

Considered: _____

WATER PERMIT NO. 5166-3

MAP No. same 886-2577

Name of Applicant CSS Company

Post Office Address RR-3 Box 138B
214 NW 3rd Street, Watertown SD 57201

Amount of Water Claimed 3.14 cfs Total Acres 220

Source of Water Supply ground water 1 well

Water to be used for irrigation County Codington

About 8 miles N of Watertown

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Feb 18, 1987 Fee 275⁰⁰ Remarks _____

3/2/88

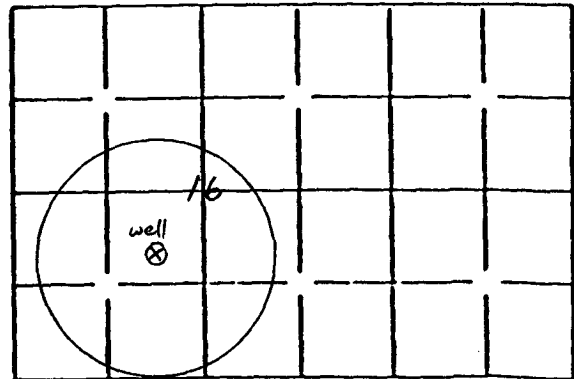
Corrected Application Received Dec 15, 1987 Period of Annual Use Apr 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED 3/2/88 APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES ☒ NO _____ REMARKS except for additional
acreage in SE 1/4 which should be approved January 14, 1988

Diversion Point well: NE 1/4 SW 1/4 section 16 -
T118N-R52W

Land to be Irrigated SW 1/4, S 1/2 NW 1/4, SW 1/4 NE 1/4,
W 1/2 SE 1/4 section 16 - T118N-R52W



Well Log: Driller Kaiser Licensed YES _____ NO ☒

Depth of Well 172 feet REMARKS _____

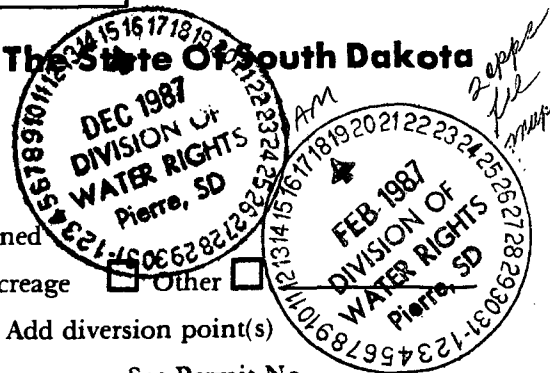
Authorized
by Water
Management
Board
3-3-88

Type of Map aerial photo PREPARED BY W. Stanley Lamb Reviewed and the Number
assigned on December 24, 1987 By Ron J. J. J. J.

No. 5166-3 Hydrologic Unit 10170202
 Map No. same Basin Big Sioux R.
 Newspaper Watertown Public Opinion PO Box 10
 (Daily)

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

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

New ☒ Vested Right ☐ Future Use ☐☐ Application to amend Permit No. _____ with old priority date retained☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____1. Name of Applicant CSS Company Phone No. 886-2577Post Office Address RR 3, Box 138B
214 NW 3rd St Watertown State SD 57201
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s) 3.33 3.14 Total acres irrigated 2203. Source of Water supply Well4. Location of point of diversion 2000' East and 2000' North of SW corner of
Project NE 1/4 SW 1/4 Section 16-T118N-R52WCounty Codington5. Counties where water will be used Codington6. 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.
SW 1/4 of SW 1/4 Sec 16-118-52	20
NW 1/4 of SW 1/4 Sec 16-118-52	25
NE 1/4 of SW 1/4 Sec 16-118-52	40
SE 1/4 of SW 1/4 Sec 16-118-52	40

Land Description	No. Acres Irr.
SW 1/4 of NW 1/4 Sec 16-118-52	10
SE 1/4 of NW 1/4 Sec 16-118-52	20
SW 1/4 of NE 1/4 Sec 16-118-52	10
NW 1/4 of SE 1/4 Sec 16-118-52	35

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 for Potatoes, Corn, & Beans. Approximately 220 acres will be irrigated in Sec 16-118-52. Water source will be a well approximately 172' deep supplying approximately 1400 gallons per minute. Method of irrigation will be center pivot. We want 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 Codington)^{ss}

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 CSS Company, by Milton J. CarterSubscribed and sworn to before me this 14th day of December 1987Carol Brandrud

Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. _____

(Applicant) (Post Office Address)

(State) (Zip Code)

With the following qualifications.

Date of first receipt of application _____, 19____.

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

Date of receipt of corrected application _____, 19____. Approved _____, 19____.

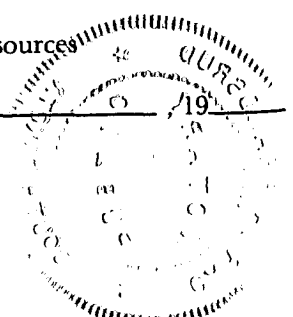
The Water Management Board hereby approves this Water Permit No. _____ authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is _____, 19____.
2. One-fifth of the work is to be completed on or before _____, 19____.
3. The whole of said work is to be completed on or before _____, 19____.
4. The time limit for proof of beneficial use of water is _____, 19____.
5. The water appropriated shall be used for the purpose of _____.
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 _____ 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 _____, 19____; said water to be used during the following described annual period: _____.

WATER MANAGEMENT BOARD

By: _____
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources



**SOUTH DAKOTA
WATER PERMIT FOR IRRIGATION**

Date of first receipt of application February 18, 1987

Date Soil/Water Compatibility Permit received January 19, 1988

Date of return to applicant for correction, amendments or changes required February 23, 1987

Date of receipt of corrected application March 2, 1988

The Water Management Board approved Water Permit Application No. 5166-3

on May 11, 1988 for CSS Company
(Applicant)

RR3, Box 138B Watertown SD 57201
(Street, RR or Box) (City) (State) (Zip Code)

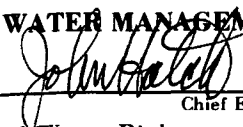
authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5166-3 appropriates 3.14 cubic feet of water per second from 1 well (Prairie Coteau Aquifer) 172 feet deep to irrigate 220 acres. The well is to be located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the acreage to be irrigated in the SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$; all in section 16-T118N-R52W.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year or one-seventieth (1/70) cubic feet of water per second for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: Apr 1 - Oct 31
3. The date from which applicant may claim the right is March 2, 1988
4. One-fifth of the construction is to be completed on or before November 11, 1990
5. All construction is to be completed on or before May 11, 1993
6. Water is to be put to beneficial use on or before May 11, 1997
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

SEE ATTACHED SHEET

WATER MANAGEMENT BOARD

By: 
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

NOV 30 1988

ATTACHMENT

QUALIFICATIONS For Permit No. 5166-3

1. The casing of the well to be constructed under Permit No. 5166-3 shall be pressure grouted with cement (bottom to top) from the producing formation to the surface, constructed by a licensed well driller and the well constructed in compliance with Water Management Board Well Construction Rules, Chapter 74:02:04.
2. If the well approved under this permit flows, the well shall be valved and the flow reduced to a minimum when not being used.
3. The irrigation well approved under this Permit will be located near domestic 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.
4. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 18" Depth 172'
- b) Casing Type steel Diameter 14" Thickness 3/8"
- c) Screen Type Stainless Steel Diameter 14" Thickness 20'
- d) Gravel Pack Thickness 2" Length of Gravel Pack 20' + Gravel
- e) Depth to Top of Water Bearing Material 145'
- f) Depth to Water (ground surface to water level) 10'
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others 2,000'

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) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

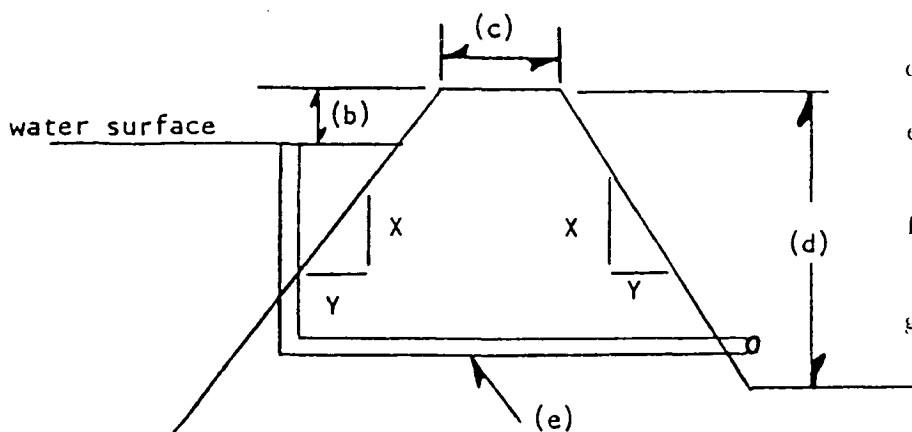
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



