

Considered: \_\_\_\_\_

WATER PERMIT NO. 5301-3

41

HAP No. Same 226-0344

Name of Applicant Barbara Jo Anderson

Post Office Address 119 7th Ave SW Aberdeen, SD 57401

Amount of Water Claimed 1.7 cfs Total Acres 140

Source of Water Supply groundwater - 1 well

Water to be used for irrigation County Spink

About 6 miles W of Tulare

PROOF OF PUBLICATION: Received \_\_\_\_\_ Not Received \_\_\_\_\_

APPLICATION: Approved \_\_\_\_\_ Subject to \_\_\_\_\_

F.F. & C.L. Adopted \_\_\_\_\_ Not Approved \_\_\_\_\_ Deferred \_\_\_\_\_

PRIORITY \_\_\_\_\_ Date Received Feb 28, 1989 Fee \$250.00 Remarks \_\_\_\_\_

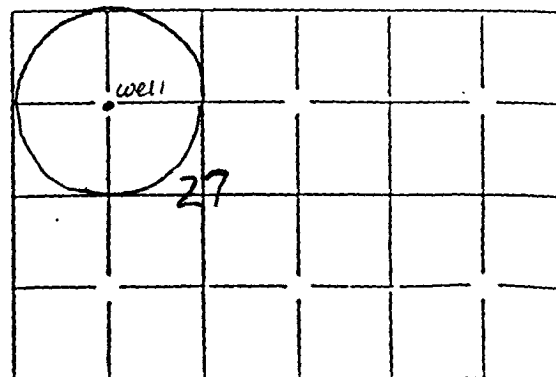
Corrected Application Received \_\_\_\_\_ Period of Annual Use May 1 - October 31

WATER QUALITY APPROVAL RECEIVED \_\_\_\_\_ APPROVED/CONDITIONAL (Circle one)

VI-1 Description same as Application YES \_\_\_\_\_ NO \_\_\_\_\_ REMARKS \_\_\_\_\_

Diversion Point Center of NW 1/4 Section 27,  
T115N, R6SW

Land to be Irrigated NW 1/4 Sect 27, T115N, R6SW



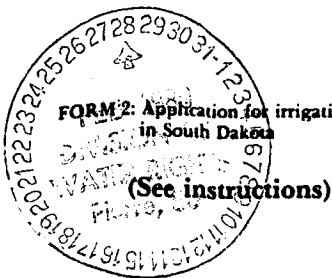
Well Log: Driller \_\_\_\_\_ Licensed YES \_\_\_\_\_ NO \_\_\_\_\_

Depth of Well 100' REMARKS See note to file

Received test info 10/18/89

Type of Map soils PREPARED BY Elmer M. Ward Reviewed and the Number

assigned on March 23, 1989 By Susan A. Bowser



Mail to: Water Rights Div.  
523 E. Capitol  
Pierre, SD 57501  
(605) 773-3352

No. 53013 Hydrologic Unit 1016009  
Basin James R.  
Newspaper Redfield Press Box 440 57469 (Wed)

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

- Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. \_\_\_\_\_
- ☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
- ☐ Add Acreage ☐ Increase diversion rate ☐ Other \_\_\_\_\_
1. Name of Applicant Barbara Jo Anderson, Exec'x Phone No. 236-0344
- Post Office Address 119 7th Ave SW Aberdeen State SD 57401  
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s) 1.7 Total acres irrigated 140
3. Source of Water supply Well
4. Location of point of diversion Center of NW 1/4 27 115 65
- \_\_\_\_\_ County Spink
5. Counties where water will be used Spink
6. Annual period during which water is to be used May - October
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. |
|-----------------------------------|----------------|
| <u>SW 1/4 of NW 1/4 27 115 65</u> | <u>35</u>      |
| <u>NW 1/4 of NW 1/4 27 115 65</u> | <u>35</u>      |
| <u>NE 1/4 of NW 1/4 27 115 65</u> | <u>35</u>      |
| <u>SE 1/4 of NW 1/4 27 115 65</u> | <u>35</u>      |

| 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, Soybeans, Edible beans
10. Give a description of proposed project. (Attach sheet if more-space is needed)

7 tower center pivot with diesel motor powering the water pump and generator. The well will be within 30 ft of the center pivot which will be centered on the quarter section.

