

Considered: _____

WATER PERMIT NO. 5280-3

HAP No. same 472-3026

Name of Applicant Dan Wilson

Post Office Address RR1, Box 49, Frankfort SD 57440

Amount of Water Claimed no add'l Total Acres 320

Source of Water Supply ground water 2 wells

Water to be used for irrigation County Spink

About 2 miles E of Frankfort.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Jan 24, 1989 Fee \$50⁰⁰ Remarks change
diversion point location

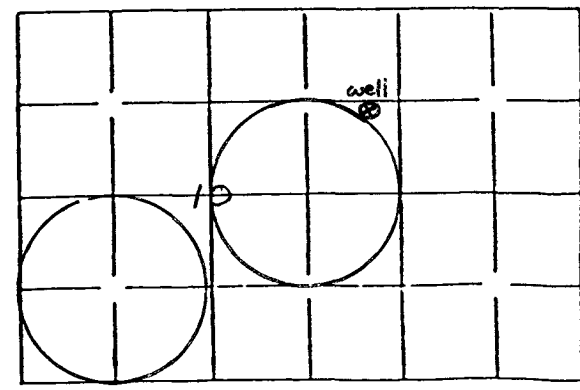
Corrected Application Received _____ Period of Annual Use Mar 1 - Nov 1

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

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

Diversion Point well: SE 1/4 NE 1/4 section 10 -
T116N-R62W

Land to be Irrigated SW 1/4, N 1/2 SE 1/4, S 1/2 NE 1/4
section 10 - T116N-R62W



Well Log: Driller Huron Drilling Licensed YES ☒ NO ☐

Depth of Well 118 feet REMARKS _____

Type of Map aerial photo PREPARED BY Jim Wendte Reviewed and the Number
assigned on February 8, 1989 By Ron L. Small

(See instructions)

No. 5280-3 Hydrologic Unit 10160006
Basin James River
Newspaper Redfield Press, Box 440 (Wed) 57469

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

Type of Application: ☒ New ☐ Vested Right ☒ Amend Permit No. 3490-3A
☐ Change Acreage ☒ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other See 3490-3A

1. Name of Applicant Dan Wilson Phone No. 472-3026

Post Office Address RR 1, Box 49 Frankfort, South Dakota State 57440
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) No Add'l Total acres irrigated 320

3. Source of Water supply groundwater

4. Location of point of diversion Well #2-SE $\frac{1}{4}$ NE $\frac{1}{4}$; Well #1-(Covered by Permit No. 3490-3)
NW $\frac{1}{4}$ SE $\frac{1}{4}$; Both in Section 10, T116N, R62W.

County Spink

5. Counties where water will be used Spink

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

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

Land Description	No. Acres Irr.
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10 T116 R62	40
NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10 T116 R62	40
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10 T116 R62	40
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10 T116 R62	40

Land Description	No. Acres Irr.
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10 T116 R62	40
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10 T116 R62	40
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10 T116 R62	40
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10 T116 R62	40

Attach sheet if more space is needed

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

9. Crops to be Irrigated: Corn & Beans

10. Give a description of proposed project. (Attach sheet if more space is needed)
Permit No. 3490-3A called for an additional diversion point for lands being irrigated under permit Nos. 3490-3 and 4772-3. The additional diversion point has been developed but is not located in the area specified on the permit. This permit application specifies the correct diversion point location, and is an amendment to Permit No. 3490-3A.

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 Spink)^{ss}

I, Dan Wilson, 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.

Marsha A. Solheim
Notary Public
State of South Dakota
(SEAL)

Signed Dan Wilson

Subscribed and sworn to before me this 23 day of January 19 89

Marsha A. Solheim
Notary Public
Commission expires 6-17-93

SOUTH DAKOTA
WATER PERMIT No. 5280-3 FOR IRRIGATION

Date of first receipt of application January 24, 1989.

Date Soil/Water Compatibility Permit received See Permit Nos 3490-3, 3490-3A and 4772-3.

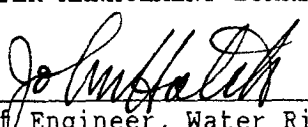
The Water Management Board approved Water Permit Application No. 5280-3 on July 26, 1989 for Dan Wilson, RR #1 Box 49, Frankfort, South Dakota 57440 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5280-3 specifies the correct location of one existing irrigation well. Water Permit Nos. 3490-3, 3490-3A and 4772-3 appropriated 4.48 cubic feet of water per second (cfs) from 2 wells (Tulare-East James Aquifer) to irrigate 320 acres. An inspection of the permits found 2 wells constructed (79 feet and 118 feet deep) and supplying 2.00 cfs to irrigate 264 acres located in the SW1/4, S1/2 NE1/4, N1/2 SE1/4 Section 10-T116N-R62W. The 118 feet deep well authorized by Permit No. 3490-3A is not located within the area specified on Permit No. 3490-3A. The correct location of the well is the SE1/4 NE1/4 Section 10-T116N-R62W. This permit does not authorize any increase in water appropriation or any increase in irrigated acres.
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: March 1 - November 30.
3. The date from which applicant may claim right is December 27, 1976.
4. One-fifth of the construction is completed.
5. All construction is completed.
6. Water is put to beneficial use.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

SEP 12 1989

(date)

(type or print in ink)

a) Drill Hole Diameter 26" Depth 79'

b) Casing Type Plastic Diameter 10" Thickness .500

c) Screen Type Stainless Steel Diameter 10" Thickness 304 Stainless

d) Gravel Pack Thickness 6" Length of Gravel Pack 79'

e) Depth to Top of Water Bearing Material 46'

f) Depth to Water (ground surface to water level) 19'

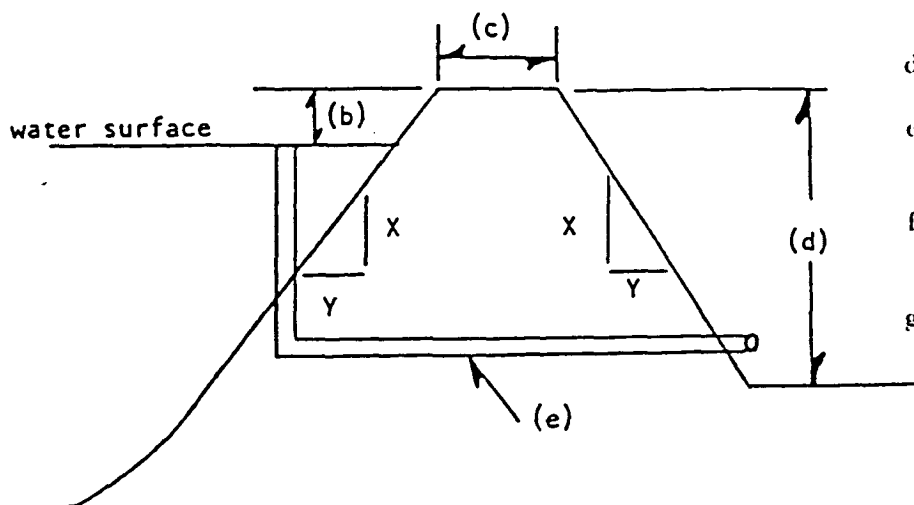
g) Distance to nearest existing domestic well:

On applicants property 2 miles On property owned by others Freeburg

a) Surface Dimensions _____ Depth _____

b) Depth to water (ground surface to water level) _____

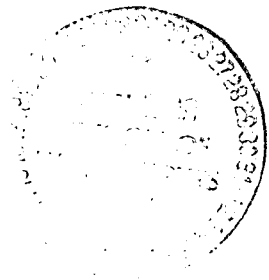
a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address



Signature of Applicant

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction *No. 2*

- a) Drill Hole Diameter 26" Depth ~~79~~ 115'
- b) Casing Type Plastic Diameter 10" Thickness .500
- c) Screen Type Stainless Steel Diameter 10" Thickness 3041 Stainless
- d) Gravel Pack Thickness 6" Length of Gravel Pack 118'
- e) Depth to Top of Water Bearing Material 57'
- f) Depth to Water (ground surface to water level) 21'
- g) Distance to nearest existing domestic well:
On applicants property 2 miles On property owned by others Freeburg

☒ Dugout Information Estimates

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

☒ 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 _____

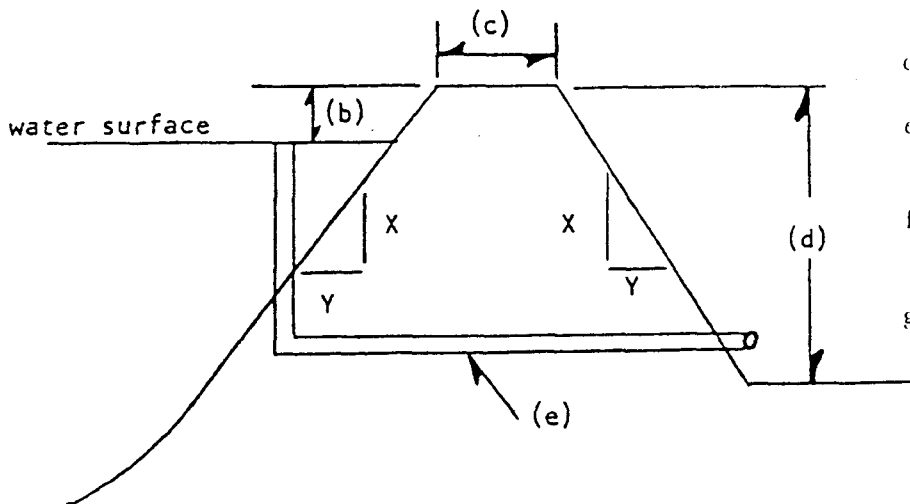
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Van Wagoner
Signature of Applicant

HURON DRILLING INC. DRILLERS LOG

Frankfort, SD

PAGE NO.

Dan Wilson	E½-10-116-62-Spink Co.	6-24-82	23	Dennis Duvall
JOB NAME	LOCATION	DATE	RIG NO.	FOREMAN

Jt No.	DEPTH	TIME	REMARKS
	10		0-2 Topsoil
1	20		2-8 Yellow Clay
2	30		8-14 Yellow Clay with Yellw Sand 7 Gravel Streaks
3	40		14-22 Yellow Sand and Gravel -- No Good
4	50		22-29 Blue Clay with Sand Streaks -- No Good Rocks @ 22-27
5	60		29-54 Blue Clay Rocks @ 47-54
6	70		54-59 Coarse Sand and Gravel wit alot of Coal
	79	T.D.	59-79 Coarse Fravel 54-60 - 4" Water Loss
			79-80 Blue Clay 60-70 - 4" Water Loss
			70-79 - 4" Water Loss

WELL REPORT

HURON
DRILLING CO.
Huron, S. D.

326

Dan Wilson

E½-10-116-62

June 28, 1982

OWNER

DESCRIPTION

DATE

CASING LOG

Depth 79 ft.
Flows gpm 64 ft. 10" Plastic pipe to 64 ft.
Pumps gpm 15 ft. 10" Johnson pipe to 79 ft.
Head ft. Stainless Steel Screen 70 slot
15ft. 10" Johnson SS Screen 70 slot @ Bottom
Perforations ft. pipe to ft.

Pressure

(4-79)

REMARKS

2 Days
Drilling time

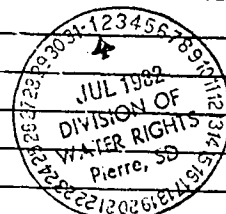
26" Drag Bit

Rig No. 23

36,800 lbs. gravel pack

Dennis Duvall

Foreman



Conversation or File Documentation

NAME OF PERSON OR FILE: Dan WilsonADDRESS: RR1, Box 49, Frankfort SD COUNTY SpinkDATE: April 5, 1989 TELEPHONE _____RE: Soil/Water Compatibility Permit

COMMENTS:

Jim Stukel with the Division of Conservation
called regarding Application No. 5280-3. Mr Stukel
indicated that no additional soil/water permit is
needed because the existing S/W permits cover the
same acreage from a well within 2000 feet of the
well location on this application.

