

Considered: _____

WATER PERMIT NO. 5130-3

MAP No. Same

Name of Applicant CSS Company

Post Office Address 214 NW 3rd Street, Watertown SD 57201

Amount of Water Claimed 4.57 Total Acres 320

Source of Water Supply ground water 4 wells

Water to be used for irrigation County Grant

About 5 miles S of Marvin.

PROOF OF PUBLICATION: Received ☒ Not Received ☐

APPLICATION: Approved 5/6/87 Subject to _____

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

PRIORITY _____ Date Received 3/20/87 Fee _____ Remarks _____

3/20/87

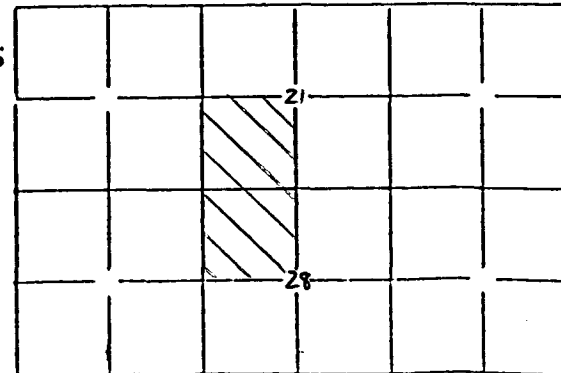
Corrected Application Received 3/24/87 Period of Annual Use Apr 1 - Oct 31
phone call

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

WI-1 Description same as Application YES ☒ NO ☐ REMARKS see No. 4334-3 for S/W
information and file letter dated March 23, 1987

Diversion Point 4 wells: 2 to be in the
SW $\frac{1}{4}$ section 21; 2 to be in the NW $\frac{1}{4}$ section 28;
all in T120N-R51W.

Land to be Irrigated SW $\frac{1}{4}$ section 21; NW $\frac{1}{4}$
section 28; all in T120N-R51W



Well Log: Driller Empire Frederickson's Licensed YES ☐ NO ☐

Depth of Well 60 - 90 feet REMARKS test well logs

Type of Map plat PREPARED BY Ron Duvall Reviewed and the Number
assigned on March 24, 1987 By Ron Duvall

No. 5130-3 Hydrologic Unit 07020001
Map No. same Basin Minnesota-Whetstone
Newspaper Milbank Grant Co. Review, Box 390 (Wed)

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 CSS Company Phone No. 886-2577Post Office Address 204 N. 3rd St. Watatran State SD 57201
(Street, RR or Box) City Zip Code2. Amount of water claimed (c.f.s.) 4.57 Total acres irrigated 3203. Source of Water supply 4 wells4. Location of point of diversion 2 wells: SW 1/4 section 21; 2 wells: NW 1/4 section 28;
all in T120N-R51WCounty Grant5. Counties where water will be used Grant6. Annual period during which water is to be used April 1 thru October 31

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 SW 1/4 section 21-T120N-R51W	40
NE 1/4 SW 1/4	40
SW 1/4 SW 1/4	40
SE 1/4 SW 1/4	40

Land Description	No. Acres Irr.
NW 1/4 NW 1/4 section 28-T120N-R51W	40
NE 1/4 NW 1/4	40
SW 1/4 NW 1/4	40
SE 1/4 NW 1/4	40

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)

Irrigation Project to Potatoes, Corn, & Beans. Water source will be wells approx 60'-90' deep. Method of irrigation will be center pivot. Plan to begin irrigation in the

Spring of 1987.

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 Ledington)^{ss}I, CSS Company 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 Milton J. CarterSubscribed and sworn to before me this 18th day of March 1987Paul L. Hunderaker
Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 5130-3
CSS Company 214 NW 3rd Str., Watertown
(Applicant) (Post Office Address)
SD 57201 With the following qualifications.
(State) (Zip Code)

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 other 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 March 20, 1987.

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

Date of receipt of corrected application March 26, 1987. Approved May 6, 1987.

The Water Management Board hereby approves this Water Permit No. 5130-3 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 March 20, 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 4.57 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 - Oct 31.

