

166

Considered MAY 1 19 81

2. Name of Applicant DAVID A. WITTE

3. Post Office Address 1523 SI 2ND AVE. SIOUX FALLS 57105

4. Amount of Water Claimed 1.7

5. Source of Water Supply 50' DEEP WELL

6. Water to be used for IRR

7. Acres to be irrigated 127 maximum acre feet

8. Water to be diverted and used in BROOKINGS County about 1/2 mile EAST of ELKTON

9. PROOF OF PUBLICATION Received 4-23-81
Not Received _____

APPLICATION Approved 5-1-81
Subject to WI-18
Not Approved _____
Action deferred _____

Priority _____ Date Received 4/9/81 Application Complete yes no _____ FEE 2.50⁰⁰

Remarks Visiter called Mr. Witte re. a preliminary review 4/23/81

Date information and/or fee or corrected Application received 4/13/81
Period of Annual use _____

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

4/15/81 WI-1 Description same as application yes no _____ Remarks WI-1 description was wrong and WI-1 is approved it is being taken out with SEC, letter in file.

Disapproved _____ Returned _____

Diversion Point SE⁴ NW⁴ 27-109-47

Lands to be irrigated E^{1/2} NW⁴ and W^{1/2} NE⁴
27-109-47

WELL LOG

Remarks _____

Driller Lacey Licensed yes no _____

Depth 50' deep

Water Right No. _____

MAP

Map No. 3936-3 Map located in Water Right ✓ Map file _____

Type of Map Aerial Prepared by D. Pahl

Ext Dr. Spec.

+++++

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 4-10-81

Billy W. ...
(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. 4726-3Map No. 3936-3 Water Division No. 3 BIG SIOUX District
Above for Office Use 10170203

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

Check one of the following:

New X Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

Home 338-8055

250

1. Name of Applicant DAVID A. WITTE Phone No. 338-6551
 Post Office Address 1522 S. 2ND AVE SIOUX FALLS State SOUTH DAKOTA Zip Code 57105
 (Street, RR, or Box) (Town)

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 WITTE IRRIGATION WELL4. Amount of water claimed (cubic feet per second) 1.75. Source of water supply UNDERGROUND WATER

6. Location of point of diversion FROM THE S.E. CORNER OF THE NW 1/4
SEC 27-109-47, 1320 FT NORTH, THENCE 273 FT WEST

County BROOKINGS7. Annual period or periods during which water is to be used JUNE, JULY, AUGUST8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) IRRIGATION9. For irrigation use, Total number of acres to be irrigated 127

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

Land Description	No. Acres Irr.
<u>NE 1/4 NW 1/4 27-109-47</u>	<u>40</u>
<u>SE 1/4 NW 1/4 27-109-47</u>	<u>40</u>
<u>NW 1/4 NE 1/4 27-109-47</u>	<u>23</u>
<u>SW 1/4 NE 1/4 27-109-47</u>	<u>24</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 MONTHS years. Additional time required
 to complete application of water to the proposed beneficial use 2 MONTHS years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water BROOKINGS REGISTER

12. Principal Features of the Proposed Water Supply System

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

WELL AND LINE SHAFT TURBINE PUMP

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

8" ALUMINUM AND PLASTIC PIPE

C. Works proposed to apply water to beneficial use.

CENTER PIVOT IRRIGATOREstimated Total Cost \$ 40,000 - 50,000

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 _____) ss.

I, DAVID A. WITTE 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 David A. WitteSubscribed and sworn to before me this 29 day of March, 1981.

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4726-3

DAVID A. WITTE

(Applicant)

1523

S. 2ND AVE. SIOUX FALLS

(Post Office Address)

SOUTH DAKOTA 57105

(State)

With the following qualifications

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

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

Date of first receipt of application April 9, 19 81
 Date of return to applicant for correction, amendments or changes required , 19
 Date of receipt of corrected application April 10, 19 81
 Approved May 1, 19 81, Recorded in Book 22 Page 166

WATER RIGHT PERMIT NO. 4726-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4726-3 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 9, 19 81
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before June 1, 19 81
3. The whole of said work is to be completed on or before July 1, 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is September 1, 19 81
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 1.7 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 September 1, 19 81; said water to be used during the following described annual period: June thru August

Witness my hand this 20th day of May, 19 81

THE WATER MANAGEMENT BOARD

By

John Hatch
 Chief Engineer Water Rights
 JOHN HATCH

Certificate of Construction Issued , 19

Water License Issued , 19

Well Owner: DAVE WHITE
Name
Address SIOUX FALLS S.D

Well Location:

Mark location with an "X"

W North

1 mile

County _____
 _____¹/₄ _____¹/₄ Sec. _____ Twp. _____ Rg. _____

Proposed Use:

☐ Domestic	☐ Municipal	☐ Test Holes
☒ Irrigation	☐ Industrial	☐ Stock

Method of Drilling: ☐ Forward Rotary ☒ Bored ☐ Jetted
☐ Reverse Rotary ☐ Cable ☐ Other

Well Construction:

Diameter of Hole 5"

Depth 54

Casing ☐ Steel ☒ Concrete

☐ Plastic ☐ Other

If other, specify NONE

Was casing end left open _____
 Was a well screen installed _____
 Describe Well Screen _____
 Diameter _____ Material _____
 Slot size _____
 Was well gravel packed _____
 Was well grouted _____
 Was water sample taken _____ *YES*

Remarks:

Water Level Information:
Static water level 15 below land surface
If flowing: closed in pressure _____ PSI
rate of flow _____ GPM
Controlled by:
☒ Valve ☒ Reducers ☒ Other
If other; specify _____

Well Test Data:

☐ Pumped _____

☐ Bailed Describe: _____

☐ Other _____

Pumping Level Below Land Surface				
ft. After		Hrs. pumped		GPM
_____	" "	_____	" "	_____
_____	" "	_____	" "	_____

Well Log:

[illegible]

(Use Back if Necessary)

Date Completed: 3-21-81

Driller: F. H. Lacey & Sons 111
Driller's or Firm's Name License NO.

PO 796 TRENT, S.D.
Address

Signed By James J. Leary Date 3-21-81

WELL DRILLERS REPORT
Division of Water Rights
Department of Water & Natural Resources

6/60

Water Level Information:
Static water level 16 below land surface
If flowing: closed in pressure PSI
rate of flow GPM
Controlled by:
☒ Valve ☐ Reducers ☒ Other
if other; specify

Well Test Data:

☒ Pumped

☒ Bailed Describe: _____

☒ Other _____

Pumping Level Below Land Surface
_____ ft. After _____ Hrs. pumped _____ GPM

_____"_____"_____"_____"_____"_____"

_____"_____"_____"_____"_____"_____"

Well Log:	Depth	
Formation	From	To
14501	0	2
YELLOW CLAY	2	30
BLUE CLAY	30	35
CLAY SAND	35	36
CLAY SAND	36	37
CLAY SAND	37	38
CLAY SAND	38	39
CLAY SAND	39	40
CLAY SAND	40	41
CLAY SAND	41	42
CLAY SAND	42	43
CLAY SAND	43	44
CLAY SAND	44	45
CLAY SAND	45	46
CLAY SAND	46	47
CLAY SAND	47	48
CLAY SAND	48	49
CLAY SAND	49	50
CLAY SAND	50	51
CLAY SAND	51	52
CLAY SAND	52	53
CLAY SAND	53	54
CLAY SAND	54	55
CLAY SAND	55	56
CLAY SAND	56	57
CLAY SAND	57	58
CLAY SAND	58	59
CLAY SAND	59	60
CLAY SAND	60	61
CLAY SAND	61	62
CLAY SAND	62	63
CLAY SAND	63	64
CLAY SAND	64	65
CLAY SAND	65	66
CLAY SAND	66	67
CLAY SAND	67	68
CLAY SAND	68	69
CLAY SAND	69	70
CLAY SAND	70	71
CLAY SAND	71	72
CLAY SAND	72	73
CLAY SAND	73	74
CLAY SAND	74	75
CLAY SAND	75	76
CLAY SAND	76	77
CLAY SAND	77	78
CLAY SAND	78	79
CLAY SAND	79	80
CLAY SAND	80	81
CLAY SAND	81	82
CLAY SAND	82	83
CLAY SAND	83	84
CLAY SAND	84	85
CLAY SAND	85	86
CLAY SAND	86	87
CLAY SAND	87	88
CLAY SAND	88	89
CLAY SAND	89	90
CLAY SAND	90	91
CLAY SAND	91	92
CLAY SAND	92	93
CLAY SAND	93	94
CLAY SAND	94	95
CLAY SAND	95	96
CLAY SAND	96	97
CLAY SAND	97	98
CLAY SAND	98	99
CLAY SAND	99	100

(Use Back If Necessary)

Well Construction:

Diameter, of Hole 5"

Depth 54

Casing ☒ Steel ☐ Concrete,
☐ Plastic ☐ Other
If other, specify none

Was casing end left open

Was a well screen installed

Describe Well Screen

Diameter Material

Slot size

Was well gravel packed

Was well grouted

Was water sample taken

Date Completed: 3-21-81

Driller: Ed H. Lacey & Sons 111
Driller's or Firm's Name License No.

PO 796 Trent, S. D.
Address

Samuel P. [Signature] 3-21-81
Signed By Date

Remarks :

DAVE- HERE'S AN ESTIMATE ON
A WELL UP ON THE 127 ACRES SE
OF ELKTON

3-21-81

Digging \$35 ⁰⁰	54' @ =	1890 ⁰⁰
14" CASING \$18 ⁰⁰	45' =	
10' x 14" H.Q. \$140 ⁰⁰	10' =	810 ⁰⁰
S.S. SCREEN		
PEAVOCK 250 ⁰⁰	(MUSCATINE IAVOCK)	1400 ⁰⁰
TEST pump 250 ⁰⁰		250 ⁰⁰
		250 ⁰⁰
	(+ TAX)	\$4600 ⁰⁰

THE WELL LOOKS LIKE 500-600 G.P.M.
ON THE GRAVEL AND IS CLOSE TO MIDDLE
OF FIELD

D Well Information

- (1) Drill Hole, Diameter 22", Depth 50 FT
- (2) Casing, Type STEEL (wood, concrete, steel, etc), Diameter 14", Thickness .255"
- (3) Screen, Type GALV. JOHNSON, Diameter 14", Length 10 FT - 15 FT
- (4) Gravel Pack, Thickness 3" TO 4", Length of gravel pack 20 FT

F 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 17 ± FT

Depth to bottom of water bearing material 50 FT

Depth to water (ground surface to water level) 17 ± FT

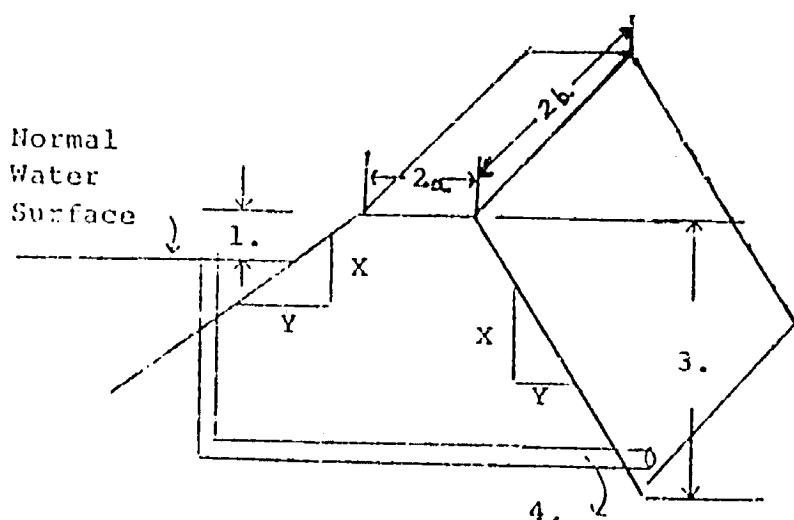
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property NONE rds.

On property owned by others 200 ± 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 _____
2. 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 _____

Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 ● Pierre, South Dakota 57501
Phone 605/773-3258

IRRIGATION PROGRAM: 773-3259

April 15, 1981

Mr. David Witte
1523 S. 2nd Avenue
Sioux Falls, South Dakota 57105

Dear Mr. Witte:

The legal description of lands to be irrigated on your soil/water compatibility (WI#1) application differs from the legal description listed on your water permit application.

The land listed on your WI#1 is the NW $\frac{1}{4}$ -Sec. 27-T109-R47

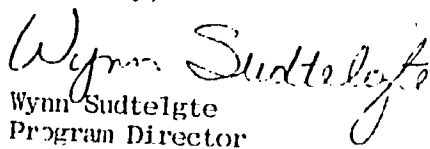
The lands listed on your water permit are: NE $\frac{1}{4}$ NW $\frac{1}{4}$ -Sec. 27--=10 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ -Sec. 27 =10 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ -Sec. 27 =23 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ -Sec. 24 =24 acres
all in T109-R47

It appears from the map submitted to Water Rights that the error was made on the legal description listed on the WI#1 form.

Since the soil type does not differ, we will amend your soil/water compatibility application to include the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 27-T109-R47.

If you have any questions, please contact this office.

Sincerely,


Wynn Sudtelgte
Program Director

WS:dt

cc: Div. of Water Rights
Corrected copy of WI#1

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: _____ OWNERS ADDRESS: _____

COUNTY LAND LOCATED IN: _____ PHONE: _____

TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

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

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

1. WELL LOCATION OR DIVERSION POINT: _____
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
NE 1/4 NW 1/4 Sec. 27, T109-R47	40	SW 1/4 NE 1/4 Sec. 27, T109-R47	24
NE 1/4 NW 1/4 Sec. 27, T109-R47	40		
SE 1/4 NW 1/4 Sec. 27, T109-R47	40		
NW 1/4 NE 1/4 Sec. 27, T109-R47	23		

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: _____ (Specify)
5. CROPS TO BE IRRIGATED: _____
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: _____
8. SALINITY (EC X 10⁶): _____
9. SODIUM (SAR): _____
10. ADJUSTED (SAR): _____

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 _____ a.m./p.m., on _____, 19____, at the following location: _____
by _____ (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I 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

DAY OF _____, 19____.