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.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411605

Pierre, January 24, 1989, 19

RECEIVED OF Dan R. Wilson, Frankfort, SD 57440

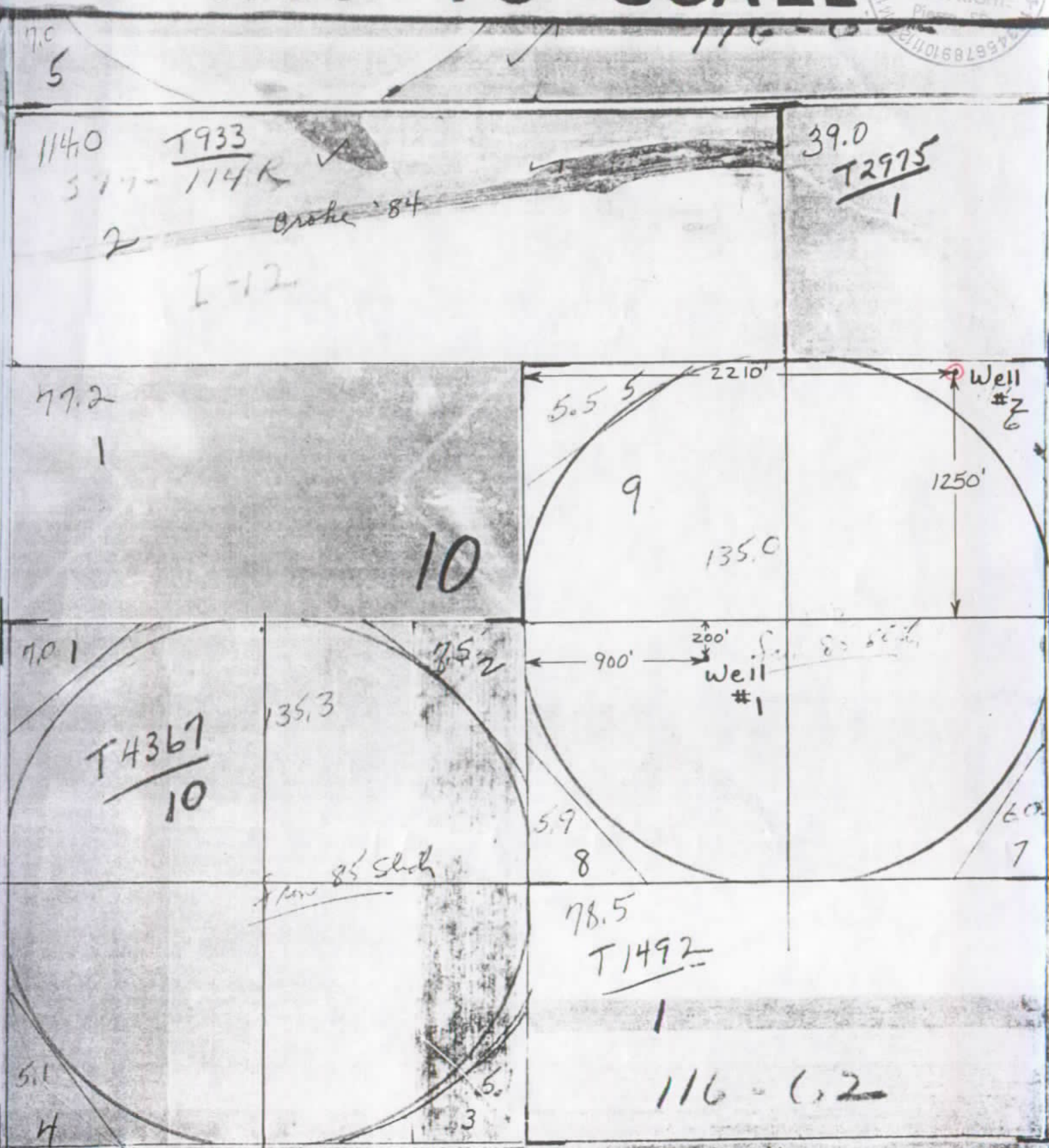
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>5280-3</u> to Appropriate Water, to construct works and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
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 / mra
Chief Engineer

July 24, 1989

NOT TO SCALE



James L. Wendt
N.R. Engineer
7-20-88

Appl. No. 5280-3

REPORT ON APPLICATION NO. 5280-3
DAN WILSON
March 23, 1989

This application is to specify the correct location of one existing irrigation well. Water Permit Nos. 3490-3, 3490-3A and 4772-3 have appropriated 4.48 cfs from 2 wells to irrigate 320 acres. An inspection of the permits found 2 wells constructed (79 feet and 118 feet deep) and supplying 2.00 cfs to irrigate 264 acres located in the SW 1/4, S 1/2 NE 1/4, N 1/2 SE 1/4 of Section 10, T116N, R62W in Spink County. The 118 feet deep well authorized by Permit No. 3490-3A is not located within the area specified on Permit No. 3490-3A. The correct location of the well is the SE 1/4 NE 1/4 of Section 10, T116N, R62W. This application does not authorize any increase in water appropriation or any increase in acres irrigated.

Aquifer - Tulare-East James (T-EJ)

The Tulare-East James is a Pliocene glacial (sand and gravel) aquifer which is predominantly under water table conditions. The aquifer is under artesian conditions at this site. The T-EJ aquifer underlies 102,400 acres and contains an estimated 630,000 acre feet of recoverable water in Spink County (Goodman, 1988). The Division of Water Right monitors 2 observation wells in this immediate area (SP-82A and SP-82B). Records for these wells indicate water levels respond to wet and dry weather by rising or declining. The effects of pumping do not cause significant changes in water levels in these wells (Water Rights, 1989).

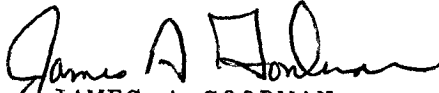
Review of Existing Water Rights

The only other permit in this area is 4376-3. There has been some controversy over water development in this area. That is the reason for drilling monitor wells between the two systems. The monitor wells have demonstrated that there is no interference problem in this area.

Conclusions

1. Water is available from the T-EJ Aquifer; however, water level data and estimates of average annual recharge indicate the aquifer is fully appropriated based upon use.
2. This application is not requesting any additional water. This is a change in location for a well.
3. The well is in the T-EJ Aquifer and has been in use. It was discovered during the normal licensing procedure to be in error.

4. The new well location does not adversely affect existing area permits and the priority date can be retained.
5. Upon approval this permit can be licensed for 2.00 cfs and 264 acres as the inspection report indicates.


JAMES A GOODMAN
Hydrologist

Bibliography

Goodman, J.A., 1988, Report on Deferred Application Nos. 3325-3 and 3391-3, SD DWR, Division of Water Rights, Joe Foss Bldg, Pierre SD 57501.

Water Rights, 1989, Observation Well Records for SP-82A and SP-82B (T-EJ Aquifer) in Spink County, SD DWR, Division of Water Rights, Joe Foss Building, Pierre SD 57501

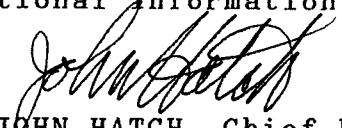
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5280-3, Dan Wilson

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. 5280-3, Dan Wilson, RR 1, Box 49, Frankfort SD.

