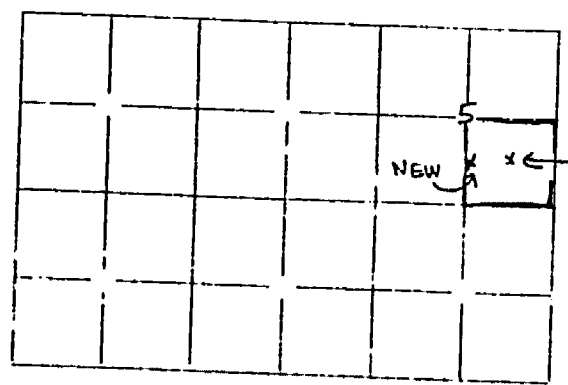


~~Call Mortimer~~

1. Considered: 10-7-1981 Water Right No. 4794-3
2. Name of Applicant MORRIS MORTIMER
3. Post Office Address RR - HITCHCOCK 5734B
4. Amount of Water Claimed 2.28 (5.52 additional) maximum acre feet
5. Source of Water Supply 80' WELL ADD'L DIVERSION V/R 1608-3
6. Water to be used for IRR. acres to be irrigated 160
7. County BEADLE about 6 miles EAST of HITCHCOCK
8. PROOF OF PUBLICATION: Received (yes) 9-1-81 Not Received
APPLICATION: Approved _____ Subject to _____
Not Approved _____ Action Deferred 10-7-81 - Law Office Sample letter on land to be irrigated

Priority 8-6-81 Dated Received 8-6-81 Application complete yes no FEE 150.00
Remarks FEE / LOG / 2A

Corrected Application received 8-12-81 Period of Annual Use 8/1/81 to 10/31
Received yes _____ no _____ APPROVED/CONDITIONAL (Circle one)
WI-1 Description same as application - yes _____ no _____ Remarks within SCC standards also add'l diversion on a V/R
Disapproved _____ Returned does not need W.R. approval



Diversion Point _____
SW⁴ SE⁴ 5-113-62
Land to be irrigated SE⁴ 5-113-62

LL LOG Driller RIVERSIDE - WALDNER Licensed - (yes) no
Depth 80' deep

* 10/7/81
Remarks) Will be testing well w/Sec 2 and water sample and will be resubmitted for add'l water. Driller will not get this accomplished until the 7th meeting. The manager of the land did not understand what Mortimer wanted, so he submitted appl. Had conversation with Mortimer & John Hinkley (Manager) and Henderson at BLM to straighten out the application.

Water Right No. _____

MAP Map No. 4003-3 Map located in Water Right X Map file _____
 Type of Map AERIAL Prepared by SCS

+++++

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

Aug. 13, 1981

D. J. 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 was
 DECISIONS adopted _____

ETC. Remarks _____

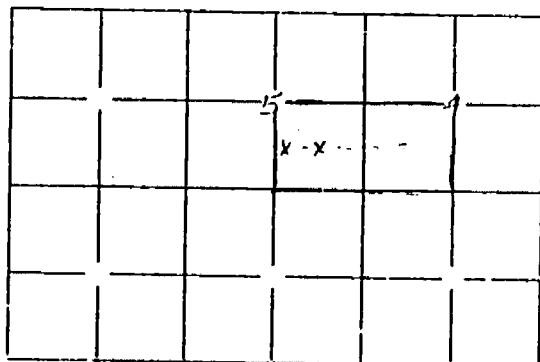
1. Considered: APRIL 7, 1982 Water Right No. 4794-3
2. Name of Applicant MORRIS MORTIMER % JACK HEIMBUCH
3. Post Office Address Rt 1 - Box 125 Box 124 - HITCHCOCK 57348
4. Amount of Water Claimed 2.28 (0.82 ADJ'L) maximum acre feet
5. Source of Water Supply 65' & 80' WELL
6. Water to be used for IRR. acres to be irrigated No adj'l.
7. County BEADLE about 6 miles EAST of HITCHCOCK (320)
8. PROOF OF PUBLICATION: Received 3-23-82 Not Received
- APPLICATION: Approved Subject to
- Not Approved Action Deferred

CHANGE IN DIV FROM 4722-3 & 4722-3

PRIORITY Dated Received 8-6-81 Application complete-yes no FEE 150.00
 Remarks add'l point of diversion on V/R 1608-3 and add'l diversion on SW 4 Sec 4 land covered under 4733-3
 Corrected Application received Period of Annual Use

WATER QUALITY Received yes 3/3/82 no APPROVED/CONDITIONAL (Circle one)
 WI-1 Description same as application yes no Remarks

Disapproved Returned



Diversion Point SW 4 SE 4 5-113-62
& approx center of SE 4, Sec 5-113-62

Land to be irrigated
SE 4 SEC 5-E SW 4 SEC 4 adj.
in T.113N-R62W

WELL LOG Driller Breiville Licensed -yes no
 Depth 80' deep & 65' deep
 Remarks Want to use this well on SW 4 Sec 4 covered under 4722-3 as the well under this permit will not be drilled and it has water.

MAP Map No. 4003-3 Map located in Water Right X Map file _____
 Type of Map Aerial Prepared by SCS

+++++

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

3/9/52

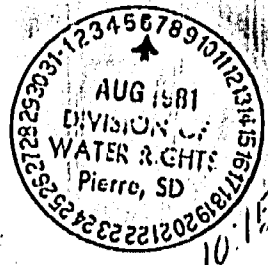
Betty Westlund
 (Signed)

+++++

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 was
 DECISIONS adopted _____
 ETC. Remarks _____

Form 2 - Application for Permit to Appropriate Water-Original (Includes Approval and Permit)



No. 4794-3

Map No. 4003-3 Water Division No. 3 JAMES RIVER District

Above for Office Use 10160006

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

Check one of the following:

New ☐ Vented Right ☒ Future Use ☐

Change in Diversion ☐ Additional Diversion ☒ ON UIR 1608-3 & 4722-3

Change in Acreage ☐ Additional Acreage ☒ Jack trans: 7-27-82

1. Name of Applicant Morris E. Mortimer Helmuth Phone No. 216-2566
Post Office Address RR Hitchcock State SD 57348
(Street, RR, or Box) (Town) (Zip Code)

If a corporation show date and place of Incorporation

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

3. Name of diversion work Mortimer Irrigation

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

5. Source of water supply Groundwater

6. Location of point of diversion SW 1/4 SE 1/4 S-113-62 AND APPROX. CENTER OF SE 1/4 SECTION 5 (EXISTING)

County Beadle

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

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

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

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

Land Description	No. Acres Irr.
NE 1/4 SE 1/4 S-113-62	40
NW 1/4 SE 1/4 S-113-62	40
SE 1/4 S-113-62	40
SW 1/4 S-113-62	40

Land Description	No. Acres Irr.
NE 1/4 SW 1/4 S-113-62	40
NW 1/4 SW 1/4 S-113-62	40
SE 1/4 SW 1/4 S-113-62	40
SW 1/4 SW 1/4 S-113-62	40

Attach sheet if more space is needed

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

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

12. Principal Features of the Proposed Water Supply System.

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

Well

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

Pipeline

C. Works proposed to apply water to beneficial use.

Center Pivot

Estimated Total Cost \$ 15,000

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

STATE OF SOUTH DAKOTA)

County of Beadle) ss.

I, Morris E. Mortimer 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 Morris E. Mortimer

Subscribed and sworn to before me this 5th day of August, 1981

Charlotte Adams
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4794-3

MORRIS MORTIMER
(Applicant)

RR. HITCHCOCK
(Post Office Address)

SOUTH DAKOTA 57348
(State)

With the following qualifications.

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

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

Date of first receipt of application AUGUST 6, 1981

Date of return to applicant for correction, amendments or changes required AUGUST 6, 1981

Date of receipt of corrected application AUGUST 7, 1981

Approved APRIL 7, 1982, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. 4794-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4794-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is APRIL 9, 1981

2. The equivalent of at least one-fifth of the work above specified is to be completed on or before APRIL 7, 1983

3. The whole of said work is to be completed on or before APRIL 7, 1984

4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is APRIL 7, 1984

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 0.82 ADDL 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 APRIL 7, 1984, said water to be used during the following described

annual period: APRIL - OCTOBER

Witness my hand this 12TH day of APRIL, 1982

THE WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

PH. 377-4287

12. Principal Features of the Proposed Water Supply System (continued).

D. Well Information

- (1) Drill Hole, Diameter 30", Depth 80'
- (2) Casing, Type Stainless Steel, Diameter 16", Thickness 1/4"
(wood, concrete, steel, etc.)
- (3) Screen, Type Stainless Steel, Diameter 16", Length 15'
- (4) Gravel Pack, Thickness 6", Length of gravel pack 80'

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

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

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

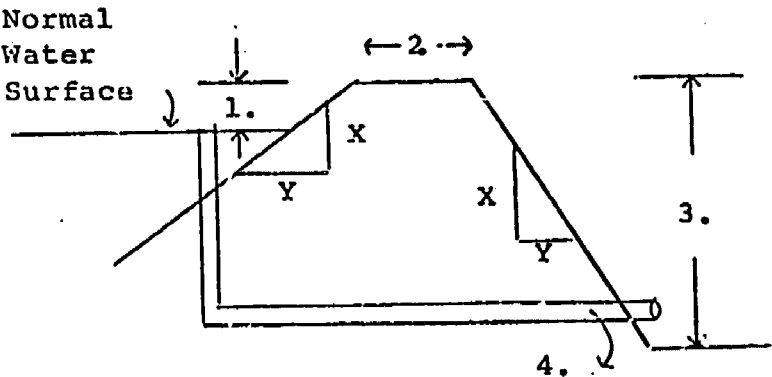
Depth to top of water bearing material _____
Depth to bottom of water bearing material _____
Depth to water (ground surface to water level) _____

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

On same owner's property _____ rds.
On property owned by others _____ rds.

G. Water Storage Dams

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



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



Morris E. Mortimer
Signature Applicant

BEADLE COUNTY, SOUTH DAKOTA - SHEET NUMBER 5.

SINK COUNTY F 22 A



REC. MGMT/FORM
4/81

CONDITIONAL APPROVAL

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT MORRIS MORTIMER

SE 1/4 5-113-62 = 160 acres

SW 1/4 4-113-62 = 160 acres

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

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

Te - Tatonka Hoven - These are sodium bearing soils, which may pond under irrigation. If problems with ponding or traction occur these soils should be drained or kept in permanent vegetation such as; grass. These soils are indicated by red hatch marks.

RECOMMENDED MANAGEMENT

February 12, 1982

Morris Mortimer
Rt. 1, Box 125
Hitchcock, SD 57348

Dear Mr. Mortimer:

Enclosed is your copy of the laboratory report of analysis for water sample No. 82-0007.

I have plotted the approximate quality of your water by means of a red cross in the chart located on the back cover of the accompanying AES pamphlet #13.

Sample No. 82-0007 is classified as a high saline, low sodium water. It is marginally suitable as a source for irrigation due to the presence of substantial amounts of calcium and magnesium salts.

Irrigation application rates should slightly exceed crop requirements. This will allow the moderately heavy salt load dissolved in your water to pass through the soil rooting zone (top two feet).

