

Water Right No. 4757-3

1. Considered May 27 19 81
2. Name of Applicant LARRY KRAUSE
3. Post Office Address Mansfield 57460
4. Amount of Water Claimed No additional (add acreage and well to 4103-3 & 2867-
5. Source of Water Supply 133' DEEP WELL
6. Water to be used for IRR
7. Acres to be Irrigated 160 Add'l maximum acre feet
8. Water to be diverted and used in 1st Brown County about 3/4 mile NORTH of MANSFIELD
9. PROOF OF PUBLICATION Received 7-29-81

Not Received

Approved 7-29-81

Subject to W.I.-I-2

Not Approved

Action deferred

Priority

Date

Received 3/13/81

Application Complete yes no FEE 250.00

Remarks add acreage and new well to 4103-3, need map and Log

REC'D 5-1-81

Date information and/or

fee or corrected Application received

Period of Annual use April thru October

WATER  
QUALITY

Received yes 4/10/81 APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application yes XX Remarks

Disapproved

Returned

Diversion Point

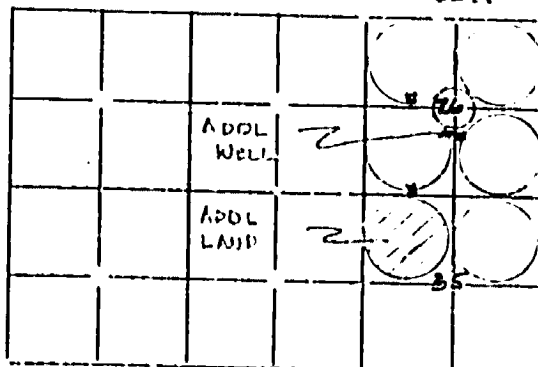
NW<sup>4</sup> SE<sup>4</sup>, Section 26,

T12N, R65W

Lands to be Irrigated

NW<sup>4</sup>, Sec. 35-121-65

additional acreage on existing  
permit



WELL  
LOG

Remarks

Driller M & W Drilling Licensed yes no

Depth 133'

*Mrs. Krause  
called 6/10/81  
said paper never received  
Adm. notice was not  
published.  
Redrafted for July 29th  
called paper & Mrs. Krause  
to verify publishing for  
17th & 24th*

*off received  
second adv.  
app. fault was  
not advertised  
not call paper.*

MAP Map No. 3968-3 Map located in Water Right \_\_\_\_\_ Map file \_\_\_\_\_  
 Type of Map AERIAL AGXXXX Prepared by Coplen 2XS

+++++

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. 4757-3Map No. 3967-3 Water Division No. 3 JAMES 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 ☒ ON PERMITS 4103-3 & 2867-3Change in Acreage ☐ Additional Acreage ☒
 1. Name of Applicant Larry Krause Phone No. 687-3562  
 Post Office Address Mansfield (Street, RR, or Box) (Town) State SD 57460 (Zip Code)  
 If a corporation show date and place of incorporation

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

3. Name of diversion work Krause Addition4. Amount of water claimed (cubic feet per second) no add'l5. Source of water supply groundwater CENTER 266. Location of point of diversion 660' & 100'W of the NW corner, Section 29, T121N, R65WCounty Brown7. Annual period or periods during which water is to be used April thru October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation

9. For irrigation use, Total number of acres to be irrigated \_\_\_\_\_

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 Section 35, T121N, R65W | 160            |
|                                |                |
|                                |                |
|                                |                |

| Land Description | No. Acres Irr. |
|------------------|----------------|
|                  |                |
|                  |                |
|                  |                |
|                  |                |

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water AMERICAN NEWS12. Principal Features of the Proposed Water Supply System. Aberdeen SD

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

wells, pumps &amp; motors

This application proposes to add one well and to add 160 acres to existing irrigation project.

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

mainline

C. Works proposed to apply water to beneficial use.

sprinkler systems

Estimated Total Cost \$ . \_\_\_\_\_

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

STATE OF SOUTH DAKOTA )  
County of Hughes ) ss.I, Larry Krause, 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 Larry Krause  
Subscribed and sworn to before me this 13th day of March, 1981

# WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4757-3

LARRY KRAUSE

(Applicant)

MANSEFIELD

(Post Office Address)

SOUTH DAKOTA 57460

(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 questionnaire being submitted each year.

Date of first receipt of application MARCH 13, 1981

Date of return to applicant for correction, amendments or changes required MARCH 13, 1981

Date of receipt of corrected application JULY 29, 1981

Approved JULY 29, 1981, Recorded in Book 22 Page 750

WATER RIGHT PERMIT NO. 4757-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4757-3 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 JULY 29, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 29, 1984
3. The whole of said work is to be completed on or before JULY 29, 1986
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 29, 1990
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 NO ADD'L 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 JULY 29, 1981; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 4<sup>th</sup> day of AUGUST, 1981

THE WATER MANAGEMENT BOARD

By:

John H. H. H.  
Chief Engineer, Water Rights

Certificate of Construction Issued \_\_\_\_\_, 19\_\_\_\_

Water License Issued \_\_\_\_\_, 19\_\_\_\_

STATE OF NORTH DAKOTA  
**BOARD OF WATER WELL CONTRACTORS**  
 900 E. BOULEVARD • BISMARCK, NORTH DAKOTA 58501

**WELL DRILLER'S REPORT**

State law requires that this report be filed with the State Board of Water Well Contractors within 30 days after completion or abandonment of the well.

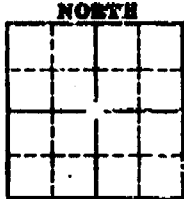
**1. WELL OWNER**

Name Larry Vinsc

Address Mansfield, S.D.

**2. WELL LOCATION**

Sketch map location must agree with written location.



County DeWitt

1/4 1/4 1/4 Sec.        Twp.        N. Rg.        W.

**3. PROPOSED USE**

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

**4. METHOD DRILLED**

☐ Cable ☐ Reverse Rotary ☐ Bored  
☒ Forward Rotary ☐ Jetted ☐ Other

If other, specify \_\_\_\_\_

**5. WATER QUALITY**

Was a water sample collected for chemical analysis?

☐ Yes ☒ No

If so, to what laboratory was it sent \_\_\_\_\_

**6. WELL CONSTRUCTION**

Diameter of hole 4 1/4 inches. Depth 110 feet.

Casing: ☐ Steel ☐ Plastic ☐ Concrete  
☐ Threaded ☐ Welded ☐ Other

If other, specify \_\_\_\_\_

Pipe Weight:      Diameter:      From:      To:  
 \_\_\_\_\_ lb/ft. \_\_\_\_\_ inches \_\_\_\_\_ feet \_\_\_\_\_ feet  
 \_\_\_\_\_ lb/ft. \_\_\_\_\_ inches \_\_\_\_\_ feet \_\_\_\_\_ feet  
 \_\_\_\_\_ lb/ft. \_\_\_\_\_ inches \_\_\_\_\_ feet \_\_\_\_\_ feet  
 \_\_\_\_\_ lb/ft. \_\_\_\_\_ inches \_\_\_\_\_ feet \_\_\_\_\_ feet

Was perforated pipe used? ☐ Yes ☐ No

Length of pipe perforated \_\_\_\_\_ feet

Was casing left open end? ☐ Yes ☐ No

\_\_\_\_\_

Material \_\_\_\_\_ Diameter \_\_\_\_\_ inches  
 (stainless steel, bronze, etc.)

Slot size \_\_\_\_\_ set from \_\_\_\_\_ feet to \_\_\_\_\_ feet

Slot size \_\_\_\_\_ set from \_\_\_\_\_ feet to \_\_\_\_\_ feet

Slot size \_\_\_\_\_ set from \_\_\_\_\_ feet to \_\_\_\_\_ feet

Slot size \_\_\_\_\_ set from \_\_\_\_\_ feet to \_\_\_\_\_ feet

Was a packer or seal used? ☐ Yes ☐ No

If so, what material \_\_\_\_\_

Type of well: Straight screen ☐ Gravel packed ☐

Was the well grouted? Yes ☐ No ☐

To what depth? \_\_\_\_\_ feet

Material used in grouting \_\_\_\_\_

Well head completion: Pitless adapter \_\_\_\_\_

12" above grade \_\_\_\_\_ Other \_\_\_\_\_

If other, specify \_\_\_\_\_

Was well disinfected upon completion? ☐ Yes ☐ No

**7. WATER LEVEL**

Static water level \_\_\_\_\_ feet below land surface

If flowing: closed-in pressure \_\_\_\_\_ psi

GPM flow \_\_\_\_\_ through \_\_\_\_\_ inch pipe

Controlled by: ☐ Valve ☐ Reducers ☐ Other

If other, specify \_\_\_\_\_

**8. WELL TEST DATA**

☐ Pump ☐ Bailer ☐ Other

Pumping level below land surface:

\_\_\_\_\_ ft. after \_\_\_\_\_ hrs. pumping \_\_\_\_\_ gpm

\_\_\_\_\_ ft. after \_\_\_\_\_ hrs. pumping \_\_\_\_\_ gpm

\_\_\_\_\_ t. after \_\_\_\_\_ hrs. pumping \_\_\_\_\_ gpm

**9. WELL LOG**

| Formation           | Depth (ft.) |     |
|---------------------|-------------|-----|
|                     | From        | To  |
| Topsoil             | 0           | 1   |
| Lo. clay sand       | 1           | 4   |
| Lo. clay            | 4           | 10  |
| Lo. clay            | 10          | 23  |
| Lo. clay sand       | 23          | 36  |
| SAND (silt)         | 36          | 40  |
| Lo. silty clay      | 40          | 50  |
| Lo. clayed          | 50          | 55  |
| Fine gr. sand       | 55          | 60  |
| Medium gr. sand     | 60          | 99  |
| Coarse clean gravel | 99          | 125 |
| medium to coarse    |             |     |
| SAND, some gravel   | 125         | 130 |
| Coarse gravel       | 130         | 133 |
| Gravel clay         | 133         | 140 |

(Use separate sheet if necessary.)

**10. DATE COMPLETED** 4-10-81

**11. WAS WELL PLUGGED OR ABANDONED?**

☐ Yes ☐ No

If so, how \_\_\_\_\_

**12. REMARKS:**

Prod. Well Site

**13. DRILLER'S CERTIFICATION**

This well was drilled under my jurisdiction and this report is true to the best of my knowledge.

W. W. Drilling Driller's or Firm's Name 77 Certificate No.

1266 N 22nd Address Bismarck, N.D.

John E. Drilling Signed by

4-10-81 Date

CONSERVATION COMMISSION

WI#1 FORM

3/80

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Office Use Only

OWNERS NAME: Larry Xhaug OWNERS ADDRESS: Manfield

RR #1 Box #7

COUNTY LAND LOCATED IN: Brown PHONE: 587-3562

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

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

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

1. WELL LOCATION OR DIVERSION POINT: 549 of 76, T121-R65 NW 1/4 SE 4

2. SURFACE WATER SOURCE: N/A

3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

| Legal Description           | Acres      | Legal Description | Acres |
|-----------------------------|------------|-------------------|-------|
| <u>NW 1/4 of Section 35</u> | <u>160</u> |                   |       |
| <u>121-65</u>               |            |                   |       |
|                             |            |                   |       |
|                             |            |                   |       |

4. TYPE OF IRRIGATION: GRAVITY: \_\_\_\_\_ TOWLINE: \_\_\_\_\_ CENTER PIVOT: X GUN: X (Specify) \_\_\_\_\_

5. CROPS TO BE IRRIGATED: Corn Soybean Beans 121-65

6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: 1976

LEGAL DESCRIPTION: 121-65 S. 1/2 Sec 35

IN WHAT NAME: Larry Xhaug

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

7. WATER SAMPLE NUMBER: 76-780 ~~76-780~~

8. SALINITY (EC X 10<sup>6</sup>): 723 ~~723~~

9. SODIUM (SAR): 0.62 ~~0.62~~

10. ADJUSTED (SAR): 1.00 ~~1.00~~ ~~3.00~~

RECEIVED

MAR 23 1981

South Dakota  
Division of Conservation

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at \_\_\_\_\_ a.m./p.m., on \_\_\_\_\_, 19\_\_\_\_, at the following location: N/A 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

13 DAY OF March, 1981.

William Smith

(NOTARY PUBLIC) Phonon Director

IMPORTANT

APPLICANT'S SIGNATURE

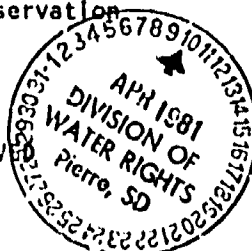
Frank M. Hildt  
Director, Division of Conservation

APPROVED

DISAPPROVED

X CONDITIONALLY APPROVED

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.



**CONFIDENTIAL**

NAME OF APPLICANT Larry Krause

SOIL RESTRICTIONS:

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

The Tonka depressional areas should be drained or be kept in permanent vegetation to avoid problems with podding and traction when irrigating.

**RECOMMENDED MANAGEMENT:**

44-711-8074-14

No. 4757-3

Publish first publication, on or before June 19, 1981

NOTICE OF HEARING ON  
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 30, 1981

Notice is hereby given that Larry Krause whose post office

address is Mansfield, 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 groundwater

~~(one well)~~ through the Krause Addition to add an, the point(s) of diversion of ~~which is to be located in the~~ Additional point of diversion on an existing ~~permit of which is to be located in the NW 1/4 SE 1/4~~

of Section 26, Twp. 121N, Range 65W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NW 1/4, Section 35, T121N, R65W, adding additional acreage on an existing permit.

This Application No. 4757-3 will be considered by the Water Management Board at Civil Defense Meeting Room, State Capitol Building, Pierre SD upon the 29th day of July 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, DWRN, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Larry Krause  
Mansfield SD 57460

BETTY WESTLUND  
Water Rights Specialist

WNR-306A-7/79 Notice of Intent to Appropriate Water  
GROUNDWATER

**ABERDEEN, SOUTH DAKOTA**

F I R S T   P U B L I C A T I O N

## Notice to Appropriate Water

follows: July 17, 24

to be made.

**Advertising Department**

TOTAL PUBLICATION COST 33.50

(Page Two - 107-124-21)  
BY FRANK W. HERRING  
CHIEF OF INVESTIGATION  
APPROPRIATELY SIGNED  
PIERRE, SOUTH DAKOTA 57501  
June 10, 1961

I wish to hereby inform that LARRY KROUSE whose CHS office address is Hamstead, South Dakota, has made an application in accordance with the provisions of SDCL 15-1-1 thru 15-1-12, 15-1-14, 15-1-15 thru 15-1-17, 15-1-19, 15-1-20 thru 15-1-22, 15-1-24 thru 15-1-25, 15-1-27, 15-1-28, 15-1-29, 15-1-30, 15-1-31, 15-1-32, 15-1-34 thru 15-1-37, 15-1-39, ARSO 2-1-1 thru 2-1-15, for a permit to appropriate water from the water rights owned by the State of South Dakota.

The above groundwater (see sketch) is in the Krosche Aquifer, to add additional amount of groundwater on an annual basis of approximately 10 million gallons per year which is to be used in the West Side of Jackson Hill, Block 11-N, Cause No. 40W. Said water is to be used for the purpose of providing irrigation facilities at the West Side of Jackson Hill, Block 11-N, Cause No. 40W, adding additional acreage on an ongoing basis.

This Application No. 20-3 will be considered by the Water Management Board of Civil Defense Hearing Room, State Capitol Building, Pierre SD upon the 27th day of July 1961 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 permit decision or order concerning the proposed action or order, examine the same and file written objections thereto with the Board in writing prior to the hearing or oral argument 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 harddisseminated person wishing to attend this hearing can contact the Water Rights Division, CWRK, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to secure access to the hearing.

WATER MANAGEMENT BOARD  
BETTY WESTLUND  
Water Rights Specialist

# RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8073

PIERRE, March 13, 1981

RECEIVED OF Larry Krause, Mansfield SD 57460

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

|                                                                                                                |            |           |
|----------------------------------------------------------------------------------------------------------------|------------|-----------|
| Fee for Application for Permit to Appropriate Water No. 4757-3 (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)                                                                    |            |           |
| <b>TOTAL</b>                                                                                                   | <b>250</b> | <b>00</b> |

WATER RIGHTS COMMISSION

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

Water Management Board  
Betty Welllund  
Joe Foss Bldg.  
Pierre So. Dak.



July 18, 1981

Dear Sirs; I see a notice in Aberdeen Times News dated June 10, 1981 printed today that Larry Krause wants a permit to irrigate the NW 1/4 Sec. 35, 121, 65. It sounds like he has only (one well) actually he has pumped from more than one well for years, and also irrigates land in both Sec. 35, and Sec. 26, and even had R.E.A. run a 3 phase line to another well. He also had a well rig there this spring so I don't know how many wells he now has. So I think you folks should investigate, and get full information before granting this permit.

Arnold Ristan  
Mansfield

So. Dakota

57460

P.S. I Can't go to Pierre to tell you this personally.

Water Rights Division  
605 773-3352

July 22, 1981

Arnold Ristau  
Manassfield,  
South Dakota 57460

Dear Mr. Ristau:

In answer to your letter of July 18, 1981, Mr. Larry Krause has permits on the following lands for two wells and one more pending approval.

2867-3, approved 1976 to irrigate Section 26, T121N, R65W from a well in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 26, T121N, R65W

4103-3, approved 1977 to irrigate NE $\frac{1}{4}$ , Section, 3S, T121N, R65W, from a well in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 26, T121N, R65W

4757-3, this application is pending approval by the Water Management Board on July 29, for a well in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 26, T121N, R65W, to irrigate the NW $\frac{1}{4}$  Section 35, T121N, R65W.

If you have any further questions feel free to contact this office.

Sincerely,

NETTY WESTLUND  
Water Rights Specialist

BW:kw



Joe Foss Building  
Pierre, South Dakota 57501

Water Rights Division  
605 773-3352

May 13, 1982

#### RECISSION OF ORDER

Larry Krause  
Mansfield,  
South Dakota 57460

RE: 2867-3, 4103-3, 4757-3 & 4480-3

Dear Mr. Krause:

This letter will rescind the order dated March 17, 1982 not to irrigate the NE 1/4 Section 35, T121N, R65W or to use the well authorized by Permit No. 4103-3. You have obtained the required soil/water compatibility Permit for the NE 1/4 Section 35.

I have reviewed all of your permits as listed below.

1. Permit No. 2867-3, priority date July 27, 1976, for 2 wells (151' & 165'), 9.07 cfs, to irrigate Section 26, T121N, R65W (635 acres). WI-1 (Soil-Water approval from the Conservation Commission) is for irrigation of Section 26.
2. Permit No. 4103-3 submitted August 11, 1977 (retaining priority date of July 27, 1976) for no additional cfs, to change the location of one well (160') and to add 160 acres (NE 1/4 Section 35, T121N, R65W) to irrigation project. WI-1 has now been received from the Conservation Commission (May 10, 1982) for the NE 1/4 Section 35.
3. Permit No. 4757-3, priority date July 29, 1981, for one additional well (133') for Permits 4103-3 and 2867-3, no additional cfs, and to add 160 acres (NW 1/4 Section 35, T121N, R65W) to the total irrigation project. The WI-1 is for irrigation of the NW 1/4 Section 35.

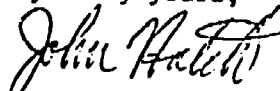
It is my understanding that the location of the three wells are No. 1 SE 1/4 NW 1/4 Section 26, No. 2 South edge of SE 1/4 SW 1/4 Section 26 and No. 3 NW 1/4 SE 1/4 Section 26. The well locations appear to meet the requirements of the Conservation Commission and are located in the same aquifer. Therefore, the three permits as approved now allow water to be pumped from any one of the three wells to Section 26 or the N 1/2 of Section 35. When the permits are licensed, I expect that all three permits will be combined into one license.

I have also checked Permit No. 4480-3 for runoff water to irrigate 80 acres in the SE 1/4 Section 34, T122N, R65W. The WI-1 is for the same land and everything appears to be in order.

May 13, 1982  
Larry Krause  
Page 2

I regret that an error occurred in the original processing of the application for Permit No. 4103-3 and that there have been misunderstandings in the correction of this error. However, it has been the sad and costly experience of two South Dakota irrigators to have the State Supreme Court reverse the approval of their two permits after wells and equipment had been installed. Part of the reason for the reversals were errors in processing the applications. The Supreme Court decisions have made it very clear that an error by this office in the water permit process eventually harms or can harm the applicant. Our error becomes the applicant's error even though he himself may have done everything he could to follow correct procedures. After I found that processing errors had occurred on more than just your permit, my position has been to correct past processing errors and prevent future errors. The correction of your Permit No. 4103-3 resulted in misunderstandings; however, without correction the risk was for a future court decision ruling the Permit invalid, a bank that checks out permits refusing a loan in the future or in the event of future land sale, the transaction stopped because of the legal cloud on the permit validity.

Very truly yours,



JOHN HATCH, Chief Engineer  
Water Rights Division

JH:ks

cc: Jack Fifield, Director, Conservation Comm.  
Roxanne Giedd, Assistant Attorney General



# Department of Water & Natural Resources

Joe Foss Building Water Rights Division  
Pierre, South Dakota 57501

(605) 773-3352

February 28, 1983

Larry Krause  
Mansfield, South Dakota 57460

Dear Mr. Krause:

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. 4757-3 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,

Genny Young  
Water Rights Specialist

GYS:ms

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)

August 22, 1983

SECOND NOTICE  
Permit No. 4757-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Larry Krause  
Winfield, SD 57450

Dear Mr. Krause:

February 28, 1983 you were notified the final inspection fee of \$50.00 is due before Water License No. 4757-3 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. This is the final document 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.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

John Hatch, Chief Engineer  
Water Rights Division  
Phone: (605) 773-3352

C82205ks.wr

☆ GPO : 1979-328-510

## WATER LICENSE NO. 4757-3.

(1) WHEREAS, On the 13th day of March A. D. 1981

Larry Krause

made Water Right Application No. 4757-3 for a permit to use no additional cubic feet per second of the waters of ground water

County of Brown, State of South Dakota, for Irrigation

purpose; and

(2) WHEREAS, On the 23th day of July A. D. 1981

Permit No. 4757-3 with a date of priority of July 29, 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 29th day of July A. D. 1986 and for the application to beneficial use of said water on or before the 29th day of July A. D. 1990

WHEREAS, on the 21st day of September, 1982, the applicable portions of Permit Nos. 2867-3 & 4103-3 have been incorporated into this License No. 4757-3 with dates of priority of July 27, 1976 for the NE $\frac{1}{4}$  Section 35 and all of Section 26, T121N, R65W (760 acres) and July 29, 1981 for the NW $\frac{1}{4}$  Section 35, T121N, R65W (130) acres)

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 6.0 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 T121N, R65W

|                                              |          |      |                                   |          |      |
|----------------------------------------------|----------|------|-----------------------------------|----------|------|
| Section 26 NE $\frac{1}{4}$ NW $\frac{1}{4}$ | 39 acres | (BA) | NE $\frac{1}{4}$ SE $\frac{1}{4}$ | 39 acres | (DA) |
| NW $\frac{1}{4}$ NW $\frac{1}{4}$            | 39 acres | (BB) | NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 39 acres | (DB) |
| SW $\frac{1}{4}$ NW $\frac{1}{4}$            | 39 acres | (BC) | SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 39 acres | (DC) |
| SE $\frac{1}{4}$ NW $\frac{1}{4}$            | 39 acre  | (BD) | SE $\frac{1}{4}$ SE $\frac{1}{4}$ | 39 acres | (DD) |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$            | 39 acres | (AA) | Section 35                        |          |      |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$            | 39 acres | (AB) | NE $\frac{1}{4}$ NW $\frac{1}{4}$ | 13 acres | (BA) |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$            | 39 acres | (AC) | NW $\frac{1}{4}$ NW $\frac{1}{4}$ | 39 acres | (BB) |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$            | 39 acres | (AD) | SW $\frac{1}{4}$ NW $\frac{1}{4}$ | 39 acres | (BC) |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$            | 39 acres | (CA) | SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 39 acres | (BD) |
| NW $\frac{1}{4}$ SW $\frac{1}{4}$            | 39 acres | (CB) | NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 39 acres | (AA) |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$            | 39 acres | (CC) | NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 39 acres | (AB) |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$            | 19 acres | (CD) | SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 39 acres | (AC) |
|                                              |          |      | SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 39 acres | (AD) |
| TOTAL 890 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 Larry Krause

of Route #1, Box 7, Mansfield, South Dakota 57460  
holder and owner of said permit No. 4757-3 a water right, dating from July 27, 1976 and July 29, 1981 to use of 6.0 cubic feet per second of the water  
groundwater (three wells)

the County of Brown and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at Well #1-2850'N and 1650'E (BD); Well #2 - 1440'E and 50'N (CD); well #3 -2140;N and 3100'E (DB); all from the SW Corner, Section 26, T121N, R65W

portions of Sections 26 and 35, T121N, R65W more fully described  
id conducted to and upon  
on the face of this License

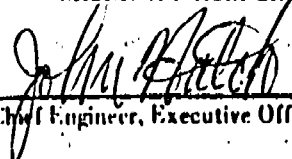
or the purpose of Irrigation

subject to any limitations listed in Water Right Permit No. 4757-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota  
this 7th day of September A. D.  
Nineteen Hundred and Eighty-Three

WATER MANAGEMENT BOARD

By:

  
Chief Engineer, Executive Officer JOHN HATCH

Permit No. 4757-3Water 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 LARRYKRAUSE of MANSEFIELD holder  
of Permit No. 4757-3\*, bearing date of priority of SEC 26 & NE<sup>4</sup>, SEC 35 - JULY 27, 1976 (760 ACRES)  
NW<sup>4</sup>, SEC 35 JULY 29, 1981 (130 ACRES)authorizing the diversion of 9.07 cu. ft. per second of the waters of GROUNDWATER  
for IRRIGATION purposes, in BROWN County.

