

Div 500  
10/70-2

1. Considered: 10-2, 1981 Water Right No. 4822-3
2. Name of Applicant DEPT. OF GAME, FISH & PARKS
3. Post Office Address ANDERSON BLDG - PIERRE, S.D. 57501
4. Amount of Water Claimed .40 (ADD'L) maximum acre feet
5. Source of Water Supply 45' WELL
6. Water to be used for IRR acres to be irrigated No ADD'L
7. County CODINGTON about 5 miles N of WATERTOWN
8. PROOF OF PUBLICATION: Received (initials) 11-25-81 Not Received \_\_\_\_\_
- APPLICATION: Approved 12/3/81 Subject to WIT TO
- Not Approved \_\_\_\_\_ Action Deferred \_\_\_\_\_

PRIORITY

Dated Received 9-30-81 Application complete-yes \_\_\_\_\_ no \_\_\_\_\_ FEE N/A

Remarks Add'l diversion on W/R 483-3

Corrected Application Received 10-27-81 Period of Annual Use MAR To NOV

INTER  
VALITY

Received yes 11/6/81 no \_\_\_\_\_ (APPROVED) CONDITIONAL (Circle one)

Wit-1 Description same as application (yes) \_\_\_\_\_ no \_\_\_\_\_ Remarks \_\_\_\_\_

Disapproved \_\_\_\_\_ Returned \_\_\_\_\_

|  |  |  |  |   |   |
|--|--|--|--|---|---|
|  |  |  |  |   | x |
|  |  |  |  | 2 |   |
|  |  |  |  |   |   |
|  |  |  |  |   |   |
|  |  |  |  |   |   |

Diversion Point 2-117N-53W  
NW<sup>4</sup> NE<sup>4</sup>

Land to be irrigated Net 0.40 - 0.40 = 0

11-100

Driller Lee Well Del Licensed - yes 63 no \_\_\_\_\_

Depth 45' Deep

Remarks \_\_\_\_\_

MAP Map No. 48-370-3 Map located in Water Right \* Map file \_\_\_\_\_  
 Type of Map DRAWN Prepared by ENGR.

+++++

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:

11-9-81

Dj. Westlund  
 (Signed)

+++++

PROTESTS Letters/Petitions in File - yes \_\_\_\_\_ no \_\_\_\_\_ Remarks \_\_\_\_\_

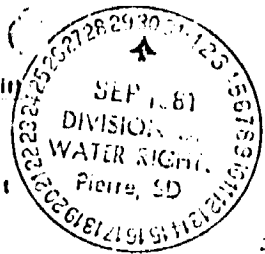
EMARKS. Date \_\_\_\_\_  
 F. & C. Final Decision, including F.F. & C. of Law were adopted \_\_\_\_\_

DATE Date \_\_\_\_\_  
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision was  
 DECISIONS adopted \_\_\_\_\_

TC. Remarks \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

No. 4822-3  
 3 Big Sioux River  
 Map No. 370-3 Water Division No. \_\_\_\_\_ District \_\_\_\_\_  
 Above for Office Use



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

Check one of the following:

New \_\_\_\_\_ Vested Right \_\_\_\_\_ Future Use \_\_\_\_\_

Change in Diversion \_\_\_\_\_ Additional Diversion ☒ on existing Water Right #483-3

Change in Acreage \_\_\_\_\_ Additional Acreage \_\_\_\_\_

1. Name of Applicant Department of Game, Fish & Parks Phone No. 773-3387  
 Post Office Address Anderson Bldg. Pierre State SD 57501  
 (Street, RR, or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation \_\_\_\_\_

2. Method of accomplishing work (contract, employment of others, or by direct labor) contract3. Name of diversion work Big Sioux Nursery Project4. Amount of water claimed (cubic feet per second) .40 additional5. Source of water supply groundwater (one well)

6. Location of point of diversion 600'N and 250'W of the center of NE $\frac{1}{4}$ , Section 2, T117N, R53W  
(NW $\frac{1}{4}$  NE $\frac{1}{4}$ )

County Codington7. Annual period or periods during which water is to be used March to November8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated no add'l (140 acres)

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

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

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water PUBLIC OPINION,12. Principal Features of the Proposed Water Supply System. Watertown SD

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

pump-well

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

pipe

C. Works proposed to apply water to beneficial use.

sprinkler

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

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

STATE OF SOUTH DAKOTA )

County of Hughes ) ss.I, Lyle Louie )

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 [Signature]Subscribed and sworn to before me this 30th day of September, 19 81[Signature]

Notary Public (or other qualified officer).

KAREN WERNSMANN, Water Rights Division

# WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4822-3

DEPT. GAME, FISH & PARKS  
(Applicant)

ANDERSON BLDG. - PIERRE  
(Post Office Address)

SOUTH DAKOTA 57501  
(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.

Land covered under this Permit is also covered under Permit No. 483-3. Combinations of diversions under the two permits shall not exceed the Statutory limit of 1 c.f.s. for each 70 acres of land to be irrigated.

Date of first receipt of application September 30, 1981

Date of return to applicant for correction, amendments or changes required                     , 19      

Date of receipt of corrected application November 6, 1981

Approved December 3, 1981, Recorded in Book 22 Page 318

WATER RIGHT PERMIT NO. 4822-3

4822-3

The Water Management Board hereby grants and issues this Water Right Permit No.                      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 September 30, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before June 3, 1984
3. The whole of said work is to be completed on or before December 3, 1986
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is December 3, 1990
5. The water appropriated shall be used for the purpose of IRRIGATION

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

7. The amount of the appropriation herein granted shall not exceed .40 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 December 3, 1990; said water to be used during the following described

annual period: March to November

Witness my hand this 8th day of December, 1981

THE WATER MANAGEMENT BOARD

By John Hatch

Chief Engineer, Water Rights

JOHN HATCH

Certificate of Construction Issued                     , 19      

Water License Issued                     , 19

6/60

Driller: Lee Well Drilling, Inc. 63  
Driller's or Firm's Name License NO.  
RR 2, Box 159A  
Milbank, South Dakota 57252  
Address  
*[Signature]* 10/27/8  
Signed By Date

#### D Well Information

- (1) Drill Hole, Diameter 18", Depth 50'
- (2) Casing, Type Fiberglass (wood, concrete, steel, etc) Diameter 12", Thickness 1/4"
- (3) Screen, Type Fiberglass-90 slot, Diameter 12", Length 35'-45'
- (4) Gravel Pack, Thickness 6"-1/8x3/16" hilde Length of gravel pack 50'-5' blank at bottom  
sand & gravel. 25' length's

#### 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)

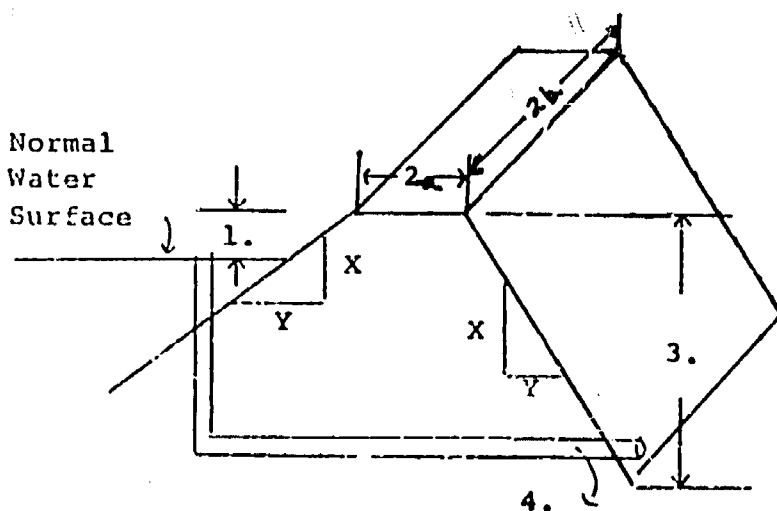
- Depth to top of water bearing material 4'
- Depth to bottom of water bearing material 45'
- Depth to water (ground surface to water level) 13'

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

- On same owner's property 34 rds.
- On property owned by others 81 rds.