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE _____

Director, Division of Conservation

I M P O R T A N T

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.

APPROVED

DISAPPROVED

CONDITIONALLY APPROVED

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

4726-3

OWNERS NAME: DAVID A. JONES OWNERS ADDRESS: 1523 South Second Ave.
Sioux Falls, S.D. 57105

COUNTY LAND LOCATED IN: Brookings PHONE: _____

ADJUTANT'S NAME AND ADDRESS: (If Other Than Owner) _____

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

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

1. WELL LOCATION OR DIVERSION POINT: 1/2 NW Sec 27-103447 lots 1 & 2

2. SURFACE WATER SOURCE: N/A

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>E 1/2 NW 1 & W 1/2 NE 1</u>	<u>160</u>		
<u>called SEC Corrected - fur</u>			

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: XX GUN: _____ OTHER: _____ (Specify)

5. CROPS TO BE IRRIGATED: Corn and Soybeans

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: 81-273

8. SALINITY (EC X 10⁶): 4.30

9. SODIUM (SAR): 0.13

10. ADJUSTED (SAR): 0.30

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 4:00 a.m./p.m., on March 21, 1981, at the following location: 1/2 NW Sec 27-103447 lots 1 & 2 by David A. Jones (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

DAY OF March, 1981

(NOTARY PUBLIC)

IMPORTANT

APPLICANT'S SIGNATURE

Director, Division of Conservation

☒ APPROVED

☐ DISAPPROVED

☐ CONDITIONALLY APPROVED

Action by the Department of Agriculture for 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.

No. 4726-3

Publish first publication, on or before April 17, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 10, 1981

Notice is hereby given that David A Witts whose post office address is Sioux Falls, 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 1.7 cubic feet of water per second of time from groundwater (one well) through the Witts Irrigation Well, the point(s) of diversion of which is(are) to be located in the SE 1/4

of Section 27, Twp 10N, Range 47W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

W1/2, Section 27, T10N, R47W.

E 1/2 NW 4 & W 1/2 NE 4 Sec 27-T10N-R47W B.W.

This Application No. 4726-3 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, DVNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: David A Witts
1523 S 2nd Ave
Sioux Falls SD 57105

BETTY WESTLUND
Water Rights Specialist

WNR-806A-779 Notice of Intent to Appropriate Water
GROUNDWATER

Affidavit of Publication

State of South Dakota

55

County of Brookings

David A. Witte

of said county, being first duly sworn, on oath, says: That he is one of the editors of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that he has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year next prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed in the office maintained at said place of publication; and that the

Legal No. 225

April 17, 1981

a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit "A," and is made a part

of this affidavit, was published in said newspaper for

successive week...s, to-wit:

April 17, 1981

April 24, 1981

....., 19.....

....., 19.....

That the full amount of the fee charged for the publication of said Exhibit "A" inures to the sole benefit of the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Twenty-five dollars and seventy-five cents

Dollars

Subscribed and sworn to before me this 24th day of

April, 1981

Notary Public in and for the County of Brookings, South Dakota.

My Commission expires

September 6, 1982

Exhibit "A"

Legal No. 220, 2x, April 17, 24

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501

April 10, 1981

Notice is hereby given that David A. Witte whose post office address is Sioux Falls, 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, 46-6-8.1, 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 1.7 cubic feet of water per second of time from groundwater (cist well), through the Witte Irrigation Well, the point of diversion of which is to be located in the SE 1/4 NW 1/4 of Section 17, Twp. 109N, Range 47W. Said water to be used for the purpose of providing irrigation on portions of the following described land: E 1/2 NW 1/4 and W 1/2 NE 1/4, Section 27-109N-R47W.

This Application No. 4726-2 will be considered by the Water Management Board at the Civil Defense Room, State Capitol Building, Pierre, South Dakota 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 exercised 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, DWRH, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD
-s-Betty Westlund
BETTY WESTLUND
Water Rights Specialist

cc: David A. Witte
1523 S. 2nd Ave.
Sioux Falls, S.D. 57105

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8152

ELKTON ACRES

PIERRE,

April 13, 1931

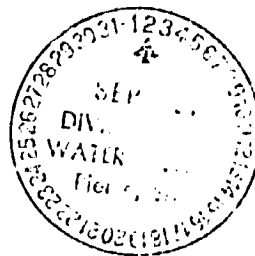
RECEIVED OF David A. Witte, 1523 S. 2nd Ave., Sioux Falls, SD 57105

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

Fee for Application for Permit to appropriate Water No. <u>4726-3</u> (examination, processing, recording and filing)	250	00
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	250	00

WATER RIGHTS COMMISSION

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

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

DAVID A. WHITE

P.O. Box 413

Post Office Pierre, S.D. 57501Date Sept 2, 1981

TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No.

4726-3.

Water Right Permit No. 4726-3 states that the diversion system is to be constructed by July 1, 1981, and that the water is put to beneficial use by July 1, 1981.

