

1. Considered: JUNE 9, 1982 Water Right No. 4894-3
2. Name of Applicant ALEXANDER HALETA
3. Post Office Address RR 2, BRUCE 57220
4. Amount of Water Claimed 1.3 maximum acre feet
5. Source of Water Supply 52' WELL
6. Water to be used for IRR. acres to be irrigated 92
7. County BROOKINGS about 2 miles 5 of BRUCE
8. PROOF OF PUBLICATION: Received 6-9-82 Not Received
- APPLICATION: Approved 6-9-82 Subject to WI-10
- Not Approved Action Deferred

PRIORITY Dated Received 3-26-82 Application complete-yes 7 no FEE 225⁰⁰

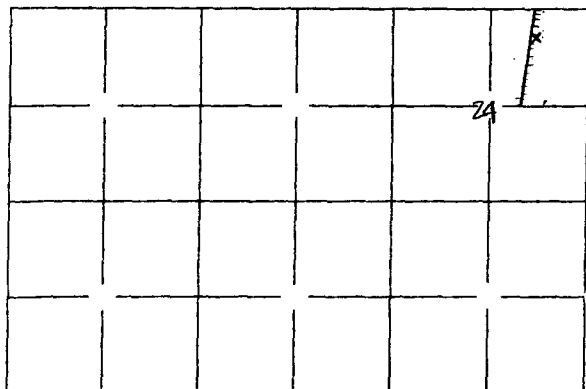
Remarks

Corrected Application received Period of Annual Use 4/1 to 10/31

WATER QUALITY Received yes 5/10/82 no APPROVED / CONDITIONAL (Circle one)

WI-1 Description same as application-yes yes no Remarks

Disapproved Returned



Diversion Point NW⁴ NE⁴ 24-111N-51W

Land to be irrigated NE⁴ 24 111N 51W

WELL LOG Driller LACEY & SON Licensed - yes no

Depth 52' DEEP

Remarks

MAP Map No. 4098-3 Map located in Water Right X Map file _____
Type of Map Drawn Prepared by John Wiersma

+++++

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:

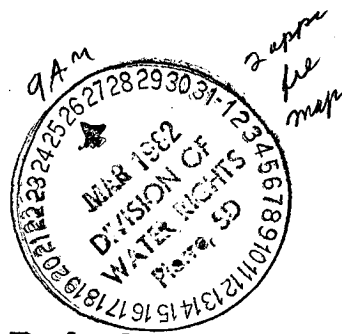
5/11/82

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 _____

No. 4894-3Map No. 4098-3 Water Division No. 3 BIG SIOUX RIVER District
Above for Office Use 10170202

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

Check one of the following:

New ☒ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Alexander Haleta Phone No. 605-627-5327
 Post Office Address RR #2 Bruce State South Dakota 57220
 (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 & Direct Labor3. Name of diversion work Alexander Haleta Irrigation Project #24. Amount of water claimed (cubic feet per second) 1.25. Source of water supply Well

6. Location of point of diversion 1320' N 120°W of NE Corner Sec 24
111-5-1
 County Brookings

7. Annual period or periods during which water is to be used April through October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 92

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

Land Description	No. Acres Irr.
<u>NW 1/4 of NE 1/4 of Sec 24 - 111-5-1</u>	<u>8</u>
<u>NE 1/4 of NE 1/4 of Sec 24 - 111-5-1</u>	<u>38</u>
<u>SW 1/4 of NE 1/4 of Sec 24 - 111-5-1</u>	<u>8</u>
<u>SE 1/4 of NE 1/4 of Sec 24 - 111-5-1</u>	<u>38</u>

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 34 years.

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

12. Principal Features of the Proposed Water Supply System.

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

well with pump

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

closed conduit -

C. Works proposed to apply water to beneficial use.

traveling gunEstimated Total Cost \$ 20,000

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 Brookings) ss.

I, Alexander Haleta 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 Alexander HaletaSubscribed and sworn to before me this 7 day of March, 1982

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No.

4894-3

ALEXANDER HALETA

(Applicant)

RR #2 - BRUCE

(Post Office Address)

SOUTH DAKOTA 57220

(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 March 26, 1982

Date of return to applicant for correction, amendments or changes required March 29, 1982

Date of receipt of corrected application MAY 10, 1982

Approved June 9, 1982, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. 4894-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4894-3 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 March 26, 1982
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before December 9, 1984
3. The whole of said work is to be completed on or before June 9, 1987
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is June 9, 1991
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 1.30 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 June 9, 1991; said water to be used during the following described

annual period: April 1 to October 31

Witness my hand this 24th day of June, 1982

THE WATER MANAGEMENT BOARD

By:

John Hales
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

D. Well Information

- (1) Drill Hole, Diameter 18", Depth 52'
- (2) Casing, Type 8 Steel, Diameter 14", Thickness 3/16"
(wood, concrete, steel, etc.)
- (3) Screen, Type Standard Steel Slot, Diameter 14", Length 10'
- (4) Gravel Pack, Thickness 2", Length of gravel pack 44'

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)

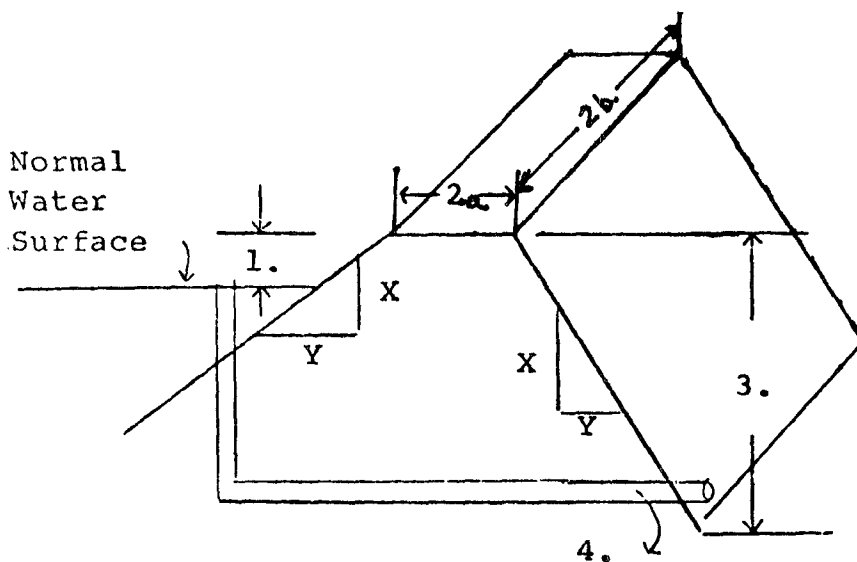
- Depth to top of water bearing material 10'
- Depth to bottom of water bearing material 62'
- Depth to water (ground surface to water level) 10'

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

- On same owner's property 40 rds.
- On property owned by others 120 rds.

