

Considered: _____

WATER PERMIT NO. 5128-3

MAP No. same

Name of Applicant Krause - Allbee Farms Project No. 3 c/o Larry Krause

Post Office Address RR1, Box 7, Mansfield 57460

Amount of Water Claimed 3.42 Total Acres 240

Source of Water Supply 2 wells & dugout

Water to be used for irrigation County Brown

About 5 miles NW of Mansfield.

PROOF OF PUBLICATION: Received ☒ Not Received ☐

APPLICATION: Approved 5/6/87 Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received February 25, 1987 Fee \$275.00 Remarks _____

2/25/87

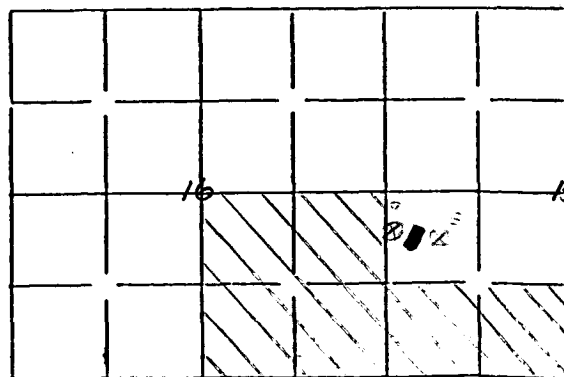
Corrected Application Received Mar 18, 1987 Period of Annual Use Apr 1 - Nov 30

WATER QUALITY APPROVAL RECEIVED ☒ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES ☒ NO ☐ REMARKS _____

Diversion Point 2 wells & dugout: NW 1/4 SW 1/4
section 15 - T121N - R65W

Land to be Irrigated SE 1/4 section 16; S 1/2 SW 1/4
section 15; all in T121N - R65W



Well Log: Driller Blue Water Well Drilling
Pullman #8 Licensed YES ☒ NO ☐

Depth of Well 170 feet
180 feet REMARKS _____

Type of Map aerial photo PREPARED BY Ron Duvall Reviewed and the Number
assigned on March 20, 1987 By Ron Duvall

No. 5128-3 Hydrologic Unit 10960008
 Map No. same Basin James River
 Newspaper Aberdeen American News, PO Box 4430
daily

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following:



New ☒ Vested Right ☐ Future Use ☐

☐ Application to amend Permit No. _____ with old priority date retained

☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐

☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)

☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____

☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____

1. Name of Applicant Krause-Allbee Farms Project No. 3 Larry Krause Phone No. 887-3562

Post Office Address RR 1, Box 7 Mansfield State SD 57460
(Street, RR or Box) City Zip Code

2. Amount of water claimed (c.f.s) 3.42 Total acres irrigated 240

3. Source of Water supply 2 wells and dugout

4. Location of point of diversion we wells and dugout: NW 1/4 SW 1/4 Section 15, T121N, R65W

County Brown

5. Counties where water will be used Brown

6. Annual period during which water is to be used April 1 - November 30

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

Land Description	No. Acres Irr.
NW 1/4 SE 1/4 Sec 16, T121N, R65W	40.0
NE 1/4 SE 1/4 "	40.0
SW 1/4 SE 1/4 "	40.0
SE 1/4 SE 1/4 "	40.0

Land Description	No. Acres Irr.
SW 1/4 SW 1/4 Sec 15, T121N, R65W	40.0
SE 1/4 SW 1/4 "	40.0

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

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

STATE OF SOUTH DAKOTA)
 County of Hughes)^{ss}

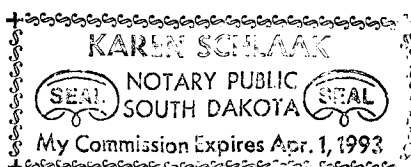
I, Larry Krause the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Larry Krause

Subscribed and sworn to before me this 25th day of February 19 87

Karen Schlaak

Notary Public (or other qualified officer)



WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 5128-3

Krause - Allbee Farms Project No. 3 of Larry Krause RR1, Box 7, Mansfield
(Applicant) (Post Office Address)

SD
(State)

57460
(Zip Code)

With the following qualifications.

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. The wells constructed pursuant to this permit shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.

Date of first receipt of application February 25, 1987.

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

Date of receipt of corrected application March 18, 1987. Approved May 6, 1987.

The Water Management Board hereby approves this Water Permit No. 5128-3 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is February 25, 1987.
2. One-fifth of the work is to be completed on or before October 6, 1989.
3. The whole of said work is to be completed on or before May 6, 1992.
4. The time limit for proof of beneficial use of water is May 6, 1996.
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 3.42 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. 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 May 6, 1996; said water to be used during the following described annual period: Apr 1 - Nov 30.

WATER MANAGEMENT BOARD

By: John H. H. H.

Chief Engineer

Division of Water Rights

Dept. of Water and Natural Resources

JUL 17 1987

, 19____

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction Both Wells

- a) Drill Hole Diameter 9 inch Depth 170 and 180 feet deep
- b) Casing Type plastic Diameter 6 inch Thickness _____
- c) Screen Type plastic Diameter 6 inch Thickness _____
- d) Gravel Pack Thickness pea gravel Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) 22 feet
- g) Distance to nearest existing domestic well:
 On applicants property 600 feet On property owned by others 1 1/2 miles

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth 26 feet
- b) Depth to water (ground surface to water level) 26 feet

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Outlet Dimensions:
 Pipe diameter _____

Spillway width _____

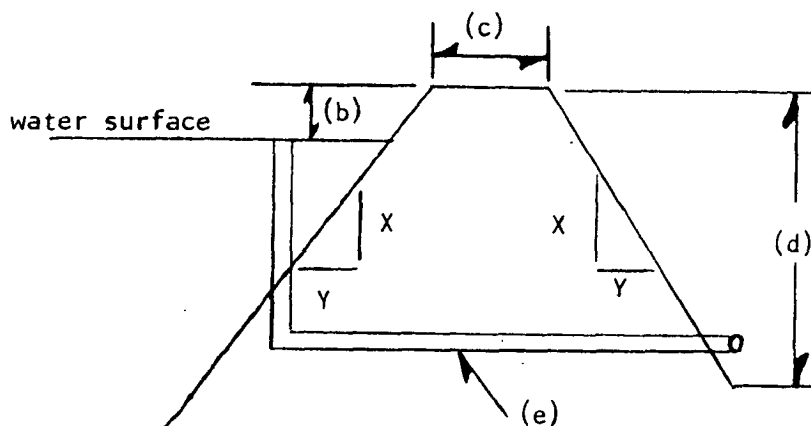
f) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Ray Kamm
 Signature of Applicant

6 center of 2- $\frac{1}{4}$ ^s - 115 to 180 ft fine sand & soft clay ^{Poor}

7 West of bldg & west of new trees in pasture

0-1 Top Soil

1-28 yellow clay

28-31 Sand & Gravel

31-68 soft Gray clay

FAIR

68-70 Sand & Gravel

70-75 Gray clay

75-85 Small veins of Sand & Gravel - with clay sandstone ?