The diversion system was completed on July 1, 1981. Applying the water to beneficial use was completed on July 20, 1981.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

David A. White
(Signature)



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

4726-3
David A Witte
1523 S 2nd Ave
Sioux Falls SD 57101

Dear Sir:

Water Permit No. 4726-3 was approved with the qualification that the irrigation questionnaire be submitted each year. To date we have not received 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:k;

enclosure

3185-3
4726-3

 **Department of
Water & Natural Resources**

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

February 17, 1989

David A. Witte
1701 S. Spring Ave
Sioux Falls, SD 57105

Dear Mr. Witte:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

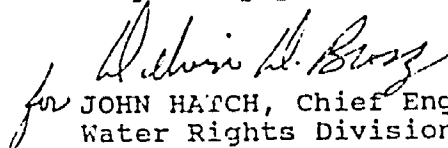


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,


for JOHN HATCH, Chief Engineer
Water Rights Division



Department of Water & Natural Resources

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

September 14, 1990

4726-3

David A Witte
3001 W 33rd St, Apt 205
Sioux Falls, SD 57105

Dear Mr. Witte:

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 No. 4726-3, has been completed. Your final water right document, the Water License, can now be issued.

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

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,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Natural Resources Analyst
(605) 773-3352

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

Permit No. 4726-3BIG SIOUX Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by DAVID A. WITTE 3001 W 33rd ST apt 1205 of SIOUX FALLS SD 57105 holder of Permit No. 4726-3, bearing the priority of APRIL 9 1981 authorizing the diversion of 1.7 cu. ft. per second of the waters of GROUND WATER for IRRIGATION purposes, in BROOKINGS County.

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

A. Works used to divert the water: AN 8" WESTERN LAND ROLLER PUMP WITH A 700 GPM CAPACITY POWERED BY A G.E. ELECTRIC MOTOR

B. Works used to transport water to place of use: 1300' OF 6" PUC PIPE

C. Works used to apply water to beneficial use: A 1000' VALLEY CENTER PIVOT WITH END GUN

The system is in the following condition GOOD

The point of diversion is located FROM THE NW CORNER OF SECTION 27-T109N-R47W
2400' EAST AND 2550' SOUTH

The works are capable of diverting and conveying to the place of use 1.56
cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows: ALL LANDS LOCATED INSECTION 27-T109N-R47W NE 1/4 NW 1/4 - 34acNW 1/4 NE 1/4 - 23acSW 1/4 NE 1/4 - 24acSE 1/4 NW 1/4 - 34accomprising a total of 115 acres of land and the license should be issued for 1.56 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are Date 8/19/90

Mark A. [Signature]
SPECIAL AGENT

LICENSE FOR PERMIT NUMBER 4726-3

1. Legal location of wells: FROM THE NW CORNER OF SECTION 27-T109N-R47W
2400' WEST & 2550' SOUTH
dams & structures: _____

2. Well Information: Well Drilling Firm GRANDSHAW

Completion Report Yes X No _____ No. of Wells 1 Depth 67'
Casing a) diameter 16" Screen a) type STAINLESS STEEL
b) length 57 b) length 10'
c) type PVC Static Water Level 18"
Pump a) make WESTERN LAND POWER Motor a) make GE
b) model _____ b) model No. 5K 6237X M SOLF
c) size 8" c) horsepower rating 40
d) capacity 700 gpm
e) turbine pump - no. of stages _____
f) operating PSI 40

3. Distribution lines or canals
a) size 6"
b) type PVC
c) length 1300'

4. Dam Information:
a) height to crest _____ m) Outlet tubes:
b) height to primary spillway _____ 1) diameter _____
c) height to secondary spillway _____ 2) type _____
d) crest width _____ 3) valved (Y/N) _____
e) crest length _____ 4) valve type _____
f) spillway length _____ 5) location on structure _____
g) spillway width _____
h) approx. storage _____ n) Category of Dam _____
i) approx. storage to crest _____
j) date constructed _____
k) inspection sheet completed (Y/N) _____
l) Name of Contractor _____

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 _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

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

d) center pivot

- 1) make VALLEY
- 2) number of towers 7
- 3) distance between towers _____
- 4) overall length 1000
- 5) end gun (Y/N) Y
- 6) high or low pressure LO
- 7) make & size of nozzles
RAINPIPER
- 8) capacity (GPM) 700

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
<u>X</u>	---	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>X</u>	---	2. Special qualifications to permit being abided by?
<u>X</u>	---	3. All structures, wells and lands on map?
---	<u>X</u>	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
---	<u>X</u>	5. Is chemigation used?
---	<u>NA</u>	6. If yes, does equipment comply with chemigation rules?

