

Considered: _____

WATER PERMIT NO. 5174-3

MAP No. same 816-2577

Name of Applicant CSS Company

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

Amount of Water Claimed 2.28 cfs Total Acres 160

Source of Water Supply ground water 2 wells

Water to be used for irrigation County Codington

About 7 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 Dec. 15, 1987 Fee \$250⁰⁰ Remarks _____

3/2/88

Corrected Application Received 3/2/88 Period of Annual Use Apr 1 - Oct 31

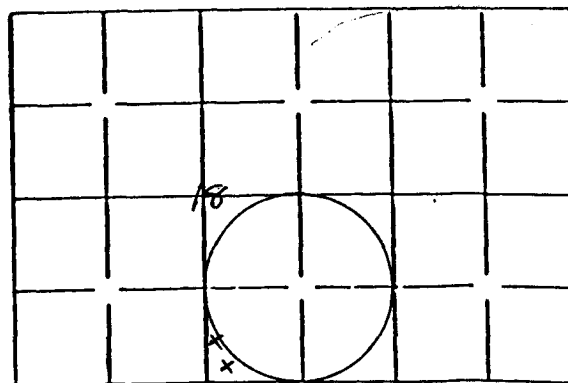
WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

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

Diversion Point 2 wells: SW 1/4 SE 1/4 section 18

- T118N-R52W

Land to be Irrigated SE 1/4 section 18-T118N-R52W



Well Log: Driller Kaiser Licensed YES _____ NO ☒ Authorized by Water Management Board 3-3-88

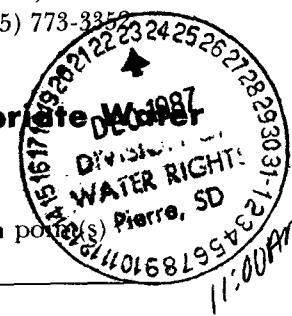
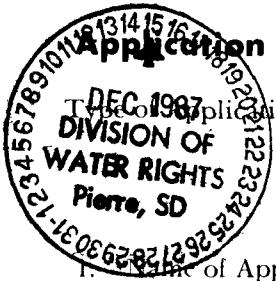
Depth of Well 157 feet REMARKS test hole

Type of Map aerial photo PREPARED BY W. Stanley Lamb Reviewed and the Number

assigned on January 15, 1988 By Ron Duwall

(See instructions)

No. 5174-3 Hydrologic Unit 10170202
Basin Big Sioux River
Newspaper Watertown Public Opinion, P.O. Box 10



Application For Soil/Water Compatibility Permit and Permit To Appropriately Use 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 _____

1. Name of Applicant CSS Company Phone No. 886-2577

Post Office Address RR 3 Box 138 B Watertown SD State 57201
214 3rd St. NW (Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 2.218 Total acres irrigated 160

3. Source of Water supply ground water, 2 wells

4. Location of point of diversion Well Nos 1 and 2 are both located in the SW 1/4 SE 1/4 section 18-T118N-R52W

County Codington

5. Counties where water will be used Codington

6. Annual period during which water is to be used April 1 - October 31

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

Land Description	No. Acres Irr.
NW 1/4 SE 1/4 sec 18-T118N-R52W	40
NE 1/4 SE 1/4 sec 18-T118N-R52W	40
SW 1/4 SE 1/4 sec 18-T118N-R52W	40
SE 1/4 SE 1/4 sec 18-T118N-R52W	40

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ Other: _____ (Specify) _____

9. Crops to be Irrigated: Corn, Potatoes, Navy Beans

10. Give a description of proposed project. (Attach sheet if more space is needed)

Irrigation Project for Potatoes, Corn, & Beans. Water Source will be wells approximately 60' to 90' deep. Type of irrigation will be cash pivot. Plan to begin irrigating on the Spring of 1988

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 _____) ss

I, Milton Carter, 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 CSS Company by Milton G. Carter

Subscribed and sworn to before me this 21st day of December 19 87

Paul L. Hunsicker
Notary Public

**SOUTH DAKOTA
WATER PERMIT FOR IRRIGATION**

Date of first receipt of application December 15, 1987

Date Soil/Water Compatibility Permit received January 27, 1988

Date of return to applicant for correction, amendments or changes required December 17, 1987

Date of receipt of corrected application March 2, 1988

The Water Management Board approved Water Permit Application No. 5174-3

on May 11, 1988 for CSS Company
(Applicant)

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

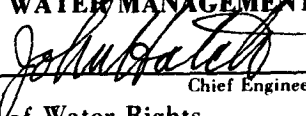
authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5174-3 appropriates 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 $\frac{1}{4}$ SE $\frac{1}{4}$ and the acreage
to be irrigated in the SE $\frac{1}{4}$; all in section 18-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: April - 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

QUALIFICATIONS Permit No. 5174-3

1. The casing of the well to be constructed under Permit No. 5174-3 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 wells approved under this permit flow, the well shall be valved and the flow reduced to a minimum when not being used.
3. The irrigation wells 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.

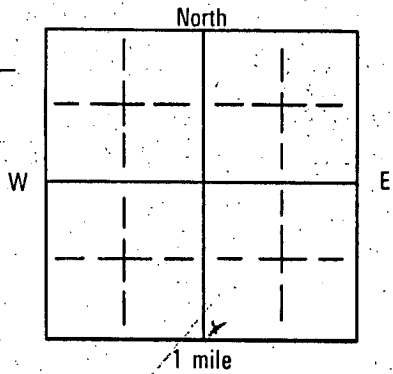
SOUTH DAKOTA WATER WELL COMPLETION REPORT

5174-3

10-85

Location S 1/4 E 1/4 Sec 18 Twp 112N Rg 52WCounty Codington

Please mark well location with an "X"

Well Completion Date 4-20-88

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>42</u> FT	<u>136</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? 125' FEETWhat is grouting material? Portland CementIf cement, number of sacks? 137Describe grouting procedure Tracing pipe -pull back method - usedBarbute to 65' then a black cementWhat was grout weight? 16 # LB/GALSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 14 IN Length 21 FEETMaterial Johnson Stainless Steel H1-2Slot Size 20 Set From 136 Feet To 157 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information Stainless steel BottomPacked with Quavian Materials 30 FlintWas a packer or seal used? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain used HTH TabletsBacteriological analysis ☒ YES ☐ NOLaboratory sent to not to Pierre on test well

Well Owner:

Name Casco Inc. (West McKellamy)Address Water town

Well Log:

Depth:

Formation	From	To
Top soil	0	2'
yellow clay	2'	4'
gravel dinky (no loss)	4'	34'
yellow clay	24'	52'
Blue clay	52'	77'
gravel medium	97'	78'
Blue clay	98'	136'
gravel (Rocky) Took	136'	144'
gravel Fewer Rocks	149'	157'
Blue clay	157'	160'
note: Lots of Boulders in upper strata - 136-149		

STATIC WATER LEVEL 24 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:

☒ Pumped☐ Bailed☐ OtherDescribe: Turbine pump

Pumping Level Below Land Surface

68 ft. After 24 Hrs. pumped 1100 GPM56 ft. After 24 Hrs. pumped 800 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS: First test pumping we got 19 gals per FT of draw down, went in and High pressure jetted the well and got 25 gals of draw down.This well was drilled under license # 386

And this report is true and accurate.

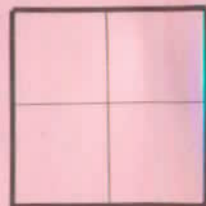
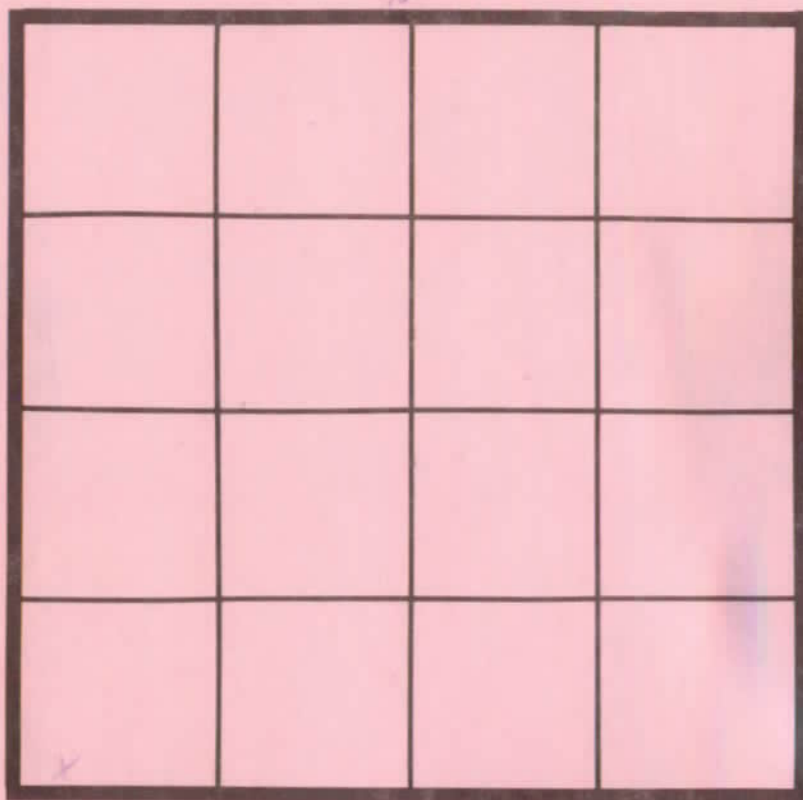
Drilling firm Irrigation Supply Co.Signature of License Representative: R E KehneSignature of Well Owner: Casco Inc. by Bill R. PaulDate 5/30/88

Kaiser Well Drilling De Smet, South Dakota 57231

IRRIGATION-TESTING-DRILLED-STOCK AND DOMESTIC
BORED WELLS

Ph. 854-3744

Name John M. H. H. H.
Location De Smet
Township _____
Section 58-18-112-52



Test hole No. 1

Data

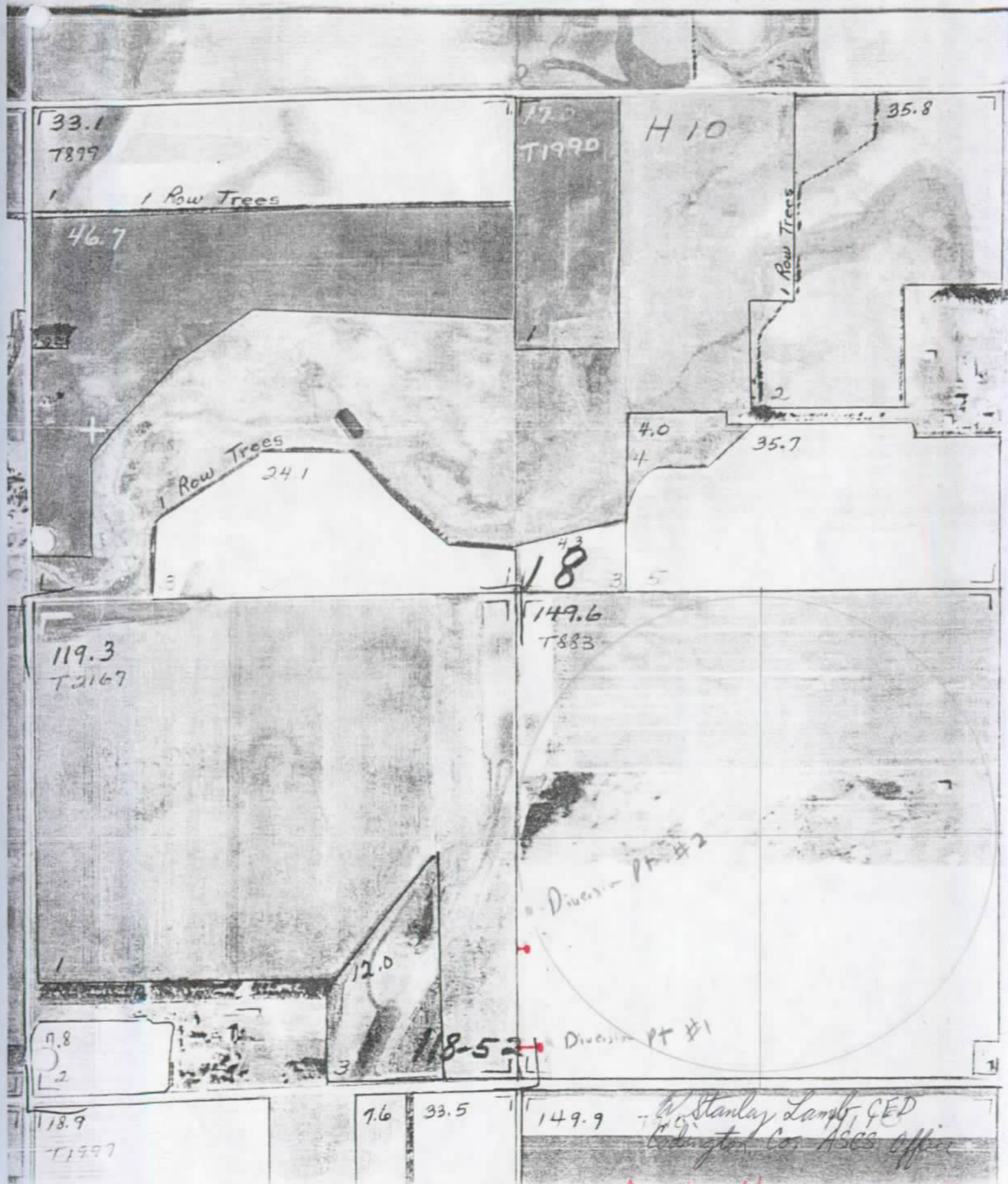
0-2'	
2-4'	
4-24'	
24-52'	
52-97'	
97-98'	
98-136'	
136-143'	
143-157'	
157-160'	

Test hole No. 2

Data

0-2'	
lots of boulders in	
upper strata 116-143'	
+120 with #15 Flint	
rock	
Driller made the hole	
500 ft. 6'	

NOT TO SCALE



W. Stanley Lamb, CED
Edington Co. ASGS Office
Appl. No. 5174-3

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411101

Pierre, December 16, 1987

RR 3 Box 138 B

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>5174-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	250	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	250 00

By

Chief Engineer

John Hatch
JOHN HATCH (MS)

WATER RIGHTS DIVISION
(605) 773-3352

December 17, 1987

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

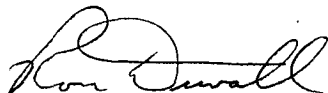
Dear Mr. Spevak:

This letter is in response to the two new water permit applications received on December 15, 1987 to irrigate lands in Codington and Grant Counties. The following information is needed to complete the applications:

1. I have transferred the information on the submitted applications to the correct type of application forms for irrigation. Enclosed are copies of the submitted applications and the correct forms. The portions of the applications not completed (red x's) will need to be completed.
2. A map will need to be submitted locating the acreage and diversion points in Section 21-T120N-R51W and also be signed as stated on the enclosed instruction sheet.

The applications need to be completed, signed and notarized and then be returned with the completed map. Processing of the applications cannot begin until the applications are complete. Please contact me if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

Division of Conservation

WR#

CBS Company

214 3rd St. NW

OWNERS NAME:

OWNERS ADDRESS:

Watertown, SD 57201

COUNTY LAND LOCATED IN: Codington

PHONE: 886-2577

LEGAL DESCRIPTION:

☐ Well☐ Surface

1. LOCATION 2 wells both located in SW 1/4 Sec 18-T118N-R52W

Depth

Legal Description	Acres	Legal Description	Acres
SW 1/4 Sec 18-T118N-R52W	160		

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

3. CROPS TO BE IRRIGATED: Potatoes, Corn & Navy Beans

WATER QUALITY:

4. WATER SAMPLE NUMBER: 87-1531

7. ADJUSTED (SAR): 2.20

5. SALINITY (EC X 10%): 1650

8. PERCENT SODIUM 11.0

6. SODIUM (SAR): 0.72

Requirements:

The area mapped as La, Lamoure silty clay loam, is located along a creek; this area shall be maintained in grass as a buffer strip to control bank erosion. The use of an automatic shut off would be beneficial in this situation.