#### G Water Storage Dams

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



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

[Signature]  
Signature of Applicant

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE  
DIVISION OF CONSERVATION

NAME OF APPLICANT Big Sioux Nursery - Department Game Fish & Parks

NE 1/4 Sec 2-117-52

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED

RECOMMENDED MANAGEMENT:

Lined area for recommended management text.

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

Office Use Only

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Dpt. Game Fish & Parks OWNERS ADDRESS: 2760  
Big Sioux Nursery Water-town SD 57201  
COUNTY LAND LOCATED IN: Codington PHONE: 886-6806  
TENANT'S NAME AND ADDRESS: None

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 SE 1/4 NE 1/4 sec 2, T117-R52

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: \_\_\_\_\_

| Legal Description             | Acres      | Legal Description | Acres |
|-------------------------------|------------|-------------------|-------|
| <u>NE 1/4 sec 2, T117-R52</u> | <u>160</u> |                   |       |
|                               |            |                   |       |
|                               |            |                   |       |
|                               |            |                   |       |

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED \_\_\_\_\_

LEGAL DESCRIPTION: \_\_\_\_\_

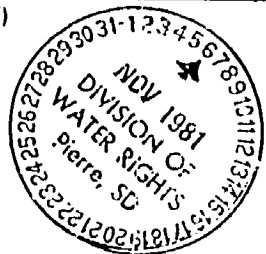
IN WHAT NAME: \_\_\_\_\_

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

5. TYPE OF IRRIGATION: GRAVITY: \_\_\_\_\_ TOWLINE: \_\_\_\_\_ CENTER PIVOT: \_\_\_\_\_ GUN: \_\_\_\_\_ OTHER: hand moved up right  
6. CROPS TO BE IRRIGATED: Wheat

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

7. WATER SAMPLE NUMBER: 21-1218  
8. SALINITY (EC X 10%): 6.50  
9. SODIUM (SAR): 0.12  
10. ADJUSTED (SAR): 0.28 (0.196)



I hereby certify that I personally obtained or that I personally observed that 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 11:00 a.m. on 9/30, 1981, at the following location: SE 1/4 NE 1/4 sec 2, T117-R52 by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

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

SUBSCRIBED AND SWORN BEFORE ME THIS

30th DAY OF Sept., 1981

Harvey H. Peltz  
(NOTARY PUBLIC)

[Signature]  
APPLICANT'S SIGNATURE

[Signature]  
Director, Division of Conservation

IMPORTANT

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

X APPROVED

DISAPPROVED

CONDITIONALLY APPROVED

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

No. 4822-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Codington ) ss.

I, John R. Lowrie hereby  
certify that the annexed printed copy of Notice of Intent to Appropriate  
Water was taken from the Watertown Public Opinion

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 Watertown

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

November 14, 1981

November 21, 1981

[Signature]  
(Signature)

General Manager  
(Title)

November 21st, 1981  
(Date Signed)

Cost of Printing: 41.18

WHR-808-7/79  
Proof of Publication

PUBLIC NOTICE

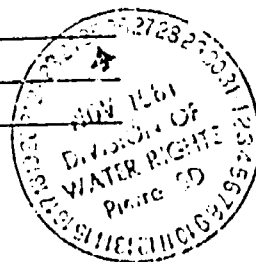
NO. 4822-3  
NOTICE OF HEARING  
ON APPLICATION  
TO APPROPRIATE WATER  
Pierre, South Dakota  
57501

November 9, 1981  
Notice is hereby given that the  
Dept. of Game, Fish & Parks whose  
post office address is Anderson  
Building, Pierre, 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; 46-2-1  
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, 46-6-3.1, 46-6-5, 46-6-6.1,  
46-6-10, 46-6-13, 46-6-14 and Board  
Rules ARSD 52:01:01:01 thru  
52:01:01:13, for a permit to ap-  
propriate for beneficial use 0.40  
cubic feet of water per second of  
time from groundwater (one well)  
through the Big Sioux Nursery  
Project, to add an additional point  
of diversion on an existing Water Right  
of which is to be located in the NW 1/4  
NE 1/4 of Section 2, Twp. 117N, Range  
53W. Said water to be used for the  
purpose of providing irrigation on  
portions of the following described  
land: NE 1/4 Section 2, T117N, R53W.  
This Application No. 4822-3 will be  
considered by the Water  
Management Board at Howard  
Johnson's 3300 W. Russell, Sioux  
Falls, SD upon the 2nd day of  
December, 1981 at 10 A.M. The  
Board is authorized to make a  
determination on this application at  
the hearing. All interested persons  
may appear and be heard. Any  
person who may be affected by a  
Board decision who desires to  
present evidence or cross-examine  
witnesses according to SDCL 1-2  
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, R,  
Joe Foss Building, Pierre, SD, prior  
to the hearing date for assistance to  
assure access to the hearing.

R. the Water  
Management Board  
Betsy Westlund,  
Water Rights Specialist  
(November 14, 21, 1981)



634 @ 3.05 x 2 =  
411.8

No. 4822-3

Publish first publication on or before November 20, 1981

NOTICE OF HEARING ON  
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota, 57501

November 9, 1981

Notice is hereby given that the Dept. of Game, Fish & Parks whose post office address is Anderson Building, Pierre, 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; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 0.40 cubic

feet of water per second of time from groundwater (one well) through the Big Sioux to add an additional Nursery Project on an existing Water Right the point(s) of diversion of which is (are) to be located in the

NE 1/4 NE 1/4

of Section 2, Twp. 117N, Range 53W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE 1/4, Section 2, T117N, R53W

This Application No. 4822-3 will be considered by the Water Management Board at Howard Johnson's 3300 W Russell, Sioux Falls, SD upon the 2nd day of December, 1981

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the 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

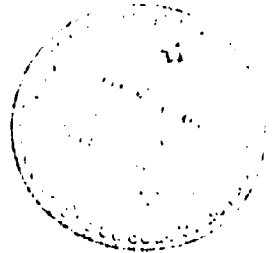
cc: applicant

BETTY WESTLUND, Water Rights Specialist

WNR-806A-10/81 Notice of Intent to Appropriate Water  
GROUNDWATER

South Dakota  
**DEPARTMENT OF GAME, FISH AND PARKS**  
**DIVISION OF FORESTRY**

Big Sioux Nursery  
R. R. 2 - Box 88  
Wagartown, South Dakota 57201



November 13, 1981

Mr. John Hatch  
Dept. of Water & Natural Resources  
Water Rights Division  
Joe Foss Building  
Pierre, South Dakota 57501

Dear Mr. Hatch:

The Big Sioux Nursery is in the process of developing an additional irrigation system of the north half of the nursery to aid in the expanded production and also act as a backup system. I was informed that you would be able to assist us in the design of this unit.