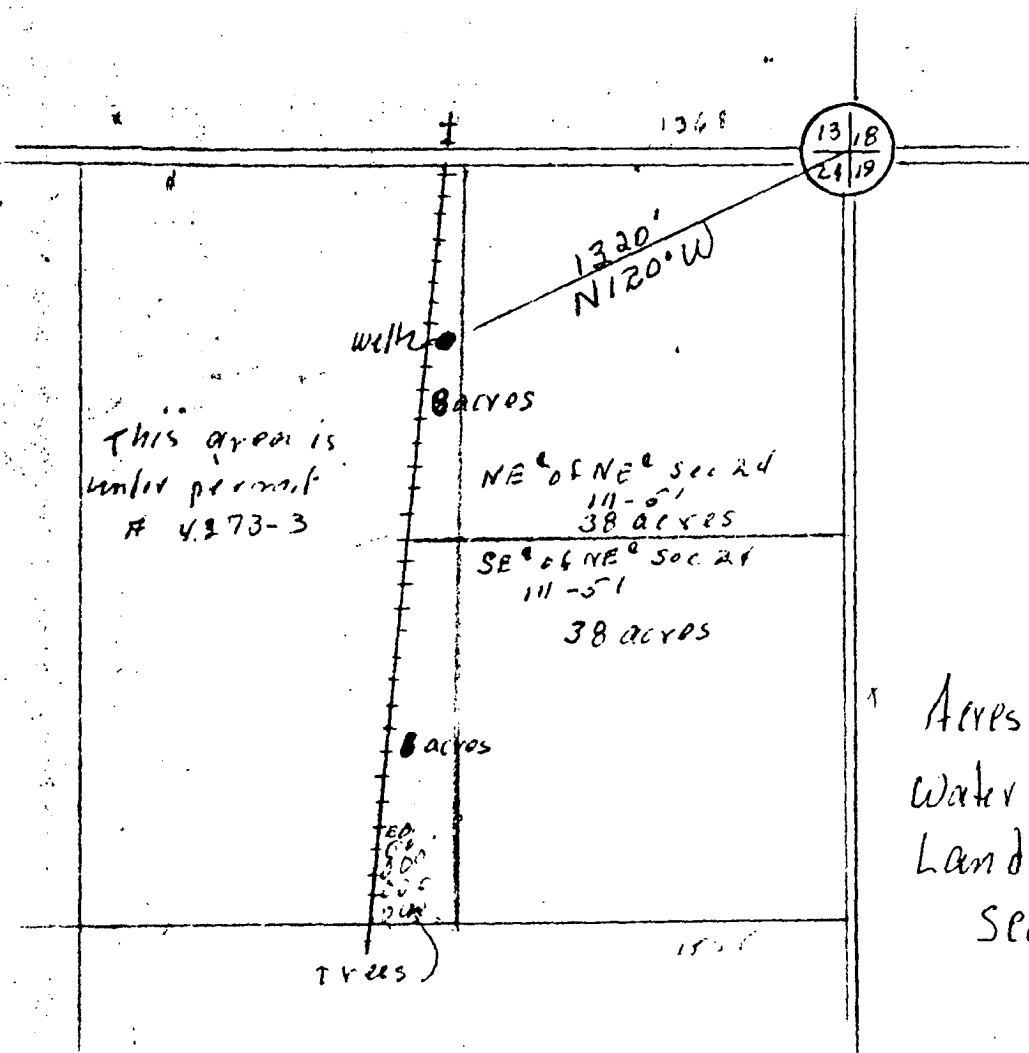
G. Water Storage Dams

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 _____

Alvin Peltz
Signature of Applicant



This area is
under permit
4273-3

Acre Irrigated 92
Water Requested 1.3 cfs
Land in Brkgs county
Sec 24-11-51

Alexander Haleta
Irrigation Project #2
RR#2 Bruce S.D
57220

3-8-82
Certified Correct
John S. Jensen

~~2004-1098-3~~

WELL DRILLERS REPORT
Division of Water Rights
Department of Water & Natural Resources

LAY 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A
 AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROFILMING
 REPRODUCTION. REDUCTION 25:1 ROLL NO. 1 2-19-12 4-24-12

Date _____

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8781

Alexander Malets, KK#2, Bruce, SD 57220, PIERRE, March 25, 1982

RECEIVED OF _____

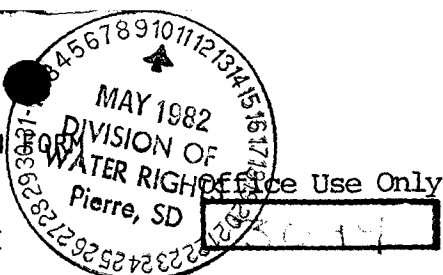
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. 4894-3 (examination, processing, recording and filing) -----	225	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	225	00

WATER RIGHTS COMMISSION

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

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE



OWNERS NAME: Alfred B. B. B. OWNERS ADDRESS: 123 E. 1st St.

COUNTY LAND LOCATED IN: _____ PHONE: _____

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

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

1. WELL LOCATION OR DIVERSION POINT: _____
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
NW ⁴ NE ⁴ 24-111-51			
NE ⁴ NE ⁴ 24-111-51			
SW ⁴ NE ⁴ 24-111-51			
SE ⁴ NE ⁴ 24-111-51			

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

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

7. WATER SAMPLE NUMBER: 78-478
8. SALINITY (EC X 10⁶): 557
9. SODIUM (SAR): 1.22
10. ADJUSTED (SAR): 0.52

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 1974, at the following location: _____ by _____ (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

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

DAY OF May 4, 1968.