85-140 Hard Gray clay

140-150 fine sand

150-160 Gray clay to black shale

8 40 ft S.W. of present well

Pullman Drilling

0-2 Top soil

2-14 yellow clay

Good 7'

14-30 Blue clay

30-145 soft Gray clay with sand

145-152 coarse sand & Gravel

152-165 Gray clay

165-175 small sand pockets

175-180 Gray clay to shale

9 Center of S.E. $\frac{1}{4}$ of 121 - 65

0-2 Top Soil

2-18 yellow clay w stones

18-38 soft yellow clay

38-56 Gray clay

56-59 Sand

59-110 Gray clay w sand

110-142 Coal w little sand w Gray clay layers

142-195 Gray clay

195-200 soft Green sand

Black shale

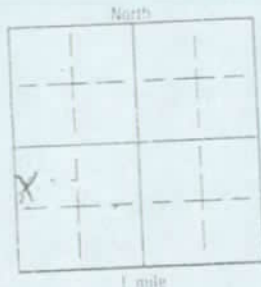
Poor

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location Sec 1-5 Twp 121N Rg 65WCounty Brown

Please mark well location with an "X"

Well Completion Date 7-22-86

PROPOSED USE

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

Method of Drilling

Forward Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>95</u> IN	<u>0</u> FT	<u>140</u> FT	<u>9</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? FEETWhat is grouting material? Bestonite & CementIf cement, number of sacks? 2 sacksDescribe grouting procedure TerribleWhat was grout weight? LB/GALSCREEN ☐ Perforated pipe ☒ ManufacturedDiameter 5 IN Length 20 FEET

Material

Slot Size 025 Set From 140 Feet To 160 Feet

Slot Size Set From Feet To Feet

Slot Size Set From Feet To Feet

Other information

Was a packer or seal used? ☐ YES ☒ NO

If so, what material?

Describe packer(s) and location?

Was well disinfected upon completion? ☒ YES ☐ NO

Explain

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to

Well Owner

Name Larry KrauseAddress R.R. 1. Mansfield S.D.

Well Log

Formation	From	To
Yellow Clay	0	16
Blue Clay	16	30
Med fine sand	30	60
Blue Clay	60	100
Sandy blue Clay	100	140
sand & Gravel	140	147
Med gravel & sand	147	160
Blue Clay	160	

STATIC WATER LEVEL 38 FeetIf flowing, closed in pressure PSIGPM flow through inch pipeControlled by ☒ Valve ☐ Reducers ☐ Other

If other, specify

Can well be completely shut in? yes

WELL TEST DATA

☒ Pumped☐ Bailed☐ OtherDescribe: 60 g P.M. W/d

Pumping Level Below Land Surface

ft	After	Hrs	pumped	GPM

REMARKS:

28 grains hardThis well was drilled under license # 440

And this report is true and accurate.

Drilling firm Bullman Well Drilling

Signature of License Representative

Gerris Bullman

Signature of Well Owner

Larry KrauseDate 7-28-86

8-11-86

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY

THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILLED LAW 1-27-1. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS.

REDUCTION 25:1 ROLL NO. 4-4 DATE MICROFILMED 12-31-86 CAMERA OPERATOR Paul Anderson

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410750

Pierre, February 25, 1987

RECEIVED OF Larry Krause, RR 1, Box 7, Mansfield, SD 57460

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 _____	275	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
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 75 00

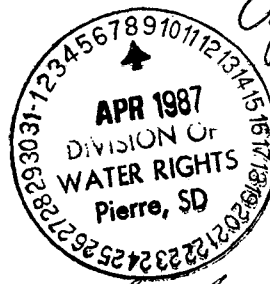
By John Hatch
Chief Engineer

JOHN HATCH



Water Management Board
Room 216 Joe Foss Building
523 E. Capitol

Pierre So. Dak.



April 6, 1987

Dear Sirs; I see in Aberdeen American News that Krause-Albee farms has applied for a permit to dig two 170-180 ft. wells to irrigate 240 acres in Sec. 16 and Sec. 15 Twp 121. range 65.

I strongly object to granting those permits as we have land joining both of those tracts and then the shallow water to our two dugouts will dry up.

2. Also that water from wells is so salty it will ruin the land. I tried it.

3. the dugout they want to pump from is connected to a large ~~and~~ wildlife slough mostly on someone elses land and will take his water.

4. have Game and Fish Dept. check if they have easements on that large slough in Sec. 15 or 16. I heard they had. 121-65

Sincerely
Arnold Ristau
Mansfield So. Dak.
Rte. 1 57460



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

April 8, 1986

Larry Krause
RR 1, Box 1
Mansfield SD 57460

Dear Mr. Krause:

This will acknowledge receipt of and thank you for returning your 1985 Irrigation Questionnaires. In checking through your questionnaires it was noted you reported irrigation under Water Permit No. 3130-3. This permit was cancelled for non-construction at the March 5, 1986 Water Management Board meeting.

Application forms were sent to you November 19, 1985 for obtaining a permit to irrigate from your dugout. To date, we have not received an application from you. Irrigation of these lands without obtaining a permit, would be in violation of State Statutes. Please be advised that you are not authorized to irrigate from the dugout during 1986 until an application for such use is submitted and approved by the Water Management Board.

If you have any questions, please contact our office.

Sincerely,

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

GENNY MCMATH
Natural Resources Analyst

GM:ks

3130-3
LARRY KANESE RENTER
21 Bm)
MARSSFIELD SD
effco's 57460

Type of Power	No. acres irrigated
1. Electric	_____
2. Gravity	_____
3. Gasoline	_____
4. Nat. Gas pipeline	_____
5. Diesel	_____ ✓
6. Propane	_____
7. Other	_____

Type of System
1. Hand Moved Sprinklers
2. Portable booms
3. Center pivots (# of)
4. Gated pipes
5. Sidewheel
6. Towlines
7. Gun type
8. Hydromatic
9. Siphons
10. Flood
11. Other

This Is the Water Management Board data sheet for recording 1985 GROUNDWATER source irrigation estimates.

November, 1985

For Dept. Use Only

Please fill out and return at once.