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

WELL #1 - 150' DEEP WITH 16" STEEL CASING - 20' SS SCREEN  
The Water Use System consists of, AURORA 8" PUMP - 8 STAGE - 10" BOWLS - HELICOPTER GEAR HEAD  
@ 1760 RPM - POWERED BY CASE MODEL 504 DIESEL ENGINE

A. Works used to divert the water: @ 100 HP.

WELL #2 - 155' DEEP WITH 16" STEEL CASING - 20' SS SCREEN. WESTERN LAND  
ROLLER 8" PUMP - TYPE 8M - 10 STAGE - 10" BOWLS, POWERED BY 100 HP  
US ELECTRIC MOTOR @ 1760 RPMWELL #3 - 150' DEEP WITH 16" STEEL CASING - 20' SS SCREEN. AURORA 8" PUMP -  
10 STAGE - 10" BOWLS, POWERED BY WESTINGHOUSE 75 HP ELECTRIC  
MOTOR @ 1775 RPM

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

FROM WELL #1 - 1200' OF 10" BURIED PVC TO Y @ SW<sup>4</sup> CORNER, SEC 26, THEN 1850' OF 8" BURIED PVC  
TO PIVOT PAD IN SE<sup>4</sup>, SEC 26 & 1250' OF 8" BURIED PVC TO PIVOT POINT IN NE<sup>4</sup>, SEC 25.  
1250' OF 8" BURIED PVC TO PIVOT PAD IN SW<sup>4</sup>, SEC 26 & 1440' OF 8" PVC TO PIVOT PAD IN NW<sup>4</sup>, SEC 25FROM WELL #1 - 1450' 8" PVC TO PIVOT PAD IN SW<sup>4</sup>, SEC 26 THEN 1200' OF 8" PVC TO JUNCTION OF WELLS #1 & #2.  
FROM WELL #2 - 1300' 8" PVC TO JUNCTION. 1800' 8" PVC TO PIVOT PAD IN NE<sup>4</sup> & 1200' 8" PVC TO PIVOTC. Works used to apply water to beneficial use. PAD IN NW<sup>4</sup>, SEC 26. ALL PIVOT PADS ARE INTERCONNECTED.2 - 8 TOWER LOCKWOOD CENTER PIVOT SYSTEMS, 1 - 8 TOWER ELECTROGATOR CENTER  
PIVOT SYSTEM & 1 - 10 TOWER VALLEY CENTER PIVOT SYSTEM, ALL EQUIPPED WITH  
NELSON #100 END GUNS. ALL PIVOTS ARE TOWABLE & CAN BE USED AT ALL PIVOT POINTS.  
USES WATER WITH MODEL W40 TRAVELLING SPRINKLER WITH NELSON #200  
BIG GUN NOZZLES @ 680 GPM. WITH 680' OF 4" RUBBER LINE, 24"The system is in the following condition: GOODThe point of diversion is located WELL #1 - 2850' N & 1650' E; WELL #2 - 1440' E & 50' N; \*WELL #3 - 2140' N & 3100' E, ALL FROM THE SW CORNER, SECTION 26, T12N, R65WThe works are capable of diverting and conveying to the place of use 6,000 cfs (900 GPM PER WELL)cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN T12N, R65W  
SECTION 26 SECTION 35

|                 |                      |                 |                                  |
|-----------------|----------------------|-----------------|----------------------------------|
| NW <sup>4</sup> | 156 ACRES            | NW <sup>4</sup> | 130 ACRES - (LESS BUILDING SITE) |
| NE <sup>4</sup> | 156 "                | NE <sup>4</sup> | 156 "                            |
| SW <sup>4</sup> | 136 " (LESS FEEDLOT) |                 |                                  |
| SE <sup>4</sup> | 156 "                |                 |                                  |

comprising a total of 890 acres of land.\*\* HAS ONE MILE OF 8" ALUMINUM & 1 MILE OF 6" ALUMINUM MAINLINE,  
ALSO USES BOOM ON ~~PIVOTS~~ PIVOTS TO CARRY WATER TO CORNERS.\* APPLICABLE PORTIONS OF PERMITS NE 2867-B & 4103-3 HAVE  
BEEN INCORPORATED INTO THIS WATER LICENSE.DATE SEPTEMBER 21, 1982Frederick J. Jones  
(Signature)

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

Joe Foss Building  
523 East Capitol

Pierre, South Dakota 57501

WATER RIGHTS DIVISION  
Phone (605) 773-3352

Sep. 8, 1983

Krause-Allbee Farms  
Larry Krause  
Hansfield, South Dakota 57460

Dear Mr. Krause:

Enclosed herewith is, Water License No. 4757-3. This 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

Applicable portions of Permit Nos. 2867-3 and 4103-3 have been incorporated into this License No. 4757-3.

WNR-817 3/83

Transmittal of Water License

# RECEIPT

## WATER RIGHTS COMMISSION

State of South Dakota

No 4 9324

August 29

83

PIERRE,

19

RECEIVED OF Krause-Albee Farms, Larry Krause, Mansfield, SD 57460

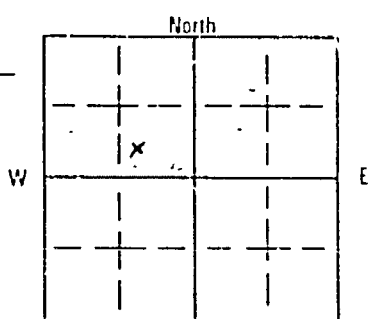
the following amount in fees for services rendered as provided for by law:

|                                                                                                                    |    |    |
|--------------------------------------------------------------------------------------------------------------------|----|----|
| Fee for Application for Permit to Appropriate Water No. .... (examination, processing, recording and filing) ..... | 3  |    |
| Fee for inspecting Construction, and issuing Cert. of Construction No. ....                                        |    |    |
| Fee for inspecting Beneficial Use, and issuing Water License No. 4757-3 .....                                      | 50 | 00 |
| 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 .....<br>(any other work as provided by law)                                                               |    |    |
| TOTAL                                                                                                              | 50 | 00 |

WATER RIGHTS COMMISSION

By *John Hatch*  
Chief Engineer, Executive Officer  
JOHN HATCH/ms

## SOUTH DAKOTA WATER WELL COMPLETION REPORT

Replacement Well  
10-85Location SD 140 Sec 24 Twp 131 Rg 65County Edmunds  
BrownPlease mark well  
location with  
an "X"Well Completion Date 7-11-87

## PROPOSED USE:

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

## Method of Drilling

Forward Rotary

## CASING DATA:

☒ Steel ☒ Plastic ☐ Other

If other describe \_\_\_\_\_

| PIPEWEIGHT | DIAMETER | FROM | TO  | HOLE DIAMETER |
|------------|----------|------|-----|---------------|
| LB/FT      | IN       | FT   | FT  | IN            |
| 16         | 10       | 0    | 140 |               |
|            |          |      |     |               |
|            |          |      |     |               |
|            |          |      |     |               |
|            |          |      |     |               |

## GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 10 FEET

What is grouting material? \_\_\_\_\_

If cement, number of sacks? 30

Describe grouting procedure \_\_\_\_\_

What was grout weight? \_\_\_\_\_ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 16 IN Length 30 FEET

Material \_\_\_\_\_

Slot Size 60 Set From 140 Feet To 160 Feet

Slot Size \_\_\_\_\_ Set From \_\_\_\_\_ Feet To \_\_\_\_\_ Feet

Slot Size \_\_\_\_\_ Set From \_\_\_\_\_ Feet To \_\_\_\_\_ Feet

Other information \_\_\_\_\_

Was a packer or seal used? ☒ YES ☐ NOIf so, what material? Sand

Describe packer(s) and location? \_\_\_\_\_

Well disinfected upon completion? ☒ YES ☐ NOSoil analysis ☒ YES ☐ NO

at to \_\_\_\_\_

Well Owner

4757-3

Name Larry FrouseAddress Manfield SD 57460

Well Log

Depth

Formation

From

To

|                           |     |     |
|---------------------------|-----|-----|
| Yellow Clay               | 0   | 30  |
| Brown Clay                | 30  | 40  |
| Brown Clay w/ sand        | 40  | 50  |
| Reddish Clay              | 50  | 60  |
| Gravelly Blue Clay        | 60  | 90  |
| Blue Clay                 | 90  | 104 |
| Gravelly fine sand & clay | 104 | 130 |
| fine m. sand & gravel     | 130 | 156 |
| Clear sand & gravel       | 156 | 160 |
|                           |     |     |
|                           |     |     |
|                           |     |     |
|                           |     |     |
|                           |     |     |

STATIC WATER LEVEL 50 Feet

If flowing, closed in pressure \_\_\_\_\_ PSI

GPM flow \_\_\_\_\_ through \_\_\_\_\_ inch pipe

Controlled by ☒ Valve ☐ Reducers ☐ Other

If other, specify \_\_\_\_\_

Can well be completely shut in? Yes

## WELL TEST DATA

☒ Pumped900☐ Bailed

Describe: \_\_\_\_\_

☐ Other \_\_\_\_\_

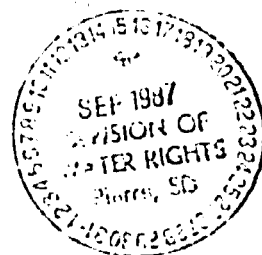
Pumping Level Below Land Surface

\_\_\_\_\_ ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

\_\_\_\_\_ ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

\_\_\_\_\_ ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

## REMARKS

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm Edmunds Drilling

Signature of license Representative:

Larry Frouse

Signature of Well Owner

Larry Frouse

Date



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

KRAUSE-ALBEE FARMS LARRY KRAUSE  
RT 1 BOX 7  
MANSFIELD SD 57460

NOTICE

RE: Violation of Water Permit No(s) 4480-3, 4757-3, 5128-3 & 5495-3

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 4480-3, 4757-3, 5128-3 & 5495-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 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) 4480-3, 4757-3, 5128-3 & 5495-3 qualification:

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

The hearing will be held at 9:15 am, March 4, 1992, 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, 46-2-8, 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) 4480-3, 4757-3, 5128-3 & 5495-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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



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

February 18, 1992

Larry Krause  
Krause-Albee Farms  
RR #1 Box 7  
Mansfield, SD 57460

RE: Irrigation Questionnaires - Permit Nos. 3007-3, 3367-3,  
3368-3, 3652-3, 3881-3, 3882-3, 4480-3, 4757-3, 5128-3 &  
5495-3

Dear Mr. Krause:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for the above listed water permits. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

Genny McMath  
Natural Resources Analyst  
Water Rights Division



January 9, 1998

**NOTICE**

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

TO: LARRY KRAUSE, 37841 147TH ST, MANSFIELD, SD 57460

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. 4757-3, 5128-3 & 5495-3, 3367-3, 3368-3, 3652-3, 3881-3 & 3882-3. 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) 3367-3, 3368-3, 3652-3, 3881-3 & 3882-3 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) 4757-3, 5128-3 & 5495-3 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) 4757-3, 5128-3 & 5495-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3367-3, 3368-3, 3652-3, 3881-3 & 3882-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Pos pone 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 McMuth (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.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 26, 1998

Larry Krause  
37841 147th St  
Mansfield, SD 57460

RE: Water Permit/Right Nos. 3367-3, 3368-3, 3652-3, 3881-3, 3882-3, 4757-3, 5128-3 & 5495-3

Dear Mr. Krause:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit/Right Nos. 3367-3, 3368-3, 3652-3, 3881-3, 3882-3, 4757-3, 5128-3 & 5495-3.

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



4757-3  
**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

SEP 8 1938

5495-3

Larry Krause  
RR 1, Box 7  
Mansfield, SD 57460

Dear Mr. Krause:

Enclosed is Water License No. 5495-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415649 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5495-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights Program  
(605) 773-3352

ks  
enclosures

NOTE: The applicable portions of Water Right No. 4757-3 have been incorporated into Water License No. 5495-3.

N  
W E  
S

Township 121 N

Section 26

Range 65 W

Pivot # 5

Pivot # 1

Well # 1  
Case 504  
Aerona Pump  
1976

Pivot # 6

Pivot # 7

Pivot # 2

Well # 3  
80 HP  
Well line Pump  
1981

Trees Feedlots

Well # 2  
1978

100 HP  
Western dard Roll  
10" 105" 1978

ASC MAP SCALE

Sanjivan - D.C.

App # 4757-3

map #  
3967-3

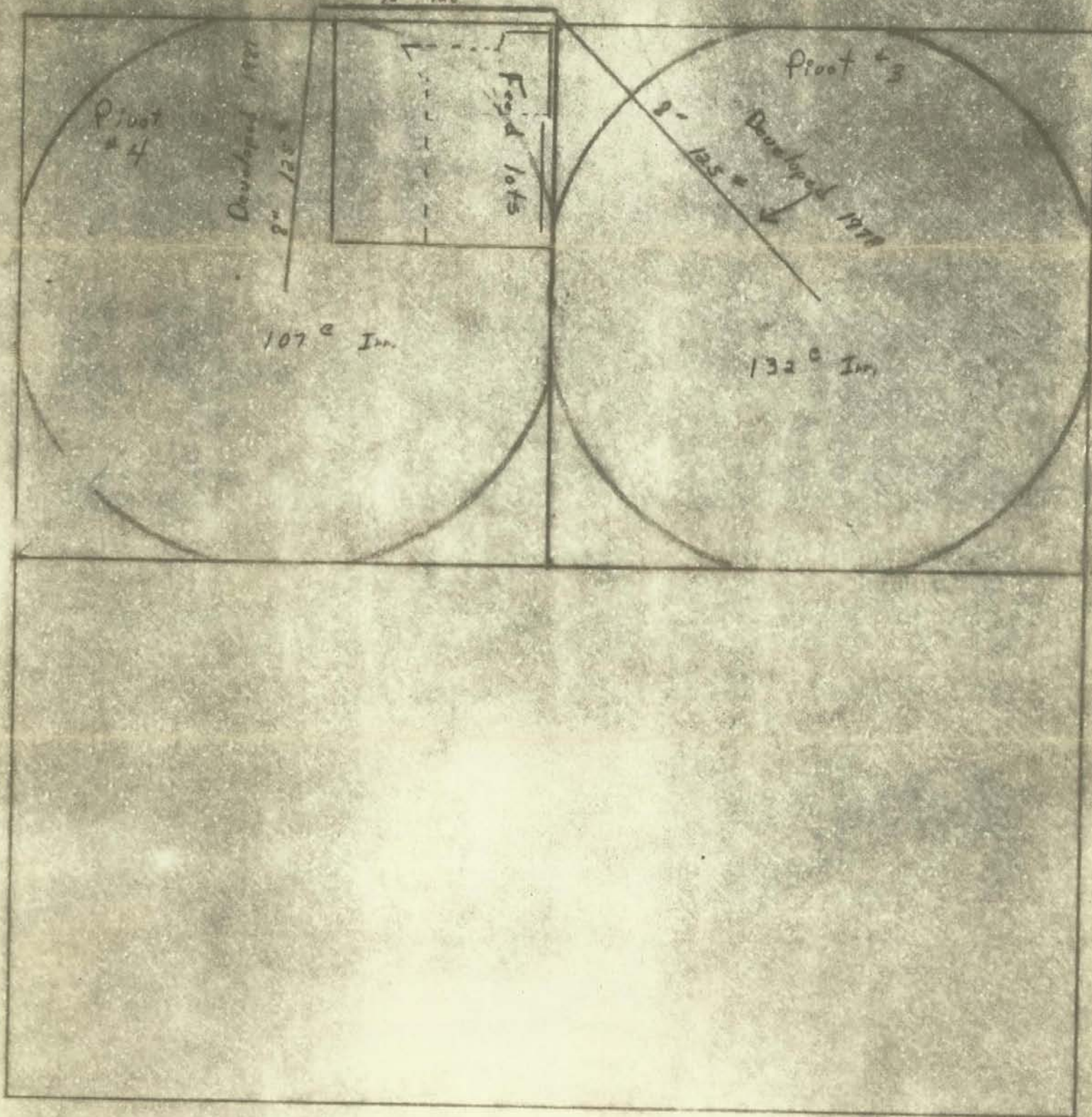
MAP NO 3967-3 APP NO 4757-3

N  
W E  
S

Township 121 N

Range 65 W

10" 125" Section 35



ASC MAP SCALE

LARRY KRAUSE

IRRIGATION Project # 1

MANSFIELD, S. DAKOTA

Brown County

AREA IRRIGATED 635 AC.

WATER CLAIMED 9.07 CFS

Points of Diversion

Well # 1 2840' N 144° E of NW CORNER  
of Section 26, T12N, R65W.

Well # 2 5610' N 162° E of NW CORNER  
of Section 26, T12N, R65W

IRRIGATION Project # 2

MANSFIELD, S. DAKOTA

Brown County

AREA IRRIGATED 160 AC.

