

WQ

Water Right No. 4736-3

- 1. Considered 5-27 1981
- 2. Name of Applicant BAR K. CATTLE Co. INC. LARRY E. HANSEN
- 3. Post Office Address HURLEY 57036
- 4. Amount of Water Claimed NO ADD'L (3.43)
- 5. Source of Water Supply # 4 WELLS 34', 32', 29' & 26' ADD'L DIVERSION POINTS
- 6. Water to be used for IRR
- 7. Acres to be irrigated NO ADD'L (240) maximum acre feet
- 8. Water to be diverted and used in TURNER County about 4 miles SOUTH of PARKER
- 9. PROOF OF PUBLICATION Received (X) 5-21-81
Not Received _____
APPLICATION Approved 5/27/81
Subject to W.L. - I.R.
Not Approved _____
Action deferred _____

Priority 10-22-80 Date Received 4-6-81 Application Complete yes no FEE 150.00
Remarks _____

WATER QUALITY Date information and/or fee or corrected Application received
Period of Annual use APR - NOV
Received yes 5/8/81 no _____ APPROVED (CONDITIONAL) (Circle one)
VI-1 Description same as application yes no _____ Remarks _____

Disapproved _____

Returned _____

Diversion Point 4 wells
in N 1/2 SW 4 Sec. 5-98N-53W
Lands to be irrigated SW 4 5-98-53 lands
covered under Permit No 4572-3
W.L. - I.R.

WELL LOG Remarks _____
Driller Reiners Pump #478 Licensed (yes) no _____
Depth 4 @ 34', 32', 29' & 26' deep.

MAP Map No. 3947-3 Map located in Water Right X Map file _____
 Type of Map AERIAL Prepared by Rezak, DC.

+++++

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 5-8-81

Betty H. Wilson
 (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. 4736-3
 Map No. 304-7-3 Water Division No. 3 Vermillion River District
 Above for Office Use

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

Check one of the following: ☒ New ☐ Vested Right ☐ Future Use ☐ Change in Diversion ☐ Additional Diversion ☐ Change in Acreage ☐ Additional Acreage

Note: This application for new permit to apply to new wells. We are now planning to use 4 shallow and 1 deep well. Permit No. 4572-3 covers the 2 deep wells.

1. Name of Applicant Bar K Cattle Co. Inc. Larry E. Hansen Phone No. 238-5753
 Post Office Address RR 1 Hurley (Street, RR, or Box) (Town) State S. D. 57036 (Zip Code)

If a corporation show date and place of incorporation Jan. 28, 1980, Spencer, Ia. 51301

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

3. Name of diversion work Bar K Cattle Co. Inc. Irrigation System #1

4. Amount of water claimed (cubic feet per second) 3.42 No ADD'L

5. Source of water supply 5 wells - 2 deep wells covered by 1st permit # 4572-3.

6. Location of point of diversion Well #1-Approx. 80 rods, 70°E; #2-93 rods, 20°E; #3-135 rods, 52°E, and well #4, 150 rods, 55°E. of the SW corner of Sec. 5-9B-53.
(only 1 deep well will be used at this time)

County Turner

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

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation

9. For irrigation use, Total number of acres to be irrigated 240 No ADD'L

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.
NW 1/4 SW 1/4 5-9B-53	40
NE 1/4 SW 1/4 5-9B-53	40
SE 1/4 SW 1/4 5-9B-53	40
SW 1/4 SW 1/4 5-9B-53	40

Land Description	No. Acres Irr.
NW 1/4 SE 1/4 5-9B-53	40
SW 1/4 SE 1/4 5-9B-53	40

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use 3 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Hurley Leader

12. Principal Features of the Proposed Water Supply System. Hurley, S. D. 57036

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

4 electric pumps

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

Buried Pipelines to main ditch

C. Works proposed to apply water to beneficial use.

Lateral move sprinkler system

Estimated Total Cost \$ 100,000.00

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

STATE OF SOUTH DAKOTA)

County of TURNER) ss.

I, LARRY E. HANSEN 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

Subscribed and sworn to before me this 31st day of March, 1981

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4736-3

PART CATTLE CO. INC. - LEVIN HANSEN
(Applicant)

P.O. #1, HURLEY
(Post Office Address)

SOUTH DAKOTA
(State)

57036

With the following qualifications.

LANDS COVERED UNDER THIS PERMIT ARE ALSO COVERED UNDER PERMIT NO 4572-3. COMINATION OF DIVERSION UNDER THE TWO PERMITS SHALL NOT EXCEED THE STATUTORY LIMIT OF 1 CFS FOR EACH 70 ACRES IRRIGATED.

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 6, 1981

Date of return to applicant for correction, amendments or changes required APRIL 7, 1981

Date of receipt of corrected application MAY 8, 1981

Approved MAY 27, 1981, Recorded in Book 22 Page 170

WATER RIGHT PERMIT NO. 4736-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4736-3 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 6, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 27, 1982
3. The whole of said work is to be completed on or before MAY 27, 1983
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 27, 1986
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. (NO ADDL.)

7. The amount of the appropriation herein granted shall not exceed 3.42 cubic feet per second, neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before MAY 27, 1986, said water to be used during the following described

annual period: APRIL - NOVEMBER

Witness my hand this 28TH day of MAY, 1981

THE WATER MANAGEMENT BOARD

By:

John H. [Signature]
Chief Engineer Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

PLEASE COMPLETE
ENTIRE FORM

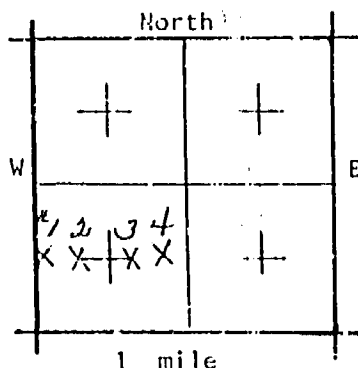
WELL DRILLERS REPORT
Division of Water Rights
Department of Water & Natural Resources

#1 - 20' 6/60

Well Owner: Bark Cattle Co. Inc.
Name and Larry E. Hansen
Address Rt #1 Hurley SD 57030

Well Location:

Mark location
with an "X"



County Turner

SW 1/4 Sec. 5 Twp. 98 Rg. 53

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 _____
Depth _____
Casing ☐ Steel ☐ Concrete
☐ Plastic ☐ Other
If other, specify _____

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 _____

Remarks:

Water Level Information: #2 - 18'
#3 - 13'
Static water level #4 - 13' 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
#1 - 23	3	30	30
#2 - 22	3	30	30
#3 - 16	3	30	30
#4 - 15	3	30	30

Well Log:

Formation	Depth	
	From	To
#1. Top Soil	0'	2'
Yellow clay	2'	20'
Gravel + Sand	20'	34'
#2. Top Soil	0'	2'
Yellow clay	2'	18'
Gravel + Sand	18'	32'
#3. Top Soil	0'	2'
Yellow clay	2'	13'
Gravel + Sand	13'	29'
#4. Top Soil	0'	2'
Yellow clay	2'	12'
Gravel + Sand (Use Back if Necessary)	12'	26'

Date Completed: Mar 27 81

Driller:

Don Reiners Pump 478
Driller's or Firm's Name License NO.

RR1 Box 16 Hurley S.D.
Address

Don Reiners Apr 1
Signed By Date

D. Well Information

Well #1- 34'
 #2- 32'
 #3- 29'
 #4- 26'

(1) Drill Hole, Diameter 36", Depth _____

(2) Casing Type cerent-asbestos, Diameter 16", Thickness 1 1/4"
 (wood, concrete, steel, etc)

(3) Screen Type slotted " ", Diameter 16", Length 13' each

(4) Gravel Pack, Thickness 5", Length of gravel pack 20'

E. Dugout Information or Estimates

(1) Surface dimensions, n/a, 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 Copies of logs attached

Depth to bottom of water bearing material _____

Depth to water (ground surface to water level) _____

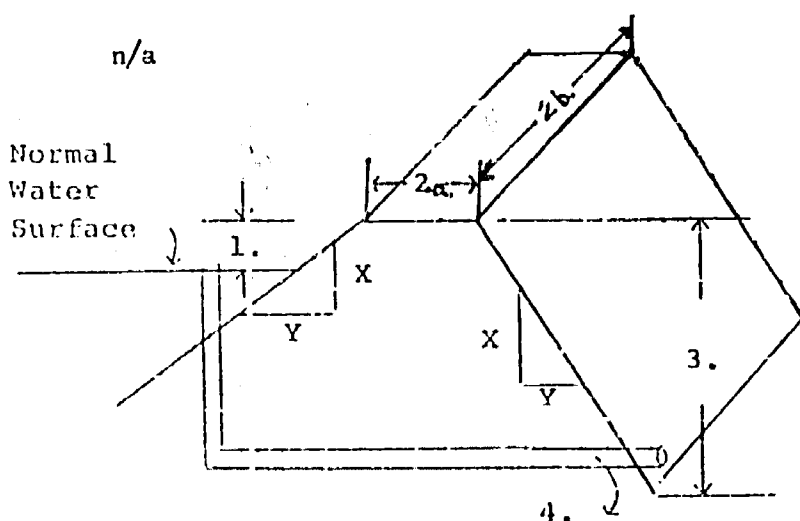
(2) Distance to nearest existing household or livestock watering well

On same owner's property none rds.

