

1. Considered 3/25 1981
2. Name of Applicant WERNERSTUCK T.N.C.
3. Post Office Address WOLSEY, S.D. 57384
4. Amount of Water Claimed 7.14
5. Source of Water Supply 2-82' DEEP WELLS
6. Water to be used for IRP
7. Acres to be Irrigated 500 maximum
acre feet
8. Water to be diverted and used in BEADLE County
about 1/2 N E miles WOLSEY
9. PROOF OF PUBLICATION Received (PA) 3-21-81
Not Received
- APPLICATION Approved 3/25/81
Subject to WT - IQ
Not Approved
Action deferred

Priority Date Received 3/5/81 Application Complete yes no FEE 400.00

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

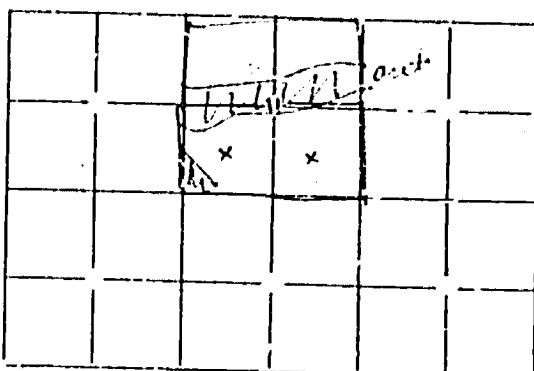
Returned

Diversion Point S

S 1/2 11-111-64

Lands to be Irrigated

SEC. 11-111-64



WELL
LOG

Remarks

Driller Buicide Licensed yes no

Depth 2 @ 32' deep

Water Right No. _____

MAP Map No. 3878-3 Map located in Water Right Map file
 Type of Map Aerial Prepared by ases

+++++

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 M. Mendenhall
 (Signed)

+++++

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

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

Remarks _____



No. 1663-3
 Map No. 3878-3 Water Division No. 3 JAMES RIVER District
 Above for Office Use 1016 0006

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

Check one of the following:

Now ☒ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Wernerstruck Inc.

Phone No. 883-4161

Post Office Address Wolsay

(Street, RR, or Box)

(Town)

State SD

57384

If a corporation show date and place of incorporation _____

(Zip Code)

2. Method of accomplishing work (contract, employment of others, or by direct labor) contract

3. Name of diversion work Wernerstruck Inc. Irrigation Project

4. Amount of water claimed (cubic feet per second) 7.14

5. Source of water supply groundwater

6. Location of point of diversion two wells in S $\frac{1}{2}$, Section 11, 111, 64

County Beadle

7. Annual period or periods during which water is to be used April - 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 500

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 $\frac{1}{4}$ SW $\frac{1}{4}$	40
SE $\frac{1}{4}$ SW $\frac{1}{4}$	40
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 ac	NW $\frac{1}{4}$ 90
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 Ac	NE $\frac{1}{4}$ 90

Land Description	No. Acres Irr.
NW $\frac{1}{4}$ SE $\frac{1}{4}$	40
SW $\frac{1}{4}$ SE $\frac{1}{4}$	40
NE $\frac{1}{4}$ SE $\frac{1}{4}$	40
SE $\frac{1}{4}$ SE $\frac{1}{4}$	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 1 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water DAILY PLAINSMAN

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 pivot

Estimated Total Cost \$ _____

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 Hughes) ss.

I, Duane Struck

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 Duane Struck

Subscribed and sworn to before me this 5th day of March, 19 81

Karen Wernsmann

Notary Public (or other qualified officer).

KAREN WERNSMANN, Administrative Secretary

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4663-3

VERNERSTRUCK, INC. WOLSEY
(Applicant) (Post Office Address)
SOUTH DAKOTA 57384 With the following qualifications
(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 MARCH 5, 1981

Date of return to applicant for correction, amendments or changes required _____, 19____

Date of receipt of corrected application _____, 19____

Approved MARCH 25, 1981, Recorded in Book 22 Page 102

WATER RIGHT PERMIT NO. 4663-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4663-3 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 5, 1981

2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 25, 1982

3. The whole of said work is to be completed on or before MARCH 25, 1983

4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 25, 1984

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 7.14 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 MARCH 25, 1984, said water to be used during the following described

annual period: APRIL - OCTOBER

Witness my hand this 21ST day of APRIL, 1981

THE WATER MANAGEMENT BOARD

By: John H. H. H.

Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

IRRIGATION DRILLING CO.