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)<sup>ss</sup>

I, Barbara Anderson, 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 Barbara J. Anderson, Exec'x

Subscribed and sworn to before me this 15<sup>th</sup> day of February 1989

Lorelei Beckler

Notary Public

My Commission Expires 9/7/95

**SOUTH DAKOTA**  
**WATER PERMIT No. 5301-3 FOR IRRIGATION**

Date of first receipt of application February 28, 1989.

Date Soil/Water Compatibility Permit received May 9, 1989.

Date of return to applicant for required corrections, amendments or changes March 15, 1989.

Date of receipt of corrected application March 23, 1989.

The Water Management Board approved Water Permit Application No. 5301-3 on May 10, 1989 for Barbara Jo Anderson, Exec'x, 119 7th Avenue SW, Aberdeen, South Dakota 57401 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. 5301-3 appropriates 1.7 cubic feet of water per second from one well (Tulare-Western Spink) approximately 100 feet deep to irrigate 140 acres. The well is to be located near the center of the NW1/4 and the acreage to be irrigated is in the NW1/4; all in Section 27, T115N, R65W.
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: May 1 to October 31.
3. The date from which applicant may claim right is February 28, 1989.
4. One-fifth of the construction is to be completed on or before November 10, 1991.
5. All construction is to be completed on or before May 10, 1994.
6. Water is to be put to beneficial use on or before May 10, 1998.
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 authorized by Permit No. 5301-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.
- 2) 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.
- 3) This permit is approved subject to the irrigation water use questionnaire being submitted each year.

**WATER MANAGEMENT BOARD**

By: \_\_\_\_\_

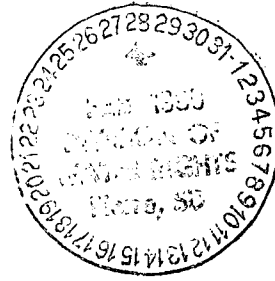
Chief Engineer, Water Rights Division  
Department of Water and Natural Resources

SEP 12 1989

\_\_\_\_\_  
(date)

# Supplemental Information

(type or print in ink)



## 1. Well Information - Proposed construction

- a) Drill Hole Diameter 18" Depth 100'
- b) Casing Type PVC Diameter 16" Thickness 1/2"
- c) Screen Type #50 Slot PVC Diameter 16" Thickness 1/2"
- d) Gravel Pack Thickness \_\_\_\_\_ Length of Gravel Pack \_\_\_\_\_
- e) Depth to Top of Water Bearing Material \_\_\_\_\_
- f) Depth to Water (ground surface to water level) 16'
- g) Distance to nearest existing domestic well: 1500'