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

I M P O R T A N T

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.

~~_____~~ APPROVED
 _____ DISAPPROVED
 _____ CONDITIONALLY APPROVED

March 30, 1982

Alexander Haleta
RR #2
Bruce, SD 57220

Dear Mr. Haleta:

Enclosed is your copy of the laboratory report of analysis for water sample No. 78-478.

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. 78-478 is classified as a medium saline, low sodium water. It is suitable as a source for irrigation.

Calcium-bicarbonate is the dominant salt dissolved in this sample.

The Fordville loam, Hecla loam, and the Renshaw sandy loam found in the NE 1/4 of Section 24-111-51 are compatible with the quality of your water.

If you experience difficulty establishing the appropriate application rates for your irrigation development, 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

MHS:ckb

Enclosures

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



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

Submitted by: Alexander Haleta

Date Rec'd. June 28, 1978

Address: Bruce, SD 57220

Sample No. 78-478

Identification Well-

NE1, Sec. 24, T 111N, R 51W

WATER ANALYSIS

Calcium (Ca)	96	ppm*	4.80	me/l**
Magnesium (Mg)	17	ppm	1.42	me/l
Sodium (Na)	9	ppm	0.39	me/l
Potassium (K)	1	ppm	0.03	me/l
Sulfate (SO ₄)	36	ppm	0.75	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	2	ppm	0.07	me/l
Bicarbonate (HCO ₃)	293	ppm	4.80	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	240	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	557	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.22	Adjusted	0.52	
Sodium	5.87	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.92			
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 6.64 me/l
Total anions 5.62 me/l

By: Shirley Mittan

Service Performed

Amount Due

Irrigation analysis

\$15.00

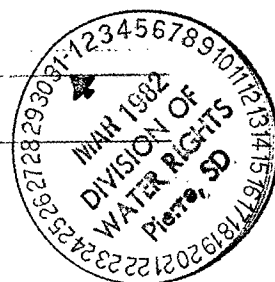
Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 78-478

Amount Enclosed \$

Signed



Publish first publication, on or before May 21, 1982

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501
May 11, 1982

Notice is hereby given Alexander Haleta whose post office address is RR #2, Bruce, 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~~) 46-5-28; (~~transfer lands~~) 46-5-33 thru 46-5-35 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, (~~future use~~) 74:02:01:23 thru 74:02:01:26 (10,000 AKA) 74:02:07:01 thru 74:02:07:03, for a permit to appropriate for beneficial use

1.3 cubic feet of water per second of time from groundwater (one well) through the Haleta Irrigation Project #2, the point ~~(s)~~ of diversion which is (~~are~~) to be located in the NW 1/4 NE 1/4

of Section 24, Twp. 111N, Range 51W. Said water to be used for purpose of providing irrigation on portions of the following described land:

NE 1/4 Section 24, T111N, R51W

This Application No. 4894-3 will be considered by the Water Management Board at Meeting Room #1, Kneip Bldg. Church & Illinois, Pierre SD, upon the 9th day of June, 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, DWNr, 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-806-2/82

Affidavit of Publication

State of South Dakota

County of Brookings

ss

Douglas Anstaett

_____ of said county, being first duly sworn, on oath, says: That he is one of the editors of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that he has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year next prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed in the office maintained at said place of publication; and that the _____

Legal No. 216

78 lines x .367

a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit "A," and is made a part

of this affidavit, was published in said newspaper for Two

successive week. s., to-wit:

<u>May 20</u>	<u>19 82</u>	, 19....
<u>May 27</u>	<u>19 82</u>	, 19....
.....	<u>19</u>	, 19....
.....	<u>19</u>	, 19....

That the full amount of the fee charged for the publication of said Exhibit "A" inures to the sole benefit of the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Twenty-eight dollars and sixty-two cents Dollars

Douglas Anstaett

Subscribed and sworn to before me this 8 day of

June, 19 82

E. R. Jensen

Notary Public in and for the County of Brookings, South Dakota.

My Commission expires *September 6*, 19 85

Exhibit "A"



Legal No. 216, 2x, May 20, 27

No. 4894-3

**NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER**

Pierre, South Dakota 57501

May 11, 1982

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This Application No. 4894-3 will be considered by the Water Management Board at Meeting Room-No. 1, Kneip Bldg. Church & Illinois, Pierre, S.D. upon the 9th day of June, 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, DWNr, Joe Foss Building, Pierre, S.D., prior to the hearing date for assistance to assure access to the hearing.

For the Water Management Board

-s- Betty Westlund
BETTY WESTLUND,
Water Rights Specialist

cc: applicant
WNR-806-2-82

Conversation or File Documentation

NAME OF PERSON OR FILE: Alexander Halata 4894-3ADDRESS: RR2, Bruce, SC 57220 COUNTY BrookingsDATE: 7-14-88 TELEPHONE (605) 627-5357RE: Cancellation of WR Permit No. 4373-3 &COMMENTS: Inspection of WR Permit No. 4894-3.

On 5-25-88 I spoke with Mr. & Mrs. Halata
about Permits 4373-3 & 4894-3. The land east
of the railroad through the NE 1/4 of Section 24,
T11N, R61W has been sold to Katharine J. Summa
of Larchwood, Iowa. This land is under Permit
No. 4894-3. Our files indicate that this land
was transferred, but the water right that was
transferred was 4373-3. This permit actually
covers lands west of the railroad track in
section 31. Thus, Permit No. 4894-3 should be
transferred from Alexander Halata to Katharine
Summa and the Permit No. 4373-3 transfer should
be cancelled.

The lands under Permit No. 4894-3 are now
being reseeded & operated by Harvey Cunningham.
Prior to 1988 the land was irrigated with a traveling
gun. At the time of the inspection 2 small center
pivot were being installed. It will be best to
come back in the Fall to get the information on
the system.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Theresa M. P. [Signature]

Conversation or File Documentation

NAME OF PERSON OR FILE: Alexander Holata

409402

ADDRESS: _____ COUNTY _____ (Cont.)