The Lane silt loam and Eadale loam soils found in the SE 1/4 of Section 5-113-62 and the SW 1/4 of Section 4-113-62 are compatible with the quality of your water. However, the Tetonka-Hoven silt loams scattered throughout the SE 1/4 of Section 5 are sodium bearing soils and may pond under irrigation. Persistent wet spots in these areas should be maintained in grass or a water tolerant alfalfa/grass mixture.

If a salt build-up or a rising water table develops, please contact your county extension agent or this office for assistance.

The WI-1, soils information, and a copy of the water analysis are being forwarded to the Division of Conservation for their action.

Sincerely yours,

Michael H. Sanders
Water Quality Lab
Division of Conservation

MUS:ckb
Enclosures

cc: Division of Conservation
D. Pahl, Extension Service
Division of Water Rights



REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57007

Name: MORRIS MORTIMER Date Rec'd Jan 28, 1982
Address RFL, BOX 125 Sample No. 82-0007
HITCHCOCK, SD 57348 Identification Well
113N 62W 05 d

WATER ANALYSIS

Calcium (Ca)	200	ppm*	9.98	me/l**
Magnesium (Mg)	65	ppm	5.35	me/l
Sodium (Na)	40	ppm	1.74	me/l
Potassium (K)	8	ppm	0.20	me/l
Sulfate (SO4)	440	ppm	9.16	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	28	ppm	0.79	me/l
Bicarbonate (HCO3)	425	ppm	6.96	me/l
Carbonate (CO3)	0	ppm	0.00	me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Manganese (Mn)		ppm		
Boron (B)	0.15	ppm		
Hardness (EDTA as CaCO3)		ppm		g.p.g.***
Total solids		ppm		
Total Cations			17.27	me/l
Total Anions			16.91	me/l
Alkalinity (Methyl Orange)	348	ppm (as CaCO3)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO3)		
Electrical Conductivity	1450	micromhos per cm at 25 C		
Sodium Adsorption Ratio	0.63	Adjusted SAR	1.75	
Sodium	10.07	% of Cations		
Residual sodium carbonate	0.00	me/l		
pH	7.31			

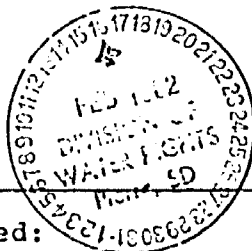
Others:

*ppm=parts per million

***g.p.g.=grains per gallon

**me/l=millequivalents per liter

COMMENTS



By: Shirley Mittan

Service Performed:

Irrigation Analysis

Total Cost: \$ 28.00

Amount Received: 0.00

Balance Due: 28.00

Make checks payable to: "SDSU Water Quality Lab"

Please write lab number on your check!

Lab No. 82-0007

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

Office Use Only

3017

OWNERS NAME: Morris Mortimer OWNERS ADDRESS: R.R.
Hitchcock, S.D. 57348
COUNTY LAND LOCATED IN: Beadle PHONE: 256-2566
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)

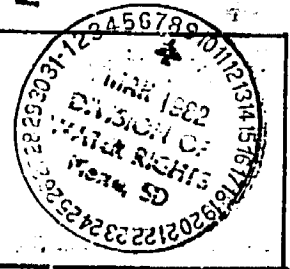
1. WELL LOCATION OR DIVERSION POINT: SE 1/4 of SW 1/4 of SE 1/4 of Sec. 5 113-62
2. SURFACE WATER SOURCE: _____
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>SE 1/4 of Sec 5 113-62</u>	<u>160</u>		
<u>SW 1/4 of Sec 4 113-62</u>	<u>160</u>		

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: X GUN: _____ OTHER: _____ (Specify)
5. CROPS TO BE IRRIGATED: CORN, ALFALFA
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: 1954
LEGAL DESCRIPTION: ALL OF SE 1/4 of Sec 5
IN WHAT NAME: Morris Mortimer

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

7. WATER SAMPLE NUMBER: 82-0007
8. SALINITY (EC X 10⁶): 1450
9. SODIUM (SAR): 2.63
10. ADJUSTED (SAR): 2.75



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 9:00 a.m./p.m., on JAN. 26, 1982, at the following location: New Production well indicated above. by JACK HEIMBUCH (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

10th day of February, 1982.

Michael J. Galters
(NOTARY PUBLIC)

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water Management.

Morris Mortimer
APPLICANT'S SIGNATURE

John H. Galters
Director, Division of Conservation

APPROVED
DISAPPROVED
X CONDITIONALLY APPROVED

266-2579

Water Rights Division - DWR

Telephone Reference Sheet

NAME OF PERSON (Called/Calling): Beadle Co. Inc.

ADDRESS: Huron

COUNTY: _____

DATE: August 7, 1981

TELEPHONE: 352 8527

RE: Mortimer's applications

COMMENTS:

C. id. do not need water sample for add'l
divisions on a Vested right checked with
legal staff for verification as long as it meets
s.c.c. standards - applies to the other appl also.
meets s.c.c. standards for add'l wells.

Jack Heimbeck
701-555-1212
701-58063
701-845-3776
ONickerson
701-845-3776

File in Permit file when necessary. Use to make a record of conversations and what the other party was told.

NAME: Bj Westlund

No. 4794-3

Publish first publication, on or before March 10, 1982

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 10, 1982

Notice is hereby given Morris Mortimer whose post office

address is RR, Hitchcock, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 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, 46-5-25, 46-5-41 ~~(ground)~~ 46-6-3 thru 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, ~~(future use) 46-5-22, (transfer lands) 46-5-33 thru 46-5-35 and Board Rules ARSD~~ 74:02:01:01 thru 74:02:01:15, ~~(future use) 74:02:01:22 thru 74:02:01:26 (10,000 ac); 74:02:07:01 thru 74:02:07:03~~, for a permit to appropriate for beneficial use ~~additional~~

2.28 (0.82) cubic feet of water per second of time from groundwater (two wells-one existing) ~~additional~~ through the Mortimer Irrigation to add an addition, the points(s) of diversion/which ~~on existing permit~~ is (are) to be located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and the approximate center of the SE $\frac{1}{4}$

of Section 5, Twp. 113N, Range 62W. Said water to be used for purpose of providing irrigation on portions of the following described land:

SE $\frac{1}{4}$ Section 5, and SW $\frac{1}{4}$ Section 4 both in T-113N, R-62W (lands are covered under Water Right No. 1608-3 and Permit No. 4722-3)

This Application No. 4794-3 will be considered by the Water Management Board at Meeting Room #1, Kneip Bldg. Church & Illinois, Pierre SD upon the 7th day of April, 1982.

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 Circuit Court and the State Supreme Court 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.

For the Water Management Board

cc: applicant
WNR-806-2/82

BETTY WESTLUND, Water Rights Specialist

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Beadle) ss.

I, June LaFee hereby

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

Water was taken from the Huron D. Lly Plainman

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

City _____ of Huron

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

March 19, 1982 & March 26, 1982

June LaFee
(Signature)
Bookkeeper
(Title)
3/19/82
(Date Signed)

Cost of Printing: \$44.26

WNR-808-7/79
Proof of Publication

F.P. 3-19-82 L.P. 3-26-82
NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota 57501
March 19, 1982

Notice is hereby given Morris
Aurilmer, whose post office
address is RR, Hitchcock, South
Dakota, has made an appli-
cation in accordance with the
provisions of SDCL 46-1-1 thru
46-1-9; 46-1-12 thru 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-
25; 46-5-41; 46-6-3 thru 46-6-5; 46-
6-6-1; 46-6-10; 46-6-13; 46-6-14; and
Board Rules ARSD 74:02:01:01
thru 74:02:01:15, for a permit to
appropriate for beneficial use
2.28 (C.82 additional) cubic feet
of water per second of time
from groundwater (two wells
one existing) through the
Aurilmer Irrigation to add
additional points of diversion on
existing permits which are to be
located in the SW 1/4 SE 1/4 and the
approximate center of the SE 1/4
of Section 5, Twp. 113N, Range
62W. Said water to be used for
purpose of providing irrigation
on portions of the following
described land:

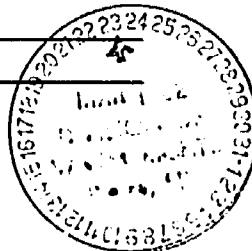
SE 1/4 Section 5, and SW 1/4
Section 4 both in T-111-N, R-62W
(lands are covered under Water
Right No. 1608-3 and Permit No.
4722-3).

This Application No. 4194-3
will be considered by the Water
Management Board at Meeting
Room, No. 1, Knapp Bldg.,
Church & Illinois, Pierre, SD
upon the 7th day of April, 1982,
at 10 A.M. The Board is author-
ized 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 Circuit Court
and the State Supreme Court 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.

For the
Water Management Board
Betty Westlund
Water Rights Specialist
No. 142 (adv.)



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8420

PIERRE, August 13, 1981

RECEIVED OF Morris Mortimer, Hitchcock SD 57348
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. 4794-3 (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 filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	150	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: July 27, 1982

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

SE $\frac{1}{4}$ Section 5 and SW $\frac{1}{4}$ Section 4, T113N, R62W

formerly owned by Morris Mortimer
has been transferred to Jack Heimbuch, RR Box 124, Hitchcock
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 4794-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Hughes) ss.

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

Jack Heimbuch
(Signed)

Subscribed and sworn to before me this 27th Day of July, 1982.

Garry Goring
(Notary Public)
Water Rights President



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

July 27, 1982

Jack Heimbuch
RR, Box 124
Hitchcock SD 57348

Dear Mr. Heimbuch:

Enclosed are receipt Nos. 8915 thru 8920 in the amount of \$2.50 each which you paid for the transfer of Water Permit Nos. 1608-3, 4722-3, 4722-3A, 4723-3, 4723-3A, 4794-3.

Our records now show you as the owner of these Water Permits.

Sincerely,

KAREN SCHLAACK
Administrative Secretary

enclosures

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8920

July 27

32

PIERRE, _____, 19____

RECEIVED OF Heimbuch Farms, Hitchcock SD

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 filling) _____		
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 <u>transfer of Permit No. 4794-3</u>	2	50
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

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

File No.
4722-3
4722-5A
4723-5A
4723-5
4794-3

WATER RIGHTS DIVISION
Conversation or File Documentation

NAME OF PERSON OR FILE: Jack Heimbuch

ADDRESS: RR# 1 Box 124 Hitchcock
COUNTY: Beadle

DATE: 7-8-86

TELEPHONE:

RE: Suspended W.R. & Transfer

COMMENTS:

Inspection of Jack Heimbuch's suspended water rights was done at 12:30 P.M., 7-2-86. At this time none of the land on the permits mentioned above were being irrigated. Upon further investigation it was discovered that Mr Heimbuch's land had been sold to Larry Lovett and Thomas H. Tobin. It is also believed that Mr. Lovett and Mr. Tobin are irrigating the land.

NAME:

Michael Jensen

Improper notice - permits not suspended.

1608-3 - Jack Heimbuch is also owned by Lovett & Tobin



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

1608-3
4722-3
4722-3A
4723-3
4723-3A
4794-3

July 31, 1986

Thomas Tobin, Attorney
P.O. Box 1456
Aberdeen, South Dakota 57401

Dear Mr. Tobin:

Please find enclosed copies of a Notice of Transfer of Water Permit form. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 for each, total of \$15.00.

Upon receipt of the enclosed forms and the \$2.50 filing fee for each, total of \$15.00 the permits will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.6



Department of Water & Natural Resources

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

April 2, 1986

Jack Helmbuch
RR 1, Box 124
Hitchcock, SD 57348

NOTICE

Re: Violation of Water Permit No(s). 4723-3 A, 4722-3 A, 4723-3, 1608-3, 4794-3, and 4722-3 and 1985 Irrigation Questionnaire Requirements.

Our records indicate that the 1985 Irrigation Questionnaire has not been submitted for Water Permit No(s). 4723-3 A, 4722-3 A, 4723-3, 1608-3, 4794-3, and 4722-3. The request for the questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board of violation of Water Permit No(s). 4723-3 A, 4722-3 A, 4723-3, 1608-3, 4794-3, and 4722-3 qualification:

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

The hearing will also be to determine if Permit No(s). 4723-3 A, 4722-3 A, 4723-3, 4794-3, and 4722-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

The hearing(s) will be at 2:00 p.m., May 14, 1986, in Room 216, Joe Foss Building, Pierre, South Dakota.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s), the Water Management Board can:

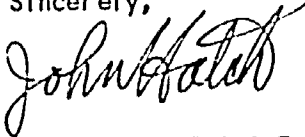
1. Suspend Permit No(s). 4723-3 A, 4722-3 A, 4723-3, 1608-3, 4794-3, and 4722-3 until either the 1985 Questionnaire is submitted or for the period of up to one year;

Jack Helmbuch
April 2, 1986
Page 2

2. Amend Permits No(s). 4723-3 A, 4722-3 A, 4723-3, 4794-3, and 4722-3 also held by Jack Helmbuch to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

The hearing(s) 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.

Sincerely,



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

Note: If the questionnaire(s) are received in this office before the May 14th hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

D32403KS.WR

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

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

May 16, 1986

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: Jack Heimbuch
RR 1 Box 124
Hitchcock SD 57348

FROM: John Hatch, Chief Engineer *John Hatch*
Water Rights Division *by Del Bragg*
605 773-3352

SUBJECT: One Year Suspension of Water Permit No(s). 4722-3,
4722-3A, 4723-3, 4723-3A, 4794-3 If the 1985
Irrigation Questionnaire Is Not Received By
June 1, 1986

Pursuant to the provisions of the notice dated April 2, 1986 and following the Hearing May 14, 1986, the Water Management Board ordered:

That Water Permit No(s). 4722-3, 4722-3A, 4723-3, 4723-3A, 4794-3 be suspended until December 31, 1986, unless the required 1985 Irrigation Water Use Questionnaire is received by June 1, 1986.

Suspension of a permit means water may not be pumped during the 1986 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

Equal Opportunity Employer

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: August 19, 1986

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

SE $\frac{1}{4}$ Section 5 & SW $\frac{1}{4}$ Section 4, T113N-R62W

formerly owned by Jack Heimbuch, RR#1, Box 124, Hitchcock, SD
has been transferred to Thomas M. Tobin and Larry Lovett 1208 Apollo Ave., Aberdeen SD
(please include complete mailing address) 57401
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4794-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
) ss.
County of Brown)

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

Thomas M. Tobin
(Signed)

Subscribed and sworn to before me this 19th day of August, 1986.

Jim Schweitzer
(Notary Public)
3-20-94

WNR-820-9/83
Notice of Transfer of Water Permit



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410529

Pierre, August 20, 1986

RECEIVED OF Thomas Tobin, 1208 Apollo Ave., Aberdeen, SD 57401

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>4794-5</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer

JOHN HATCH/ms

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

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

WATER RIGHTS DIVISION
(605) 773-3352

1608-3
4722-3
4723-3
4723-3A
4794-3
4722-3A

August 21, 1986

Thomas M. Tobin
1208 Apollo Avenue
Aberdeen, South Dakota 57401

Dear Mr. Tobin:

Enclosed are receipt Nos. 410525, 410526, 410527, 410528, 410529 and 410530 in the amount of \$2.50 each total of \$15.00 which you paid for transfer of Water Right Nos. 1608-3, 4722-3, 4723-3, 4723-3A, 4794-3 and 4722-3A.

Our records now show Thomas M. Tobin and Larry Lovett as the owners of these Water Rights.

Sincerely,

Maxine Stirling

Maxine Stirling
Secretary

ms/
Enc.6

Equal Opportunity Employer

SOUTH DAKOTA
Department of
Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

4723-3A
4794-3

March 30, 1987

John Lovett
Route 1, Box 86
Hitchcock, South Dakota 57384

Dear Mr. Lovett:

The inspection of your water use systems and inspection of the extent of the application of water to beneficial use, as developed under your Water Right Nos. 4723-3A and 4794-3 has been completed. Your final water right documents, the Water Licenses, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of each Water License making a total charge of \$100.00 for the two licenses. Upon receipt of the \$50.00 fee for each license from you your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Maxine Stirling
Secretary

ms/

NOTE On check or money order, please indicate the number of the water permit.
This insures proper handling of the fee.

Equal Opportunity Employer



Department of Water & Natural Resources

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

SECOND NOTICE

July 14, 1987

Permit Nos. 4723-3A & 4794-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

John Lovett
RR #1 Box 86
Hitchcock, SD 57384

Dear Mr. Lovett:

March 30, 1987 you were notified the final inspection fee of \$50.00 each (total of \$100.00) was due before Water License Nos. 4723-3A and 4794-3 could be issued. As of this date, the fees have 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 \$100.00 fee, your Water Licenses will be sent to you. This is the final document for the perfection of your Water Rights. 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 permits.

Very truly yours,

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

440942

Pierre, July 23, 1987

RECEIVED OF Thomas Tobin/Larry Lovett, Box 1766, Aberdeen, SD 57401

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4794-S</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

JOHN HATCH (MS)

DATE MICROFILMED

CAMERA OPERATOR

Permit No. 4794-3 & 4722-3A & 4722-3James River Water District # 1608-3 (Vested Right)
10160006**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

To: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

Larry Lovett

I have this day made a thorough examination of the water use system constructed by Thomas Tobin1208 Apollo Avenue of Aberdeen, SD 57401 holder ofPermit No. 4794-3, bearing the priority of April 9 1981 authorizingthe diversion of 3.1 cu. ft. per second of the waters of wellsfor irrigation purposes, in Beadle County.

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

A. Works used to divert the water: 2 Wells: 80' deep, 16" Plastic Casing, 16' St. Steel
Center Well: Western Land Roller Pump South Well: Western Land Screen
General Electric Motor General Electric Motor
Model # 5K215 DP6005 Model 5K6235 XM501B
10 H.P. 30 H.P.

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

1300' of buried 8" PVC pipe to pad in Sec. 5
2800' of 8" aluminum pipe above ground and 1300' of buried
8" PVC pipe to pad in Sec. 4

C. Works used to apply water to beneficial use:

Sec. 5: Tumac Center Pivot Sec. 4: Zimmatic Center Pivot
7 towers 7 towers
operated at 25 psi Model 307 501 Ser. # 210811
operated at 25 psi

The system is in the following condition goodThe point of diversion is located ① Well in center of SE 1/4, Sec. 5, T113N, R62W② Well in SW 1/4 SE 1/4 Sec. 5, T113N, R62W; 1500' W & 40' N of SE cornerThe works are capable of diverting and conveying to the place of use 2.67 (pivots each 1000 gpm - 2.22 cfs)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: Sec. 5, T113N, R62WSec. 4, T113N, R62W NW 1/4 SE 1/4 - 33 acresNW 1/4 SW 1/4 - 33 acres NE 1/4 SE 1/4 - 33 "NE 1/4 SW 1/4 - 33 " SE 1/4 SE 1/4 - 33 "SE 1/4 SW 1/4 - 33 " SW 1/4 SE 1/4 - 33 "SW 1/4 SW 1/4 - 33 "comprising a total of 264 acres of land and the license should be issued for 2.22 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date Mar. 12, 1987James L. Wendt
ENGINEER

LICENSE FOR PERMIT NUMBER 4794 & 4722-3A

Love H
3-12-87
①

1. Legal location of wells: Approximate Center SE 1/4 5-113-62
Helper → SW 1/4 SE 1/4 (Next to fence) 150' W of center

dams & structures: _____

2. Well Information: Well Drilling Firm Riverside

No. of wells 2

Depth 80'

Casing a) diameter 16"

Screen a) type 5+ Steel

b) length _____

b) length 16'

c) type Plastic

Static Water Level _____

Pump a) make Western Land Pump

a) make G.E.

b) model No Tan

b) model no. 5K215DP2005

c) size Pump not connected

c) horsepower rating 10

d) capacity 1200 GPH

d) motor efficiency rating _____

e) turbine pump _____

no. of stages _____

3. Distribution lines:

a) size of lines 8"

b) type PVC

c) length 1300' buried

2800' 8" Alum. above ground
1300' 8" PVC buried

Helper Well -
Western Land Roller Pump
No Tag
Gen. Elec. Motor
5K6235X4501B
30 H.P.

4. Dam information:

a) height to crest _____

b) height to spillway _____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

5. System Type: c) center pivot

- 1) make Truman
 2) number of towers 7
 3) distance between towers _____
 4) overall length _____
 5) End gun (Y/N) _____
 6) high or low pressure _____
 7) make & size of nozzles _____
 8) PSI reading while system is running 25
 9) GPM 1000

g) Gun

- 1) make _____
 2) serial number _____
 3) nozzle size _____
 4) capacity (GPM) _____
 5) PSI _____
 6) hose size _____
 7) hose length _____

d) Gate Pipe

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

e) Siphons

- 1) number _____
 2) size _____

f) Portable boom

- 1) make _____
 2) serial number _____
 3) nozzle size _____
 4) capacity (GPM) _____
 5) PSI _____

h) Hydromatic

- 1) make _____
 2) model _____
 3) serial number _____
 4) length _____
 5) nozzle size _____
 6) spacing _____
 7) PSI _____
 8) capacity (GPM) _____

YES NO Check Items

- ☒ ☐ 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
☒ ☐ 2. Special Qualifications to permit being abided by.
☒ ☐ 3. All Structures, wells and lands on map.

REMARKS:

Pivot in Sec. 4

Zimmatic C.P.

7 towers

end gun, low pressure

Model 307 507

Sec. # 210811

operated at 25 psi

1000 gpm

State of South Dakota

PARTIAL VESTED RIGHT **Water License No.** 4794-3

(1) Morris Mortimer
of Hitchcock, South Dakota
made Application No. 4794-3, August 6, 1981 for a water permit to appropriate
0.82 cubic feet per second of water from groundwater (one additional well on existing permits)
Beadle County, South Dakota for irrigation purposes.
Permit No. 4794-3, with a priority date of April 9, 1981
was approved April 7, 1982 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before April 7, 1984 and for the application to beneficial use of said
water on or before April 7, 1984.

Water Permit No. 4794-3 was transferred to Thomas Tobin and Larry Lovett on August 20, 1986.

Water Permit No. 4794-3 authorizes a change in diversion point and an additional diversion point on Water Permit No. 4722-3 and Vested Water Right No. 1608-3. The lands irrigated are covered by Water Permit Nos. 4722-3, 4722-3A and Vested Water Right No. 1608-3.

The applicable portions of Water Permit Nos. 4722-3, 4722-3A and Vested Water Right No. 1608-3 have been incorporated into this Water License No. 4794-3.

Irrigation of the SE $\frac{1}{4}$ Section 5 from Well #1 in the center of the SE $\frac{1}{4}$ Section 5 and diversion of 1.48 cfs of water will retain a June 1, 1953 priority date (No. 1608-3). The remaining 0.74 cfs from Well #2 in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5 for irrigation in the SE $\frac{1}{4}$ Section 5 will retain a priority date of April 9, 1981 (Permit Nos. 4722-3 & 4722-3A).

Irrigation of the SW $\frac{1}{4}$ Section 4 from both Well #1 and Well #2 in Section 5 and diversion of 2.22 cfs of water will retain a priority date of April 9, 1981.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.22 cubic feet per second of water for beneficial use. The location of the diversion point(s) is are Well #1 - Center of the SE $\frac{1}{4}$ Section 5; Well #2 - 1500'W and 40'N of the SE Corner (SW $\frac{1}{4}$ SE $\frac{1}{4}$) Section 5, all in T113N, R62W.

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T113N, R62W

Section 4	NW $\frac{1}{4}$ SW $\frac{1}{4}$	33 Acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	33 Acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	33 Acres
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	33 Acres
Section 5	NW $\frac{1}{4}$ SE $\frac{1}{4}$	33 Acres
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	33 Acres
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	33 Acres
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	33 Acres
TOTAL		264 ACRES

(4) Pursuant to §46-5-30.1 Larry Lovett and Thomas Tobin
of P.O. Box 1766, Aberdeen, South Dakota 57401
the holder(s) and/or owner(s) of Incorporated Water Permit No. 4794-3 are
2.22 cubic feet per second of water from groundwater (two wells) with a priority date
of June 1, 1953 and April 9, 1981 from the location specified in (2) of this license. The water to be
conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 4794-3 and subject
to South Dakota State Law.

John Hatch
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

NOV 4 1987



No. 4794-3

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol

Pierre, South Dakota 57501

WATER RIGHTS DIVISION

Phone (605) 773-3352

NOV 4 1987

Larry Lovett & Thomas Tobin
PO Box 1766
Aberdeen, South Dakota 57401

Dear Mr. Lovett & Mr. Tobin:

Enclosed herewith is, Water License No. 4794-3. 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 Water Permit Nos. 4722-3, 4722-3A and Vested Water Right No. 1608-3 have been incorporated into this Water License No. 4794-3.

WNR-817 3/83

Transmittal of Water License

South Dakota

4794-3

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 28, 1992

NOTICE

TO: Thomas M Tobin and Larry Lovett
Box 1766
Aberdeen SD 57401

FROM: John Hatch, Chief Engineer
Water Rights Division
505 773-3352



SUBJECT: Hearing to Consider Validation of Recognized Vested Right Claim No. 4794-3

A Notice of Intent to validate Claim No. 4794-3 was published on June 23 and 30, 1988 in the Daily Plainsmen. The Water Rights Division opposed validation of No. 4794-3 for purposes of completing on on-site inspection of the claim. The inspection of Claim No. 4794-3 was completed on March 12, 1987, by James Wendte, staff engineer. The inspection found that the number of acres being irrigated has been reduced from 160 acres to 132 acres. The diversion rate of 1.48 cubic feet of water per second (cfs) will remain the same. Validation of Claim No. 4794-3 does not affect nonvested portions of No. 4794-3 for 132 acres and 0.74 cfs with a priority date of April 9, 1981.

The Water Management Board will consider validation of Claim No. 4794-3 at 10:00 am, September 30, 1992, in the Floyd Matthews Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of the hearing may be later than 10:00 am due to prior agenda items.

Pursuant to the findings of the on-site inspection, validation of Claim No. 4794-3 is recommended for a diversion rate of 1.48 cfs and irrigation of 132 acres. Following the hearing, the Board is authorized to 1) validate the claim as recommended for 132 acres and 1.48 cfs, 2) validate the claim as licensed prior to the on-site inspection, 3) validate the claim based on evidence presented at the public hearing, or 4) defer validation of the claim. Applicable provisions of the published notice of intent to validate Claim No. 4794-3 will still apply at this hearing. A copy of the June 23 and 30, 1988, publication is available upon request.

This hearing is an adversary proceeding. You have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

cc: Diane Best, Assistant Attorney General

4794-3

SOUTH DAKOTA

VESTED WATER RIGHT NO. 4794-3 FOR IRRIGATION

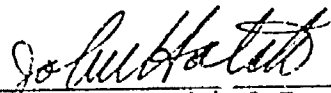
Date of Receipt of Claim August 7, 1968.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 4794-3 for irrigation purposes for Thomas M. Tobin & Larry Lovett, Box 1766, Aberdeen SD 57401 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 4794-3 appropriates 1.48 cubic feet of water per second from groundwater (one well) located in the SE 1/4 Section 5 to irrigate 132 acres located in the SE 1/4 Section 5; all in T113N-R62W.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: May 1 - October 31.
3. The priority date of the Vested Water Right is June 1, 1953.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer

MAR 17 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources

NOTE: Vested Water Right No. 4794-3 is also included as part of Water License No. 4794-3 for a total of 2.22 cfs to irrigate 264 acres.



MAR 17 1993

4794-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

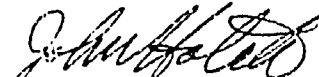
Thomas M Tobin and Larry Lovett
Box 1766
Aberdeen SD 57401

Dear Sirs:

The Water Management Board has validated the enclosed Vested Water Right No. 4794-3. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 16, 1996

Larry Lovett
PO Box 1766
Aberdeen, SD 57401-1766

Dear Mr. Lovett:

Thank you for your recent inquiry concerning legal descriptions for water rights you own or operate. The following is a summary of the water rights and their legal descriptions:

Water Right No.	Name	C.F.S.	Acres	Location of well(s)	Acreage irrigated
130A-3	John Mortimer	1.07	75.0	NE¼ Sec 22, T113N, R62W	NE¼ Sec 22, T113N, R62W
282-3	Leo Veskrna	1.85	160.0	NW¼ SW¼ Sec 9, T113N, R62W	SW¼ Sec 9, T113N, R62W
1423-3	Leo Veskrna	1.88	132.0	N¼ Sec 9, T113N, R62W	NW¼ Sec 9, T113N, R62W
2976A-3	Larry Lovett	1.44	126.0	NE¼ SW¼ Sec 14, T113N, R62W	SW¼ & W¼ SE¼ Sec 14, T113N, R62W
3317A-3	Larry Lovett	1.34	104.0	NW¼ NW¼ Sec 26, T113N, R62W	NW¼ Sec 26, T113N, R62W
4723-3A	Thomas Tobin & Larry Lovett	1.94	136.0	SE¼ SE¼ Sec 8, T113N, R62W	SE¼ Sec 8, T113N, R62W
4794-3	Thomas Tobin & Larry Lovett	2.22	264.0	SE¼ Sec 5, T113N, R62W	SE¼ Sec 5 & SW¼ Sec 4, T113N, R62W

I hope the above information is helpful. If you have any questions or need additional information, please contact me at (605) 773-3352.

Sincerely,

Genny McMath

Genny McMath
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 14, 2000

NOTICE

TO: THOMAS M TOBIN, PO BOX 1766, ABERDEEN, SD 57401 1766
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 282-3, 4723-3A & 4794-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 282-3, 4723-3A & 4794-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to 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) 282-3, 4723-3A & 4794-3 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 on/or before February 28, 2000, 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 at (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.

4794-3

SENDER COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

THOMAS M TOBIN
PO BOX 1766
ABERDEEN SD 57401 1766

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) Karla Casanova B. Date of Delivery 1/18/00

C. Signature Karla Casanova ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

Z 227 670 231



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 25, 2000

Larry Lovett
PO Box 1766
Aberdeen, SD 57401-1766

RE: Irrigation Questionnaires

Dear Mr. Lovett:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for the following:

1423-3, 2976A-3 & 3317A-3 – Larry Lovett
130A-3 – John Mortimer
282-3, 4723-3A & 4794-3, Thomas M Tobin

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



4794-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 17, 2003

4723-3A
4794-3

Marshall Brothers
19032 388th Ave
Hitchcock SD 57348

Dear Sirs:

Thank you for returning the yearly irrigation questionnaires. The forms indicate a change of ownership has occurred. Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change. The water rights are currently listed in the name of Thomas M Tobin and Larry Lovett. I have also enclosed copies of each of the water licenses for your records.

The transfer forms should be checked over for accuracy and signed by the new owner. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (\$5.00 total).

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

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 29, 20 03

RECEIVED OF Marshall Brothers, 19032 388th Ave., Hitchcock SD 57348

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>4794-3</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. 001019

By Darlene E. Ebel
Chief Engineer gm

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4794-3

Date: 12-24-03

I/We request that Water Right/Permit No. 4794-3

formerly owned by: Thomas Tobin & Larry Lovett

be transferred to: (name & address) Marshall Brothers, 19032 388th Ave, Hitchcock SD 57348

Telephone No. 605 266-2720

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

264 acres – SW ¼ Section 4 and SE ¼ Section 5; all in T113N-R62W

I/We understand that the validity of Water Right/Permit No. 4794-3 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 Marshall Brothers by Gary Marshall partner the new owner, certify that the above information is true and correct.

Marshall Brothers by Gary Marshall partner
(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.

RECEIVED
DEC 29 2003
WATER RIGHTS
PROGRAM

4794-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 29, 2003

4723-3A
4794-3

Gary Marshall
Marshall Brothers
19032 388th Ave
Hitchcock SD 57348

Dear Mr. Marshall:

Thank you for following up on the ownership change for Water Right Nos. 4723-3A and 4794-3. The transfers have been completed. The water rights formerly listed in the name of Thomas Tobin and Larry Lovett are now listed in the name of "Marshall Brothers".

Enclosed are your Receipt Nos. 001018 and 001019 in the amounts of \$2.50 each. You may keep these for your records. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____

RECEIVED
FEB 25 2004
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) Replace old concrete well near center of SE 1/4 sec 5-113N-62W with new well in SE 1/4 SW 1/4 sec 4-113N-62W. In addition an existing helper well is located in S 1/2 SW 1/4 sec 4

1. Name of Applicant Marshall Brothers Phone 266-2720
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 19032 388th Ave, Hitchcock SD State 57348
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed no add'l *CFS or _____ **GPM _____ ***AF Total Acreage _____
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply ground water

4. Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) Existing well: S 1/2 SW 1/4
Proposed well: SE 1/4 SW 1/4; all in sec 4-113N-62W
County Beadle

5. County or counties where water will be used Beadle

6. Annual period during which water is to be used May 1 - Sept 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SW 1/4 sec 4-113N-62W			
(covered by No. 4794-3)			

8. Give a description of the project. (Attach sheet if more space is needed)
This application proposes using an existing well & a new well to irrigate SW 1/4 sec 4 with no increase in the 222 cfs rate authorized by No. 4794-3. Pivots in SE 1/4 sec 5 & SW 1/4 sec 4 will operate on an alternating basis.

STATE OF SOUTH DAKOTA) SS
County of Hughes

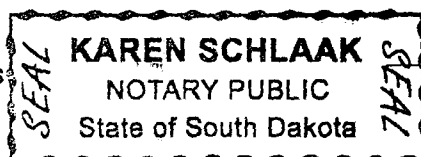
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Gary Marshall, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Marshall Brothers by Gary Marshall

Subscribed and sworn to before me this 25th day of February, 20 04

My Commission Expires
April 1, 2007



Karen Schlaak
Notary Public signature

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

see attached test hole logs
and well completion reports

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

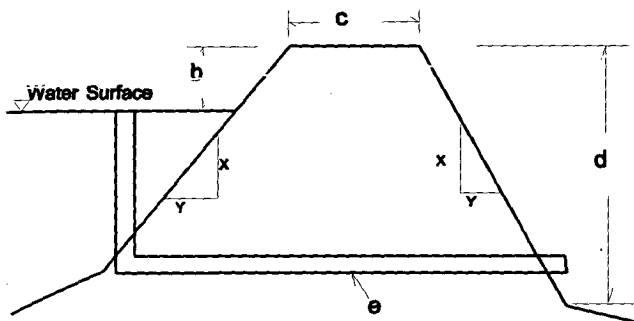
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

PULLMAN DRILLING, INC. - DRILLER'S LOG

(605) 883-4532
1-800-451-4884

Gary Marshall
JOB NAME

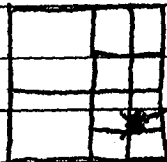
T-113-N R-62-W Sec. #
Pleasant Valley LOCATION Deagle Co.

2-20-04
DATE

RIG NO 11

Paul Holm
FOREMAN

Jt No	DEPTH	TIME	# 1	REMARKS
1	20			0-20 Yellow clay w/ sand streak
2	40			20-38 Yellow sand 38-40 Gray sand
3	60			40-56 Med gray sand 56-60 Blue clay
4				
5				
6				
7				
8				
9				
10			# 2	
11				
12	20			0-20 Yellow clay w/ sand streak
13	40			20-37 Yellow sand 37-40 Gray sand
14	60			40-50 Med. gray sand 50-57 Med to coarse gray sand w/ coal
15	80			60-80 Blue clay 57-60 Pearock
16				
17				Good
18				
19				
20				
21				
22				
23				
24				
25				
26			# 3	
27	20			0-20 Yellow clay w/ sand streaks
28	40			20-38 Yellow sand 38-40 Gray sand
29	60			40-50 Med. gray sand w/ coal 50-57 Fine gray sand 57-60 Blue clay
30				
31				
32				
33				
34				



RIVERSIDE

IRRIGATION DRILLING CO.

4722-3A

ROUTE 1

HURON, SOUTH DAKOTA

PH. 377-4287

DRILLING REPORT

Location of Well: 1/4 SW 1/4 Section 4 Township 113 Range 62

Well to be drilled for Morris Mortimer Hitchcock

(Name)
(County)

(Address)
(State)

Date well drilling started _____ finished _____

Purpose of well irrigation
(domestic, irrigation, industrial, other)

Depth _____ ft. Casing Diameter _____ inches

Slot Size _____ Screen Size _____

Screen Depth from _____ ft. to _____ ft.

Remarks _____

1 Mile

REPORT OF FINAL PUMPING TEST

Write Additional Times and Readings on Back of Page

Date _____		Water Level		Discharge
Elapsed Time From Start of Pumping				
0 hr.	0 min.	ft.	in.	(Static)
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	RECOVERY

Soil, Sand, Gravel, Color, Hard or Soft, etc.	Depth (ft.)		Description (Continued)	Depth (ft.)	
	From	To		From	To
Top Soil	0	2			
Yellow Clay	2	35			
Blue Clay	35	45			
Sand	45	60			
Clay Sandy	60	65			
Coar. Sand	65	70			
Clay and Sand	70	75			

RIVERSIDE

IRRIGATION DRILLING CO.

ROUTE 1

HURON, SOUTH DAKOTA

PH. 377-4287

DRILLING REPORT

Location of Well _____ 1/4 SW _____ 1/4 Section 41 _____ Township 11N _____ Range 6E

Will be drilled for: Walter H. Hatcher (Name) Hatchery (Address)
Beale (County) 10

Date well drilling started... (inland)

Volume of call 12/15/19

Depth _____ H. Casing Diameter _____ inches _____ MONTH _____

Dot Size _____ German Size _____

Scram Depth, From _____ ft. to _____ ft.

[illegible]

REPORT OF FINAL PUMPING TEST
With Additional Time and Reading on Back of Page

Introduction

Elapsed Time From Start of Pumping		Water Level		Discharge
hr.	min.	ft.	in.	(Sec.)
hr.	min.	ft.	in.	OPM
hr.	min.	ft.	in.	OPM
hr.	min.	ft.	in.	OPM
hr.	min.	ft.	in.	RECOVERY

Information: Fla., Ill., Secret,
and, (C) (S) (D) (S) (S), etc

Results

Information (Continued)

Depth (ft.)

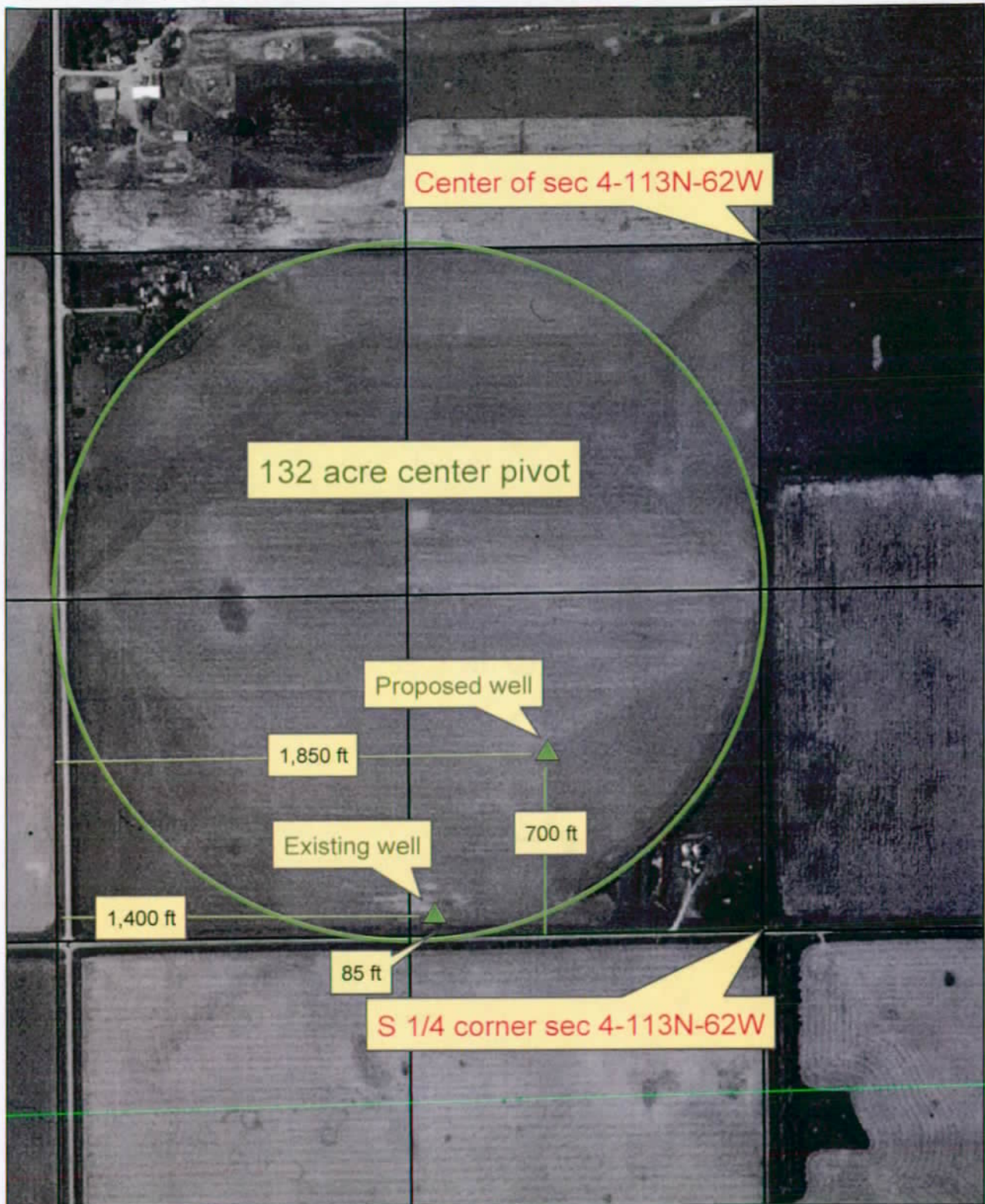
From To

Top Soil	0	2
Yellow Clay	2	35
Blue Clay	35	45
Sand	45	60
Clay Sand	60	65
Coarse Sand	65	70
Good Soil, Clay	70	80

Scale: 1 inch equals 567 feet

690

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:


Ron Duvall, Natural Resources Engineer
Water Rights Program

Date: 2/26/2004

Application No.

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Marshall Brothers c/o Gary Marshall

ADDRESS: 19032 388th Ave, Hitchcock SD 57348

DATE: February 26, 2004

TELEPHONE: 266-2720

RE: Permit application for additional well and existing well in SW $\frac{1}{4}$ sec 4-113N-62W

COMMENTS:

Gary Marshall stopped by the office February 25, 2004 and completed two applications. Mr. Marshall will be making a decision as to which of the two applications he wishes to pursue. On each application a new well is being proposed and an existing well is also identified on the applications. The acreage (SW $\frac{1}{4}$ sec 4-113N-62W) specified on the applications is currently irrigated under Water Right No. 4794-3 which incorporates Nos. 1608-3, 4722-3, and 4722A-3.

Vested Right No. 1608-3 was licensed for one well in the center of the SE $\frac{1}{4}$ sec 5-113N-62W to irrigate the SE $\frac{1}{4}$ section 5. Permit No. 4722-3 was then approved for a well in the center of the SW $\frac{1}{4}$ sec 4-113N-62W to irrigate the SW $\frac{1}{4}$ section 4. Permit No. 4722-3A was then approved for 2 additional wells along the southern border of the SW $\frac{1}{4}$ section 4 to irrigate the land in the same quarter. At the same time application No. 4722-3A was filed, application No. 4794-3 was also filed for a well to be located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ section 5-113N-62W to irrigate the SE $\frac{1}{4}$ section 5 and SW $\frac{1}{4}$ section 4. A notation on No. 4794-3 mentions water could not be located in the area specified under No. 4722-3. It appears based on this the intent was to then irrigate the SW $\frac{1}{4}$ section 4 as well as the SE $\frac{1}{4}$ section 5 from the wells in the SE $\frac{1}{4}$ section 5. An inspection report completed by Jim Wendte in 1987 incorporated all of the permits into No. 4794-3 for irrigation of the SE $\frac{1}{4}$ section 5 and SW $\frac{1}{4}$ section 4 from two wells in the SE $\frac{1}{4}$ section 5-113N-62W. No mention is made of any wells being located in the SW $\frac{1}{4}$ section 4 as authorized by Nos. 4722-3 and 4722-3A.

However, the existing well mentioned on these new applications is located very near the area identified on No. 4722-3A for two wells. Since Mr. Marshall has just recently acquired the property, he does not have any information regarding the existing well. A search of the Water Rights well log database found two undated logs in the name of the former owner of the property. A copy of the logs is attached to the permit applications. Even though the well may have existed at the time of the 1987 inspection, it may not have been in use which would account for its omission from the inspection report.



Ron Duvall

Natural Resources Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 11, 2004

Gary Marshall
19032 388th Ave
Hitchcock, SD 57348

Dear Mr. Marshall:

You have requested to drill a test well located in the SW ¼ of section 4, T113N R62W in Beadle County prior to obtaining a water permit. Pursuant to ARSD 74:02:04:21 the Chief Engineer may authorize construction of a test well prior to approval of a water permit. The construction and testing does not constitute construction of works for appropriation of the water pursuant to SDCL 46-5-9. The well must be constructed in accordance with SD Well Construction Standards by a South Dakota licensed well driller.

The test well will be approximately 60 feet deep and completed into the Tulare Hitchcock aquifer. This authorization does not constitute approval of a water permit application.

This approval will allow construction of the well in a timely manner and allow you to make some management decisions for the entire irrigation system. In the meantime, our office will not process your applications until you decide which option you want to proceed with. This we assume will be based upon the results of testing. If there are any questions please feel free to contact our office.

Sincerely,

James A Goodman, PE
Natural Resources Engineer
For Garland Erbele, Chief Engineer
Water Rights Program
(605)-773-3352

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Gary Marshall – Water Permit Applications

ADDRESS: 19032 388th Avenue, Hitchcock SD COUNTY: Beadle

DATE: May 17, 2004 TELEPHONE:

RE: Phone conversation regarding new well and applications on file.

COMMENTS:

Mr. Marshall called regarding the applications he filed on February 25, 2004.

He filed:

1. An application to drill a well in the SW $\frac{1}{4}$ of Section 4, T113N, R62W so the two center pivots in the SW $\frac{1}{4}$ Section 4 and the SE $\frac{1}{4}$ Section 5 can run at the same time (acreage is authorized by Water Right No. 4794-3). With this application they are requesting an additional 800 gpm diversion rate authority. The water source is the Tulare:Hitchcock Aquifer. I explained that we would likely recommend deferral of any request for an additional diversion of water based on the Board's decision that the aquifer is fully appropriated. The Board has deferred applications and wanted them to be brought back before the Board in December 2007 to see the level of development from the aquifer.
2. The other application proposes to drill a new well in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T113N, R62W. This application proposes no increase in the 2.22 cfs rate authorized by Water Right No. 4794-3. The pivots in SE $\frac{1}{4}$ Section 5 and the SW $\frac{1}{4}$ Section will operate on a alternating basis.

We discussed the water availability issues from this aquifer. The new well in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4 has been drilled and the old well near the center of Section 5 has been abandoned.

Mr. Marshall asked that the application for a new well with no increase in the diversion rate be pursued (Option No. 2 from above). The other proposal (Option No. 1) should be put on hold.

I told Mr. Marshall in no uncertain terms that under Option 2 he could not increase the diversion rate by more than the 2.22 cfs authorized by Water Right No. 4794-3. He indicated that he understood.

We will proceed with his request for a change of diversion point.

NAME: Eric Henderson



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 9, 2004

Gary Marshall
Marshall Brothers
19032 388th Avenue
Hitchcock SD 57348

Dear Mr. Marshall:

I am writing in regard your request to change the location of one of the wells authorized by Water Right No. 4794-3 and to authorize an additional well.

Water Right No. 4794-3 appropriates 2.22 cfs (1000 gpm) from two wells (Hitchcock Management Unit of the Tulare Aquifer) located in the center of the SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5 to irrigate 264 acres in the SE $\frac{1}{4}$ of Section 5 and the SW $\frac{1}{4}$ of Section 4. This water right bears a priority date of June 1, 1953 for 1.48 cfs and April 9, 1981 for 0.74 cfs.

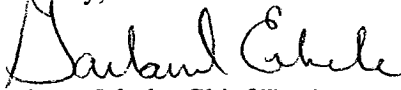
Upon review of the request and pursuant to SDCL 46-5-13.1, the change in the well location and additional well are authorized without application or publication of a notice of hearing. The new well and additional well are located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T113N, R62W. A copy of the staff report is enclosed.

The Tulare:Hitchcock Aquifer is nearing full appropriation. Any increase above the 2.22 cfs (1000 gpm) from the three wells is not allowed. The request you filed states that the two pivots will operate on an alternating basis. When a Water Rights Program staff person is in the area, you will be contacted so the system can be inspected to ensure it is operating within the parameters of the water right.

The old well located in the approximate center of the SE $\frac{1}{4}$ of Section 5, T113N, R62W shall be plugged in accordance with well construction standards.

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

Sincerely,


Garland Erbele, Chief Engineer
Water Rights Program

enclosure

Approval of Additional Diversion Point

NAME: Marshall Brothers – c/o Gary Marshall
ADDRESS: 19032 388th Avenue, Hitchcock SD 57348
DATE: June 3, 2004 **COUNTY:** Beadle **TELEPHONE:** 266-2720

Gary Marshall, on behalf of Marshall Brothers, has made a request to construct an additional well and change the location of a well for irrigation of land under Water Right No. 4794-3. Mr. Marshall purchased this property in 2003.

Water Right No. 4794-3 appropriates 2.22 cfs (1000 gpm) from two wells (Hitchcock Management Unit of the Tulare Aquifer) located in the center of the SE¼ and the SW¼ SE¼ of Section 5 to irrigate 264 acres in the SE¼ of Section 5 and the SW¼ of Section 4. The water right bears a priority date of June 1, 1953 for 1.48 cfs and April 9, 1981 for 0.74 cfs. All sections mentioned in this report are T113N, R62W unless designated differently.

Mr. Marshall request is to add the existing well located in the SE¼ SW¼ of Section 4 and change the location of the well in the center of the SE ¼ Section 5 to a newly constructed well in the SE¼ SW¼ of Section 4. The request states the two center pivots will operate on an alternating basis. The request indicates that the well in the center of the SE ¼ Section 5 has failed and they want to drill a new well in the SE ¼ SW¼ Section 4. Mr. Marshall received authorization to drill a test well and it is believed that the well is constructed. It appears from a comment on the request that the existing well in the SE¼ SW¼ of Section 4 has been used as a helper well.

BACKGROUND

Water Right No. 4794-3 incorporated the applicable portion of Water Permits Nos. 4722-3, 4722-3A and Vested Water Right No. 1608-3. Specifically, these water rights authorize:

- Vested Water Right No. 1608-3 appropriated 1.48 cfs from one well in the center of the SE ¼ of Section 5 to irrigate the SE ¼ of Section 5. This is the well that has now failed.
- Water Permit No. 4722-3 appropriated water from a well in the center of Section 4 to irrigate the SW ¼ of Section 4.
- Water Permit No. 4722-3A authorized 2 additional wells along the southern border of the SW¼ of Section 4 to irrigate the land in this quarter.
- Water Permit No. 4794-3 (which in licensing now incorporates these other water permits) was filed for an additional well in the SW¼ SE¼ Section 5 to be used to irrigate the SE¼ of Section 5.

A notation in the file for Water Right No. 4794-3 mentions that water could not be located in the area specified under No. 4722-3. It appears the intent was to irrigate both the SE¼ of Section 5 and the SW¼ of Section 4 from the two wells located in the SE¼ of Section 5. An inspection report from 1987 incorporated all the permits into No. 4794-3 for the irrigation of the two quarter sections from the two wells in the SE ¼ of Section 5. No mention is made of the wells which were authorized by Nos. 4722-3 and 4722-3A. It appears that one of the wells authorized by Permit No. 4722-3A was constructed but the date it was constructed is unknown. There is an undated well report in database for this well.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The water source remains the Hitchcock Management Unit of the Tulare Aquifer. No additional water is to be appropriated by this request. A new water permit is necessary if the combined diversion rate from the 3 wells exceeds 2.22 cfs (1000 gpm).

- **If irrigation, no new land is irrigated**

No additional land is to be irrigated above the 264 authorized by Water Right No. 4794-3. This request is solely to authorize an additional well and change the location of a well.

- **Review of Existing Diversions**

A review of diversions within a one mile radius of the additional well was conducted. In addition to Water Right No. 4794-3, there are seven existing water rights within this area. They are: Water Right No. 1509-3 (Peterson Farms), Water Right No. 5421-3 (Floyd Peterson), and Water Permit No. 6238-3 (Bixler Farms); all located in Section 32, T114N, R62W and Water Right No. 5671-3 (Peterson Farms) located in Section 5, T113N, R62W; Water Right No. 4723A-3 (Marshall Brothers) located in Section 8, T113N, R62W, and Water Right Nos. 282-3 and 1423-3 (Leo Veskrna) located in Section 9, T113N, R62W. There are a number of other water rights in the general area of Water Right No. 4794-3

A review of the well log database was also conducted in neighboring sections. Twelve domestic wells were found. Only three of these wells are constructed into the Tulare Aquifer while the other wells are deeper Dakota Formation wells. The nearest domestic well is located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 4. This review of database records does not include well reports that were not filed nor does it provide an indication whether the domestic wells are still in use.

ADDITIONAL REVIEW

The Board in December 2002 deferred a number of applications from this aquifer for a period of five years. This five year period was given because there are undeveloped and newly issued permits which the extent they are developed could affect water availability from the aquifer. This request is not for additional water or irrigated acreage, therefore, it can be processed under SDCL 46-5-13.1 as long as the potential for interference with other existing diversions is not increased.

The past irrigation questionnaires since 1993 were also reviewed. Irrigation was reported each of these years. The amount of acres irrigated was listed between 130 - 135 acres except for the years 1995, 1999 and 2003 when 245 - 275 acres were reported. The diversion rate ranged between between 550 - 700 gpm. From the irrigation questionnaire it can not be determined whether one or both quarter section were being irrigated each year or if the use of the pivots was alternated on a yearly basis.

The digital orthographic photo was also reviewed using ArcMap. Both center pivots are obvious on this map which would lead to the conclusion that both pivots are at least occasionally operated.

Observation well SP-79N is located along the north section line in the NW1/4 of Section 4. The hydrograph for SP-79N is attached. Water levels for this well indicate fluctuation due to climatic conditions, that recharge occurs and that the effects of pumping is generally not significant.

Finally, the old well in the center of the SE1/4 of Section 5, should be plugged in accordance with well construction standards.

RECOMMENDED ACTION

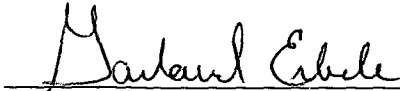
Based on the above criteria, it is recommended that the additional diversion point and change of diversion point be authorized pursuant to SDCL 46-5-13.1. This authorization should strongly state that no increase in the 2.22 cfs appropriated under Water Right No. 4794-3 is allowed unless a new water permit can be obtained. Additionally, the well in the center of the SE ¼ of Section 5, T113N, R62W shall be plugged.



Eric Gronlund, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and additional diversion point does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 9 Twp 113 Rg 62

County

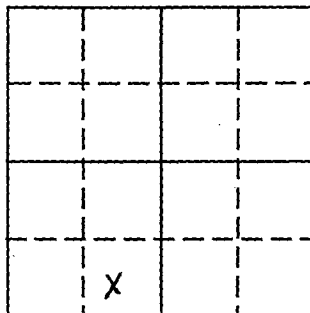
Beadle

North

Please mark well location with an "X"

W

E



Well Completion Date

4/30/2004

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

? ft. from In Pasture (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	48.0 FT	24.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

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

Describe grouting procedure
Line

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 15.0 FeetMaterial Stainless SteelSlot Size .060 Set From 48.0 Feet to 63.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No
If so, what material? Gravel

Describe packer(s) and location

Gravel Packed

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Pellets
☐ No, Why Not?

Lab sample sent to for water quality analysis

Well Owner: Gary MarshallBusiness Name: Marshall FarmsAddress: 19032 388th AveCity, State, Zip: Hitchcock SD 57348

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Yellow Clay	0	18
Yellow Sand	18	20
Yellow Fine Sand	20	30
Fine Gray Sand w/ Coal	30	40
Med Sand w/ Clay Breaks	40	45
Med to Coarse Sand	45	50
Coarse Sand w/ Pearock	50	60
Pearock	60	62
Blue Clay	62	63

STATIC WATER LEVEL

21' FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:
☐ Bailed
☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm: Pullman Well Drilling Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

RECEIVED

SEP 9 2004

Date: 5/4/04

WATER RIGHTS PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 15, 2004

Gary Marshall
Marshall Farms
19032 388th Ave
Hitchcock SD 57348

Dear Mr. Marshall:

I am writing in regard to a well completion report filed by Pullman Well Drilling Inc. The report indicates an irrigation well was completed for Marshall Farms on April 30, 2004. According to the report, the well is located in the SE ¼ SW ¼ Sec 9-T113N-R62W (copy enclosed).

After reviewing our files, I can not find a water permit for a well located in the legal description listed above. It is very possible the well driller put an incorrect description on the report.

As you are aware, obtaining a water permit that accurately reflects your water use ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right does not have a legal right to divert water.

Mr. Marshall, please let us know the correct legal description for this well or if you need application forms. If you have any questions, please contact Eric Gronlund or me.

Sincerely,

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

enclosure

4794-3

Schlaak, Karen

From: Gronlund, Eric
Sent: Monday, October 18, 2004 2:50 PM
To: Schlaak, Karen
Subject: Gary Marshall

Mr. Marshall called in regards to the letter you sent him about the well completion report we received. He said the section designation is wrong and should be section 4 instead of section 9. He said this is a replacement well.

10/19/2004



4794-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: MARSHALL BROTHERS, GARY MARSHALL, 19032 388TH AVE, HITCHCOCK, SD 57348

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4723-3A, 4794-3 & 6471-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4723-3A, 4794-3 & 6471-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4723-3A, 4794-3 & 6471-3 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 on/or before February 25, 2005, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (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.



4794-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 2005

4723-3A
4794-3
6471-3

Gary Marshall
Marshall Brothers
19032 388th Ave
Hitchcock SD 57348

Dear Mr. Marshall:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 4723-3A and 4794-3 and Water Permit No. 6471-3.

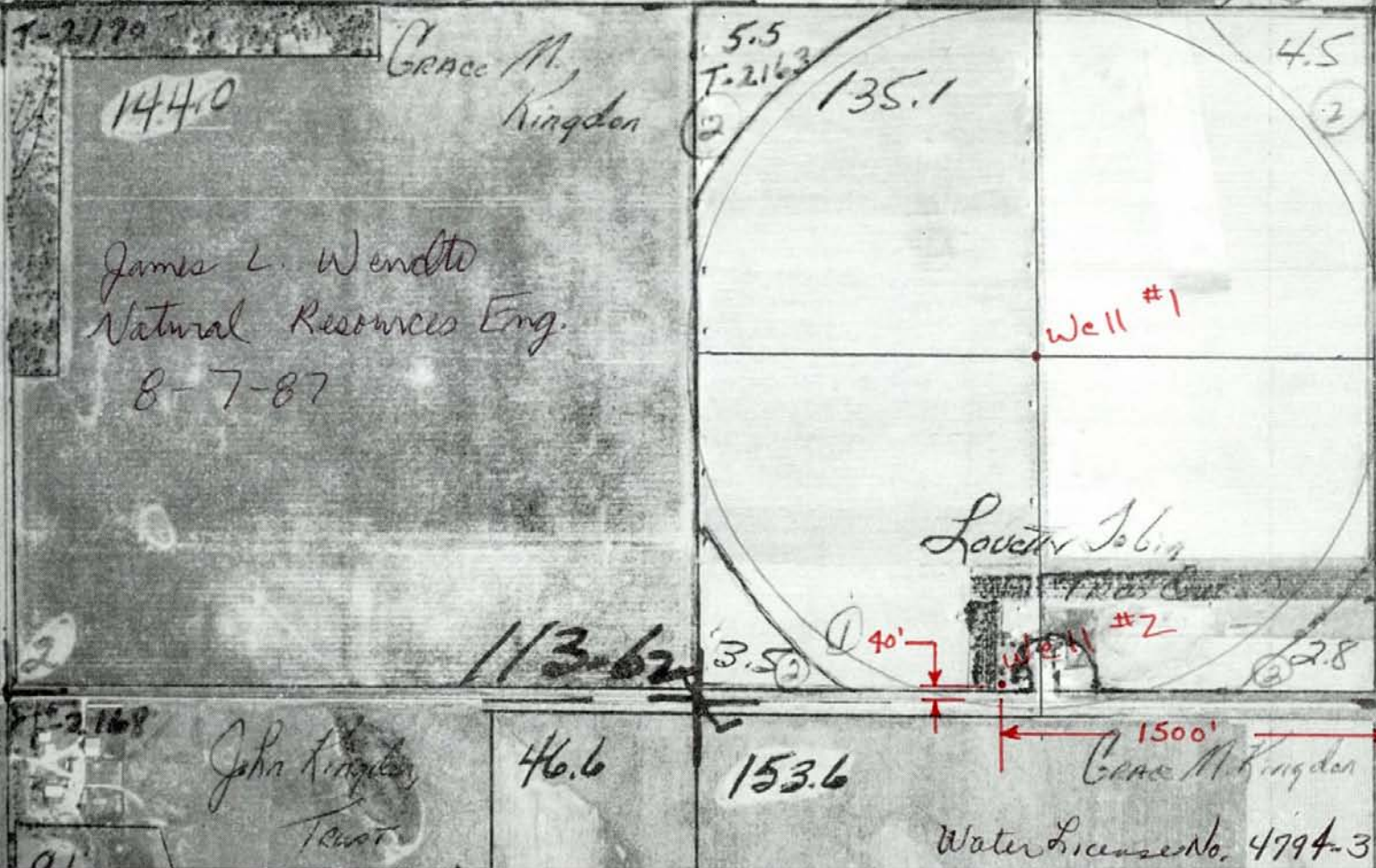
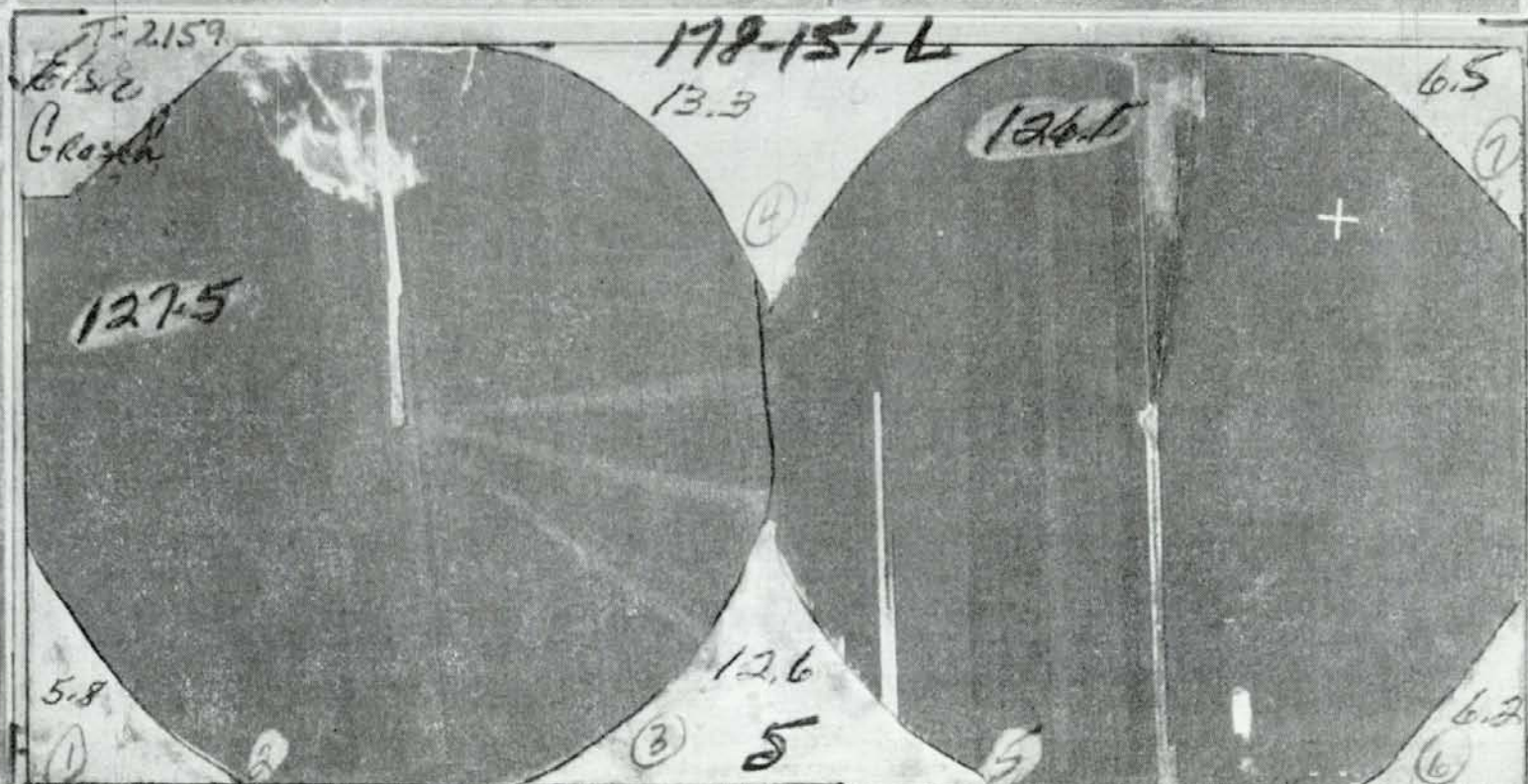
The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

NOT TO SCALE



NOT TO SCALE

T-2121

186

89.4

178-151-L

(2)

(3)

James
Schlegel

4

27.0

1800 ft

4

T-2163

Booke
1981

5.0

T-2107

Leich Hellmarcher

1290

Loose Soil

76.6

James L. Wendt
Natural Resources Eng.
8-7-87

4.0

(3)

plotted

112-62-1

4.9

T-107

131.5

Leo
Vesken

50

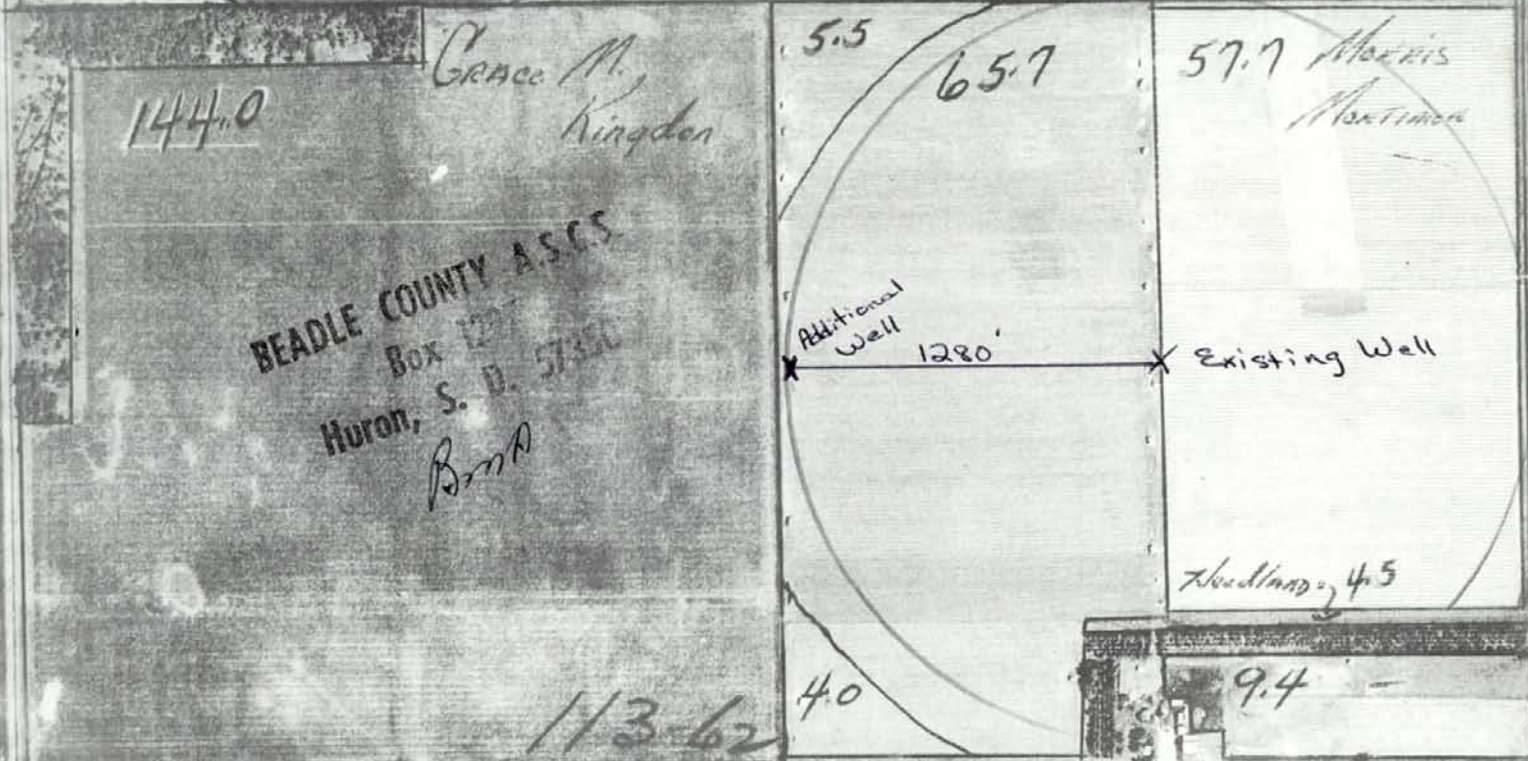
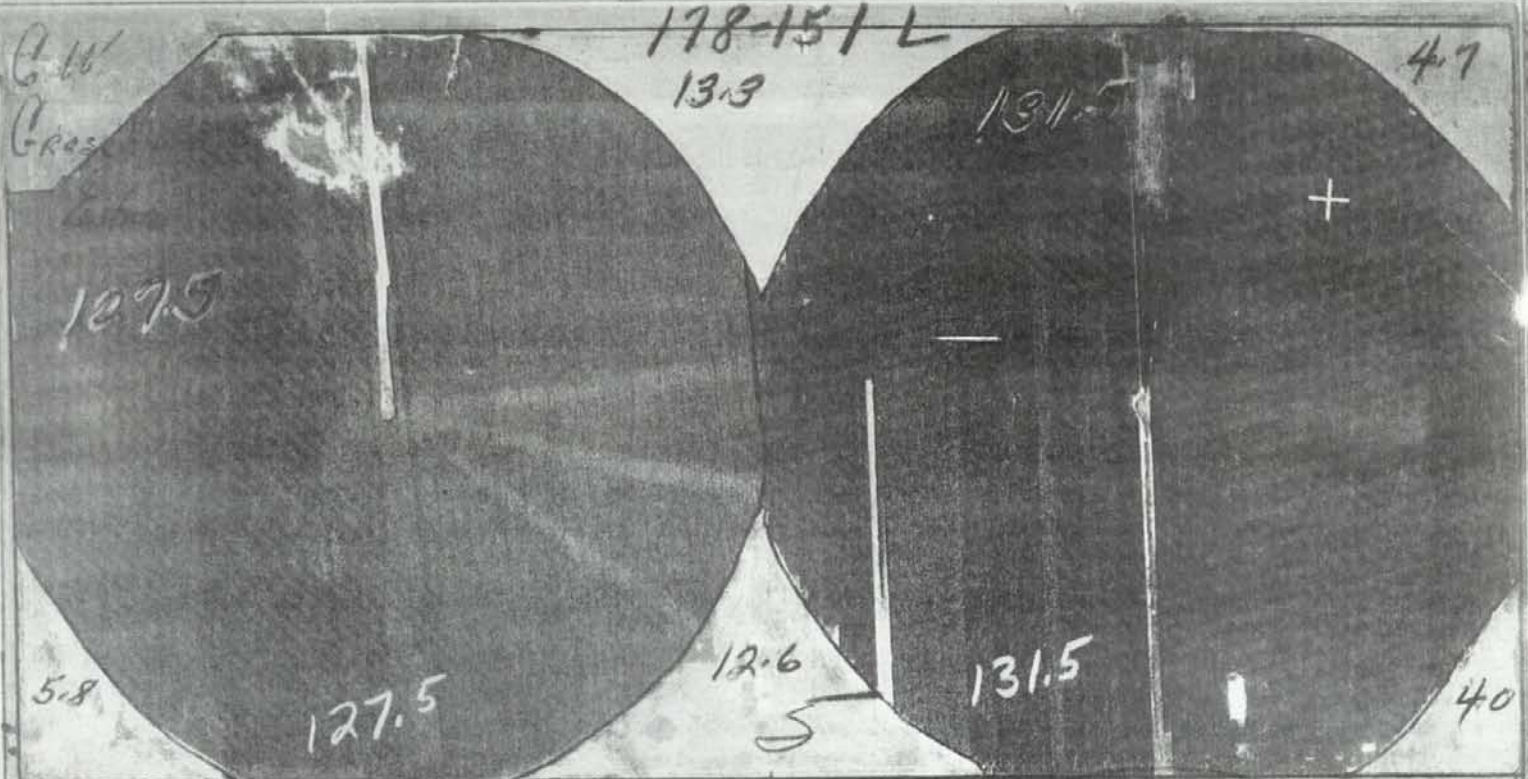
(4)

T-133

97.1

Water License No.
4794-3

NOT TO SCALE



NOT TO SCALE

186

71.0

18.4

178-151 L

BEADLE COUNTY S.C.S.

Box 1297

Huron, S. D. 57350

Brnt

200'

Lois Hellmacker

Morris
Mortimer

83.5
+ 6.6 headln)
90.1

76.6

113-62

Two Wells

200'

4.9

266.9

Leo
Vestkna

50

97.1

Map # 3932-3A

4

appl # 4722-3A

RECEIVED

APR 29 2015

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4794-3

Date: 4-29-15

I/We request that Water Right No. 4794-3

formerly owned by: Marshall Brothers

be transferred to: (name & address) Gary Marshall, 19032 388th Avenue, Hitchcock SD 57348

Telephone No. 605 350-1401

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

264 acres – SW ¼ Section 4 and SE ¼ Section 5, T113N, R62W

I/We understand that the validity of Water Right No. 4794-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

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

Gary Marshall
(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 4/29, 20 15

RECEIVED OF Gary Marshall 10932 388th Ave Hitchcock SD 57348

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>4794-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 07361

By J. [Signature]
Chief Engineer

4794-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 7, 2015

Gary Marshall
19032 388th Ave
Hitchcock SD 57348

RE: 7721-3, 7720-3, 7719-3, 7640-3, 7639-3, 7638-3, 7637-3, 7575B-3, 7573-3, 7126A-3,
4794-3, 4723-3A, 3054A-3

Dear Mr. Marshall:

I am writing in follow-up to your office visit last week when you submitted ownership changes to the above listed water permits and water rights.

All of the ownership changes with the exception of Water Permit No. 7575B-3 have been completed. The ownership change submitted for portions of Water Permit No. 7575-3 is being processed separately. This is done in part because the permit will need to be divided and reissued to reflect separate ownership (No. 7575A-3 - Terry Marshall and No. 7575B-3 - Gary Marshall).

The receipts for the filing fees are enclosed. If you have any questions, please let me know.

Sincerely,

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

enclosures – receipts for the filing fees

4794-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

AUG 27 2015

Gary Marshall
19032 388th Ave
Hitchcock SD 57348

Dear Mr. Marshall:

Enclosed are Water Permit Nos. 4794B-3, 7573A-3 and Reissued Water Permit No. 7573-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses may be issued, thus completing the acquisition of a water right.

An informational sheet ? *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

Note: Water Permit No. 4794B-3 incorporates Water Permit No. 4794-3.
Water Permit No. 7573A-3 incorporates Water Permit No. 4723-3A.

enclosures

SOUTH DAKOTA
WATER PERMIT NO. 4794B-3

Date of first receipt of application April 29, 2015.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 4794B-3 to Gary Marshall, 19032 388th Ave, Hitchcock SD 57348 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 4794B-3 amends Water Right No. 4794-3 by transferring 28 acres to other land. Water Right No. 4794-3 appropriates 2.22 cubic feet of water per second (cfs) from two wells completed in the Tulare Western Spink/Hitchcock Aquifer to irrigate 264 acres located in the SW 1/4 Section 4 and the SE 1/4 Section 5; all in T113N-R62W. This permit will transfer 28 acres from the SW 1/4 Section 4 to the SE 1/4 Section 5-T113N-R62W to accommodate installation of a cornering system. Seven acres will be transferred from each quarter-quarter section in Section 4-T113N-R62W to corresponding quarter-quarter sections in the SE 1/4 Section 5-T113N-R62W. This permit also serves to clarify the location of the two existing Tulare Western Spink/Hitchcock Aquifer wells supplying Water Right No. 4794-3 as being located in the SE 1/4 SW 1/4 Section 4 and SE 1/4 SE 1/4 Section 5; all in T113N-R62W. No increase in the diversion rate or number of acres irrigated is authorized by this permit. Permit No. 4794B-3 authorizes a total diversion of 2.22 cfs and irrigation of 244 acres. Note that Water Permit No. 4794C-3 transferred 20 acres from Water Right No. 4794-3.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The dates from which applicant may claim right are June 1, 1953 (1.48 cfs and 132 acres) and April 9, 1981 (0.74 cfs and 112 acres).
4. The date of approval of Permit No. 4794B-3 is July 27, 2015.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Water Right No. 4794-3 and Water Permit No. 4794B-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Water Permit No. 4794B-3 incorporates Water Right No. 4794-3.

WATER MANAGEMENT BOARD

By: Jeanne Goodman

Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 27 2015

date