HURON, SOUTH DAKOTA

PH. 377-4207

DRILLING REPORT

Location of Well: 1/4 SE Section 11 Township 11N Range 10E

Well to be drilled for _____

(Name) _____ (Address) _____

(County) _____

Oil well drilling started.

Depth. . . . ft. Casing Diameter. . . . inches. . . .

Shd Size..... Section.....

Green Deal

Remarks	Cost of Pumping	Water Level	Discharge
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60	75			
14	35			

Large Sand	75	82			
Small Sand	2	3			

Sgt David Ladd Kay	82	96		
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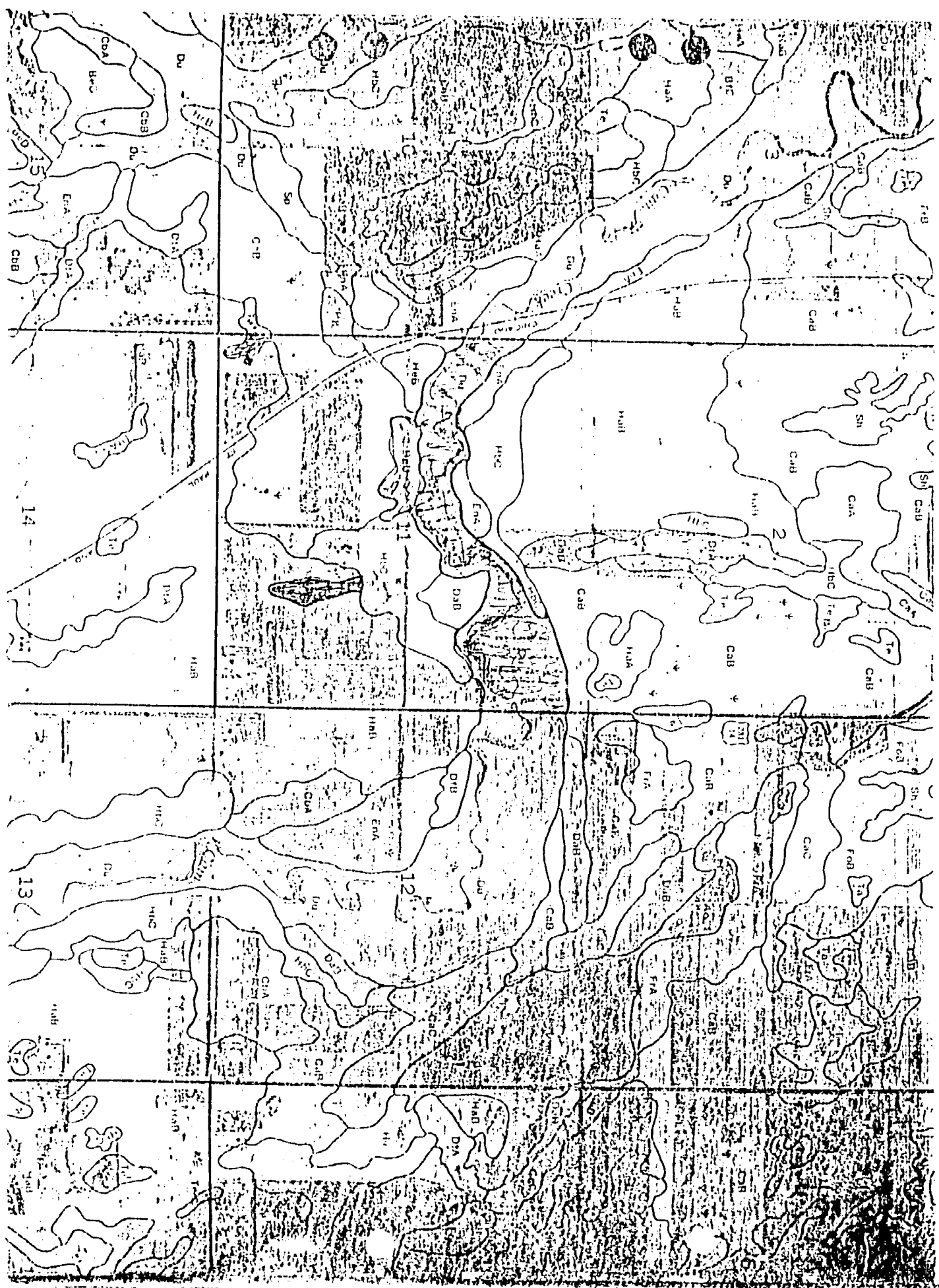
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[illegible]