On applicants property \_\_\_\_\_ On property owned by others Richard Jensen

## 2. Dugout Information Estimates

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

## 3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

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

\_\_\_\_\_  
\_\_\_\_\_

b) Freeboard \_\_\_\_\_

c) Crest Width \_\_\_\_\_

Crest Length \_\_\_\_\_

d) Height \_\_\_\_\_

e) Primary Outlet Capacity \_\_\_\_\_  
If Pipe, diameter \_\_\_\_\_

f) Secondary Spillway Capacity \_\_\_\_\_  
Spillway width \_\_\_\_\_

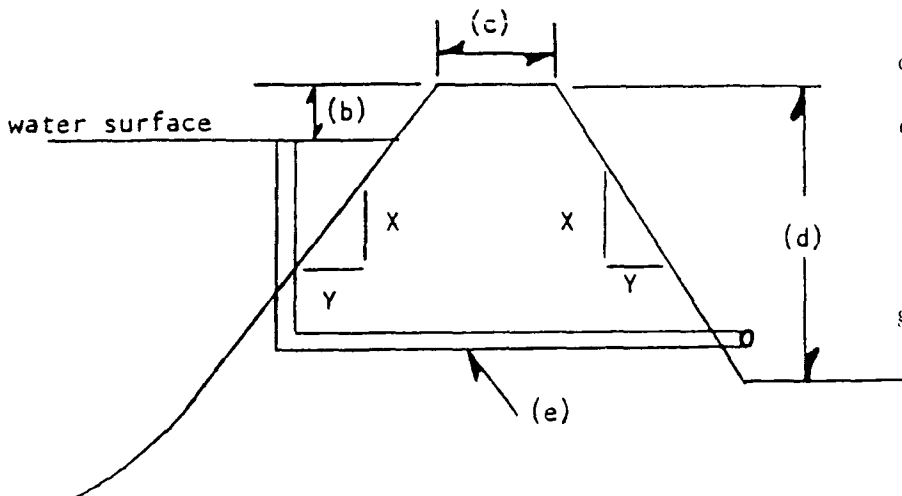
g) X & Y Slope \_\_\_\_\_  
Upstream \_\_\_\_\_

Downstream \_\_\_\_\_

Surface Area of Impoundment \_\_\_\_\_

Storage \_\_\_\_\_ acre feet

Drainage area above dam \_\_\_\_\_



Barbara J. Anderson  
Signature of Applicant



# Department of Water & Natural Resources

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

March 15, 1989

Barbara Jo Anderson  
119 7th Avenue  
Aberdeen, SD 57401

Dear Ms. Anderson:

This is in reference to the water permit application received from you on February 28, 1989.

The application is incomplete for the following reason(s):

- (1) The acreage to be irrigated and the location of the diversion point need to be outlined on the enclosed map.
- (2) A well log or test hole log, signed by a South Dakota Licensed Well Driller, needs to be submitted with the application (see enclosed instruction sheet).

The Water Management Board cannot consider a water permit application until it is complete. Please indicate the locations of the well and the acreage to be irrigated on the enclosed map, and return it, along with a signed well log or test hole log to begin processing of your water permit application.

Feel free to contact us if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Susan A. Bowar".

Susan A. Bowar  
Natural Resources Engineer  
Water Rights Division  
(605) 773-3352

enclosures

## Conversation or File Documentation

NAME OF PERSON OR FILE: Dean RogersADDRESS: \_\_\_\_\_ COUNTY SpinkDATE: March 20, 1989 TELEPHONE 225-7673RE: Barbara Jo Anderson, application

## COMMENTS:

Mr. Rogers called today in reference to the letter sent to Ms. Anderson (dated 3/15/89). Mr. Rogers concern was #2 on the letter, i.e., the need to submit a test hole log. Apparently Mr. Rogers spoke w/ someone who had said there was a state obs. well in the area and that the water could be obtained from this in lieu of his own water sample. After talking w/ Jim Goodman, I called Mr. Rogers back and told him the information we have on file is adequate but that the log should be submitted when it is drilled. He will return the map w/ the acreage outlined.

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.

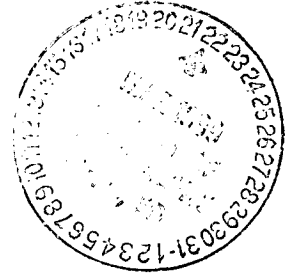
NAME: Ausan A. Brown



# United States Department of the Interior

TAKE  
PRIDE IN  
AMERICA

GEOLOGICAL SURVEY  
Water Resources Division  
Rm. 317, Federal Bldg.  
200 4th St. SW  
Huron, South Dakota 57350-2469  
March 21, 1989



Mr. Jim Goodman  
Division of Water Rights  
Dept. of Water & Natural Resources  
Joe Foss Bldg.  
Pierre, SD 57501

Dear Mr. Goodman:

Enclosed as per your telephone request of this date are the water-quality analyses for wells 115N65W27CBBC4 and 115N65W28AAAA.