No. acres actually irrigated with Surface Groundwater 111 ☐ R ☐ O

If you did not irrigate during 1985--check this box ☐

If your system has not been constructed--check this box ☐

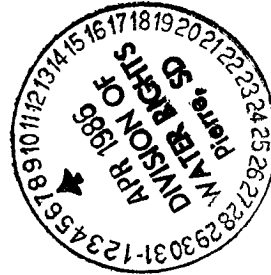
Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Acres of Crop Irrigated		and Estimated Water Use	
				Crop	Acres	Water Used	Water Used
April							
May							
June							
July	10	15	700	corn	111		
August	10	15	700	corn	111		
Sept.							
Oct.							
Other Month							

Season Static Water Level: beginning _____ ft. end _____ ft.

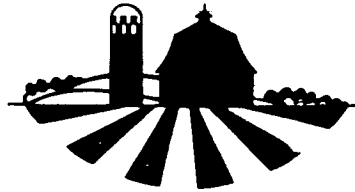
COMMENTS:

Complete and return to:

WATER MANAGEMENT BOARD
Water Rights Division
Joe Foss Building
Pierre, SD 57501



Owner or address change, if any:



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building • Pierre, South Dakota 57501

Phone 605/773-3258



March 13, 1987

Larry Kruase
RR 1, Box 7
Mansfield, SD 57460

Dear Mr. Kruase:

In reviewing your soil and water compatibility application for the SE1/4 16-21-65 = 160 & S1/2 SW1/4 15-121-65 = 80 the irrigation staff is recommending Approval with Requirements of your application to the State Conservation Commission at their March 16, 1987, meeting. The Approved with Requirements recommendation is based on the clay contents of the soils which may inhibit the leaching of salts.

The Requirements and Management Recommendations are as follows:

REQUIREMENTS:

In reviewing the existing permits the staff has noted that all the low areas have been drained. Under irrigation there maybe a need for additional drainage development to address water table development and provide that necessary leaching of salts. This necessary drainage may include the installation of an artificial drainage system i.e. tile drainage or air drains.

MANAGMENT RECOMMENDATIONS:

We recommend the use of a form of conservation tillage to control erosion.

We also recommend the periodic use of a soil ripper to aid in the soils ability to intake water, as well as the use of tensiometers to effectively manage your irrigation.

The maximum allowable limits of salt and sodium buildup in the profile at the root zone (upper 12 inches of the soil profile) at the beginning of the growing season apply. They become applicable upon the issuing of a soil-water compatibility permit by the division or the commission.

Sincerely,

Jim Stukel
Land Management Supervisor

cf

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Office Use Only

Division of Conservation

4201

WR#

Krause - Allbee Project #3

OWNERS NAME: Larry Krause

OWNERS ADDRESS: RR 1, Box 7
Maryfield SD 57460

COUNTY LAND LOCATED IN: Brown

PHONE: 887-3562

TENANT'S NAME AND ADDRESS:



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

1. WELL LOCATION 2 wells in sec 15 + sec 16; NW 1/4 SW 1/4 section 15-T12N-R65W
Depth 170 + 180 feet deep

2. SURFACE WATER SOURCE AND DIVERSION LOCATION:

Diversion Location

Legal Description	Acres	Legal Description	Acres
NW 1/4 SE 1/4 sec 16-T12N-R65W	40	SW 1/4 SW 1/4 sec 15-T12N-R65W	40
NE 1/4 SE 1/4 "	40	SE 1/4 SW 1/4 "	40
SW 1/4 SE 1/4 "	40		
SE 1/4 SE 1/4 "	40		

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED 76

LEGAL DESCRIPTION: S 1/2 sec 15; SE 1/4 sec 16; both in T12N-R65W

IN WHAT NAME: Old Krause

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: _____ (Specify)

6. CROPS TO BE IRRIGATED:

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)	
7. WATER SAMPLE NUMBER: <u>1</u>	10. ADJUSTED (SAR): <u>5.85</u>
8. SALINITY (EC X 10 ⁶): <u>110</u>	11. PERCENT SODIUM: <u>27.80</u>
9. SODIUM (SAR): <u>2.80</u>	

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 _____ a.m./p.m., on _____, 19____, at the following location: _____ by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

Signature, of Water Sampler

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land (46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

25th DAY OF February, 1987

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

Date

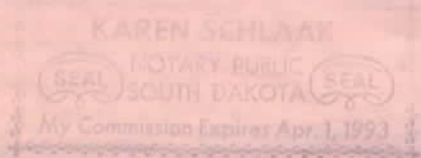
APPROVED

DISAPPROVED

WAIVER

REQUIREMENTS

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.



REPORT ON APPLICATION NO. 5128-3
Krause-Albee Farms Project No.3
March 20, 1987

This application proposes to appropriate 3.42 cfs from a dugout and two wells 170 to 180 feet deep. The wells and dugout are to be located in the NW 1/4 SW 1/4 Section 15 and the lands to be irrigated (240 acres) are in the SE 1/4 Section 16 and the S 1/2 SW 1/4 Section 15 all in T121N R65W.

Aquifer - Middle James - Aberdeen (MJ-A)

Geology and Aquifer Characteristics

The Middle James - Aberdeen (MJ-A) is a Pliestocene aged outwash (sand and gravel) aquifer under artesian conditions. The aquifer underlies 118,800 acres and contains 356,000 acre-feet of recoverable water in Brown County (Hedges, 1982). The Water Rights Division monitors 4 observation wells BN-77D, BN-77E, BN-77F and BN-77G that are within one mile of this application (Water Rights, 1987). Two wells BN-77D and BN-77F are completed into the shallow Elm Southern Brown Aquifer and the other two are in the MJ-A. The drill hole logs suggest leakage could be occurring between these two aquifer units. The water levels and hydrographs for these wells are above or near record high levels for both aquifers. The MJ-A aquifer does fluctuate due to pumping of the irrigation wells to the east. Recharge is apparently occurring in excess of the developed withdrawals.

There is no information concerning the dugout. It is unknown what possible contribution of water from the dugout would be. It could be surface or ground water or both.

REVIEW OF EXISTING PERMITS

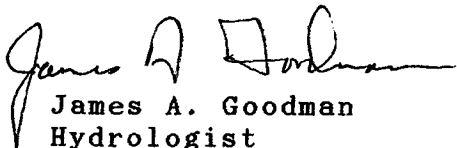
The nearest existing water permit is about 2 miles southeast of this application. There are eight irrigation permits within 5 miles of this application which in 1985 pumped 1638 acre-feet of water (irrigation reports, 1985).

Although water levels in the observation wells fluctuate from as much as 15-18 feet seasonally due to irrigation withdrawals, interference between permit holders has not been a problem. The additional diversion caused by this application will not significantly impact water levels or water availability from the aquifer.