Our present system has 50 hp, 3 phase, 60 cycle, 1750 rpm turbine pump which was rated at delivering 750 gallons per minute at 45 psi. We can run from 140 to 210 rainbird 20 sprinklers with 5/32 opening with an optimum of 170 sprinklers at a time. We get about 1/4 inch of water in an hour. The underground line is 6 inch asbestos concrete and is tied off every 40 feet with a 2 inch line running both north and south.

We would like to have the basic design on the new as the old so we can interchange the whole system. We feel we need a well that can deliver us over 600 gallons per minute through 1578 feet of 6 inch line that ties off at 34 places with pipe running both north and south. Another part of the system would be to tie into the other system 900 feet to the south and at the east end of the new line put in an overhead shut-off valve so we can tap into our overhead 6 inch pipe. We have had test holes dug and have determined the best location for the well. Lee Well Drilling from Milbank sent the sand samples in for analysis and obtained recommendations of the well.

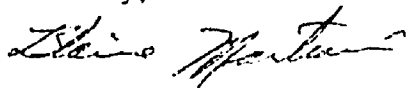
I am enclosing a rough sketch of the nursery layout and where the old and new systems are. Also enclosed is the recommendation we received.

Mr. John Hatch  
November 13, 1981  
Page 2

If you have any questions, feel free to give me a call.

A clearer picture could be given if you took a look at the facilities we have here at the nursery. There could be a problem with draining the 6 inch line for winter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Blaine Martian".

Blaine Martian  
Nursery Manager

BFM:dp

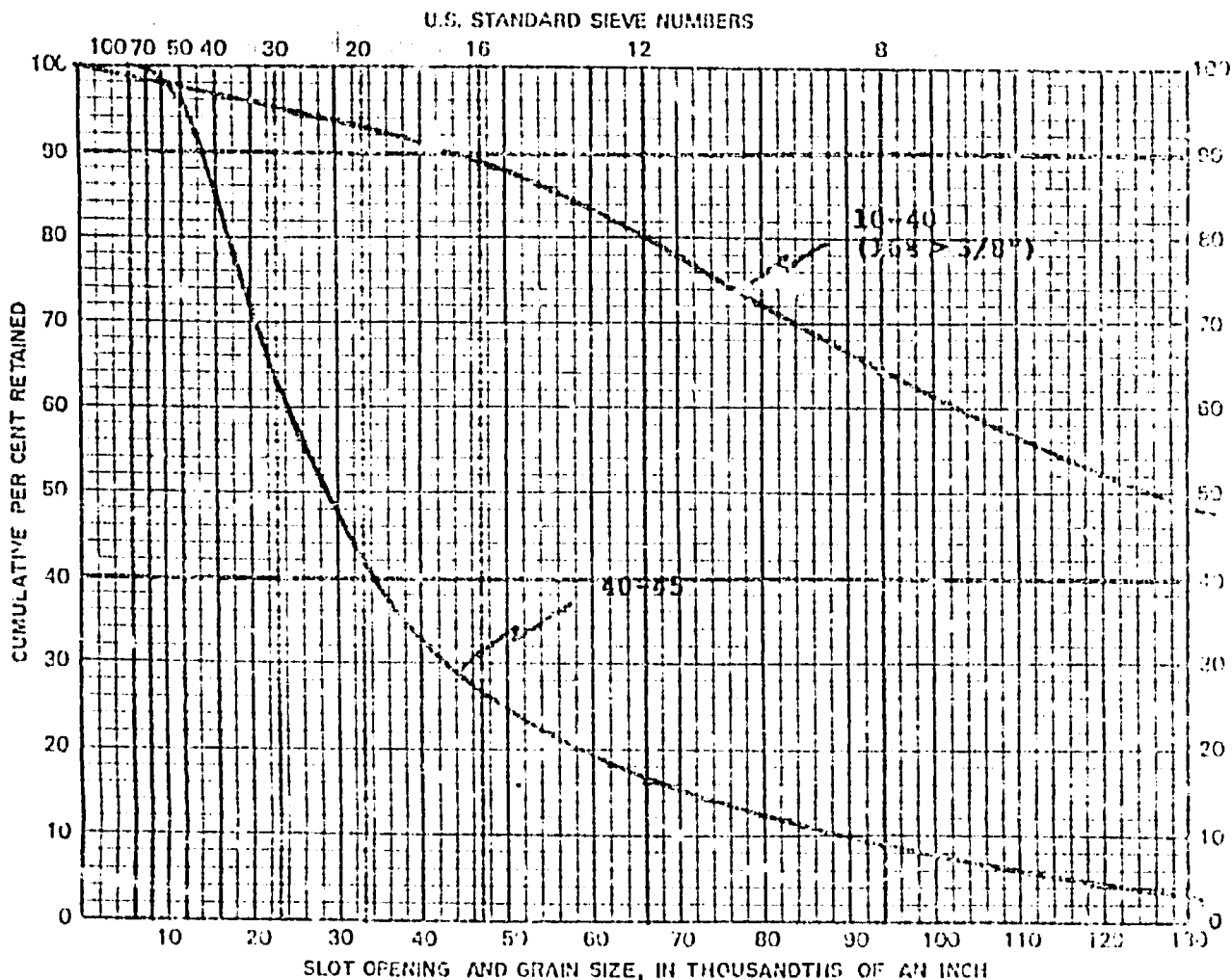
Enclosures



**Johnson Division**  
P.O. Box 43118 • St. Paul, Minnesota 55164  
Telephone 612-636-3900 • Telex 29-7451  
**WOP Inc.**

**AND ANALYSIS**  
(FIELD)  
MAILING ADDRESS: P.O. BOX 43118  
ST. PAUL, MINNESOTA 55164

Sample sent in by Lee Well Drilling Inc  
Town Wilbank State SD Zip 57252 Date Aug 19, 1981  
From well of Big Sioux Conifer Nursery, Watertown, SD  
Remarks: SWL = 18 ft. 12" dia. 600 gpm wanted



| U.S. SIEVE NO. | SLIT OPENING IN INCHES | SLIT OPENING IN MM | CUMULATIVE PER CENT RETAINED |
|----------------|------------------------|--------------------|------------------------------|
| 6              | .112                   | 2.85               | 100                          |
| 8              | .084                   | 2.12               | 100                          |
| 12             | .059                   | 1.49               | 100                          |
| 16             | .047                   | 1.19               | 100                          |
| 20             | .039                   | 0.99               | 100                          |
| 30             | .025                   | 0.64               | 100                          |
| 40             | .016                   | 0.42               | 100                          |
| 50             | .012                   | 0.30               | 100                          |
| 70             | .009                   | 0.21               | 100                          |
| 100            | .006                   | 0.15               | 100                          |

Notes: Recommended gravel pack: similar to  
3/8 X 3/16 available from Hilde Sand & Gravel  
at Madison, SD

Recommended Slot Opening w/above: 90 (.090") slot

Recommended Screen Dia. 12" in Length 30'  
Set 35' - 45' w/blank pipe to 50'

By DTH

SO MANY CONSIDERATIONS ENTER INTO THE MAKING OF A 50' WELL THAT, WHILE WE BELIEVE SLOT SIZES FURNISHED OR RECOMMENDED FROM SAND SAMPLES ARE CORRECT WE ASSUME NO RESPONSIBILITY FOR THE SUCCESSFUL OPERATION OF JOHNSON WELL SCREENS.