DATE: 7-11-88 TELEPHONE _____

RE: _____

COMMENTS:

There was no system visible on the lands under 4373-3, but a well was in place, but no pump or motor with it. Mr. Holata thought he used it last in 1985. I told him he would lose it this year or possibly lose the water right for having 3 consecutive years of non-use. He stated that he had a plan to use it in the near future, but it has not been economical for him, and that we should just cancel it. He said he may think about trying to irrigate again in the future, and he understood that he would have to reapply again.

Permit No. 4373-3 should be cancelled because of abandonment. Because of the lack of a system or pump, & Mr. Holata's estimate, it is also possible that this land has not been irrigated for a longer period of time since 1985.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME OF PERSON OR FILE: Lowell Summa

ADDRESS: P.O. Box 305, Larchwood Iowa COUNTY Brookings

DATE: 9-1-88 TELEPHONE ⁵¹²⁴¹ (712) 477-2754

RE: Correct transfer of Permit 4894-3 + Licensing of it.

COMMENTS:

I called Mr. Summa on September 1, 1988. Water Permit No. 4894-3 is under his wife's name (Katherine) and they own the land with the permit. Currently Harvey Cunningham of Bruce, SD rents the land and runs the irrigation system.

I told Mr. Summa that the wrong permit was transferred to his wife from Alexander Haleta. Our files show Permit No. 4373-3 was transferred to her, but it should be Permit No. 4894-3. I told him we would correct it and send him the form to fill out.

I also told him we ~~was~~ inspected the lands for final licensing and that we would send him the license when the material was written up and the fee of \$50 paid. He expressed an opinion that the original applicant should pay the fee, but he wasn't really upset about it. He asked that we send the IQ to Harvey Cunningham as he would better know how much ^{water} was being used.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

Conversation or File Documentation

+
4373-3NAME OF PERSON OR FILE: Harvey CunninghamADDRESS: Rt 2, Box 123, Bruce, SD 57220 COUNTY BrookingsDATE: 9-8-88 TELEPHONE 627-5462RE: Licensing of Permit No. 4894-3 + renting of Permit No. 4373-3.

COMMENTS:

I called Mr. Harvey Cunningham on 9-8-88 and got some information from him about the irrigation system under Permit 4894-3. I explained to him that we would send the license to Mr. Summa as the owner of the land and holder of the permit. The I Q would be sent to Mr. Cunningham as the renter of the land.

Mr. Cunningham expressed a desire to irrigate the land under Permit 4373-3 owned by Alexander Haleta. Mr. Haleta told me earlier in the summer that ~~he~~ he doesn't plan to irrigate anymore and that we should cancel his Permit No. 4373-3. I told Mr. Cunningham that we would hold off on the cancellation to see whether he will be renting the Haleta land or not. I told him to call us if the rent agreement did not work out, so we could cancel the permit.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Thomas M. Brander

**Department of
Water & Natural Resources**

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

March 28, 1989

4894-3

Katharine J Summa
PO Box 305
Larchwood, IA 51241

Dear Ms. Summa:

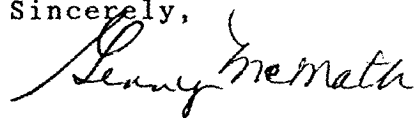
The inspection of your water use system and the inspection of the extent of the application of water to beneficial use, as developed under your Water Permit No. 4894-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. 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.

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Permit No. 4894-3. The permit is still listed in the name of Alexander Haleta. Please check over the form, sign and have it notarized before returning it to our office. A \$2.50 filing fee is required for filing the Notice of Transfer.

A total of \$52.50 is due for the water license and the transfer. Please contact us if you have any questions.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 3-30-89



This is to notify you that the title to the lands described as follows:
East of Railroad right-of-way in
NE $\frac{1}{4}$ Section 24, T111N, R51W . 92 Acres

formerly owned by Alexander Haleta

has been transferred to Katharine J. Summa, P.O. Box 305, Larchwood, Ia. 51241
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4894-3 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.

IOWA
STATE OF ~~SEVEN DAKOTA~~)
County of LYON) ss.

I, Katharine J. Summa 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.

Katharine J. Summa
(Signed)

Subscribed and sworn to before me this 30th day of March, 19 89.

M. A. Bontje
M. A. Bontje (Notary Public)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, April 4, 1989

RECEIVED OF Lowell W. Sunna, 501 S. Broadway, larchwood, IA 51241

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>Water License # 4394-3</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 / nra
Chief Engineer John Hatch/nra

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, April 4, 19 80

RECEIVED OF Eatharine Summa, P.O. Box 305, Larchwood, IA 51241

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>Water Right Permit No. 4894-3</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

Chief Engineer

John Hatch/ma

Permit No. 4894-3BIG SIOUX 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 ALEXANDER
HALETA of BRUCE, SOUTH DAKOTA holder of
 Permit No. 4894-3, bearing the priority of MARCH 26, 1982 authorizing
 the diversion of 1.3 cu. ft. per second of the waters of GROUNDWATER (1 WELL)
 for IRRIGATION purposes, in BROOKINGS County.

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

A. Works used to divert the water:

A 52' DEEP WELL WITH 14" DIAMETER STEEL CASING + 10' OF JOHNSON SS SCREEN
 A BERKELEY PUMP; MODEL-H1892

POWERED BY A LINCOLN AC 40 HP MOTOR ATTACHED TO A PTO TO THE PUMP.
 B. Works used to transport water to place of use: 1765 RPM; SERIAL #1309248

760' OF 6" ALUMINUM ABOVE GROUND PIPE TO CP #1 (NORTH PIVOT)
 1060' OF 6" ALUMINUM ABOVE GROUND PIPE FROM CP #1 (NORTH PIVOT) TO CP #2

← C. Works used to apply water to beneficial use: (2 PIVOTS)
 CP #1 - (NORTH PIVOT) - A 6 TOWER VALLEY CENTER PIVOT WITH NELSON END GUN
 HIGH PRESSURE (70 PSI); 650 GPM CAPACITY; MODEL-1260, SERIAL #15919 (SOUTH PIVOT)

The system is in the following condition FAIR

The point of diversion is located 1520' W AND 620' S OF THE NE CORNER
OF SECTION 24, T11N, R51W.