CSS Company, Inc.
Milton A. Cant
Signature of Applicant

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411102

Pierre, December 16, 1987

RR 3, Box 138B

RECEIVED OF CSS Company, 214 3rd St. NW, Watertown, SD 57201

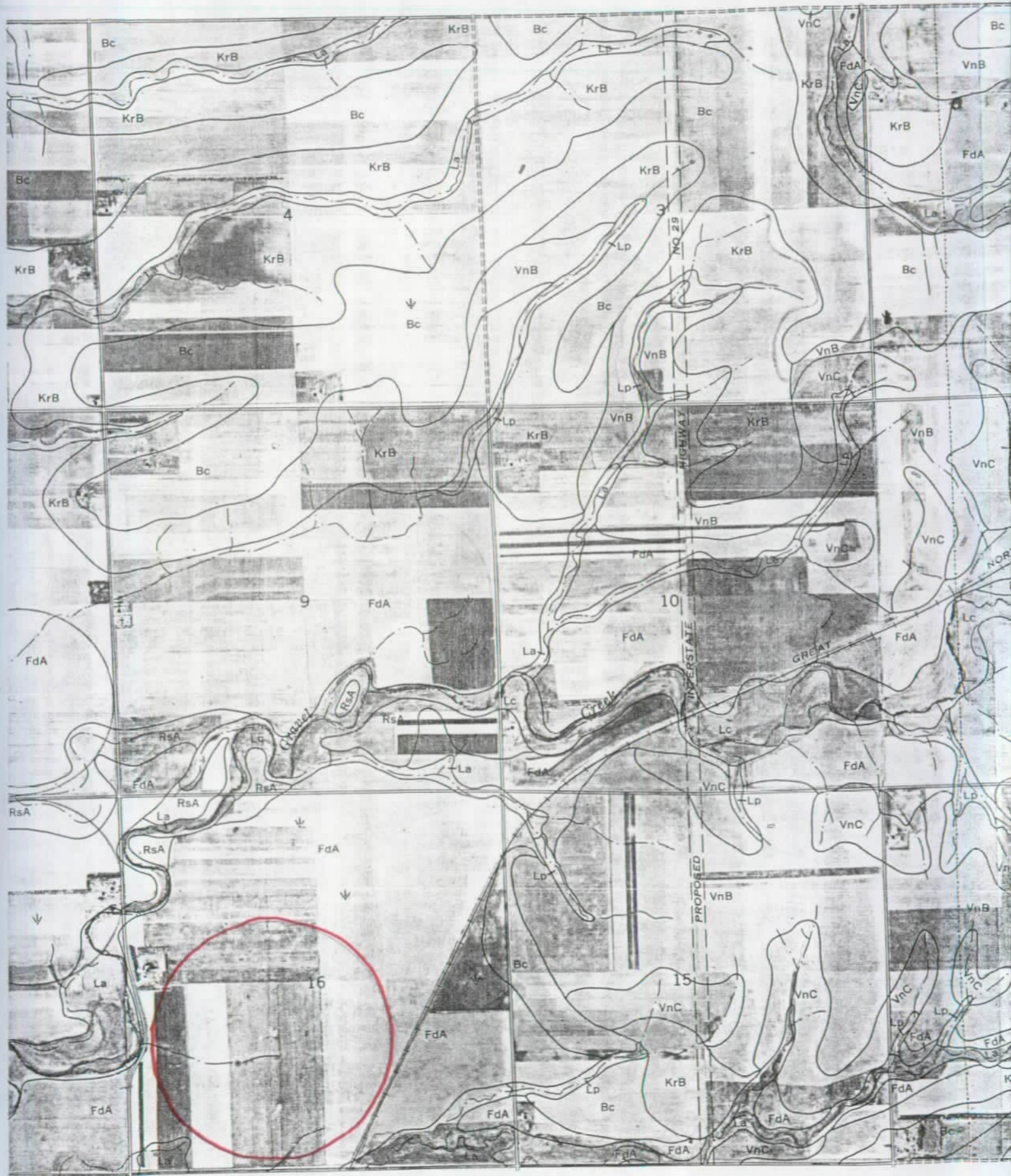
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>5166-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	275	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	275 00

By John Hatch

Chief Engineer

JOHN HATCH (S)



Appl. No. 5166-3

OWNER'S NAME CSS Company

OWNER'S ADDRESS

Wetmore, S.D.COUNTY LAND LOCATED IN CadizPHONE 286-2577

TENANT'S NAME AND ADDRESS

LEGAL DESCRIPTION (Show Legal Descriptions to Nearest 10 Acres)

1. WELL LOCATION SW 1/4 of NE 1/4 of SW 1/4 Sec 16 T118 R52Depth 172

2. SURFACE WATER SOURCE AND DIVERSION LOCATION

Diversion Location

Legal Description	Acres	Legal Description	Acres
<u>SW 1/4, NE 1/4, SE 1/4</u>	<u>150</u>		
<u>NW 1/4</u>	<u>30</u>		
<u>NE 1/4</u>	<u>10</u>		
<u>SE 1/4</u>	<u>30</u>		

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

LEGAL DESCRIPTION

IN WHAT NAME:

4. LOCATION OF AREA TO BE IRRIGATED NOTE

SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION (See instruction sheet)

5. TYPE OF IRRIGATION: GRAVITY _____ TOWLINE _____ CENTER PIVOT ☒ GUN _____ OTHER _____6. CROPS TO BE IRRIGATED Potatoes, Corn (Specify)

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

7. WATER SAMPLE NUMBER 57-0048 10. ADJUSTED (SAR) 2.338. SALINITY (EC X 10³) 1750 11. PERCENT SODIUM 11.079. SODIUM (SAR) 0.51

I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at 11 a.m. / p.m. on 1/19, 1987, at the following location: SW 1/4 Sec 16 T118 R52 by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

CSS Company by Bill Spil
 Signature of Water Sampler

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

SUBSCRIBED AND SWORN BEFORE ME THIS

19th DAY OF June 1987
Bill Spil
 (NOTARY PUBLIC)

CSS Company by Bill Spil
 APPLICANT'S SIGNATURE

Paul Matfield
 Director Division of Conservation

3-16-87

D.P.

APPROVED

MANAGEMENT FORM

4195

APPROVED with Requirements

NAME OF APPLICANT: CSS Company

LEGAL DESCRIPTION: Portions of Sec 16-118-52 = 220 acres

REQUIREMENTS:

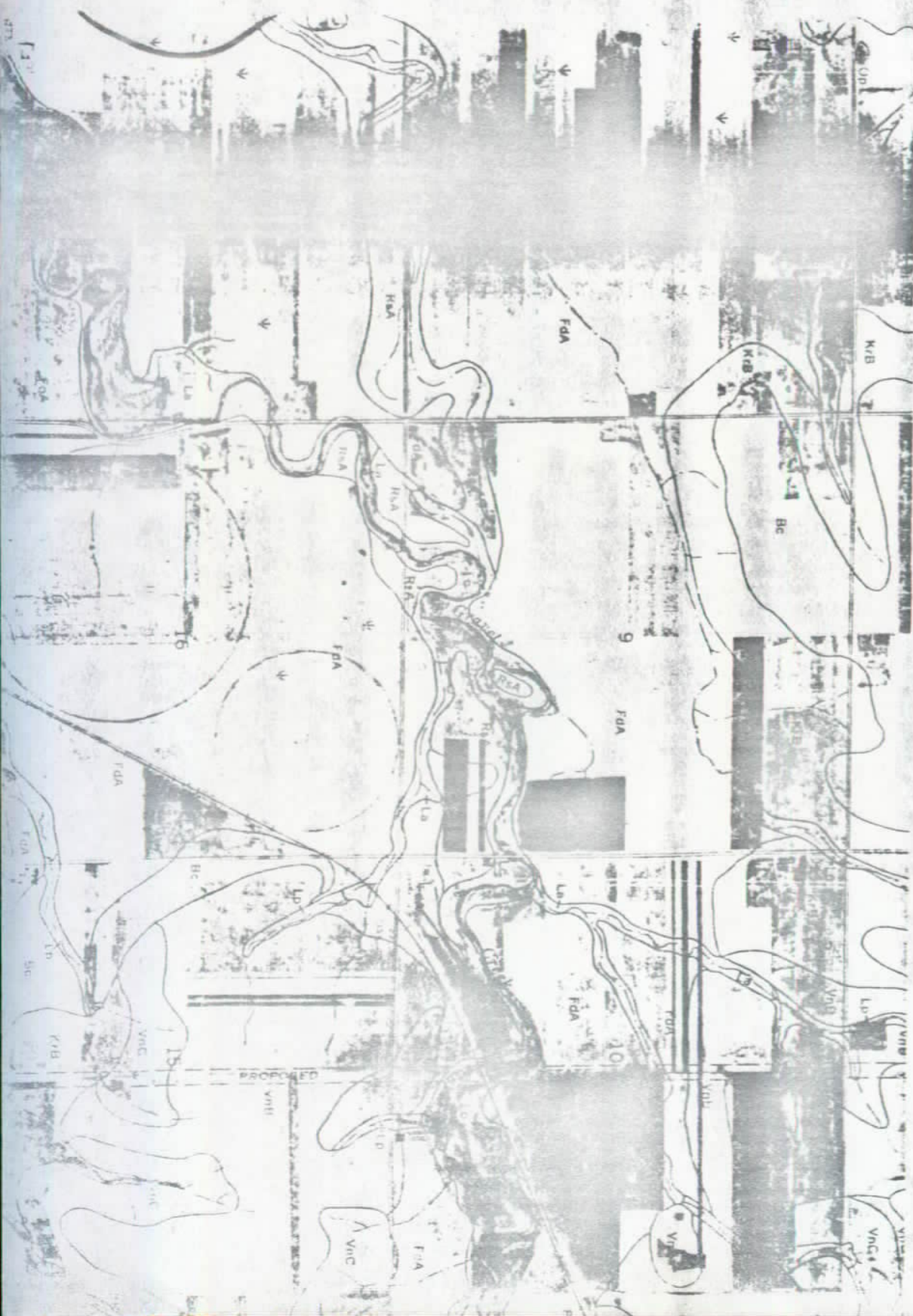
MANAGEMENT RECOMMENDATIONS:

We recommend that a form of conservation tillage be used to control wind erosion and improve the holding ability of the soil.

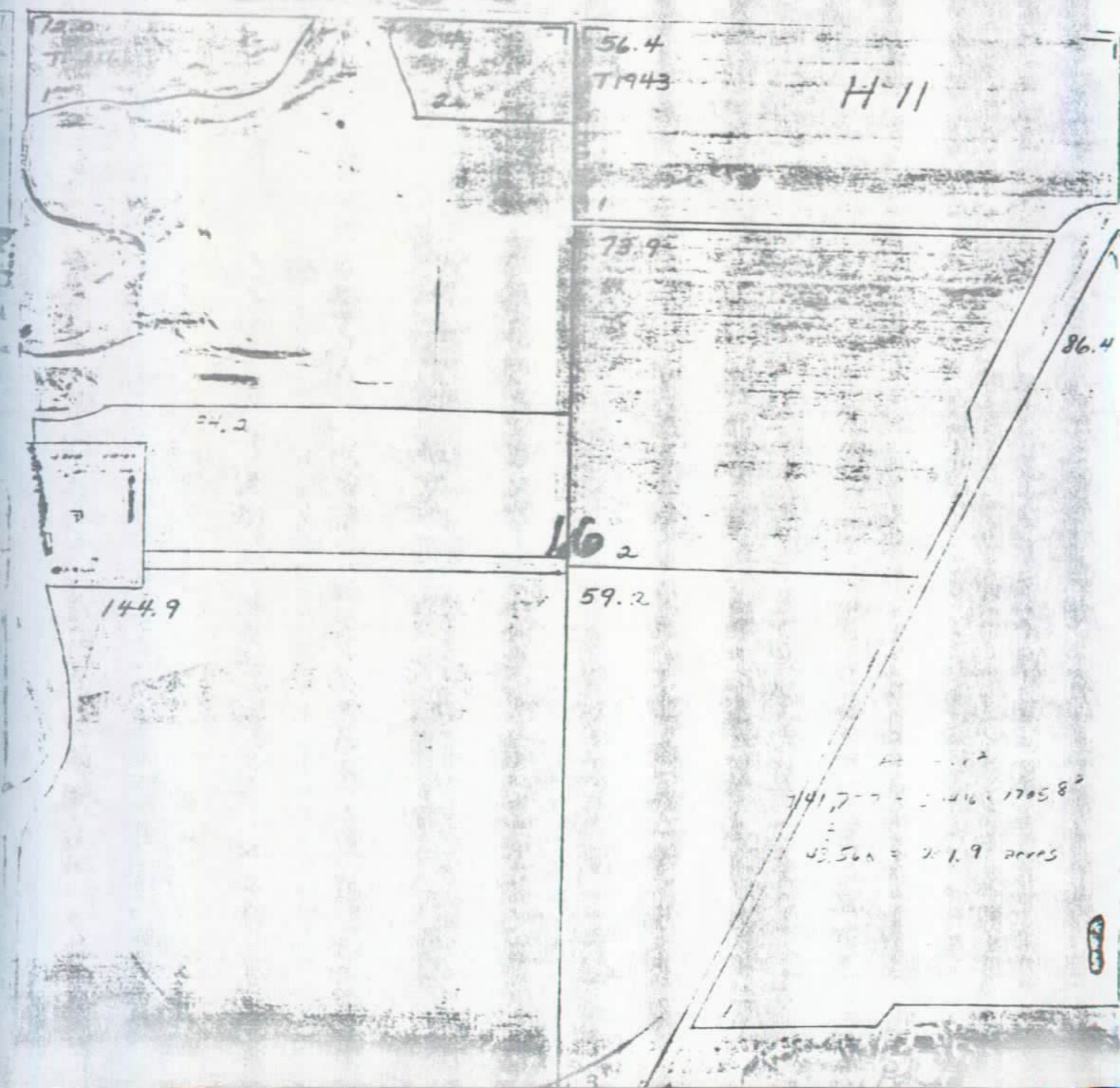
We also recommend that the application of water be in excess of the plants needs to leach salts out of the root zone.