SPECIFICATIONS FOR WELL AND PUMP AT THE BIG SIOUX NURSERY

WELL

Furnish labor, equipment and material to install one irrigation well at the Big Sioux Nursery, Rural Route 2, Watertown, South Dakota.

Quotation Requested: 50 foot 12" Fiberglass irrigation well.

(Screen) 12" Fiberglass 90 slot (0.090") 10 foot long set from 35' - 45' with blank pipe to 50' cap on bottom of well.

Recommended gravel pack: similar to 1/8" x 3/16" available from Hilde Sand and Gravel at Madison, South Dakota.

Development of well - High velocity jetting with water.

Pumping -- test pumping 8 hours at maximum gallons.

Well to be completed so that it is ready for direct irrigation hookup.

Soil profile is available at the Nursery.

TURBINE PUMP

600 gallons per minute 10" bowl assembly.

6" column oil lube pump (less panel).

Estimated depth of setting 35 feet - with ability to possibly set deeper 45 feet.

Pump consisting of 10 foot lengths of column.

Estimated pumping level 30 foot.

6" pump oiler and flange.

Column and shaft.

Bowl assembly.

30 H.P. (estimating) 3 phase 230 volt / 460 volt.

1800 RPM vertical hollow shaft.

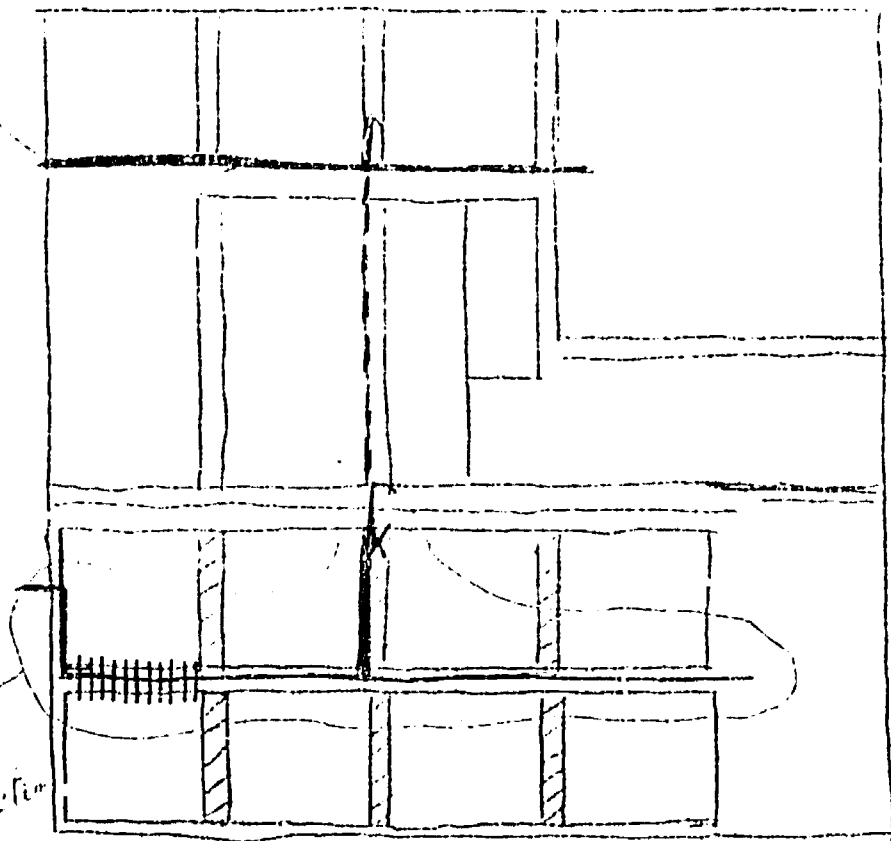
Suction.

Strainer.

present line  
of wall

N ↑

present well  
underground system



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

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

Water Rights Division  
605 773-3352

4822-3  
Game, Fish & Parks  
Anderson Bldg.  
Pierre, SD 57501

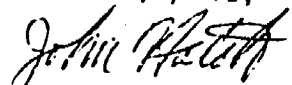
Dear Sir:

Water Permit No. 4822-3 was approved with the qualification that the irrigation questionnaire be submitted each year. To date we have not received the 1982 questionnaire from you.

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

Please advise, if you have any questions.

Very truly yours,



JOHN HATCH, Chief Engineer  
Water Rights Division

JH:ks

enclosure

WM/1  
3/80

SOIL/WATER COMPATIBILITY / PERMIT APPLICATION FORM  
STATE CONSERVATION COMMISSION

482-3  
Office Use Only  
2960

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Dept. Game Fish & Parks OWNERS ADDRESS: RR #2  
Big Sioux Nursery Watertown SD, 57201

COUNTY LAND LOCATED IN: Codington PHONE: 886-6806

TENANT'S NAME AND ADDRESS: Dept - 482-3

In accordance with State Law SDCL 48-5-6.5, 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: SE 1/4 NW 1/4 NE 1/4 sec. 2, T117-R5E 3 MC

2. SURFACE WATER SOURCE AND DIVERSION LOCATION:

| Legal Description              | MC Acres   | Legal Description | Acres |
|--------------------------------|------------|-------------------|-------|
| <u>NE 1/4 sec. 2, T117-R5E</u> | <u>160</u> |                   |       |
|                                |            |                   |       |
|                                |            |                   |       |
|                                |            |                   |       |

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED \_\_\_\_\_

LEGAL DESCRIPTION: \_\_\_\_\_

IN WHAT NAME: \_\_\_\_\_

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

5. TYPE OF IRRIGATION: GRAVITY: \_\_\_\_\_ TOWLINE: \_\_\_\_\_ CENTER PIVOT: \_\_\_\_\_ GUN: \_\_\_\_\_ OTHER: hand move upright (Specify)

6. CROPS TO BE IRRIGATED: Trees

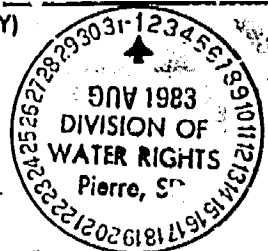
WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 81-1218

8. SALINITY (EC X 10<sup>6</sup>): 650

9. SODIUM (SAR): 0.12

10. ADJUSTED (SAR): 0.28 (0.196)



I hereby certify that I personally obtained or that I personally observed that 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 11:00 a.m. on 9/30, 1981, at the following location: SE 1/4 NW 1/4 sec. 2, T117-R5E by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 48-5-6.1).