On property owned by others 100 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.



- Freeboard _____
- Crest width _____ b. length _____
- Height of Dam: _____
- Outlet dimensions:
 - Pipe diameter _____
 - Spillway width _____
 - X & Y slope:
 - Upstream _____
 - Downstream _____
 - Surface area of impoundment _____
 - Drainage area above dam _____

[Signature]
 Signature of Applicant

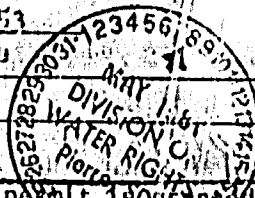
SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Barry E. Hanson

OWNERS ADDRESS: Box 1, S. D. 57026

COUNTY LAND LOCATED IN: Turner PHONE: 238-5753

TENANT'S NAME AND ADDRESS: (If Other Than Owner) 2845-TIL



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: Well #1-A on Sec. 68 rods, 70 ft. #2-93 rods, 20 ft. #3-135 rods, 520 ft. and Well #4 - approx. 150 rods, 55 ft. of the SW corner of Sec. 5-9-53.

2. SURFACE WATER SOURCE: 1/2

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
The SW 1/4 and W 1/2 Sec. 5-9-53	210		

4. TYPE OF IRRIGATION: GRAVITY: TOWLINE: CENTER PIVOT: GUN: OTHER: (Specify) Lateral Move Sprinkler System

5. CROPS TO BE IRRIGATED: Corn, Soybeans, Alfalfa

6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: 1981

LEGAL DESCRIPTION: Same as above. Permit No. 4572-3 obtained for deep wells. This application is for 1 deep well and 4 shallow wells.
IN WHAT NAME: Same as above

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

7. WATER SAMPLE NUMBER: 81-297, 81-300, 81-301
8. SALINITY (EC X 10⁶): 1700, 1700, 1280
9. SODIUM (SAR): 0.70, 0.73, 0.54
10. ADJUSTED (SAR): 1.99, 2.14, 1.40
1.39 1.50 0.98

RECEIVED

APR 15 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 , 1981, 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

31 DAY OF March, 1981

William W. DeBenedis
(NOTARY PUBLIC)

Barry E. Hanson
APPLICANT'S SIGNATURE

Frank M. Fisher
Director, Division of Conservation

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.

APPROVED
DISAPPROVED
☒ CONDITIONALLY APPROVED

Conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Larry Hansen and Bar K. Cattle Co.

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

THE SOIL(S) LISTED BELOW CAN BE IRRIGATED WITH THE FOLLOWING RESTRICTIONS:

that the areas listed below are shaped or filled to eliminate wheel tracking.

Te - Tetonka depressions (3 small areas)

RECOMMENDED MANAGEMENT

Water should not be applied more than 3 to 5 times during the irrigation season. Each uninterrupted application should be of at least 2 to 3 inches of water.

If you find deep tillage advantageous, coordinate with heavy fall application of irrigation water.

Surface drainage suggested as noted above.

The quadrangle (elevation map indicates sufficient overall elevation.

differential from the west to the east (10 to 15 feet) to permit shaping out the flatter Tetonka spots and improve surface drainage of those areas.

Contact your local SCS for assistance

No. 4736-3

Publish first publication, on or before May 14, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 8, 1981

Notice is hereby given that Bar K Cattle Co., Inc.-Larry Hansen whose post office address is Hurley, 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 no add'l cubic feet of water per second of time from ground water

(four wells) through the Bar K Cattle Co., Inc. Irrigation System #1 to add additional points of diversion on an existing permit of which are to be located in the

N $\frac{1}{2}$ SW $\frac{1}{4}$

of Section 5, Twp. 98N, Range 53W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW $\frac{1}{4}$ & W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 5, T98N, R53W, land covered under existing permit.

This Application No. 4736-3 will be considered by the Water Management Board at Meeting Room #1, Kneip Building Church & Illinois, Pierre, SD upon the 27th 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: Bar K Cattle Co., Inc.
% Larry Hansen
RR #1, Hurley, SD 57036

BURTON F JONES
Water Rights Specialist

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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Turner) ss.

I, James E. Wipf hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Hurley Leader

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

City of Hurley

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

Thursday, May 14, 1981
Thursday, May 21, 1981

(Signature)

Publisher

(Title)

5-21-81

(Date Signed)

NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

No. 4736-3
Pierre, S. D. 57501

May 8, 1981
Notice is hereby given that
Bar K. Cattle Co., Inc. Larry
Hansen, whose post office ad-
dress is Hurley, South Dakota,
has made an application in ac-
cordance 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, 46-6.1, 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 no additional
cubic feet of water per second
of time from ground water
(four wells) through the Bar K
Cattle Co., Irrigation System
No. 1, to add additional points
of diversion on an existing
permit of which are to be
located in the N $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec-
tion 5, Twp. 98N, Range 53W.
Said water to be used for the
purpose of providing irrigation
on portions of the following
described land: SW $\frac{1}{4}$ & W $\frac{1}{4}$
SE $\frac{1}{4}$, Section 5, T98N, R53W.

land covered under existing
permit.

This Application No. 4736-3
will be considered by the Water
Management Board at
Meeting Room No. 1, Kneip
Building, Church & Illinois,
Pierre, South Dakota upon the
27th day of May, 1981 at 10:00
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 wit-
nesses 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, DWNR, Joe Foss
Building, Pierre, S. D., prior to
the hearing date for assistance
to assure access to the hearing.

—Water Management Board,
Burton F. Jones.

Water Rights Specialist
Pub. May 14, 21, 1981



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8125

PIERRE, April 6, 1981

RECEIVED OF Bar K Cattle Co Inc., Larry E. Hansen, RR 1, Hurley, SD 57036

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

Fee for Application for Permit to Appropriate Water No. 4776-3 (examination, processing, recording and filing)	150.00
Fee for inspecting Construction, and Issuing Cert. of Construction No.	
Fee for inspecting Beneficial Use, and Issuing Water License No.	
Fee for Issuing Location Certificate-Dry Draw, No.	
Fee for filling	
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for (any other work as provided by law)	
TOTAL	150.00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer

JOHN HATCH / JD

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

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

Water Rights Division
605 773-3352

4736-3
Bar V. Cattle Co. Inc.
RR 1
Hurley SD 57036

Dear Sir:

Water Permit No. 4736-3 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
JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks
enclosure

Dakota Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

August 1, 1983

NOTICE

4736-3

Bar K Cattle Co. Inc.
RR 1
Hurley SD 57036

Dear Sir:

July 19, 1983, the Water Management Board passed a motion directing that those persons with water permits that have the qualification:

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

be notified of this requirement.

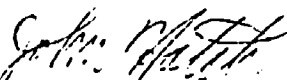
Our records do not show we have received the 1982 Irrigation Questionnaire for Permit No. 4736-3. The questionnaire was requested on the following dates:

1. September 1982 initial request
2. December 1982 followup request
3. March 22, 1983 Notice that submittal of questionnaire is a qualification to water permit

The Board has directed that owners of permits not in compliance with the Irrigation Questionnaire qualification be given until August 30, 1983 to submit the 1982 questionnaire. Any person not submitting the Questionnaire is to be noticed for hearing before the Board to consider disciplinary action including suspension of the permit.

Another questionnaire is enclosed. Please advise if there are any questions or if you believe our records are not correct.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

**Department of
Water & Natural Resources**

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

Water Rights Division
605 773-3352

March 7, 1984

NOTICE

Dear Sir:

The Water Management Board has directed that all owners of Water Permits, not in compliance with the Permit qualification:

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

be notified of this requirement.

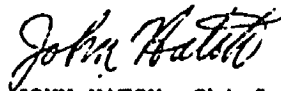
Our records show we have not received the 1983 Irrigation Questionnaire for your Permit. The Questionnaire was requested:

- 1) November, 1983 initial request
- 2) December, 1983 followup request

Owners of water permits not in compliance with the Irrigation Questionnaire qualification are being given until April 2, 1984 to submit the 1983 questionnaire. The Board will consider disciplinary action including possible suspension of the permit on April 25, 1984 at 10:30 am in Room 216, Joe Foss Building, 523 E Capitol, Pierre, SD for all permits without questionnaires returned by April 2.

Another questionnaire is enclosed. Please advise if there are any questions or if you believe our records are not correct.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

121-3A
289-3
2234-3
2506-3
3411-3
3944-3
3945-3
4736-3
4572-3

April 2, 1984

Larry Hansen
Bar K Cattle Co., Inc.
RR#1, Box 5
Hurley, South Dakota 57036

Dear Mr. Hansen:

This letter will acknowledge receipt of and thank you for the return of your 1983 Irrigation Questionnaires. A notice was sent to you March 7, 1984 regarding the Irrigation Questionnaire submittal violation of Permit Nos. 4736-3 and 4572-2 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation. Notice was also sent to you concerning possible Board Action to amend Water Permit Nos. 121-3A, 289-3, 2234-3, 2506-3, 3411-3, 3944-3 and 3945-3 if the questionnaires were not received. Our records now show that you have returned your 1983 Irrigation Questionnaires and are no longer in violation of your permits.

Please disregard the notices sent to you dated March 7, 1984. Your name has 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

JH:GM:ms

Equal Opportunity Employer

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 2234-3

4572-3

4736-3

February 7, 1986

Bar K Cattle Company
Rural Route 1, Box 5
Hurley, South Dakota 57036

Dear Sir:

Please find enclosed ^{copies} ~~a copy 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 for each transfer, total of \$7.50.

Upon receipt of the enclosed form and the \$2.50 filing fee ^{for each, total of \$7.50} 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,

Maxine Stirling

Maxine Stirling
Staff Assistant

ms/
Enc.

41736-3

(605) 773-3352

August 5, 1986

C. W. Grisamore
Prudential Insurance Company of America
1431 Opus Place-Suite 605
Downers Grove, Illinois 60515

Dear Mr. Grisamore:

In reference to our telephone conversation of August 4, 1986, enclosed is a partially completed transfer form. The transfer form is for transferring ownership of Water Permit No. 4736 from Bar K Cattle Co., Inc. to Prudential.

Please check over the form, complete where necessary and sign in the presence of a notary public. Return the completed form and a required filing fee of \$2.50 to this office. The transfer can be executed upon receipt of the form and filing fee.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Also enclosed are blank transfer forms (for use when the land is sold) and a copy of Water Right No. 2234-3.

If I can answer any questions for you, please advise.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

FEDERAL EXPRESS

USE THIS AIRBILL FOR DOMESTIC SHIPMENTS WITHIN THE CONTINENTAL U.S.A. FIRST CLASS AND REGULAR. COMPLETE PUBLIC AIRS. FOR ASSISTANCE CALL 202-274-5355 TOLL FREE. SEE BACK OF FORM SET FOR COMPLETE PREPARATION INSTRUCTIONS.

SENDER'S FEDERAL EXPRESS ACCOUNT NUMBER

DATE 7-1-86

From (Your Name) N. W. Grismore		To (Recipient's Name) Merrine Sterling	
Company Prudential		Company South Dakota Dept of Water & Nat Res	
Street Address 1431 Maple Place Suite 666		Street Address (Use of P.O. Boxes or P.O. Zip Codes Will Delay Delivery And Result in Extra Charge) 533 East Capital	
City Dummers Grove IL		City Pierre SD	
ZIP + Zip Code Required For Carrier Routing 60115		ZIP Street Address Zip Required for P.O. Box Zip Code 57501-3181	

AIRBILL NO. 338080352

YOUR BILLING REFERENCE INFORMATION (FIRST 24 CHARACTERS WILL APPEAR ON INVOICE)

PAYMENT ☐ Bill Sender ☐ Bill Recipient ☐ Bill Third Party ☐ Bill Credit Card

SERVICES CHECK ONLY ONE BOX

1 ☐ **PRIORITY 1**
Overnight delivery
using our packaging

2 ☐ **OVERNIGHT DELIVERY**
using our packaging

3 ☐ **Overnight Box**
12" x 15" x 3"

4 ☐ **Overnight Tube**
36" x 6" x 6"

DELIVERY AND SPECIAL HANDLING CHECK SERVICES REQUIRED

1 ☐ **NOT FOR PICK-UP** (Overnight and Priority Express only) (Use of P.O. Boxes or P.O. Zip Codes Will Delay Delivery And Result in Extra Charge)

2 ☐ **DELIVER WEEKDAY**

3 ☐ **DELIVER SATURDAY** (Extra charge applies)

4 ☐ **RESTRICTED ARTICLES SERVICE (RAS)**
Prohibited and Restricted Articles (See Section 4.1.1)

5 ☐ **CONSTANT SURVEILLANCE SERVICE (CSS)**
(Extra charge applies)

6 ☐ **DAY ICE** _____ lbs

7 ☐ **OTHER SPECIAL SERVICE**

PACKAGES	WEIGHT	YOUR RECEIVED	PROB SIZE
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HOLD FOR PICK-UP AT THIS FEDERAL EXPRESS STATION

Street Address (See Service Guide or Call 800-276-5355)

City State

ZIP + Zip Code of Street Address Required

Emp. No. Date

☐ Cash Received

☐ Return Shipment

☐ Third Party ☐ Chg To Dr ☐ Chg To Recd

Street Address

City State Zip

Received By

X

Date/Time Received FedEx Employee Number

Federal Express Use

Base Charges

Destination Charge

Origin Agent Charge

Other

Total Charges

Part

2041734900

FEC-S-0720-25

REVISION DATE

10/85

PRINTED IN U.S.A.

RECIPIENT'S COPY

The Prudential 

July 31, 1986



Ms. Maxine Sterling
Secretary
South Dakota Department of Water
& Natural Resources
Water Right Division
Joe Foss Bldg.
533 East Capital
Pierre, South Dakota 57501-3181

Re: Larry E. Hansen - Bar K. Cattle Co.
Prudential Loan No. 7 105 286

Dear Ms. Sterling:

Thank you for your letter of July 18, 1986, a copy of which is enclosed. I assume the water rights to which you refer pertain to the above captioned farm which is being conveyed to Prudential.

I also enclosed a copy of the water rights we have in our files pertaining to this farm. Application No. 4572-3 corresponds to the number you gave me in your letter. Although it appears that that permit was modified by subsequent application 4736-3. Both these applications appear to apply to land in Section 5-98-53. We have nothing in our file regarding No. 2234-3 which should apply to NW 39-99-53. Our only interest in acquiring these rights are to be able to transfer them to a new purchaser when this farm is sold. Therefore I would like to get something from you showing what the rights cover and how Prudential can subsequently transfer them.

Sincerely,



C. W. Grisamore
Attorney for Prudential

Encl.

cc: Lauf
Swanson



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

No. 2234-3
4572-3

4736-3

July 18, 1986

Prudential Insurance Company of America
1431 Opus Place, Suite 665
Downers Grove, Illinois 60515

Dear Sir:

Enclosed are receipt Nos. 410492 and 410493 in the amount of \$2.50 each,
which was paid for transfer of Water Right Nos. 4572-3 and 2234-3.

Our records now show Prudential Insurance Company of America as the owner
of these Water Rights.

Sincerely,

Maxine Stirling

Maxine Stirling
Secretary

7105286

ms/
Enc.

4736-3

4736-3

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

November 3, 1986

C. W. Grisamore
Prudential Insurance Co of America
1431 Opus Place, Suite 665
Downers Grove, IL 60515

Dear Mr. Grisamore:

Enclosed is a transfer notice dated October 27, 1986 for Water Right No. 4687-3B which you submitted to our office to change ownership of portions of No. 4687-3 from James Sutton to Prudential. This transfer was completed in August, 1986.

Water Right No. 4687-3 was divided and reissued as 4687-3A, James L Sutton and 4687-3B, the Prudential Insurance Co of America. Although most of the paperwork has been completed, a copy of the reissued license has not been sent to you. The license will be forwarded to you as soon as the Chief Engineer has had a chance to review the file and sign the license.

With reference to another permit, a transfer form was sent to you for changing ownership of Water Permit No. 4736-3, Bar K Cattle Company to Prudential. In checking the file, I note that this has not yet been received from you. I have enclosed a partially completed transfer form. Please complete the form by signing in the presence of a notary and returning it to this office with a \$2.50 filing fee.

If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst

enclosure

4736-3

This Form was
Sold to John
R. Davis at
Parker, SD 57053

SOUTH DAKOTA
Department of
Water & Natural Resources

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

December 22, 1987

4736-3

John R Davis
Parker, SD 57053

Dear Mr. Davis:

I am contacting you in regard to Water Permit No. 4736-3 listed in the name of Bar K Cattle Company. Water Permit No. 4736-3 authorizes additional diversion points to irrigate lands covered under Water Permit No. 4572-3. Permit No. 4572-3 was recently transferred to you. Since Permit No. 4736-3 covers the same lands, it too, should be transferred to your name.

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Permit No. 4736-3. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50. The water permit will then be transferred to your name.

South Dakota Water Law 46-54-30.3 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.

I have enclosed a copy of the permit. You may keep it for your records. If you have any questions, please contact me.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
605 773-3352

encl



NO. 4736-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: December 31, 1987

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

SW 1/4 and W 1/4 SE 1/4 Section 5, T98N, R53W

Formerly owned by Bar K Cattle Co.

has been transferred to John R Davis, Parker SD RR#1 Box 416
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4736-3 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 TURNER) ss.

I, John R. Davis 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.

John R Davis
(Signed)

Subscribed and sworn to before me this 31st Day of December, 19 87.

[Signature]
(Notary Public)

My Commission Expires: July 28, 1991

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY
THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE
ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILED
LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER
AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC
REPRODUCTIONS. REDUCTION 25:1 ROLL NO 4-15 DATE MICROFILMED 2-19-88 CAMERA OPERATOR *Shelley*

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, JANUARY 4, 19 88

RECEIVED OF John R. Davis, RF 1, Box 46, Parker, SD 57053

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. _____	2 50
Fee for Filing Transfer Form <u>4/36-1</u>	
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	2 50

By *John Hatch*
Chief Engineer JOHN HATCH (S)

No. _____

4736-3



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division

Phone (605) 773-3352

February 3, 1988

John R. Davis
RR 1, Box 46
Parker, South Dakota 57053

Dear Mr Davis:

Enclosed is receipt No. 4736-3 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 4736-3.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

4736-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: MRS JOHN R DAVIS
RR 1 BOX 46
PARKER SD 57053

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

RE: Violation of Water Permit No(s) 4572-3, 4736-3 & 5506-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 4572-3, 4736-3 & 5506-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 4572-3, 4736-3 & 5506-3 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4572-3, 4736-3 & 5506-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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



4736-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 18, 1993

4572-3
4736-3
5506-3

James J Davis
RR #1 Box 43
Parker, SD 57053

Dear Mr. Davis:

I am writing to acknowledge receipt of your 1992 irrigation questionnaires. You may disregard the January 29, 1993 Notice of Violation of Water Permit Nos. 4572-3, 4736-3 and 5506-3. Since the questionnaires were received in our office prior to the Water Management Board Meeting, your name has been deleted from the agenda.

Enclosed, as you requested, are copies of the test hole logs submitted with the water permit applications.

Also enclosed, are three "Notice of Transfer of Ownership" forms. You indicated in your letter, that you now own the land. There is a form for each permit, however, you will note that the permits all cover the same land. Please complete the forms and sign them in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$7.50).

Water Permit Nos. 4572-3, 4736-3 and 5506-3 will be transferred to your name as soon as the forms and filing fees are returned to our office. If you have any questions, please contact me.

Sincerely,

Genny McMath

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

enclosures: test hole logs
transfer forms

4736-3



Great Places

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

23, 1993

SECOND NOTICE
PERMIT NO. 4572-3
4736-3
5506-3

Mr. Davis
Box 43
SD 57057

Mr. Davis:

On May 18, 1993, notice was sent to you concerning the transfer of Permit Nos. 4572-3, 4736-3 and 5506-3 in the name of John R. To date, we have not heard from you on this matter.

As forms were previously sent to you, enclosed are additional forms. Please sign, have notarized and return the forms to this office with the required filing fee of \$2.50 per "Notice of Transfer of Ownership", a total of \$7.50. The permits can then be transferred to your name. If you are not the present owner of the land covered by these permits, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law requires Notice of any sale, grant, lease, conveyance or transfer of a Water Permit or Water Right to appropriate water officials with this office within ninety days.

If you have any questions, please contact Genny McMath, (605) 773-1111.

Sincerely yours,

GALL
1 Resources Engineer
20 Hatch, Chief Engineer
Rights Division

etc

[illegible]

Thank you for using Return Receipt Service.

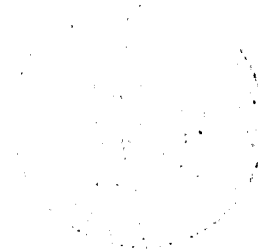
NOTICE OF TRANSFER OF OWNERSHIP

4736-3

Chief Engineer
Water Rights Division, DWR
313 E. Capitol
Pierre, SD 57501-1001

No. 4736-3

Date: June 2, 1993



Water permit (Water Permit No. 4736-3)

Issued, owned by: John R Davis

Transferred to: James J Davis, RR #1 Box 43, Parker, SD 57053 (Telephone No.)

Transferred to: All the interest in the property has been transferred as described above:

5/2 1/2, W 1/2 SE 1/4, Section 5, 198N, R53W

I/We understand that the validity of Water Permit No. 4736-3 has not been determined by this transfer action. If I/We have any questions as to validity, I/We understand that only the Water Management Board has the authority to determine if a water permit right is valid (see note).

I/We request that this "Notice of Transfer" be filed in the appropriate file at the Division of Water Rights, 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.

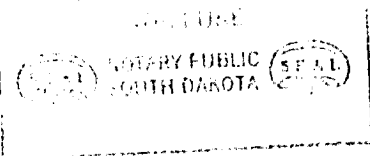
STATE OF SOUTH DAKOTA

County of _____

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

James J Davis
(Signed)

Subscribed and sworn to before me this _____ day of _____, 1993.



Gonda L. Pike
(Notary Public)

MY COMMISSION EXPIRES JULY 28, 1999

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.

REDUCTION RATIO

25:1

ROLL NUMBER

U-26

DATE MICROFILMED

9/15/93

CAMERA OPERATOR SIGNATURE

Jack R. Koma

South Dakota Department of Environment and Natural Resources

4736-3
413804

Given, _____ June 15 _____, 19__ 9th

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

Information is not to be disclosed if it is exempted as provided for by law.

By John H. Haddock
Chief Engineer



4736-3

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

July 11, 1993

No. 4572-3
4736-3
5506-3

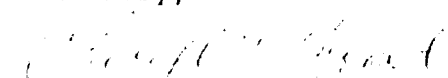
David A. Davie
PO Box 41
Sioux Falls SD 57105

Dear Mr. Davie:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Permit Nos. 4572-3, 4736-3 and 5506-3.

Our records now show you as the owner of Water Permit Nos. 4572-3, 4736-3 and 5506-3.

Sincerely,


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

enclosure

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4736-3**

(1) Bar K Cattle Company of Hurley, SD 57036 made Application No. 4736-3, April 6, 1981 for a water permit to appropriate no additional cubic feet of water per second from groundwater (four shallow wells), Turner County, South Dakota for irrigation purposes. Permit No. 4736-3, with a priority date of April 6, 1981 was approved May 27, 1981 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 27, 1983 and for the application to beneficial use of said water on or before May 27, 1986.

Water Permit No. 4572-3, with a priority date of October 22, 1980, authorized two wells, approximately 270 feet deep, to irrigate the SW $\frac{1}{4}$ and the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 5, T98N, R53W. Water Permit No. 4736-3 authorized additional diversion points (shallow wells) to irrigate land authorized under Water Permit No. 4572-3. Even though No. 4736-3 did not authorize additional water or acres irrigated, it was given a new priority date since the shallow wells were a different water source than the deeper wells approved under No. 4572-3.

The applicable portions of Water Permit No. 4572-3 are incorporated into this Water License No. 4736-3. The inspection of the water use system found the two deep wells authorized under No. 4572-3 are no longer used and should be plugged or capped. Since the two wells once authorized under No. 4572-3 are no longer used, a priority date of April 6, 1981, as established under Water Permit No. 4736-3, will be retained.

Water Permit Nos. 4572-3 and 4736-3 were originally filed by Bar K Cattle Company. Several ownership changes have occurred since the permits were originally issued. The latest ownership change, filed June 15, 1993, transferred the water permits to James J Davis, Parker, SD.

(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 2.22 cubic feet of water per second for beneficial use. The location of the diversion points are as follows: all in Section 5, T98N, R53W

- Well #1 - 1445'N and 80'E of the SW corner (NW $\frac{1}{4}$ SW $\frac{1}{4}$);
- Well #2 - 1370'N and 518'E of the SW corner (NW $\frac{1}{4}$ SW $\frac{1}{4}$);
- Well #3 - 1370'N and 1326'E of the SW corner (NW $\frac{1}{4}$ SW $\frac{1}{4}$);
- Well #4 - 1374'N and 1451'E of the SW corner (NE $\frac{1}{4}$ SW $\frac{1}{4}$);
- Well #5 - 1375'N and 1751'E of the SW corner (NE $\frac{1}{4}$ SW $\frac{1}{4}$).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate 233 acres in Section 5, T98N, R53W, described below:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 36 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 37 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres

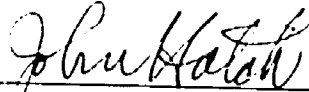
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres

Water License No. 4736-3

James J Davis

Page 2

(4) Pursuant to South Dakota Water Law 46-5-30.1 James J Davis of RR #1 Box 43, Parker, SD 57503 the holder and/or owner of Water Permit No. 4736-3 is issued a license to appropriate water, the right to use 2.22 cubic feet of water per second from groundwater (5 shallow wells) with a priority date of April 6, 1981 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 4736-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

DEC 18 1995

date

Permit No. 4572-3 and 4736-3
Big Sioux River - Water District

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

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

I have this day made a thorough examination of the water use system constructed by James J. Davis of RR 1 Box 43, Parker, SD 57053 holder of Permit Nos. 4572-3 and 4736-3, bearing the priority of October 22, 1980 authorizing the diversion of 2.43 cu. ft. per second of the waters of Parker - Centerville aquifer for irrigation purposes, in Turner County.

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

A. Works used to divert the water:

Well #1 - 34 feet deep with 21 feet of 16 inch cement-asbestos casing and 13 feet of cement-asbestos screen. The pump has a 300 gpm capacity and the motor is 5 hp.

Well #2 - 32 feet deep with 19 feet of 16 inch cement-asbestos casing and 13 feet of cement-asbestos screen. The pump has a 200 gpm capacity and the motor is 5 hp.

Well #3 - Unknown depth, cement-asbestos casing and screen. The pump has a 100 gpm capacity and the motor is 5 hp.

Well #4 - 29 feet deep with 16 feet of 16 inch cement-asbestos casing and 13 feet of cement-asbestos screen. The pump has a 100 gpm capacity and the motor is 5 hp.

Well #5 - 26 feet deep with 13 feet of 16 inch cement-asbestos casing and 13 feet of cement-asbestos screen. The pump has a 300 gpm capacity and the motor is 5 hp.

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

128 feet of 6 inch aluminum pipe, 35 feet of 4 inch pvc pipe and 155 feet of 6 inch iron pipe.

C. Works used to apply water to beneficial use:

Lateral move Zimmatic, two systems each 1300 feet long, 7 towers and an end gun. Both are high pressure systems with a combined capacity of 1500 gpm.

The system is in the following condition fair. The points of diversion are located well #1 - 1445' N and 80' E; well #2 - 1370' N and 510' E; well #3 - 1370' N and 1326' E; well #4 - 1374' N and 1451' E; well #5 - 1375' N and 1751' E of the SW corner of Section 5-T98N-R53W. The works are capable of diverting and conveying to the place of use 2.22 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 in Section 5-T98N-R53W:

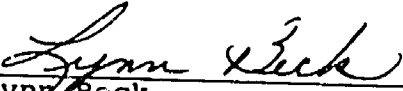
<u>NE 1/4 SW 1/4</u>	<u>36 acres</u>	<u>NW 1/4 SE 1/4</u>	<u>40 acres</u>
<u>NW 1/4 SW 1/4</u>	<u>37 acres</u>	<u>SW 1/4 SE 1/4</u>	<u>40 acres</u>
<u>SE 1/4 SW 1/4</u>	<u>40 acres</u>		
<u>SE 1/4 SW 1/4</u>	<u>40 acres</u>		

comprising a total of 233 acres of land and the license should be issued for 2.22 cfs.

Applicable permit qualifications have been complied with: X Yes No

Exceptions to compliance are: none

Date: 5-4-93



Lynn Beck
Natural Resources Engineer
DENR, Water Rights Division

Comments: Well #3 needs application, no additional water or acreage.

REPORT ON INSPECTION OF PERMIT NO. 4572-3 and 4736-3

DATE: 5-4-93

Other permit(s) associated with the project:

DIVERSION POINT LEGAL LOCATION:

Well #1 - 1445' N and 80' E, well #2 - 1370' N and 518' E, well #3 - 1370' N and 1326' E, well #4 - 1374' N and 1451' E, well #5 - 1375' N and 1751' E of the SW corner of Section 5-T98N-R53W.

WELL INFORMATION:

- 1) Well Drilling Firm: Jon Reiners Pump
- 2) No. of Wells 5
- 3) Depth(s) 34', 32', unknown, 29', 26' feet respectively
- 4) Well log is available N
- 5) Comment: Well #3 needs application.

Casing: Well #1

- 1) Diameter 16 inches
- 2) Length 21 feet
- 3) Type cement - asbestos

Screen:

- 1) Type cement - asbestos
- 2) Length 13 feet
- 3) Static water level 20 feet

Pump:

- 1) Make unknown
- 2) Model unknown
- 3) Size
- 4) Capacity 300 GPM

Motor:

- 1) Make unknown
- 2) Model No. unknown
- 3) Horsepower rating 5 hp

Casing: Well #2

- 1) Diameter 16 inches
- 2) Length 19 feet
- 3) Type cement - asbestos

Screen:

- 1) Type cement - asbestos
- 2) Length 13 feet
- 3) Static water level 18 feet

Pump:

- 1) Make unknown
- 2) Model unknown
- 3) Size
- 4) Capacity 200 GPM

Motor:

- 1) Make unknown
- 2) Model No. unknown
- 3) Horsepower rating 5 hp

Casing: Well #3

- 1) Diameter 16 inches
- 2) Length unknown feet
- 3) Type cement - asbestos

Screen:

- 1) Type cement - asbestos
- 2) Length 13 feet
- 3) Static water level unknown feet

Pump:

- 1) Make unknown
- 2) Model unknown
- 3) Size
- 4) Capacity 100 GPM

Motor:

- 1) Make unknown
- 2) Model No. unknown
- 3) Horsepower rating 5 hp

Casing: Well #4

- 1) Diameter 16 inches
- 2) Length 16 feet
- 3) Type cement - asbestos

Screen:

- 1) Type cement - asbestos
- 2) Length 13 feet
- 3) Static water level 13 feet

Pump:

- 1) Make unknown
- 2) Model unknown
- 3) Size
- 4) Capacity 100 GPM

Motor:

- 1) Make unknown
- 2) Model No. unknown
- 3) Horsepower rating 5 hp

Casing: Well #5

- 1) Diameter 16 inches
- 2) Length 13 feet
- 3) Type cement - asbestos

Screen:

- 1) Type cement - asbestos
- 2) Length 13 feet
- 3) Static water level 12 feet

Pump:

- 1) Make unknown
- 2) Model unknown
- 3) Size
- 4) Capacity 300 GPM

Motor:

- 1) Make unknown
- 2) Model No. unknown
- 3) Horsepower rating 5 hp

DISTRIBUTION LINES OR CANALS:

- | | | |
|-------------------------|-------------------------|---------------------------|
| 1) Type <u>aluminum</u> | 2) Size <u>6</u> inches | 3) Length <u>128</u> feet |
| 1) Type <u>pvc</u> | 2) Size <u>4</u> inches | 3) Length <u>35</u> feet |
| 1) Type <u>iron</u> | 2) Size <u>6</u> inches | 3) Length <u>155</u> feet |

SYSTEM TYPE:

Lateral move:

- 1) Make Zimmatic
- 2) Overall length 2600 feet
- 3) Number of towers 14
- 4) Distance between towers feet
- 5) End gun Y
- 6) High pressure
- 7) Capacity 1500 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

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

Comments: Permit 4736-3 needs amendment to add a diversion point. No additional water or acres

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: James J. Davis File No. 4572-3, 4736-3 & 5506-3
Address: RR1 Box 43, Parker, SD 57053 County: Turner
Date: 1-31-94 Telephone: (605) 297-4728

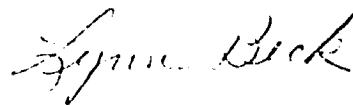
RE:

Comments: I spoke with Mr. Davis on the phone and he said that the two wells south of the irrigation ditch are no longer used. Permit No. 4572-3 authorizes the irrigation of 240 acres from the wells mentioned above.

A third permit, Permit No. 5506-3 authorizes an additional diversion point. Mr. Davis stated that he had not constructed the well yet, but is going to contact a drilling company this spring to investigate the feasibility of a chalk well in the area of Permit No. 5506-3.

If the well under Permit No. 5506-3 is constructed on or before the end of the construction period (May 23, 1996) all three permits could be incorporated. The new well will need to be inspected. If the diversion point under Permit No. 5506-3 is not developed, Permit Nos. 4572-3 and 4736-3 could be incorporated and licensed. These two permits were inspected by Greg Johnston 5-4-93.

The two wells located in the SW 1/4 SW 1/4 Sec. 5 authorized under Permit No. 4572-3 are no longer used and should be plugged or capped.



Lynn Beck
Natural Resources Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 6, 1995

James J. Davis
RR 1 Box 43
Parker, SD 57053

Dear Mr. Davis:

Enclosed you will find a partially completed application form for an additional well to permit no. 4736-3 and instruction sheet. This application does not authorize additional water or acres to be irrigated, it is an amendment to Permit No. 4736-3. Also enclosed find a copy of part of a letter sent to you on January 28, 1994 describing the license and permits you currently hold.

Permit No. 4736-3 authorizes four wells located in the N 1/2 SW 1/4 Section 5-T98N-R53W, while Permit No. 4572-3 appropriates 3.43 cubic feet of water per second, cfs (1543 gpm) to irrigate 240 acres of land. The two wells authorized under Permit No. 4572-3, located in the SW 1/4 SW 1/4 Section 5-T98N-R53W, are no longer used and need to be plugged or capped. At the time of inspection an additional well was found in the N 1/2 SW 1/4 Section 5. Once application is made for the additional well and Permit No. 4736-3 is amended, these permits can be licensed and will most likely be incorporated into one license. Payment of the \$50.00 inspection and licensing fee is necessary before a Water License will be issued.

The completion of construction date for Permit No. 5506-3 is May 23, 1996. As per item number six on the instruction sheet, upon completion of the well an inspection will be conducted. The fee for the inspection is \$50.00. After the inspection and payment of the fee, a Water License will be issued. The issuance of the Water License is the final action for obtaining a water right.

If you have any questions, please feel free to contact me.

Sincerely,

Lynn Beck
Natural Resources Engineer III
(605) 773-3352

encls

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
WATER RIGHTS PROGRAM

July 19, 1995

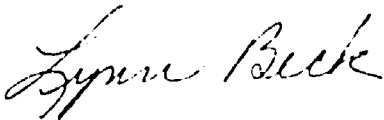
RE: ADDITIONAL POINT OF DIVERSION FOR WATER PERMIT No. 4736-3,
James J. Davis.

An inspection of Permit No. 4736-3 found an additional point of diversion. SDCL 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.

Water Permit No. 4736-3 appropriates 3.43 cubic feet of water per second from four wells located in the N 1/2 SW 1/4 Section 5, T98N, R53W for irrigation purposes. The inspection found five wells. The additional point of diversion is designated as well No. 3 on the inspection report and map. The additional well is located approximately 125 feet from well No. 4. No additional appropriation of water is required for this diversion point.

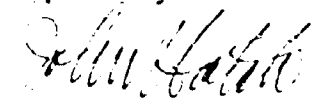
There are seven other irrigation wells located within a one mile radius of well No. 3. Permit No. 4736-3, held by James J. Davis, authorizes the four closest wells. The next closest well is 2540 feet away and is not expected to be affected by well No. 3. No adverse effects to domestic wells are expected. Well No. 3 is an existing well and has operated for many years without complaints.

This additional diversion point can be approved with the same qualifications listed on Water Permit No. 4736-3. The additional diversion point should not increase the potential for interference with existing diversions. In making this conclusion, "does not increase the potential for interference" is interpreted to mean potential for adverse interference.



Lynn Beck
Natural Resources Engineer

Approved by:



John Hatch, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 23, 1995

Permit No. 4736-3

James J. Davis
RR 1, Box 43
Parker, SD 57503

Dear Mr. Davis:

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. 4572-3 and 4736-3, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 4572-3 will be incorporated into 4736-3.

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.

JAMES J. & MARLYS M. DAVID
40557 277TH STR.
PARKER, S. DAK. 57052



Dept. of Env. + Nat. Resources
Water Rights Program
523 E. Capitol
SD 57501-3181



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

DEC 18 1995

4736-3

James J. Davis
PR 1, Box 43
Parker, SD 57053

Dear Mr. Davis:

Enclosed is Water License No. 4736-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414619 in the amount of \$50.00 which you paid for the inspection 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. 4736-3, 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

gm
enclosures

NOTE: The applicable portions of Water Permit No. 4572-3 are incorporated into this Water License No. 4736-3.

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

4736-
414619

Pierre, _____ September 18, 19 95

RECEIVED OF Marilyn M. Davis, 45557 277th St, Parker, SD 57053

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. <u>4736-3</u>		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		
(Any Other Work Provided by Law)	50	00
Total		

By _____
Chief Engineer



January 9, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

 JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
NOTICE
TO: JAMES J DAVIS, 45557 277TH STREET, PARKER, SD 57053

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

Our records indicate that the 1997 Irrigation Questionnaires have not been submitted for Permit Nos. 4736-3 & 5506-3, 2810-3. The request for the Questionnaires was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2810-3 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) 4736-3 & 5506-3 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, February 25, 1998 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) 4736-3 & 5506-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2810-3 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 February 20, 1998, 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.

4736-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1998

2810-3
4736-3
5506-3

James Davis
45557 277th St
Parker, SD 57053

Dear Mr. Davis:

I am writing to acknowledge receipt of your 1997 chemical reporting information and irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 2810-3, 4736-3 and 5506-3.

I completed questionnaires for you based on our January 27th and February 4th telephone conversations. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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

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



4736-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 20, 2005

NOTICE

TO: JAMES J DAVIS, 45557 277TH STREET, PARKER, SD 57053

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2810-3 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) 4736-3 & 5506-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 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) 4736-3 & 5506-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2810-3 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 February 25, 2005, 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.



4736-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 22, 2005

2810-3
4736-3
5506-3

James J Davis
45557 277th St
Parker SD 57053

Dear Mr. Davis:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 2810-3, 4736-3 and 5506-3.

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
Environmental Scientist
Water Rights Program
(605) 773-3352

NOT TO SCALE

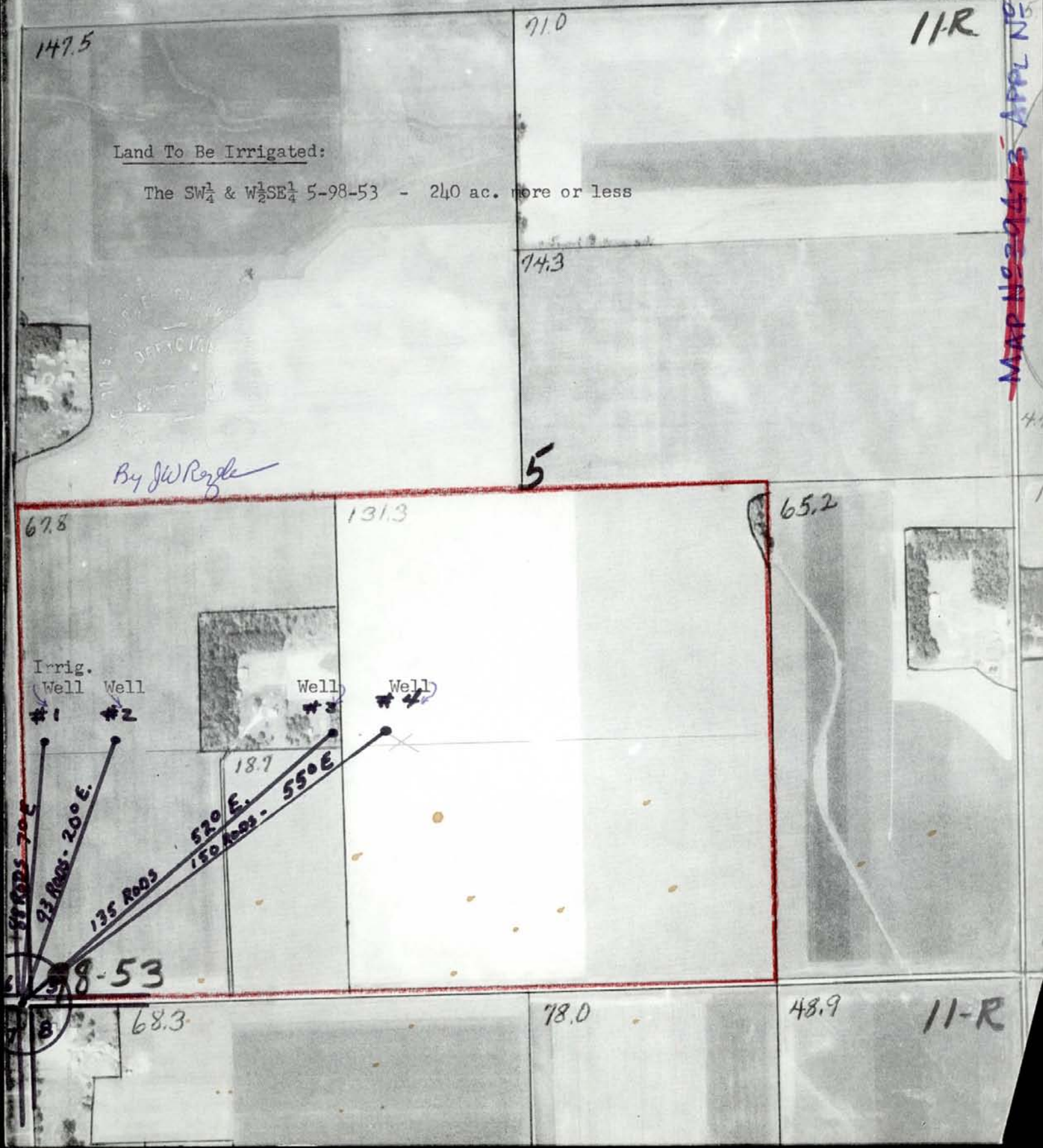
Bar K Cattle Co, Inc. Irrigation System #1
c/o Larry El Hansen, RRL Hurley, S. D. 57036

MAP 11239413 APPL N° 4736-3

Land To Be Irrigated:

The SW $\frac{1}{4}$ & W $\frac{1}{2}$ SE $\frac{1}{4}$ 5-98-53 - 240 ac. more or less

By JW Rydz



NOT TO SCALE



147.5

T-3815

71.0

T-3075

3

NHEL

74.3

T-1883

NHEL

15

NHEL

118.8

T-4018

65.2

T-3833

30.0

T-4019

829

NHEL

NHEL

98.53

2 NHEL

71.3

T-1077

56.6

Bridge

T-1140

45.7

T-3831

11-R

22.6

T-3832

3

NHEL

8.2

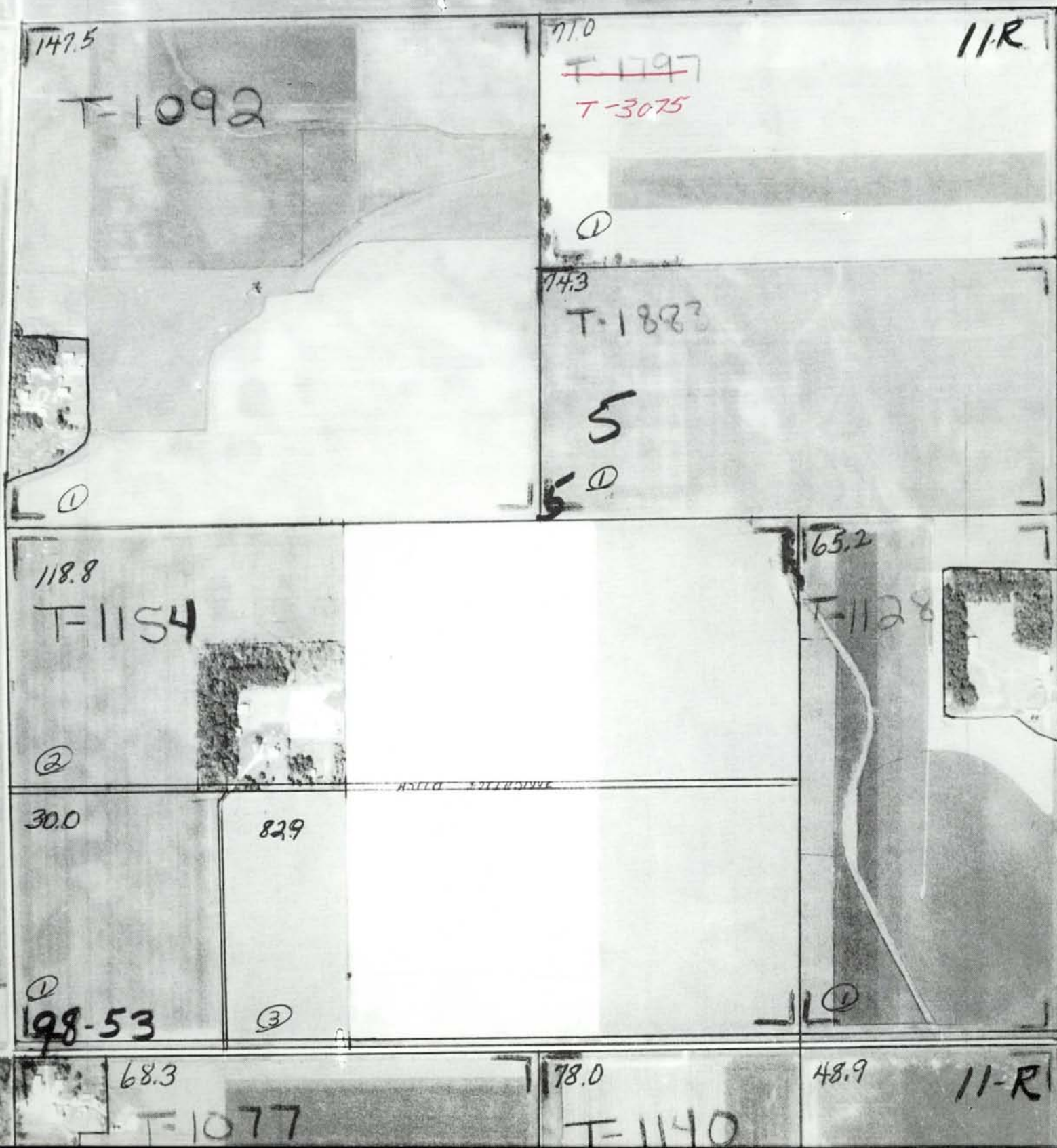
2 NHEL

62.8

NOT TO SCALE

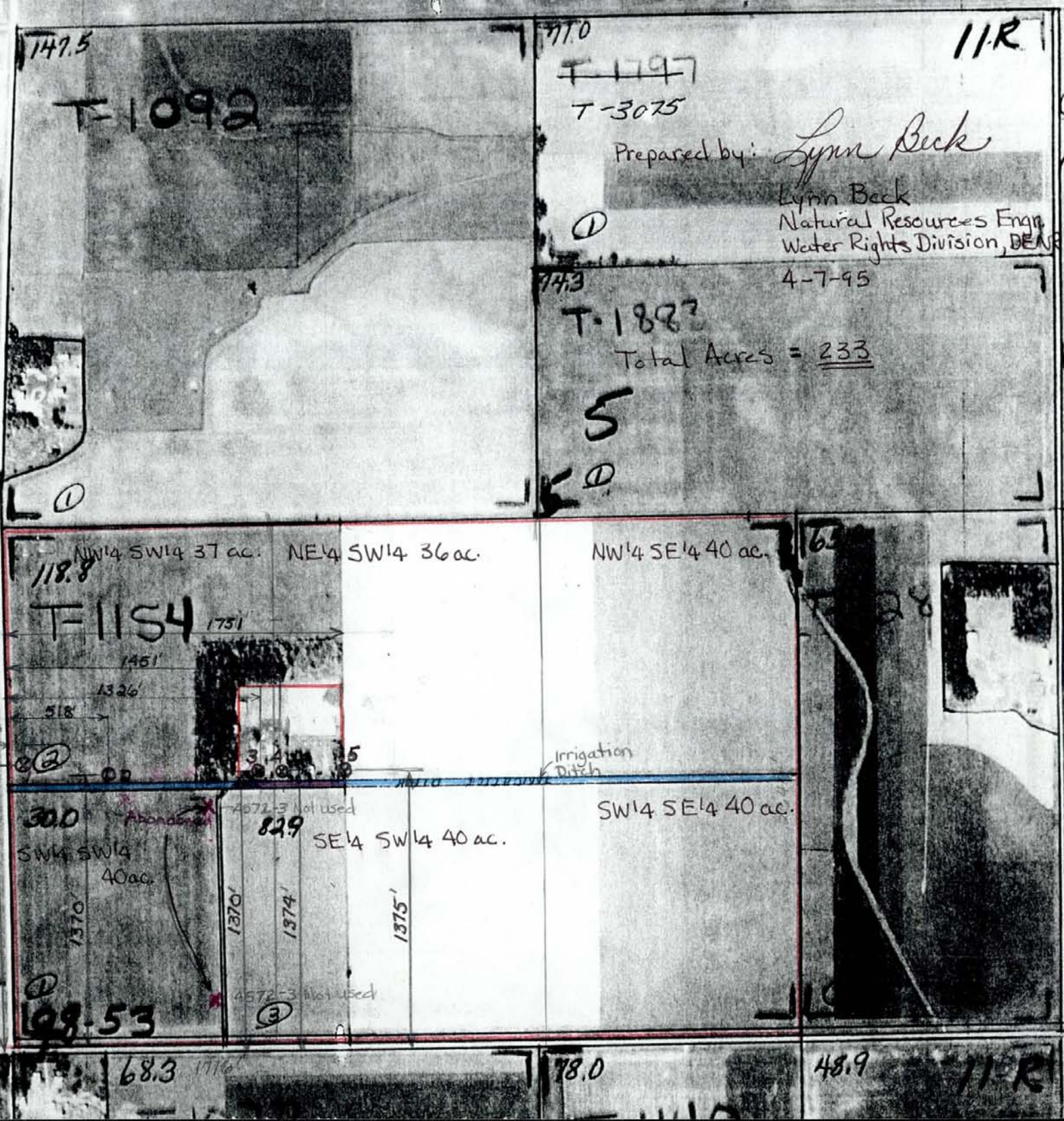


NOT TO SCALE



4736-3

NOT TO SCALE





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 16, 2008

5506-3
4736-3

James J Davis
45557 277th St
Parker SD 57053

Dear Mr. Davis:

I am writing in follow up to your inquiry concerning the acres and wells described under Water Right Nos. 4736-3 and 5506-3.

The water rights authorize irrigation of the same land in the S ½ Section 5, T098N, R53W. The difference between the two is the water source. Water Right No. 4736-3 authorizes wells drilled into the Parker – Centerville Aquifer (30-34 feet deep). Water Right No. 5506-3 was obtained to supplement irrigation on the same land from a well drilled into the Niobrara Formation (about 70 feet deep).

For reporting purposes, if you use the shallower wells, report irrigation on the form for No. 4736-3. If you use the deeper well, please report irrigation on the questionnaire for No. 5506-3. We actually need the amount of water that is pumped from each ground water source. For instance if you did not use the deeper well, check "no" on the questionnaire for No. 5506-3 and return it along with the other forms.

I hope I have addressed your concerns. If you still have questions, please get in touch with me.

Sincerely,

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



4736-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: JAMES J DAVIS, 45557 277TH STREET, PARKER, SD 57053

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaires

Our records indicate that the 2009 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2810-3 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) 4736-3 & 5506-3 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** 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) 4736-3 & 5506-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2810-3 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 questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted 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://denr.sd.gov/iq.aspx>

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 ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 2010

2810-3
4736-3
5506-3

James J Davis
45557 277th St
Parker SD 57053

Dear Mr. Davis:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 2810-3, 4736-3 and 5506-3.

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,

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

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

4736-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 4736-3, James Davis

ADDRESS: 45557 277th Street, Parker SD COUNTY: Turner

DATE: July 25, 2014 (9:15 AM) TELEPHONE: 605 360-7220

RE: Center Pivot overspray

I contacted Mr. Davis to indicate DENR received a call about end gun overspray on to 280th Street from the center pivot located in the SW ¼ Section 5, T98N, R53W. He indicated he received my voice mail message from yesterday and went out and reset the stops. He stated he's working with a new computer system that's taking a while to get used to. I explained this was a courtesy call but that further complaints can lead to enforcement action by DENR.

He understood the safety concerns. He inquired why Water Rights is involved instead of the county. I told him DENR administers water rights. As such, we have authority to limit waste of water issues or application of water to areas not authorized by the water right.

NAME: Eric Munklund



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

4736-3

5506-3

July 23, 2015

James Davis
45557 277th St
Parker SD 57053

Dear Mr. Davis:

The Department of Environment and Natural Resources (DENR) has received information alleging the irrigation system located in the SW 1/4 Section 5-T98N-R53W had irrigation water from the end gun overspraying on the road. Water Right Nos. 4736-3 and 5506-3 listed in your name authorize irrigation at this location.

It is common for center pivots to have stops which can be engaged to shut off the operation of the end gun when the pivot nears a road. Please take steps to insure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun overspray upon land not authorized by the water right. Continued overspray can result in DENR taking enforcement action.

If you don't believe this irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

Schlaak, Karen

From: Gronlund, Eric
Sent: Wednesday, July 22, 2015 10:21 AM
To: Schlaak, Karen
Subject: FW: Overspray

-----Original Message-----

From: kknittel@gwtc.net [mailto:kknittel@gwtc.net]
Sent: Wednesday, July 22, 2015 10:18 AM
To: Gronlund, Eric
Subject: Overspray

July 21st these two were spraying water on the road

*WR 4736-3 & 5506-3
James Davis
(same lands
different water
formations)*

T98N R53W sec. 5 SW 1/4 Hurley twp Turner county Water was spraying on 280th st around 6:45 pm

T98N R53W sec. 11 NE1/4 Hurley twp Turner county Water was spraying on 280th st around 9:30 pm

Kelly Knittel
Freeman SD
605-929-6340

No letter sent

*199-3 Harriette & James Mershon
Paul Petersen, op*

Sent ltr 6-23-15



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

No. 4736-3

November 24, 2015

James Davis
45557 277th Street
Parker SD 57053

Dear Mr. Davis:

Thank you for submitted in your 2015 Irrigation Questionnaire. A comment on the questionnaire was "Someone keeps complaining about water on road. I have changed end gun setting 3-4 times. I can't control wind."

During the 2015 irrigation season, DENR did receive a number of complaints including your water right regarding endgun overspray on to road way. That was the reason you were contacted and a letter written asking that you take steps to insure the endgun stops on the pivot are functioning properly. This applies only to direct endgun overspray on to land not authorized for irrigation. It does not apply to situations involving wind drift causing misting on to the roadway when the endgun stops are functioning properly.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

No. 4736-3
5506-3

July 18, 2016

James Davis
45557 277th St
Parker SD 57053

Dear Mr. Davis:

The Department of Environment and Natural Resources (DENR) has again this season received information alleging the irrigation system located in the SW 1/4 and the W 1/2 SE 1/4 Section 5-T98N-R53W had irrigation water from the end gun overspraying on the road.

It is common for center pivots to have stops which can be engaged to shut off the operation of the end gun when the pivot nears a road. Please take steps to insure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun overspray upon land not authorized by the water right. Continued overspray can result in DENR taking enforcement action.

If you don't believe your irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

Schlaak, Karen

From: Gronlund, Eric
Sent: Monday, July 18, 2016 10:19 AM
To: Schlaak, Karen
Subject: FW: july 2016 water overspray

-----Original Message-----

From: kknittel@gwtc.net [<mailto:kknittel@gwtc.net>]
Sent: Monday, July 18, 2016 10:18 AM
To: Gronlund, Eric
Subject: RE: july 2016 water overspray

3805-3 Richard Horton

It is the one that is just north of 280 st and right west of the old gravel pit that is on hwy 19. It is the one that is in the SE corner.

On 2016-07-18 08:19, Gronlund, Eric wrote:

> Mr. Knittel:

>

> On the last legal description in the SE 1/4 Section 3, which pivot are
 > you referring to? There are actually three pivots that this could be
 > in reference to between two different landowners. DENR does not want
 > to be sending notification to the wrong person.

>

> Eric Gronlund

>

> -----Original Message-----

> **From:** kknittel@gwtc.net [<mailto:kknittel@gwtc.net>]
 > **Sent:** Sunday, July 17, 2016 10:28 PM
 > **To:** Gronlund, Eric; Duvall, Ron
 > **Subject:** july 2016 water overspray

>

> On July 12th at 8:30 am there were 2 center pivots spraying water
 > on the road.

> T98N R53W sec 11 NW1/4 this is the 2nd time I reported this one this
 > season

> the other one is T98N R53W sec 5 SW1/4 & W1/2 of SE1/4 at 8:30 am.

> Then on July 16 at 12:30am T98N R53W sec 3 SE1/4 this one was just
 > replaced with a new unit last week and now it is spraying water on the
 > road.

>

>

> Kelly Knittel

> 605 925 4388 home

> 605 929 6340 cell

> Freeman SD

181-3 James Bondesen

4736-3 > James Davis
 5506-3