3 16-87
DATE

SIGNATURE



251

$$2'' = 80 \text{ Rods}$$


Kaiser Well Drilling De Smet, South Dakota 57231

IRRIGATION-TESTING-DRILLED-STOCK AND DOMESTIC
BORED WELLS

Ph. 854-8044



Name

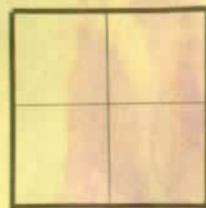
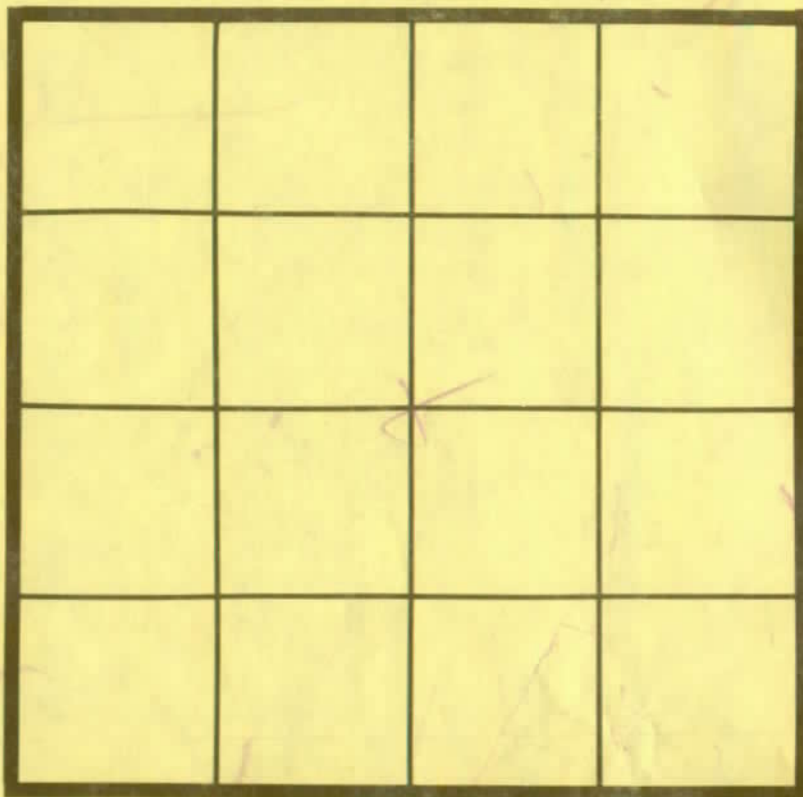
Randy Spunk

Location

16-118N-52W

Township

Section



Test hole No. 1

Data

	<i>0-1 1/2</i>
<i>mixed clay</i>	<i>1 1/2-20'</i>
<i>50' clay</i>	<i>20'-34'</i>
<i>50' clay</i>	<i>34'-106'</i>
<i>50' clay</i>	<i>106'-145'</i>
<i>Took water</i>	<i>145'-172'</i>
<i>clay</i>	<i>172'-180'</i>

Test hole No. 2

Data

<i>145-160'</i>	<i>15'</i>
<i>gravel med.</i>	<i>160'-172'</i>
	<i>12'</i>
<i>27' material</i>	
<i>.060 x 20</i>	
<i>Picker: Randy Spunk</i>	

CONSERVATION COMMISSION MEETING

DATE: January 14, 1988

Page 1 - APPROVED with Requirements

NAME: CSS Company

Water Quality: 87-0048

ADDRESS: 214 NW 3rd St.

SALINITY: 1750

ADDRESS: Watertown, SD 57201

SAR: 0.81

SODIUM: 11.07

COUNTY: Codington

ADJ SAR: 2.33

LEGAL DESCRIPTION: Portions of Sec 16-118-52 = 220 acres

APPLICATION #: 4237

TYPE OF IRRIGATION: Center Pivot

WATER SOURCE: Ground

REQUIREMENTS:

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

MANAGEMENT RECOMMENDATIONS:

We recommend that a form of conservation tillage be used to control wind erosion and improve the moisture holding ability of the soil.

We also recommend that the application of water be in excess of the plants needs to leach salts out of the root zone.

TYPE OF PERMIT GRANTED AND REASON:

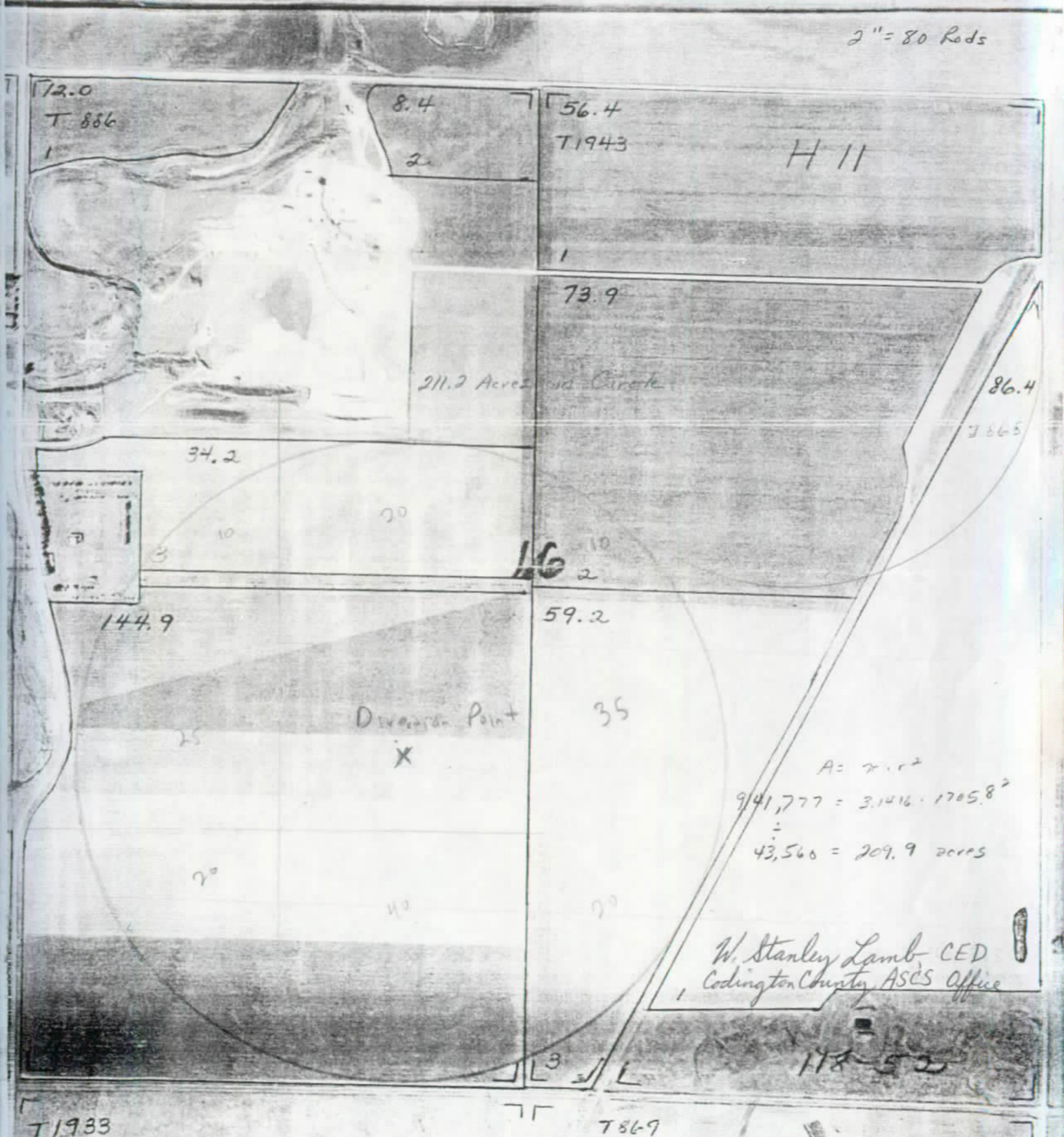
The Approved with Requirements recommendation is based on the total salt load of the water.