WATER MANAGEMENT BOARD

By: John H. Smith

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

- a) Drill Hole Diameter 18" Depth 90'
- b) Casing Type Steel Diameter 14" Thickness .375
- c) Screen Type Stainless Steel Diameter 14" Thickness 20'
- d) Gravel Pack Thickness 2" Length of Gravel Pack 20' + Grouted
- e) Depth to Top of Water Bearing Material 20'
- f) Depth of Water (ground surface to water level) 10'
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others 1400'

2. Dugout Information Estimates

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

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 _____

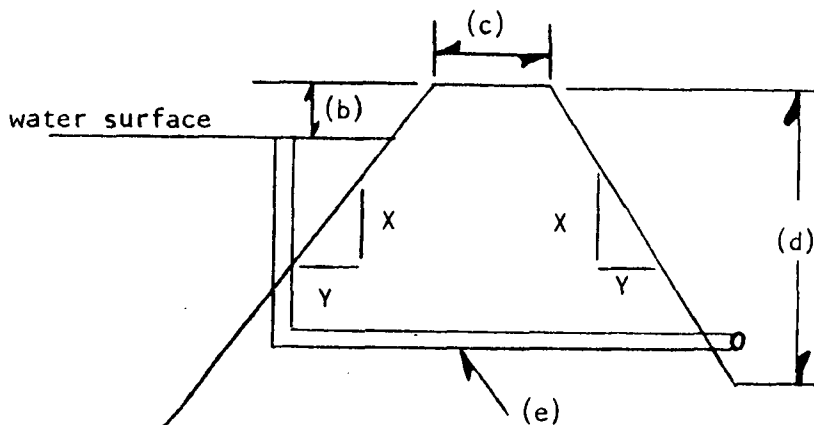
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

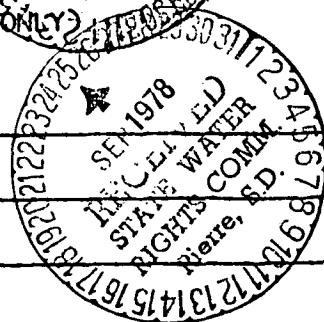
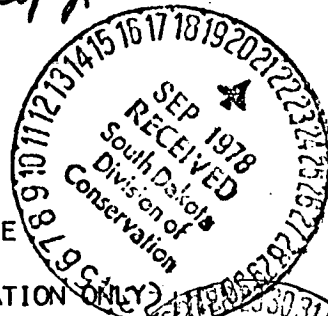
Storage _____ acre feet

Drainage area above dam _____



CSS Company by
Milton A. Cant
Signature of Applicant

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)



NAME MEYER RANCH
ADDRESS Box 16 SOUTH SHORE, SD.
COUNTY GRANT

LEGAL DESCRIPTION

1. WELL LOCATION CENTER SW¹/₄, SEC 21, T120N, R51W
2. LOCATION OF AREA TO BE IRRIGATED SW¹/₄, SEC 21, T120N, R51W
See map S¹/₂ 21

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT ☒ GUN _____
4. CROPS TO BE IRRIGATED CORN AND ALFALFA

WATER QUALITY

5. SAMPLE NUMBER 78-848
6. SALINITY (EC X 10⁶) 705
7. SODIUM (SAR) 0.07 ASAR = 0.17
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0.0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and: the soils information has been acquired from GRANT Conservation District, County Extension office or Soil Conservation Service.

and:

that the legal description for the location of the well and land to be irrigated is true and correct.

Meyer Ranch by Herman Meyer
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
12th DAY OF SEPTEMBER 19 78.

Albert J. Hoff
(TITLE OR SEAL)

Albert J. Hoff
APPROVED/CLEARING

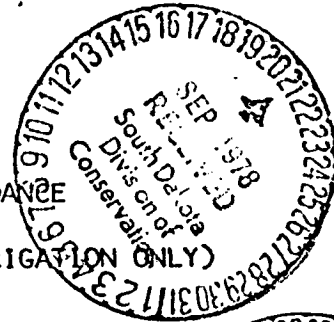
#1

Drilled for Meyer Ranch by Hutchinson Office _____
Location of property Grant County, Hazen Township, Section 21
Test hole No. 1 Location of test hole 1 Well No. _____
Size of test hole 2x27x28 Date started 7-27-78 Date completed 7-27-78 Total Hours _____