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) _____

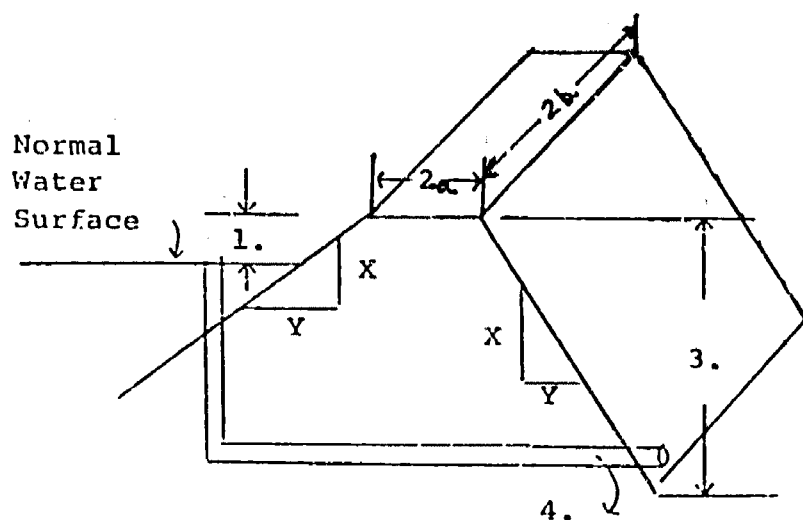
- (2) Distance to nearest existing household or livestock watering well.

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 _____

Diane Stueck
Signature of Applicant

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

RECEIVED
South Dakota
Division of Conservation

OWNERS NAME: Werner Struck, Inc. OWNERS ADDRESS: Worsey, SD
COUNTY LAND LOCATED IN: Beadle PHONE: 883-4111 57384
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: Center of SW 1/4 11-11-104
2. SURFACE WATER SOURCE: Groundwater
3. LOCATION OF AREA TO BE IRRIGATED: Section 11-T111-R64 (except for areas delineated on the map)
4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.) Approximately 140 acres

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: 81-084
9. SALINITY (EC X 10⁶) 1819
10. SODIUM (SAR) 2.15 ADJUSTED (SAR) 6.20 (4.34)

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 1:15 A.M./P.M., on Jan 24, 1981, at the following location: SW 1/4 11-11-104

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.

Barbara B. Schilling
(NOTARY PUBLIC)



Werner Struck
APPLICANT'S SIGNATURE
Jack M. Ashell
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 Rights Commission.

Conditional

*Amendment plan for
add 51-018 and 51-028*

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Wernerstruck, Inc.

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED

- Du - Durrstein silt loam: The Durrstein silt loam soils in the N $\frac{1}{2}$ Sec. 11 can not be irrigated. These soils adjoin Crain Creek and are indicated on the map by red hatch marks. Approximately 140 acres should be delineated from the application to allow for these soils. These soils are poorly drained and contain excess salts & sodium.
- Ta - Tetonka - Haven silt loams These soils should be left in permanent vegetation.
- BeD - Batts stony loams.
- Fg - Fitts - gravel : These soils should remain in permanent vegetation unless reclamation has been done.

RECOMMENDED MANAGEMENT:

- Water should not be applied more than 3-4 times during the irrigation season.
- Heavy fall application of irrigation water is suggested for leaching salts through the soil profile.
- Type of irrigation system recommended for use on this application is center pivot.

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

No. 4663-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Beadle) ss.

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)

F.P. 3-13-81 L.P. 3-20-81
**NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER**
Pierre, South Dakota 57501
March 4, 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 45-1-1 thru 46-1-9, 45-1-14; 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 thru 52:01:01:13, for a permit to appropriate for beneficial use 7.14 cubic feet of water per second of time from groundwater (two wells) through the Wernerstruck Inc. Irr. Proj., the points of diversion of which are to be located in the S1/2 of Section 11, Twp. 111N, Range 64W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

Section 11, T111N, R64W.
This Application No. 4663-3 will be considered by the Water Management Board at Holiday Inn, Sandy Shore Room, Watertown, SD 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, 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. 134 (adv.)

Received
3/28/81
Bu

No. 4663-3

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 7.14 cubic feet of water per second of time from groundwater

(two wells) through the Wernerstruck Inc. Irrl. Proj. the point(s) of diversion, of which ~~XXX~~ (are) to be located in the SE

of Section 11, Twp. 112N, Range 64W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

Section 11, T112N, R64W

This Application No. 4663-3 will be considered by the Water Management Board at

Holiday Inn, Sandy Shore Room, Watertown SD 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

cc: Wernerstruck, Inc.
Wolsey SD 57384

BETTY WESTLUND
Water Rights Specialist

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8042

PIERRE,

March 5, 19 81

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

Fee for Application for Permit to Appropriate Water No. 4683-3 (examination, processing, recording and filing)	400	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	400	00

WATER RIGHTS COMMISSION

By *[Signature]*
Chief Engineer, Executive Officer
JOHN HATCH / *[Signature]*



Department of Water & Natural Resources

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

March 22, 1983

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

Dear Sir:

4461-3, 4662-3
4462-3A,
Water Permit No. *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



Department of Water & Natural Resources

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

WERNERSTRUCK INC 2Duane Struck
RE #2 BOX 92E
WOLSEY, SD 57384

NOTICE

Re: Violation of Water Permit No(s). 4141-3, 4662-3A, (4663-3) and
1987 Irrigation Questionnaire Requirements

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 4141-3, 4662-3A, 4663-3. 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). 4141-3, 4662-3A, 4663-3 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) 1925-3, 4396-3, 4149-3, 4046-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

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

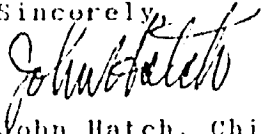
The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

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

1. Suspend Permit No(s). 4141-3, 4662-3A, 4663-3 until either the 1987 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s) 1925-3, 4396-3, 4149-3, 4046-3 also held by WERNERSTRUCK INC to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "John Hatch".

John Hatch, Chief Engineer
Water Rights Division

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



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3101

February 10, 1988

3447-3	1925-3
3449-3	4046-3
4141-3	4149-3
4396-3	4662-3A
4663-3	

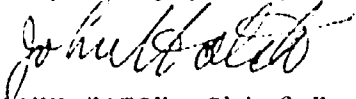
Duane Struck
RR 2, Box 92B
Wolsey SD 57384

Dear Mr. Struck:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 1925-3, 3447-3, 3449-3, 4046-3, 4141-3, 4149-3, 4396-3, 4662-3A, 4663-3 and the hearing date before the Water Management Board.

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

Very truly yours,


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

 **Department of
Water & Natural Resources**

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

4663-3

August 16, 1988

Rebecca Struck
Box 92
Wolsley, SD 57384

Dear Ms. Struck:

An inspection of the water use system and extent of the application of water to beneficial use, as developed under Water Permit No. 4663-3 has been completed. Duane Struck indicated during the inspection that the Permit should be transferred to your name.

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Permit No. 4663-3. Please complete the form by signing in the presence of a notary public. Upon completion, return the form to this office with a \$2.50 filing fee.

The final water right document, the water license, can now be issued. Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid.

Please return a total of \$52.50 to our office for payment of the transfer and license fees. On the check or money order, please indicate the number of the water permit. This will insure proper handling of the fees. If you have any questions, please contact our office.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



PERM AUG 1988
DIVISION OF
WATER RIGHTS
Ft. Collins, CO

Date: August 19, 1988

S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, and S $\frac{1}{2}$ Section 11, T111N, R64W

has been transferred to Rebecca Struck, Box 92, Wolsey SD 57384

Water Right Permit No. 4663-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

I, Rebecca Struck 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 infor-
mation herein stated is true.

Rebecca Struck (Signed)

Subscribed and sworn to before me this 9th Day of August, 1988.


(Notary Public)
Laura M. Flanagan
My commission expires April 8, 1994

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, August 22, 1938

RECEIVED OF Rebecca Struck, Box 92, Hulsey, SD 57384

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. 4663-31

50 00

Fee for Filing Transfer Form Permit No. ~~XXXXX~~ 4663-3

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

52 50

By John Hatch
Chief Engineer JOHN HATCH CHS

James River Water District
10160006**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Rebecca Struck
 of Box 92, Wolsey SD 57384 holder of
 Permit No. 4663-3, bearing the priority of March 5 19 81 authorizing
 the diversion of 7.14 cu. ft. per second of the waters of groundwater (2 wells)
 for irrigation purposes, in Beadle County.

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

- A. Works used to divert the water: 2 wells - 100' deep, 16" Stainless Steel Casing, 30' of
Well #1 - Valley Pump, Ser. No. 12HMO.342C Stainless Steel Screen
Well #2 - Valley Pump - Ser. No. 12MME.342B
Siemens Allis Elec. Motor, Model 110, Ser. No. 51-369-364-006-2, 100 H.P.
U.S. Electrical Motor - ID # R-6326-05-048, 75 H.P.
- B. Works used to transport water to place of use:
1300' of buried 8" PVC Pipe.

C. Works used to apply water to beneficial use:

Valley Center Pivot (Corner System)15 towers#1811217operated at 70 psi

The system is in the following condition

Good

The point of diversion is located Well #1 - NW 1/4 SE 1/4 11-III-64, 1950' N & 2400' W
of the SE corner of Section. Well #2 - SW 1/4 SE 1/4 11-III-64, 1200' N
& 1450' W of the SE corner of section.

The works are capable of diverting and conveying to the place of use 4.0cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: Sec. 11 - T111N - R64WSW 1/4 NW 1/4 - 2 acres NW 1/4 SW 1/4 - 14 acres NW 1/4 SE 1/4 - 40 acresSE 1/4 NW 1/4 - 31 acres NE 1/4 SW 1/4 - 40 acres NE 1/4 SE 1/4 - 31 acresSW 1/4 NE 1/4 - 37 acres SW 1/4 SW 1/4 - 3 acres SW 1/4 SE 1/4 - 40 acresSE 1/4 NE 1/4 - 12 acres SE 1/4 SW 1/4 - 36 acres SE 1/4 SE 1/4 - 16 acrescomprising a total of 292 acres of land and the license should be issued for 4.0 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date 6-30-88James L. Wendt
(Signature)

LICENSE FOR PERMIT NUMBER 4663-3

Struck

~~6-30-88~~

6-30-88

1. Legal location of wells: 11-111-64
NW 1/4 SE 1/4 4 SW 1/4 SE 1/4

dams & structures: _____ (gr)

2. Well Information: Well Drilling Firm Riverside (out of business - logs not available)

No. of wells 2 Depth ≈ 100'

Casing a) diameter 16" 16" Screen a) type S.S. S.S.
b) length S.S. S.S. b) length 30' 30'
c) type _____ Static Water Level _____

East
Valley Pump Co.
Ser. No. 12 MME-342B
700 gpm
At Pump
Pivot
a) make Valley Pump Co. Motor a) make At Pivot Siemens - Allis
b) model No. 12HMD-342C b) model no. 110
c) size _____ c) horsepower rating 100
d) capacity max 1100 GPM d) motor efficiency rating _____
e) turbine pump no. of stages _____ Ser. No. 51-369-364-006-2

3. Distribution lines:

a) size of lines 8"
b) type PVC
c) length 1300' (buried)

East
U.S. Electrical
75 H.P.
ID # R-6326-05-048

4. Dam information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____
h) Distribution lines or canals:
1) size _____
2) type _____
3) length _____

i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet
2) diameter of pipe _____
3) make, model & number of sprinklers _____
4) spacing of sprinklers _____
5) nozzle size _____

b) towline:

1) length _____ feet
2) make, model & number of sprinklers _____
3) spacing of sprinklers _____
4) nozzle size _____

State of South Dakota
Water License No. 4663-3

(1) Wernerstruck, Inc.
of Wolsey, South Dakota 57384
made Application No. 4663-3, March 5, 1981 for a water permit to appropriate
7.14 cubic feet per second of water from groundwater (two wells)
Beadle County, South Dakota for irrigation purposes.
Permit No. 4663-3, with a priority date of March 5, 1981
was approved March 25, 1981 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before March 25, 1983 and for the application to beneficial use of said
water on or before March 25, 1984.

On August 22, 1988, Water Permit No. 4663-3 was transferred to Rebecca Struck.

and

(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 4.0 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is are Well #1-1950 feet North and 2400 feet
West of the SE Corner of Section 11, T111N, R64W (NW1/4SE1/4); Well #2-1200 feet North and
1450 feet West of the SE Corner of Section 11, T111N, R64W (SW1/4SE1/4)

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, irrigate the following land in Section 11, T111N, R64W

<u>SW$\frac{1}{4}$NW$\frac{1}{4}$</u>	<u>2 Acres</u>		
<u>SE$\frac{1}{4}$NW$\frac{1}{4}$</u>	<u>21 Acres</u>		
<u>SW$\frac{1}{4}$NE$\frac{1}{4}$</u>	<u>37 Acres</u>		
<u>SE$\frac{1}{4}$NE$\frac{1}{4}$</u>	<u>12 Acres</u>		
<u>NW$\frac{1}{4}$SW$\frac{1}{4}$</u>	<u>14 Acres</u>		
<u>NE$\frac{1}{4}$SW$\frac{1}{4}$</u>	<u>40 Acres</u>	TOTAL ACRES IRRIGATED	<u>292</u>
<u>SW$\frac{1}{4}$SW$\frac{1}{4}$</u>	<u>3 Acres</u>		
<u>SE$\frac{1}{4}$SW$\frac{1}{4}$</u>	<u>36 Acres</u>		
<u>NW$\frac{1}{4}$SE$\frac{1}{4}$</u>	<u>40 Acres</u>		
<u>NE$\frac{1}{4}$SE$\frac{1}{4}$</u>	<u>31 Acres</u>		
<u>SW$\frac{1}{4}$SE$\frac{1}{4}$</u>	<u>40 Acres</u>		
<u>SE$\frac{1}{4}$SE$\frac{1}{4}$</u>	<u>16 Acres</u>		

(4) Pursuant to §46-5-30.1 Rebecca Struck
of Box 92, Wolsey, South Dakota 57384
the holder(s) and/or owner(s) of Water Permit No. 4663-3 is issued a license to appropriate water, the right to use
4.0 cubic feet per second of water from groundwater (two wells) with a priority date
of March 5, 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. 4663-3 and subject
to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

DEC 22 1983



Department of Water & Natural Resources

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

4663-3

DEC 22 1983

Rebecca Struck
Box 92
Wolsey, SD 57384

Dear Ms. Struck:

Enclosed is Water License No. 4663-3. This is the final water right document completing your process of obtaining a Water Right.

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. 4663-3, 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 Division
(605) 773-3352

enclosures





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: REBECCA STRUCK, RR 2 BOX 92B, WOLSEY, SD 57384

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

SUBJECT: Violation of Water Permit No(s). 4663-3

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 4663-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 4663-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in 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 Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4663-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

REBECCA STRUCK
RR 2 BOX 92B
WOLSEY SD 57384

4a. Article Number

P 378 080 575

4b. Service Type

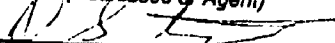
- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

2/05/97

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X 

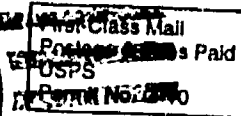
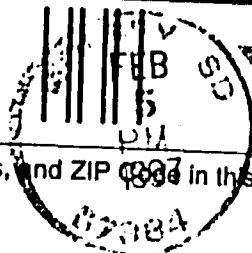
3. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



• Print your name, address, and ZIP 0000 in this box •

DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES
WATER RIGHTS PROGRAM
523 E. CAPITOL JOE FOSS BLDG.
PIERRE, SOUTH DAKOTA 57501





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 1997

4663-3

DXS, Inc.,
Laane Struck, President
RR 2 Box 92B
Wolsey, SD 57384

Dear Mr. Struck:

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with Water Right No. 4663-3. The water right is currently listed in the name of Rebecca Struck.

Please complete the top portion of the form and then sign it in the presence of a notary public. Upon completion, please return the form to our office with a required filing fee of \$2.50.

I am including your 1996 irrigation questionnaires with this letter. Please complete the forms and return them as soon as possible. If you have any questions concerning completion of the transfer form or the questionnaires, please contact me

Sincerely,

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

encl

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 4663-3

Date: 2-24-97

I/We request that Water Right No. 4663-3

formerly owned by: Rebecca Struck

be transferred to: (name & address) D.K.S. Duane Struck Pres.
Box 92 B Wobey, S.D. 57384 Telephone No. 605-883-4161

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

S½ NW¼, S½ NE¼ and the S½ Section 11, T11N, R64W

I/We understand that the validity of Water Right No. 4663-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Beadle)

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

Duane Struck Pres.
(Signed)

Subscribed and sworn to before me this 24th day of Feb, 19 97.

Kirk Carr
(Notary Public)
KIRK CARR, NOTARY PUBLIC
MY COMMISSION EXPIRES NOV. 1, 2004

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 27, 1997

4663-3

D X S

Duane Struck, President
RR 2 Box 92B
Wolsey, SD 57384

Dear Mr. Struck:

I am writing to acknowledge receipt of the 1996 irrigation questionnaire. You may disregard the February 4, 1997, Notice of Violation of Water Permit No. 4663-3, originally directed to Rebecca Struck. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

We also received Notice of Transfer of Ownership form you submitted along with the questionnaire. The form was completed properly, however it can not be processed without a required filing fee of \$2.50. Once the fee is received, Water Right No. 4663-3 will be transferred from Rebecca Struck to DXS.

Please remit the \$2.50 filing fee as soon as possible. If you have any questions, please contact me.

Sincerely,

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

RECEIPT

Division of Water Rights
South Dakota Department of Environment and Natural Resources

415266

Pierre, _____ March 10, 19 97

RECEIVED OF DXS, Inc., Duane Struck, President, RR 2, Box 92b, Walsey, SD 57384
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 4663-3</u>		50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)		
Total		50

By *John H. Hatcher*
Chief Engineer

4663-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 21, 1997

No. 4663-3

D.X.S.
Duane Struck, President
RR 2, Box 92B
Wolsey, SD 57384

Dear Mr. Struck:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 4663-3.

Our records now show you as the owner of Water Right No. 4663-3.

Sincerely,

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

enclosure

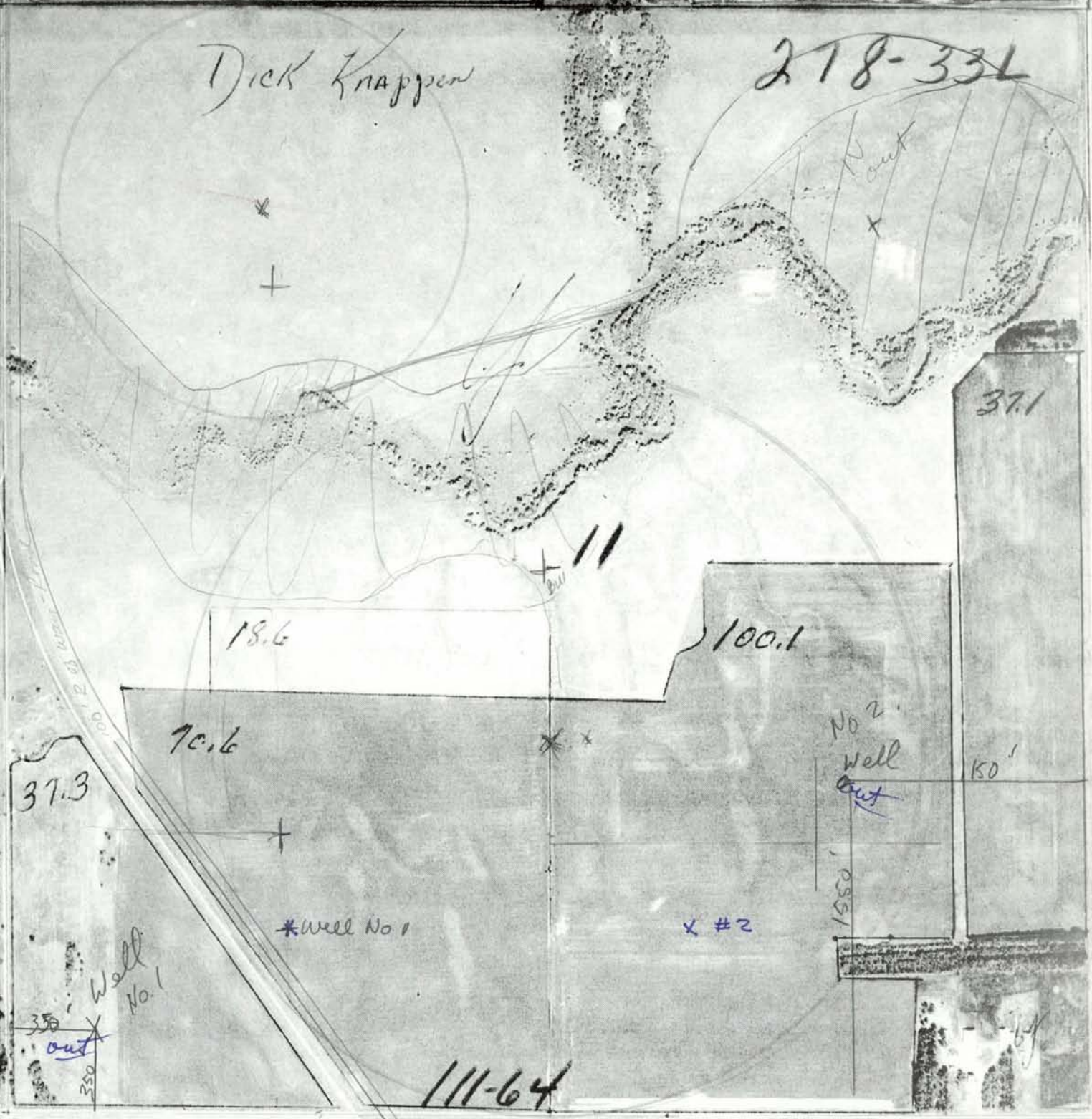
NOT TO SCALE

11-64

Werner Hauck, Inc.

Dick Knappen

278-331



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

Map# 3838-3 Appl 4663-3

NOT TO SCALE

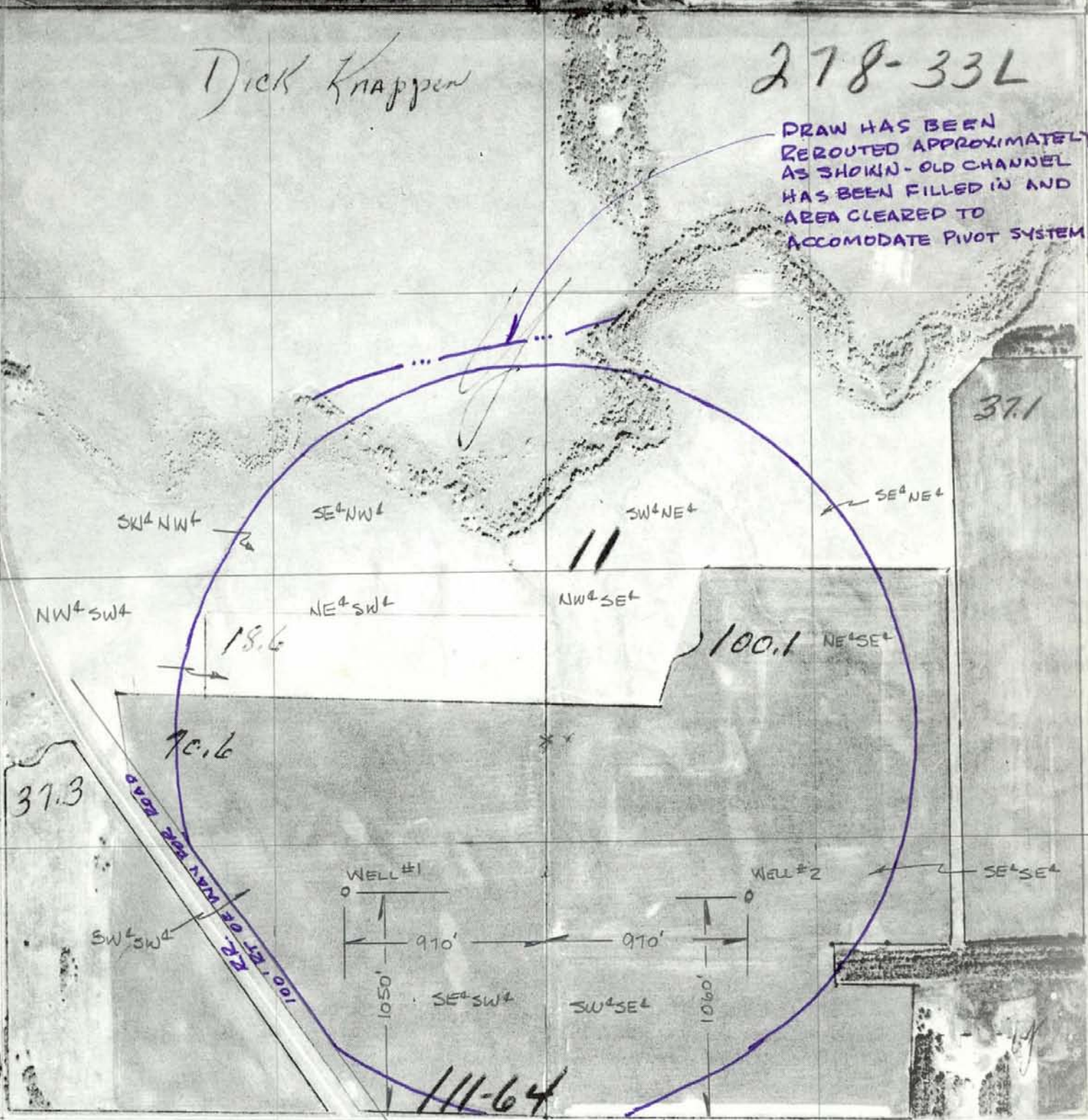
11-64

Wesley Houch, Inc.

Dick Knappen

278-33L

DRAW HAS BEEN
REROUTED APPROXIMATELY
AS SHOWN - OLD CHANNEL
HAS BEEN FILLED IN AND
AREA CLEARED TO
ACCOMMODATE PIVOT SYSTEM.



NOT TO SCALE

111-64

Werner Truck, Inc.

T-2849

David Strick

278-33L

315.2

11

Brook
1981-

Well #1

2400'

Well #2

1950'

1200'

82
38.7

111-64

James L. Wendt
N.R. Engineer
8-16-88

Water License
No. 4663-3