SUBSCRIBED AND SWORN BEFORE ME THIS

X 30th DAY OF Sept., 1981  
Harvey H. Piatz  
(NOTARY PUBLIC)

X [Signature]  
APPLICANT'S SIGNATURE

Jack M. Lifford  
Director, Division of Conservation

IMPORTANT

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

X APPROVED  
DISAPPROVED  
CONDITIONALLY APPROVED

WL# 483-3  
Permit No. 4822-3

-Forwarded 9-9-91 to  
Dept of Agriculture.

Big Sandy River Water District

## 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

I have this day made a thorough examination of the water use system constructed by Department of Game,

Fish & Parks Anderson Bldg. of Pierre, SD 57501 holder of  
License No. 483-3 May 27 57

Permit No. 4822-3, bearing the priority of Sept 30 1981 authorizing

the diversion of 3.00 .40 cu. ft. per second of the waters of groundwater

for irrigation purposes, in Coalington County.

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

A. Works used to divert the water:

- #1 Fairbanks Morse 8" Ramona pump # AW 5690 powered by 50 HP Fairbanks Morse 3 phase electrical motor. Capable of 500 gpm  
#2 Valley Pump Co. 8" 40 HP - SN-1CHHE 4A 141403 powered by a GE <sup>motor</sup> Model No. SK6237XN501 capable of 500 gpm.

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

2400'-6" PVC

C. Works used to apply water to beneficial use: •

Two Sprinkler Systems using Rainbird No. 20 sprinklers  
Runs 14 lines at a time with 10 sprinklers to a line  
Its a 2" line some 400' long and some 620' long  
Capable of 500 gpm each system.

The system is in the following condition: capable of supporting full load

The point of diversion is located Well #1 - 1320' S and 1650' W of the NE corner

Well #2 430' S and 1650' W of the NE corner Sec 2-T117N-R53W

The works are capable of diverting and conveying to the place of use 2.22

cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows: Section 2-T117N-R53W

NW 1/4 NE 1/4 - 40 Acres

SW 1/4 NE 1/4 - 30 Acres

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  - 33 Acres

SE 1/4 NE 1/4 - 30 Acres

comprising a total of 133 acres of land and the license should be issued for 1.90 cts.

Applicable permit qualifications have been complied with Y Yes      No

Exceptions to compliance are: \_\_\_\_\_ Date 8/7/99

Anna C. Tol  
(sign date)

LICENSE FOR PERMIT NUMBER 4822-3

1. Legal location of wells: NW 1/4 NE 1/4 Sec. 2-T117N-R53W

dams & structures: \_\_\_\_\_

2. Well Information: Well Drilling Firm Lee Well Drilling, Inc.

Completion Report Yes      No      No. of Wells 1 Depth 45'  
Casing a) diameter 12" Screen a) type Fiberglass  
b) length 35 b) length 10  
c) type Fiberglass Static Water Level 18'  
Pump a) make Valley Pump Co. Motor a) make GE  
b) model SN-JOMHE 4A 1414003 b) model No. SK6237XM501G  
c) size 8" c) horsepower rating 40  
d) capacity 500 gpm RPM 1800  
e) turbine pump - no. of stages       
f) operating PSI 60

3. Distribution lines or canals

a) size 6" 6"  
b) type Stel PVC  
c) length 2' 2400'

Sprinklers

Rainbird No. 20

45 PSI

run 14 lines at a time

10 sprinklers to a line

500 gpm

2"-line 400' long  
some are 600' long

4. Dam Information:

a) height to crest \_\_\_\_\_  
b) height to primary spillway \_\_\_\_\_  
c) height to secondary spillway \_\_\_\_\_  
d) crest width \_\_\_\_\_  
e) crest length \_\_\_\_\_  
f) spillway length \_\_\_\_\_  
g) spillway width \_\_\_\_\_  
h) approx. storage \_\_\_\_\_  
i) approx. storage to crest \_\_\_\_\_  
j) date constructed \_\_\_\_\_  
k) inspection sheet completed (Y/N) \_\_\_\_\_  
l) Name of Contractor \_\_\_\_\_

m) Outlet tubes:

1) diameter \_\_\_\_\_  
2) type \_\_\_\_\_  
3) valved (Y/N) \_\_\_\_\_  
4) valve type \_\_\_\_\_  
5) location on structure \_\_\_\_\_

n) Category of Dam \_\_\_\_\_

## 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 \_\_\_\_\_

## c) gun

- 1) make \_\_\_\_\_
- 2) nozzle size \_\_\_\_\_
- 3) capacity (GPM) \_\_\_\_\_
- 4) hose size \_\_\_\_\_
- 5) hose length \_\_\_\_\_

## e) gated pipe

- 1) length \_\_\_\_\_
- 2) diameter \_\_\_\_\_
- 3) spacing of gates \_\_\_\_\_

## f) portable boom

- 1) make \_\_\_\_\_
- 2) nozzle size \_\_\_\_\_
- 3) capacity (GPM) \_\_\_\_\_

## b) towline:

- 1) length \_\_\_\_\_ feet
- 2) make, model & number of  
sprinklers \_\_\_\_\_
- 3) spacing of sprinklers \_\_\_\_\_
- 4) nozzle size \_\_\_\_\_

## d) center pivot

- 1) make \_\_\_\_\_
- 2) number of towers \_\_\_\_\_
- 3) distance between towers \_\_\_\_\_
- 4) overall length \_\_\_\_\_
- 5) end gun (Y/N) \_\_\_\_\_
- 6) high or low pressure \_\_\_\_\_
- 7) make & size of nozzles \_\_\_\_\_
- 8) capacity (GPM) \_\_\_\_\_

## g) siphons

- 1) size \_\_\_\_\_
- 2) number \_\_\_\_\_

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project \_\_\_\_\_

| Yes                                 | No                                  | Check Items                                                                                                         |
|-------------------------------------|-------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?                         |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 2. Special qualifications to permit being abided by?                                                                |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 3. All structures, wells and lands on map?                                                                          |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period? |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 5. Is chemigation used?                                                                                             |
| <input type="checkbox"/>            | <input type="checkbox"/>            | 6. If yes, does equipment comply with chemigation rules?                                                            |

REMARKS:

*South Dakota*

4822-3

GREAT LAKES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

August 16, 1991

Big Sioux Tree Nursery  
Attn: Blaine Martian  
RR 2 Box 88  
Watertown, SD 57201

Dear Mr. Martian;

Enclosed is a copy of the Water License No. 483-3 and Water Permit No. 4822-3. Also enclosed are partially completed Notice of Transfers for each permit. Please complete and have signed in the presence of a notary public. There is no filing fee that goes along with this transfer as I had mentioned there was on my previous inspection visit.

Water License No. 482-3 will be scheduled for cancellation due to nonuse. According to SDCL 46-5-37. Failure to use beneficially appropriated water -- Forfeiture for nonuse -- Reversion to public. When any person entitled to the use of appropriated water fails to use beneficially all or any part of such water for purpose for which it was appropriated, for a period of three years, such unused water shall revert to the public and shall be regarded as unappropriated public water.