REMARKS: 1ST IRRIGATION QUESTIONNAIRE TURNED IN, 11/11/12

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4726-3

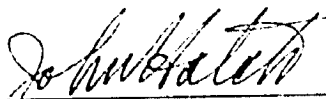
(1) David A. Witte of 3001 W. 33rd St., Apt 205, Sioux Falls SD 57105 made Application No. 4726-3, April 9, 1981 for a water permit to appropriate 1.70 cubic feet of water per second from groundwater (one well), Brookings County, South Dakota for irrigation purposes. Permit No. 4726-3 with a priority date of April 9, 1981 was approved May 1, 1981 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before July 1, 1981 and for the application to beneficial use of said water on or before September 1, 1981.

(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 1.56 cubic feet of water per second for beneficial use. The location of the diversion point is: 2400'E and 2350'S of the NW corner of Section 27, T109N, R47W (SE1/4 NW1/4).

(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:

T109N, R47W Section 27, NE1/4 NW1/4	34	acres
NW1/4 NE1/4	23	"
SW1/4 NE1/4	24	"
SE1/4 NW1/4	34	"
Total		115 acres

(4) Pursuant to Section 46-5-30.1 David A. Witte of 3001 W 33rd St., Apt #205, Sioux Falls SD 57105 the holder(s) and/or owner(s) of Water Permit No. 4726-3 is issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from groundwater (one well) with a priority date of April 9, 1981 from the location specified in (2) of this license. The water is 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. 4726-3 and subject to South Dakota State Law.

 DEC 19 1990
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources

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

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

DEC 19 1990

4726-3

David A. Witte
3001 W 33rd St. Apt #205
Sioux Falls SD 57105

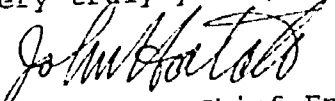
Dear Mr. Witte:

Enclosed is Water License No. 4726-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412387 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDC 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4726-3, 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

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

Pierre, _____, 19__

RECEIVED OF April White Company, Inc. and others
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. 47

Fee for Filing Transfer Form _____

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

By _____

Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 20, 1996

4726-3

James Smallfield
RR 2 Box 84
Elkton, SD 57026

Dear Mr. Smallfield:

I am contacting you in regard to the 1996 irrigation questionnaire for Water Right No. 4726-3, listed in the name of David Witte. The water right authorizes irrigation of 115 acres in the E $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 27, T109N, R47W.

Mr. Witte notified our office that you rented the land from him and would have the information needed for the questionnaire. Enclosed is a 1996 irrigation questionnaire for No. 4726-3. Please complete the questionnaire and return it to our office by January 10, 1997.

If you have already mailed the questionnaire to our office that Mr. Witte forwarded to you, please disregard this letter. We have had problems receiving mail this week due to the recent snowstorm. Thank you for your assistance and if you have any questions, please contact me.

Sincerely,

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

October 27, 2000

3185-3

4726-3

David A Witte
3001 W 33rd St Apt 205
Sioux Falls SD 57105-4286

Dear Mr. Witte:

Enclosed is a "Notice" dated October 20, 2000 concerning the 2000 irrigation questionnaire. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

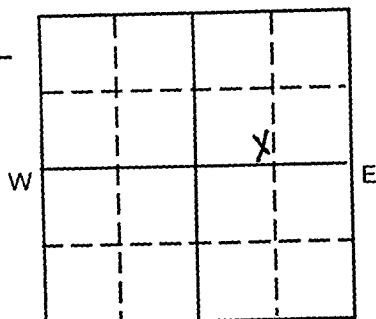
Location SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 27 Twp 109 Rg 47

County

Brookings

North

Please mark well location with an "X"



Well Completion Date

6/4/2004

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? ft. from In Pasture (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Reverse

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	51.0 FT	24.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Cement	50	Lb/gal	0.0 Ft	20.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Line

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 15.0 FeetMaterial Stainless SteelSlot Size .060 Set From 51.0 Feet to 66.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ NoIf so, what material? Gravel

Describe packer(s) and location

Gravel

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Pellets☐ No, Why Not?

Lab sample sent to for water quality analysis

Well Owner: David Witte

Business Name:

Address: 3001 W 33rd St. #205City, State, Zip: Sioux Falls SD 57105

WELL LOG:

DEPTH

FORMATION	FROM	TO
Yellow Clay	0	15
Gravel	15	40
Pearock w/ Gravel	40	60
Gravel	60	65
Pearock w/ Blue Clay	65	67

STATIC WATER LEVEL

18'

FEET

If flowing: closed in pressure

PSI

GPM flow through Inch pipeControlled by ☐ Valve ☐ Reducers ☐ OtherReduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

 Ft. After Hrs. pumped GPM Ft. After Hrs. pumped GPMIf pump installed, pump rate: GPM

REMARKS

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm: Pullman Well Drilling Inc.