Sincerely,

FOR THE DISTRICT CHIEF

Kathy M. Neitzert

Department of Agriculture  
WI#1  
5/87

SOIL/WATER COMPATIBILITY PERMIT  
Division of Conservation

Office Use Only

4878

WR#

OWNERS NAME: Barbara Jo Anderson, Exec't OWNERS ADDRESS: 119 7th Ave. SW  
Aberdeen, SD 57401

COUNTY LAND LOCATED IN: Spink PHONE: 226-0344

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION center of NW $\frac{1}{4}$  Sec. 27-T115N-R65W

Depth \_\_\_\_\_

| Legal Description                                   | Acres | Legal Description | Acres |
|-----------------------------------------------------|-------|-------------------|-------|
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 27-T115N-R65 | 35    |                   |       |
| NW $\frac{1}{4}$ NW $\frac{1}{4}$ " "               | 35    |                   |       |
| NE $\frac{1}{4}$ NW $\frac{1}{4}$ " "               | 35    |                   |       |
| SE $\frac{1}{4}$ NW $\frac{1}{4}$ " "               | 35    |                   |       |
| TOTAL ACRES=                                        |       |                   | 140   |

2. TYPE OF IRRIGATION: GRAVITY: \_\_\_\_\_ TOWLINE: \_\_\_\_\_ CENTER PIVOT: ☒ GUN: \_\_\_\_\_ OTHER: (Specify) \_\_\_\_\_

3. CROPS TO BE IRRIGATED: corn, soybeans, edible beans

WATER QUALITY:

4. WATER SAMPLE NUMBER: \_\_\_\_\_ 7. ADJUSTED (SAR): 12.73  
5. SALINITY (EC X 10<sup>6</sup>): 1500 8. PERCENT SODIUM: 57.84  
6. SODIUM (SAR): 5.13

Requirements: The area mapped as Tetonka soil, mapping units 103 & 104, be maintained in grass and/or alfalfa to address the wetness problem.

The crops be rotated, with corn being grown no more than 3 out of 5 years, and silage not being cut from the area.



[Signature]  
Director, Division of Conservation

Date

5/5/87

☒ APPROVED ☒ REQUIREMENTS  
☐ DISAPPROVED  
☐ WAIVER

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

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411656

Pierre, February 28, 1989

RECEIVED OF Paul E. Anderson Estate, Barbara J. Anderson Exec'x, 119 7th Ave Aberdeen SD  
the following amount in fees for services rendered as provided for by law: 57401

|                                                                                                                                    |       |        |
|------------------------------------------------------------------------------------------------------------------------------------|-------|--------|
| Fee for Application for Permit No. <u>5301-3</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/mra  
John Hatch/mra

115-65-28 aaaa (S-2-100 on P.T. No.9)

163' South and 78' West of NE Cor. Sec.28, R-65-W T-115-N

|          |          |      |                          |
|----------|----------|------|--------------------------|
|          | 1336.62  | 100' |                          |
|          | 1336.62  |      | 1 1/4" perf. 57.5'-99.5' |
|          | 1338.09  | 100' |                          |
|          | 1.47'    | 50'  |                          |
| 1.47'    |          |      | Mutch                    |
| 10-10-51 | 10-17-51 |      | Kennison, Noe            |

0.0'-14.0' Sandy silt till, very sandy @ 1'-3', humic to .5', oxidized.

Water-laid silt and fine sand @ 9.5'-11.5', 12.5'-13.0'.

14.0'-20.0' Silt and fine sand, some clay, water-laid. Slightly permeable. Oxid.

20.0'-30.0' Clayey and sandy silt till, some fine sand. Unoxidized.

30.0'-37.0' Silty sand till, some clay. Poor recovery, prob. in part water-laid, and may be slightly permeable in part. Partly oxidized. @32'.

37.0'-47.0' Clayey silt till, sandy in part. Unoxidized.

