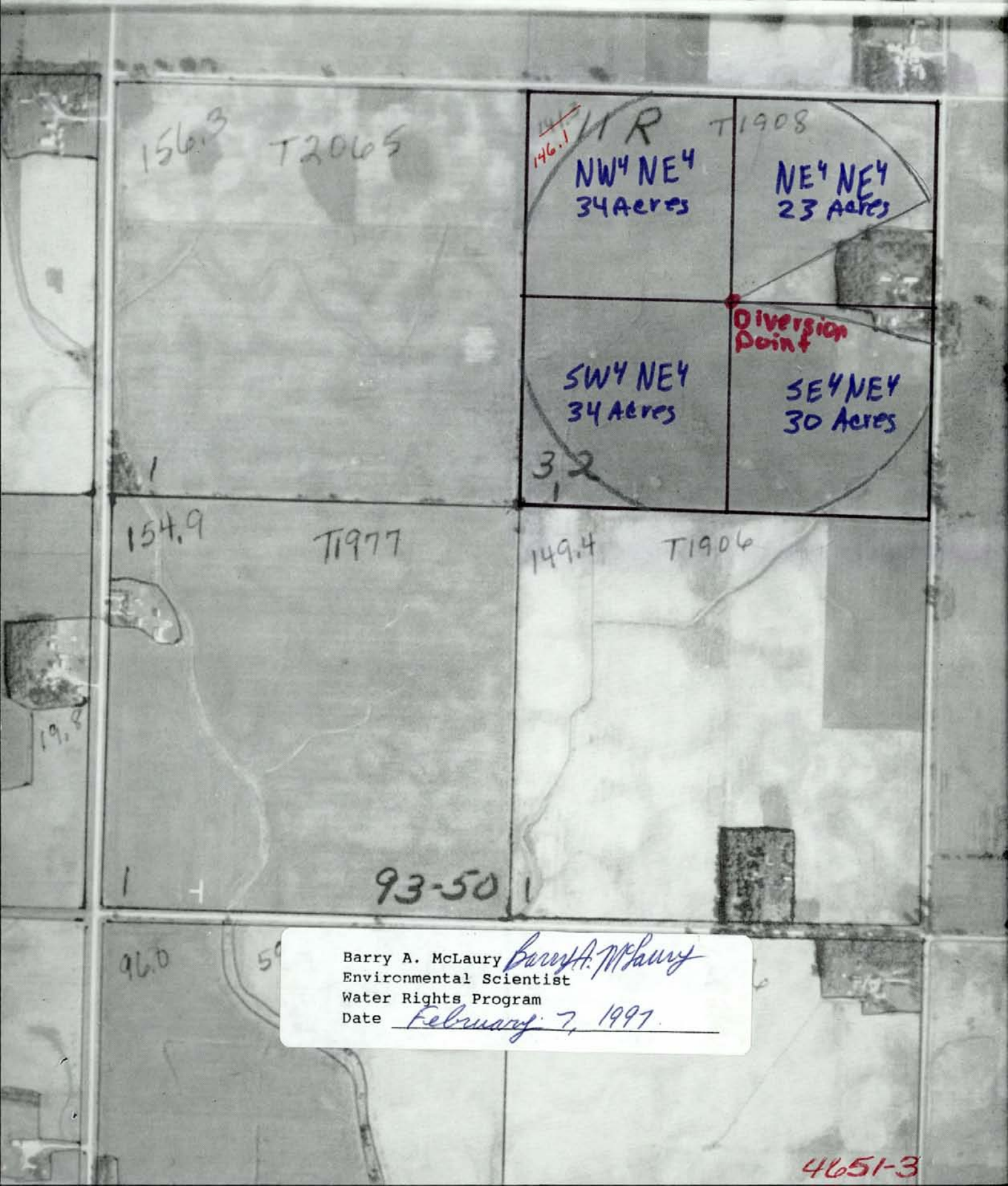

JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 7 1997
date



NOT TO SCALE

4651-3



Barry A. McLaury
Environmental Scientist
Water Rights Program
Date February 7, 1997

NOT TO SCALE

4651-3

(8-67)
185.5

91-48

139R

Iowa

(8-100)
62.4

(8-295)
147.0

2.4 5

48.0

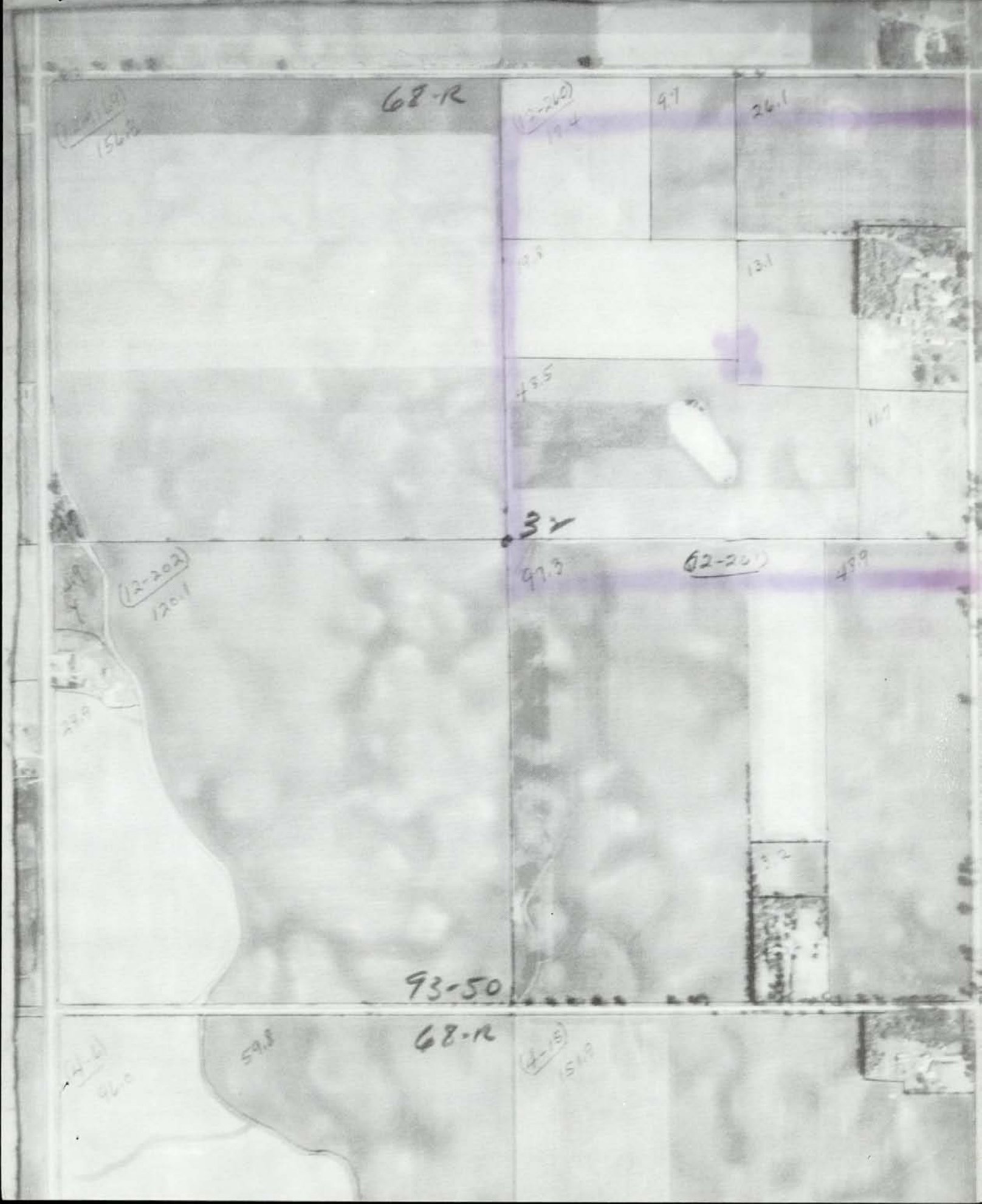
10.0

25.5

90-48

NOT TO SCALE

4651



NOT TO SCALE

(12-169)
156.3

68-R

↑
North

Sec 32 T93N R50W

Prepared by

Louise K DeSmet

Yonkers City

Louise K DeSmet

Feb 10-1981

(12-260)
19.4

9.7

26.1

113 IRRIGATED
5 Acres

118

19.8

Well

13.1

19 ACRES
5.0

43.5

117

32

(12-261)

97.3

43.9

(12-202)
120.1

4.9

~~MAP 15-3866~~

APPL 15-4651-3

93-50

68-R

(4-15)
151.9

59.8

3.2

(4-6)
96.0



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 22, 2013

4651-3

Donald Abraham
607 S Pearl St
Elk Point SD 57025-2357

Dear Mr. Abraham:

Enclosed is a "Notice" dated October 18, 2013 concerning the 2013 irrigation questionnaire.

The notice was originally mailed to 31425 472nd Ave., Elk Point SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures