

1. Considered May 1 1981
 2. Name of Applicant HENRY & JAMES MUHLENKORT
 3. Post Office Address Rt. 1, Box 78, BERESFORD 57004
 4. Amount of Water Claimed 1.14
 5. Source of Water Supply 55' WELL
 6. Water to be used for IRR
 7. Acres to be irrigated 80 maximum acre feet
 8. Water to be diverted and used in UNION County
about 3E, 5 miles SOUTH of BERESFORD
 9. PROOF OF PUBLICATION Received (initials) 4-27-81
Not Received _____
- APPLICATION Approved _____
Subject to _____
Not Approved _____
Action deferred _____

Priority _____ Date Received 9-15-80 Application Complete yes _____ no _____ FEE 225.00

Remarks Bring Permit 2507-3 into Compliance

Date information and/or fee or corrected Application received _____
Period of Annual use JUNE - AUGUST

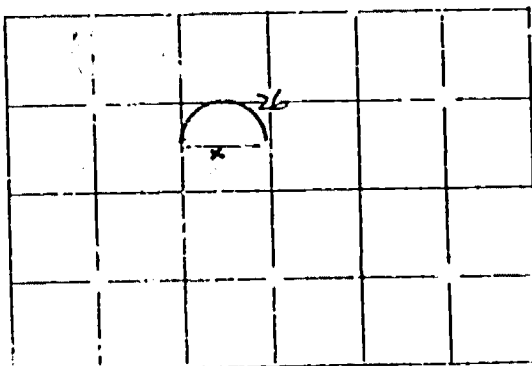
WATER
QUALITY

Received yes 4/10/81 no _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application yes _____ no _____ Remarks _____

Disapproved _____

Returned _____



Diversion Point _____

SW⁴ SW⁴ 26-T95N-R50W
(Existing)

Lands to be Irrigated _____

N¹/₂ SW⁴ 21-95-50
add add'l acreage on
existing permit

WELL
LOG

Remarks _____

Driller Empire Drilling Licensed (yes) no _____

Depth 55' deep

Water Right No. _____

MAP

Map No. 142i-3 Map located in Water Right X Map file _____

Type of Map Aerials Prepared by SES

+++++

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 5-1-81

[Signature]
(Signed)

+++++

PROTESTS

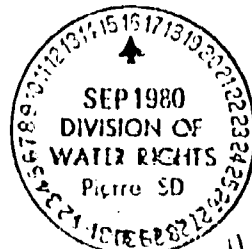
Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS
F.F. & C
OF LAW,
FINAL
DECISIONS
ETC.

Date _____
Final Decision, including F.F. & C of Law were adopted _____
Date _____
Final Decision mailed to parties and/or parties notified that Final Decision was adopted _____

Remarks _____

SEE 1421-3
 Map No. ~~2007-3~~ Water Division No. 3 Big Sioux River District
 No. 4685-3
 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 ^{*} on existing Permit No. 2007-3

1. Name of Applicant Henry and James Muhlenkort Phone No. 957-4269
 Post Office Address Rt 1, Box 78, Beresford State South Dakota 57004
 (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 Muhlenkort Irrigator Well4. Amount of water claimed (cubic feet per second) 1.145. Source of water supply groundwater6. Location of point of diversion 1320 feet north and 100 feet east of the SW corner,
Section 26, T95N, R50WCounty Union7. Annual period or periods during which water is to be used June - August8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 80

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>N$\frac{1}{2}$ SW$\frac{1}{4}$ 26, 95N, R50W</u>	<u>80</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system completed years. Additional time required to complete application of water to the proposed beneficial use completed years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water LEADER-COURIER
Elk Point SD

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.

pump

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, _____ 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 Henry and James MuhlenkortSubscribed and sworn to before me this 16th day of September, 19 80.

James W. Williams
 Notary Public (or other qualified officer)
 Administrative Secretary

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4685-3

JAMES & HENRY MUHLENKORT RT 1, Box 78, BERESFORD
(Applicant) (Post Office Address)
SOUTH DAKOTA 57004 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 SEPTEMBER 16, 1980
 Date of return to applicant for correction, amendments or changes required SEPTEMBER 16, 1980
 Date of receipt of corrected application APRIL 10, 1981
 Approved MAY 1, 1981, Recorded in Book 22 Page 130

WATER RIGHT PERMIT NO. 4685-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4685-3 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 APRIL 10, 1981
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~ 1981
3. The whole of said work is ~~to be~~ completed ~~on or before~~ 1981
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED 1981
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 1.14 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 THIS DATE, 1981; said water to be used during the following described annual period: JUNE THRU AUGUST

Witness my hand this 19TH day of MAY, 1981

THE WATER MANAGEMENT BOARD

By: John H. Hallett
 Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

2007-3

Location of well: _____ 1/4 _____ 1/4 _____ Section _____ Township _____ Range _____

Date well drilling completed 8/3/75 Purpose of well Irrigation
(domestic, irrigation, municipal, industrial, other)

[illegible]

Depth to top of water producing aquifer 23 ft.

Depth to static water level _____ ft.

Name of producing aquifer (if known) Gravel

Total depth of drill hole 0 65 ft.

Depth to bottom of casing 60.3 ft.

Casing Information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.

0-25 16" I.D. Fiberglass

Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.

25-65 16" ID Fiberglass

If a flowing well, flow of completed well _____ G.P.M.

Empire Irrigation Drilling
Name of Drilling Contractor Co. Inc.

PUMP INSTALLATION
Company name and size of pump Fairbanks-Morse HP 75

Type of pump Turbine Capacity of installed pump 800 G.P.M.
8/17/72

Depth of pump placement 40 ft., Date of pump installation 8/3/75

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____,
tube material _____.

Empire Irrigation Drilling Co. Inc.
Name of Pump Installation Contractor



12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter 36", Depth 70
- (2) Casing, Type Concrete Diameter 18" Thickness 2 1/2"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type slotted, Diameter 18", Length 30'
- (4) Gravel Pack Thickness 6 1/2", 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. (Please attach a copy to test well log if available.)

Character of Water bearing materials Pierre Sand

Depth to top of water bearing material 8'

Depth to bottom of water bearing material 70'

Thickness of water bearing material 62'

Depth to water (ground surface to water level) 8'

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

On same owner's property - ds. On property owned by others 70 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, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Leo M. Schubert
Signature of Applicant

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

OWNERS NAME: James and Henry Muckler OWNERS ADDRESS: RT 1 Box 78
Beersford S.D. 57004
COUNTY LAND LOCATED IN: Chadron PHONE: 957-4269
TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

4684-3

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: SW 1/4 Sec 21 T95N 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>N 1/2 SW 1/4 Sec 21 T95N R50W</u>	<u>80</u>		

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ (Specify) _____
5. CROPS TO BE IRRIGATED: corn beans 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: 81-231
8. SALINITY (EC X 10⁶): 1300
9. SODIUM (SAR): 0.69
10. ADJUSTED (SAR): 1.69 (1.18)

RECEIVED

APR 08 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 instruction sheet) were followed, and that the sample was taken at 11:30 a.m./p.m.; on Mar. 16, 1981, at the following location: SW 1/4 Sec 21 T95N 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 THIS
17th DAY OF March, 1981.
Karen J. Kurn
(NOTARY PUBLIC)

Henry M. Muckler
APPLICANT'S SIGNATURE

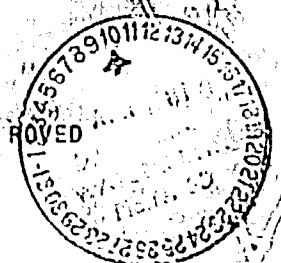
Jack H. Lofell
Director, Division of Conservation

APPROVED

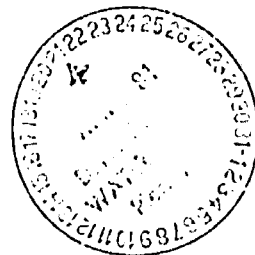
DISAPPROVED

☒ 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.



SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION



SOIL RESTRICTIONS:

Ca - Calco silty Loam

These soils are indicated by red hatch marks.

RECOMMENDED MANAGEMENT:

No. 4685-3

Publish first publication, on or before April 16, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 10, 1981

Notice is hereby given that Henry & James Muhlentort whose post office

address is Eurasford, 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 1.14 cubic feet of water per second of time from groundwater

(1 existing well) through the Muhlentort Irrigation Well, the point(s) of diversion of which is (~~XXXX~~) to be located in the SW 1/4 SW 1/4

of Section 26, Twp. 95N, Range 50W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

1 1/2 SW 1/4, Section 26, T95N, R50W, to add additional acreage on an existing permit.

This Application No. 4685-3 will be considered by the Water Management Board at Civil Defence Room, State Capitol Bldg, Pierre SD upon the 1st day of May, 1981

at 10 A. M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

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

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

WATER MANAGEMENT BOARD

cc: Henry & James Muhlentort
Rt #1, Box 78
Eurasford SD 57004

BETTY WESTLUND
Water Rights Specialist

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

No. 4685-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Union) ss.

I, Arthur E. Emerson hereby

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

Water was taken from the The Leader-Courier

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

City of Rock Point

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

Thursday, April 16, 1981
Thursday, April 23, 1981

Arthur E. Emerson
(Signature)

Rock Point
(Title)

April 23, 1981
(Date Signed)

Cost of Printing: 17.39

WNR-808-7/79
Proof of Publication

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501
April 10, 1981

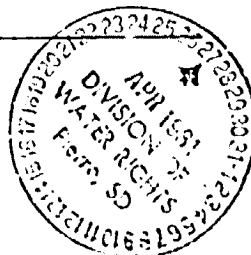
Notice is hereby given that Henry and James Muhlenkort whose post office address is Beresford, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 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 1.14 cubic feet of water per second of time from groundwater (1 existing well) through the Muhlenkort Irrigation Well, the point of diversion of which is to be located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Twp. 95N, Range 50W. Said water to be used for the purpose of providing irrigation on portions of the following described land: N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 26, T95N, R50W, to add additional acreage on an existing permit.

This Application No. 4685-3 will be considered by the Water Management Board at Civil Defense Room, State Capitol Bldg., Pierre SD upon the 1st day of May, 1981 at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

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

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNRR, 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
Pub. April 16, 23. 4-23



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7692

PIERRE, September 16, 1920

RECEIVED OF Henry and James Muhlenkort, Rt. 1, Box 78, Beresford, SD 57004

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

Fee for Application for Permit to Appropriate Water No. 4685-5 (examination, processing, recording and filing) -----	225	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	225	00

WATER RIGHTS COMMISSION

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

May 20, 1961

James C Henry Muhlenkort
Rt #1. Box 78
Beresford SD 57004

Dear Sirs:

Enclosed herewith is your Water Right Permit No. 4685-3 as approved by the Water Management Board authorizing you to construct your water diversion system and apply water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 4685-3.

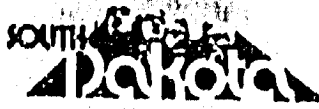
We will endeavor to schedule an inspection of your project as soon as possible. However, because of prior work commitments there may be a considerable interval of time.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division.

JH:kw

enclosure



Department of Water & Natural Resources

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

April 14, 1987

Merle Miller, Trustee
Union County Land Trust
3317 South West Ave
Sioux Falls SD 57105

Dear Mr. Miller:

Enclosed are copies of Notice of Transfer of Water Permit forms. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 each (\$15.00 total).

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

Please advise if you have any questions.

Sincerely,

GENNY MCMATH
Natural Resources Analyst

enclosures

4680 3

DATE MICROFILMED

CAMERA OPERATOR

NO. 4685-3



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 4-15-87

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

80 acres - N 1/2 SW 1/4 Section 26, T94N, R50W

formerly owned by James & Henry Mühlenkort

has been transferred to Union County Land Trust, 3317 So. West Ave
Sioux Falls, S.D. 57105
(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4685-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of Minnehaha) ss.

I, Merle W. Miller - Trustee being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

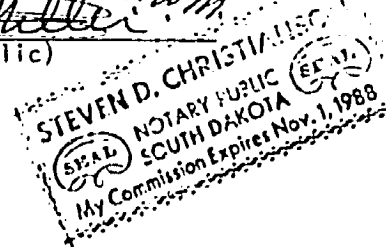
Merle W. Miller, Trustee
(Signed)

Subscribed and sworn to before me this 1st Day of May, 1987.

Steven D. Christia

Merle W. Miller
(Notary Public)

Commission Expires 9-10-93



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____ May 11 _____, 19 37

RECEIVED OF Merla W. Miller, Trustee, Union County Land Trust, 3317 South West Avenue
the following amount in fees for services rendered as provided for by law: Sioux Falls, SD 57105

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>4685-3</u>	2	50
Fee for Filing Extension Request: _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by L.R.W)		
Total	2	50

By John Hatch
Chief Engineer JOHN HATCH Eng.



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

May 12, 1987

Merle W. Miller, Trustee
Union County Land Trust
3317 South West Avenue
Sioux Falls, South Dakota 57105

Dear Mr. Miller:

Enclosed are receipt Nos. 410876, 410877, 410878, 410879, 410880 and 410881 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 605-3, 2007-3, 2193-3, 2194-3, 4685-3 and 4684-3.

Our records now show Union County Land Trust as owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

4685-3

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

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

March 23, 1987

HENRY MUELENKORT
RR #1 BOX 78
BERKESTORD, SD 57064

NOTICE

Re: Violation of Water Permit(s). 4685-3, 4684-3 and 1986
Irrigation
Questionnaire Requirements.

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 4685-3, 4684-3. The request for the questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4685-3, 4684-3 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). 605-3, 2193-3, and 2194-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

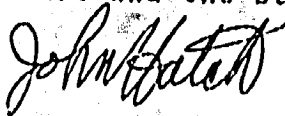
The hearing(s) will be at 2:00 pm, May 6, 1987, in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

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

1. Suspend Permit No(s). 4685-3, 4684-3 until either the 1986 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s). 605-3, 2193-3, and 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

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



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

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



Department of Water & Natural Resources

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

May 5, 1987

605-3	2007-3
2193-3	2194-3
4684-3	4685-3

Merle Miller
Union County Land Trust
3317 S West Ave
Sioux Falls, SD 57105

Dear :

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to James, Henry, & Leo Muhlenkort March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 605-3, 2007-3, 2193-3, 2194-3, 4684-3 and 4685-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

The notice dated March 23, 1987 can be disregarded. These permit numbers have been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

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

 **Department of
Water & Natural Resources**

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

February 8, 1989

MERLE MILLER
UNION COUNTY LAND TRUST
3317 SO WEST AV
SIOUX FALLS, SD 57105

NOTICE

RE: Violation of Water Permit No(s). 4684-3, 4685-3 and 1988 Irrigation Questionnaire Requirements

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 4684-3, 4685-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board has directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4684-3, 4685-3 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. 605-3, 2007-3, 2193-3, 2194-3 should be amended with the qualification to require the Questionnaire to be submitted each year. The hearing will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

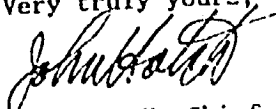
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 4684-3, 4685-3 until the 1988 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Amend Permit No(s). 605-3, 2007-3, 2193-3, 2194-3 also held by UNION COUNTY LAND TRUST to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

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

If the questionnaire is received in this office before the March 1st hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,


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

March 6, 1989

605-3	2194-3
2007-3	4684-3
2193-3	4685-3

Merle Miller
Union County Land Trust
3217 So West Ave
Sioux Falls, SD 57105

Dear Mr. Miller:

I am writing to acknowledge receipt of your 1988 irrigation questionnaires for Water Permit Nos. 605-3, 2007-3, 2193-3, 2194-3, 4684-3 and 4685-3. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. Your questionnaires were received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division



DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES

February 1, 1991

UNION COUNTY LAND TRUST
3317 SO WEST AV
SIOUX FALLS SD 57105

NOTICE

RE: Violation of Water Permit No(s) 605-3, 2007-3, 2193-3, 2194-3, 4684-3, 4685-3 and 1990 Irrigation Questionnaire Requirements

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 605-3, 2007-3, 2193-3, 2194-3, 4684-3, 4685-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 4684-3, 4685-3 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) 605-3, 2007-3, 2193-3, 2194-3 should be amended with the qualification to require the Questionnaire to be submitted each year. The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 100 West Sioux Avenue, Pierre SD.

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

1. Suspend Permit No(s) 4684-3, 4685-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Amend Permit No(s) 605-3, 2007-3, 2193-3, 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

Very truly yours,

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



Department of Water & Natural Resources

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

March 5, 1991

Merle Miller
Union County Land Trust
3317 So. West Avenue
Sioux Falls, SD 57105

RE: Receipt of Irrigation Questionnaires for Water Permit Nos.
605-3, 2007-3, 2193-3, 2194-3, 4684-3 and 4685-3

Dear Mr. Miller:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Permit Nos. 605-3, 2007-3, 2193-3, 2194-3, 4684-3 and 4685-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Duvall". The signature is written in a cursive, flowing style.

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

4685-3



January 29, 1993

NOTICE

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

TO: UNION COUNTY LAND TRUST
3317 SO WEST AV
SIOUX FALLS SD 57105

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

RE: Violation of Water Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3, (4685-3) and 1992
Irrigation Questionnaire Requirements

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3, 4685-3. The request for the Questionnaires 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 be to determine if Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4685-3 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, at 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) 4685-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

4685-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 1993

Union County Land Trust
3317 S West Avenue
Sioux Falls, SD 57105

RE: Water Permit Nos. 605-3, 2007-3, 2193-3, 2194-3 & 4685-3

Dear Sirs:

I am writing to acknowledge receipt your 1992 irrigation questionnaires. You may disregard the January 29, 1993, Notice of Violation of the Requirement to Submit the 1992 Irrigation Questionnaires.

The questionnaires were received prior to the Water Management Board meeting, and your name was deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352



4685-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

UNION COUNTY LAND TRUST
MERLE MILLER
3801 S WESTERN
SIOUX FALLS SD 57105 6510

NOTICE

RE: Violation of Water Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3, 4685-3 and 1994 Irrigation Questionnaire Requirements

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3, 4685-3. The request for the Questionnaires was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4685-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 4685-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

Very truly yours,

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



4685-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 28, 1995

Merle Miller
Union County Land Trust
3801 S Western
Sioux Falls, SD 57105-6510

RE: Water Permit Nos. 605-3, 2007-3, 2193-3, 2194-3 and 4685-3

Dear Mr. Miller:

I am writing to acknowledge receipt of your 1994 irrigation questionnaires. You may disregard the February 7, 1995, **Notice of Violation of Water Permit and of the Requirement to Submit the 1994 Irrigation Questionnaires.**

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

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 30, 1996

NOTICE

TO: UNION COUNTY LAND TRUST, MERLE MILLER, 3801 S WESTERN, SIOUX FALLS, SD
57105 6510

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

SUBJECT: Violation of Water Permit No(s) 4685-3, 605-3, 2007-3, 2193-3 & 2194-3 and 1995 Irrigation Questionnaire Requirements

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 4685-3, 605-3, 2007-3, 2193-3 & 2194-3. The request for the Questionnaires was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4685-3 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 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) 4685-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 1, 1996, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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

Is your RETURN ADDRESS indicated 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.

3. Article Addressed to:

UNION COUNTY LAND TRUST
MERLE MILLER
3801 S WESTERN
SIOUX FALLS SD 57105-6510

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

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

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

Consult postmaster for fees.

4a. Article Number

2 348 518 814

4b. Service Type

☐ Registered

☐ Express Mail

☐ Return Receipt for Merchandise

☒ Certified

☐ Insured

☐ COD

7. Date of Delivery

2/1/96

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

Domestic Return Receipt



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 1, 1996

Merle Miller
Union County Land Trust
3801 S Western
Sioux Falls, SD 57105-6510

RE: Irrigation Questionnaires for Water Permit Nos. 605-3, 2007-3, 2193-3, 2194-3 and 4685-3

Dear Mr. Miller:

I am writing to acknowledge receipt of your 1995 irrigation questionnaires. You may disregard the January 30, 1996, Notice of Violation of Water Permits and Violation of the requirements to submit the 1995 irrigation questionnaires.

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

If you have any questions, please contact me.

Sincerely,

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

4685-3

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4685-3

(1) Henry and James Muhlenkort, Beresford SD 57004 made Application No. 4685-3, September 16, 1980 for a water permit to divert 1.14 cubic feet of water per second from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 4685-3, with a priority date of April 10, 1981 was approved May 1, 1981 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Transfers filed with Permit Nos. 2007-3 and 4685-3 are as follows:

- 1) May 4, 1987, transferred from Muhlenkort to Union County Land Trust; and
- 2) September 17, 1996 Water Permit Nos. 2007-3 and 4685-3 were transferred from Union County Land Trust to Allen Andrews.

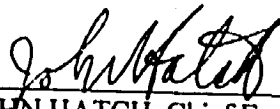
Water Permit No. 2007-3 authorizes irrigation of the S 1/2 SW 1/4 Section 26 with a priority date of August 20, 1973. Water Permit No. 4685-3 authorizes irrigation of the N1/2 SW 1/4 Section 26 (from the well authorized under 2007-3) with a priority date of April 10, 1981. The applicable portions of Water Permit No. 2007-3 have been incorporated into this Water License No. 4685-3.

(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 1.77 cubic feet of water per second for beneficial use. The location of the diversion point is 500 feet east and 1,250 feet north from the southwest corner of Section 26-T95N-R50W (SW 1/4 SW 1/4).

(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 26-T95N-R50W	NW 1/4 SW 1/4	34 acres
	NE 1/4 SW 1/4	34 acres
	SW 1/4 SW 1/4	34 acres
	SE 1/4 SW 1/4	34 acres
Total		136 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Allen Andrews, RR 1 Box 63, Beresford SD 57004 the holder and/or owner of Incorporated Water Permit No. 4685-3 is issued a license to appropriate water, the right to use 1.77 cubic feet of water per second from groundwater (one well) with priority dates of August 20, 1973 (68 acres) and April 10, 1981 (68 acres) 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 Incorporated Water Permit No. 4685-3 and subject to South Dakota State Law.


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

OCT 1 1996
date





July 24, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Allen Andrews
RR 1 Box 63
Beresford, SD 57004

2007-3
4685-3

Dear Mr. Andrews:

Enclosed are two partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with Water Permit Nos. 2007-3 and 4685-3. The water permits are currently listed in the name of Union County Land Trust. Barry McLaury, with our office, stopped and visited with you about the permits on a recent field investigation trip.

Please review the forms and make any necessary changes. Upon completion, please sign the forms in the presence of a notary and return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

If you have any questions concerning the water permits or completion of the transfer forms, please contact me.

Sincerely,

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

enclosures

REPORT ON INSPECTION OF PERMIT NOS. 2007-3 & 4685-3

Other permit(s) associated with the project: None

DATE OF INSPECTION: July 16, 1996

NAME OF INSPECTION CONTACT: Allen Andrews

NAME & ADDRESS OF PERMIT HOLDER: Allen Andrews, RR1 Box 63, Beresford, SD 57004

DIVERSION POINT LEGAL LOCATION: 500 feet E and 1250 feet N from the SW corner of Section 26; T95N R50W (SW1/4 SW1/4).

WELL INFORMATION:

- 1) Well Drilling Firm: Empire Irrigation Drilling Company, Inc.
- 2) No. of Wells 1
- 3) Depth(s) 65 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 16" inches
- 2) Length 25 feet
- 3) Type Fiberglass

Motor:

- 1) Make US Motors
- 2) Model No. 2
- 3) Horsepower rating 75 HP

Screen:

- 1) Type Fiberglass
- 2) Length 40 feet
- 3) Static water level 25 feet

Pump:

- 1) Make Fairbanks - Morris
- 2) Model No. 2
- 3) Capacity 800 GPM

DISTRIBUTION LINES OR CANALS:

- 1) Type Steel
- 2) Size 10 inches
- 3) Length 820 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Lockwood
- 2) Overall length 1320 feet
- 3) Number of towers 10
- 4) End gun Y
- 5) High or low pressure High
- 6) Capacity 800 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate Y/N

PERMIT QUALIFICATIONS AND REGULATIONS:

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

Permit Nos. 2007-3 & 4685-3
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 Leo Muhlenkort (2007-3) and James & Henry Muhlenkort (4685-3) of RR1 Box 63, Beresford, SD 57004 and RR1 Box 78, Beresford, SD 57004 holders of Permit Nos. 2007-3 and 4685-3, bearing the priorities of August 20, 1973 (2007-3) and April 10, 1981 (4685-3) authorizing the diversions of 1.14 and 1.14 cu. ft. of water per second from ground water for irrigation purposes, in Union County.