The small well that you are using to fill your spray tanks and fire suppression equipment is not covered by any permit. Therefore, I have enclosed a partially completed application to cover this well. There is no application filing fee since you are a state agency that goes along with this permit, except for the advertised notice. You need to find out how much that well is pumping and then put that into the "amount of water claimed in cfs" labeled #2 on the application and to fill out the enclosed Form 2A as best as you can. If you can get ahold of or have a copy of the well log, please include that as well. Have the double copy signed in the presence of a notary public and return all the enclosed forms to this office.

If you have any questions, feel free to contact me or anyone else  
in this office at (605) 773-3352.

Sincerely,

*Norma C. Job*

Norma C. Job  
Natural Resources Engineer

enclosures

REDUCTION RATIO

ROLL NUMBER

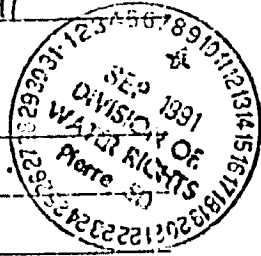
DATE MICROFILMED

CAMERA OPERATOR'S SIGNATURE

## NOTICE OF TRANSFER OF OWNERSHIP

No. 4822-3

TO: Chief Engineer  
Water Rights Division, DWR  
523 East Capitol  
Pierre, SD 57501-3181

Date: Sept. 4, 1991I, We request that Water Permit/Right No. 4822-3formerly owned by: SD DEPT. of Game, Fish and Parksbe transferred to: (name & address) SD Dept. of Agriculture445 E. Capital Ave Pierre, SD 57501-3188 (telephone No.)

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

NE 1/4 SECTION 2 - T117N - R53W

I, We understand that the validity of Water Permit/Right No. 4822-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

~~A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 48-2-19.~~

STATE OF SOUTH DAKOTA       )  
County of Hughes        )

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

Jay C. Swisher  
(Signed)

Subscribed and sworn to before me this 4 day of September, 1991.

[Signature]  
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water 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.

STATE OF SOUTH DAKOTA  
WATER LICENSE NO. 4822-3

(1) The Department of Game, Fish and Parks of 523 E. Capitol, Pierre, SD 57501 made Application No. 4822-3, September 30, 1981 for a water permit to appropriate 0.40 cubic feet of water per second from groundwater (one well), Codington County, South Dakota for irrigation purposes. Permit No. 4822-3 with a priority date of September 30, 1981 was approved December 3, 1981 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before December 3, 1986 and for the application to beneficial use of said water on or before December 3, 1990.

Water Permit No. 4822-3 authorized an additional diversion point for irrigation of land described under Water Right No. 483-3. The additional well carries a priority date of September 30, 1981.

On September 9, 1991, Water Right No. 483-3 and Water Permit No. 4822-3 were transferred to the Department of Agriculture.

The applicable portions of Water Right No. 483-3 have been incorporated into this Water License No. 4822-3. A priority date of May 27, 1957 is retained for Well #1 and a priority date of September 30, 1981 is retained for Well #2.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.90 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 - 1320'S and 1650'W of the NE corner; Well #2 - 430'S and 1650'W of the NE corner; Section 2, T117N, R53W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

|                       |               |           |
|-----------------------|---------------|-----------|
| T117N, R53W Section 2 | NW 1/4 NE 1/4 | 40 Acres  |
|                       | SW 1/4 NE 1/4 | 30 Acres  |
|                       | NE 1/4 NE 1/4 | 33 Acres  |
|                       | SE 1/4 NE 1/4 | 30 Acres  |
|                       | Total-----    | 133 Acres |

(4) Pursuant to Section 46-5-30.1 the Department of Agriculture of 445 E. Capitol, Pierre, SD 57501 the holder(s) and/or owner(s) of Incorporated Water Permit No. 4822-3 is issued a license to appropriate water, the right to use 1.90 cubic feet of water per second from groundwater (two wells) with priority dates of May 27, 1957 and September 30, 1981 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (2) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 4822-3 and subject to South Dakota State Law.



AUG 5 1992

---

JOHN HATCH, Chief Engineer  
Water Rights Division  
Department of Environment and  
Natural Resources



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

AUG 5 1992

4822-3

Department of Agriculture  
445 E. Capitol  
Pierre, SD 57501

Dear Sirs:

Enclosed is Water License No. 4822-3. This is the final water right document completing your process of obtaining a Water Right.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4822-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

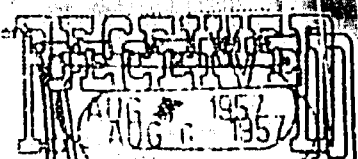
enclosures

4822-3

Geo. Corbett, State Engineer, member of Board for  
Protecting People's Water & Energy

# DRILLER'S LOG OF WELL

Location of Well: SW 1/4 NE 1/4 Section 2 Township 117 Range 53W  
Well to be drilled for: Dept. of Game & Fish, Wildlife, Fish & Game, SD  
(Name)  
Owner of land (if other than above):  
(Name)  
Date well drilling started: 18 July 57  
Purpose of well: Irrigation  
(domestic, irrigation, municipal, industrial, other)



STATE WATER RESOURCES COUNCIL  
STATE WATER RESOURCES COMM.  
PIERRE, SOUTH DAKOTA

| Diameter |                                         |
|----------|-----------------------------------------|
| Feet     | Inches                                  |
| 1        | Topsoil                                 |
| 3        | sandy clay                              |
| 11       | coarse sand & gravel                    |
| 23       | water fine sand with clay evident       |
| 17       | fine sand & gravel with clay flow lines |

Ground Surface Elevation: 12 ft 24"

Kind and thickness of casing to be installed:  
Aluminum 12 ft 24"

Status of casing to be installed:  
57 feet of 24" inches diameter  
feet of inches diameter  
feet of inches diameter

Type of seal between casing slabs:  
Total Capacity 800 GPM  
with 14' of drawdown

Kind of perforated screen to be installed:  
Material: steel  
(cotton, wood, concrete, etc)

Size of screen:  
Diameter 24" inches  
Length 27 feet  
Mesh openings 1 3/8 inches

Depth below ground surface to which water rises  
in well 15 feet

Water bearing material

This is the well log  
from the south pump.  
This is the one that has  
been here since the early  
1900s. It looks like this  
well is about 57' deep.

## NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4822-3



Date: \_\_\_\_\_

I We request that Water Right No. 4822-3

formerly owned by: SD Department of Agriculture

be transferred to: (name & address) SD Department of Game, Fish & Parks

Telephone No. (605) 773-5387

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

133 acres in the NE 1/4 Section 2, T117N, R53W

I We understand that the validity of Water Right No. 4822-3 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 rule).

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 attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA )

County of Hughes )

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

John D. Cooper  
(Signed)

Subscribed and sworn to before me this 15<sup>th</sup> day of May, 1996

[Signature]  
(Notary Public) John D. Cooper  
5/18/96

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

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

4822-3

**WATER RIGHTS PROGRAM  
FILE DOCUMENTATION**

NAME OF PERSON OR FILE: Tim Olson, w/Game, Fish & Parks

ADDRESS: 523 E Capitol, Pierre, SD

DATE: May 3, 1996

TELEPHONE: 773-6208

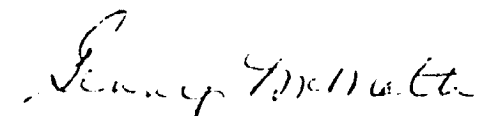
RE: irrigation questionnaire for Water Right No. 4822-3

**COMMENTS:**

Water Right No. 4822-3 was transferred May 2, 1996 from the Department of Agriculture to the Department of Game, Fish & Parks. Water Right No. 4822-3 is for the Big Sioux Nursery in Watertown.