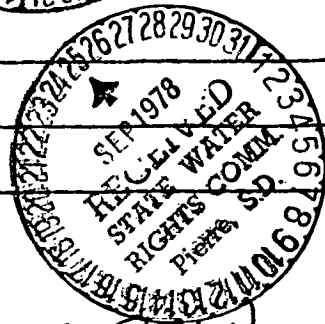
[illegible]

Signed James Hittesdorf Driller

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)



NAME MEYER RANCH
ADDRESS Box 16 SOUTH SHORE, S.D.
COUNTY GRANT



LEGAL DESCRIPTION

1. WELL LOCATION CENTER NW 1/4, SEC. 28, T120N, R51W
2. LOCATION OF AREA TO BE IRRIGATED NW 1/4, SEC. 28, T120N, R51W

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT ☒ GUN _____
4. CROPS TO BE IRRIGATED CORN AND ALFALFA

WATER QUALITY

5. SAMPLE NUMBER 78-849
6. SALINITY (EC x 10⁶) 1371
7. SODIUM (SAR) 0.34 ASAR = 0.96
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0.0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and:
the soils information has been acquired from GRANT Conservation District,
County Extension office or Soil Conservation Service.

and:

that the legal description for the location of the well and land to be irrigated is true
and correct.

Meyer Ranch by
Vernon Meyer
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
12th DAY OF SEPTEMBER 19 78.

Harold A. DeBorja
(TITLE OR SEAL)

Albert J. Hill
APPROVED/SEAL

2100

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410795

Pierre, March 26, 19 87

RECEIVED OF CSS Company, 214 3rd Street, Watertown, SD 57201

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

Fee for Application for Permit No. <u>5130-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	325	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	325 00

By

Chief Engineer

John Hatch

JOHN HATCH

MIS

REPORT ON APPLICATION NO. 5130-3
CSS COMPANY
March 30, 1987

Application No. 5130-3 proposes to appropriate 4.57 cubic feet of water per second from 4 wells approximately 90 feet deep. Two wells are to be located in the NW 1/4 Section 28, and two wells are to be located in the SW 1/4 Section 21; all in T120N, R51W. Water is to be used to irrigate 320 acres located in the SW 1/4 Section 21, and the NW 1/4 Section 28; all in T120N, R51W.

Aquifer: Antelope Valley Aquifer

Geology and Aquifer Characteristics

The Antelope valley aquifer is a surficial, pleistocene aged, outwash deposit that is over 60 feet thick in placed (Jarrett, 1986). The aquifer underlies approximately 14,500 acres of Grant County and contains an estimated 32,630 acre-feet of recoverable water in storage in the county (Hedges, 1982). The aquifer is under water table conditions, and the static water level should be approximately 5 feet below the land surface at the location of the proposed wells. Properly constructed wells in the Antelope Creek Aquifer are capable of yields in excess of 750 gpm.

The Division of Water Rights monitors two observation wells in the Antelope Creek Aquifer within 2 miles of the applicant's well site (GT-76D and GT-77G). Water level measurements taken from the wells show fluctuations of over 5 feet dependent upon increases and decreases of recharge and discharge from the aquifer, but do not show a definite decline of the potentiometric surface of the aquifer (hydrographs included).

Recharge to the Antelope Creek Aquifer has not been quantified, but probably occurs through infiltration of precipitation falling directly on the aquifer, and streamflow losses.

The 1985 irrigation questionnaire reports that six permits appropriating 5,106.10 ac-ft/yr pumped 49.00 ac-ft in 1985 (Water Rights Division, 1987).

Review of Existing Water Rights

There are 7 existing water permits within 2 miles of the applicant's well site, they include:

Permit No.	Owner	Location	Diversion Rate (cfs)
2206-3	Lakeview Ranch, Inc.	NW 1/4 34, T120N, R51W	6.3
2207-3	Makens, Michael & Richard	NE 1/4 28, T120N, R51W	5.0

3781-3	Weise Bros.	NE 1/4 2, T119N, R51W	no add'l
2478-3	Weise Bros.	SW 1/4 35, T120N, R51W	1.8
3782-3	Makens, Michael & Richard	NE 1/4 28, T120N, R51W	2.2
2333-3	Makens, Michael & Richard	NE 1/4 34, T120N, R51W	1.93
4334-3	Makens, Michael & Richard	SW 1/4 21, T120N, R51W	6.28
		SE 1/4 20, T120N, R51W	
		NW 1/4 28, T120N, R51W	

NOTE: Permit No. 2206-3 has been incorporated into Permit No. 2333-3. Permit No. 2207-3 has been incorporated into Permit No. 3782-3.