47.0'-50.0' Silty sand, some clay. Slightly permeable.

50.0'-54.0' Sandy and clayey silt till. Unoxidized.

54.0'-55.0' Medium to coarse sand, silty. Probably water-laid. Slightly to moderately permeable.

55.0'-65.0' Fine sand, silty, some clay, water-laid. Slightly to moderately permeable.

65.0'-100.0' Medium to fine sand, slightly carbonaceous @ 82', 90'.

Total Depth

Location: *Spink County*Field Number: *115-65-28 a a a a 1*U.S. DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY  
WATER RESOURCES DIVISIONAnalyses by Geological Survey, United States Department of the Interior  
9-268q (parts per million) *444458098385501 ?*

|                                                 |                 |  |  |  |  |  |
|-------------------------------------------------|-----------------|--|--|--|--|--|
| Sample number.....                              |                 |  |  |  |  |  |
| Date of collection.....                         | <i>11/28/51</i> |  |  |  |  |  |
| Temperature (°F).....                           | <i>50</i>       |  |  |  |  |  |
| Silica (SiO <sub>2</sub> ).....                 | <i>27</i>       |  |  |  |  |  |
| Iron (Fe).....                                  | <i>3</i>        |  |  |  |  |  |
| Manganese (Mn).....                             |                 |  |  |  |  |  |
| Calcium (Ca).....                               | <i>77</i>       |  |  |  |  |  |
| Magnesium (Mg).....                             | <i>23</i>       |  |  |  |  |  |
| Sodium (Na).....                                | <i>217</i>      |  |  |  |  |  |
| Potassium (K).....                              | <i>10</i>       |  |  |  |  |  |
| Bicarbonate (HCO <sub>3</sub> ).....            | <i>538</i>      |  |  |  |  |  |
| Carbonate (CO <sub>3</sub> ).....               | <i>0</i>        |  |  |  |  |  |
| Sulfate (SO <sub>4</sub> ).....                 | <i>225</i>      |  |  |  |  |  |
| Chloride (Cl).....                              | <i>85</i>       |  |  |  |  |  |
| Fluoride (F).....                               | <i>.4</i>       |  |  |  |  |  |
| Nitrate (NO <sub>3</sub> ).....                 | <i>.8</i>       |  |  |  |  |  |
| Boron (B).....                                  | <i>.24</i>      |  |  |  |  |  |
| Dissolved solids                                |                 |  |  |  |  |  |
| Calculated.....                                 |                 |  |  |  |  |  |
| Residue on evaporation at 180°C ..              | <i>964</i>      |  |  |  |  |  |
| Hardness as CaCO <sub>3</sub> .....             | <i>286</i>      |  |  |  |  |  |
| Noncarbonate hardness as CaCO <sub>3</sub> .... | <i>0</i>        |  |  |  |  |  |
| Alkalinity as CaCO <sub>3</sub> .....           |                 |  |  |  |  |  |
| Specific conductance                            |                 |  |  |  |  |  |
| (micromhos at 25°C).....                        | <i>1,470</i>    |  |  |  |  |  |
| pH.....                                         | <i>7.5</i>      |  |  |  |  |  |
| Color.....                                      |                 |  |  |  |  |  |
| Percent sodium.....                             | <i>61</i>       |  |  |  |  |  |
| Sodium-adsorption ratio.....                    |                 |  |  |  |  |  |

SCHEDULED

SCHEDULED

Owner:

Well type:

Date drilled:

Depth (ft.): *107*

Diameter (in.):

Cased to (ft.):

Water-bearing formation:

Remarks: *Reading taken @ 10 min; 30 hr; & 192 hr.*

Point of collection:

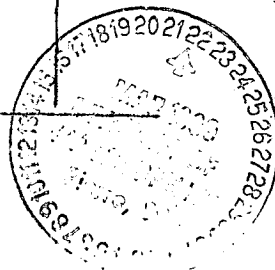
Water level (ft.):

Yield (gpm):

Use:

Appearance:

Collected by:

*Pump Test #9*

Location: *Spink County*Field Number: *115-65-27 cbbcf*U.S. DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY  
WATER RESOURCES DIVISIONAnalyses by Geological Survey, United States Department of the Interior  
9-268q (parts per million)

|                                                 |                |  |  |  |  |  |
|-------------------------------------------------|----------------|--|--|--|--|--|
| Sample number.....                              |                |  |  |  |  |  |
| Date of collection.....                         | <i>7/27/54</i> |  |  |  |  |  |
| Temperature (°F).....                           | <i>50</i>      |  |  |  |  |  |
| Silica (SiO <sub>2</sub> ).....                 | <i>26</i>      |  |  |  |  |  |
| Iron (Fe).....                                  | <i>1.7</i>     |  |  |  |  |  |
| Manganese (Mn).....                             |                |  |  |  |  |  |
| Calcium (Ca).....                               | <i>77</i>      |  |  |  |  |  |
| Magnesium (Mg).....                             | <i>26</i>      |  |  |  |  |  |
| Sodium (Na).....                                | <i>67</i>      |  |  |  |  |  |
| Potassium (K).....                              | <i>5.3</i>     |  |  |  |  |  |
| Bicarbonate (HCO <sub>3</sub> ).....            | <i>36.1</i>    |  |  |  |  |  |
| Carbonate (CO <sub>3</sub> ).....               | <i>0</i>       |  |  |  |  |  |
| Sulfate (SO <sub>4</sub> ).....                 | <i>115</i>     |  |  |  |  |  |
| Chloride (Cl).....                              | <i>25</i>      |  |  |  |  |  |
| Fluoride (F).....                               | <i>.1</i>      |  |  |  |  |  |
| Nitrate (NO <sub>3</sub> ).....                 | <i>.8</i>      |  |  |  |  |  |
| Boron (B).....                                  | <i>.13</i>     |  |  |  |  |  |
| Dissolved solids                                |                |  |  |  |  |  |
| Calculated.....                                 |                |  |  |  |  |  |
| Residue on evaporation at 180°C                 | <i>525</i>     |  |  |  |  |  |
| Hardness as CaCO <sub>3</sub> .....             | <i>298</i>     |  |  |  |  |  |
| Noncarbonate hardness as CaCO <sub>3</sub> .... | <i>2</i>       |  |  |  |  |  |
| Alkalinity as CaCO <sub>3</sub> .....           |                |  |  |  |  |  |
| Specific conductance                            |                |  |  |  |  |  |
| (micromhos at 25°C).....                        | <i>822</i>     |  |  |  |  |  |
| pH.....                                         | <i>7.5</i>     |  |  |  |  |  |
| Color.....                                      |                |  |  |  |  |  |
| Percent sodium.....                             | <i>32</i>      |  |  |  |  |  |
| Sodium-adsorption ratio.....                    |                |  |  |  |  |  |

Owner:

Well type:

Date drilled:

Depth (ft.): *102*

Diameter (in.):

Cased to (ft.):

Water-bearing formation:

Remarks: *Readings taken on 10/13/54 & 5/11/55.*

Point of collection:

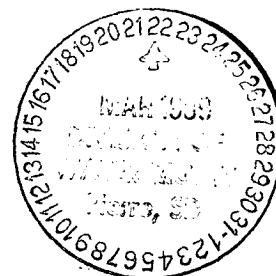
Water level (ft.):

Yield (gpm):

Use:

Appearance:

Collected by:



U.S. DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

115-65-27cbbcl4

WATER RESOURCES DIVISION

Analyses by Geological Survey, United States Department of the Interior  
(parts per million)