The works are capable of diverting and conveying to the place of use 1.45 (650 GPM)
 cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows: ALL IN SECTION 24, T11N, R51WNW 1/4 NE 1/4 - 5 ACRESNE 1/4 NE 1/4 - 37 ACRESSE 1/4 NE 1/4 - 38 ACRESSW 1/4 NE 1/4 - 6 ACREScomprising a total of 86 acres of land and the license should be issued for 1.23 cfsApplicable permit qualifications have been complied with Yes ☒ No

Exceptions to compliance are: NEED TO TRANSFER PERMIT FROM Date 8-4-88
HALETA TO SUMMA

Thomas M. Brandon
 (signature)

C. WORKS USED TO APPLY WATER TO BENEFICIAL USE

CP #2 (SOUTH PIVOT) - AN B TOWER VALLEY CP WITH NELSON END GUN
HIGH PRESSURE (70 PSI); 650 GPM CAPACITY

LICENSE FOR PERMIT NUMBER 4894-3

1. Legal location of wells: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, T111N, R51W

dams & structures: _____

2. Well Information: Well Drilling Firm Lacey

No. of wells 1

Depth 52'

Casing a) diameter 14"

Screen a) type SS (Johnson)

b) length _____

b) length 10'

c) type steel

Static Water Level _____

Pump a) make Berkeley

Motor a) make Lincoln AE Motor

b) model H 1892

b) ~~model~~ ^{Serial} no. 1309248

c) size $\frac{3}{4}$ "

c) horsepower rating 40

d) capacity ? GPM

d) motor efficiency rating ?

e) turbine pump well can produce
no. of stages 800-1000 GPM

3. Distribution lines:

a) size of lines 6"

b) type Aluminum (above ground)

c) length $\approx 1800'$ - Runs from well to 1st pivot + from 1st Pivot to 2nd pivot.

1765 RPM,
(Electric Motor is attached to a PTO to the pump.)

4. Dam information:

a) height to crest _____

i) Outlet tubes:

b) height to spillway _____

1) diameter _____

c) crest width _____

2) type _____

d) crest length _____

3) valued (Y/N) _____

e) spillway length _____

4) valve type _____

f) spillway width _____

5) location on structure _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

5. System Type: a) sideroll:

b) towline:

1) length _____ feet

1) length _____ feet

2) diameter of pipe _____

2) make, model & number of sprinklers _____

3) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) spacing of sprinklers _____

4) nozzle size _____

5) nozzle size _____

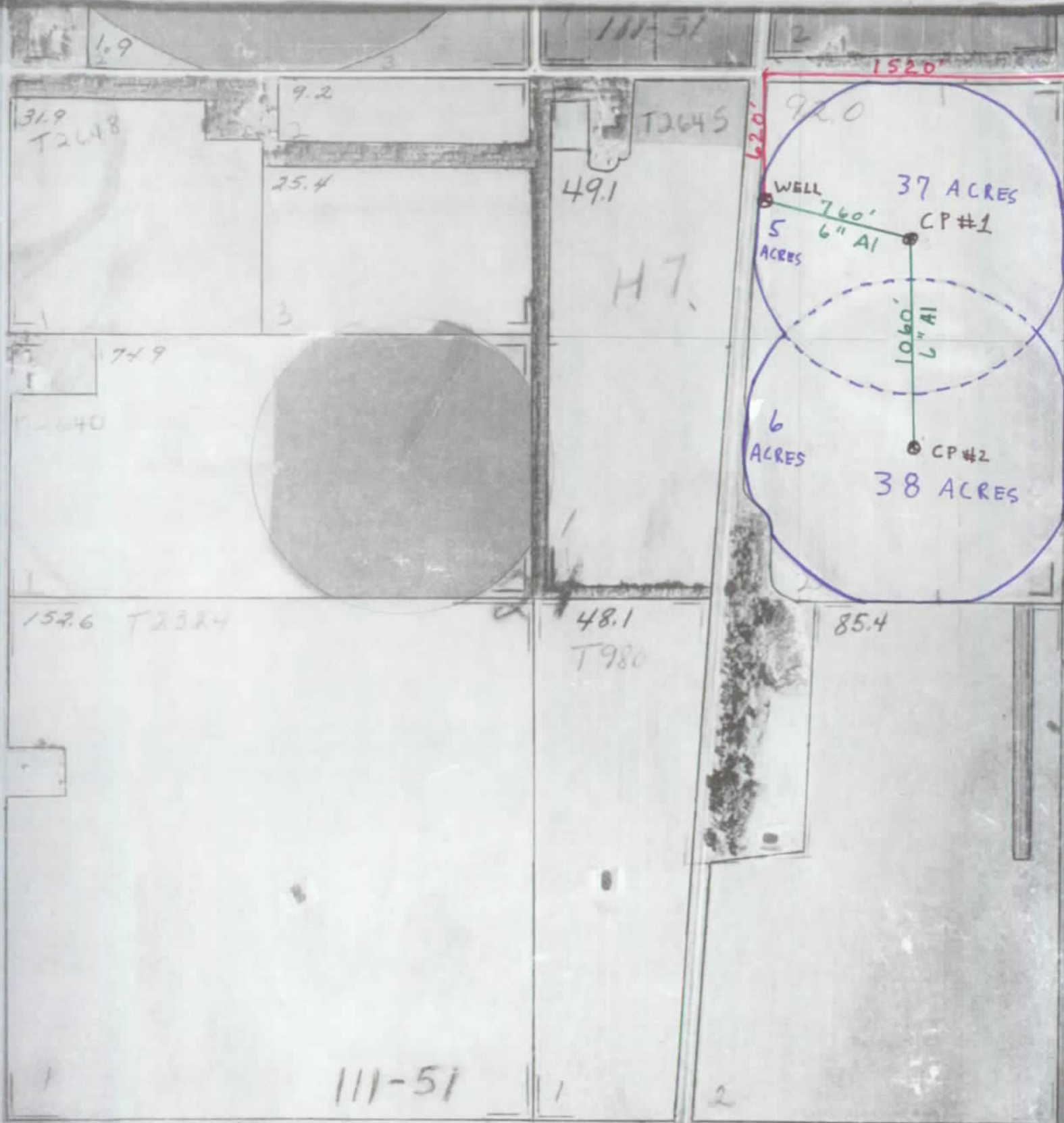
5. System Type: c) center pivot d) Gate Pipe
- 1) make Both Valley Pivots 1) length _____
- 2) number of towers 6 on N Pivot 2) diameter _____
- 3) distance between towers 8 on S Pivot 3) spacing of gates _____
- 4) overall length _____ e) Siphons
- 5) End gun (Y/N) Both have Nelson guns 1) number _____
- 6) high or low pressure High 2) size _____
- 7) make & size of nozzles _____ f) Portable boom
- 8) PSI reading while system is running ~ 70 1) make _____
- 9) GPM 650 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- g) Gun h) Hydromatic
- 1) make _____ 1) make _____
- 2) serial number _____ 2) model _____
- 3) nozzle size _____ 3) serial number _____
- 4) capacity (GPM) _____ 4) length _____
- 5) PSI _____ 5) nozzle size _____
- 6) hose size _____ 6) spacing _____
- 7) hose length _____ 7) PSI _____
- 8) capacity (GPM) _____