The Division of Water Rights as record of several domestic wells that obtain water from the Antelope Valley Aquifer.

Conclusions

1. Water is available from the Antelope Valley Aquifer.
2. Well interference should not be a problem as the aquifer is under water table conditions.
3. The wells sued to supply this permit must be constructed according to the State Well Construction Standards.
4. Some of the lands to be irrigated under this Permit are covered under Permit No. 4334-3 which is to be cancelled at the same Board meeting.



KENT BUHLER
Natural Resources Engineer

References

Jarrett, M.J., 1986, Sand and Gravel Resources in Grant County, South Dakota, South Dakota Geological Survey, Information Pamphlet No. 36.

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 SD 57069.

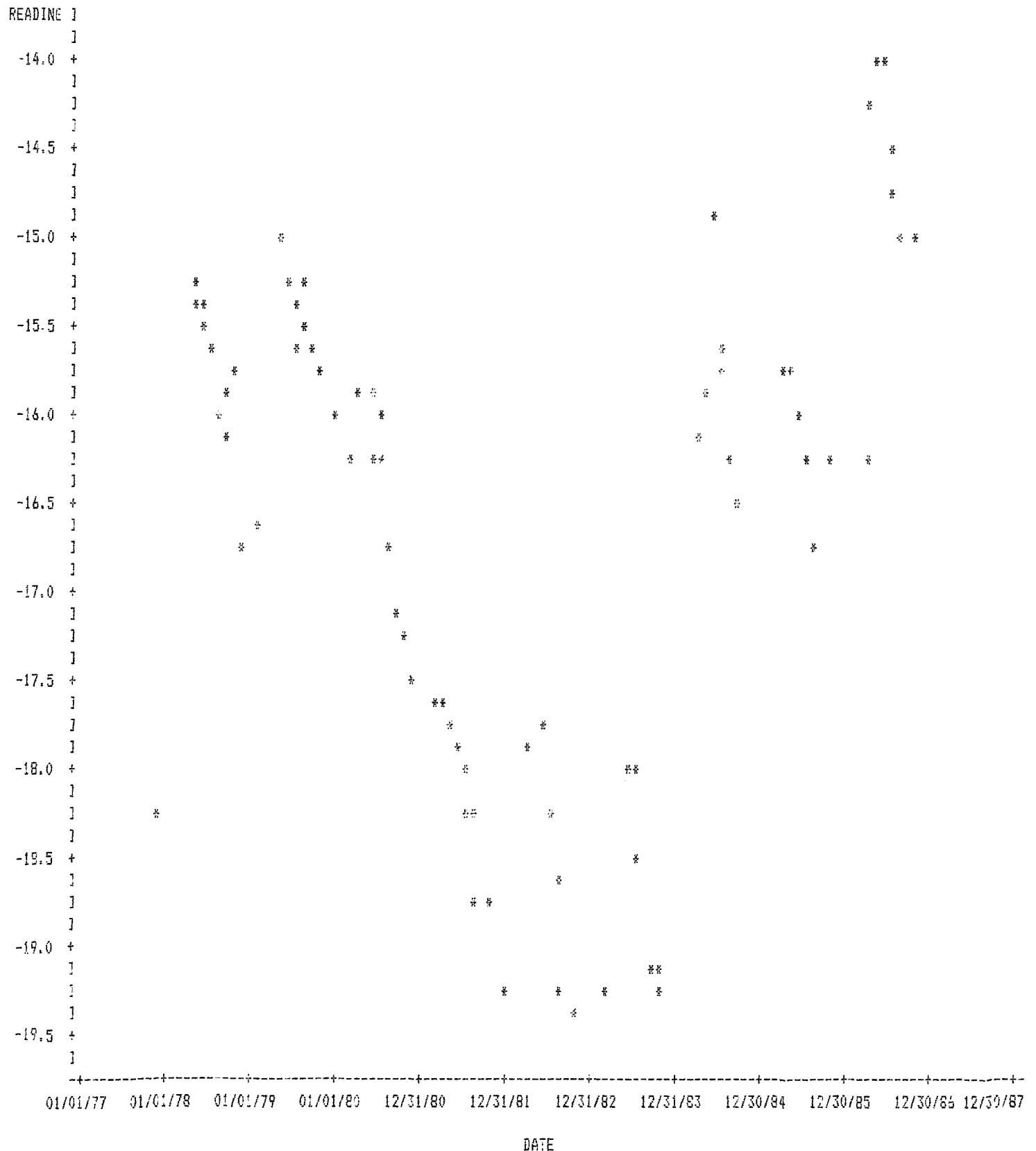
Division of Water Rights, 1987, "Water Permit, Domestic Well Log and Observation Well Files", Unpublished records, SD DWNR, Water Rights Division, Joe Foss Building.