NOT TO SCALE

5/1/50
25/1

2" = 80 Rods



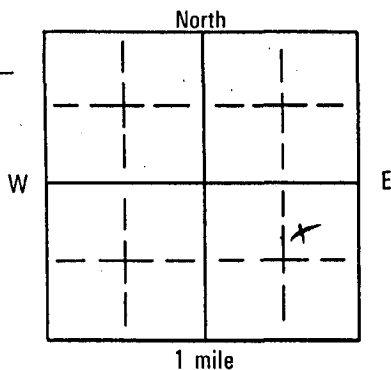
A = 7.12
941,777 = 3,1416 · 1705.8²
43,560 = 209.9 acres

W. Stanley Lamb CED
Coddington County ASCS Office

Appl. No. 5166-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

5166-310-85

Location S 1/4 W 1/4 Sec 16 Twp 118N Rg 57WCounty
CodingtonPlease mark well
location with
an "X"Well Completion Date 3/18/88

PROPOSED USE:

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

Method of Drilling:

Direct Rotary

CASING DATA:

- ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>54.57</u> LB/FT	<u>.14</u> IN	<u>+2</u> FT	<u>146</u> FT	<u>20</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 135 FEETWhat is grouting material? Portland CementIf cement, number of sacks? 145Describe grouting procedure Tremie Pipe - Pull Back method - used 4" Bentonite to Grig's water - then added cementWhat was grout weight? 16 LB/GALSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 14 IN Length 27' FEETMaterial Johnson Stainless Steel Hi-QSlot Size 070 Set From 146 Feet To 173 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information used American Materials# 15 pack - Stainless BottomWas a packer or seal used? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain HTH TabletsBacteriological analysis ☒ YES ☐ NOLaboratory sent to Give on Test well

Well Owner:

Name Casco Inc (East McKelvey)Address Water Town, SD

Well Log:

Depth

Formation

From

To

Topsoil	0	0'
yellow sand dirt	2'	27'
yellow clay	27'	55'
Blue clay	55'	146'
Sand Fine (Tuckerton)	146'	173'
Taukone yellow		
grey mixture		
Blue clay	173'	180'

STATIC WATER LEVEL 1 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

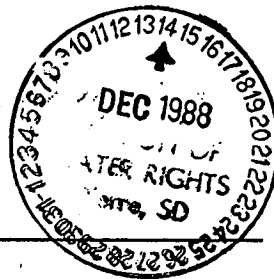
☒ PumpedTaukone Pump☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

<u>55</u> ft.	After <u>72</u> Hrs.	pumped <u>1500</u> GPM
<u>76</u> ft.	After <u>8</u> Hrs.	pumped <u>2200</u> GPM
<u>53</u> ft.	After <u>2</u> Hrs.	pumped <u>1500</u> GPM

REMARKS: Before test pumping went in with Jetting tool, and bailed with air, then set test pump.This well was drilled under license # 326

And this report is true and accurate.

Drilling firm Irrigation Supply Co

Signature of License Representative:

RE Kohnke

Signature of Well Owner:

CSS Company by Bill KohnkeDate 4/5/88



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

February 23, 1987

Randy Spevak
CSS Company, 214 NW 3rd Street
Watertown, South Dakota 57201

Dear Mr. Spevak:

This letter is in response to the CSS Company water permit application received on February 18, 1987. The following information is needed before the permit application can be processed:

1. The enclosed permit application needs to be notarized.
2. The maximum amount of water that can be claimed for 220 acres is 3.14 cfs not the 3.33 cfs currently specified (Question No. 2). Please make the needed correction.
3. The enclosed map needs to be signed according to the enclosed instructions.
4. The application fee for 220 acres is \$275.00 (see instruction sheet). Enclosed is your \$250.00 check, please remit the correct application fee.

Please complete and return the enclosed forms and map with the \$275.00 application fee. The permit application can be processed only when the application is complete. I have also enclosed a blank application form and a copy of Water Permit No. 4334-3 as you requested. Contact us if you have any further questions.

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall".

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.



Department of Water & Natural Resources

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

December 18, 1987

Randy Spevak
CSS Company
214 3rd Street, NW
Watertown, South Dakota 57201

Dear Mr. Spevak:

This letter is in response to the proposed irrigation project in Section 16-T118N-R52W. The application was originally submitted February 18, 1987, withdrawn, and then resubmitted on December 15, 1987. A portion of the acreage to be irrigated in the SE 1/4 Section 16 (25 acres) was omitted on the Soil/Water Compatibility Permit Approval. However, the soil/water permit is to be amended to include the 25 acres and then be considered by the Conservation Commission on January 14, 1988.

The returned water permit application received on December 15, 1987 did not include the supplemental information form regarding the proposed well construction. Enclosed is the needed form with an instruction sheet and a copy of the water permit application. Please complete as much of the well information as possible and return any test hole logs that may be available. If no log is available please note so when you return the Form 2A.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall".

Ron Duvall
Natural Resources Engineer.

RD:ms
Enc.

South Dakota Department of
Water & Natural Resources

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

January 15, 1988

Randy Spevak
CSS Company
214 3rd St NW
Watertown SD 57201

Dear Mr. Spevak:

I am writing in regard to two water permit applications submitted on December 15, 1987 to irrigate acreage in Sections 16, 18, T118N, R52W. The applications were submitted with test hole logs completed by Kaiser Well Drilling. The instructions to complete a water permit application (copy enclosed) specifically state that a well log or driller's test log signed by a licensed South Dakota driller must accompany the application. Mr. Kaiser is not a licensed well driller in South Dakota. Kent Buhler, Division Engineer, also informed you via phone on September 16, 1987 that Mr. Kaiser was not a licensed well driller. Therefore, the applications specified above can not be processed for consideration by the Water Management Board until logs are submitted from a licensed well driller as required by General Rules section 74:02:01:08.1.

Please contact me if you have any further questions.

Sincerely,



RON DUVALL
Natural Resources Engineer
605 773-3352

enclosure

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4237

WR#

OWNERS NAME: CSS Company OWNERS ADDRESS: 214 NW 3rd St.

COUNTY LAND LOCATED IN: Codington PHONE: Watertown, SD 57201
886-2577

LEGAL DESCRIPTION: 2000' East and 2000' North of SW corner of Project
1. LOCATION ☒ Well ☐ Surface
Depth: _____

PORTIONS OF LAND PREVIOUSLY COVERED UNDER SW PERMIT #4195 - Approved with Requirements
3-16-87

Legal Description	Acres	Legal Description	Acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 16-T118-R52	20	SW $\frac{1}{4}$ NW $\frac{1}{4}$ 16-T118-R52	10
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 16-T118-R52	25	SE $\frac{1}{4}$ NW $\frac{1}{4}$ 16-T118-R52	20
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 16-T118-R52	40	SW $\frac{1}{4}$ NE $\frac{1}{4}$ 16-T118-R52	10
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 16-T118-R52	40	NW $\frac{1}{4}$ SE $\frac{1}{4}$ 16-T118-R52	35
		SW $\frac{1}{4}$ SE $\frac{1}{4}$ 16-T118-R52	20

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

3. CROPS TO BE IRRIGATED: Potatoes, Corn

WATER QUALITY:

4. WATER SAMPLE NUMBER: 87-0048 7. ADJUSTED (SAR): 2.33
5. SALINITY (EC X 10⁶): 1750 8. PERCENT SODIUM: 11.07
6. SODIUM (SAR): 0.81



Requirements:

We recommend that a form of conservation tillage be used to control wind erosion and improve the water holding ability of the soil.

We also recommend that the application of water be in excess of the plants needs to leaching salts out of the root zone.

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

1-14-88
Date

XX APPROVED XX REQUIREMENTS
____ DISAPPROVED
____ WAIVER

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

SOUTH Dakota Department of
Water & Natural Resources

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

February 1, 1988

Randy Spevak
CSS Company
214 3rd St NW
Watertown SD 57201

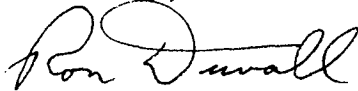
Dear Mr. Spevak:

This letter is in response to the Kaiser Well Drilling logs submitted on January 21 and 22, 1988. The well logs do not comply with the Well Construction Standards Chapter 74:02:04 (see attached NOTICE).

The water permit applications to irrigate acreage in sections 16, 18-T118N-R52W are not complete without logs from a licensed driller as specified in my letter dated January 15, 1988. Therefore, the applications can not be scheduled for consideration by the Water Management Board until logs from a licensed driller are received.

Please contact me if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosure

CSS COMPANY

"Grower of Top Quality Potatoes"

Warehouse and Office
214 Third Street NW
Watertown, South Dakota 57201

February 2, 1988

Telephone
(605) 886-2577

John Hatch, Chief Engineer
Water Rights Division
Department of Water and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181



Dear Mr. Hatch:

I am writing in response to your hearing notice to Ronald G. Kaiser dated February 1, 1988.

CSS Company has submitted water permit applications for two parcels of land tested for water by Kaiser Well Works. We have been informed by Mr. Ron Duvall of your office that these applications cannot be processed without drilling logs from a licensed well driller. We have also been informed that Mr. Kaiser does not have a South Dakota Well Drillers License, which we thought he had.

We therefore ask that we be added to the hearing agenda on March 2, 1988 for the purpose of obtaining a waiver on this requirement.

We have already spent approximately \$2500 dollars having Mr. Kaiser drill test holes on these two parcels. Also, due to the uncertainty of the weather this time of year, it would be difficult to have new test holes dug within the time limitations for a spring approved water permit.

If this request meets with your approval, we are prepared to attend the March 2 hearing.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard R. Spevak".

Richard R. Spevak



Department of Water & Natural Resources

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

February 11, 1988

NOTICE

TO: Richard R. Spevak
214 3rd Street NW
Watertown SD 57201

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3325

SUBJECT: Notice of Hearing on Request for Declaratory Ruling Regarding
Submission of Test Hole Logs from an Unlicensed Well Driller

On December 15, 1987, two water permit applications for irrigation were submitted to the Division of Water Rights with test hole logs completed by Kaiser Well Works. A letter dated January 15, 1988 and a follow-up letter dated February 1, 1988 state that the test hole logs submitted with the applications were not acceptable because Kaiser Well Works was not a licensed South Dakota well driller. The letters further state that the applications could not be processed for consideration by the Water Management Board until logs are received from a licensed driller.

On February 5, 1988 your letter requesting a hearing before the Water Management Board was received. The letter requests that the Board consider granting a waiver from the requirement that logs be submitted from a licensed well driller. The Water Management Board will consider the request for a declaratory ruling (waiver) pursuant to General Rules Sections 74:02:01:08.1 and 74:02:01:46. The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-1-15, 46-2-5, 46-2-9, 46-2-11, 46-2-17 and 46-5-10. The public hearing will be held on March 2, 1988, at 2:30 pm, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of hearing may be later than 2:30 pm due to prior agenda items.

After all evidence is taken at the hearing, the Board may issue a decision to accept the submitted test hole logs, reject the submitted test hole logs and require submission of logs from a licensed well driller, or take no action. The hearing will be held pursuant to the contested case procedures required by SDCL Chapter 1-26. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited, if not exercised at the hearing. Any decision rendered by the Board may be appealed to the Circuit Court and to the State Supreme Court as provided by law.

cc: Harold Deering, Assistant Attorney General

CERTIFICATION

I hereby certify that on February 11, 1988 I have personally deposited with the U.S. Mail, postage prepaid envelopes containing Notice of Hearing on Request for Declaratory Ruling Regarding Submission of Test Hole Logs from an Unlicensed Well Driller addressed to Richard R. Spevak
214 3rd St NW
Watertown SD 57201

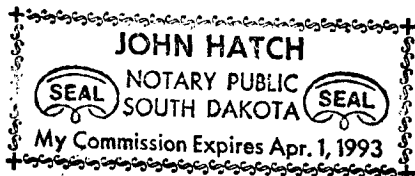
Karen Schlaak

KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 12th day of February, 1988.