YES	NO	Check Items
<u>✓</u>	___	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
<u>✓</u>	___	2. Special Qualifications to permit being abided by.
<u>✓</u>	___	3. All Structures, wells and lands on map.

REMARKS:

1. The permit needs to be transferred from Haleta to Summa.
2. The pivots on the land are only in fair shape. They were just placed on the land this year. Previously the land was irrigated by a traveling gun.

NOT TO SCALE



Thomas M. Brandon
8-4-88

Water Right No. 4894-3



Department of Water & Natural Resources

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

4894-3

SEP 14 1989

Katharine Summa
PO Box 305
Larchwood, IA 51241

Dear Ms. Summa:

Enclosed is Water License No. 4894-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 411726 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License and Receipt No. 511725 in the amount of \$2.50 for the transfer of Water Right No. 4894-3.

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. 4894-3, 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



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4894-3

(1) Alexander Haleta of Bruce, South Dakota 57220 made Application No. 4894-3, March 26, 1982 for a water permit to appropriate 1.30 cubic feet of water per second from groundwater (one well), Brookings County, South Dakota for irrigation purposes. Permit No. 4894-3 with a priority date of March 26, 1982 was approved June 9, 1982 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before June 9, 1987 and for the application to beneficial use of said water on or before June 9, 1991.

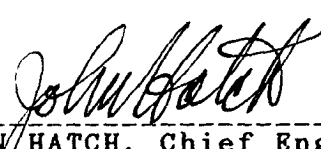
On April 4, 1989, Water Permit No. 4894-3 was transferred to Katharine Summa, Larchwood, Iowa.

(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 1.23 cubic feet of water per second for beneficial use. The location of the diversion point is: 1520 feet west and 620 feet south of the NE corner of Section 24, T111N, R51W (NW1/4 NE1/4).

(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:

T111N-R51W Section 24 NW1/4 NE1/4 5 acres
NE1/4 NE1/4 37 acres
SE1/4 NE1/4 38 acres
SW1/4 NE1/4 6 acres
Total 86 acres

(4) Pursuant to Section 46-5-30.1 Katharine J. Summa of PO Box 305, Larchwood, Iowa 51241 the holder(s) and/or owner(s) of Water Permit No. 4894-3 is issued a license to appropriate water, the right to use 1.23 cubic feet of water per second from groundwater (one well) with a priority date of March 26, 1982 from the location specified in (2) of this license. The water is 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 Water Permit No. 4894-3 and subject to South Dakota State Law.



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

SEP 14 1989



4894-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 21, 1992

No. 2166-3

4894-3

Lowell W. Summa
P.O. Box 305
Larchwood, IA 51241-0305

Dear Mr. Summa:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 2166-3 and 4894-3. The water rights are currently listed in the name of Katharine J. Summa.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 per "Notice of Transfer" (total of \$5.00).

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,

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

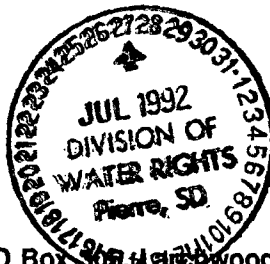
enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4894-3

Date: July 24, 1992



XI\We request that Water Right No. 4894-3

formerly owned by: Katharine J Summa, PO Box 305, Larchwood, IA 51241

Lowell W. Summa and Katharine J. Summa,
be transferred to: (name & address) Trustees of the Lowell W. Summa Living Trust
501 So. Broadway - P.O. Box 273
Larchwood, Ia. 51241-0273 (Telephone No.) (712) 477-2754

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

86 acres in the NE 1/4 Section 24, T111N, R51W

XI\We understand that the validity of Water Right No. 4894-3 has not been determined by this transfer action. If X\We have any questions on validity, X\We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

IOWA
STATE OF ~~SOUTH DAKOTA~~)
County of LYON)ss

I\We Lowell W. Summa 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.

Lowell W. Summa, Trustee
for the Lowell W. Summa Living Trust
(Signed)

Subscribed and sworn to before me this 24th day of July, 19 92.