Division of Water Rights, 1986, "1986 Irrigation Report", SD DWNR, Division of Water Rights, Joe Foss Building, Pierre SD.

OBSERVATION WELL WATER LEVELS
OBS_WELL=6T-776

13:21 FRIDAY, MARCH 27, 1987 3

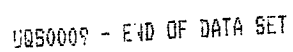
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NOTE: 6 OBS HIDDEN

UCR0000 - END OF DATA SET

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RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5130-3

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. 5130-3, CSS Company, 3rd St, Watertown SD.

The Chief Engineer is recommending APPROVAL of Application No. 5130-3 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
April 1, 1987

No 5130-3

Instruction to Newspaper - Publish first publication of the following Notice on or before April 8, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No 5130-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that CSS Company whose mailing address is
214 NW Third Street, Watertown, South Dakota has made an application for a permit

to appropriate 4.57 cubic feet of water per second from 4 wells (Antelope Valley Aquifer) approximately 90 feet deep. Two wells are to be located in SW $\frac{1}{4}$ Section 21 and two wells are to be located in the NW $\frac{1}{4}$ Section 28; all in T120N-R51W. Water is to be used to irrigate 320 acres located in the SW $\frac{1}{4}$ Section 21; NW $\frac{1}{4}$ Section 28; all in T120N-R51W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends

APPROVAL of Application No. 5130-3 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.