The Chief Engineer is recommending APPROVAL of Application No. 5280-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
March 23, 1989

 **Department of
Water & Natural Resources**

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

June 28, 1989

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

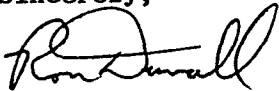
Dan Wilson
RR 1, Box 49
Frankfort SD 57440

Dear Mr. Wilson:

Water Permit Application No. 5280-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Redfield Press printed at Redfield SD. For your information, a copy of the notice is enclosed. The recommendation of the Chief Engineer and a report on the application will be sent later. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



SOUTH Dakota Department of
Water & Natural Resources

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

June 23, 1989

Redfield Press
Box 440
Redfield SD 57469

Dear Sir:

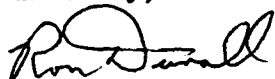
Enclosed is a Notice of Hearing on Application No. 5280-3 to be published twice. Please publish the first notice on or before June 28, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Dan Wilson, RR 1, Box 49, Frankfort SD 57440.

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

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

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name _____

Newspaper _____



Instruction to Newspaper - Publish first Notice on or before June 28, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5280-3 to Appropriate Water

Notice is given that Dan Wilson, RR 1, Box 49, Frankfort SD 57440 has filed an application for a water permit to specify the correct location of one existing irrigation well. Water Permit Nos. 3490-3, 3490-3A and 4772-3 appropriated 4.48 cubic feet of water per second (cfs) from 2 wells (Tulare-East James) to irrigate 320 acres. An inspection of the permits found 2 wells constructed (79 feet and 118 feet deep) and supplying 2.00 cfs to irrigate 264 acres located in the SW 1/4, S 1/2 NE 1/4, N 1/2 SE 1/4 section 10-T116N-R62W. The 118 feet deep well authorized by Permit No. 3490-3A is not located within the area specified on Permit No. 3490-3A. The correct location of the well is the SE 1/4 NE 1/4 section 10-T116N-R62W. This application does not authorize any increase in water appropriation or any increase in acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5280-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City SD on July 26, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by July 14, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by July 14, 1989.

This application is made pursuant to 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Spink) ss.

I, Dawn Saldaña

certify that the attached printed Notice was taken
 from the Redfield Press

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 Redfield

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

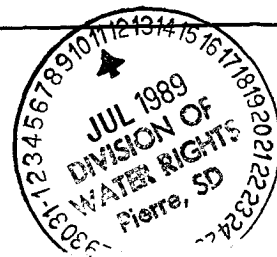
June 28
July 5

Dawn Saldaña
 (Signature)

Office Manager
 (Title)

7-10-89
 (Date Signed)

Cost of Printing: 37.85



NO. 78

NOTICE OF HEARING ON APPLICATION NO. 5280-3 TO APPROPRIATE WATER

Notice is given that Dan Wilson, RR 1, Box 49, Frankfort, SD 57440, has filed an application for a water permit to specify the correct location of one existing irrigation well. Water Permit Nos. 3490-3, 3490-3A and 4772-3 appropriated 4.48 cubic feet of water per second (cfs) from 2 wells (Tulare-Easter James) to irrigate 320 acres. An inspection of the permits found 23 wells constructed (79 feet and 118 feet deep) and supplying 2.00 cfs to irrigate 264 acres located in the SW 1/4, S 1/2 NE 1/4, N 1/2, SE 1/4 section 10-T116N-R62W. Teh 118 feet deep well authorized by Permit No. 3490-3A is not located within the area specified on Permit No. 3490-3A. Teh correct location of thw ell is the SE 1/4 NE 1/4 section 10-T116N-R62W. This application does not authorize any increase in water appropriation or any increase in acres irrigated.

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Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by July 14, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605/773-3352)." The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to teh hearing by the handicapped.

This hearing is an adversary proceeding. any person filing a petition and/or the applicant have the right to be represented by alawyer. Tehse and other due process rights will be forfeited if not exercised. Decision of the Board may be appealed to the Circuit Court and State Supreme Court as provied by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by July 14, 1989.

This application is made pursuant to 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 72:02:01:01 THRU 74:02:01:15.

(June 28; July 5)



Department of
Water & Natural Resources

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

July 12, 1989

Dan Wilson
RR 1, Box 49
Frankfort SD 57440

Dear Mr. Wilson:

Enclosed is the Report and Recommendations of the Chief Engineer
for Water Permit Application No. 5280-3.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
605 773-3352

enclosures





Department of Water & Natural Resources

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

SEP 12 1989

Dan Wilson
RR #1 Box 49
Frankfort, SD 57440-9609

Dear Mr. Wilson:

Enclosed is Water Permit No. 5280-3 as approved by the Water Management Board authorizing your water diversion system and the application of water beneficial use, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch".

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

enclosures

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411964

Pierre, November 3, 19 89

RECEIVED OF Dan Wilson, RR #1 Box 49, Frankfort, SD 57440-9609

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>Water Right No. 5280-3</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



January 29, 1993

NOTICE

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

TO: DAN R WILSON
RR #1 BOX 49
FRANKFORT SD 57440

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Water Permit No(s) 3175-3, 3490-3, 3490-3A & 5280-3 and 1992 Irrigation Questionnaire Requirements

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 3175-3, 3490-3, 3490-3A & 5280-3. The request for the Questionnaires was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 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) 3175-3 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) 3490-3, 3490-3A & 5280-3 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3490-3, 3490-3A & 5280-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3175-3 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaires are received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 26, 1993

Dan & Duane Wilson
RR #1 Box 49
Frankfort, SD 57440

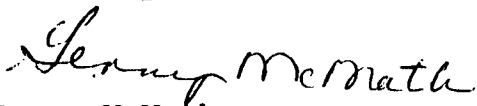
RE: Water Permit Nos. 1700-3, 2208-3, 4772-3 (Duane Wilson)
Water Permit Nos. 3175-3, 3490-3, 3490-3A & 5280-3
(Dan Wilson)

I am writing to acknowledge receipt of the 1992 irrigation questionnaires for the above listed water permits. You may disregard the January 29, 1993 Notices for **Violation of Water Permits and 1992 Irrigation Questionnaire Requirements.**

The questionnaires were received prior to the Water Management Board Meeting and your names have been deleted from the agenda.

