

Considered: _____

WATER PERMIT NO. 5165-3

MAP No. same 432-5709

Name of Applicant Marcell Schull

Post Office Address 307 Gause Ave, Milbank SD 57252

Amount of Water Claimed 4.57 cfs Total Acres 320

Source of Water Supply ground water 1 well

Water to be used for irrigation County Codington

About 9 miles W of South Shore.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Nov. 18, 1987 Fee \$50⁰⁰ Remarks reinstate-
ment of Permit No. 4926-3

Corrected Application Received _____ Period of Annual Use Mar 1 - Nov 30

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

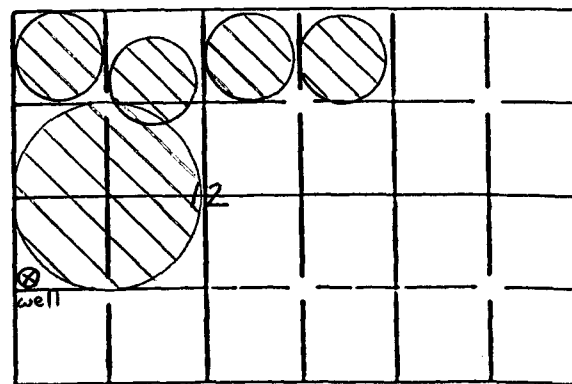
WI-1 Description same as Application YES ✓ NO _____ REMARKS see Permit No. 4926-3

Diversion Point well: NW 1/4 SW 1/4 section 12-

T119N-R52W

Land to be Irrigated N 1/2 SW 1/4, NW 1/4, N 1/2 NE 1/4

section 12-T119N-R52W



Well Log: Driller Anderson Licensed YES _____ NO _____

Depth of Well 152 feet REMARKS test hole

Type of Map aerial photo PREPARED BY Omar Halverson Reviewed and the Number

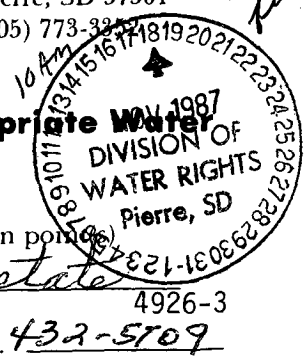
assigned on December 17, 1987 By Ron Duvall

(See instructions)

No. 5165-3 Hydrologic Unit 10170202
Basin Big Sioux River
Newspaper Watertown Public Opinion, P.O. Box 10
(date)

Application For Soil/Water Compatibility Permit and Permit To appropriate water

- Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
- ☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
- ☐ Add Acreage ☐ Increase diversion rate ☒ Other Reinstate
1. Name of Applicant Maecille Schull Phone No. (605) 432-5709
- Post Office Address 307 Hansen Ave (Street, RR or Box) Milbank (City) SD 57252 (State) 4926-3 (Zip Code)
2. Amount of water claimed (c.f.s.) 4.57 Total acres irrigated 320 (or 160)
3. Source of Water supply Groundwater 1 well
4. Location of point of diversion Norman Sission Wahpeton Indian Reservation Site A N 1/2 SW 1/4 119-52W-12
(NW 1/4 SW 1/4) County Codington
5. Counties where water will be used Cod.
6. Annual period during which water is to be used Mar thru Nov. 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 of NW 1/4 119-52W-12	40
NE 1/4 of NW 1/4 119-52W-12	40
SW 1/4 of NW 1/4 119-52W-12	40
SE 1/4 of NW 1/4 119-52W-12	40

Land Description	No. Acres Irr.
NW 1/4 of NE 1/4 119-52W-12	40
NE 1/4 of NE 1/4 119-52W-12	40
NW 1/4 of SW 1/4 119-52W-12	40
NE 1/4 of SW 1/4 119-52W-12	40

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: ☒ Gun: ☒ (Specify) _____
9. Crops to be Irrigated: Corn wheat oats barley soy beans sunflowers alfalfa
10. Give a description of proposed project. (Attach sheet if more space is needed)
Please reinstate permit 4926-3. Hopefully the economy will improve to warrant the expenditure.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Craw) ss

I, Maecille Schull, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Maecille Schull
17th day of November 1987
Ronald J. Schroeder
Notary Public

IRRIGATION WATER PERMIT APPROVAL

The Water Management Board hereby approves Water Permit Application No. 5165-3
 to irrigate 320 acres in the NW¼, N½SW¼, N½NE¼ From one well
(legal description of land)
(Prairie Coteau Aquifer) 152 feet deep to be located in the NW¼SW¼;
all in section 12-T119N-R52W for
(diversion point, source, depth of well, etc.)

Maecille Schull 307 Gause Avenue
(Applicant) (Street, RR or Box)
Milbank SD 57252 With the following qualifications.
(City) (State) (Zip Code)

SEE ATTACHED SHEET

Date of first receipt of application November 18, 1987.

Date Soil/Water Compatibility Permit received Reinstatement of Permit No. 4926-3, 1987.

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

Date of receipt of corrected application _____, 19____. Approved March 3, 1988.

The Water Management Board approved this Water Permit No. 5165-3 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 November 18, 1987.
2. One-fifth of the work is to be completed on or before September 3, 1990.
3. The whole of said work is to be completed on or before March 3, 1993.
4. The time limit for proof of beneficial use of water is March 3, 1997.
5. 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.
6. The amount of the appropriation herein granted shall not exceed 4.57 cubic feet per second; neither shall it exceed 2 acre feet per acre per year or 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 March 3, 1997. The water is to be used during the following described annual period: Mar 1 - Nov 30

WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer

Division of Water Rights
 Dept. of Water and Natural Resources

APR 28 1988

D Well Information - Not Available at this time.

Test Hole - See attached copy of driller log.

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____, Diameter _____, Thickness _____
(wood, concrete, steel, etc)
- (3) Screen, Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E Dugout Information or Estimates N/A

- (1) Surface dimensions, _____, Depth _____

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

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

- Depth to top of water bearing material 132'
- Depth to bottom of water bearing material 152'
- Depth to water (ground surface to water level) 132'

(2) Distance to nearest existing household or livestock watering well.
on A - 291 rds.

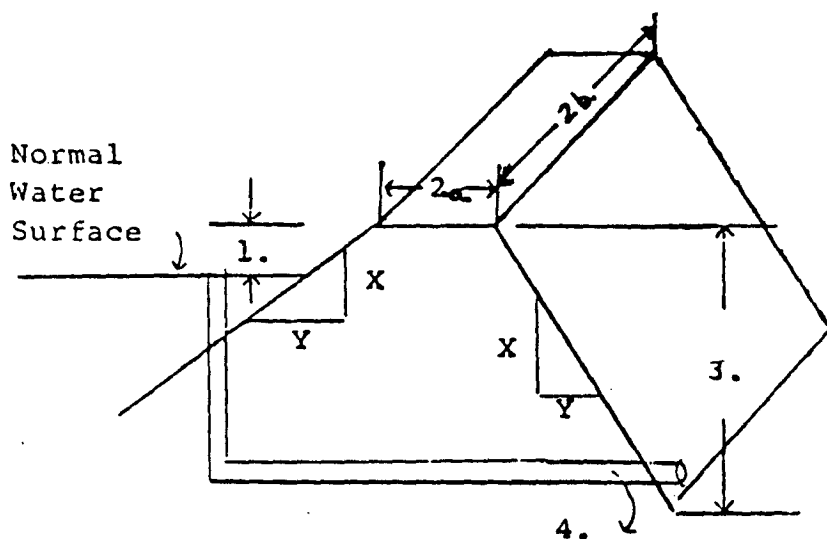
On same owner's property _____ rds.

on A - 240 rds.

On property owned by others _____ rds.