9-268 q

|                                                   |        |  |  |  |  |  |
|---------------------------------------------------|--------|--|--|--|--|--|
| Sample number                                     | N-5042 |  |  |  |  |  |
| Date of collection .....                          | 8/1/57 |  |  |  |  |  |
| Silica (SiO <sub>2</sub> ) .....                  | 31     |  |  |  |  |  |
| Iron (Fe) .....                                   | 1.4    |  |  |  |  |  |
| Manganese (Mn) .....                              | --     |  |  |  |  |  |
| Calcium (Ca) .....                                | 77     |  |  |  |  |  |
| Magnesium (Mg) .....                              | 23     |  |  |  |  |  |
| Sodium (Na) .....                                 | 85     |  |  |  |  |  |
| Potassium (K) .....                               | 8.7    |  |  |  |  |  |
| Bicarbonate (HCO <sub>3</sub> ) .....             | 380    |  |  |  |  |  |
| Carbonate (CO <sub>3</sub> ) .....                | 0      |  |  |  |  |  |
| Sulfate (SO <sub>4</sub> ) .....                  | 125    |  |  |  |  |  |
| Chloride (Cl) .....                               | 26     |  |  |  |  |  |
| Fluoride (F) .....                                | .2     |  |  |  |  |  |
| Nitrate (NO <sub>3</sub> ) .....                  | 1.7    |  |  |  |  |  |
| Boron (B) .....                                   | .18    |  |  |  |  |  |
| Dissolved solids                                  |        |  |  |  |  |  |
| Calculated .....                                  | --     |  |  |  |  |  |
| Residue on evaporation at 180°C .                 | 568    |  |  |  |  |  |
| Hardness as CaCO <sub>3</sub> .....               | 286    |  |  |  |  |  |
| Noncarbonate hardness as CaCO <sub>3</sub> ..     | 0      |  |  |  |  |  |
| Alkalinity as CaCO <sub>3</sub> .....             | --     |  |  |  |  |  |
| Specific conductance<br>(micromhos at 25°C) ..... | 885    |  |  |  |  |  |
| pH .....                                          | 7.7    |  |  |  |  |  |
| Color .....                                       | --     |  |  |  |  |  |
| Percent sodium                                    | 38     |  |  |  |  |  |
| Sodium adsorption ratio                           | 2.2    |  |  |  |  |  |

Owner: Jesson

Well Type: Oahe pump test 18A, S.Dak.

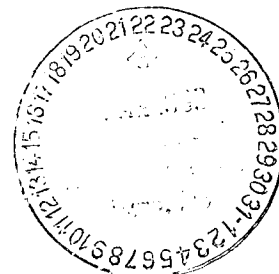
Depth: 102 ft.

Diameter: 14"