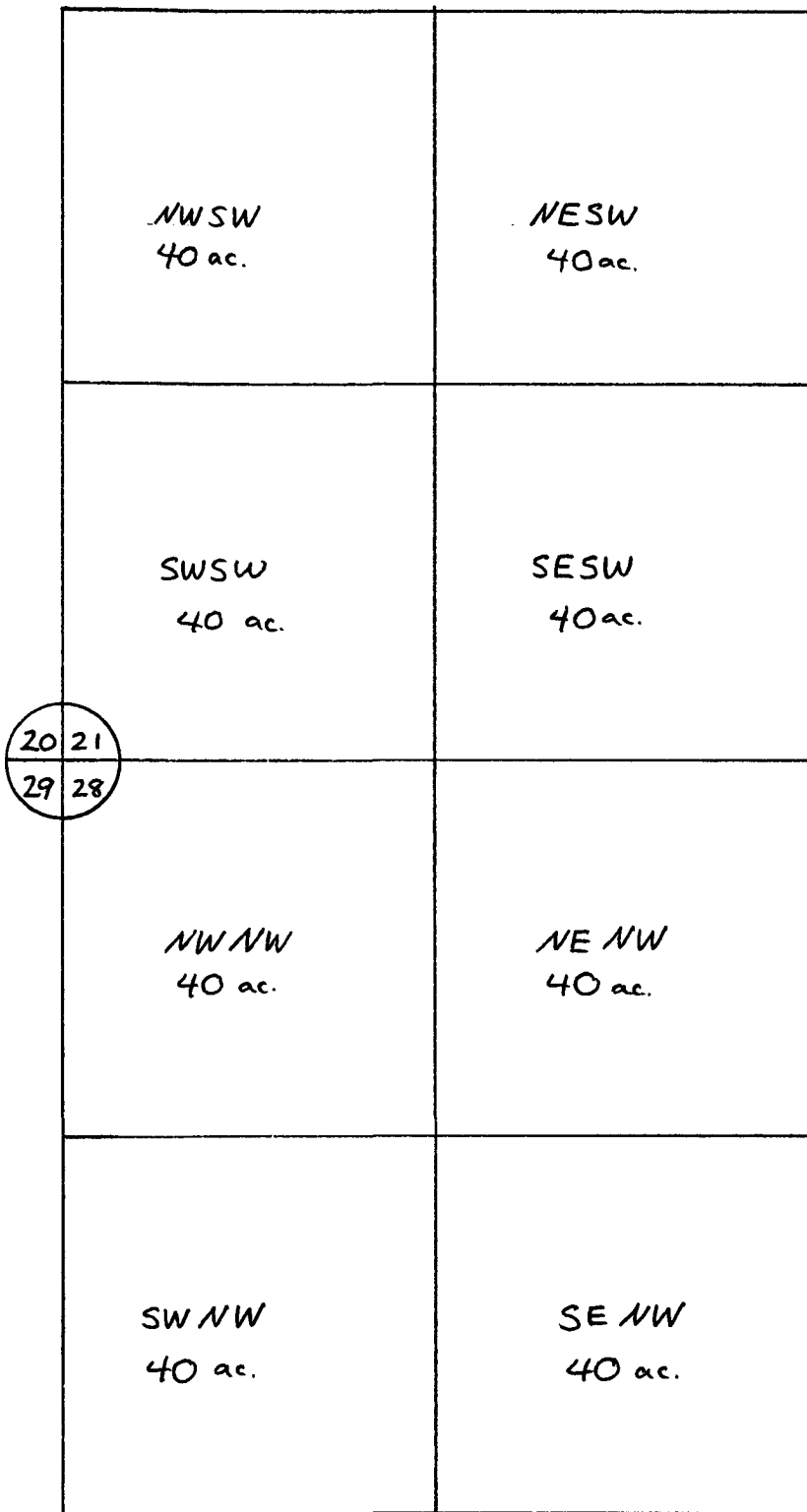
This application will be considered by the Water Management Board at room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, May 6 1987 at 10:00 am.

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.



4 wells to be located within
the described areas

320 acres to be irrigated

Ron Duvall
Natural Resources Engineer
3/24/87

T120N-R51W

scale 8 in = 1 mile

App'l. No. 5130-3

Proof of Publication - Notice of
Intent to Appropriate Water

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County GRANT) ss.

I, Clarence Justice hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Grant County Review

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

City _____ of Milbank

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

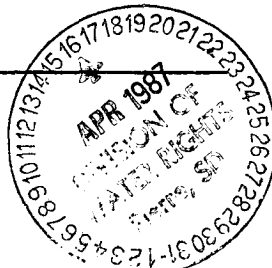
April 8 1987

April 15, 1987

Clarence Justice
(Signature)

Forman
(Title)

4-15-87
(Date Signed)



Cost of Printing: \$41.56

NOTICE OF HEARING
ON APPLICATION NO. 5130-3 TO
APPROPRIATE WATER

Notice is hereby given that CSS Company whose mailing address is 214 NW Third Street, Watertown, South Dakota, has made an application for a permit to appropriate 4.57 cubic feet of water per second from 4 wells (Antelope Valley Aquifer) approximately 90 feet deep. Two wells are to be located in SW 1/4 Section 21 and two wells are to be located in the NW 1/4 Section 28; all in T120N-R51W. Water is to be used to irrigate 320 acres located in the SW 1/4 Section 21; NW 1/4 Section 28; all in T120N-R51W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends Approval of Application No. 5130-3 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, South Dakota, May 6, 1987, at 10 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, DWR, 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.

Apr. 8

Apr. 15



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

JUL 17 1987

Randy Spevak
CSS Company
214 NW Third St.
Watertown, South Dakota 57201

Dear Sir:

Enclosed herewith is your Water Permit No. 5130-3 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. 5130-3.

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.