John Hatch
Notary Public



REPORT ON APPLICATION NOS. 5166-3 AND 5174-3
CSS COMPANY
MARCH 19, 1988

Application Nos. 5166-3 proposes to appropriate 3.14 cfs from one well 172 feet deep to irrigate 220 acres. The well is to be located in the NE 1/4 SW 1/4 and the land to be irrigated is in the SW 1/4, S 1/2 NW 1/4, SW 1/4 NE 1/4, W 1/2 SE 1/4; all in Section 16, T118N, R52W, in Codington County.

Application No. 5174-3 proposes to appropriate 2.28 cfs from 2 wells approximately 157 feet deep to irrigate 160 acres. The wells are to be located in the SW 1/4 SE 1/4 and the acreage to be irrigated is in the SE 1/4 ;all in Section 18, T118N, R52W, in Codington County.

Aquifer - Prairie Coteau (PCO)

The Prairie Coteau is a buried Pliestocene aged glacial (sand and gravel) aquifer under artesian conditions. The aquifer is not well defined in Codington County and reliable storage estimates are not available. Estimates (Smith, 1984) for the PCO were given for a large area and do not apply to the Codington County portion of the aquifer. The county study is nearly completed for Codington County and these estimates will be available.

The Division of Water Rights monitors 3 observation wells (CD-76A, CD-77A and CD-77G) which are within five miles of these applications (Water Rights Division, 1988). Drawdowns are evident and caused by pumping of existing irrigation wells. However, water levels generally recover to pre-pumping conditions every year. Existing development has not adversely impaired water availability from the aquifer.

Review of Existing Water Rights

There is one Permit No. 5002-3 which is located in the immediate area for a well from the PCO Aquifer (sketch included). Water Rights Division records indicated this permit has not been developed. Interference is likely between this permit and the proposed applications. Further testing would be required to evaluate the effect of pumping in this area.

Historically, there were a large number of protests from the area north of these applications when development first began in 1975. The primary concerns were fluctuations in water levels of an artesian aquifer caused by pumping. These drawdowns caused wells to stop flowing or to lose pressure and in some instances required lowering of pumps. The availability of water for adequately constructed domestic wells has not been affected.

Conclusions

1. Water is available from the PCO Aquifer. Test drilling by the applicant and the Division of Water Rights demonstrate this.
2. Water level records indicate the PCO Aquifer is sustaining the withdrawals with recharge to the aquifer.
3. Further testing by production well pumping may be necessary to determine if Permit Application No. 5174-3 will adversely affect Permit No. 5002-3. An aquifer test should be conducted on the completed production wells and evaluated to determine potential effects.
4. Permit No. 5002-3 is apparently not developed.
5. The PCO Aquifer may flow at the land surface in this area. The flowing well qualification should be included on the permit.
6. It is unlikely that 1 well will produce 3.14 cfs on a sustained basis as requested by Permit No. 5166-3. Because this well is almost 2 miles from the other diversion point, adverse interference is not anticipated.


JAMES A GOODMAN
Hydrologist

References

Smith, F., 1984, Report on Application No. 5002-3, Brand Farms, DWNR, Division of Water Rights, Joe Foss Building, Pierre SD 57501.

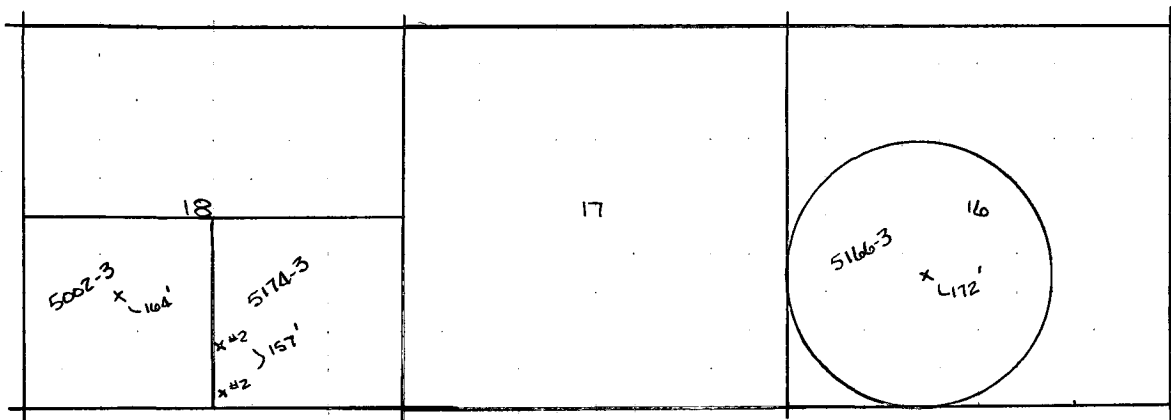
Water Rights Division, Observation Well Records for CD-76A, CD-77A and CD-77G, DWNR, Division of Water Rights, Joe Foss Building, Pierre SD 57501.

SKETCH OF AREA IN CODINGTON COUNTY
INCLUDING

PERMIT NO. 5002-3 AND PERMIT APPLICATIONS 5166-3 AND 5174-3

ALL IN T118N R52W

SCALE 2 INCH = 1 MILE



5002-3	1 WELL	164 FEET	BRAND FARMS	2.20 CFS	IRRIGATION	156 ACRES
5166-3	1 WELL	172 FEET	CSS COMPANY	3.14 CFS	IRRIGATION	220 ACRES
5174-3	2 WELLS	157 FEET	CSS COMPANY	2.28 CFS	IRRIGATION	160 ACRES

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5166-3, CSS Company

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. 5166-3, CSS Company, 214 3rd Street NW, Watertown SD.

The Chief Engineer is recommending APPROVAL of Application No. 5166-3 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:

- See
File
Documentation
dated
7-7-88 jif
1. ~~The casing of the well to be constructed under Permit No. 5166-3 shall be pressure grouted Pursuant to Section 74:02:04:29 from the producing formation to the surface and the well constructed in compliance with Water Management Board Well Construction Rules, Chapter 74:02.04~~
 2. If the well approved under this permit flows, the well shall be valved and the flow reduced to a minimum when not being used.
 3. The irrigation well approved under this Permit will be located near domestic 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.
 4. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
March 22, 1988

Instruction to Newspaper - Publish first publication of the following Notice on or before April 4, 1988 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARINGS on Application Nos. 5166-3 and 5174-3 To Appropriate Water

Notice is hereby given that The CSS Company whose mailing address is RR 3, Box 138B, Watertown, South Dakota has filed Application No. 5166-3 for a permit to appropriate 3.14 cubic feet of water per second from 1 well (Prairie Coteau Aquifer) 172 feet deep to irrigate 220 acres. The well is to be located in the NE 1/4 SW 1/4 and the acreage to be irrigated in the SW 1/4, S 1/2 NW 1/4, SW 1/4 NE 1/4, W 1/2 SE 1/4; all in Section 16, T118N, R52W.

Application No. 5174-3 is to appropriate 2.28 cubic feet of water per second from 2 wells (Prairie Choteau Aquifer) 157 feet deep to irrigate 160 acres. The wells are to be located in the SW 1/4 SE 1/4 and the acreage to be irrigated in the SE 1/4; all in Section 18, T118N, R52W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends Approval of Application Nos. 5166-3 and 5174-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

These applications will be considered by the Water Management Board in Room 216, Joe Foss Bldg, 523 E Capitol, Pierre SD, May 11, 1988 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 these applications after it reaches a conclusion based upon facts presented at the public hearings. Any interested person who may be affected by a Board decision and who intends to participate in a 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 29, 1988. The petition may be informal, but it must include a statement describing the petitioner's interest in an application, the reasons for the petitioner's opposition to or support of an 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.

These applications are 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.

These hearings are adversary proceedings. 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 State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on an application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of a hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support an application. The request for extension must be filed with the Chief Engineer by April 29, 1988.

PROOF OF PUBLICATION

WATERTOWN

STATE OF SOUTH DAKOTA)
County Codington) ss.

NOTICE OF HEARINGS
ON APPLICATION

NOS. 5166-3 and 5174-3
TO APPROPRIATE WATER

Notice is hereby given that the
CSS Company whose mailing ad-
dress is RR 3, Box 138B, Water-
town, South Dakota has filed Ap-
plication No. 5166-3 for a permit
to appropriate 3.14 cubic feet of
water per second from 1 well
(Prairie Coteau Aquifer) 172 feet
deep to irrigate 220 acres.

The well is to be located in the
NE 1/4 SW 1/4 and the acreage to be
irrigated in the SW 1/4, S 1/2 NW 1/4,
SW 1/4 NE 1/4, W 1/2 SE 1/4; all in
Section 16, T118N, R52W.

Application No. 5174-3 is to ap-
propriate 2.28 cubic feet of water
per second from 2 wells (Prairie
Coteau Aquifer) 157 feet deep to
irrigate 160 acres. The wells are
to be located in the SW 1/4 SE 1/4
and the acreage to be irrigated in
the SE 1/4; all in Section 18,
T118N, R52W.

Pursuant to SDCL 46-2A-2 the
Chief Engineer of the Water
Rights Division recommends
Approval of Application Nos.
5166-3 and 5174-3 because 1)
Unappropriated water is avail-
able, 2) will be no unlawful im-
pairment of existing rights, 3) it
is a beneficial use of water and 4)
it is in the public interest.

These applications will be con-
sidered by the Water Manage-
ment Board in Room 216, Joe
Foss Bldg., 523 E. Capitol,
Pierre, SD, May 11, 1988 at 10:00
A.M.

The recommendation of the
Chief Engineer is not final or
binding upon the Board and the
Board is authorized to 1) ap-
prove, 2) approve with qualifica-
tions, 3) defer, or 4) deny these
applications after it reaches a
conclusion based upon facts
presented at the public hearings.

Any interested person who
may be affected by a Board
decision and who intends to par-
ticipate in a 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
applicant and the Chief Engineer
by April 29, 1988. The petition
may be informal, but it must in-
clude a statement describing the
petitioner's interest in an ap-
plication, the reasons for the
petitioner's opposition to or sup-
port of an 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.

These applications are 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.

These hearings are adversary
proceedings. 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 State Supreme
Court as provided by law.