Conclusions

1. Water is available from the MJ-A Aquifer.
2. The aquifer is under artesian conditions and water level fluctuations due to pumping are well documented.

3. Long term trends of the hydrographs (water levels versus time for individual observation wells) indicated recharge in excess of pumpage is occurring. Most water levels are as high or higher than ever for the period of record.
4. The permit should include the standard well interference clause and the mandatory irrigation questionnaire clause.


James A. Goodman
Hydrologist

Bibliography

Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, R.A. Schoon, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa for US Army Corps of Engineers, DWNR, SDGS, Vermillion, S.D. 57069.
Irrigation Reports, 1985, 1985 Irrigation Report by County, DWNR, Division of Water Rights, 1987, Observation Well Records for BN-77D, BN-77E, BN-77F, and BN-77G, DWNR, Division of Water Rights, Joe Foss Bldg., Pierre, SD 57501.

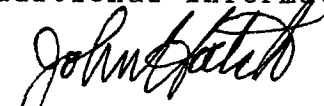
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5128-3

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5128-3, Krause-Albee Farm Project No. 3, % Larry Krause, RR 1, Box 7, Mansfield SD.

The Chief Engineer is recommending APPROVAL of Application No. 5128-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. The wells constructed pursuant to this permit shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
March 24, 1987

No. 5128-3

Instruction to Newspaper - Publish first publication of the following Notice on or before April 9, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5128-3 to Appropriate Water
and/or to Amend Water Permit or Water Right No. _____

Notice is hereby given that Krause-Allbee Farms c/o Larry Krause whose mailing address is RR 1, Box 7, Mansfield, South Dakota has made an application for a permit

to appropriate 3.42 cubic feet of water per second from a dugout and two wells (Middle James-Aberdeen) 170 to 180 feet deep. The wells and dugout located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15 are to be used to irrigate 240 acres in the SE $\frac{1}{4}$ Section 16; S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 15; all in T121 N-R65W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5128-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at room 216, Joe Foss Building 523 E. Capitol, Pierre, SD, May 6 19 87 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by April 24, 1987. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2 46-5-30.4, 46-5-31; ~~(ground)~~ 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; ~~(future use)~~ 46-5-38 thru 46-5-40; ~~(transfer lands)~~ 46-5-30.4, 46-5-33 thru 46-5-35; ~~(10,000 AFA)~~ 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; ~~(future use)~~ 74:02:01:24 thru 74:02:01:25; ~~(10,000 AFA)~~ 74:02:01:15:02 thru 74:02:01:15:05.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNr, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by April 24, 1987.

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brown) ss.

I, Lori Noltner hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the American News

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

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

April 6

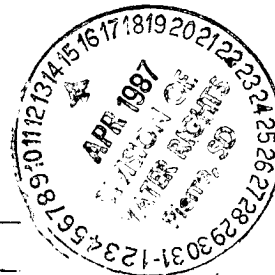
April 13, 1987

Lori Noltner
(Signature)

Accounting
(Title)

4-13-87
(Date Signed)

Cost of Printing: 55.83



(No. 784 - Apr. 6, 13 - 2T)
NOTICE OF HEARING
on Application No. 5128-3 to Appropriate Water

Notice is hereby given that Krause-Albee Farms c/o Larry Krause whose mailing address is RR 1, Box 7, Mansfield, South Dakota has made an application for a permit to appropriate 3.42 cubic feet of water per second from a dugout and two wells (Middle James-Aberdeen) 170 to 180 feet deep. The wells and dugout located in the NW 1/4 SW 1/4 Section 15 are to be used to irrigate 240 acres in the SE 1/4 Section 16; S 1/2 SW 1/4 Section 15; all in T121 N-R65W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5128-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at room 216, Joe Foss Building 523 E. Capitol, Pierre, SD, May 6 1987 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by April 24, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by April 24, 1987.



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

April 10, 1987

Krause-Allbee Farms
c/o Larry Krause
RR 1, Box 7
Mansfield, South Dakota 57460

Dear Mr. Krause:

Enclosed is a copy of a petition received on April 8, 1987 in opposition to your water permit application. This letter is to inform you that a petition has been received by our office.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

cc: Dan Doyle, Ass't Attorney General
Ron Koth, GF&P



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sand Lake National Wildlife Refuge
RR 1, Box 25
Columbia, SD 57433
April 16, 1987

IN REPLY REFER TO:



South Dakota Department of Natural Resources
Water Rights Division
Joe Foss Bldg.
523 East Capitol
Pierre, SD 57501

Attn: Ron Duvall:

Attached is a copy of a letter we sent to Krause-Allbee Farms regarding their water permit application No. 5128-3.

Sincerely,

Sam Waldstein
Refuge Manager



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sand Lake National Wildlife Refuge

RR 1, Box 25

Columbia, SD 57433

April 16, 1987

IN REPLY REFER TO:

CERTIFIED MAIL # P 595-310-351
RETURN RECEIPT REQUESTED

Krause-Allbee Farms
% Larry Krause
RR 1, Box 7
Mansfield, SD 57460

Dear Mr. Krause:

We have been notified of your application (5128-3) to divert water from wells and a dugout in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, T.121N, R.65W. The SW $\frac{1}{4}$ of Section 15 and the SE $\frac{1}{4}$ of Section 15 are under an Easement for Waterfowl Management Rights (Brown Co. 40X) executed by Otto and Lena Krause on December 6, 1968.

As you know, the easement prohibits the burning, filling or draining of any sloughs, marshes, or wetlands. Pumping water from a dugout that is in a marsh basin would be a violation of the draining prohibition of the easement. Also, placing any material in a wetland to facilitate the movement of the irrigation equipment would be a violation of the filling prohibition of the easement.

We are sending this reminder so that you can avoid any unnecessary expense. If you have any questions we may be reached at 885-6320.