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

Sincerely,


Genny McMath
Natural Resources Analyst
Water Rights Division



February 4, 1994

*No land was sold
so water permits
should stay the same.*

Kay Wilson

Mrs. Gene Wilson
RR #1 Box 48
Frankfort, SD 57440

Dear Mrs. Wilson:

Enclosed, as we discussed, are copies of the following water rights or permits and the names they are listed in:

Water Right No. 1700-3	Duane A Wilson
Water Right No. 2208-3	Duane A Wilson
Water Right No. 3175-3	Dan R & Gene A Wilson

Water Permit No. 3490-3	Dan R Wilson
Water Permit No. 3490-3A	Dan R Wilson
Water Permit No. 4772-3	Duane A Wilson
Water Permit No. 5280-3	Dan R Wilson

In reviewing the files, I found that Water Permit Nos. 3490-3, 4772-3 and 5280-3 are ready for licensing. The permits were to be incorporated into one water license since they pertain to the same irrigation system. The license fee has already been paid, however the license was not issued due to a discrepancy in the names they were listed under.

In our telephone conversation, you indicated Duane was retired. If this is the case and Dan now owns or manages the land under Water Permit No. 4772-3, the permit could be transferred to Dan. This would allow the water license to be issued.

Please review the enclosed copies and let me know if any name changes should occur. If changes need to be made, whoever now owns the land will need to file a "Notice of Transfer of Ownership". I am enclosing a few forms in the event they are needed.

I appreciate you taking time to review the permits and licenses. If I can answer any questions for you, please contact me at (605) 773-3352.

Sincerely,

Genny McMath

Genny McMath
Environmental Scientist
Water Rights Division



February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

 JOE FOSS BUILDING
 523 EAST CAPITOL
 PIERRE, SOUTH DAKOTA 57501-3181
NOTICE
TO: DAN WILSON, RR 1 BOX 49, FRANKFORT, SD 57440

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

SUBJECT: Violation of Water Permit No(s) 3490-3, 3490A-3, 4772-3 & 5280-3, 1700-3, 2208-3 & 3175-3 and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 3490-3, 3490A-3, 4772-3 & 5280-3, 1700-3, 2208-3 & 3175-3. 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) 1700-3, 2208-3 & 3175-3 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) 3490-3, 3490A-3, 4772-3 & 5280-3 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) 3490-3, 3490A-3, 4772-3 & 5280-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1700-3, 2208-3 & 3175-3 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 19, 1997

Dan Wilson
RR 1 Box 49
Frankfort, SD 57440

RE: Water Permit Nos. 1700-3, 2208-3, 3175-3, 3490-3, 3490A-3, 4772-3 & 5280-3

Dear Mr. Wilson:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, **Notice 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.

If you have any questions, please contact me.

Sincerely,

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



January 9, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: DAN WILSON, RR 1 BOX 49, FRANKFORT, SD 57440

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

Our records indicate that the 1997 Irrigation Questionnaires have not been submitted for Permit Nos. 3490-3, 3490A-3, 4772-3 & 5280-3, 1700-3, 2208-3 & 3175-3. The request for the Questionnaires was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1700-3, 2208-3 & 3175-3 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) 3490-3, 3490A-3, 4772-3 & 5280-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 3490-3, 3490A-3, 4772-3 & 5280-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1700-3, 2208-3 & 3175-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 13, 1998

Dan Wilson
RR 1 Box 49
Frankfort, SD 57440

RE: Water Permit Nos. 1700-3, 2208-3, 3175-3, 3490-3, 3490A-3, 4772-3 & 5280-3

Dear Mr. Wilson:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 1700-3, 2208-3, 3175-3, 3490-3, 3490A-3, 4772-3 & 5280-3.

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



January 22, 1999

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: DAN WILSON, RR 1 BOX 49, FRANKFORT, SD 57440
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaires

Our records indicate that the 1998 Irrigation Questionnaires have not been submitted for Permit Nos. 3490-3, 3490A-3, 4772-3 & 5280-3, 1700-3, 2208-3 & 3175-3. The request for the Questionnaires was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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) 1700-3, 2208-3 & 3175-3 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) 3490-3, 3490A-3, 4772-3 & 5280-3 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 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) 3490-3, 3490A-3, 4772-3 & 5280-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1700-3, 2208-3 & 3175-3 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 March 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 1999

Dan Wilson
17463 SD Hwy 37
Frankfort, SD 57440-6806

RE: Water Right/Permit Nos. 1700-3, 2208-3, 3175-3, 3490-3, 3490A-3, 4772-3 & 5280-3

Dear Mr. Wilson:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right/Permit Nos. 1700-3, 2208-3, 3175-3, 3490-3, 3490A-3, 4772-3 & 5280-3.

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

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 13, 1999

Dan Wilson
17463 SD Hwy 37
Frankfort, SD 57440

Dear Mr. Wilson:

Thank you for returning my call concerning your water permits. As I mentioned, the water license is ready to be issued as soon as we can get the four permits listed in the same name. The permits involved are as follows:

Permit No.	Name	Description
No. 3490-3	Dan Wilson	diversion of 2.20 cfs from 1 well in the center of the E ½ Section 10 used to irrigate 160 acres in the E ½ Section 10, T116N, R62W
No. 4772-3	Duane Wilson	diversion of 2.28 cfs (from the well described in 3490-3) to irrigate 160 acres in the SW ¼ Section 10, T116N, R62W
No. 3490A-3	Dan Wilson	authorized an additional well to irrigate the land described in Nos. 3490-3 & 4772-3
No. 5280-3	Dan & Duane Wilson	corrected location of the well permitted under No. 3490-3A

The above water permits will be incorporated together and licensed under No. 5280-3. Once this is done, you will receive one irrigation questionnaire for the land in Section 10 (you currently receive four).

Enclosed are two partially completed "Notice of Transfer of Ownership" forms for use in transferring Water Permit Nos. 4772-3 and 5280-3 into your name. Please review the forms and make any necessary corrections. Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). You may make the check or money order payable to the Water Rights Program.

Thank you in advance for your help. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 20, 2001

Dan Wilson
17463 SD Hwy 37
Frankfort SD 57440

Dear Dan Wilson:

I talked to you yesterday about the water permits that you have in the Frankfort area. Enclosed are two partially completed "Notice of Transfer of Ownership" forms for use in transferring Water Permit Nos. 4772-3 and 5280-3 into your name. Please review and make any necessary corrections. **Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$5.00).** You may make the check or money order payable to the Water Rights Program.

I am also enclosing the inspection report for your water permits. If there has been any changes made since this inspection report was done, please make changes on the inspection report and map and send them back to the Water Rights Program.