I contacted Tim Olson to find out if the yearly irrigation questionnaires should continue to be directed to the Big Sioux Nursery in Watertown or if they should be sent to Game, Fish & Parks.

Tim said to continue to send them to the Nursery. He would like to be contacted if the Nursery does not submit the forms in a timely manner.



Genny McMath  
Environmental Scientist



# DEPARTMENT OF GAME, FISH AND PARKS

Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3182



May 30, 1996

John Hatch, Chief Engineer  
Water Rights Program  
Department of Environment and  
Natural Resources  
Foss Building  
Pierre, South Dakota 57501

Re: Water Right Nos. 5575-3 and 4822-3

Dear John:

As you may know the State of South Dakota is entering into a Lease and Purchase Agreement intended to transfer the operations of the state tree nursery at Watertown to a private non-profit entity to be known as Big Sioux Nursery Inc. As one of the attorneys representing the State in this matter, I have been asked to correspond with you regarding the water rights for this property.

The Department of Game, Fish and Parks currently holds water right nos. 5575-3 and 4822-3 both of which are located in the northeast 1/4, section 2, township 117 north, range 53 west, fifth p.m., Codington County, South Dakota. The State (Department of Game, Fish, and Parks) does not intend to sell or assign those water rights. The new corporation will, however, utilize the wells and underground water distribution system to irrigate trees at the nursery. The State is allowing the new corporation to utilize the water rights as part of a twenty year lease. I am providing notice of this circumstance to you for two reasons.

First, under SDCL 46-5-30.3, notice of a lease of a water license must be filed with the chief engineer within ninety (90) days of execution of the lease. The lease will be executed on May 31, 1996. It is my understanding that Diane Best and Ron Duvall have previously discussed this issue.

Second, this notice is being provided to you in order to advise you that the new corporation has agreed to submit the annual

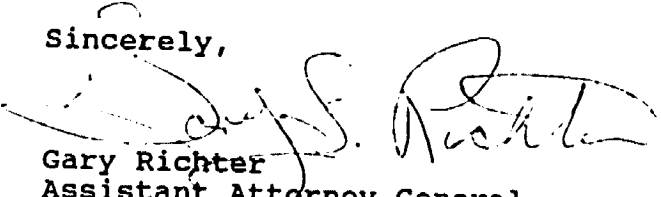
irrigation questionnaires. Therefore, the annual irrigation questionnaires should be sent to:

Big Sioux Nursery Inc.  
810 10th Ave. SE  
Watertown, SD 57201

The person to whom they should be directed is Lynn A. Johnson.

If you have any questions regarding this transaction please feel free to contact me.

Sincerely,



Gary Richter  
Assistant Attorney General

GR:DB:clr

cc: Pat Goetzinger, Attorney at Law  
Diane Best, Assistant Attorney General



4822-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

June 11, 1996

No. 4822-3  
5575-3

Tim Olson, Water Permits Coordinator  
South Dakota Department of Game, Fish & Parks  
523 East Capitol  
Joe Foss Building  
Pierre, SD 57501

Dear Mr. Olson:

This is to notify you that transfer of ownership has taken place on Water Right Nos. 4822-3 and 5575-3. Our records now show South Dakota Department of game, Fish & Parks as owner of these Water Rights.

Sincerely,

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

cc: Diane Best, Assistant Attorney General



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

November 8, 2001

4822-3

Blaine Martian  
Big Sioux Nursery  
16613 Sioux Conifer Rd  
Watertown, SD 57201

Dear Mr. Martian:

Thank you for calling concerning the pending ownership change of Water Right No. 4822-3.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing the ownership change. As soon as the land changes hands, the water right can be transferred. The transfer of ownership form will need to be completed and then signed by the new owner in the presence of a notary public. A \$2.50 filing fee is required. The check or money order for the fee can be made payable to the Water Rights Program.

Also enclosed is a set of water permit application forms. You mentioned during our phone conversation that the nursery may add irrigation to adjacent lands not covered under the existing water right. If irrigation of additional land is planned for next crop season, you should start the application process as soon as possible.

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](mailto:genny.mcmath@state.sd.us)

enclosure

# NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4822-3

Date: 2/28/2002

I/We request that Water Right No. 4822-3

formerly owned by: SD Department of Game, Fish & Parks

be transferred to: (name & address) Big Sioux Nursery, Inc. 16613 Sioux Conifer Rd  
Watertown, SD 57201 Telephone No. (605) 886-6806

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

133 acres in the NE 1/4 Section 2, T117N, R53W

I/We understand that the validity of Water Right No. 4822-3 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.

STATE OF SOUTH DAKOTA )  
County of CODINGTON )

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

Blaine F. Martian

(Signature of new owner)

Subscribed and sworn to before me this 28<sup>th</sup> day of February, 2002.

RECEIVED

MAR - 1 2002

Therona J. Hoens

(Notary Public)

WATER RIGHTS  
PROGRAM

My Commission Expires: 9-16-03

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

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

# RECEIPT

## Water Rights Program

South Dakota Department of Environment and Natural Resources

112 417104

Pierre, ~~February~~ March 1, 20 02

RECEIVED OF Big Sioux Nursery Inc., 16613 Sioux Conifer Road, Watertown, SD 57201  
the following amount in fees for services rendered as provided for by law: (SD Dept. of Game, Fish & Parks)

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 4822-3

Fee for Filing Extension Request \_\_\_\_\_

Fee for \_\_\_\_\_

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Darland Erbe  
Chief Engineer

**McMath, Genny**

---

**From:** Petersen, Leslie  
**Sent:** Thursday, April 04, 2002 8:43 AM  
**To:** McMath, Genny  
**Subject:** FW: Big Sioux Nursery

Looks like you can proceed with this one.

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

**From:** Richter, Gary  
**Sent:** Wednesday, April 03, 2002 2:42 PM  
**To:** Petersen, Leslie  
**Cc:** Coughlin, Paul; VanderBeek, Steve  
**Subject:** Big Sioux Nursery

I have just received the Title Insurance Commitment and have approved of title and the ultimate transfer of title to the Big Sioux Nursery. Therefore, you can go ahead and arrange for the assignment (or whatever) of the water right to Big Sioux Nursery, Inc.

glr



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

May 2, 2002

4822-3  
5575-3

Blaine F Martian  
Big Sioux Nursery, Inc  
16613 Sioux Conifer Rd  
Watertown, SD 57201

Dear Mr. Martian:

Thank you for following up on the ownership changes for Water Right Nos. 4822-3 and 5575-3. The transfers were completed and the water rights formerly listed in the name of SD Game, Fish & Parks Department are now held by Big Sioux Nursery, Inc.