Signature of License Representative:

Ken Palmer

RECEIVED

OCT - 1 2004

Signature of Well Owner or Equitable Property Holder WATER RIGHTS PROGRAM

Date:

9-29-04

10-4-04



4726-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

October 13, 2004

David Witte
3001 W 33rd St
#205
Sioux Falls SD 57105

Dear Mr. Witte:

I am writing in regard to a well driller's report filed by Pullman Well Drilling. The report shows a new well was completed for irrigation on June 4, 2004. A review of our files indicates that you hold Water Right No. 4726-3 for 700 gallons per minute (gpm) from one well, 67 feet deep located in the NE ¼ Section 27-T109N-R47W to irrigate 115 acres.

South Dakota Codified Law 46-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the Chief Engineer makes a finding that the change does not increase the potential for interference with existing diversions.

Mr. Witte, is this a replacement well or an additional well for the existing irrigation? If this is a replacement well or additional well, we will need to know if the well exceeds the peak diversion rate authorized by the permit.

If you have any questions, please contact Eric Gronlund or me. We will be happy to assist you in any way possible.

Sincerely,

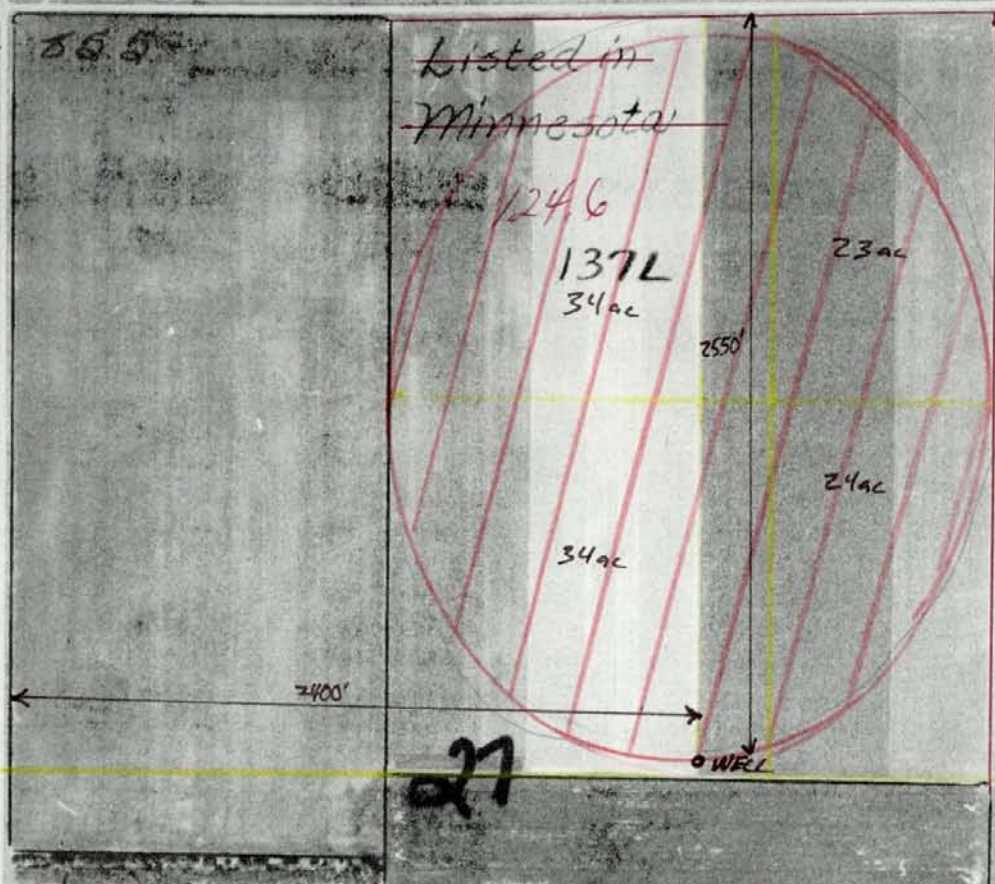
Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

*David Witte called 10/20/04
Replacement well
20' from existing well
using less than 700 gpm*

NOT TO SCALE

4726-3



181.3

W. D. RAH
NATURAL RESOURCES ENGINEER II
WATER RIGHTS DIVISION
10/12/90

109-47

3.0

18.6

19.8

24.4

137L No. 4726-3

9.3

83.5

4-56

NW $\frac{1}{4}$

Sec 27

109-47

gassed in
Chinle Sand

1321'

WELL

1097'

STATE LINE

123.4 27

57.9

D. D. Pahl
Ext. Dir. Spec

DAVID A. WITTE
1523 South Second Avenue
Sioux Falls, S. Dak. 57105

109-47

3.0

27.9

original

16.2

24.4

Map No. 3936-3 Appl: 4726-3

85.5

NW $\frac{1}{4}$
4-56 Sec 27 109-47

2018-08-01
D. B. Pahl
Well

STATE

123.4 27

57.9

D. B. Pahl
Ext. dir. Spec

109-47

3.0

27.9

Copy

16.2

24.4

~~App. No. 39263~~ Appl. 4726-3

4726-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

October 31, 2011

3185-3
4726-3

Mary D Engen
3504 Westmoore Dr
Moorhead MN 56560

Dear Ms. Engen:

Thank you for returning the 2011 irrigation questionnaires for Water Right Nos. 3185-3 & 4726-3 and for letting us know ownership changes have occurred.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Upon completion, please sign and return the forms to our office with a required filing fee of \$50.00 each (total of \$100.00). The check or money order for the fee can be made payable to the Water Rights Program.

In the event you do not have them, I am sending along copies of the water rights. You may keep them for your records. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4726-3

Date: 11/6/11

I/We request that Water Right No. 4726-3

formerly owned by: David A Witte

be transferred to: (name & address) Witte Ag Partnership # 3
3504 Westmar Drive, Moorhead, MN 56560
Telephone No. 701-866-1269

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

115 acres - E 1/2 NW 1/4 and W 1/2 NE 1/4 Section 27, T109N, R47W

I/We understand that the validity of Water Right No. 4726-3 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 Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Mary Engen, the new owner, certify that the above information is true and correct.
Mary Engen
(gen. partner)

Mary Engen
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/15, 20 11

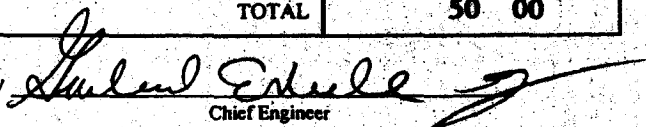
RECEIVED OF Witte Ag Partnership #3 LLP 3504 Westmoore Dr Moorhead MN 56560

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	50	00
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>4826-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **08067**

By


Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

November 16, 2011

3185-3
4726-3

Mary D Engen
Witte Ag Partnership
3504 Westmoor Dr
Moorhead MN 56560

Dear Ms. Engen:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 3185-3 & 4726-3.

The ownership changes have been completed. The water rights formerly held by David A Witte are now listed as follows:

- Water Right No. 3185-3: Witte Ag Partnership #1
- Water Right No. 4726-3: Witte Ag Partnership #3

Enclosed for your records are Receipt Nos. 05066 and 05067 in the amount of \$50.00 each. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4726-3

Date: 11/6/11

I/We request that Water Right No. 4726-3

formerly owned by: David A Witte

be transferred to: (name & address) Witte Ag Partnership # 3
3504 Westmar Drive, Moorhead, MN 56560
Telephone No. 701-866-1269

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

115 acres - E 1/2 NW 1/4 and W 1/2 NE 1/4 Section 27, T109N, R47W

I/We understand that the validity of Water Right No. 4726-3 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 Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Mary Engen, the new owner, certify that the above information is true and correct.
Mary Engen
(gen. partner)

Mary Engen
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/15, 20 11

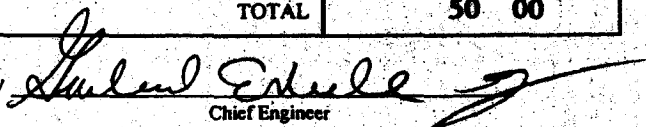
RECEIVED OF Witte Ag Partnership #3 LLP 3504 Westmoore Dr Moorhead MN 56560

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	50	00
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>4826-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **08067**

By


Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

November 16, 2011

3185-3
4726-3

Mary D Engen
Witte Ag Partnership
3504 Westmoor Dr
Moorhead MN 56560

Dear Ms. Engen:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 3185-3 & 4726-3.

The ownership changes have been completed. The water rights formerly held by David A Witte are now listed as follows:

- Water Right No. 3185-3: Witte Ag Partnership #1
- Water Right No. 4726-3: Witte Ag Partnership #3

Enclosed for your records are Receipt Nos. 05066 and 05067 in the amount of \$50.00 each. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures



4726-3

DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: WITTE AG PARTNERSHIP #3, MARY ENGEN, 1103 MAIN ST, BRECKENRIDGE, MN 56520

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4726-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4726-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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) 4726-3 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 before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: AVDNAE**

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 7, 2022

4726-3

Mary Engen
Witte Ag Partnership #3
1103 Main St
Breckenridge, MN 56520

Dear Mr. Engen:

I am writing to acknowledge receipt of your 2021 irrigation questionnaire.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 4726-3. 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
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

4726-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2026

NOTICE

TO: WITTE AG PARTNERSHIP #3, MARY ENGEN, 1103 MAIN ST, BRECKENRIDGE, MN 56520

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4726-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4726-3 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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) 4726-3 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 before the **March 4, 2026** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: YCXBHV**

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 9, 2026

4726-3

Mary Engen
Witte AG Partnership #3
20139 Swenson Dr
Clitherall, MN 56524

Dear Ms. Engen,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). 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,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us