

Water Right No. 4772-3

- 6/11/81  
Rec'd 6/11/81  
6/11/81  
6/11/81
1. Considered JULY 29 19 81
  2. Name of Applicant DUANE A. WILSON
  3. Post Office Address RR #1, FRANKFORT 57440
  4. Amount of Water Claimed 2.28
  5. Source of Water Supply 118' WELL - EXISTING ON 3490-3
  6. Water to be used for IRR
  7. Acres to be irrigated 160 maximum acre feet
  8. Water to be diverted and used in SPINK County  
about 2 miles EAST of FRANKFORT
  9. PROOF OF PUBLICATION Received 7-2-81  
Not Received \_\_\_\_\_
- APPLICATION Approved 7-29-81  
Subject to WI-1Q  
Not Approved \_\_\_\_\_  
Action deferred \_\_\_\_\_

Priority Date  
5/6/81 Received 5-6-81 Application Complete yes no FEE 150.00  
Remarks Needs another 100' fee - 160 acres (lth 6/3/81)

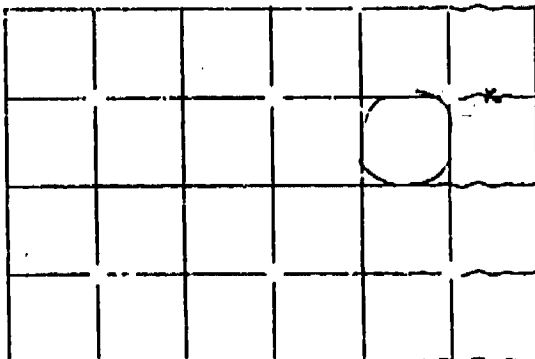
Date Information and/or  
fee or corrected Application received June 15, 1981  
Period of Annual use Mar-Nov

WATER  
QUALITY Received yes 6/11/81 no APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application yes no Remarks

Disapproved

Returned



Diversion Point

CENTER OF E 1/2

Sec. 10 - 116-62

Lands to be irrigated

SW 4 10-116-62

WELL  
LOG

Remarks

Driller Sturrow Drilling Licensed yes no

Depth 113' deep

MAP

Map No. 3983-3 Map located In Water Right ☒ Map file \_\_\_\_\_

Type of Map Aerial Prepared by SCS

+++++

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 6-16-81.

Delly Westlund  
(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 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Form 2 - Application for Permit to appropriate ☒ or-Original (Includes Approval and Permit)

No. 4772-3

Map No. 3983-3 Water Division No. 3 JAMES RIVER District

Above for Office Use

10160006



11:01 AM

# **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 ☒

1. Name of Applicant Duane A. Wilson Phone No. (605) 472-1513  
Post Office Address R.R. #1, Frankfort State South Dakota 57440  
(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) Contract

3. Name of diversion work Duane A. Wilson (Stanley Filipek)

4. Amount of water claimed (cubic feet per second) 2.28 MAX ALLOWABLE

5. Source of water supply Ground Water

6. Location of point of diversion NW 1/4 of SE 1/4-10-116-62  
(CENTER OF E 1/2) EXISTING

County Spink

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

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

9. For irrigation use, 160 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. | Land Description | No. Acres Irr. |
|----------------------------|----------------|------------------|----------------|
| NE 1/4 of SW 1/4-10-116-62 | 40             |                  |                |
| NW 1/4 of SW 1/4-10-116-62 | 40             |                  |                |
| SE 1/4 of SW 1/4-10-116-62 | 40             |                  |                |
| SW 1/4 of SW 1/4-10-116-62 | 40             |                  |                |

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 2 years.

11. Choice of county newspaper for publication of Notice of Intent to appropriate Water PRESS, REDFIELD, SD

12. Principal Features of the Proposed Water Supply System.

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

Pump Bowl

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

Main Line

C. Works proposed to apply water to beneficial use.

Center Pivot

Estimate/ 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 Spink ) ss.

I, Duane A. Wilson 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 Duane A. Wilson

Subscribed and sworn to before me this 5th day of May, 1984

Notary Public (or other qualified officer)

# WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4772-3  
Duane A. Wilson R.R. #1, Frankfort

South Dakota <sup>(Applicant)</sup> 57440

(Post Office Address)

(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 MAY 6, 1981  
Date of return to applicant for correction, amendments or charges required MAY 7, 1981  
Date of receipt of corrected application FEE JUNE 15, 1981  
Approved JULY 29, 1981, Recorded in Book 22 Page 257

WATER RIGHT PERMIT NO. 4772-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4772-3 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 MAY 6, 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, 1988.
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 JULY 29, 1988; said water to be used during the following described annual period: MARCH - NOVEMBER

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

THE WATER MANAGEMENT BOARD

By:

John Hail  
Chief Engineer, Water Rights

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

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

#### 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) \_\_\_\_\_

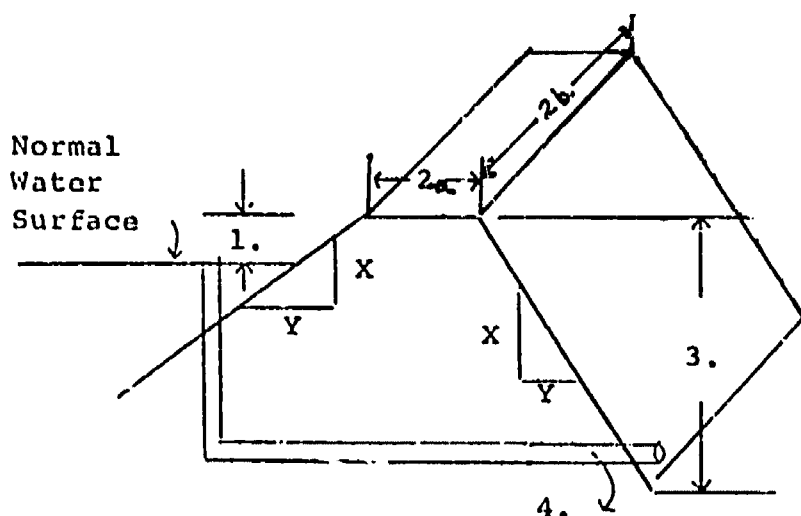
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property N.A. rds.

On property owned by others 320 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 \_\_\_\_\_

# HURON DRILLING INC. DRILLERS LOG

PAGE NO.

Stanley Filipek

NW 1/4 of the SE 1/4-10-116-62

12-15-76

15

Everett Lodre

JOB NAME

LOCATION

DATE

RIG NO.

FOREMAN

| Ji No | DEPTH   | TIME | REMARKS                                                                           | DESCRIPTION |
|-------|---------|------|-----------------------------------------------------------------------------------|-------------|
| 1     | 0-20    |      | 0-2 Topsoil, 2-6 Sandy clay<br>6-20 sandy yellow clay                             |             |
| 2     | 20-35   |      | 20-26 yellow sandy clay                                                           |             |
| 3     | 35-50   |      | blue clay and gravel streaks, rocks at 46'                                        |             |
| 4     | 50-65   |      | 50-57 hard blue clay, 57-65 med. & coarse good sand WL                            |             |
| 5     | 65-80   |      | 65-74 med. and coarse good sand, coal, WL<br>74-80 BB gravel, very coarse sand WL |             |
| 6     | 80-95   |      | 80-87 coarse sand, coal, WL, 87-95 coarse gravel                                  |             |
| 7     | 95-110  |      | 95-97 gravel, 97-106 med. and coarse sand,<br>106-110 Gravel and rocks            |             |
| 8     | 110-125 |      | 110-118 gravel and sand good, 118-125 blue clay                                   |             |

HURON DRILLING, INC.

BOX 1422

HURON, SO. DAK. 57350

*Victor D. Dabney*

CONSERVATION COMMISSION

W/1 FORM  
3/80

Office Use Only

ADDITIONAL ACREAGE USING WATER SAMPLE 76-2117  
SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Duane A. Wilson

OWNERS ADDRESS: Frankfort, So. Dak. 57440

COUNTY LAND LOCATED IN: Spink

PHONE: (605) 472-1513

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: NW 1/4 of SW 1/4-10-116-62
2. SURFACE WATER SOURCE: Ground Water
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

| Legal Description          | Acres | Legal Description | Acres |
|----------------------------|-------|-------------------|-------|
| NE 1/4 of SW 1/4-10-116-62 | 40    |                   |       |
| NW 1/4 of SW 1/4-10-116-62 | 40    |                   |       |
| SE 1/4 of SW 1/4-10-116-62 | 40    |                   |       |
| SW 1/4 of SW 1/4-10-116-62 | 40    |                   |       |

4. TYPE OF IRRIGATION: GRAVITY: \_\_\_\_\_ TOWLINE: \_\_\_\_\_ CENTER PIVOT: ☒ GUN: \_\_\_\_\_ OTHER: \_\_\_\_\_ (Specify) \_\_\_\_\_
5. CROPS TO BE IRRIGATED: Corn, Alfalfa and Small Grain
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: \_\_\_\_\_  
LEGAL DESCRIPTION: \_\_\_\_\_  
IN WHAT NAME: \_\_\_\_\_

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

7. WATER SAMPLE NUMBER: 76-2117
8. SALINITY (EC X 10<sup>6</sup>): 15.76
9. SODIUM (SAR): 2.91
10. ADJUSTED (SAR): 7.65 5.36

RECEIVED

MAY 13 1981

South Dakota  
Division of Conservation

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed; and that the sample was taken at \_\_\_\_\_ a.m./p.m., on \_\_\_\_\_, 19\_\_\_\_, at the following location: \_\_\_\_\_ by \_\_\_\_\_ (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

USING WATER SAMPLE 76-2117

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

5th DAY OF May, 1981

(NOTARY PUBLIC)



APPLICANT'S SIGNATURE

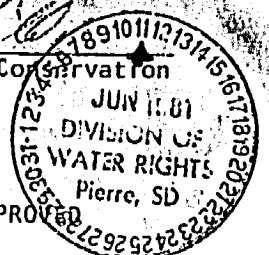
Director, Division of Conservation

APPROVED

DISAPPROVED

☒ 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.



No. 4772-3

Publish first publication, on or before June 24, 1981

NOTICE OF HEARING ON  
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 16, 1981

Notice is hereby given that Duane A Wilson whose post office address is Frankfort, 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 ground water (one well-/existing) through the Duane A Wilson Project, the point of diversion of which is ~~(xxx)~~ to be located in the approximate center of E $\frac{1}{2}$

of Section 10, Twp. 116N, Range 62W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW $\frac{1}{4}$ , Section 10, T116N, R62W, to add additional acreage on an existing permit

This Application No. 4772-3 will be considered by the Water Management Board at the Civil Defense Room, basement, 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, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Duane A Wilson  
RR #1, Frankfort, SD 57440

BETTY WESTLUND  
Water Rights Specialist

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

No. 4772-3

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 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, S.D.

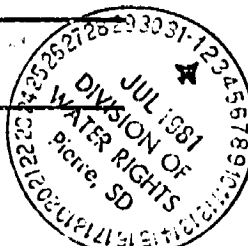
County of Spink and State of South Dakota;  
that the said notice was published in said newspaper on the following  
two dates:

June 24, 1981 & July 1, 1981

Roger Matz  
(Signature)

Publisher  
(Title)

7-1-81  
(Date Signed)



Cost of Printing: 5.00 per copy  
10 10 7.00 Printing  
3 00 73

No. 191  
IRRIGATION NOTICE

No. 4772-3  
Pierre, SD 57501  
June 18, 1981

Notice is hereby given that Duane A. Wilson, whose post office address is Frankfort, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-3, 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, 46-6-21, 46-6-5, 46-6-6.1, 46-6-10, 46-6-11 and Board Rules ARSD 57:01:01:01, 57:01:01:02, 57:01:01:03, for a permit to appropriate for beneficial use 2.28 cubic feet of water per second of time from ground water (one well - existing) through the Duane A. Wilson Project, the point of diversion of which is to be located in the approximate center of E 1/4 of Section 10, Twp. 116N, Range 62W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW 1/4, Section 30, T116N, R62W, to add additional acreage on an existing permit.

This Application No. 4772-3 will be considered by the Water Management Board at the Civil Defense Room, basement, 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 and/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  
BETTY WESTLUND  
Water Rights

cc: Duane A. Wilson, RR No. 1,  
Frankfort, SD 57440  
July 1)

# RECEIPT

## WATER RIGHTS COMMISSION

State of South Dakota

No 4 8210

PIERRE, May 7, 1981

RECEIVED OF Duane A. Wilson, RR 1, Frankfort, SD 57440

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

|                                                                                                                |             |           |
|----------------------------------------------------------------------------------------------------------------|-------------|-----------|
| Fee for Application for Permit to Appropriate Water No. 4772-3 (examination, processing, recording and filing) | 150.        | 00        |
| Fee for inspecting Construction, and issuing Cert. of Construction No.                                         |             |           |
| Fee for inspecting Beneficial Use, and issuing Water License No.                                               |             |           |
| Fee for issuing Location Certificate-Dry Draw, No.                                                             |             |           |
| Fee for filling                                                                                                |             |           |
| Fee for certified copy of                                                                                      |             |           |
| Fee for Print copy of map                                                                                      |             |           |
| Fee for Certifying                                                                                             |             |           |
| Fee for (any other work as provided by law)                                                                    |             |           |
| <b>TOTAL</b>                                                                                                   | <b>150.</b> | <b>00</b> |

WATER RIGHTS COMMISSION

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



# Department of Water & Natural Resources

Joe Foss Building  
Pierre, South Dakota 57501

Water Rights Division  
605 773-3352



June 3, 1981

Duane Wilson  
RR #1  
Frankfort SD 57440

Dear Mr. Wilson:

In checking over your application for permit to irrigate an additional 160 acres in Section 10-116-62, we found that the filing fee of \$150 which you originally submitted was incorrect. According to State Statutes the filing fee for 160 acres is \$250.

Please submit a check in the amount of \$100 to this office. Further processing of your application will proceed upon receipt of the additional fee and the soil/water compatibility approval.

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 have the above information submitted to this office.

Sincerely,

*Karen Wernsmann*

KAREN WERNSMANN  
Administrative Secretary

*Equal Opportunity Employer*

# RECEIPT

WATER RIGHTS COMMISSION  
State of South Dakota

No 4 3259

June 15, 19 81

PIERRE, \_\_\_\_\_

RECEIVED OF Duane Wilson, RR 1, Frankfort, SD 57440

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

|                                                                                                                      |        |
|----------------------------------------------------------------------------------------------------------------------|--------|
| Fee for Application for Permit to appropriate Water No. 4772-2 (examination, processing, recording and filing) _____ | 100.00 |
| 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 _____<br>(any other work as provided by law)                                                                 |        |
| TOTAL                                                                                                                | 100.00 |

WATER RIGHTS COMMISSION

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

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

Joe Foss Building Water Rights Division  
Pierre, South Dakota 57501

(605) 773-3352

August 5, 1981

Duane Wilson  
RR #1  
Frankfort SD 57440

Dear Mr. Wilson:

Enclosed herewith is your Water Right Permit No. 4772-3 as approved by the Water Management Board authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 4772-3.

Also enclosed is FORM 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Water Management Board when you have completed the system and/or have put the water to beneficial use. The Board can then schedule an inspection so that your Certificate of Construction and/or Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights Division

JH:kw

enclosure



# Department of Water & Natural Resources

Joe Foss Building  
Pierre, South Dakota 57501

May 26, 1982

## NOTICE

TO : Persons Interested in Application No. 4772-3, Duane A. Wilson

FROM : John Hatch, Chief Engineer, Water Rights Division *John Hatch*

SUBJECT : Reconsideration of Deferred Application No. 4772-3

The Water Management Board will reconsider deferred water permit application No. 4772-3, Duane A. Wilson at 1:30 p.m., June 9, 1982, at Meeting Room #1, Knelp Building, Church and Illinois, Pierre, South Dakota.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 through 46-1-9, 46-1-12 through 46-1-14, 46-2-9 through 46-2-11, 46-2-13; 46-5-1 through 46-5-8, 46-5-10 through 46-5-22, 46-5-25, 46-5-41, 46-6-3 through 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14 and Board Rules ARSD 74:02:01:01 through 74:02:01:15.

This application was previously deferred by the Board pending staff investigation.

After reconsideration of the deferred applications the Board can approve, conditionally approve, defer, or deny all or part of the Applications.

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, South Dakota, prior to the hearing date for assistance to assure access to the hearing.

S503.wr

*file  
110 file*NOTICE OF COMPLETION OF WORKS AND/OR  
APPLICATION OF WATER TO BENEFICIAL USEPost Office Frankfort,Date 1-5-82TO: 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. 4772-3.

Water Right Permit No. 4772-3 states that the diversion system is to be constructed by July 29, 1986, and that the water is put to beneficial use by July 29, 1988.

The diversion system was completed on June 15, 1981. Applying the water to beneficial use was completed on June 22, 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.

Duane O. Wilson  
(Signature)





# Department of Water & Natural Resources

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

Water Rights Division  
605 773-3352

4772-3  
Duane A Wilson  
RP. I  
Frankfort SD 57440

Dear Sir:

Water Permit No. 4772-3 was approved with the qualification that the irrigation questionnaire be submitted each year. To date we have not received the 1982 questionnaire from you.

Please complete the enclosed questionnaire and return to this office. Failure to return the questionnaire is in violation of the conditions under which the permit was approved.

Please advise, if you have any questions.

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights Division

JH:ks  
enclosure

4772-3



January 29, 1993

NOTICE

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

TO: DUANE A. WILSON  
BOX 49  
FRANKFORT SD 57440

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

RE: Violation of Water Permit No(s) 1700-3 & 2208-3, 4772-3 and 1992 Irrigation  
Questionnaire Requirements

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 1700-3 & 2208-3, 4772-3. The request for the Questionnaires was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 1700-3 & 2208-3 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) 4772-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 4772-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1700-3 & 2208-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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



4772-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

February 26, 1993

Dan & Duane Wilson  
RR #1 Box 49  
Frankfort, SD 57440

RE: Water Permit Nos. 1700-3, 2208-3, 4772-3 (Duane Wilson)  
Water Permit Nos. 3175-3, 3490-3, 3490-3A & 5280-3  
(Dan Wilson)

I am writing to acknowledge receipt of the 1992 irrigation questionnaires for the above listed water permits. You may disregard the January 29, 1993 Notices for Violation of Water Permits and 1992 Irrigation Questionnaire Requirements.

The questionnaires were received prior to the Water Management Board Meeting and your names have been deleted from the agenda.

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

Sincerely,

*Genny McMath*  
Genny McMath  
Natural Resources Analyst  
Water Rights Division



4772-3

February 4, 1997

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

**NOTICE**

TO: DAN WILSON, RR 1 BOX 49, FRANKFORT, SD 57440  
FROM: Ron Duvall, Natural Resources Engineer  
for John Hatch, Chief Engineer  
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 3490-3, 3490A-3, 4772-3 & 5280-3, 1700-3, 2208-3 & 3175-3 and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 3490-3, 3490A-3, 4772-3 & 5280-3, 1700-3, 2208-3 & 3175-3. The request for the Questionnaires was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 1700-3, 2208-3 & 3175-3 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) 3490-3, 3490A-3, 4772-3 & 5280-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 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) 3490-3, 3490A-3, 4772-3 & 5280-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1700-3, 2208-3 & 3175-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

February 19, 1997

Dan Wilson  
RR 1 Box 49  
Frankfort, SD 57440

RE: Water Permit Nos. 1700-3, 2208-3, 3175-3, 3490-3, 3490A-3 4772-3 & 5280-3

Dear Mr. Wilson:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, Notice of Violation.

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



January 9, 1998

**NOTICE**

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

**TO:** DAN WILSON, RR 1 BOX 49, FRANKFORT, SD 57440  
**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. 3490-3, 3490A-3, 4772-3 & 5280-3, 1700-3, 2208-3 & 3175-3. 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) 1700-3, 2208-3 & 3175-3 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) 3490-3, 3490A-3, 4772-3 & 5280-3 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) 3490-3, 3490A-3, 4772-3 & 5280-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1700-3, 2208-3 & 3175-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



4772-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 13, 1998

Dan Wilson  
RR 1 Box 49  
Frankfort, SD 57440

RE: Water Permit Nos. 1700-3, 2208-3, 3175-3, 3490-3, 3490A-3, 4772-3 & 5280-3

Dear Mr. Wilson:

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 Nos. 1700-3, 2208-3, 3175-3, 3490-3, 3490A-3, 4772-3 & 5280-3.

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

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

Sincerely,

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

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



4772-3

*No Land was sold  
so water permits  
should stay the same.*

*Kay Wilson*

February 4, 1994

Mrs. Gene Wilson  
RR #1 Box 48  
Frankfort, SD 57440

Dear Mrs. Wilson:

Enclosed, as we discussed, are copies of the following water rights or permits and the names they are listed in:

|                        |                       |
|------------------------|-----------------------|
| Water Right No. 1700-3 | Duane A Wilson        |
| Water Right No. 2208-3 | Duane A Wilson        |
| Water Right No. 3175-3 | Dan R & Gene A Wilson |

|                          |                |
|--------------------------|----------------|
| Water Permit No. 3490-3  | Dan R Wilson   |
| Water Permit No. 3490-3A | Dan R Wilson   |
| Water Permit No. 4772-3  | Duane A Wilson |
| Water Permit No. 5280-3  | Dan R Wilson   |

In reviewing the files, I found that Water Permit Nos. 3490-3, 4772-3 and 5280-3 are ready for licensing. The permits were to be incorporated into one water license since they pertain to the same irrigation system. The license fee has already been paid, however the license was not issued due to a discrepancy in the names they were listed under.

In our telephone conversation, you indicated Duane was retired. If this is the case and Dan now owns or manages the land under Water Permit No. 4772-3, the permit could be transferred to Dan. This would allow the water license to be issued.

Please review the enclosed copies and let me know if any name changes should occur. If changes need to be made, whoever now owns the land will need to file a "Notice of Transfer of Ownership". I am enclosing a few forms in the event they are needed.

I appreciate you taking time to review the permits and licenses. If I can answer any questions for you, please contact me at (605) 773-3352.

Sincerely,

*Genny McMath*

Genny McMath  
Environmental Scientist  
Water Rights Division



January 22, 1999

4772-3

**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)

**NOTICE**

TO: DAN WILSON, RR 1 BOX 49, FRANKFORT, SD 57440

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaires

Our records indicate that the 1998 Irrigation Questionnaires have not been submitted for Permit Nos. 3490-3, 3490A-3, 4772-3 & 5280-3, 1700-3, 2208-3 & 3175-3. The request for the Questionnaires was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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) 1700-3, 2208-3 & 3175-3 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) 3490-3, 3490A-3, 4772-3 & 5280-3 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 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) 3490-3, 3490A-3, 4772-3 & 5280-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1700-3, 2208-3 & 3175-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



**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)

February 3, 1999

Dan Wilson  
17463 SD Hwy 37  
Frankfort, SD 57440-6806

RE: Water Right/Permit Nos. 1700-3, 2208-3, 3175-3, 3490-3, 3490A-3, 4772-3 & 5280-3

Dear Mr. Wilson:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right/Permit Nos. 1700-3, 2208-3, 3175-3, 3490-3, 3490A-3, 4772-3 & 5280-3.

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



**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)

August 13, 1999

Dan Wilson  
17463 SD Hwy 37  
Frankfort, SD 57440

Dear Mr. Wilson:

Thank you for returning my call concerning your water permits. As I mentioned, the water license is ready to be issued as soon as we can get the four permits listed in the same name. The permits involved are as follows:

| Permit No.  | Name               | Description                                                                                                                         |
|-------------|--------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| No. 3490-3  | Dan Wilson         | diversion of 2.20 cfs from 1 well in the center of the E ½ Section 10 used to irrigate 160 acres in the E ½ Section 10, T116N, R62W |
| No. 4772-3  | Duane Wilson       | diversion of 2.28 cfs ( from the well described in 3490-3) to irrigate 160 acres in the SW ¼ Section 10, T116N, R62W                |
| No. 3490A-3 | Dan Wilson         | authorized an additional well to irrigate the land described in Nos. 3490-3 & 4772-3                                                |
| No. 5280-3  | Dan & Duane Wilson | corrected location of the well permitted under No. 3490-3A                                                                          |

The above water permits will be incorporated together and licensed under No. 5280-3. Once this is done, you will receive one irrigation questionnaire for the land in Section 10 (you currently receive four).

Enclosed are two partially completed "Notice of Transfer of Ownership" forms for use in transferring Water Permit Nos. 4772-3 and 5280-3 into your name. Please review the forms and make any necessary corrections. Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). You may make the check or money order payable to the Water Rights Program.

Thank you in advance for your help. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

4772-3

File No. 5280-3

## Water Rights Program - File Documentation

NAME: Dan Wilson

ADDRESS: 17462 SD Hwy 37, Frankfort SD 57440

COUNTY: Spink      TELEPHONE: 605 472-3026

RE: 3490-3, 3490-3A, 4772-3 and 5280-3

### COMMENTS:

October 18, 2002

Dan Wilson called regarding the inspection form I had previously sent to him. The inspection report was prepared by Timothy Schaal dated September 16, 1991. Dan stated that nothing had changed with the system since the time it was inspected by Tim. I told Dan that the above permits would all be incorporated into Water Permit No. 5280-3.

Mr. Wilson also questioned the transfer of ownership forms which had been sent to him.

November 18, 2002

We received the Notice of Transfer form for Water Permit No. 5280-3 and fee transferring the permit to Dan Wilson. Upon review I realized the permit was already in Dan's name. Water Permit No. 4772-3, Duane Wilson (Dan's father) was the permit that should have been transferred. Since the form lists all of the lands covered by all of permits we are correcting the permit number on the transfer form to Water Permit No. 4772-3.

*Stacy J Johnson*

Stacy J Johnson  
Natural Resources Engineer

## NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4772-3  
5280-3  
Date: \_\_\_\_\_

I/We request that Water Permit No. 4772-3  
5280-3

formerly owned by: Dan and Duane Wilson

be transferred to: (name & address) Dan Wilson

17463 SD Hwy 37  
Frankfort SD 57440

Telephone No. 605-472-3026

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

SW ¼ and S ½ NE ¼, N ½ SE ¼, Section 10, T116N, R62W

I/We understand that the validity of Water Permit No. 4772-3  
5280-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

**A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.**

I/We Dan Wilson, the new owner, certify that the above information is true and correct.

Dan R Wilson  
(Signed by new owner)

**NOTE:** Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 18, 20 02

RECEIVED OF Duane Wilson, 17463 SD Highway 37, Frankfort SD 57440-6806

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>5280-3 4772-3</u>                                                              |       | 2 50 |
| Fee for _____                                                                                                  |       |      |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                            |       |      |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                             |       |      |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                         |       |      |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |      |
| (Any Other Work Provided by Law)                                                                               | TOTAL | 2.50 |

No.

**000350**

By

Darland Erbe  
Chief Engineer



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

MAR 13 2003

Dan Wilson  
17463 SD Highway 37  
Frankfort SD 57440-6806

5280-3  
3490-3  
3490-3A  
4772-3

Dear Mr. Wilson:

Enclosed are Water License No. 5280-3 and receipts for payment of the license and transfer fees. The water license is the final water right document completing the process of obtaining a Water Right.

The applicable portions of Nos. 3490-3, 4772-3 and 3490-3A are incorporated into this water right.

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. 5280-3, 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.

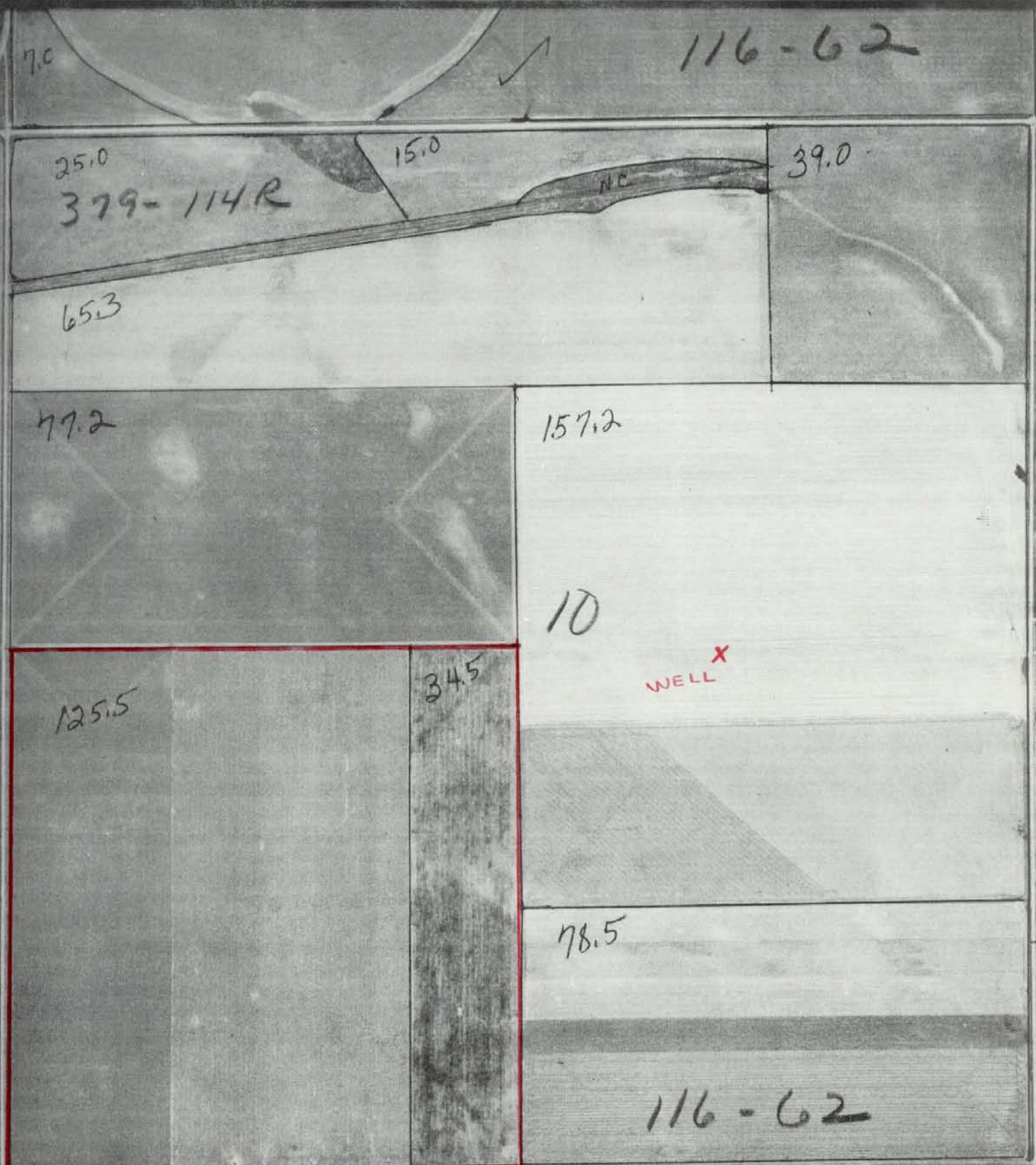
As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

NOT TO SCALE



Grass E. Landon  
SCS Redford S. DNR

Map # 3983  
App # 4772-3