Sincerely,

Robert L. Wright
Robert L. Wright
Ass't Refuge Manager



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

JUL 17 1987

Krause-Allbee Farms
c/o Larry Krause
Route 1, Box 7
Mansfield, South Dakota 57450

Dear Sir:

Enclosed herewith is your Water Permit No 5128-3 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 5128-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

WNR-809-5/83



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

NOTICE

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

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 4480-3, 4757-3, 5128-3 & 5495-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 4480-3, 4757-3, 5128-3 & 5495-3 qualification:

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

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4480-3, 4757-3, 5128-3 & 5495-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

Very truly yours,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 18, 1992

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

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

Dear Mr. Krause:

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

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

Sincerely,

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

Genny McMath
Natural Resources Analyst
Water Rights Division

1994 WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE
PLEASE FILL OUT AND RETURN BEFORE DECEMBER 16, 1994

5128-3

KRAUSE-ALLBEE FARMS
 LARRY KRAUSE
 RR 1 BOX 7
 MANSFIELD, SD 57460

*31841
 147 st
 Mansfield, SD
 57460
 Denis*

CHANGES TO ADDRESS LABEL, IF ANY:

COMPLETE AND RETURN THIS FORM TO THE WATER RIGHTS DIVISION AT 523 E CAPITOL, PIERRE, SD 57501-3181 (605) 773-3352

HAS SYSTEM BEEN CONSTRUCTED? YES ☒ NO ☐

DID YOU IRRIGATE IN 1994? YES ☒ NO ☐ IF YES, NUMBER OF ACRES IRRIGATED 100

SOURCE OF WATER Surface Water

DID YOU CHEMIGATE IN 1994? YES ☐ NO ☒

TYPE OF SYSTEM (CHECK ALL THAT APPLY):

CENTER PIVOTS ☒ TOWLINES ☐ BIG GUN ☐
 FLOOD ☐ SPRINKLERS ☐ OTHER ☐

COMMENT SECTION:



THE PORTION OF THE FORM FOR REPORTING ACRES IRRIGATED IS ON THE BACK OF THIS PAGE. LISTED BELOW ARE TWO EXAMPLES OF HOW TO COMPLETE THE FORM:

EXAMPLE 1: IN JUNE & JULY, 130 ACRES WERE IRRIGATED USING A CENTER PIVOT SYSTEM (70 ACRES OF CORN & 60 ACRES OF BEANS). THE PUMP RATE OF THE PIVOT IS 800 GALLONS PER MINUTE AND YOU PUMPED 10 DAYS (@ 24 HOURS PER DAY) ON THE CORN AND 20 DAYS ON THE BEANS:

MONTH	CROP	ACRES	PUMP RATE	# DAYS	AVE/HRS DAY
JUNE	CORN	70	800 GPM	10	24
	BEANS	60	800 GPM	10	24
JULY	BEANS	60	800 GPM	10	24

EXAMPLE 2: IN JUNE, 40 ACRES OF ALFALFA WERE IRRIGATED (USING GATED PIPE @ 3000 GPM) FOR 10 DAYS - 20 HOURS PER DAY; 60 ACRES OF BEANS WERE IRRIGATED (USING BIG GUN @ 500 GPM) FOR 10 DAYS AT 24 HOURS PER DAY:

JUNE	ALFALFA	40	3000 GPM	10	20
	BEANS	60	500 GPM	10	24

NOTE: PLEASE SPECIFY UNDER HOURS PUMPED WHETHER YOU ARE REPORTING IN REGULAR HOURS OR KILOWATT HOURS.

MONTH IRRIGATED	CROP TYPE	ACRES IRRIGATED	PUMP RATE/GPM	DAYS PER MONTH	AVE/HRS PER DAY
-----------------	-----------	-----------------	---------------	----------------	-----------------

MARCH					
APRIL					
MAY					
JUNE	Beets	100	900	2	24
JULY	Beets	100	900	4	24
AUGUST	Beets	100	900	7	24.
SEPTEMBER					
OCTOBER					

IF MORE ROOM IS NEEDED, PLEASE INCLUDE THE INFORMATION ON A BLANK SHEET OF PAPER

REPORT ON INSPECTION OF PERMIT NO. 5128-3

DATE OF INSPECTION: November 8, 1995

NAME & ADDRESS OF INSPECTION CONTACT/ Larry Krause

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: manager

NAME & ADDRESS OF PERMIT HOLDER: Krause--Allbee Farms, % Larry Krause, 37841 147 St.,
Mansfield, SD 57460

DIVERSION POINT LEGAL LOCATION: Dugout--2250 ft. north or 1910 ft. north & 400 ft. east of
the SW corner of Sec. 15-T121N-R65W (NW 1/4 SW 1/4); Well #1--2050 ft. north & 200 ft. east and
Well #2--1980 ft. north & 600 ft. east of the SW corner of Sec. 15-T121N-R65W (NW 1/4 SW 1/4)

WELL INFORMATION: Well #2---No info on Well #1, drilled around 1940

- 1) Well Drilling Firm: Pullman Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 160 feet
- 4) Well log is available yes
- 5) Comment: Wells only used as back up to runoff water

Casing:

- 1) Diameter 5 inches
- 2) Length 140 feet
- 3) Type PVC

Screen:

- 1) Type manufactured
- 2) Length 20 feet
- 3) Static water level 38 feet

Pump: Dugout

Wells

- | | |
|-------------------------------------|---------------------------|
| 1) Make <u>Berkeley Centrifugal</u> | <u>2 General Electric</u> |
| 2) Model <u>B4JBM CW</u> | |
| 3) Size <u>13 inch</u> | <u>2 inch</u> |
| 4) Capacity <u>900 gpm</u> | <u>350 gpm</u> |

Motor:

- 1) Make Ford 8 cyl. propane
- 2) Model No. 460
- 3) Horsepower rating 100 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type aluminum
- 2) Size 8 inches
- 3) Length about 1800 feet

SYSTEM TYPE:**Center pivot:**

- 1) Make Zimmatic
- 2) Overall length 1150 feet
- 3) Number of towers 7
- 4) Distance between towers XXX feet
- 5) End gun yes
- 6) High or low pressure high 80 psi
- 7) Capacity 900 GPM

Gun:

- 1) Make Waterwinch
- 2) Nozzle size 1.5 inches
- 3) Capacity 650 GPM
- 4) Hose size 6 inches

CHEMIGATION EQUIPMENT:

- 1) Does chemigate NO

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A
- 2) Special qualifications to permit being abided by yes
- 3) All structures, wells and lands on map yes
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

Permit No. 5128-3
James River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, November 8, 1995, made a thorough examination of the water use system constructed by Krause-Allbee Farms of % Larry Krause, 37841 147 St., Mansfield, SD 57460 holder of Permit No. 5128-3, bearing the priority of February 25, 1987 authorizing the diversion of 3.42 cu. ft. per second of the waters of ground water and surface water (2 wells and dugout) for irrigation purposes, in Brown County.