If you have any questions, feel free to contact me at (605) 773-3352 or via email at stacy.johnson@state.sd.us.

Sincerely,

Stacy J. Johnson
Natural Resources Project Engineer

Enclosures (6)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 15, 2001

Dan Wilson
17463 SD Hwy 37
Frankfort SD 57440

Dear Dan Wilson:

I talked to you this summer about the water permits that you have in the Frankfort area. I sent you two partially completed "Notice of Transfer of Ownership" forms for use in transferring Water Permit Nos. 4772-3 and 5280-3 into your name. I also sent you an inspection report of your water permits for you to review.

I have not heard back from you on these matters. If there are any changes that need to be made to this report, please make the changes and send it back to the Water Rights Program. Please let the Water Rights Program know as soon as you can about the above matters.

If you have any questions, feel free to contact me at (605) 773-3352 or via email at stacy.johnson@state.sd.us.

Sincerely,

Stacy J. Johnson
Natural Resources Project Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 13, 2002

Duane Wilson
17463 SD Hwy 37
Frankfort SD 57440

Dear Duane Wilson:

You and your brother owned some water permits in the Frankfort area. I am sending you one partially completed "Notice of Transfer of Ownership" form for use in transferring Water Permit Nos. 5280-3 into your name. Please review and make any necessary corrections. **Upon completion, please sign the form and return them to our office with a required filing fee of \$2.50.** You may make the check or money order payable to the Water Rights Program.

I am also enclosing the inspection report for your water permits. If there has been any changes made since this inspection report was done, please make changes on the inspection report and map and send them back to the Water Rights Program.

If you need further assistance, do not hesitate to contact me at (605) 773-3352 or via email at stacy.johnson@state.sd.us.

Sincerely,

Stacy J. Johnson
Natural Resources Project Engineer

Enclosures (7)



October 21, 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dan Wilson
17463 SD Hwy 37
Frankfort SD 57440

Dear Dan Wilson:

I talked to you on Friday about you and your father's water permits. Enclosed is a map showing the well and irrigated lands locations. Also I am enclosing a copy of the inspection report. If any of the information is incorrect, please correct it and send it back to me in the self-addressed envelope.

If you need further assistance, do not hesitate to contact me at (605) 773-3352 or via email at stacy.johnson@state.sd.us.

Sincerely,

Stacy J. Johnson
Natural Resources Project Engineer

Enclosures (3)

Water Rights Program - File Documentation

NAME: Dan Wilson

ADDRESS: 17462 SD Hwy 37, Frankfort SD 57440

COUNTY: Spink **TELEPHONE:** 605 472-3026

RE: 3490-3, 3490-3A, 4772-3 and 5280-3

COMMENTS:

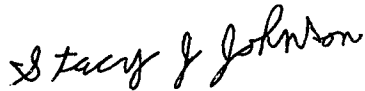
October 18, 2002

Dan Wilson called regarding the inspection form I had previously sent to him. The inspection report was prepared by Timothy Schaal dated September 16, 1991. Dan stated that nothing had changed with the system since the time it was inspected by Tim. I told Dan that the above permits would all be incorporated into Water Permit No. 5280-3.

Mr. Wilson also questioned the transfer of ownership forms which had been sent to him.

November 18, 2002

We received the Notice of Transfer form for Water Permit No. 5280-3 and fee transferring the permit to Dan Wilson. Upon review I realized the permit was already in Dan's name. Water Permit No. 4772-3, Duane Wilson (Dan's father) was the permit that should have been transferred. Since the form lists all of the lands covered by all of permits we are correcting the permit number on the transfer form to Water Permit No. 4772-3.



Stacy J Johnson
Natural Resources Engineer

3490-3
4772-3
Permit No. 5280-3

James 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 Dan & Duane Wilson of RR 1, Box 49 Frankfort, SD holder of Permit No. 3490-3, 4772-3, 5280-3, bearing the priority of Dec. 27, 1976 & May 6 1981 authorizing the diversion of 4.48 cu. ft. per second of the waters of Groundwater for Irrigation purposes, in Spink County.

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

A. Works used to divert the water:

Aurora VertiLine Pump, Model - 38170940 w/ 75Hp General Electric Motor, Model - 5K6255XM501C And 20Hp Submersible Pump

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

Approximately 4500 ft. - 8 inch PVC

C. Works used to apply water to beneficial use:

Reinke Electrogonter 8 tower & Lockwood 7 tower Center Pivot

The system is in the following condition Good

The point of diversion is located Well #1 - 900 ft. East & 200 ft. ^{South} ~~North~~ (NW 1/4 SE 1/4), Well #2 2210 ft. East & 1250 ft. North of the Center of Sec. 10-T116N-R62W (SE 1/4 NE 1/4)

The works are capable of diverting and conveying to the place of use 2.0 cfs (900 gpm) 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 10-T116N-R62W

NW 1/4 SW 1/4 - 33 Ac. SW 1/4 NE 1/4 - 33 Ac.

NE 1/4 SW 1/4 - 33 SE 1/4 NE 1/4 - 33

SW 1/4 SW 1/4 - 33 NW 1/4 SE 1/4 - 33

SE 1/4 SW 1/4 - 33 NE 1/4 SE 1/4 - 33

comprising a total of 264 acres of land and the license should be issued for 2.0 cfs

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: _____ Date September 16, 1991

Timothy H. Schaal
(signature)

LICENSE FOR PERMIT NUMBER

3490-3
4772-3
5280-3

1. Legal location of wells: Well #1 - 900 ft. East & 200 ft. ^{South} ~~North~~ (NW 1/4 SE 1/4),
Well #2 - 2210 ft. East & 1250 ft. North of the Center of
dams & structures: Section 10-T116N-R62W (SE 1/4 NE 1/4)

2. Well Information: Well Drilling Firm Huron Drilling

Completion Report Yes ☒ No ☐ No. of Wells 2 Depth Well #1 - 79 ft., Well #2 - 118 ft.
Casing a) diameter Well #1 - 10", Well #2 - 15" Screen a) type #1 - ^{Johnson} stainless steel, #2 - slotted PVC
b) length 64 ft. 80 ft. b) length 15 ft. 38 ft.
c) type PVC PVC Static Water Level _____
Pump a) make Aurora Vertiline Motor a) make General Electric
b) model 38170940 b) model No. 5K6255XM501C
c) size 12 RL c) horsepower rating 75 Hp
d) capacity ≅ 750 gpm Serial No. DTI422350
e) turbine pump - no. of stages 5
f) operating PSI _____

Well #2 - Submersible Pump & Motor
20 Hp
Capacity ≅ 250 gpm

3. Distribution lines or canals

a) size 8 inch
b) type PVC
c) length ≅ 4500 ft.

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 ²

- 1) make ^{Reinke} ~~Electro~~ ^{Lockwood}
- 2) number of towers 8 & 7
- 3) distance between towers _____
- 4) overall length ≈ 1320 ft
- 5) end gun (Y/N) Yes
- 6) high or low pressure High
- 7) make & size of nozzles Rainbird
- 8) capacity (GPM) ≈ 900 each

g) siphons

- 1) size _____
- 2) number _____

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

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

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

REMARKS:

NOT TO SCALE

1140 T933
579-114K ✓
2 broke '84
I-12

39.0
T2975
1

77.2
1

10

9 SW $\frac{1}{4}$ NE $\frac{1}{4}$
33 Ac.
135.0

SE $\frac{1}{4}$ NE $\frac{1}{4}$
33 Ac.
1250'

70.1

T4367
10

NW $\frac{1}{4}$ SW $\frac{1}{4}$
33 Ac.

NE $\frac{1}{4}$ SW $\frac{1}{4}$
33 Ac.
85 slch

SW $\frac{1}{4}$ SW $\frac{1}{4}$
33 Ac.

SE $\frac{1}{4}$ SW $\frac{1}{4}$
33 Ac.

900'

200'

Well #1

NW $\frac{1}{4}$ SE $\frac{1}{4}$
33 Ac.

NE $\frac{1}{4}$ SE $\frac{1}{4}$
33 Ac.
85 slch

5.9

8

60

7

78.5

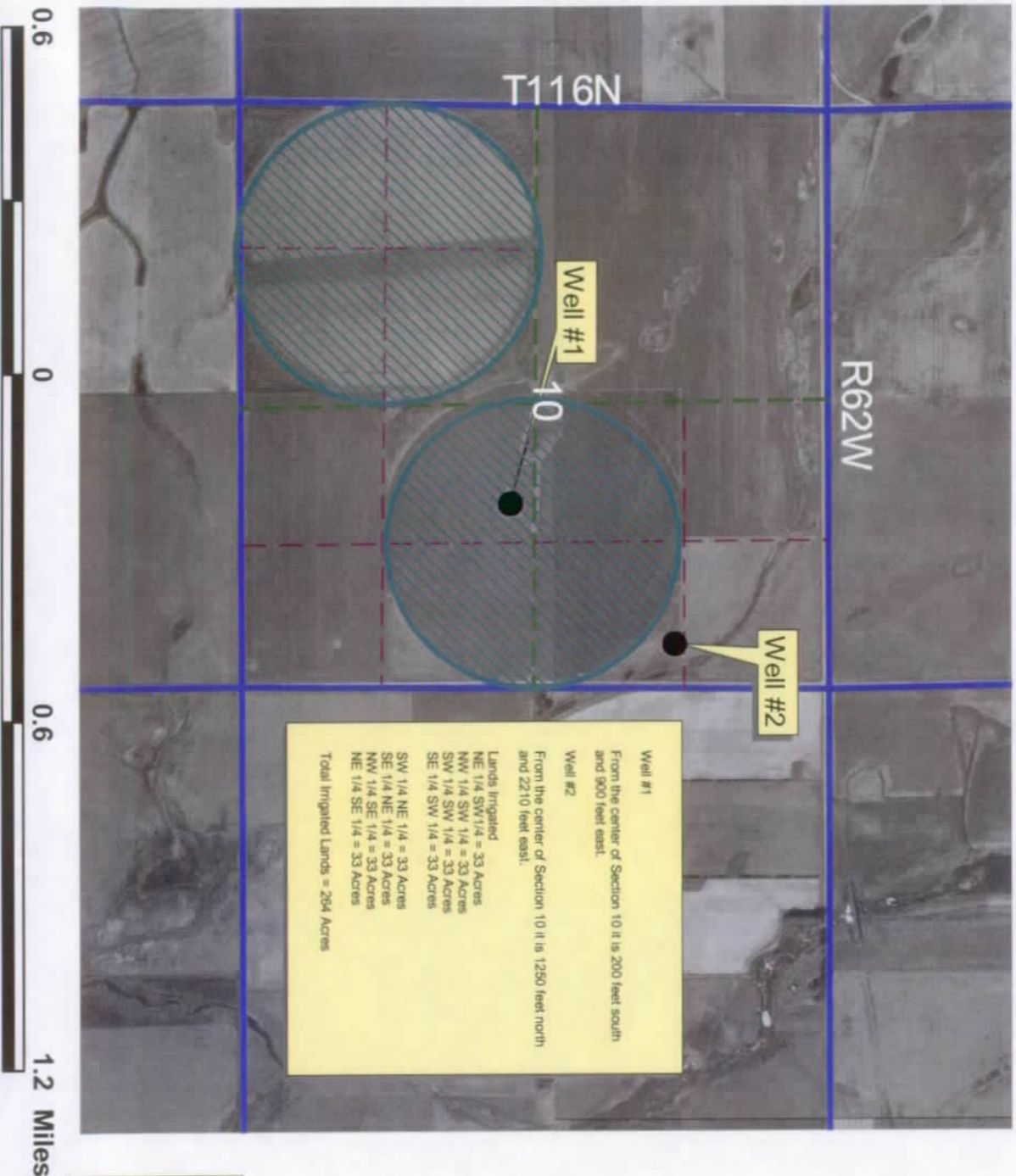
T1492

1

116-62

Timothy H. Shad
September 16, 1991

Water Permit Nos. 3490-3, 3490-3A, 4772-3, and 5280-3



Well #1
From the center of Section 10 it is 200 feet south and 900 feet east.

Well #2
From the center of Section 10 it is 1250 feet north and 2210 feet east.

Lands Irrigated
NE 1/4 SW 1/4 = 33 Acres
NW 1/4 SW 1/4 = 33 Acres
SW 1/4 SW 1/4 = 33 Acres
SE 1/4 SW 1/4 = 33 Acres
SW 1/4 NE 1/4 = 33 Acres
SE 1/4 NE 1/4 = 33 Acres
NW 1/4 SE 1/4 = 33 Acres
NE 1/4 SE 1/4 = 33 Acres
Total Irrigated Lands = 264 Acres



South Dakota



Stacy J. Johnson 11-22-03
Stacy J. Johnson
Natural Resources Project Engineer
SD DENR Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5280-3

(1) Dan Wilson, 17463 SD Highway 37, Frankfort SD 57440-6806 made Application No. 5280-3, January 24, 1989 to specify the correct location of a well located in Spink County, South Dakota for irrigation purposes. Permit No. 5280-3, with a priority date of December 27, 1976 was approved July 26, 1989 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Permits associated with this water use system:

- Water Permit No. 3490-3 – with a priority date of December 27, 1976, authorizes diversion of 2.2 cubic feet of water per second (cfs) from one well to irrigate 160 acres;
- Water Permit No. 4772-3 – with a priority date of May 6, 1981, authorizes diversion of 2.28 cfs from the existing well authorized by No. 3490-3 to irrigate an additional 160 acres;
- Water Permit No. 3490-3A – authorized an additional well;
- Water Permit No. 5280-3 – specified the correct location of the well permitted under No. 3490-3A.

The applicable portions of No. 3490-3, 4772-3 and 3490-3A have been incorporated into this Water License No. 5280-3.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 5280-3 is issued a license, bearing priority dates of December 27, 1976 and May 6, 1981 to appropriate 2.0 cubic feet of water per second from groundwater (two wells) to irrigate 264 acres.

The diversion points are located: Well # 1 – 900 feet east and 200 feet south (NW ¼ SE ¼) and Well # 2 – 2,210 feet east and 1,250 feet north (SE ¼ NE ¼) of the center of Section 10-T116N-R62W. The acres authorized for irrigation are as follows:

Section 10-T116N-R62W					
Priority date			Priority date		
SW ¼ NE ¼	33 acres	December 27, 1976	NW ¼ SW ¼	33 acres	May 6, 1981
SE ¼ NE ¼	33 acres		NE ¼ SW ¼	33 acres	
NW ¼ SE ¼	33 acres		SW ¼ SW ¼	33 acres	
NE ¼ SE ¼	33 acres		SE ¼ SW ¼	33 acres	
Total 264 acres					

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 5280-3 including the following now applicable qualifications:

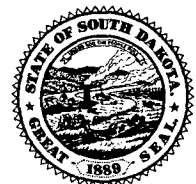
- The irrigation wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Garland Erbele

GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 13 2003

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 13 2003

Dan Wilson
17463 SD Highway 37
Frankfort SD 57440-6806

5280-3
3490-3
3490-3A
4772-3

Dear Mr. Wilson:

Enclosed are Water License No. 5280-3 and receipts for payment of the license and transfer fees. The water license is the final water right document completing the process of obtaining a Water Right.

The applicable portions of Nos. 3490-3, 4772-3 and 3490-3A are incorporated into this water right.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 5280-3, 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.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



January 14, 2004

5280-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: DAN WILSON, 17463 SD HWY 37, FRANKFORT, SD 57440 6806

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 5280-3, 1700-3, 2208-3 & 3175-3. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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) 1700-3, 2208-3 & 3175-3 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) 5280-3 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 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) 5280-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1700-3, 2208-3 & 3175-3 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 27, 2004, 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.



5280-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2004

1700-3
2208-3
3175-3
5280-3

Dan Wilson
17463 SD Hwy 37
Frankfort SD 57440-6806

Dear Mr. Wilson:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right Nos. 1700-3, 2208-3, 3175-3 and 5280-3.

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

If you have any questions, please contact me.

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

MAY 14 2010

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 5280-3Date: April 23, 2010

I/We request that Water Right/Permit No. 5280-3 formerly owned by:
Dan Wilson be transferred to:

New Owner Name: Riverview, LLP
Address: 26406 470th Avenue
City, State, Zip Morris MN 56267 Telephone No. 320-392-5609

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

SW1/4 10-116-62, Spink County, SD
S1/2NE1/4 10-116-62, Spink County, SD
N1/2SE1/4 10-116-62, Spink County, SD

☒ I understand that the validity of Water Right/Permit No. 5280-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Kurt Domnick, Secretary/Treas., Riverview LLP, 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 5/14, 20 10

RECEIVED OF Gillette Law Office PO Box 60 Redfield SD 57469

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>5280-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **04551**

By *Janet E. Eide*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 17, 2010

5280-3

Kurt Domnick
Riverview LLP
26406 470th Ave
Morris MN 56267

Dear Mr. Domnick:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee submitted for filing an ownership change with Water Right No. 5280-3. The transfer has been completed. The water right formerly held by Dan Wilson is now listed in the name of "Riverview LLP".

The receipt for the filing fee is being forwarded to Gillette Law Office in Redfield, SD.

If you have any questions, please contact me.

Sincerely,

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

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

enclosure

c: Gillette Law Office w/ Receipt No. 04551

McMath, Genny

From: Brady Janzen <brady.janzen@riverviewllp.com>
Sent: Thursday, July 21, 2011 7:56 AM
To: mikedurre@hotmail.com; Peterson, Mark (DOT); Hicks, Matt;
mcdirector@venturecomm.net; Mohan, Krishna (MDH); Wegleitner, Paul; Myers, Ben;
billkleindl@co.stevens.mn.us; Schwint, George (MPCA); McMath, Genny;
sheri.reuss@state.mn.us; janell.miersch@state.mn.us; Gronlund, Eric; Woodmansey, Kent;
Kindt, Trish
Cc: anthony.ekren@riverviewllp.com; brad.fehr@riverviewllp.com
Subject: Contact Change

Hello,

Just wanted to give everyone notice that Anthony Ekren will be taking over the permitting, zoning, and annual reporting duties here at Riverview. Please direct all future correspondences to him. He can be reached at 320.392.5609 ext 297 (office), 320.287.0978 (cell), or anthony.ekren@riverviewllp.com.

Thanks and have a great day!

Brady Janzen
Riverview, LLP
320.392.5609

5280-3



February 24, 2020

26406 470th Ave
Morris, MN 56267
(320) 392-5609

SD DENR Water rights program

RE: Change in contact information

Dear Eric Gronlund,

I will no longer be with Riverview at the end of March, please remove me as the contact person for the Riverview water rights permits. Please make the following changes:

Please make the following person the main contact person for Riverview water rights permits:

Brady Janzen
320-349-0318
Brady.janzen@riverviewllp.com

Additionally, please make the following person a secondary contact person for Riverview water rights permits:

Matt Waldbeser
320-287-1028
Matt.waldbeser@riverviewllp.com

Thank you,

Anthony Ekren