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:

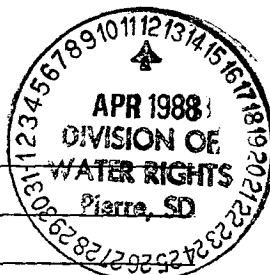
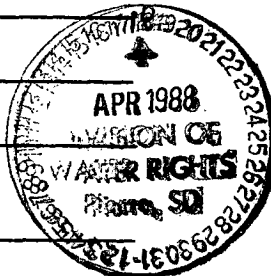
April 2nd, 1988

April 9th, 1988

✓ Monica K. Saathoff
(Signature)

Bookkeeper
(Title)

April 9th, 1988
(Date Signed)



Cost of Printing: 80.52

Any person wishing a copy of the Chief Engineer's recommendation, further information on an application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg., Pierre, SD (605)773-3352 for assistance prior to the hearing date. The time of a hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support an application. The request for extension must be filed with the Chief Engineer by April 29, 1988.

(April 2, 9, 1988)

11' @ 3.66 X 2' 980.52

SOUTH Dakota Department of
Water & Natural Resources

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

April 14, 1988

Monica K Saathoff, Bookkeeper
Watertown Public Opinion
PO Box 10
Watertown SD 57201-0010

Dear Ms. Saathoff:

This letter is in response to receipt of the enclosed Proof of Publication on April 12, 1988. I am returning the Proof of Publication because your signature was omitted. Please sign the Proof of Publication where indicated and return to the Division of Water Rights. Application Nos. 5166-3 and 5174-3 can not be considered by the Water Management Board until a signed Proof of Publication is received.

Thank you for your time and consideration.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

Conversation or File Documentation

NAME OF PERSON OR FILE: 5166-3 CSS Company

ADDRESS: _____ COUNTY _____

DATE: 7-7-88 TELEPHONE _____RE: Well Grouting Qualification

COMMENTS:

The WMB approved No. 5166-3 with
the Well Grouting Qualification as follows:

- The casing of the well to be constructed under Permit No. 5166-3
- shall be pressure grouted with cement (bottom to top) from the
- producing formation to the surface, constructed by a licensed
- well driller and the well constructed in compliance with Water
- Management Board Well Construction Rules, Chapter 74:02:04.

See May 1988 Minutes

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



Department of Water & Natural Resources

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

July 19, 1988

5174-3
5166-3

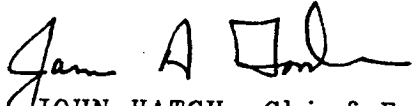
CSS Co.
RR 3, Box 138B
Watertown SD 57201

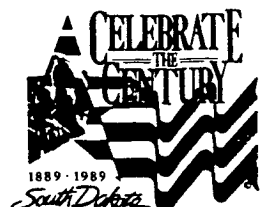
Dear Sir:

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,

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



SOUTH Dakota Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

NOV 30 1988

CSS company
RR 3, Box 138 B
Watertown, South Dakota 57201

Dear Sir:

Enclosed herewith is your Water Permit No. 5166-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 5166-3.

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.

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



Date 12/15/88

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

FROM: CSS Company RR3 Box 138 B Watatown
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. 5166-3.

Water Permit No. 5166-3 states that the diversion system is to be constructed by 5/11/1993, and that the water it put to beneficial use by 5/11/1997.

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

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

CSS Company by Bill R. [signature]
signature

#5166-3
#5174-3

 **Department of
Water & Natural Resources**

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

February 17, 1989

CSS Company
RR 3, Box 1388
Watertown, SD 57201

Dear Sir:

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;

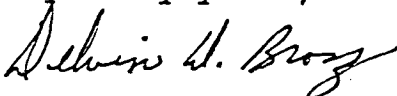


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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

E 11

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 1380 Watkins
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. 5166-3.

Water Permit No. 5166-3 states that the diversion system is to be constructed by 5/11/1993, and that the water it put to beneficial use by 5/11/1997.

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

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

[Signature]
signature



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 CSS Company
214 NW 3rd St. of Watertown, SD 57201 holder of

Permit No. 5166-3, bearing the priority of March 2 1988 authorizing the diversion of 3.14 cu. ft. per second of the waters of groundwater 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:

1- Fairbanks Morse - 100 HP - 12" pump Model # 7000 capable of 1400gpm using a U.S. electric motor Model # 404 TAA.

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

8" aluminum piping 40' long

C. Works used to apply water to beneficial use:

Lockwood center pivot with 11 towers and an end gun
220' long with a 1400 gpm capacity.

The system is in the following condition good

The point of diversion is located 2180' east and 1780' North of the
SW corner Section 16 - T118N - R52W

The works are capable of diverting and conveying to the place of use 3.11

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

Water has been put to beneficial use to the maximum extent as follows: Section 16-T118N-R52W

SW 1/4 NW 1/4 - 8 Acres SW 1/4 SW 1/4 - 20 Acres

SE 1/4 NW 1/4 - 22 Acres SE 1/4 SW 1/4 - 39 Acres

NW 1/4 SW 1/4 - 32 Acres SW 1/4 NE 1/4 - 8 Acres

NE 1/4 SW 1/4 - 40 Acres NW 1/4 SE 1/4 - 31.5 Acres

comprising a total of 220 acres of land and the license should be issued for 3.11 cfs

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: _____ Date 4/17/91

Norma C. Job
(signature)

LICENSE FOR PERMIT NUMBER 5166-3

1. Legal location of wells: NE 1/4 SW 1/4 Section 16 - T18N R52W

dams & structures: _____

2. Well Information: Well Drilling Firm Irrigation Supply Co

Completion Report Yes ☒ No _____ No. of Wells 1 Depth 120 173' (2nd)
Casing a) diameter 16" Screen a) type Johnson Stainless Steel
b) length 146 b) length 27
c) type Steel Static Water Level 1
Pump a) make Fairbanks Morse Motor a) make US Electrical
b) model 7000 b) model No. 404 TPA
c) size 12" c) horsepower rating 100
d) capacity 1400 gpm
e) turbine pump - no. of stages _____
f) operating PSI 47

3. Distribution lines or canals
a) size 8"
b) type Aluminum
c) length 40'

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 11
- 3) distance between towers _____
- 4) overall length 1705.8
- 5) end gun (Y/N) Y
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) 1400

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.

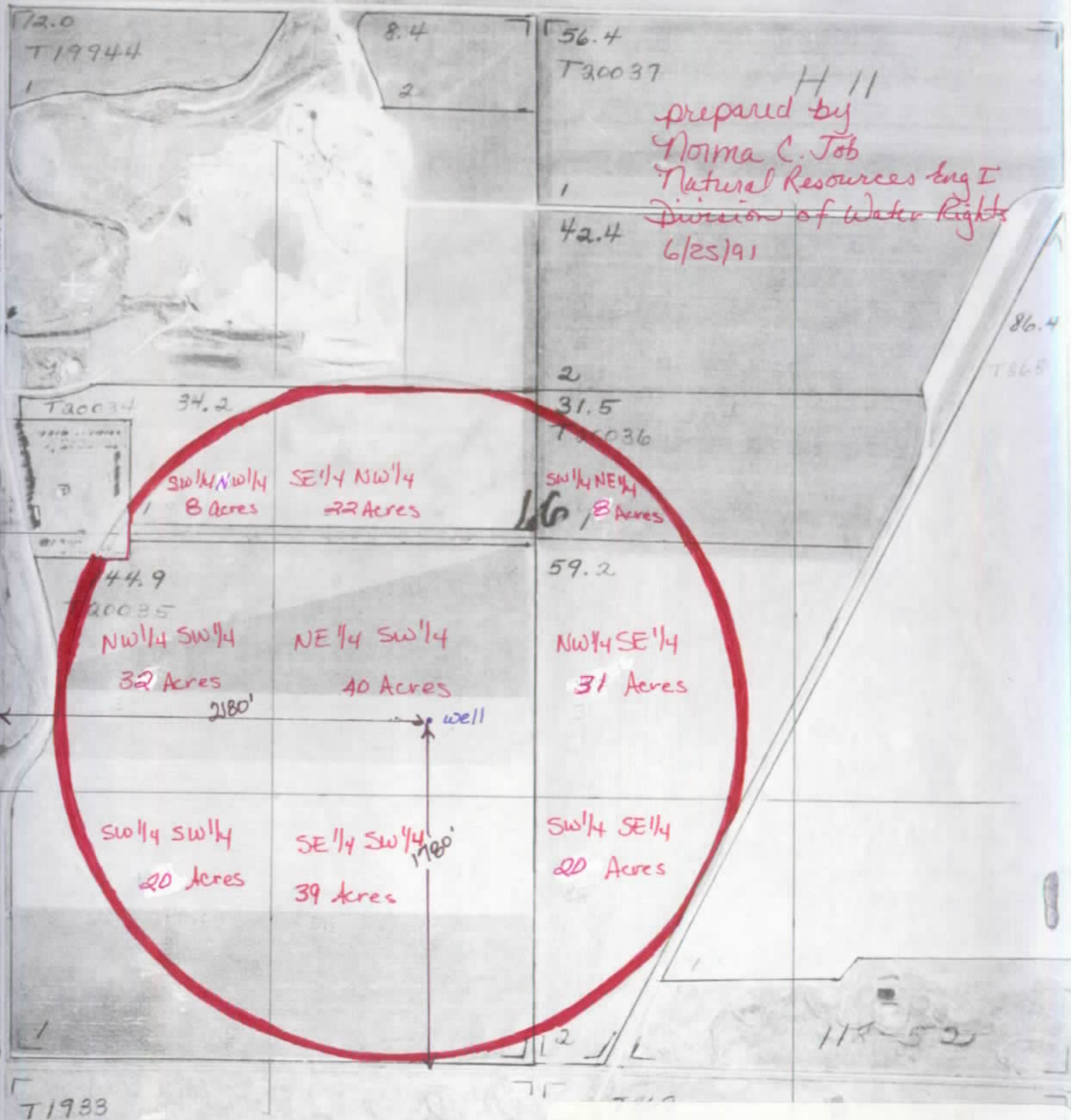
Indicate any other permit(s) which are associated with project _____

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

REMARKS:

permit 5166-3

NOT TO SCALE



License No. 5166-3

South Dakota

GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 5, 1991

5166-3
5174-3

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

Dear Mr. Spevak:

The inspection of your water use systems and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 5166-3 and 5174-3, has been completed. The final water right document, the Water License, can now be issued for each permit.

Statutes require that we charge a \$50.00 fee each (total of \$100.00) for the inspection and issuance of the Water Licenses. Upon receipt of the \$100.00 fee from you, we will begin processing the Water Licenses for CSS Company.

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

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412783

Pierre, August 8, 19 91

RECEIVED OF Casco Corporation, RR 3, Box 1388, Watertown, SD 57201

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. 5166-3

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

50 00

By

Jahr Hatch (CF)

Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5166-3

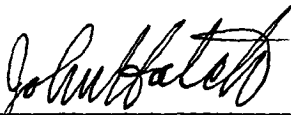
(1) CSS Company of RR 3, Box 138B, Watertown, SD 57201 made Application No. 5166-3, February 18, 1987 for a water permit to appropriate 3.14 cubic feet of water per second from groundwater (one well), Codington County, South Dakota for irrigation purposes. Permit No. 5166-3 with a priority date of March 2, 1988 was approved May 11, 1988 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before May 11, 1993 and for the application to beneficial use of said water on or before May 11, 1997.

(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 3.11 cubic feet of water per second for beneficial use. The location of the diversion point is: 2180'E and 1780'N of the SW corner Section 16, T118N, R52W.

(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:

T118N, R52W Section 16	SW 1/4 NW 1/4	8 Acres
	SE 1/4 NW 1/4	22 Acres
	NW 1/4 SW 1/4	32 Acres
	NE 1/4 SW 1/4	40 Acres
	SW 1/4 SW 1/4	20 Acres
	SE 1/4 SW 1/4	39 Acres
	SW 1/4 NE 1/4	8 Acres
	NW 1/4 SE 1/4	31 Acres
	SW 1/4 SE 1/4	20 Acres
	Total-----	220 Acres

(4) Pursuant to Section 46-5-30.1 CSS Company of RR 3, Box 138B, Watertown, SD 57201 the holder(s) and/or owner(s) of Water Permit No. 5166-3 is issued a license to appropriate water, the right to use 3.11 cubic feet of water per second from groundwater (one well) with a priority date of March 2, 1988 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 5166-3 and subject to South Dakota State Law.


SEP 27 1991
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 27 1991

5166-3

CSS Company
RR 3, Box 138B
Watertown, SD 57201

Dear Sirs:

Enclosed is Water License No. 5166-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412783 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. 5166-3, 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



February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: CSS FARMS, MILT CARTER, 3334 9TH AVE SW, WATERTOWN, SD 57201

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3, 2120-3, 3672-3, 4041-3 & 4181-3 and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3, 2120-3, 3672-3, 4041-3 & 4181-3. The request for the Questionnaires was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 2120-3, 3672-3, 4041-3 & 4181-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2120-3, 3672-3, 4041-3 & 4181-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: MILT CARTER
CSS FARMS
3334 9TH AVE SW
WATERTOWN SD 57201

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

RE: Failure to Report Chemical Use under Water Permit No(s) 2120-3; 3229-3; 3672-3; 3782-3; 4041-3; 4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-3; 5379-3; 5586-3; 5723-3 & 5724-3

The first notice to file chemigation report(s) for Permit No(s) 2120-3; 3229-3; 3672-3; 3782-3; 4041-3; 4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-3; 5379-3; 5586-3; 5723-3 & 5724-3 was dated 10/24/96. Our records indicate that we have not received the 1996 chemigation report for any of the above listed permits. The Water Management Board has directed that owners of water permits who have not submitted the 1996 chemigation report(s) be given notice of violation and hearing before the board. The hearing held by the board is to determine what action is to be taken concerning violation of Administrative Rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical applied.

The hearing will be held at 2:30 PM on March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to chapter 1-26. According to SDCL 46-1-12, the board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 2120-3; 3229-3; 3672-3; 3782-3; 4041-3; 4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-3; 5379-3; 5586-3; 5723-3 & 5724-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the chemigation report(s) is(are) received by this office on/or before February 28, 1997 your name will be deleted from the board agenda.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 1997

Milt Carter
CSS Farms
3334 9th Ave SW
Watertown, SD 57201

Dear Mr. Carter:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires and chemical reporting forms. You may disregard the February 4, 1997, **Notices of Violation**.

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

Thank you and if you have any questions, please contact me.

Sincerely,

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



July 18, 2002

5166-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Jim Carter
CSS Farms
3334 9th Ave SW
Watertown, SD 57201

Dear Mr. Carter:

This letter is in reference to a complaint we received concerning overspray on public right-of-ways by your centerpivot endguns. On July 1, 2002, Mark Rath from my office investigated the overspray complaint and observed one of your centerpivots overspraying an unimproved section line road between section 3 and 4 in T122N-R52W (Res) in Roberts County. He met with you concerning this matter on July 2, 2002. At that time you acknowledged the problem and indicated you would remedy the situation promptly.

I would like to remind you that you are not allowed to operate an irrigation system in violation of state water law, which includes allowing unauthorized overspraying to occur. I appreciate your efforts at correcting this problem, where they may exist, on any and all of your centerpivots.

If you have any questions, please contact Mark Rath of the Water Rights Program at phone (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



December 12, 2006

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

5166-3

John Nordgaard
542 Terrace Dr
Grand Forks ND 58201

Dear Mr. Nordgaard:

I am contacting you in regard to ownership of land described in Water Right No. 5166-3, currently listed in the name of CSS Company of Watertown, SD. Enclosed is a copy for your review.

Terry Endres contacted us this week concerning the annual irrigation questionnaire for the water right and indicated that you owned the land described in the water right. It would be appropriate at this time to have the water right transferred to your name since CSS Company is no longer involved.

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 \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you concerning the water right or completion of the transfer form, please contact me.

Sincerely,

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

enclosures

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Brad Salman, Northern Con Ag, 3231 Fernbrook Ln, Plymouth MN

DATE: May 24, 2007

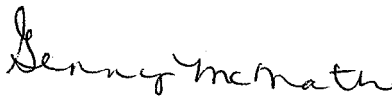
TELEPHONE: 763 509-9345

RE: ownership of land described in Water Right No. 5166-3

COMMENTS:

John Nordgaard filed an ownership change in January for a portion of the land described in the water right. I contacted the Assessor's office in Codington County to find out who owns the remainder of the land. They have Codington County Properties and Northern Con Ag owning the land.

I contacted Northern Con Ag and spoke with Brad Salman. He indicated that Codington County Properties was a subsidiary of Northern Con Ag. We discussed ownership and he requested a map and a copy of the water right to review. He thought they probably did own the land but would review the information and get back to me.



Genny McMath
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 24, 2007

5166-3

Brad Salman
Northern Con Ag
3231 Fernbrook Ln
Plymouth MN 55447-5325

I am writing in follow-up to our phone conversation concerning ownership of land described in Water Right No. 5166-3. Enclosed are a copy of the water license and the map of the area.

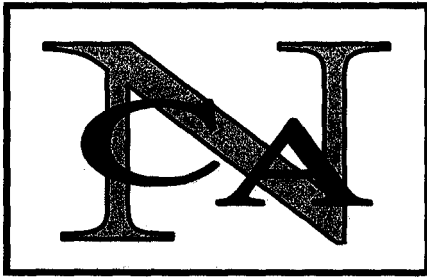
John Nordgaard, Grand Forks ND filed an ownership change for a portion of the water right. Specifically, the SW $\frac{1}{4}$ of Section 16, T118N, R52W. In order to properly transfer the water right, we need to determine who owns the remainder of the land. The enclosed map shows the center pivot and the land covered by the water right.

Please take a few minutes to review the map and the water right license and let me know if Northern Con Ag and/or also Codington County Properties own the outlined area. If so, is the land still irrigated?

You may make notations on the map or license and send any information you have back to us. I appreciate your help and look forward to hearing from you.

Sincerely,

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



NORTHERN CON-AGG, INC.

3231 FERNBROOK LANE NORTH

PLYMOUTH, MINNESOTA 55447

PH. 763-509-9344 FAX 763-509-9347

RECEIVED

JUN - 6 2007

WATER RIGHTS
PROGRAM

June 1, 2007

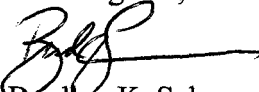
Genny McMath
Environmental Scientist
Water Rights Program, DENR
PMB 2020
523 East Capitol
Pierre, SD 57501-3182

Re: Water Right No. 5166-3

Dear Genny;

I am returning the aerial back with notations referencing which properties belong to Northern Con-Agg and Codington County Properties respectively. Please let me know if further information is required and I will do my best to help.

Best Regards,


Bradley K. Salman
Vice President, Sales

Enclosures: Water License 5166-3
Aerial

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5166-3

(1) CSS Company of RR 3, Box 138B, Watertown, SD 57201 made Application No. 5166-3, February 18, 1987 for a water permit to appropriate 3.14 cubic feet of water per second from groundwater (one well), Codington County, South Dakota for irrigation purposes. Permit No. 5166-3 with a priority date of March 2, 1988 was approved May 11, 1988 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before May 11, 1993 and for the application to beneficial use of said water on or before May 11, 1997.

(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 3.11 cubic feet of water per second for beneficial use. The location of the diversion point is: 2180'E and 1780'N of the SW corner Section 16, T118N, R52W.