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

A. Works used to divert the water:

Berkeley Centrifugal 13 inch pump, Model No. B4JBM CW with Ford 8 cyl. Propane motor, 125 Hp, Model 460, Capacity 900 gpm and two General Electric 2 inch submersible pumps, Capacity 350 gpm

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

About 1800 feet of 8 inch aluminum pipe

C. Works used to apply water to beneficial use:

**Zimmatic 7 tower Center Pivot &
Waterwinch Big Gun, model WW45**

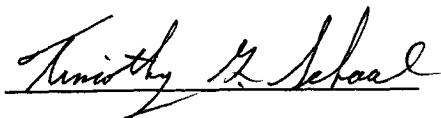
The system is in the following condition Good. The point of diversion is located Dugout—2250 feet north or 1910 ft. North & 400 ft. east of the SW corner of Sec. 15-T121N-R65W (NW 1/4 SW 1/4); Well #1—2050 ft. north & 200 ft. east and Well #2—1980 ft. north & 600 ft. east of the SW corner of Sec. 15-T121N-R65W (NW 1/4 SW 1/4). The works are capable of diverting and conveying to the place of use 1.61 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:

NW 1/4 SE 1/4 Sec. 16-T121N-R65W—	32 Acres
NE 1/4 SE 1/4 “ “	—27 Acres
SW 1/4 SE 1/4 “ “	—33 Acres
SE 1/4 SE 1/4 “ “	—21 Acres

comprising a total of 113 acres of land and the license should be issued for 1.61 cfs.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: December 20, 1995



Timothy G. Schaal, P.E.
Natural Resources Engineer
DENR, Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 2, 1996

Larry Krause
37841 147th Street
Mansfield, SD 57460

Dear Mr. Krause:

Enclosed is a partially completed application form to add the additional acres located in the NE 1/4 of Section 34-T122N-R65W to Water Permit No. 4480-3. You will need to sign the form, have it notarized and return it to us along with the \$150.00 filing fee. If you want to, you can also send in the \$100.00 licensing fee to license this amendment along with Water Permit No. 4480-3 and Water Permit No. 5128-3, located in the SE 1/4 of Section 16-T122N-R65W

If you have any questions, please feel free to contact me.

Sincerely,

Timothy G. Schaal, P.E.
Natural Resources Engineer III
Water Rights Program
(605) 773-3352

enclosure

RECEIPT

414743

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ January 8, 19 96

RECEIVED OF Krause Allbee Farms, Rm 1 Box 7, Mansfield, SD 57460

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. <u>5128-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John H. Hatcher
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 4 1996

5128-3
5896-3

Krause-Allbee Farms
%Larry Krause
37841 147 St.
Mansfield, SD 57460

Dear Mr. Krause:

Enclosed is Water Permit and License No. 5896-3, and Water License No. 5128-3. These are the final water right documents completing your process of obtaining Water Rights. Enclosed are Receipt Nos. 414742 and 414743 in the amount of \$50.00 each which you paid for the inspection and issuance of the Water Licenses.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 5896-3 and 5128-3, constructs replacement wells and does not plan to use the old wells, the old wells are 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 Licenses, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

ks
enclosures

NOTE: The applicable portions of Water Permit No. 4480-3 have been incorporated into this Water License No. 5896-3.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5128-3

(1) Krause-Allbee Farms, %Larry Krause, 37841 147 St. Mansfield SD 57460 made Application No. 5128-3, February 25, 1987 for a water permit to divert 3.42 cubic feet of water per second from groundwater (2 wells) and a dugout, Brown County, South Dakota for irrigation purposes. Permit No. 5128-3, with a priority date of February 25, 1987 was approved May 6, 1987 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before May 6, 1992 and for the application to beneficial use of said water on or before May 6, 1996.

(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 1.61 cubic feet of water per second for beneficial use. The location of the diversion points are: Dugout - 2,250 feet north or 1,910 feet north and 400 feet east of the southwest corner of Section 15 (NW 1/4 SW 1/4); Well #1 - 2,050 feet north and 200 feet east and Well #2 - 1,980 feet north and 600 feet east of the southwest corner of Section 15 (NW 1/4 SW 1/4); all in T121N-R65W.

(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:

Section 16-T121N-R65W	NW 1/4 SE 1/4	32 acres
	NE 1/4 SE 1/4	27 acres
	SW 1/4 SE 1/4	33 acres
	SE 1/4 SE 1/4	21 acres
Total		113 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Krause-Allbee Farms, %Larry Krause, 37841 147 St., Mansfield SD 57460 the holders and/or owners of Water Permit No. 5128-3 are issued a license to appropriate water, the right to use 1.61 cubic feet of water per second from groundwater (two wells) and a dugout with a priority date of February 25, 1987 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 5128-3 and subject to South Dakota State Law.


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

APR 4 1996

date





January 9, 1998

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: LARRY KRAUSE, 37841 147TH ST, MANSFIELD, SD 57460
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

Our records indicate that the 1997 Irrigation Questionnaires have not been submitted for Permit Nos. 4757-3, 5128-3 & 5495-3, 3367-3, 3368-3, 3652-3, 3881-3 & 3882-3. The request for the Questionnaires was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3367-3, 3368-3, 3652-3, 3881-3 & 3882-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4757-3, 5128-3 & 5495-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4757-3, 5128-3 & 5495-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3367-3, 3368-3, 3652-3, 3881-3 & 3882-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 1998

Larry Krause
37841 147th St
Mansfield, SD 57460

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

Dear Mr. Krause:

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

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

If you have any questions, please contact me.

Sincerely,

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



5128-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2000

NOTICE

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

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaires

Our records indicate that the 1999 Irrigation Questionnaires have not been submitted for Permit Nos. 5128-3, 5495-3 & 5896-3, 3367-3, 3368-3, 3652-3, 3881-3 & 3882-3. The request for the Questionnaires was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3367-3, 3368-3, 3652-3, 3881-3 & 3882-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5128-3, 5495-3 & 5896-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5128-3, 5495-3 & 5896-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3367-3, 3368-3, 3652-3, 3881-3 & 3882-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 18, 2000

Larry Krause
37585 149th St
Mansfield, SD 57460

RE: Irrigation Questionnaires for Water Permit/Rights Nos. 3367-3, 3368-3, 3652-3, 3881-3,
3882-3, 5128-3, 5495-3 and 5896-3

Dear Mr. Krause:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. Questionnaires were completed for you based on your January 18th telephone conversation with Ron Duvall.