Department of Water & Natural Resources

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

3782-3
5130-3
5173-3

September 9, 1988

Jim Endres
Dakota Home & Land
118 S Maple
Watertown, SD 57201

Dear Mr. Endres:

In response to our telephone conversation, I reviewed our files and found three permits which cover the legal descriptions you inquired about. Water Right No. 3782-3, listed in the names of Richard and Michael Makens, and Permit Nos. 5130-3 and 5173-3 listed in the name of CSS Company (copies enclosed).

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right No. 3782-3, and Water Permit Nos. 5130-3 and 5173-3. The forms should be completed, and signed in the presence of a notary, by the new owner. Upon completion of the forms, please return them to our office with a required filing fee of \$2.50 each (total of \$7.50). The water right and water permits will then be transferred to the proper name.

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

If you have any questions, please contact us.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: September 21, 1988

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

SW $\frac{1}{4}$ Section 21, NW $\frac{1}{4}$ Section 28, T120N, R51W

formerly owned by CSS Company

has been transferred to Robert L. Carr, Hwy. 59 North, Marshall, MN 56258
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 5130-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

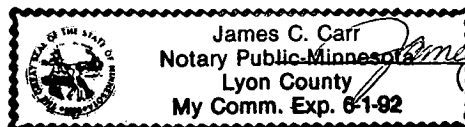
STATE OF SOUTH DAKOTA)
County of _____) ss.

STATE OF MINNESOTA)
County of Lyon) ss.

I, Robert L. Carr 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.

Robert L. Carr
(Signed)

Subscribed and sworn to before me this 21 Day of September, 1988



James C. Carr
(Notary Public)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, September 23, 1988

411424

RECEIVED OF Robert L. Carr, Hwy 59 North, Marshall, MN 56258

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>Permit No. 5130-3</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

John Hatch
Chief Engineer JOHN HATCH



Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

September 26, 1988

Robert L. Carr
Hwy 59 North
Marshall, Minnesota 56258

Dear Mr. Carr:

Enclosed are receipt Nos. 411424, 411425, and 411426 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 5130-3, 3782-3 and 5173-3.

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

Sincerely,

Maxine Stirling
Secretary

ms/
Enc. 3





Department of Water & Natural Resources

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

#3782-3
#5130-3
#5173-3

February 17, 1989

Robert L. Carr
Hwy 59 No.
Marshall, MN 56258

Dear Mr. Carr:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

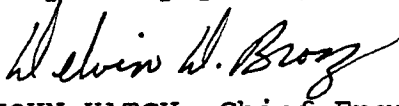


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

for 
JOHN HATCH, Chief Engineer
Water Rights Division



Department of Water & Natural Resources

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

October 23, 1989

5130-3
3782-3
5173-3

Randy Spevak
CSS Company
RR #3 Box 138B
Watertown, SD 57201

Dear Mr. Spevak:

I am contacting you in regard to the 1989 irrigation questionnaires for Robert Carr, Marshall, MN. Mr. Carr has contacted our office and requested we send the questionnaires directly to you since you are operating the irrigation systems.

Enclosed are three 1989 irrigation questionnaires pertaining to Mr. Carr's water permits. I have included a postage paid envelope for use in returning the forms to our office. The questionnaires must be returned to our office before December 15, 1989.

If you have any questions, please contact me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosures

cc: Robert Carr, Hwy 59 N, Marshall, MN 56258



NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 1/31/1990TO: Water Rights Division, DWNH
Joe Foss Building
Pierre SD 57501-3181FROM: CSS Company RR3 Box 137 B Waterhouse
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5130-3.

Water Permit No. 5130-3 states that the diversion system is to be constructed by 5/6/1992, and that the water it put to beneficial use by 5/6/1996.

The diversion system was completed on 5/15/1988.
Applying the water to beneficial use was completed on 6/15/1989.

You may schedule an inspection so that the Water License may be issued.

Bill R. [signature]
signature





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181
5173-3

AUG 6 1992

Robert L. Carr
506 Washington Ave.
Marshall, MN 56258

Dear Mr. Carr:

Enclosed is Water License No. 5173-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413269 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

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. 5173-3, 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

NOTE: The applicable portions of Water Permit No. 5130-3 have been incorporated into this Water License No. 5173-3.