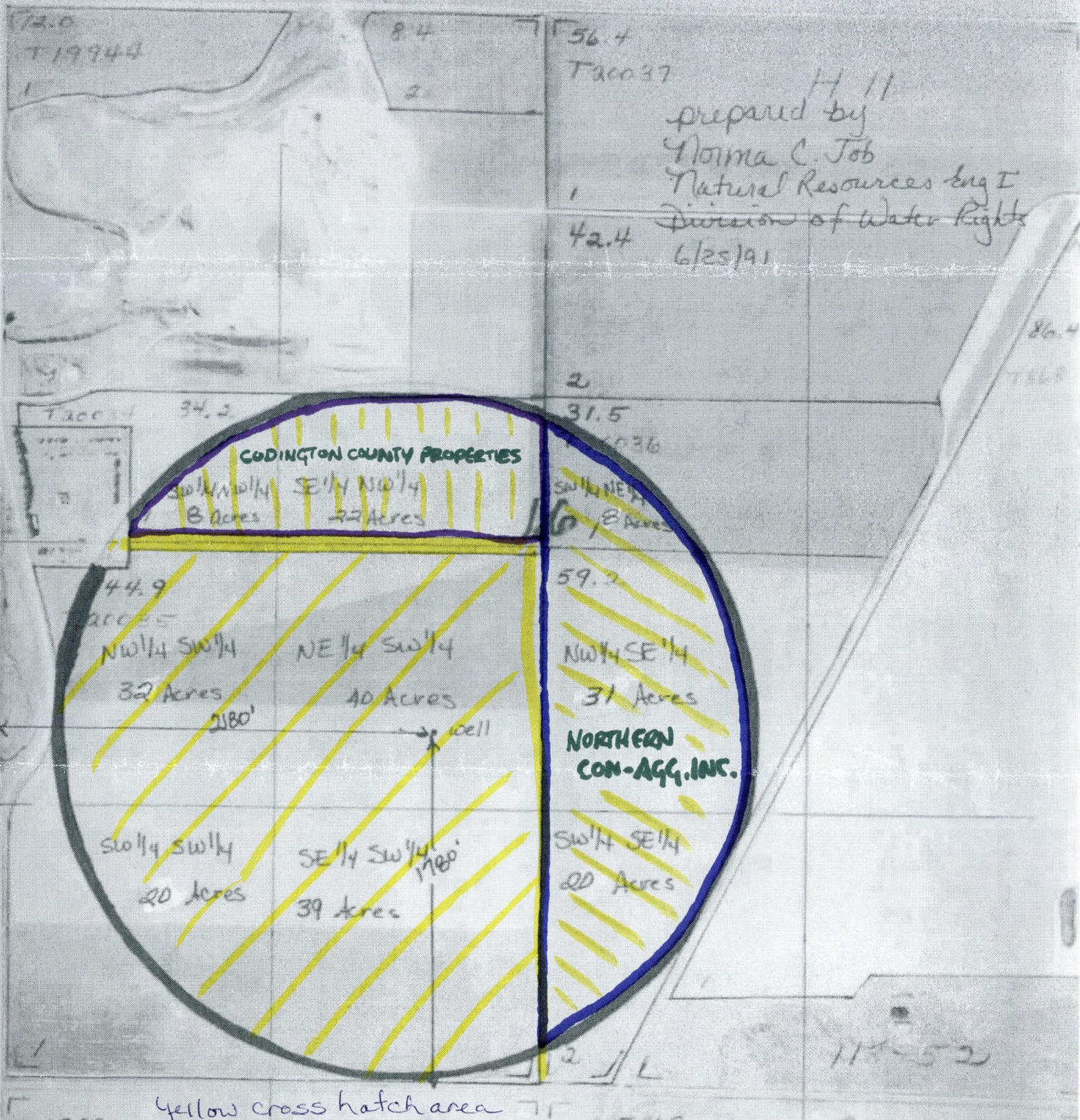
(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T118N, R52W Section 16	SW 1/4 NW 1/4	8 Acres	CODINGTON COUNTY PROPERTIES
	SE 1/4 NW 1/4	22 Acres	
	NW 1/4 SW 1/4	32 Acres	
	NE 1/4 SW 1/4	40 Acres	
	SW 1/4 SW 1/4	20 Acres	
	SE 1/4 SW 1/4	39 Acres	
	SW 1/4 NE 1/4	8 Acres	
	NW 1/4 SE 1/4	31 Acres	NORTHERN CONCOFF, INC.
	SW 1/4 SE 1/4	20 Acres	
	Total-----	220 Acres	

(4) Pursuant to Section 46-5-30.1 CSS Company of RR 3, Box 138B, Watertown, SD 57201 the holder(s) and/or owner(s) of Water Permit No. 5166-3 is issued a license to appropriate water, the right to use 3.11 cubic feet of water per second from groundwater (one well) with a priority date of March 2, 1988 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 5166-3 and subject to South Dakota State Law.


SEP 27 1991
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

NOT TO SCALE



yellow cross hatch area
transferred to
John Nordgaard

License No. 5166-3

CSS FARMS, Inc.					
Farm Land with Water Permit #'s					
In CSS Farms, Milt Carter or Other Name					
Please Transfer all Water Permits to Land Owners					
Updated:1-16-07					
CSS FARMS, Inc.		Permitted	Irrig.		
		Irrig.	Permit	Current	
Field Name	Irrigated Land Legals	Acres	#	Owner	Operator
Codington County:					
Drake	Sec 10 T119N R51W	132	3672-3	Coast Properties Investors LLC	Greg Endres
McElhaney-East	Sec 16 T118N R52W	220	5166-3	John Norgaard etl	Terry Endres
Regnier	Sec 21 T118N R52W	165	5379-3	Don Endres	Terry Endres
Toft-North & South	Sec 16 T118N R52W	190	2120-3	Don Endres	Terry Endres
Grant County:					
Allison	Sec 20 T120N R51W	130	5338A-3	Milton Allison	Greg Endres
Berger- South	Sec 16 T121N R52W	132	6099-3	Endres Family Trust	Greg Endres
Ollman	Sec 17 T121N R52W	132	6030-3	Endres Family Trust	Greg Endres
Kneeland	Sec 9 T121N R52W	132	5968-3	Don Endres	Greg Endres
Loken-East	Sec 10 T120N 52W	70	5378-3	Endres Family Trust	Terry Endres
Loken-West	Sec 9 T120N 52W	174	5377-3	Endres Family Trust	Terry Endres
Meyer-East & South	Sec 28 & 33 T120N R51W	400	3782-3	Robert L. Carr	Greg Endres
Meyer-Middle	Sec 28 T120N R51W	168	5586-3	Robert L. Carr	Greg Endres
Meyer-North & West	Sec 21 & 28 T120N R51W	302	5173-3	Robert L. Carr	Greg Endres
Roberts County:					
Jake 1	Sec 34 T123N R52W	156	4604-3	Endres Family Trust	Greg Endres
Jake 2, 5 & 6	Sec 3 & 4 T122N R52W	393	4041-3	Endres Family Trust	Greg Endres
Jake 3	Sec 3 T122N R52W	132	5724-3	Endres Family Trust	Greg Endres
Jake 4	Sec 10 T122N R52W	132	5723-3	Endres Family Trust	Greg Endres
Richardson	Sec 3 T122N R52W	136	6029-3	Endres Family Trust	Greg Endres
Utne	Sec 33 T121N R52W	136	6004-3	Don Endres	Greg Endres
Total Permitted Acres:		3432.0			
Note: Endres Family Trust--Jim Endres is the contact person					
Coast Properties Investors LLC--Dr. L.A. Sigdestad is the contact person					
Milton Allison	1434 Linden Dr.	Ames, IA 50010-5532		515-232-3389	
Robert Carr	506 Washington Ave	Marshall, MN 56258-7661		507-532-2291	
Don Endres	108 Half Moon Rd	Brookings, SD 57006-3906		605-690-1385	
Jim Endres	17212 460th Ave	Watertown, SD 57201		605-881-0424	
Terry Endres	17214 460th Ave	Watertown, SD 57201		605-881-0423	
Greg Endres	2011 South Serenity Dr.	Watertown, SD 57201		605-880-1711	
John Nordgaard	542 Terrace Dr.	Grand Forks, ND 58201-7661		701-739-3819	
Dr. L. A. Sigdestad	2605 S Waterman Ave	San Bernardino, CA 92408		909-709-6200	

RECEIVED

JAN 19 2007

WATER RIGHTS
PROGRAM

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Brad Salman, Northern Con-Agg, Inc,
3231 Fernbrook Lane North,
Plymouth, MN 55447

DATE: June 11, 2007

TELEPHONE: 763 509-9344

RE: Ownership of land described in Water Right No. 5166-3

COMMENTS:

Mr. Salman sent in a letter and map showing ownership of the land in Section 16, T118N, R52W as authorized for irrigation under No. 5166-3.

- S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 16: Codington County Properties (a subsidiary of Northern Con Agg)
- SW $\frac{1}{4}$ Section 16: John Nordgaard, 542 Terrace Dr., Grand Forks ND 58201
- SW $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 16: Northern Con Agg Inc

The water right will be divided and reissued according to ownership.

I discussed with Mr. Salman the status of irrigation on land that Codington County Properties and Northern Con Agg owned. The land owned by Codington County Properties is not being irrigated and will not be irrigated. This portion will be scheduled for cancellation consideration.

The land Northern Con Agg owns in the E $\frac{1}{2}$ Section 16 for the most part is not irrigated but the pivot in the SW $\frac{1}{4}$ still swings over and covers a very small portion of the SE $\frac{1}{4}$. They do not irrigate the remainder of the acreage. Send a "Notice of Transfer of Ownership" form to Northern Con Agg for the land in the E $\frac{1}{2}$ Section 16.

June 11, 2007: I called and spoke with Terry Endres who operates the irrigation system in the SW $\frac{1}{4}$ Section 16 for John Nordgaard. There are 131 acres licensed in that quarter. He thought the pivot irrigated about 5 acres in the SE $\frac{1}{4}$. He indicated he thought the pivot put out about 1000 gallons per minute.

Things to do:

- Send a "Notice of Transfer of Ownership" to Northern Con Agg for the land they own;
- Divide 5166-3 into 5166A-3, 5166B-3 and 5166C-3 to reflect separate ownership
5166A-3: John Nordgaard (SW $\frac{1}{4}$ Section 16, T118N, R52W)
5166B-3: Northern Con Agg, Inc (SW $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 16, T118N, R52W)
5166C-3: Codington County Properties (S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 16, T118N, R52W)
- Schedule 5166C-3 for Codington County Properties for cancellation consideration

Genny McMath

Genny McMath
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 12, 2007

5166-3
5166B-3

Brad Salman
Northern Con-Agg Inc
3231 Fernbrook Lane North
Plymouth MN 55447

Dear Mr. Salman:

I am writing in follow-up to our June 11th telephone conversation concerning a portion of Water Right No. 5166-3 held by CSS Company in Watertown. Based on the ownership changes, the water right will be divided as follows:

- 5166A-3: John Nordgaard (SW ¼ Section 16, T118N, R52W)
- 5166B-3: Northern Con-Agg, Inc (SW ¼ NE ¼ and W ½ SE ¼ Section 16, T118N, R52W)
- 5166C-3: Codington County Properties (S ½ NW ¼ Section 16, T118N, R52W)

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change for the portion of land owned by Northern Con-Agg, Inc. 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 \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

Once we receive the ownership change from you for 5166B-3, the original number will be divided as described above and licenses issued. The land to be listed under 5166C-3 for Codington County Properties will be scheduled for cancellation consideration. You will be sent a separate letter notifying you of the time, date and place of the hearing once it is scheduled.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure

ATTACHMENT TO WATER RIGHT 5166-3

Water Right No. 5166-3 authorizes irrigation of 220 acres in portions of Section 16, T118N, R52W. Land described under the water right has changed ownership. The water right is being divided and reissued to reflect separate ownership has follows:

- **5166A-3: John Nordgaard, 542 Terrace Dr., Grand Forks ND 58201** authorizing diversion of 1.87 cfs from one well located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16 to irrigate 131 acres in the SW $\frac{1}{4}$ Section 16, T118N, R52W;
- **5166B-3: Northern Con-Agg, Inc., 3231 Fernbrook Lane N, Plymouth, MN 55447** authorizing diversion of 0.84 cfs from one well located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16 to irrigate 59 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 16, T118N, R52W;
- **5166C-3: Codington County Properties % Northern Con-Agg, Inc., 3231 Fernbrook Lane N, Plymouth, MN 55447** authorizing diversion of 0.40 cfs from one well located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16 to irrigate 30 acres in the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 16, T118N, R52W. Issuance of No. 5166C-3 will be withheld pending a determination by the Water Management Board on whether or not the water right has been abandoned and/or forfeited and subject to cancellation.