XX

APPROVED

DISAPPROVED

WAIVER

XX

REQUIREMENTS

Director, Division of Conservation

1-14-88

Date

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

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 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,

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

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosure



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

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.

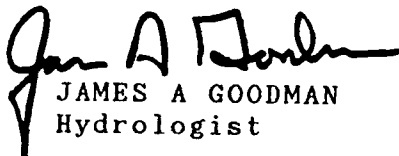
Review of Existing Water Rights

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.

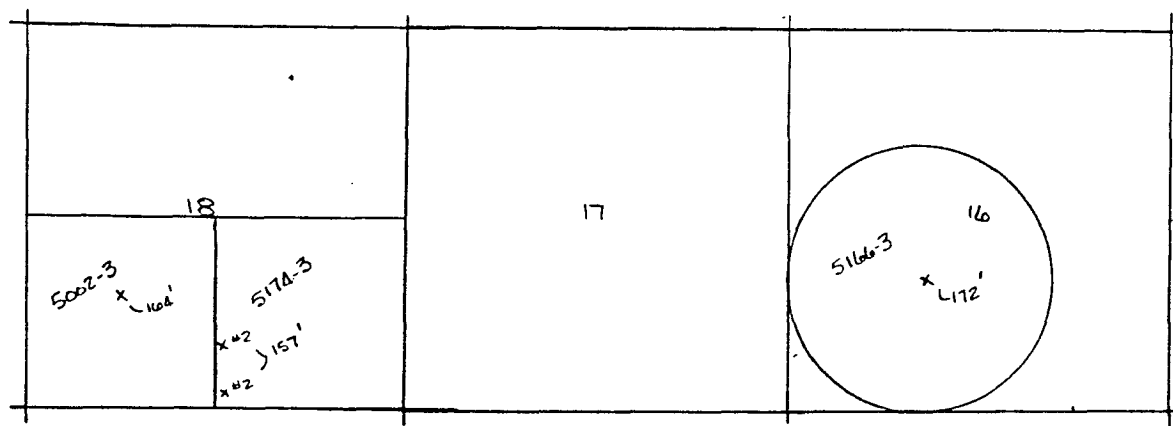
Water Rights Division, Observation Well Records for CD-76A,
CD-77A and CD-77G, DWNr, Division of Water Rights, Joe Foss
Building, Pierre SD 57501.

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. 5174-3, 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. 5174-3, CSS Company, 214 3rd Street NW, Watertown SD.

The Chief Engineer is recommending APPROVAL of Application No. 5174-3 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 *JH*
1. ~~The casing of the wells to be constructed under Permit No. 5174-3 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 wells approved under this permit flow, the well shall be valved and the flow reduced to a minimum when not being used.
 3. The irrigation wells 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
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.

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.

PROOF OF PUBLICATION

WATERTOWN

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 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 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 A.M.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny 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.

(April 2, 9, 1988)

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:

April 2nd, 1988

April 9th, 1988

✓ Monica K. Saathoff
(Signature)

Bookkeeper
(Title)

April 9th, 1988
(Date Signed)

Cost of Printing: 80.52

WNR-808-7/79
Proof of Publication

11' @ 3.66 x 2 = 80.52

Conversation or File Documentation

NAME OF PERSON OR FILE: 5174-3 CSS Company

ADDRESS: _____ COUNTY _____

DATE: _____ TELEPHONE _____

RE: Well Grouting Qualification

COMMENTS:

The WMB approved No. 5174-3 with the well grouting qualification as follows:

- The casing of the well to be constructed under Permit No. 5174-3
- 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.

SOUTH DAKOTA Department of
Water & Natural Resources

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

July 19, 1988

5174-3
5166-3

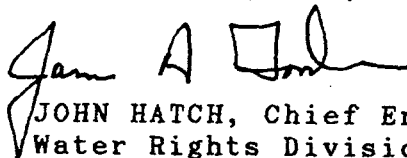
CSS Co.
RR 3, Box 138B
Watertown SD 57201

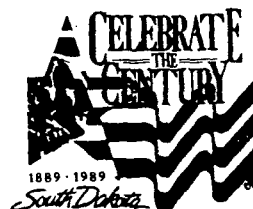
Dear Sir:

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





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 138B
Watertown, South Dakota 57201

Dear Sir:

Enclosed herewith is your Water Permit No. 5174-3 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. 5174-3.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosure

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

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

WNR-809-5/83

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 138B Watertown
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. 5174-3.

Water Permit No. 5174-3 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 6/11/1988.
Applying the water to beneficial use was completed on 6/11/1988.

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

CSS Company by [Signature]
signature

w. 11^cNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 1/31/1989TO: Water Rights Division, DWNH
Joe Foss Building
Pierre SD 57501-3181FROM: CSS Company RR3 Box 13813 Watson
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. 5174-3.

Water Permit No. 5174-3 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 6/15/1988.

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

Richard Spe
signature





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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

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

#5166-3
#5174-3

SOUTH DAKOTA
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;

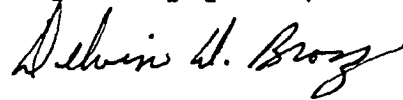


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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

Permit No. 5174-3Big Sioux River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by CSS Company
RR 3 Box 138 B of Watertown SD 57201 holder ofPermit No. 5174-3, bearing the priority of March 2 1988 authorizing
the diversion of 2.28 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 75 HP Fairbanks Morse 12" pump Model # 7000
a capacity of 800 gpm

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

8" steel + pvc piping to center pivot

C. Works used to apply water to beneficial use:

Valley center pivot with 7 towers and an end gun
capacity 800 GPMThe system is in the following condition goodThe point of diversion is located 165' North and 99' east of S 1/4 corner
Section 18-T118N-R52WThe works are capable of diverting and conveying to the place of use 1.77
cu. 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 18-T118N-R52W A11NW 1/4 SE 1/4 = 32.5NE 1/4 SE 1/4 = 32.5SW 1/4 SE 1/4 = 32.5SE 1/4 SE 1/4 = 32.5comprising a total of 130 acres of land and the license should be issued for 1.77 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date 4/17/1991Norma C. Job
(signature)

LICENSE FOR PERMIT NUMBER 5174-3

1. Legal location of wells: SW 1/4 SW 1/4 SE 1/4 Section 18-T118N-R52W

dams & structures: _____

2. Well Information: Well Drilling Firm Irrigation Supply Company

Completion Report Yes X No _____ No. of Wells 1 Depth ~~160~~ 157
Casing a) diameter 16" Screen a) type Johnson Stainless Steel
b) length _____ b) length 21
c) type Steel Static Water Level 24
Pump a) make Fairbanks Morse Motor a) make USElectrical
b) model 7000 b) model No. 4054P
c) size 12" c) horsepower rating 75
d) capacity 800 gpm
e) turbine pump - no. of stages _____
f) operating PSI 40

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 Ranke or Valley
- 2) number of towers 7
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) Y
- 6) high or low pressure _____
- 7) make & size of nozzles 40 ft
- 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
<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>A</u>	___	3. All structures, wells and lands on map?
<u>A</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 # 5174-3

NOT TO SCALE





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

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
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

Pierre, August 8, 1991

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. <u>5174-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5174-3

(1) CSS Company of RR 3, Box 138B, Watertown, SD 57201 made Application No. 5174-3, December 15, 1987 for a water permit to appropriate 2.28 cubic feet of water per second from groundwater, Codington County, South Dakota for irrigation purposes. Permit No. 5174-3 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 1.77 cubic feet of water per second for beneficial use. The location of the diversion point is: 165'N and 99'E of the S 1/4 corner Section 18, 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 18
NW 1/4 SE 1/4 32.5 Acres
NE 1/4 SE 1/4 32.5 Acres
SW 1/4 SE 1/4 32.5 Acres
SE 1/4 SE 1/4 32.5 Acres
Total-----130 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. 5174-3 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 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. 5174-3 and subject to South Dakota State Law.

 SEP 17 1991
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources



GREAT FACES. GREAT PLACES.

SEP 17 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

5174-3

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

Dear Sirs:

Enclosed is Water License No. 5174-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412784 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. 5174-3, 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



December 9, 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

5174-3

Don Endres
919 Christine Ave
Brookings SD 57006

Dear Mr. Endres:

I am contacting you in regard to ownership of land described in Water Right No. 5174-3. Terry Endres submitted an irrigation questionnaire for the land and indicated that you own the land and he operates it.

Enclosed is a copy of the water right covering irrigation of 130 acres in the SE ¼ Section 18, T118N, R52W. You may keep this for your records.

Also enclosed is a partially completed Notice of Transfer of Ownership form for use in filing the ownership change. The water right currently listed in the name of CSS Farms should be transferred to your name. Please review the form and complete as needed. 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 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
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 18, 2003

No. 5174-3

Don Endres
919 Christine Ave
Brookings SD 57006

Dear Mr. Endres:

I am writing as a reminder that we have not received the *Notice of Transfer of Ownership* form for use in filing an ownership change on Water Right No. 5174-3. The water right is currently listed in the name of CSS Company.

In the event you no longer have the original form, enclosed is another partially completed *Notice of Transfer of Ownership* form. Please review and complete the form, making any necessary corrections or additions. The form should be signed by the new owner and returned to our office with a required filing fee of \$2.50. The check or money order can be made payable to the "Water Rights Program".

If you have any questions, please contact me.

Sincerely,

Karen.Schlaak
Water Rights Program
605 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

MAR 26 2003

WATER RIGHTS
PROGRAM

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

No. 5174-3

Date: _____

I/We request that Water Right/Permit No. 5174-3

formerly owned by: CSS Company

be transferred to: (name & address) Donald L Endres, 919 Christine Ave., Brookings SD 57006

Telephone No. _____

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

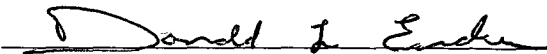
130 acres - SE 1/4 Section 18-T118N-R52W

I/We understand that the validity of Water Right/Permit No. 5174-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We DONALD L. ENDRES, the new owner, certify that the above information is true and correct.


(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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

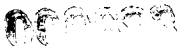
Date March 26, 2003

RECEIVED OF Indee Development, 219 Charleston Avenue, Brookings SD 57006

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>576.3</u>	2	50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law) _____	TOTAL	2.50

No.



By

Darland White

Chief Engineer





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 27, 2003

5174-3

Donald L Endres
919 Christine Ave
Brookings SD 57006

Dear Mr. Endres:

The ownership change for Water Right No. 5174-3 has been completed. The water right, formerly listed in the name of CSS Company is now listed in your name.

Enclosed is your Receipt No. 000693 in the amount of \$2.50. You may keep this for your records.

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

January 22, 2010

NOTICE

TO: TERRY J ENDRES, OPERATOR, 17214 460TH AVE, WATERTOWN, SD 57201

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaires

Our records indicate that the 2009 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2120-3 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) 4588-3A, 5174-3, 5376-3, 5379-3, 5166A-3 & 5166B-3 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4588-3A, 5174-3, 5376-3, 5379-3, 5166A-3 & 5166B-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2120-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

cc: DON ENDRES, 919 CHRISTINE AVE, BROOKINGS SD 57006
JOHN NORDGAARD, 542 TERRACE DR, GRAND FORKS ND 58201
NORTHERN CON-AGG, 3231 FERNBROOK LN N, PLYMOUTH MN 55447

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 2010

Terry J Endres
17214 460th Ave
Watertown SD 57201

RE: 2009 Irrigation Questionnaires for Water Right or Water Permit Nos. 2120-3, 4588-3A,
5174-3, 5376-3, 5379-3, 5166A-3 and 5166B-3

Dear Endres:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for the above listed water permits or rights.

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

As requested by you and Greg Endres, next year's irrigation questionnaires will be sent out differently. The questionnaire for Water Right No. 4588-3A will be directed to your attention and the remaining forms will be directed to Greg.

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

c: Greg Endres
Don Endres
John Nordgaard
Northern Con-Agg