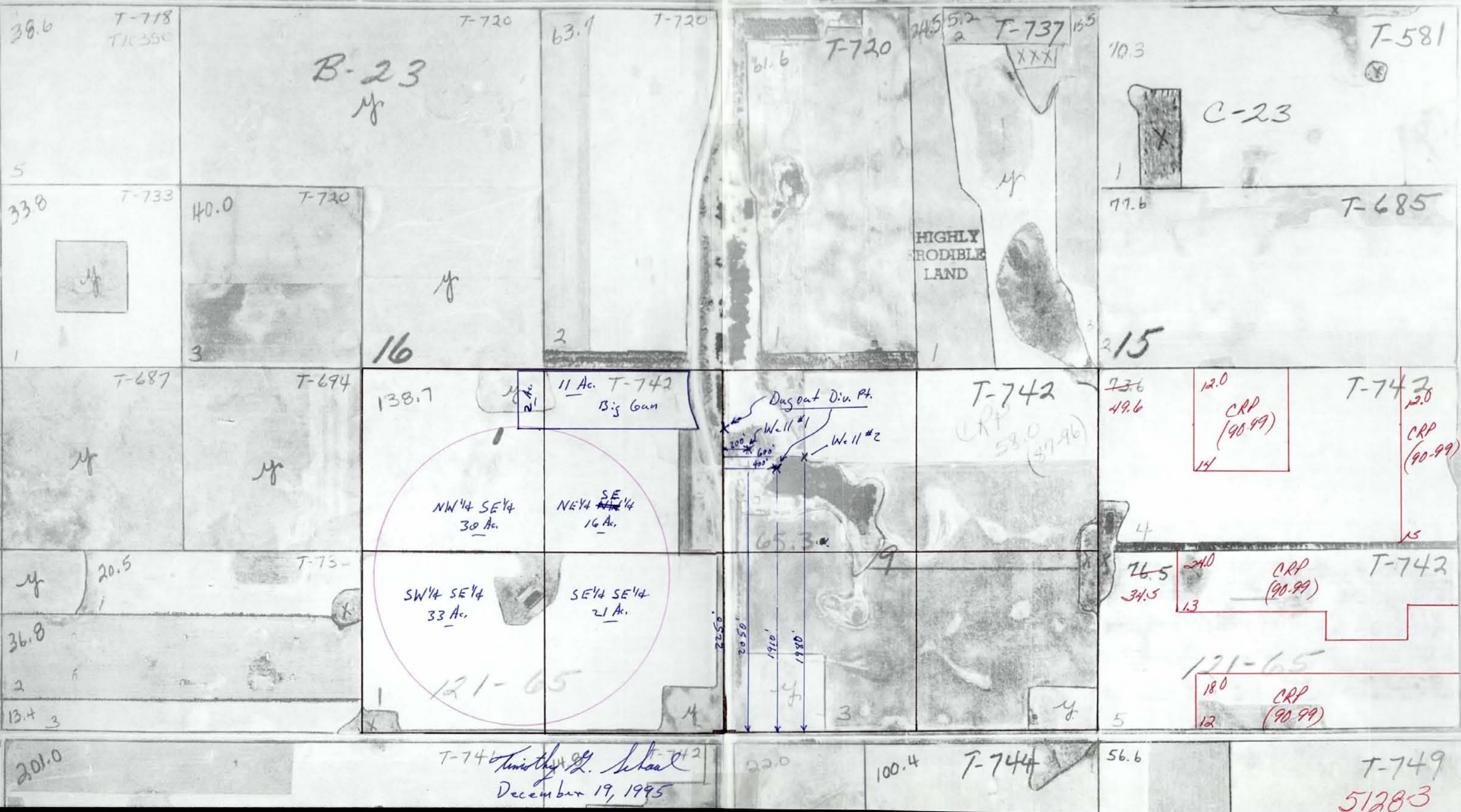
You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit or Right Nos. 3367-3, 3368-3, 3652-3, 3881-3, 3882-3, 5128-3, 5495-3 and 5896-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