G Water Storage Dams N/A

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



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

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

WR#

OWNERS NAME: Maecille SchullOWNERS ADDRESS: Rt 1 Box 111Grenville, SD 57239COUNTY LAND LOCATED IN: CodingtonPHONE: 605-795-1301

TENANT'S NAME AND ADDRESS:

Jeff GrabowRd 1 Box 86 South Shore, SD 57263

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

1. WELL LOCATION: (Former) Sisseton-Wahpeton Reserv. NE 1/4 119-52-12Depth 152'

2. SURFACE WATER SOURCE AND DIVERSION LOCATION:

Diversion Location

Legal Description	Acres	Legal Description	Acres
<u>NE 1/4 119-52-12</u>	<u>80</u>		
<u>NE 1/4 119-52-12</u>	<u>160</u>		
<u>NE 1/4 119-52-12</u>	<u>80</u>		
<u>(Former)</u> <u>All in Sisseton-Wahpeton Indian Reserv.</u>			

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

LEGAL DESCRIPTION: N/AIN WHAT NAME: N/A4. LOCATION OF AREA TO BE IRRIGATED NOTE: **SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)**

OTHER:

5. TYPE OF IRRIGATION: GRAVITY: TOWLINE: CENTER PIVOT: GUN: (Specify)6. CROPS TO BE IRRIGATED: Corn, Barley, Sunflowers, Alfalfa, beans

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

7. WATER SAMPLE NUMBER: 92-154710. ADJUSTED (SAR): 1.11 (C-1)8. SALINITY (EC X 10⁶): 110011. PERCENT SODIUM: 7.759. SODIUM (SAR): 0.15

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 7:00 a.m./p.m., on 7-9, 1982, at the following location: same location as well

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

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

9 DAY OF

19 82

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

Date

APPROVED

DISAPPROVED

CONDITIONALLY APPROVED

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

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



Date _____

NOT TO SCALE

119-52 R

77.7

78.7

279B

159.1

152.7

Iman Halverson
ASCS
7-15-82

upper 2 80 acre
plots will be either
mobile pivot or
Traveling Gun.
All land owned by
Maeille Schull

Pivot

Pipe 1800' underground

12

119-52 R

Appl. No. 5165-3

CONDITIONAL

#3050

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: Jeff Grabow

LEGAL DESCRIPTION: N $\frac{1}{2}$ SW $\frac{1}{4}$: N $\frac{1}{2}$ NE $\frac{1}{4}$: SW $\frac{1}{4}$ 12-119-52 = 320 acres

SOIL RESTRICTIONS:

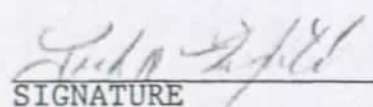
THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

(La) - Lamoure silty clay loam - channeled drainage the large confined drainage area in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ 12-119-52 shall not be irrigated.

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

(La) - Those drainage ways in the NW $\frac{1}{4}$ and N $\frac{1}{2}$ NE $\frac{1}{4}$ 12-119-52 shall be maintained in grass and/or alfalfa.

RECOMMENDED MANAGEMENT:


SIGNATURE

9-17-82
DATE

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411059

Pierre, November 18, 19 87

RECEIVED OF Maecille Schull, 307 Gause Ave., Milbank, SD 57252

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

Fee for Application for Permit No. <u>5165-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	50	00 (reinstate)
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	50 00

By

Chief Engineer

JOHN HATCH

SDS

SOUTH DAKOTA
Department of
Water & Natural Resources

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



November 12, 1987

4926-3

Maecille Schull
307 Gause Ave
Milbank, SD 57252

Dear Mrs. Schull:

Thank you for the prompt return of your irrigation questionnaires for Water Permit Nos. 3627-3 and 4926-3. On the questionnaire for Permit No. 4926-3, you inquired what the procedure would be to keep the permit active since the system had not yet been completely constructed.

Unfortunately, the five year construction period for Water Permit No. 4926-3 expired October 7, 1987. The permit would now be subject to cancellation for nonconstruction. However, you may apply for reinstatement of the permit. Application forms will need to be completed, but you will not be required to obtain soil/water compatibility or submit a new map. The filing fee for an application to reinstate is \$50.00.

Enclosed are the necessary forms to apply for reinstatement. A reinstatement application does not allow for any change in acreage to be irrigated or any additional acreage. the well must also be constructed in the location specified on Permit No. 4926-3. I am enclosing a copy of Permit No. 4926-3 to aide you in completing the application forms.

If you have any questions, please contact us.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosures

Does this reinstatement cover the next five years until 1992?

*Thank you
Mrs. Schull,*

PLEASE FILL OUT AND RETURN AT ONCE

4926-3
MAECILLE SCHULL
307 GAUSE AVE
MILBANK
SD 57252

CD/SR

G

This is the Water Management Board data
sheet for recording 1987 irrigation estimates.

SURFACE WATER ☐
GROUNDWATER ☐

(check one)

Number of acres actually irrigated _____

If you did not irrigate during 1987-check this box ☐

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

October, 1987

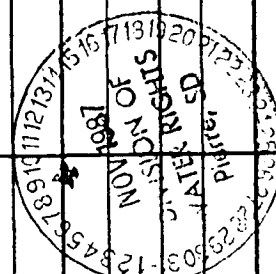
For Dept. use only ☐

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. Big gun _____
8. Siphons _____
9. Flood _____
10. Other _____

Owner or address change, if any:

Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Acres of Crop Irrigated and Estimate			Water Use	
				Crop	Acres	Water Used	Acres	Water Used
April								
May								
June								
July								
August								
Sept.								
Oct.								
Other Months								



Season Static Water Level: beginning _____ ft. end _____ ft. (groundwater only)

COMMENTS:

Complete and return to: WATER MANAGEMENT BOARD
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Because of poor farm economy we have not dug the well on this permit tho' we do have the center pivot system bought. Do I need to do anything to keep permit active? Mrs. Schull

Report on Application No. 5165-3
Maecille Schull
January 8, 1988

This application proposes to reinstate Water Permit No. 4926-3 which appropriated 4.57 cfs from one well 152 feet deep to irrigate 320 acres. The well is to be located in the NW 1/4 SW 1/4 and the irrigate acreage in the N 1/2 SW 1/4, NW 1/4, N 1/2 NE 1/4, all in Section 12, T119N, R52W, reservation.

Aquifer - Prairie Coteau (PCO)

The Prairie Coteau Aquifer is a glacially (sand and gravel) derived formation which is under artesian conditions in this area. The PCO aquifer underlies 760 square miles of Grant and Codington counties and contains an estimated 1.5 million acre-feet of storage (Hanson, personnel communication, 1988). The aquifer is under artesian conditions and there are flowing domestic wells in the area.

An aquifer test was conducted in April of 1978 (Goodman, 1978) on an irrigation well in the PCO aquifer. Data from this test was analyzed and presented to the Water Management Board in January of 1979. The test was conducted to evaluate drawdowns created from pumping of high capacity wells from the PCO aquifer. Test results indicated the aquifer was highly permeable and that drawdowns occurred over large area. It also indicated the aquifer to be a viable source of water. Water level records are available from two nearby observation wells, CD-76A and CD-76D, which are included with this report. These records show the drawdowns caused by withdrawals and the recovery or recharge to the system. Nine other observation wells (Water Rights Division, 1988) are also monitored which are in the PCO aquifer in the Grant-Codington County area. The historical record indicates the recharge to the aquifer is sufficient to meet the withdrawals.

Review of Existing Water Permits

The nearest existing water permit is No. 3229-3 which is located 2 miles west of this application. Permit No. 3229-3 is for 3.9 cfs to irrigate 360 acres. This well has been developed, but is not licensed. Drawdowns created by this new application will affect water levels in the aquifer, however, this interference should not significantly affect the well under Permit No. 3229-3. There are other water permits from the PCO aquifer which are further away. This additional diversion would affect the water levels in domestic wells in the area. Some of the domestic wells that flow at the land surface would stop flowing and would require pumping. There was a great deal of controversy in this area when irrigation development began. Primarily, this was because the aquifer is artesian and pumping created fairly extensive drawdowns. However, adequate domestic wells are not adversely affected.

Conclusions

1. Water is available from the PCO aquifer.
2. Water level records indicate that recharge to the PCO is sufficient to meet the needs of irrigation withdrawals.
3. Interference does occur. However, properly constructed or adequate wells continue to supply needed water supplies.
4. Development of this well will further stress the aquifer during the irrigation season and may require some domestic well owners to either pump their wells or lower their existing pumps.
5. It is unlikely that 1 well will produce 4.57 cfs at this location. A well capacity of 2.0 cfs is reasonable.
6. The spacing (distance this well is from another high capacity well) is sufficient to minimize the affects of drawdowns.


JAMES A GOODMAN
Hydrologist

Bibliography

- Goodman, J.A., 1978, Technical Report On Aquifer Pump Test Grant County Using Falk Irrigation Well, DWNr, Division of Water Rights, Joe Foss Building, Pierre SD 57501.
- Hanson, D, 1988, Personnel Communication, Codington-Grant Water Resources Study - PCO Aquifer, USGS, Huron SD.
- Water Rights Division, 1988, Observation Well Records for PCO Aquifer in Grant and Codington Counties, DWNr, Division of Water Rights, Joe Foss Building, Pierre SD 57501.

						16:36 THURSDAY, JANUARY 21, 1988	1
OBS	LOCATION	SAS OBS_WELL	DATE	NEG	READING		
1	120N-52W-27CDDD	R CD-76D	06/16/76	X	-5.1		
2	120N-52W-27CDDD	R CD-76D	06/24/76	X	-14.2		
3	120N-52W-27CDDD	R CD-76D	07/02/76	X	-15.8		
4	120N-52W-27CDDD	R CD-76D	07/08/76	X	-17.5		
5	120N-52W-27CDDD	R CD-76D	07/14/76	X	-18.1		
6	120N-52W-27CDDD	R CD-76D	07/22/76	X	-18.0		
7	120N-52W-27CDDD	R CD-76D	07/28/76	X	-19.9		
8	120N-52W-27CDDD	R CD-76D	08/03/76	X	-19.9		
9	120N-52W-27CDDD	R CD-76D	08/11/76	X	-24.1		
10	120N-52W-27CDDD	R CD-76D	08/17/76	X	-25.7		
11	120N-52W-27CDDD	R CD-76D	08/26/76	X	-25.9		
12	120N-52W-27CDDD	R CD-76D	09/08/76	X	-27.1		
13	120N-52W-27CDDD	R CD-76D	09/22/76	X	-20.8		
14	120N-52W-27CDDD	R CD-76D	10/21/76	X	-15.3		
15	120N-52W-27CDDD	R CD-76D	11/01/76	X	-12.2		
16	120N-52W-27CDDD	R CD-76D	12/01/76	X	-8.4		
17	120N-52W-27CDDD	R CD-76D	04/07/77	X	-4.9		
18	120N-52W-27CDDD	R CD-76D	06/16/77	X	-16.3		
19	120N-52W-27CDDD	R CD-76D	06/21/77	X	-11.3		
20	120N-52W-27CDDD	R CD-76D	06/29/77	X	-9.3		
21	120N-52W-27CDDD	R CD-76D	07/06/77	X	-15.2		
22	120N-52W-27CDDD	R CD-76D	07/21/77	X	-19.4		
23	120N-52W-27CDDD	R CD-76D	08/03/77	X	-23.6		
24	120N-52W-27CDDD	R CD-76D	08/17/77	X	-19.6		
25	120N-52W-27CDDD	R CD-76D	09/08/77	X	-12.2		
26	120N-52W-27CDDD	R CD-76D	09/20/77	X	-9.5		
27	120N-52W-27CDDD	R CD-76D	10/18/77	X	-7.8		
28	120N-52W-27CDDD	R CD-76D	12/01/77	X	-4.9		
29	120N-52W-27CDDD	R CD-76D	04/11/78	X	-3.6		
30	120N-52W-27CDDD	R CD-76D	05/02/78	X	-4.0		
31	120N-52W-27CDDD	R CD-76D	05/23/78	X	-3.2		
32	120N-52W-27CDDD	R CD-76D	06/08/78	X	-3.0		
33	120N-52W-27CDDD	R CD-76D	06/22/78	X	-4.0		
34	120N-52W-27CDDD	R CD-76D	07/08/78	X	-2.4		
35	120N-52W-27CDDD	R CD-76D	07/19/78	X	-2.5		
36	120N-52W-27CDDD	R CD-76D	08/15/78	X	-15.7		
37	120N-52W-27CDDD	R CD-76D	09/12/78	X	-13.4		
38	120N-52W-27CDDD	R CD-76D	09/28/78	X	-7.0		
39	120N-52W-27CDDD	R CD-76D	10/17/78	X	-5.4		
40	120N-52W-27CDDD	R CD-76D	06/01/79	X	-2.9		
41	120N-52W-27CDDD	R CD-76D	06/13/79	X	-3.1		
42	120N-52W-27CDDD	R CD-76D	07/02/79	X	-2.4		
43	120N-52W-27CDDD	R CD-76D	07/17/79	X	-11.8		
44	120N-52W-27CDDD	R CD-76D	07/31/79	X	-9.2		
45	120N-52W-27CDDD	R CD-76D	08/14/79	X	-8.1		
46	120N-52W-27CDDD	R CD-76D	09/05/79	X	-5.7		
47	120N-52W-27CDDD	R CD-76D	09/26/79	X	-4.0		
48	120N-52W-27CDDD	R CD-76D	10/25/79	X	-3.8		
49	120N-52W-27CDDD	R CD-76D	05/30/80	X	-12.2		
50	120N-52W-27CDDD	R CD-76D	06/23/80	X	-4.4		
51	120N-52W-27CDDD	R CD-76D	07/11/80	X	-4.4		
52	120N-52W-27CDDD	R CD-76D	07/25/80	X	-25.6		
53	120N-52W-27CDDD	R CD-76D	08/07/80	X	-30.4		
54	120N-52W-27CDDD	R CD-76D	08/19/80	X	-21.0		
55	120N-52W-27CDDD	R CD-76D	09/10/80	X	-13.8		

		SAS		16:36 THURSDAY, JANUARY 21, 1988 2		
OBS	LOCATION	OBS_WELL	DATE	NEG	READING	
56	120N-52W-27CDDD	R	CD-76D	10/30/80	X	-5.3
57	120N-52W-27CDDD	R	CD-76D	12/09/80	X	-4.6
58	120N-52W-27CDDD	R	CD-76D	03/10/81	X	-2.9
59	120N-52W-27CDDD	R	CD-76D	04/15/81	X	-2.5
60	120N-52W-27CDDD	R	CD-76D	05/08/81	X	-6.3
61	120N-52W-27CDDD	R	CD-76D	05/28/81	X	-17.7
62	120N-52W-27CDDD	R	CD-76D	06/10/81	X	-8.5
63	120N-52W-27CDDD	R	CD-76D	06/23/81	X	-6.4
64	120N-52W-27CDDD	R	CD-76D	07/08/81	X	-28.1
65	120N-52W-27CDDD	R	CD-76D	07/22/81	X	-24.0
66	120N-52W-27CDDD	R	CD-76D	08/05/81	X	-32.8
67	120N-52W-27CDDD	R	CD-76D	09/01/81	X	-36.1
68	120N-52W-27CDDD	R	CD-76D	10/20/81	X	-10.0
69	120N-52W-27CDDD	R	CD-76D	04/01/82	X	-3.8
70	120N-52W-27CDDD	R	CD-76D	05/06/82	X	-3.4
71	120N-52W-27CDDD	R	CD-76D	05/26/82	X	-3.6
72	120N-52W-27CDDD	R	CD-76D	06/09/82	X	-3.3
73	120N-52W-27CDDD	R	CD-76D	06/23/82	X	-8.7
74	120N-52W-27CDDD	R	CD-76D	07/09/82	X	-22.8
75	120N-52W-27CDDD	R	CD-76D	07/21/82	X	-19.8
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79	120N-52W-27CDDD	R	CD-76D	09/29/82	X	-15.4
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81	120N-52W-27CDDD	R	CD-76D	02/28/83	X	-4.6
82	120N-52W-27CDDD	R	CD-76D	04/07/83	X	-4.0
83	120N-52W-27CDDD	R	CD-76D	05/25/83	X	-3.6
84	120N-52W-27CDDD	R	CD-76D	06/08/83	X	-7.2
85	120N-52W-27CDDD	R	CD-76D	06/20/83	X	-7.1
86	120N-52W-27CDDD	R	CD-76D	07/07/83	X	-5.2
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90	120N-52W-27CDDD	R	CD-76D	09/08/83	X	-14.7
91	120N-52W-27CDDD	R	CD-76D	10/03/83	X	-8.5
92	120N-52W-27CDDD	R	CD-76D	11/09/83	X	-5.6
93	120N-52W-27CDDD	R	CD-76D	04/10/84	X	-2.9
94	120N-52W-27CDDD	R	CD-76D	05/02/84	X	-2.3
95	120N-52W-27CDDD	R	CD-76D	06/14/84	X	-1.9
96	120N-52W-27CDDD	R	CD-76D	06/27/84	X	-1.5
97	120N-52W-27CDDD	R	CD-76D	07/11/84	X	-7.5
98	120N-52W-27CDDD	R	CD-76D	07/25/84	X	-15.8
99	120N-52W-27CDDD	R	CD-76D	08/07/84	X	-16.0
100	120N-52W-27CDDD	R	CD-76D	08/22/84	X	-23.9
101	120N-52W-27CDDD	R	CD-76D	09/26/84	X	-10.9
102	120N-52W-27CDDD	R	CD-76D	10/31/84	X	-5.2
103	120N-52W-27CDDD	R	CD-76D	05/14/85	X	-1.7
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105	120N-52W-27CDDD	R	CD-76D	06/11/85	X	-3.3
106	120N-52W-27CDDD	R	CD-76D	06/25/85	X	-2.9
107	120N-52W-27CDDD	R	CD-76D	07/09/85	X	-25.4
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111	120N-52W-27CDDD	R CD-76D	09/11/85	X	-9.3	
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115	120N-52W-27CDDD	R CD-76D	04/23/86	X	-1.3	
116	120N-52W-27CDDD	R CD-76D	05/06/86	X	-1.0	
117	120N-52W-27CDDD	R CD-76D	05/21/86	X	-0.6	
118	120N-52W-27CDDD	R CD-76D	06/03/86	X	-0.6	
119	120N-52W-27CDDD	R CD-76D	06/19/86	X	-0.6	
120	120N-52W-27CDDD	R CD-76D	07/01/86	X	-1.0	
121	120N-52W-27CDDD	R CD-76D	07/31/86	X	-18.7	
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123	120N-52W-27CDDD	R CD-76D	08/13/86	X	-13.0	
124	120N-52W-27CDDD	R CD-76D	09/04/86	X	-6.2	
125	120N-52W-27CDDD	R CD-76D	10/29/86	X	-1.4	
126	120N-52W-27CDDD	R CD-76D	04/09/87	X	-0.6	
127	120N-52W-27CDDD	R CD-76D	05/13/87	X	-3.2	
128	120N-52W-27CDDD	R CD-76D	05/27/87	X	-2.6	
129	120N-52W-27CDDD	R CD-76D	06/10/87	X	-3.4	
130	120N-52W-27CDDD	R CD-76D	06/24/87	X	-14.3	
131	120N-52W-27CDDD	R CD-76D	07/09/87	X	-14.2	
132	120N-52W-27CDDD	R CD-76D	07/23/87	X	-20.7	
133	120N-52W-27CDDD	R CD-76D	08/06/87	X	-31.8	
134	120N-52W-27CDDD	R CD-76D	08/20/87	X	-16.3	
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136	120N-52W-27CDDD	R CD-76D	11/19/87	X	-3.8	
N=	136					

16:36 THURSDAY, JANUARY 21, 1988 4

UQS0009 - END OF DATA SET

OBS	LOCATION	OBS_WELL	DATE	NEG	READING
1	119N-52W-13BBBB	R CD-76A	04/20/77	X	-11.4
2	119N-52W-13BBBB	R CD-76A	06/15/77	X	-14.2
3	119N-52W-13BBBB	R CD-76A	06/21/77	X	-14.4
4	119N-52W-13BBBB	R CD-76A	06/30/77	X	-13.9
5	119N-52W-13BBBB	R CD-76A	07/06/77	X	-14.3
6	119N-52W-13BBBB	R CD-76A	07/21/77	X	-15.5
7	119N-52W-13BBBB	R CD-76A	08/03/77	X	-17.1
8	119N-52W-13BBBB	R CD-76A	08/11/77	X	-18.6
9	119N-52W-13BBBB	R CD-76A	09/08/77	X	-16.4
11	119N-52W-13BBBB	R CD-76A	10/18/77	X	-13.0
12	119N-52W-13BBBB	R CD-76A	12/01/77	X	-11.5
13	119N-52W-13BBBB	R CD-76A	01/17/78	X	-10.8
14	119N-52W-13BBBB	R CD-76A	04/11/78	X	-10.4
15	119N-52W-13BBBB	R CD-76A	05/05/78	X	-10.4
16	119N-52W-13BBBB	R CD-76A	05/23/78	X	-10.0
17	119N-52W-13BBBB	R CD-76A	06/08/78	X	-9.7
18	119N-52W-13BBBB	R CD-76A	06/22/78	X	-9.5
19	119N-52W-13BBBB	R CD-76A	07/08/78	X	-9.3
20	119N-52W-13BBBB	R CD-76A	07/19/78	X	-9.4
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24	119N-52W-13BBBB	R CD-76A	10/17/78	X	-11.2
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26	119N-52W-13BBBB	R CD-76A	01/23/79	X	-9.6
27	119N-52W-13BBBB	R CD-76A	03/23/79	X	-9.7
28	119N-52W-13BBBB	R CD-76A	05/01/79	X	-8.9
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42	119N-52W-13BBBB	R CD-76A	06/23/80	X	-10.1
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45	119N-52W-13BBBB	R CD-76A	08/07/80	X	-14.7
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51	119N-52W-13BBBB	R CD-76A	04/15/81	X	-9.9
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53	119N-52W-13BBBB	R CD-76A	06/03/81	X	-13.0
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55	119N-52W-13BBBB	R CD-76A	06/23/81	X	-12.0

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OBS	LOCATION	OBS_WELL	DATE	NEG	READING		
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59	119N-52W-13BBBB	R CD-76A	09/01/81	X	-20.7		
60	119N-52W-13BBBB	R CD-76A	10/20/81	X	-15.6		
61	119N-52W-13BBBB	R CD-76A	12/29/81	X	-12.5		
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64	119N-52W-13BBBB	R CD-76A	05/26/82	X	-11.0		
65	119N-52W-13BBBB	R CD-76A	06/09/82	X	-10.8		
66	119N-52W-13BBBB	R CD-76A	06/23/82	X	-11.6		
67	119N-52W-13BBBB	R CD-76A	07/09/82	X	-15.3		
68	119N-52W-13BBBB	R CD-76A	07/21/82	X	-15.2		
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70	119N-52W-13BBBB	R CD-76A	08/19/82	X	-20.5		
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73	119N-52W-13BBBB	R CD-76A	10/26/82	X	-16.3		
74	119N-52W-13BBBB	R CD-76A	02/28/83	X	-12.2		
75	119N-52W-13BBBB	R CD-76A	04/08/83	X	-11.7		
76	119N-52W-13BBBB	R CD-76A	05/25/83	X	-11.1		
77	119N-52W-13BBBB	R CD-76A	06/08/83	X	-12.0		
78	119N-52W-13BBBB	R CD-76A	06/20/83	X	-12.9		
79	119N-52W-13BBBB	R CD-76A	07/07/83	X	-12.2		
80	119N-52W-13BBBB	R CD-76A	07/20/83	X	-13.6		
81	119N-52W-13BBBB	R CD-76A	08/02/83	X	-15.7		
82	119N-52W-13BBBB	R CD-76A	08/19/83	X	-20.9		
83	119N-52W-13BBBB	R CD-76A	09/08/83	X	-18.5		
84	119N-52W-13BBBB	R CD-76A	10/03/83	X	-15.5		
85	119N-52W-13BBBB	R CD-76A	11/09/83	X	-13.3		
86	119N-52W-13BBBB	R CD-76A	04/10/84	X	-10.7		
87	119N-52W-13BBBB	R CD-76A	05/03/84	X	-10.1		
88	119N-52W-13BBBB	R CD-76A	06/14/84	X	-9.5		
89	119N-52W-13BBBB	R CD-76A	06/27/84	X	-9.1		
90	119N-52W-13BBBB	R CD-76A	07/11/84	X	-9.6		
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92	119N-52W-13BBBB	R CD-76A	08/08/84	X	-15.0		
93	119N-52W-13BBBB	R CD-76A	08/22/84	X	-17.1		
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95	119N-52W-13BBBB	R CD-76A	10/31/84	X	-12.6		
96	119N-52W-13BBBB	R CD-76A	04/11/85	X	-9.2		
97	119N-52W-13BBBB	R CD-76A	05/14/85	X	-8.8		
98	119N-52W-13BBBB	R CD-76A	05/28/85	X	-9.0		
99	119N-52W-13BBBB	R CD-76A	06/11/85	X	-9.4		
100	119N-52W-13BBBB	R CD-76A	06/25/85	X	-9.3		
101	119N-52W-13BBBB	R CD-76A	07/09/85	X	-13.5		
102	119N-52W-13BBBB	R CD-76A	07/23/85	X	-17.7		
103	119N-52W-13BBBB	R CD-76A	08/07/85	X	-18.3		
104	119N-52W-13BBBB	R CD-76A	08/18/85	X	-20.1		
105	119N-52W-13BBBB	R CD-76A	09/11/85	X	-15.3		
106	119N-52W-13BBBB	R CD-76A	10/23/85	X	-11.3		
107	119N-52W-13BBBB	R CD-76A	03/26/86	X	-8.9		
108	119N-52W-13BBBB	R CD-76A	04/09/86	X	-8.8		
109	119N-52W-13BBBB	R CD-76A	04/23/86	X	-8.4		
110	119N-52W-13BBBB	R CD-76A	05/07/86	X	-8.0		

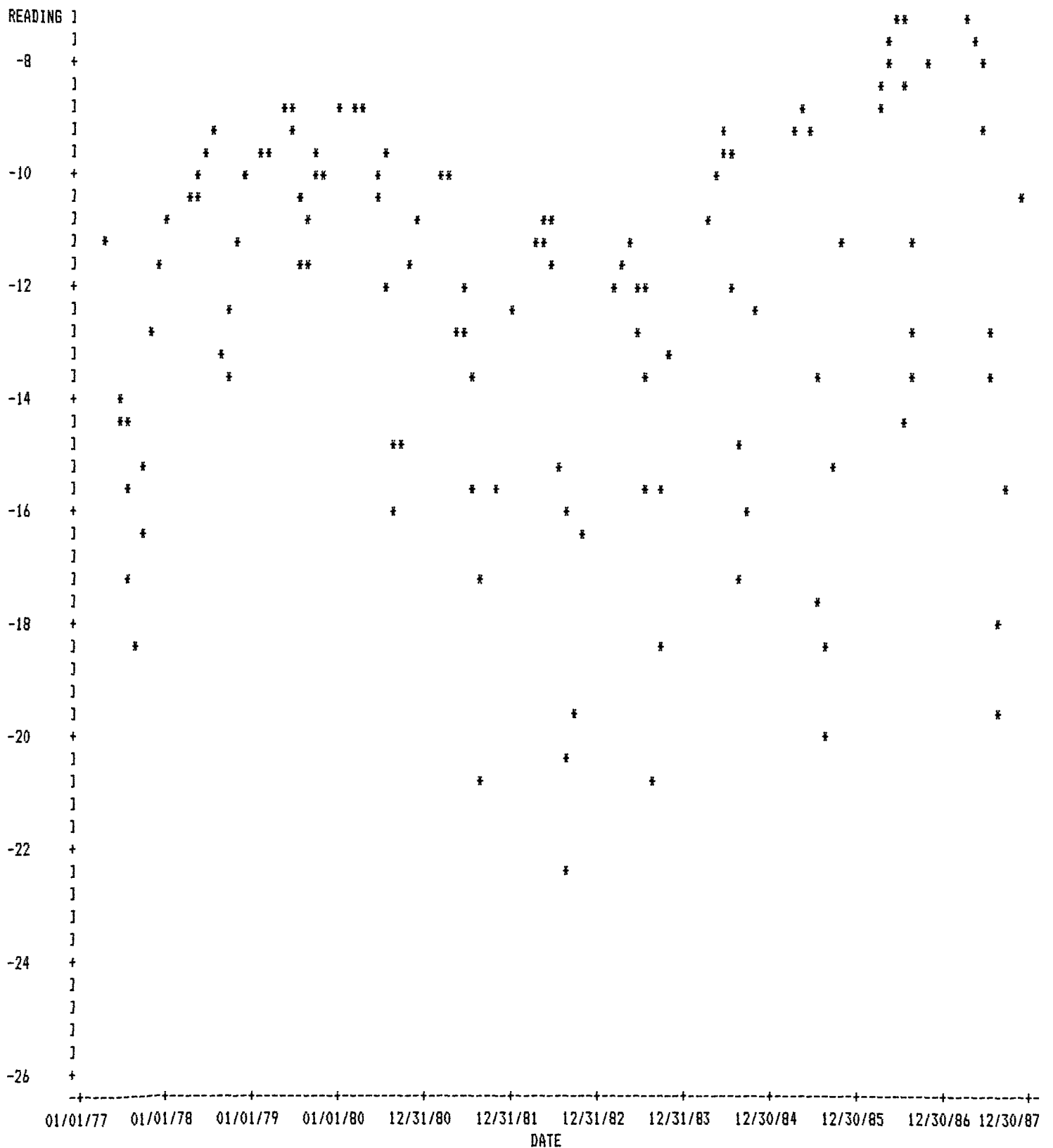
OBS	LOCATION	SAS OBS_WELL	DATE	NEG	14:45 THURSDAY, JANUARY 21, 1988 3 READING
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113	119N-52W-13BBBB R	CD-76A	06/19/86	X	-7.0
114	119N-52W-13BBBB R	CD-76A	07/01/86	X	-7.1
115	119N-52W-13BBBB R	CD-76A	07/16/86	X	-8.4
116	119N-52W-13BBBB R	CD-76A	07/31/86	X	-14.4
117	119N-52W-13BBBB R	CD-76A	08/06/86	X	-13.8
118	119N-52W-13BBBB R	CD-76A	08/13/86	X	-12.9
119	119N-52W-13BBBB R	CD-76A	09/04/86	X	-11.3
120	119N-52W-13BBBB R	CD-76A	10/29/86	X	-8.0
121	119N-52W-13BBBB R	CD-76A	04/09/87	X	-7.2
122	119N-52W-13BBBB R	CD-76A	05/13/87	X	-7.5
123	119N-52W-13BBBB R	CD-76A	05/27/87	X	-7.8
124	119N-52W-13BBBB R	CD-76A	06/10/87	X	-8.0
125	119N-52W-13BBBB R	CD-76A	06/24/87	X	-9.4
126	119N-52W-13BBBB R	CD-76A	07/09/87	X	-12.8
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128	119N-52W-13BBBB R	CD-76A	08/06/87	X	-19.7
129	119N-52W-13BBBB R	CD-76A	08/20/87	X	-17.9
130	119N-52W-13BBBB R	CD-76A	09/17/87	X	-15.8
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N= 131

SAS
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14:45 THURSDAY, JANUARY 21, 1988 4

PLOT OF READING*DATE SYMBOL USED IS *



NOTE: 10 OBS HIDDEN

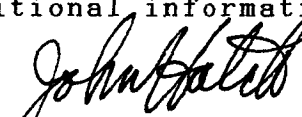
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5165-3, Maecille Schull

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. 5165-3, Maecille Schull, 307 Gause Avenue, Milbank SD.

The Chief Engineer is recommending APPROVAL of Application No. 5165-3 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 well 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 well authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
January 11, 1988



Department of Water & Natural Resources

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

Water Rights Division
(605) 773-3352

January 28, 1988

NOTE:

TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT THE
NEWSPAPER RIGHT AWAY.

Maecille Schull
307 Gause Avenue
Milbank, South Dakota 57252

Dear Mrs. Schull:

Your Application No. 5165-3 for a permit to appropriate water for

irrigation use, has been examined and found to
comply with the South Dakota Water Laws and applicable rules. A notice of
your intent to appropriate water has been sent to the Publisher of the

Watertown Public Opinion printed at Watertown
South Dakota. For your information, a copy of this notice, the recommendation
of the Chief Engineer and a report on the application are enclosed. Please
review this notice prior to publication and notify this office, if you have
any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION
OF YOUR NOTICE OF INTENT TO APPROPRIATE WATER AND TO ARRANGE FOR PAYMENT.
Early contact with the paper can eliminate delays. The publisher has been
instructed to publish your notice once each week for two consecutive weeks
with the last publication to occur at least twenty days before the board
meeting. We must receive Proof of Publication before the application can be
considered by the Water Management Board.

Sincerely,

RON DUVAL
Natural Resources Engineer

enclosures

CC: EARL BUNDE

SOUTH Dakota Department of
Water & Natural Resources

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

January 28, 1988

Watertown Public Opinion
PO Box 10
Watertown, South Dakota 57201

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5165-3 to be published twice.
Please publish the first notice on or before February 3, 1988 with the second publi-
cation 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the
first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT
is Maecille Schull, 307 Gause Avenue, Milbank, SD 57252

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return
the FIRST publication with the FIRST Transmittal form on the bottom of this page. The
first copy is needed to check the publication for errors so any corrections can be made
in the second publication. Publication errors can invalidate the public notice and cause
the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of
Publication form. DO NOT WAIT until the end of the month or the billing cycle. The
permit application cannot be considered by the Water Management Board until proof of
publication has been received.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE
No. _____

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



South Dakota Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building • Pierre, South Dakota 57501

Phone 605/773-3258

February 1, 1988

MAECILLE SCHULL
307 GAUSE AVENUE
MILBANK, SD 57252

7229, SD 57229

Dear Mr. Schull:

Please be advised that your irrigation permit for N1/2 SW1/4 12, NW1/4 12, N1/2 NE1/4 12-119-53 =320 was Approved with Requirements (previously called a Conditional Permit if issued prior to July 1985). These management requirements are part of your permit and need to be addressed. Also be advised that the State Conservation Commission has the authority to add, amend and delete requirements as technical information becomes available.

Relative to these authorities the State Conservation Commission has directed the irrigation staff to conduct spot checks on the compliance of the irrigation permit requirements.

To review the requirements on your permit please use your copy of the permit, contact this office, or go to the Register of Deeds in your county since the permit and requirements are recorded.

Sincerely,

Jim Stukel
Natural Resource Program Scientist

cf



Dear Sirs,
In my phone call to Htn + P.C.
on Feb. 1 8:04am, the paper
assured me they would send you
all copies. Did they?
Before I pay this 78.70 bill, I
should know. Thank you
Mrs Schull

Instruction to Newspaper - Publish first publication of the following Notice on or before February 3, 1988 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5165-3 ~~to Appropriate Water~~
~~and/or to Amend Water Permit or Water Right No.~~
 to Reinstate Water Permit No. 4926-3 to Appropriate Water

Notice is hereby given that Maecille Schull whose mailing address is 307 Gause Avenue, Milbank, South Dakota has made an application for a permit

to reinstate Water Permit No. 4926-3 to appropriate 4.57 cubic feet of water per second from one well (Prairie Coteau Aquifer) 152 feet deep to irrigate 320 acres. The well is ^{to be} located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the irrigated acreage is to be located in the N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$; all in Section 12-T119N-R52W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5165-3 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, March 2 19 88 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 February 19, 1988. 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 February 19, 1988.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Codington) ss.



I, Monica K. Saathoff hereby

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

Water was taken from the Watertown Public Opinion

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

city of Watertown

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

February 3rd, 1988

February 10th, 1988

Monica K. Saathoff
(Signature)

Bookkeeper

(Title)

February 10th, 1988

(Date Signed)

MILBANK

NOTICE OF HEARING
ON APPLICATION NO. 5165-3
TO REINSTATE WATER
PERMIT NO. 4926-3
TO APPROPRIATE WATER

Notice is hereby given that
Maecille Schull whose mailing
address is 307 Gause Avenue,
Milbank, South Dakota has made
an application for a permit to
reinststate Water Permit No.
4926-3 to appropriate 4.57 cubic
feet of water per second from one
well (Prairie Coteau Aquifer) 152
feet deep to irrigate 320 acres.
The well is to be located in the
NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the irrigated
acreage is to be located in the
NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$; all in
Section 12-T119N-R52W.

Pursuant to SDCL 46-2A-2 the
Chief Engineer of the Water
Rights Division recommends
APPROVAL of Application No.
5165-3 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 con-
sidered by the Water Manage-
ment Board at Room 216, Joe
Foss Building, 523 E. Capitol,
Pierre, South Dakota, March 2,
1988 at 10:00 a.m. The recom-
mendation of the Chief Engineer
is not final or binding upon the
Board and the Board is authoriz-
ed 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 par-
ticipate in the hearing before the
Board and present evidence or
cross-examine witnesses accord-
ing to SDCL 1-26, must file a
written petition with BOTH the

1034 @ 3.66

Cost of Printing: \$78.70

applicant and the Chief Engineer by February 19, 1988.

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, DWRN, 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 February 19, 1988.

(February 3, 10, 1988)

12-^{\$} 78.70

SOUTH Dakota Department of
Water & Natural Resources

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

March 15, 1988

Maecille Schull
307 Gause Avenue
Milbank SD 57252

Dear Mrs. Schull:

This letter is in response to your request for confirmation that the Watertown Public Opinion sent the Water Rights Division copies of the public notice of hearing.

March The newspaper has sent in the required information. The water permit application was approved by the Water Management Board at the ~~May 11~~ and ~~12~~, 1988 Board meeting. No further information is required from the newspaper.

JH Please contact me if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

APR 28 1988

Maecille Schull
307 Gause Avenue
Milbank, South Dakota 57252

Dear Mrs. Schull:

Enclosed herewith is your Water Permit No. 5165-3 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. 5165-3.

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

July 19, 1988

5165-3

Maecille Schull
307 Gause Ave
Milbank SD 57252

Dear Ms. Schull:

During the week of July 12-15 an investigation of domestic well complaints was conducted in Codington and Grant Counties. In all instances, the domestic wells were completed into the Prairie Coteau Aquifer (artesian aquifer) and the water levels were being affected by irrigation withdrawals. One of the complaints was that irrigation systems were wasting water by spraying on county roads and highways. This is not necessary and needs to be prevented. Not only is this a hazard to motorists with potential liability for the irrigator, but it is poor public relations.

I am requesting that you prevent the end guns from spraying on the county roads and highways. Technically, spraying roads is a waste of water and legislation could be introduced and passed by the Legislature that could be difficult to live with.

Very truly yours,

John A. Hatch
FOR JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



Codington



NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date Aug 15, 1988

TO: Water Rights Division, DWNR
Joe Foss Building
Pierre SD 57501-3181

FROM: Maeille Schull 307 Gause Ave Milbank SD
name address city 57252

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. 5165-3.

Water Permit No. 5165-3 states that the diversion system is to be constructed by Mar 3, 1993, and that the water it put to beneficial use by Mar 3, 1997.

The diversion system was completed on 7-1-1988.
Applying the water to beneficial use was completed on 7-1-1988

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

Maeille Schull
signature



Department of Water & Natural Resources

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

January 3, 1989

Maeille Schull
307 Gause Avenue
Milbank SD 57252

Dear Ms. Schull:

This letter is in response to a well driller's log received on December 23, 1988 (copy enclosed). The location of the well as described on the log in the NE1/4 section 12-T119N-R52W is not the location authorized by Water Permit No. 5165-3. The enclosed copy of the map and Permit No. 5165-3 specifies that the well was to be located in the NW1/4 SW1/4 section 12-T119N-R52W.

Notice
If the well is to be used to irrigate the acreage specified on Permit No. 5165-3, then another water permit application needs to be submitted. The application is for a change in the well location from the area specified on Permit No. 5165-3 to the present location. Enclosed is an application for your use.

Please contact me if you have any questions regarding this letter.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

*Dear Mr. Valkrabek,
Will you please send a corrected
well completion report to Pierre? And
send me a copy of same.
Thank you
Mrs Schull*





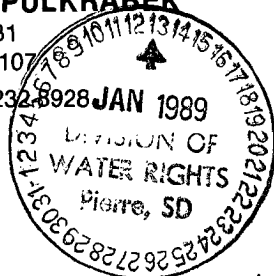
From the desk of

RANDY J. PULKRABEK

P.O. BOX 2131

Fargo, ND 58107

Phone: 701 - 232-8928



Ron,

Enclosed are copies of several papers from Ms. Schull. I apologize for any inconvenience to both you and Ms. Schull. Our driller had the location wrong on his drilling orders. Ms. Schull is correct the well is located as corrected report shows. Should you have any questions please feel free to contact me. Thank you.

Sincerely

Randy J Pulkrabek, Vice Pres.
L.T.P. Enterprises, Inc.

Big Sioux River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Maecille Schull
307 Gause Ave. of Milbank SD 57252 holder of
 Permit No. 5165-3, bearing the priority of November 18 1987 authorizing
 the diversion of 4.57 cu. ft. per second of the waters of ground water
 for irrigation purposes, in Codington County.

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

A. Works used to divert the water:

8" - 50 HP - Johnston Pump Co. Model # not available,
capable of 800 gpm run by a Hythrust U.S. Electric Motor
Model No. 326TPWPI

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

8" steel & PVC pipe to center pivot

C. Works used to apply water to beneficial use:

Lockwood 9 tower center pivot with an end gun
low pressure capable 800 gpm

The system is in the following condition goodThe point of diversion is located 330' east and 1520' North of the SW
corner Section 12-T119N-R52W (R)The works are capable of diverting and conveying to the place of use 1.77cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: Section 12-T119N-R52W (R)SW 1/4 NW 1/4 - 33 AcresSE 1/4 NW 1/4 - 33 AcresNW 1/4 SW 1/4 - 33 AcresNE 1/4 SW 1/4 - 33 Acrescomprising a total of 132 acres of land and the license should be issued for 1.77 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: he's not complying with the Date 5/29/1991
soil/water compatibility permit

I. Stukel on 6/10/1991.

Norma C. Tob
 (signature)

LICENSE FOR PERMIT NUMBER 5165-3

1. Legal location of wells: NW 1/4 SW 1/4 Section 12-T119N-R52W(R)

dams & structures: _____

2. Well Information: Well Drilling Firm LTP

Completion Report Yes X No _____ No. of Wells 1 Depth 153'

Casing a) diameter 12" Screen a) type Stainless Steel

b) length 133' b) length 20'

c) type Steel Static Water Level 4.5

Pump a) make Johnston Pump Co Motor a) make Hythrust U.S. Electric

b) model NA b) model No. 326 TPWPI

c) size 8" c) horsepower rating 50

d) capacity 800 gpm ID# 6232-RDSRD35R142R

e) turbine pump - no. of stages _____

f) operating PSI 55

3. Distribution lines or canals

a) size 8"

b) type steel & pvc

c) length _____

4. Dam Information:

a) height to crest _____ m) Outlet tubes:

b) height to primary spillway _____ 1) diameter _____

c) height to secondary spillway _____ 2) type _____

d) crest width _____ 3) valved (Y/N) _____

e) crest length _____ 4) valve type _____

f) spillway length _____ 5) location on structure _____

g) spillway width _____

h) approx. storage _____ n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

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

e) gated pipe

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

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

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

d) center pivot

- 1) make Lockwood
- 2) number of towers 9
- 3) distance between towers _____
- 4) overall length 1287'
- 5) end gun (Y/N) Y Nelson Model 100
- 6) high or low pressure low
- 7) make & size of nozzles 40-45

8) capacity (GPM) 800

g) siphons

- 1) size _____
- 2) number _____

NOTE:

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

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

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

REMARKS:

permit # 5165-3

NOT TO SCALE



119-52R

K-10

Grant County

T2528

Transferred

to

12

Grant County

SW 1/4 NW 1/4
33 Acres

SE 1/4 NW 1/4
33 Acres

Transferred to

Grant County

NW 1/4 SW 1/4
33 Acres

NE 1/4 SW 1/4
33 Acres

prepared by
Norma C. Tob
Natural Resources Eng. I
Division of Water Rights
6/6/1991

330'

148.1

T678

1520'

119-52R

5165-3



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MEMORANDUM

To: James Stukel
Division of Conservation

From: Norma Job *Norma C. Job*
Division of Water Rights

Date: July 25, 1991

Subject: Soil/Water Compliance on Water Permit No. 5165-3

On June 10, 1991, I called and informed you that Water Permit No. 5165-3 was in violation of your soil/water compatibility permit. The land is located in the S 1/2 NW 1/4 and the N 1/2 SW 1/4 of Section 12-T119N-R52W (Reservation). The permit is held by Maecille Schull and operated by Jeff Grabow. The problem exist with the drainage way in the NW 1/4 SW 1/4 of Section 12. This area is being irrigated and the soil/water compatibility permit specifies that it should not be irrigated. We are in the process of licensing this permit; but, require a response from you before we will be able to proceed with this matter.

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation



Office Use Only

3080-A

WR#

OWNERS NAME: SCHULL, MAECILLE c/o JEFF GRABOW OWNERS ADDRESS: RR 1 BOX 86
SOUTH SHORE, SD 57263-9747

COUNTY LAND LOCATED IN: CODINGTON PHONE: (605)486-4688

LEGAL DESCRIPTION:

1. LOCATION N $\frac{1}{2}$ SW $\frac{1}{4}$ 12-T119N-R52W

☒ Well

☐ Surface

Depth _____

Legal Description	Acres	Legal Description	Acres
<u>N$\frac{1}{2}$ SW$\frac{1}{4}$ 12-T119N-R52W</u>	<u>80</u>		
<u>NW$\frac{1}{4}$ 12-T119N-R52W</u>	<u>160</u>		
<u>N$\frac{1}{2}$ NE$\frac{1}{4}$ 12-T119N-R52W</u>	<u>80</u>		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: XXX GUN: XXX OTHER: _____ (Specify) _____

3. CROPS TO BE IRRIGATED: CORN, BARLEY, SUNFLOWERS, ALFALFA, BEANS

WATER QUALITY:

4. WATER SAMPLE NUMBER: 82-1347 7. ADJUSTED (SAR): 1.41 (0.98)
5. SALINITY (EC X 10⁶): 1100 8. PERCENT SODIUM: 8.85
6. SODIUM (SAR): 0.50

Requirements:

That a permanent grassed waterway be placed in each drainage and should erosion occur in the future, the necessary corrective action be taken.

XXX APPROVED

DISAPPROVED

WAIVER

XXX REQUIREMENTS

Director, Division of Conservation

OCTOBER 17, 1991

Date

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 1994

5165-3

Maecille Schull
307 Gause Ave.
Milbank, SD 57252

Dear Ms. Schull:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5165-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

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

Sincerely,

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

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

RECEIPT

414036

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 11 _____, 19 94

RECEIVED OF Maecille Schull, 307 Gause Ave, Milbank, SD 57252-3609

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>5165-3</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 Hatch/gmk
Chief Engineer

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5165-3

(1) Maecille Schull, of 307 Gause Avenue, Milbank, SD 57252-3609 made Application No. 5165-3, November 18, 1987 for a water permit to appropriate 4.57 cubic feet of water per second from groundwater (one well), Codington County, South Dakota for irrigation purposes. Permit No. 5165-3, with a priority date of November 18, 1987 was approved March 3, 1988 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 3, 1993 and for the application to beneficial use of said water on or before March 3, 1997.

The permit holder submitted a "Notice of Completion of Works and Application of Water to Beneficial Use" on August 18, 1988. The "Notice" stated the diversion system was completed and water placed to beneficial use on July 1, 1988.

(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 1.77 cubic feet of water per second for beneficial use. The location of the diversion point is 330' east and 1520' north of the SW corner of Section 12, T119N, R52W (NW 1/4 SW 1/4) - diversion point is within the former boundaries of the Sisseton-Wahpeton Indian Reservation (R).

(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: all land is in Section 12, T119N, R52W (R)

SW 1/4 NW 1/4 33 acres
SE 1/4 NW 1/4 33 acres

NW 1/4 SW 1/4 33 acres
NE 1/4 SW 1/4 33 acres

TOTAL 132 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Maecille Schull of 307 Gause Avenue, Milbank, SD 57252-3609 the holder and/or owner of Water Permit No. 5165-3 is issued a license to appropriate water, the right to use 1.77 cubic feet of water per second from groundwater (one well) with a priority date of November 18, 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. 5165-3 and subject to South Dakota State Law.



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

MAR 14 1994

date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 14 1994

5165-3

Maecille Schull
307 Gause Avenue
Milbank, SD 57252-3609

Dear Ms. Schull:

Enclosed is Water License No. 5165-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414036 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. 5165-3, 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

gm
enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 21, 2009

5165-3

Maecille Schull
1105 S 2nd St Apt 315
Milbank SD 57252-3315

Dear Ms. Schull:

Enclosed is a "Notice" dated October 16, 2009 concerning the 2009 irrigation questionnaire.

The notice was originally mailed to 605 S Second – Unit 1, Milbank SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 29, 2010

5165-3

Lynae Grabow
45451 157th St
South Shore SD 57263

Dear Ms. Grabow:

I am writing to acknowledge receipt of the irrigation questionnaire for Water Right No. 5165-3 and your note concerning the need for an ownership change.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the water right for your records. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

DEC 13 2010

WATER RIGHTS
PROGRAM

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

No. 5165-3

Date: 12-9-10

I/We request that Water Right No. 5165-3

formerly owned by: Maecille Schull

be transferred to: (name & address) Jeff and Lynae S Grabow

45451 157th St, South Shore SD 57263

Telephone No. 605-882-2249

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

132 acres - S 1/2 NW 1/4 and N 1/2 SW 1/4 Section 12, T119N, R52W - R

I/We understand that the validity of Water Right No. 5165-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Lynae S Grabow the new owner, certify that the above information is true and correct.

Lynae A Grabow
(Signed by new owner)

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

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

RECEIVED

DEC 13 2010

**WATER RIGHTS
PROGRAM**

This
CERTIFICATE OF TRUST
prepared for
JEFF GRABOW
and
LYNAE S. GRABOW

Thompson Law, P.C.
5027 S. Western Ave., Suite 100
Sioux Falls, SD 57108
(605) 362-9100 FAX (605) 362-9101
www.cathompsonlaw.com

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Certificate of Trust

The undersigned Trustors and Trustees hereby certify the following:

1. This Certificate of Trust refers to the JEFF & LYNAE GRABOW LIVING TRUST, dated December 07, 2010, and any amendments thereto, executed by JEFF GRABOW and LYNAE S. GRABOW as Trustors. Property to be titled in this trust should be transferred to JEFF GRABOW and LYNAE S. GRABOW, Trustees, or their successors in trust, under the JEFF & LYNAE GRABOW LIVING TRUST, dated December 07, 2010.
2. The address of the Trustors is 45451 157th Street, South Shore, SD 57263.
3. The initial Trustees of the Trust are:

JEFF GRABOW and LYNAE S. GRABOW
4. The present Trustees are:

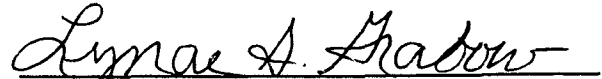
JEFF GRABOW AND LYNAE S. GRABOW
45451 157th Street, South Shore, SD 57263
5. Our Trust is a grantor trust under the provisions of Sections 673-677 of the Code.
6. Our Trustees shall act unanimously when there are two trustees serving and shall act by majority decision when three or more trustees are acting.
7. Our Trustees under our Trust Agreement are authorized to acquire, sell, convey, encumber, lease, borrow, manage and otherwise deal with interests in real and personal property in our Trust name. Our Trustees shall have full banking powers, including the power to open, close, or modify accounts or other banking arrangements, including, but not limited to, safe deposit boxes, savings, checking, and CD accounts. All powers of our Trustees are fully set forth in the Trustee Powers Article of our Trust Agreement.
8. Our Trust is revocable and JEFF GRABOW and LYNAE S. GRABOW hold the power to revoke the Trust. Our Trust, executed on December 07, 2010, currently exists, has not been revoked, modified, or amended in any manner that would cause the representations contained in this certification of trust to be incorrect. There have been no amendments limiting the powers of our Trustees over trust property.
9. No person or entity paying money to or delivering property to our Trustees shall be required to see to its application. All persons relying on this document regarding our Trustees and their powers over trust property shall be held harmless for any resulting loss or liability from such reliance. A copy of this Certificate of Trust shall be just as valid as the original.
10. Our Trust is not under court supervision.

Certificate of Trust

The undersigned certify that the statements in this Certificate of Trust are true and correct and that it was executed in the County of Lincoln, South Dakota, on December 07, 2010.

Trustors and Trustees:


JEFF GRABOW


LYNAE S. GRABOW

STATE OF SOUTH DAKOTA

)
SS

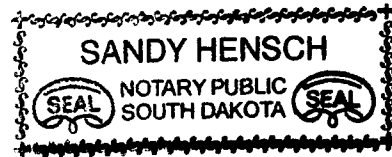
COUNTY OF LINCOLN

)

On this December 07, 2010, before me, the undersigned officer, personally appeared JEFF GRABOW and LYNAE S. GRABOW known to me (or satisfactorily proven) to be the persons whose names subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.


Notary Public-South Dakota
My Commission Expires: 4/21/2014



Prepared by:
Carolyn A. Thompson
Thompson Law, P.C.
5027 S. Western Ave., Suite 100
Sioux Falls, SD 57108
(605) 362-9100 FAX (605) 362-9101
www.cathompsonlaw.com

Certificate of Trust

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/13, 2010

RECEIVED OF Jeffrey L Grabow 45451 157th St South Shore SD 57263

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>5165-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No.

04703

By

Paul Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 14, 2010

5165-3

Jeff & Lynae Grabow
45451 157th St
South Shore SD 57263

Dear Mr. & Mrs. Grabow:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for transferring Water Right No. 5165-3.

The ownership change has been completed. The water right formerly held by Maecille Schull is now listed in your names.

Enclosed for your records is Receipt No. 04703 in the amount of \$50.00. 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

enclosure