

- 1. Considered 3/25 1981
- 2. Name of Applicant WERNERSTRUCK INC.
- 3. Post Office Address WOLSEY 57384
- 4. Amount of Water Claimed 4.0
- 5. Source of Water Supply 73' WELL
- 6. Water to be used for IRR.
- 7. Acres to be Irrigated 280 maximum acre feet _____
- 8. Water to be diverted and used in BEADLE County about 1 1/2 N 2 1/2 miles EAST of WOLSEY
- 9. PROOF OF PUBLICATION Received (initials) 3-24-81

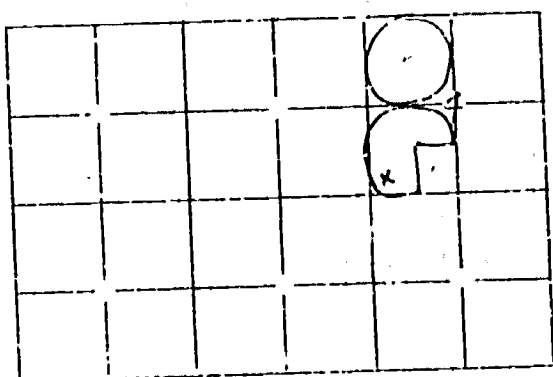
APPLICATION
Not Received _____
Approved 3/25/81 5/27/81
Subject to WT - IO FF&CL
Not Approved _____
Action deferred _____

Priority Date Received 3/4/81 Application Complete (yes) no _____ FEE 300.00

Remarks _____

WATER QUALITY
Date information and/or fee or corrected Application received _____
Period of Annual use APRIL - OCTOBER
Received yes 3/5/81 no _____ APPROVED/CONDITIONAL (Circle one)
WI-1 Description same as application (yes) no _____ Remarks _____

Disapproved _____ Returned _____



Diversion Point SW⁴SW⁴ 4-111-63

Lands to be irrigated NW⁴, NE⁴SW⁴ &
W^{1/2}SW⁴ 4-111-63

WELL LOG
Remarks _____
Driller Riverside Hl. Licensed (yes) no _____
Depth 73'

MAP Map No. 3877-3 Map located in Water Right ✓ Map file _____
Type of Map Aerial Prepared by Co. agent

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 3/25/81
Betty Westlund
(Signed)

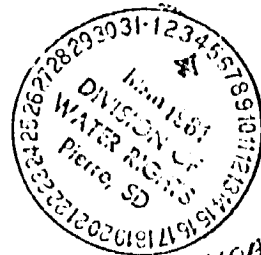
+++++

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

REMARKS Date
F.F. & C Final Decision, including F.F. & C of Law were adopted 5/27-81
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
ETC.

Remarks _____

No. 4662-3
 Map No. 3877-3 Water Division No. 3 JAMES RIVER District
 Above for Office Use 10160006



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

Check one of the following:

New ☒ Vested Right ☐ Future Use ☐Change in Diversion ☐ Additional Diversion ☐Change in Acreage ☐ Additional Acreage ☐1. Name of Applicant Wernerstruck, Inc. Phone No. 888-4161Post Office Address Nolsey State So. Dak. 57204
 (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) Contract3. Name of diversion work Wernerstruck, Inc. Irrigation Project4. Amount of water claimed (cubic feet per second) 4.05. Source of water supply Groundwater6. Location of point of diversion SW 1/4 of SW 1/4 of SW 1/4 4-111-63County Beadle7. Annual period or periods during which water is to be used April-October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, 280 Total number of acres to be irrigated 320 280

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.
NE 1/4 of NW 1/4 4-111-63	40
SE 1/4 of NW 1/4 4-111-63	40
NW 1/4 of NW 1/4 4-111-63	40
SW 1/4 of NW 1/4 4-111-63	40

Land Description	No. Acres Irr.
NE 1/4 of SW 1/4 4-111-63	40
SE 1/4 of SW 1/4 4-111-63	40 ✓
NW 1/4 of SW 1/4 4-111-63	40
SW 1/4 of SW 1/4 4-111-63	40

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use _____ years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Huron Daily Plainman

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.

Pipeline

C. Works proposed to apply water to beneficial use.

Center PivotEstimated Total Cost \$ 55,000.00

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 Beadle) ss.I, Wernerstruck 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 WernerstruckSubscribed and sworn to before me this 21st day of January, 1981.Andrea G. Schilling

WATER RIGHT APPLICATION APPROVAL

The Board of Water Management hereby approves Water Right Application No. 4662-3

WERNERSTRUCK, INC. WOLSEY
(Applicant) (Post Office Address)
SOUTH DAKOTA 57384 With the following qualifications.
(State)

That 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.

That the applicant submit the irrigation water use questionnaire each year.

SEE 4662-3A
CHG. DIVERSION

Date of first receipt of application March 4, 19 81
Date of return to applicant for correction, amendments or changes required , 19
Date of receipt of corrected application , 19
Approved May 27, 19 81, Recorded in Book 22 Page 239

WATER RIGHT PERMIT NO. 4662-3

The Board of Water Management hereby grants and issues this Water Right Permit No. 4662-3 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 March 4, 19 81
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before May 27, 19 82
3. The whole of said work is to be completed on or before May 27, 19 83
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is May 27, 19 83
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 5.0 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 May 27, 19 83, said water to be used during the following described annual period April - October

Witness my hand this 21st day of July, 19 81

THE BOARD OF WATER MANAGEMENT

By John Hatch
Chief Engineer Water Rights
JOHN HATCH

Certificate of Construction Issued , 19

Water License Issued , 19

D Well Information

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____, Diameter _____, Thickness _____
(wood, concrete, steel, etc)
- (3) Screen, Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

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)

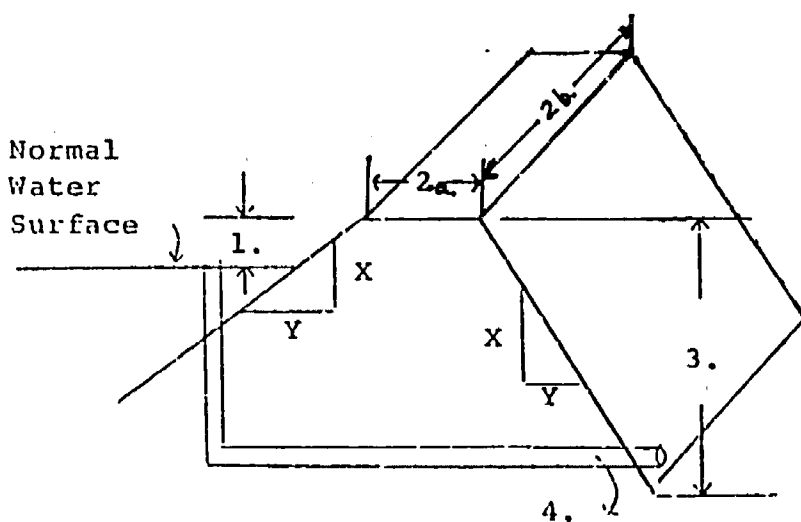
- Depth to top of water bearing material _____
- Depth to bottom of water bearing material _____
- Depth to water (ground surface to water level) _____

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

- On same owner's property _____ rds.
- On property owned by others _____ 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 _____

[Signature]
Signature of Applicant

Conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Wernerstruck, Inc.

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED

DA - Dudley-Tetonka silt loams
Te - Tetonka - Hoven silt loams

These soils should be left in permanent vegetation, grass or alfalfa grass mixture. These soils are indicated by red hatch marks which is approximately 140 acres. Poor drainage and excessive sodium is the reason for these soils to be deleted.

Hv - Hoven silt loam - cannot be irrigated.

RECOMMENDED MANAGEMENT:

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

Extra management will have to be applied because of the large amount of Dudley-Tetonka - Hoven soils even though surface drainage has been applied.



STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Werner Struck, Inc. OWNERS ADDRESS: Walsey, SD
COUNTY LAND LOCATED IN: Beadle PHONE: 883-4111 57394
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: S.W. 1/4 of S.W. 1/4 of S.W. 1/4 4-111-63
2. SURFACE WATER SOURCE: Groundwater
3. LOCATION OF AREA TO BE IRRIGATED: W. 1/2 4-111-63
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 ☒ GUN _____ OTHER (Specify) _____
6. CROPS TO BE IRRIGATED Corn, Soybeans, Alfalfa, Wheat
7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LAND: _____
IN WHAT NAME: _____

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

8. SAMPLE NUMBER: 81-086
9. SALINITY (EC X 10⁶): 1665
10. SODIUM (SAR): 3.70 ADJUSTED (SAR): 10.10 (7.07)

RECEIVED

FEB 20 1981

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 back) were followed, and that the sample was taken at 2:30 A.M./P.M., on Jan. 22, 1981, at the following location: S.W. 1/4 4-111-63

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 Beadle County 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
21st DAY OF January, 1981.

Dorothy Schilling
(NOTARY PUBLIC)



Werner Struck
APPLICANT'S SIGNATURE

Jack McFadden
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 RIGHT must be obtained from the State Water Right Commission.

No. 4662-3

Publish first publication, on or before March 13, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 6, 1981

Notice is hereby given that Wernerstruck Inc. whose post office address is Wolsey, 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 4.0 cubic feet of water per second of time from groundwater (one well) through the Wernerstruck Inc. Irrigation Project, the point (XX) of diversion of which is (XXX) to be located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 4, Twp. 111, Range 53. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4 - T111N - R63W

This Application No. 4662-3 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, DMNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Wernerstruck, Inc.
Rt. 2, Box 92
Wolsey, SD 57384

BETTY WESTLUND
Water Rights Specialist

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

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

No. 4662-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Beadle)

I, Linda Schlotter hereby

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

Water was taken from the Daily Plainsman

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 Huron

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

March 13, 1981

March 20, 1981

Linda Schlotter
(Signature)

bookkeeper

(Title)

3-20-81

(Date Signed)

P.P. 3-13-81 L.P. 3-20-81
NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
Pier 6, South Dakota 574
March 8, 1981

Notice is hereby given that
Wernerstruck Inc., who has
office address is Wolsa, South
Dakota, has made an application
in accordance with the provisions
of SDCL 46-1-1 thru 46-1-14;
46-2-1 thru 46-2-11; 46-2-13; 46-3-1
thru 46-3-8; 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 thru 52:01:01:13,
for a permit to appropriate for
beneficial use 4.0 cubic feet of
water per second of time from
groundwater (one well) through
the Wernerstruck Inc. Irrigation
Project, the point of diversion of
which is to be located in the SW 1/4
SW 1/4 of Section 4, Twp. 111, Range
63. Said water to be used for the
purpose of providing irrigation on
portions of the following described
land:

NW 1/4; W 1/2 SW 1/4 and NE 1/4
SW 1/4, Section 4, T111N, R43W.

This Application No. 4662-3 will
be considered by the Water
Management Board at the Holiday
Inn, Sandy Shore Room, Water-
town, South Dakota, upon the 25th
day of March, 1981, at 1:00 P.M.
The Board is authorized to make
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 rep-
resented by a lawyer. These and
other due process rights will be
forfeited if they are not exercised
at the hearing. Decisions of the
Board may be appealed to the
Courts as provided by law.

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

Water Management Board
Betty Westlund
Water Rights Specialist
No. 133 (adv.)

Received
3/29/81
BW

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8043

PIERRE, March 5, 1981

RECEIVED OF Duane Struck, Wernerstruck, Inc. Rt.2, Box 92, Wolsey, SD 57384
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. 4662-3 (examination, processing, recording and filling)	300	00
Fee for Inspecting Construction, and Issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and Issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filling		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	300	00

WATER RIGHTS COMMISSION

By (John Hatch)
Chief Engineer, Executive Officer
JOHN HATCH / (lt)

April 7, 1981

Wernersstruck, Inc.
Wolsay
South Dakota 57384

Dear Sir:

You are aware that the Water Management Board requested that proposed Findings of Fact, Conclusions of Law and a proposed Decision regarding Water Right Application No. 4662-3 approval be prepared. The Water Management Board will be meeting in the Knelp Building, Meeting Room #1, Pierre, SD, May 27 & 28, 1981. We have tentatively placed consideration of the proposed Findings of Fact, Conclusions of Law and Decision on the agenda for 3:00 p.m., May 27, 1981.

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

Please have any proposed Findings, Conclusions and Decision in this Office by May 19, 1981. We will be mailing information concerning the Board meeting to the Board members May 20, 1981.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 777-3352

cc: Robert Uhauder

B42204K

STATE OF SOUTH DAKOTA
WATER MANAGEMENT BOARD

APPLICATION OF WERNERSTRUCK,)
INC. FOR PERMIT NO. 4662-3)
)

FINDINGS OF FACT
CONCLUSIONS OF LAW
FINAL DECISION

Having heard and considered all the evidence in the above-entitled matter at the March 25 and 26 Water Management Board meeting at the Watertown Holiday Inn, Watertown, South Dakota, the Board hereby makes the following:

FINDINGS OF FACT

1. That on March 4, 1981 the Water Management Board received Water Permit Application No. 4662-3 from Wernerstruck, Inc. of Wolsey, South Dakota.
2. That the water proposed to be diverted is to be used for irrigation of two hundred and eighty acres.
3. That the application was advertised on March 13 and 20, 1981 in the Huron Daily Plainsman.
4. That the affidavit of publication has been received.
5. That a soil/water compatibility permit has been issued for the land to be irrigated.
6. That Melvin Wagner, through his counsel, opposed the application because of his concern that irrigation by Wernerstruck, Inc. would cause flooding problems due to the drainage pattern.
7. That Wagner contended that potential legal problems precipitated by the drainage situation made the Wernerstruck, Inc. project infeasible.
8. That the complaint by Wagner is in the nature of a private dispute rather than a dispute to acted upon by the Board.
9. That there was no allegation that unappropriated water was not available.
10. That senior water right holders will not be adversely effected by the granting of Application No. 4662-3.
11. That there is unappropriated water available.

12. That approving the application is in the public interest of the plan of the project is feasible.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction to consider the granting or denying of Application No. 4662-3.

2. That the Board's responsibility is to protect senior water right holders, domestic water users, and the public interest.

3. That the possibility that legal action might be taken against an applicant upon the diversion of water under his permit does not cause the project to be infeasible.

4. That parties who are injured by flooding caused by irrigation have a remedy of a civil action against the party or parties causing the flooding.

5. That it is in the best interest of the people of the State to maximize to the fullest extent the beneficial use of the waters of the state.

6. That all legal requirements for a water permit have been met and Application No. 4662-3 should be approved.

FINAL DECISION

Water Permit Application No. 4662-3 is hereby approved subject to the following qualifications:

1. That 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. That the applicant submit the irrigation water use questionnaire each year.

Dated this 27th day of May, 1981.

CHAIRMAN

SECRETARY

SOUTH DAKOTA

Department of Water & Natural Resources

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501
March 22, 1983

Water Rights Division
605 773-3352

4141-3, 4662-3, 4662-3A, 4663-3
Warnerstruck, Inc.
Box 92
Wolsey SD 57384

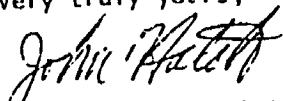
Dear Sir:

Water Permit No. 4461-3, 4662-3
4462-3A,
4463-3 was approved with the qualification that the
irrigation questionnaire be submitted each year. To date we have not re-
ceived the 1982 questionnaire from you.

Please complete the enclosed questionnaire and return to this office. Failure
to return the questionnaire is in violation of the conditions under which
the permit was approved.

Please advise, if you have any questions.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

NOT TO SCALE

152.4

U

113.3

Melvin
C. Wagner

278-35L

151.5

100' WELL

111-63

144.1

Delbert
G. K. K. K.

Quinn
Dennis

12.6 24.3

7.3

4

136.0

BEADLE CO. ASCS
Box 1297
Huron, S.D. 57350

B. J. Smith

~~Map No. 3877-3~~ appl. 7662-3