M. A. Bontje
(Notary Public)

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

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410344

Pierre, July 27, 19 92

RECEIVED OF Lowell W Summa, 501 S Broadway, Larchwood, IA 51241

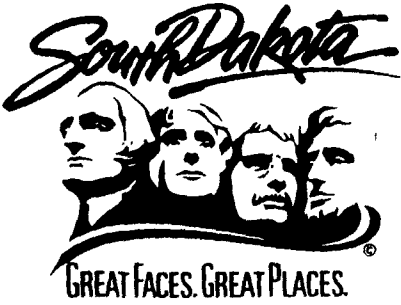
the following amount in fees for services rendered as provided for by law:

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 _____ Water Right No. 4394-5	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

Chief Engineer

John H. Hatch



4894-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 4, 1992

No. 2166-3

4894-3

Lowell W. Summa
P.O. Box 273
Larchwood, IA 51241-0273

Dear Mr. Summa:

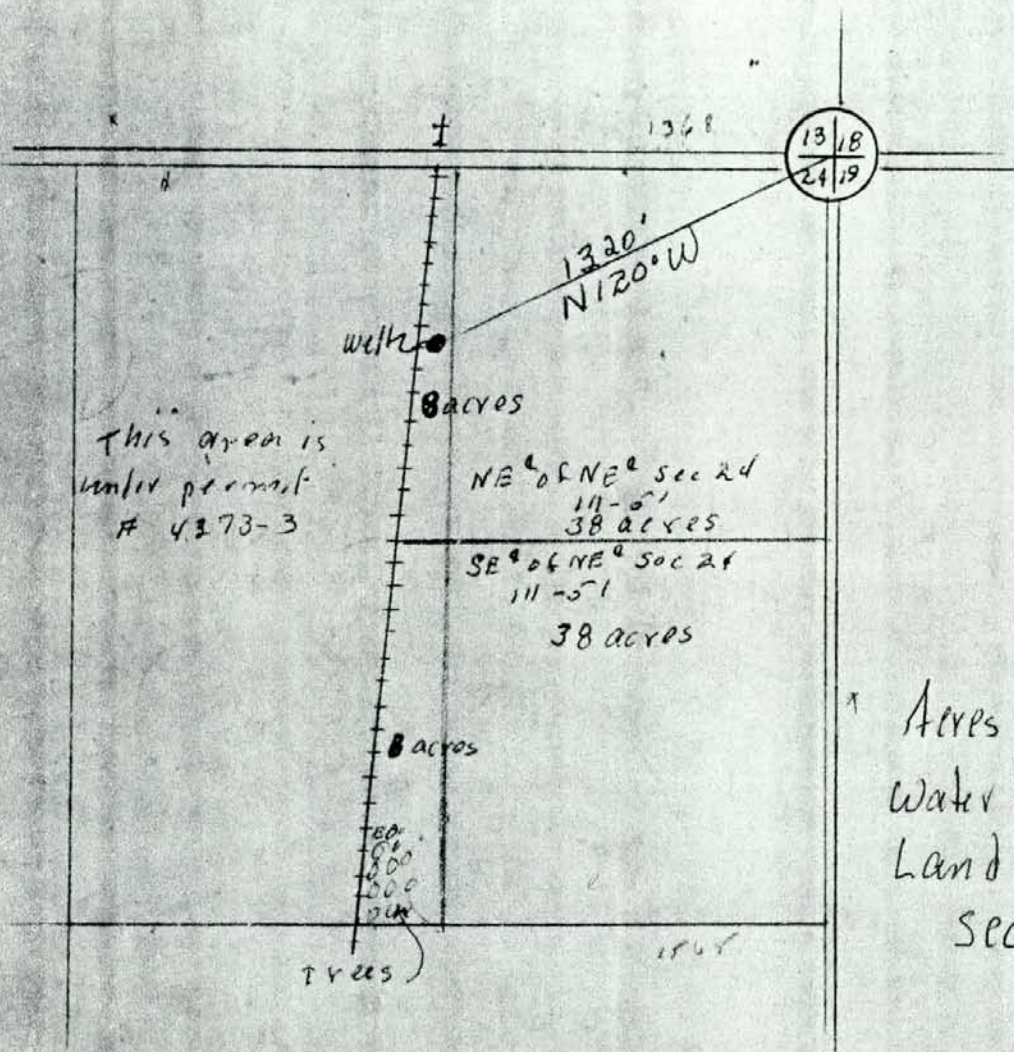
Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 2166-3 and 4894-3.

Our records now show Lowell W. Summa Living Trust as the owner of Water Right Nos. 2166-3 and 4894-3.