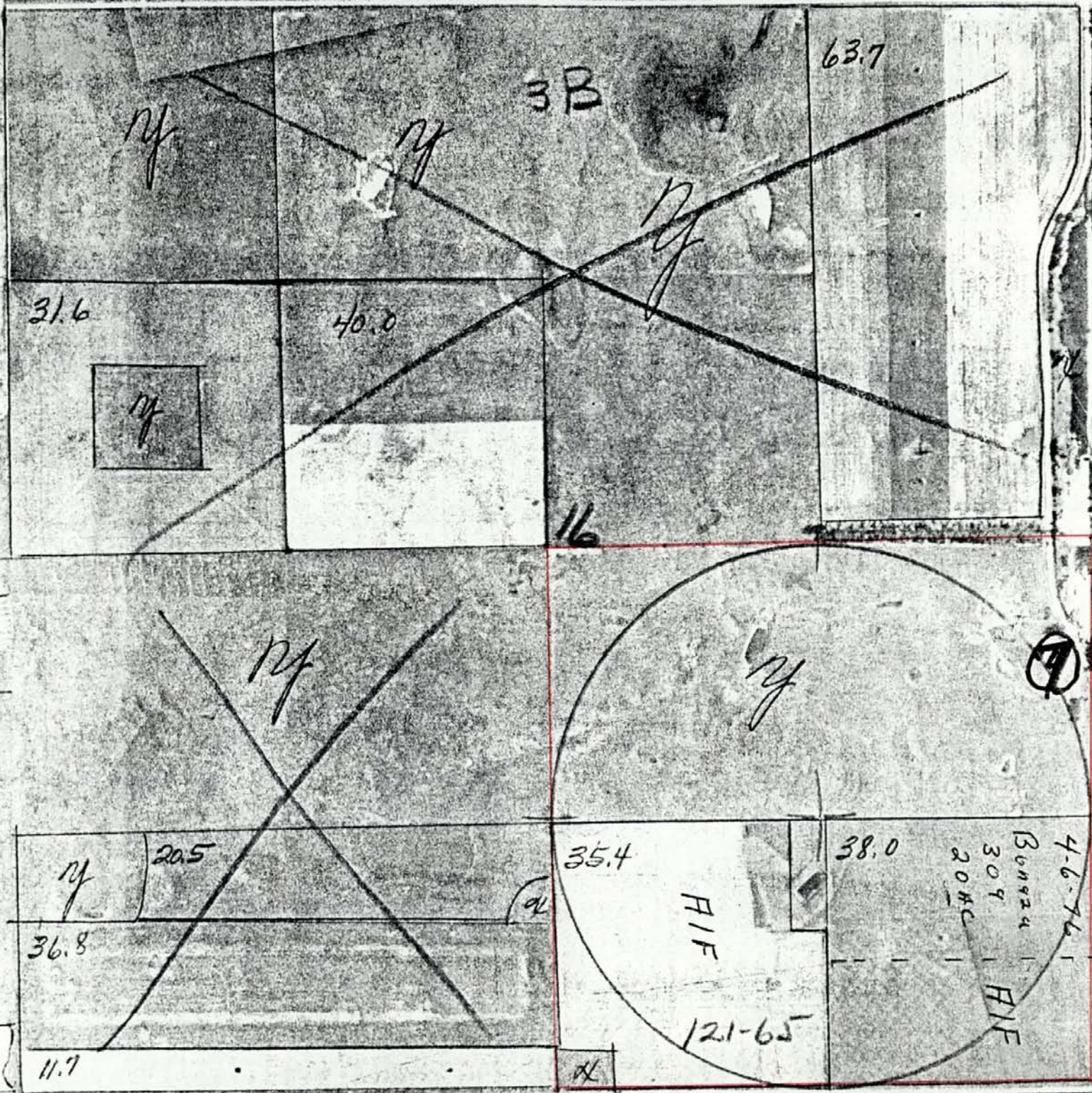
NOT TO SCALE



26-137

Otto Krouse

NOT TO SCALE 1976



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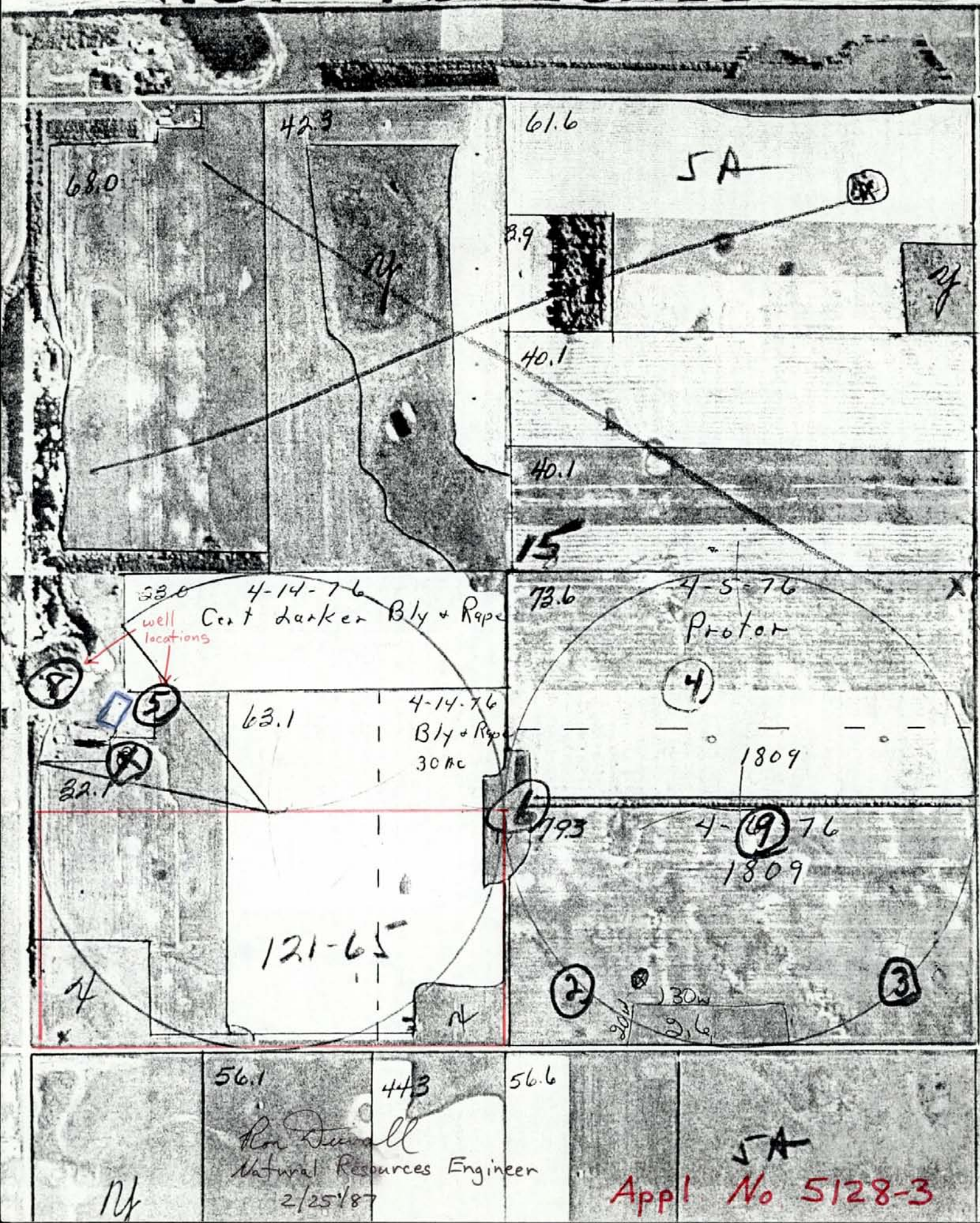
Ron Duvall
Natural Resources Engineer
2/25/87

Appl. No

16.5
5128-3

NOT TO SCALE

1976





**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 2, 2009

Larry Krause
37585 149th St
Mansfield SD 57460

RE: Water Permit or Right Nos. 3652-3, 5128-3, 5896-3 and 6176-3

Dear Mr. Krause:

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. 3652-3, 5128-3, 5896-3 and 6176-3.

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

With regard to your note on two of the questionnaires indicating different ownership, transfer forms were sent to Barry Vculek last year and he has not yet followed up on the ownership changes. I will contact him again.

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



5128-3
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 16, 2015

NOTICE

TO: KRAUSE-ALLBEE FARMS, LARRY KRAUSE, 37585 149TH ST, MANSFIELD, SD 57460
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5128-3, 5896-3 & 6176-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5128-3, 5896-3 & 6176-3 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 4, 2015** 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) 5128-3, 5896-3 & 6176-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed 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: <http://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
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 9, 2015

5128-3
5896-3
6176-3

Larry Krause
Krause-Allbee Farms
37585 149th St
Mansfield SD 57460

Dear Mr. Krause:

I am writing to acknowledge receipt of the 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right or Permit Nos. 5128-3, 5896-3 & 6176-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



5128-3
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, 2020

NOTICE

TO: KRAUSE-ALLBEE FARMS, LARRY KRAUSE, 37585 149TH ST, MANSFIELD, SD 57460
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5128-3, 5896-3 & 6176-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5128-3, 5896-3 & 6176-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** 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) 5128-3, 5896-3 & 6176-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed 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> using this password: KRFZVL**

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.

5128-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 4, 2020

5128-3
5896-3
6176-3

Larry Krause
Krause-Allbee Farms
37585 149th St
Mansfield SD 57460

Dear Mr. Krause:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right Nos. 5128-3, 5896-3 & 6176-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

5128-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

October 28, 2021

5128-3

5896-3

6176-3

Larry Krause
PO Box 109
Mansfield SD 57460 0109

Dear Mr. Krause:

Enclosed is a "Notice" dated October 22, 2021 concerning the 2021 irrigation questionnaires.

The notice was originally mailed to 36585 149th St., Mansfield 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures