

Water Right No. 4753-3

1. Considered 5-27 1981
2. Name of Applicant EDWARD E. BRENNER
3. Post Office Address HITCHCOCK
4. Amount of Water Claimed 2.28
5. Source of Water Supply 80' DEEP WELL (EXISTING)
6. Water to be used for IRRIGATION
7. Acres to be irrigated 160 maximum acre feet
8. Water to be diverted and used in SPINK County
about 9E, 4N miles of HITCHCOCK
9. PROOF OF PUBLICATION Received 1ST 5-22-81

Not Received _____

APPLICATION

Approved 5/27/81

Subject to State WT - I Q

Not Approved _____

Action deferred _____

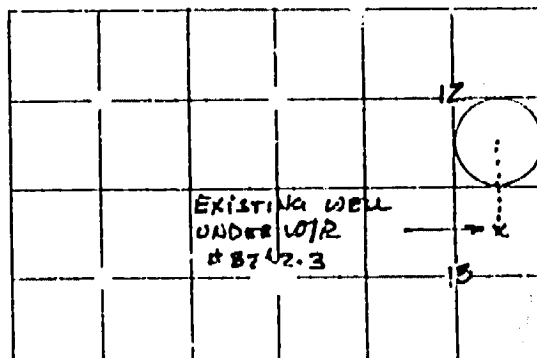
Priority Date 4-9-81 Application Complete yes no ✓ FEE ✓
Remarks NEEDED MAP--

WATER QUALITY Date information and/or
Fee or corrected Application received 4-17-81
Period of Annual use 3/8/81
Received yes ✓ no no APPROVED/CONDITIONAL (Circle one)
Wi-1 Description same as application yes ✓ no no Remarks _____

Disapproved _____

Returned _____

Diversion Point CENTER NE^q
SECTION 13, T14N, R62W



Lands to be irrigated SEC^q
SEC 12, T14N, R62W

WELL
LOG

Remarks _____

Driller EXISTING UNDER WD# 3242-3 Licensed yes no

Depth 80'

MAP Map No. 3964-3 Map located in Water Right ✓ Map file _____
 Type of Map AERIAL Prepared by GAUWP-ASC

+++++

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

[Signature]
 (Signed)

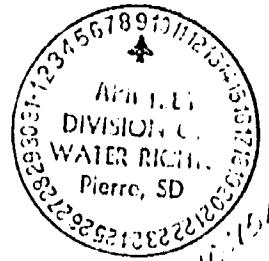
+++++

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. 4753-3
 Map No. 3964-3 Water Division No. 3 JAMES RIVER District 10160006
 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 X - 3242-3

1. Name of Applicant Edward Brenner Phone No. 266-2194
 Post Office Address RR1 Hitchcock State S.D. 57348
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract3. Name of diversion work Brenner Irrigation Project4. Amount of water claimed (cubic feet per second) 2.285. Source of water supply Groundwater6. Location of point of diversion Center of NE 1/4 13-114-62County Spink7. Annual period or periods during which water is to be used April - October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 160

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 SE 1/4 12-114-62</u>	<u>40</u>
<u>NE 1/4 SE 1/4 12-114-62</u>	<u>40</u>
<u>SE 1/4 SE 1/4 12-114-62</u>	<u>40</u>
<u>SE 1/4 SE 1/4 12-114-62</u>	<u>40</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

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

12. Principal Features of the Proposed Water Supply System.

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

Well

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

Pipeline

C. Works proposed to apply water to beneficial use.

Center PivotEstimated Total Cost \$ 40,000

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 Beadle) ss.I, Edward Brenner, 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 Edward BrennerSubscribed and sworn to before me this 31 day of March, 1981Archie J. Whiting
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4753-3

EDWARD E. BRENNER
(Applicant)

RT #1, HITCHCOCK
(Post Office Address)

SOUTH DAKOTA 57348
(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 April 10, 19 81
Date of receipt of corrected application May 8, 19 81
Approved May 27, 19 81, Recorded in Book 22 Page 206

WATER RIGHT PERMIT NO. 4753-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4753-3 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 May 27, 19 82
3. The whole of said work is to be completed on or before May 27, 19 83
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is May 27, 19 83
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 2.28 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before May 27, 19 83; said water to be used during the following described annual period: APRIL - OCTOBER

Witness my hand this 3rd day of June, 19 81

THE WATER MANAGEMENT BOARD

By John Hatch
Chief Engineer Water Rights JOHN HATCH

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

SEE WR 3242-3 FOR
WELL INFO

D Well Information

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

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Depth to water (ground surface to water level) _____

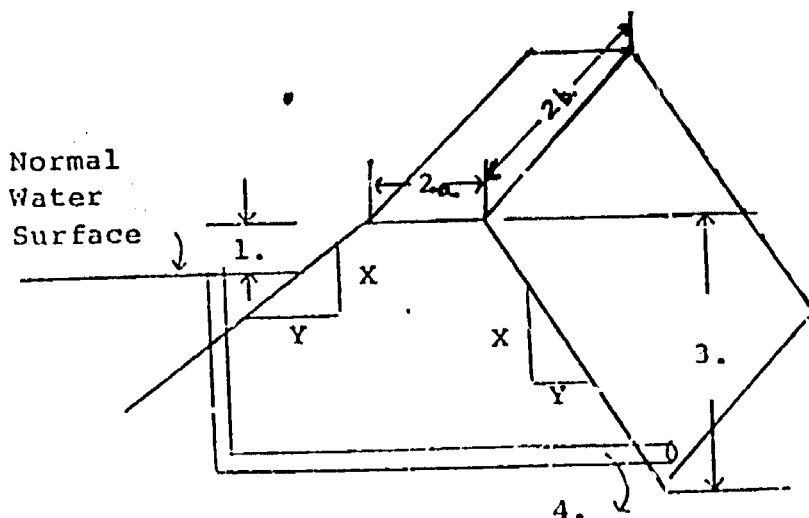
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property _____ rds.

On property owned by others _____ rds.

G Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard _____
- 2a Crest width _____ b. length _____
3. Height of Dam _____
4. Outlet dimensions:
Pipe diameter _____
Spillway width _____
- X & Y slope:
Upstream _____
Downstream _____
- Surface area of impoundment _____
- Drainage area above dam _____

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Edward Brenner OWNERS ADDRESS: Hitchcock, S.D.
COUNTY LAND LOCATED IN: Spink PHONE: 216-2194
TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

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

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

1. WELL LOCATION OR DIVERSION POINT: Center of NE 1/4 13-114-62
2. SURFACE WATER SOURCE: Groundwater
3. LOCATION OF AREA TO BE IRRIGATED: SE 1/4 12-114-62
4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.)
- TYPE OF IRRIGATION: (Show approximate acres under each type of system)
5. GRAVITY ☐ TOWLINE ☐ CENTER PIVOT ☒ GUN ☐ OTHER (Specify) _____
6. CROPS TO BE IRRIGATED: Corn, Wheat, Millet
7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LAND: _____
IN WHAT NAME: _____

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

8. SAMPLE NUMBER: 81-433
9. SALINITY (EC X 10⁶): 540
10. SODIUM (SAR) 0.33 ADJUSTED (SAR) 0.85 1-(0.60)

RECEIVED

MAY 06 1981

South Dakota

Division of Conservation

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at 1:00 A.M./P.M., on March 30, 1981, at the following location: Center of NE 1/4 13-114-62 by _____ (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I also hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from Spink County Conservation District, County Extension Office or Soil Conservation Service; and further that the legal description for the location of the well and land to be irrigated is true and correct.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS
31 DAY OF March, 1981.

Sandra J. Schilling
(NOTARY PUBLIC)



Edward E. Brenner
APPLICANT'S SIGNATURE

Fred M. Gifford
Director, Division of Conservation

APPROVED

DISAPPROVED

☒ CONDITIONALLY APPROVED

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application.

No. 4753-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Spink) ss.

I, Roger Matz hereby

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

Water was taken from the Redfield Press

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

Redfield Press of Redfield, South Dakota

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

May 13, 1981

May 20, 1981

Roger Matz
(Signature)

Publisher
(Title)

5-20-81

(Date Signed)

Cost of Printing: 21.17

WHR-808-7/79
Proof of Publication

No. 138 1142
NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

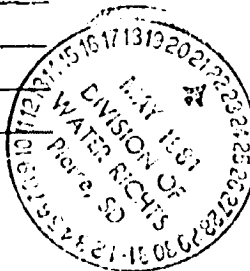
Pierre, South Dakota 57501
Notice is hereby given that
Edward E. Brenner whose post
office address is Hitchcock, South
Dakota, has made an application
in accordance with the provisions
of SDCL 46-1-1 thru 46-1-9, 46-1-14;
46-2-9 thru 46-2-11; 46-2-13; 46-5-1
thru 46-5-3; 46-5-10 thru 46-5-22, 46-
5-41; 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 52:01:01:013, for a permit to
appropriate for beneficial use
2.28 cubic feet of water per
second of time from groundwater
(existing well) through the
Brenner No. 13, the point of
diversion of which is to be located
in the center of the NE 1/4 of
Section 13, Twp. 114N, Range
62W. Said water to be used for the
purpose of providing irrigation on
portions of the following
described land: SE 1/4, Section 12,
T114N, R62W.

This Application No. 4753-3 will
be considered by the Water
Management Board at Meeting
Room No. 11, Knelp 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, DWNR, Joe Foss
Building, Pierre, SD, prior to the
hearing date for assistance to
assure access to the hearing.

Water Management
Board
Burton F. Jones
Water Rights
Specialist
(May 11, 20)



Publish first publication, on or before May 14, 1981NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 8, 1981

Notice is hereby given that Edward E. Bronner whose post office address is Hitchcock, 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 2.28 cubic feet of water per second of time from groundwater ~~(existing well)~~ through the Bronner #3, the point(s) of diversion of which is(are) ~~XXXX~~ to be located in the center of the NE 1/4

of Section 13, Twp. 114N, Range 62W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE 1/4, Section 12, T114N, R62W

This Application No. 4753-3 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: Harold Jones, Publisher
REDFIELD PRESS
Redfield SD 57469

BETTY WESTLUND BURTON F JONES
Water Rights Specialist

WNR-806A-1/79 Notice of Intent to Appropriate Water
GROUNDWATER

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8148

PIERRE,

April 18 9=, 1931

RECEIVED OF Edward Brenner, RR 1, Hitchcock, SD 57348

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

Fee for Application for Permit to appropriate Water No. 4753-3 (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 *(John Hatch)*
Chief Engineer, Executive Officer
(JOHN HATCH / Et)

**SOUTH DAKOTA Department of
Water & Natural Resources**
Joe Foss Building Water Rights Division (605) 773-3352
Pierre, South Dakota 57501
April 10, 1981

Edward Brenner
RR 1
Hitchcock SD 57348

Dear Mr. Brenner:

We are returning the enclosed for the following reasons, that have been checked.

XX The map has not been signed by a licensed land surveyor or a South Dakota Registered Professional Engineer or by a governmental employee who prepares such maps as a regular part of his governmental employment.

— The map submitted with your application does not show the location of the diversion point and lands to be irrigated. Our suggestion is that you use aerial photos which can be obtained from the ASC office. The actual areas to be irrigated and location of the well or wells must be clearly delineated.

XX On the map, state in rods or feet from the Section line the exact location of the well (and/or point of diversion).

— Statutes require we charge \$ _____ for the acreage specified on your application.

XX The Soil/Water Compatibility (WI #1) approval has not been received from the State Conservation Commission. For procedures and required forms, contact the State Conservation Commission, Anderson Building, Pierre, SD 57501 (Phone 773-3259)

XX An application submitted to the Board of Water Management must have a copy of the signed well drillers log for each well location before the application can be advertised.

— TO MAINTAIN YOUR PRIORITY DATE ON YOUR APPLICATION FOR PERMIT TO APPROPRIATE WATER, in accordance with SDCL 46-5-16, you will now have SIXTY DAYS from the date of this letter to correct your application and/or have the above information submitted to this office.

XX Receipt No. 3 8148 in the amount of \$250 is on file with your application.

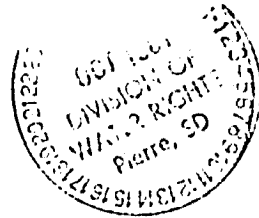
Further processing of your completed application will proceed upon the receipt of the above.

Sincerely,

KAREN WERNSMANN
Administrative Secretary

WNR-804-7/79 Acknowledgement of Receipt of Application

*4-14-81
Rhonda
called
pending maps
OK'd under
water license
32,422.3
has been accepted
adding acreage
map received
4-17-81*

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USEPost Office Hitchcock S. DakDate Aug 21 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.

4753-3.

Water Right Permit No 4753-3 states that the diversion system is to be constructed by May 1981, and that the water is put to beneficial use by June 1981.

The diversion system was completed on May 1981. Applying the water to beneficial use was completed on May 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.

Edward E. Benson
(Signature)

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3352

September 2, 1982

Edward Brenner
RR 1
Hitchcock SD 57348

Dear Mr. Brenner:

The inspection of your water use system and inspection of the extent of your application of water to beneficial use, as developed under your Water Right No. 4753-3 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 issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

You will also receive the Certificate of Construction as required by statute.

Sincerely,

KAREN SCHLAACK
Administrative Secretary

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

WNR-814-7/79

Notification of Water License Ready for Issuing (\$50.00)

SECOND NOTICE
PERMIT NO. 4753-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

December 20, 1982

Edward Bronnor
Rt 1
Hitchcock, South Dakota 57348

Dear Mr. Bronnor:

September 2, 1982 you were notified the required final inspection fee of \$50.00 is due before Water License No. 4753-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. You will also receive the Certificate of Construction as required by Statute. These are the final papers for the perfection of your Water Right.

A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used. Failure to pay the fee means that the legal requirements to establish a water right have not been completed and a property right has not been established.

Please submit the required fee immediately to avoid jeopardizing your water permit or advise if you have any questions.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

CD0802ks.wr

PS Form 3811, Jan. 1979

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
- ☒ Show to whom and date delivered.....\$
- ☐ Show to whom, date and address of delivery.....\$
- ☐ RESTRICTED DELIVERY
Show to whom and date delivered.....\$
- ☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery.\$

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Edward Brenner
Rt 1
Hutchcock SD 57348

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

P200480195

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

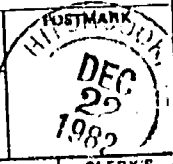
ED Brenner

4. DATE OF DELIVERY

12-22-82

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:



CLERK'S INITIALS

12/22

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

Permit No. 4753-3Water Division 3 JAMES RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by EDWARD BRENNER of HITCHCOCK holder of Permit No. 4753-3, bearing date of priority of OCTOBER 28, 1976 - NE⁴ SECTION 13 APRIL 9, 1981 - SE⁴ SECTION 12, 19 2.25 authorizing the diversion of 2.0 cu. ft. per second of the waters of GROUNDWATER for IRRIGATION purposes, in SPIKE County.

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

The Water Use System consists of,

A. Works used to divert the water:

80' DEEP WELL WITH 16" FIBERGLAS CASING (SINK 59.0')
WESTERN LAND ROLLER 3' PUMP (NO TAG) POWERED
BY 75HP GE ELECTRIC MOTOR @ 1760 RPM

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

40' OF 10" ALUMINUM LINE TO PIVOT IN THE NE⁴ SEC 13
2640' OF 8" BURIED PVC LINE TO PIVOT IN THE SE⁴ SEC 12

C. Works used to apply water to beneficial use.

NE⁴-SECTION 13 - ZIMMATIC 7 TOWER CENTER PIVOT SYSTEM
WITH NELSON #100 END GUN
SE⁴-SECTION 12 - ZIMMATIC 7 TOWER CENTER PIVOT SYSTEM
WITH NELSON #100 END GUN

THESE PIVOTS
 ARE PUMPED
 ALTERNATELY

The system is in the following condition: GOOD

The point of diversion is located 40' NE OF THE CENTER OF THE NE⁴
SECTION 13, T114N, R62W

The works are capable of diverting and conveying to the place of use 1.88 (850 GPM)
 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 T114N, R62W
NE⁴ SECTION 13 - 130 ACRE CIRCLE
SE⁴ SECTION 12 - 132 ACRE CIRCLE

comprising a total of 262 *
 acres of land.

* APPLICABLE PORTIONS OF WATER LICENSE NO 3242-3
 HAVE BEEN INCORPORATED INTO THIS WATER LICENSE

Date AUGUST 26, 1987

Burton Jones
 (Signature)

WATER LICENSE NO. 4753-3.

(1) WHEREAS, On the 9th day of April A. D. 19 81

Edward Brenner

made Water Right Application No. 4753-3 for a permit to use 2.28* cubic feet per second of the waters of groundwater (one well)

County of _____, State of South Dakota, for Irrigation

_____ purposes; and

(2) WHEREAS, On the 27th day of May A. D. 19 81

Permit No. 4753-3, with a date of priority of October 28, 1976 & April 9, 1981*

was issued to said applicant _____ for the diversion of said water, and provided for the completion of construction of the water

supply system therein described on or before the 27th day of May A. D. 19 83 and for the

application to beneficial use of said water on or before the 27th day of May A. D. 19 83

***Whereas upon inspection August 26, 1982 the applicable portions of Water Right No. 3242-3 have been incorporated into this Water License No. 4753-3. The priority for the NE $\frac{1}{4}$, Section 13 is October 28, 1976 and for the SE $\frac{1}{4}$, Section 12 is April 9, 1981. Both in T114N, R62W. Amount of cfs is 1.88 (850 GPM) which is to be pumped alternately.**

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.88* cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

to irrigate the following land all in T114N, R62W

Section 13 NE $\frac{1}{4}$ 130 Acre Circle

Section 12 SE $\frac{1}{4}$ 132 Acre Circle

TOTAL 262 Acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Edward Brenner

of Route #1, Hitchcock, SD 57348

the holder _____ and owner _____ of said permit No. 4753-3 a water right, dating from October 28, 1976 and April 9, 1981 to use of 1.88 cubic feet per second of the waters of groundwater

in the County of Spink and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at 40' NE of the Center of the NE $\frac{1}{4}$, Section 12, T114N, R62W

and conducted to and upon a 130 acre circle in NE $\frac{1}{4}$, Section 12 and a 132 acre circle in the SE $\frac{1}{4}$, Section 12, Both in T114N, R62W

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 4753-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 10th day of January A. D.
Nineteen Hundred and Eighty-Three

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer **JOHN HATCH**

Permit No. 4753-3

Water Diversion No. 3 James River Water District

10160006

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Edward Brenner

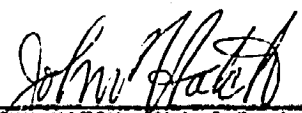
_____ the holder _____ of
Permit No. 4753-3, issued upon Application No. 4753-3, bearing date of priority of *October 28, 1976
and April 9, 1981 authorizing the diversion of 2.28* cu. ft. per second of the waters of _____
groundwater (one well) County of Spink, State of South Dakota at _____
40' NE of the Center of the NE 1/4, Section 13, T114N, R62W

_____ for Irrigation

_____ purposes, he 8 complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use *1.88 (850 GPH) cu. ft. per second of water.

Date January 10, 1983

*The applicable portions of Water
Right No. 3242-3 have been incor-
porated into this Water License
No. 4753-3. The pivot system is
pumped alternately on the lands.


JOHN HATCH, Chief Engineer
Water Rights Division

WNR-815-7/79

Certificate of Construction

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9080

PIERRE, December 27, 1982

RECEIVED OF Edward Brenner, Rt 1, Hitchcock SD 57348

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and issuing Cert. of Construction No. 4753-3		
Fee for Inspecting Beneficial Use, and issuing Water License No. 4753-3	50	00
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	50	00

WATER RIGHTS COMMISSION

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

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3352

January 11, 1983

Edward Brenner
Route #1,
Hitchcock, South Dakota 57348

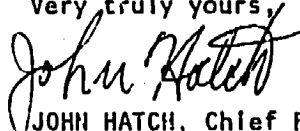
Dear Mr. Brenner:

Enclosed herewith are, Water License No. 4753-3 and Certificate of Construction.

Water License No. 4753-3 is the final water right document completing your process of obtaining a water right...

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.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosures

*The applicable portions of Water Right No. 3242-3 have been incorporated into this Water License No. 4753-3. The pivot system is pumped alternately on the lands.

WNR-817-7/79
Transmittal of Water License

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

4753-3
Edward Brenner
RR 1
Hitchcock SD 57348

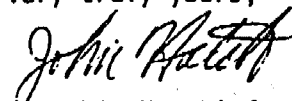
Dear Sir:

Water Permit No. 47533 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:ks
enclosure

4753-3

 **Department of
Water & Natural Resources**

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

August 23, 1988

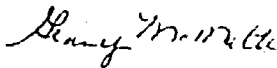
Craig Summers
Farm Credit Services
PO Box 1987
Aberdeen, SD 57401

Dear Mr. Summers:

In response to our telephone conversation, enclosed is a copy of Water Right No. 4753-3, the soil/water analysis and the inspection report. The water right is listed in the name of Edward Brenner.

I hope this information is helpful to you. If you have any questions or need additional copies, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst

enclosures



4753-3



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

May 7, 1993

Paul Reisch
Farm Credit Services
PO Box 786
Watertown, SD 57201-6786

Dear Mr. Reisch:

Enclosed, as you requested, are copies of Water Right Nos. 2418-3 and 4753-3. These water rights, listed in the name of Edward Brenner, are for the E1/2 Section 12 and the NE1/4 Section 13, T114N, R62W.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, which appears to read 'Genny McMath', is written over a faint, larger version of the same name.

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

enclosures



4753-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 27, 1995

2418-3

4753-3

Jef Gatzke
HC 75 Box 146
Hitchcock, SD 57348

Dear Mr. Gatzke:

Enclosed, as we discussed, are partially completed "Notice of Transfer of Ownership" forms for use in filing ownership changes with Water Right Nos. 2418-3 and 4753-3. The water rights are currently listed in the name of Edward Brenner.

Please review the forms for accuracy and complete the area marked "to be transferred to: (name & address)". Upon completion, please sign the forms in the presence of a notary public and then return them to our office with a required filing fee of \$2.50 each (total of \$5.00). Once we receive the forms and filing fees, all pertinent records will be transferred to your name.

Also enclosed are copies of Water Right Nos. 2418-3 and 4753-3. You may keep these for your records. I have also included a blank irrigation questionnaire showing the things you will need to keep track of during the irrigation season. The irrigation questionnaires are mailed from our office in October or November of each year. The 1994 questionnaires were completed during our telephone conversation.

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

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 4753-3

Date: 2/1/95

I\We request that Water Right No. 4753-3

formerly owned by: Edward Brenner

be transferred to: (name & address) Jeffrey Gatzke

HC 75 Box 144, Hitchcock, S.D. 57348 (Telephone No) 266-2574

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

262 acres in the SE 1/4 Section 12 and the NE 1/4 Section 13, T114N, R62W

I\We understand that the validity of Water Right No. 4753-3 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 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 Spink)

I\We Jeffrey Gatzke 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.

Jeffrey Gatzke
(Signed)

Subscribed and sworn to before me this 20th day of Feb, 19 95.

Wanda Helckris
(Notary Public)

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.

RECEIPT

Division of Water Rights

414422

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 28, 19 95

RECEIVED OF Jeffery Gatzke, HC 75, Box 146, Hitchcock, SD 57348

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 4753-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By

John Hatch (Signature)
Chief Engineer



4753-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 7, 1995

No. 2418-3
4753-3

Jeffery Gatzke
HC 75, Box 146
Hitchcock, SD 57348

Dear Mr. Gatzke:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 2418-3 and 4753-3.

Our records now show you as the owner of Water Right Nos. 2418-3 and 4753-3.

Sincerely,

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

enclosure

NOT TO SCALE

114-62

45.9

40.5

NC

579-16 R

NC

5.0

64.5

5.0

64.5 64.5

5.4

5.0

12 4.3

131.0

5.4

+

4.5

114-62

4.3

well pipe water
from center
of NW 1/4 13-114-62

MAP NO. 3 APR 1947 53-3

NOT TO SCALE

2418
4753

114-62

45.9

40.5

NE

579-16 R

NE

5.0

64.5

5.0

5.4

4.3

131.0

5.0

5.4

4.5

1640' OF

4" BURIED PVC

FROM WELL IN

NE 1/4 SEC 13, APPROVED

UNDER PERMIT NO 3242-3

4.3

Map # 3964-3 and 2530-3
Appl # 4753-3 and 3242-3



4753-3

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 4, 2007

Jeffrey Gatzke
39334 187th Street
Hitchcock SD 57348

Dear Mr. Gatzke:

Thank you for submitting your 2006 Irrigation Water Use Questionnaires.

Upon review of the reported diversion of water, it appears that you exceeded the annual volume of water authorized by Water Right No. 4753-3 and Water Permit No. 6341-3. As you will recall, the Water Management Board approved Application No. 6341-3 in 2003. The water rights provide additional diversion authority and an additional well to irrigate the SE ¼ Section 12 and the NE ¼ Section 13; all in T114N, R62W. This allowed you to run the two pivots simultaneously. However, the approval of this permit set an annual volume limitation of 244 acre feet of water annually to irrigate the 262 acres. The total amount of water applied may not exceed 11 inches per year. A copy of Water Permit No. 6341-3 is enclosed.

The questionnaires submitted reflect a total volume applied of 263 acre feet of water during the 2006 season which equates to 12 inches applied to the land. Please be aware in future years that you are limited to a total of 244 acre feet of water annually on these two quarters. Additionally, records from the water meter at the well site and the hour meter at the electrical box are to be reported along with the annual irrigation questionnaire.

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

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 16 2008

6341-3
4753-3

Jeff Gatzke
39334 187th St
Hitchcock SD 57348

Dear Mr. Gatzke:

Enclosed is Water License No. 6341-3. This is the final water right document completing your process of obtaining a Water Right. Also included with the license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 6341-3, 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.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: The applicable portions of Water Right No. 4753-3 were incorporated into Water License No. 6341-3.