NOTE:

On September 17, 1996, Water Permit Nos. 2007-3 and 4685-3 were transferred from Union County Land Trust to Allen Andrews. The two permits will be incorporated upon licensing.

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

- A. Works used to divert the water:
A 75 HP US Motors electric motor with an 800 GPM Fairbanks - Morris pump.
- B. Works used to transport water to place of use:
820 feet of 10" steel pipe from the well head to the center pivot.
- C. Works used to apply water to beneficial use:
A 10 tower Lockwood center pivot.

The system is in the following condition good. The point of diversion is located 500 feet E and 1250 feet N from the SW corner of Section 26; T95N R50W (SW1/4 SW1/4). 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:

T95N R50W	Section 26	NW1/4 SW1/4	34 acres
		NE1/4 SW1/4	34 acres
		SW1/4 SW1/4	34 acres
		SE1/4 SW1/4	34 acres

comprising a total of 136 acres of land and the license should be issued for 1.77 cfs.
 Applicable permit qualifications have been complied with: Yes **X** No

Exceptions to compliance are: None Date Report Completed: September 12, 1996


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

No. 4685-3

Date: 9-16-96

formerly owned by: Union County Land Trust

be transferred to: (name & address) Allen Andrews, RR 1 Box 63, Beresford, SD 57004

Telephone No. (605) 253-2213

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

SW¼ Section 26, T95N, R50W

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 Union)

I/We Allen Andrews 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.

x Allen Andrews
(Signed)

Subscribed and sworn to before me this 16th day of September, 1996

Catherine Maustal
(Notary Public) 2899

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

September 18, 1996

Permit No. 4685-3

Allen Andrews
RR 1, Box 63
Beresford, SD 57004

Dear Mr. Andrews:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 2007-3 and 4685-3, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 2007-3 will be incorporated into 4685-3.

Statutes require that we charge a \$50.00 fee for the inspection 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

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 1 1996

4685-3

Allen Andrews
RR 1, Box 63
Beresford, SD 57004

Dear Mr. Andrews:

Enclosed is Water License No. 4685-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 415105, 415106 and 415114 in the amount of \$2.50 and \$50.00 which you paid for the transfer of ownership and 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. 4685-3, 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

NOTE: The applicable portions of Water Permit No. 2007-3 have been incorporated into this Water License No. 4685-3.

RECEIPT

Division of Water Rights

415105

South Dakota Department of Environment and Natural Resources

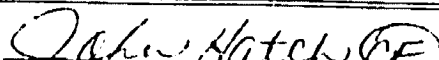
Pierre, _____ September 17, 19 96

RECEIVED OF Allen Andrews, RR 1, Box 63, Bereaford, SD 57004

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 Permit No. 2007-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch 
Chief Engineer

RECEIPT

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

415106

Pierre, _____ September 17, 19 96

RECEIVED OF Allen Andrews, RR 1, Box 63, Beresford, SD 57004
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ and to put water to beneficial use _____	to Appropriate Water, to construct	
Fee for Application for Permit No. _____ Use _____	to Appropriate Water, for Future	
Fee to retain Future Use Permit No. _____	after period of seven years.	
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Permit No. 4685-3</u>		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)		
Total		2 50

By John Hatch
Chief Engineer

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

4685-3
415114

Pierre, _____ September 24, 19 96

RECEIVED OF Allen Andrews, Rt 1, Box 63, Beresford, SD 57004-9733

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

Fee for Application for Permit No. _____ and to put water to beneficial use _____	to Appropriate Water, to construct		
Fee for Application for Permit No. _____ Use _____	to Appropriate Water, for Future		
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. <u>4685-3</u>			
Fee for Filing Transfer Form _____		50	00
Fee for Filing Extension Request _____			
Fee for _____			

(Any Other Work Provided by Law)			
Total		50	00

By John Hatch
Chief Engineer

NOT TO SCALE

4685-3



NOT TO SCALE