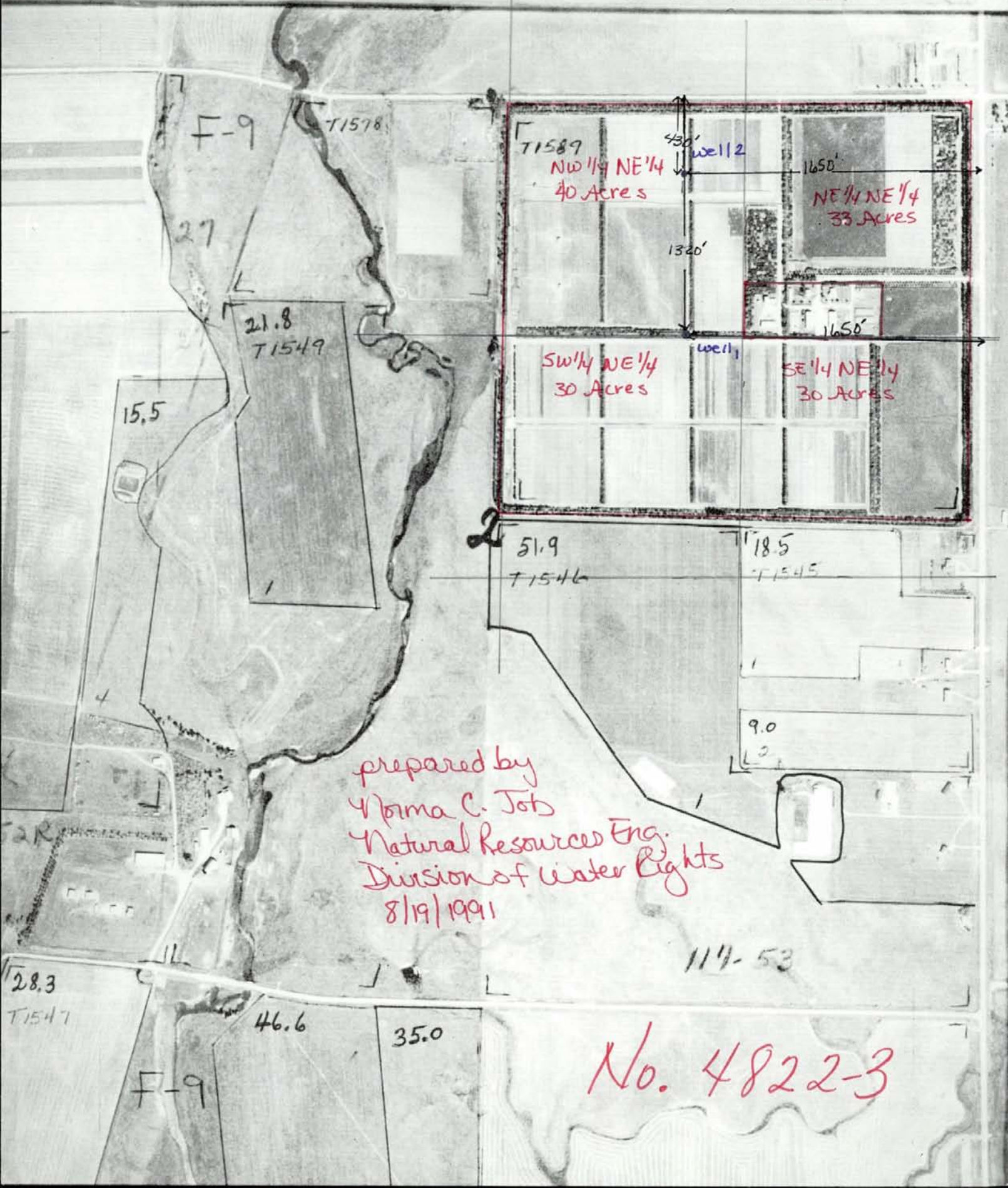
Enclosed are Receipt Nos. 417104 and 417141 in the amount of \$2.50 each. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

# NOT TO SCALE

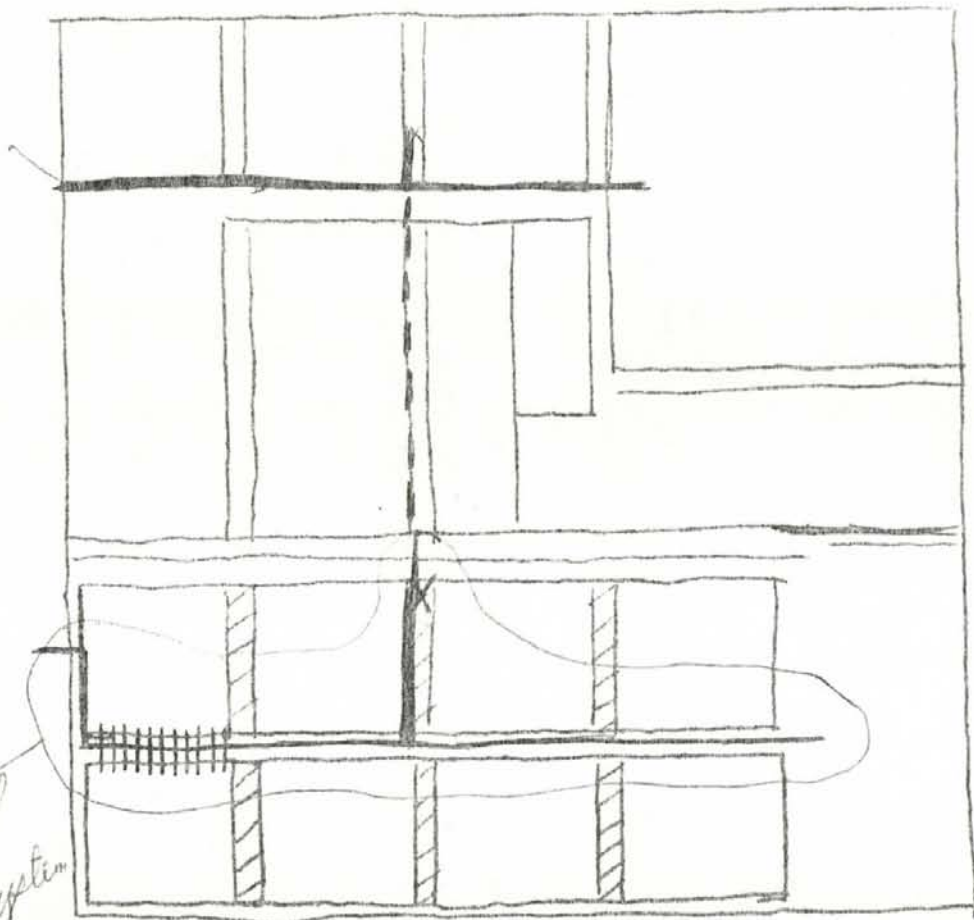


prepared by  
 Norma C. Job  
 Natural Resources Eng.  
 Division of Water Rights  
 8/19/1991

No. 4822-3

proposed line  
4 well

N ↑



present well  
underground system



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

JUN 12 2008

6308-3

4822-3

Blaine Martian  
Big Sioux Nursery Inc  
16613 Sioux Conifer Rd  
Watertown SD 57201

Dear Mr. Martian:

Enclosed is Water License No. 6308-3. This is the final water right document completing your process of obtaining a Water Right. Also included is the map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6308-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

The applicable portions of Water Right No. 4822-3 have been incorporated into this Water License No. 6308-3.

enclosures