Sincerely,

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

enclosure

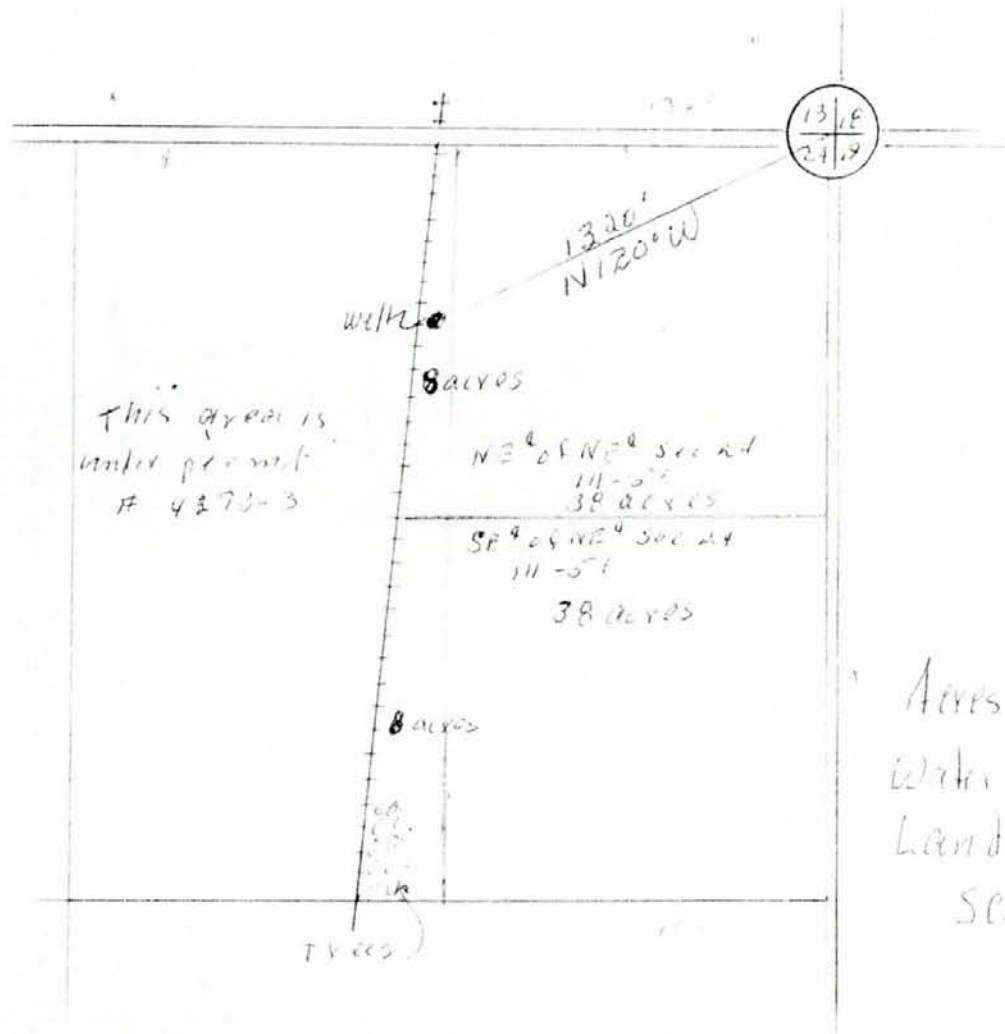


* Acres Irrigated 92
 Water Requested 1.3 cfs
 Land in Brkgs county
 Sec 24-111-51

Alexander Haleta
 Irrigation Project #2
 RR#2 Bruce S.D
 57220

3-8-82
 Cert. filed correct
 John S. Wessner

~~Map # 4098-3~~
 Appl 4894-3



Acres Irrigated 92
 Water Requested 1.3 cfs
 Land in Brkgs County
 Sec 24-111-51

Alexander Haleta
 Irrigation Project #2
 RR#2 Bruce S.D.
 57220

3-8-82
 Carl. Niel Perret
 John S. Larson

Map # 4098-3
 Appl 4894-3



4894-3

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 8, 2005

4373-3
4894-3

Rich VandeWeerd
VandeWeerd Farms
46659 205th St
Bruce SD 57220

Dear Mr. VandeWeerd:

Enclosed as you discussed with Ron Duvall, are the following:

- Water Permit Application forms to apply for a new permit for the area described in Water Right No. 4373-3 (Alexander Haleta);
- A 2005 irrigation questionnaire for Water Right No. 4894-3 (Lowell Summa Living Trust) (**this needs to be completed and mailed back to us by the end of December**);
- A copy of Water Right No. 4894-3; and a
- "Notice of Transfer of Ownership" form for changing ownership on Water Right No. 4894-3.

Please complete the "Notice of Transfer of Ownership" form and return it to our office with a required filing fee of \$2.50. The fee for the new water permit application form is dependent on how many acres you wish to irrigate. There is a chart on the instruction sheet that outlines the fee schedule. The check or money order for the fees can be made payable to the Water Rights Program.

If you have any questions concerning the irrigation questionnaire or filing of the transfer form, please contact me. Questions involving the new application can be directed to Eric Gronlund with our program at 605 773-3352.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4894-3

Date: 12-14-05

I/We request that Water Right No. 4894-3

formerly owned by: Lowell Summa Living Trust

be transferred to: (name & address) Richard VandeWeerd
46659 205th St Bruce, SD. 57220
Telephone No. 605-627-9260

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

86 acres - NE ¼ Section 24, T111N, R51W

I/We understand that the validity of Water Right No. 4894-3 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 Rich VandeWeerd, the new owner, certify that the above information is true and correct.

Richard VandeWeerd
(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
JAN - 3 2006
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 3, 2006

RECEIVED OF Richard Vandeweerd, 46659 205th St., Bruce SD 57220

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>4894-3</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	2.50

No.

002136

By

Darlene Ebele
Chief Engineer *gm*



**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 3, 2006

4894-3

Richard Vande Weerd
Vande Weerd Farms
46659 205th St
Bruce SD 57220

Dear Mr. Vande Weerd:

We have received the materials you submitted for the new water permit application, the transfer of Water Right No. 4894-3 and the 2005 irrigation questionnaire for No. 4894-3.

The transfer of ownership has been completed. Water Right No. 4894-3, formerly held by Lowell Summa Living Trust, is now listed in your name. Enclosed is your Receipt No. 002136 in the amount of \$2.50 which you paid for filing the ownership change. You may keep this for your records.

The new permit application is being reviewed. You will be contacted as this process continues.

If you have any questions, please contact me

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 24, 2007

4252-3

4894-3

6682-3

Rich Vande Weerd
46720 203rd St
Bruce SD 57220-5808

Dear Mr. Vande Weerd:

Enclosed is a "Notice" dated October 19, 2007 concerning the 2007 irrigation questionnaire. The notice was originally mailed to 46659 205th St, Bruce, SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



4894-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: RICH VANDE WEERD, 46720 203RD ST, BRUCE, SD 57220 5808

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaires

Our records indicate that the 2008 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 4252-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4894-3 & 6682-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** 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) 4894-3 & 6682-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4252-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 2009

4252-3
4894-3
6682-3

Rich Vande Weerd
46720 203rd St
Bruce SD 57220-5808

Dear Sir:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Permit or Right Nos. 4252-3, 4894-3, and 6682-3.

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,

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: RICH VANDE WEERD, 46720 203RD ST, BRUCE, SD 57220 5808

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaires

Our records indicate that the 2009 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 4252-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4894-3 & 6682-3 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** 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) 4894-3 & 6682-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4252-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 8, 2010

4894-3
6682-3

Rich Vande Weerd
46720 203rd St
Bruce SD 57220-5808

Dear Mr. Vande Weerd:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 4894-3 and Water Permit No. 6682-3. The irrigation questionnaire for Water Right No. 4452-3 (listed in the name of Vande Weerd Farms) was received back in November.

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,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

4894-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

FEB 17 2015

4894-3
6682-3

Rich VandeWeerd
46720 203rd St
Bruce SD 57220

Dear Mr. VandeWeerd:

Enclosed is Water License No. 6682-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6682-3, 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.

Upon licensing, the applicable portions of Water Right No. 4894-3 were incorporated into Water License No. 6682-3. 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,

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

enclosures