Water-bearing formation: Glacial drift

Use: Irrigation

Collected by: DeKramer



10-85

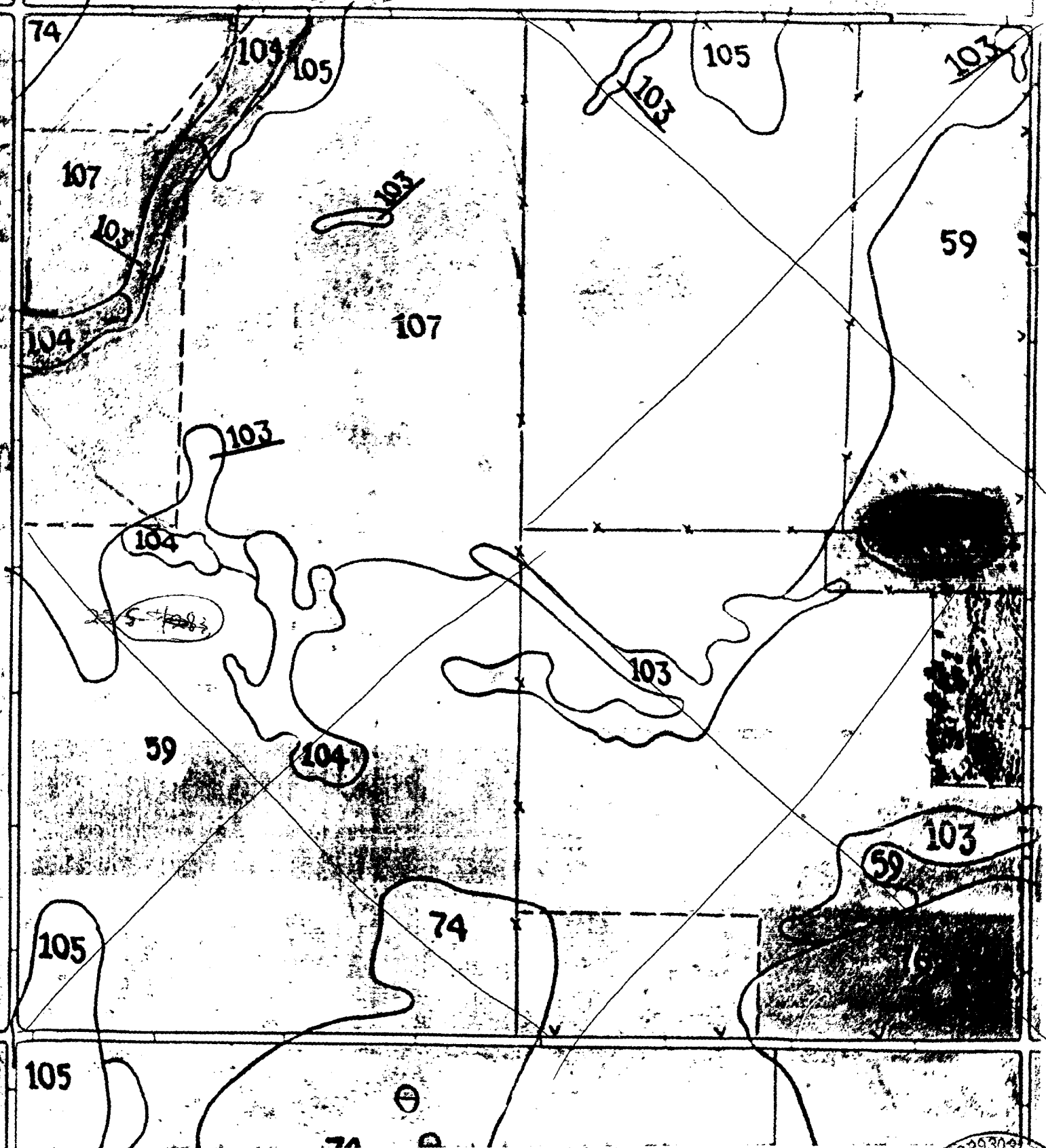
APR 1989  
DIVISION OF  
CIVIL RIGHTS  
SOUTH DAKOTA

Date 4-7-80



LAKE T115N R65W S27

Obsolete Information  
USDA - SCS



obsolete Information  
USDA SCS

Elmer M. Ward  
District Conservationist



Report on Application 5301-3  
Barbara Jo Anderson  
March 31, 1989

Water Permit Application No. 5301-3 was submitted for Barbara Jo Anderson of Aberdeen, South Dakota to appropriate 1.7 cubic feet of water per second (cfs) from one well, approximately 100 feet deep to irrigate 140 acres. The well is to be located near the center of the NW1/4 and the acreage to be irrigated is in the NW1/4; all in Section 27, T115N, R65W in Spink County.

Aquifer

The well for Application No. 5301-3 will be drilled into the Tulare-Western Spink Aquifer (T-WS). It underlies 72,300 acres in Spink County and has an estimated volume of recoverable water exceeding 270,900 acre-feet (Hedges, 1982).

The sand and gravel aquifer is found predominately under artesian conditions and is considered part of the Basal System of the surficial glacial aquifers. It is estimated that the average recharge rate to the aquifer is 0.83 inches per year while average annual use is 0.33 inches per year (Hedges, 1983).

Three Water Rights Division observation wells are located in the aquifer within 1 1/2 miles of the applicant's well. Historical water levels ranged from a high of 10 feet below the surface to 40 feet below the surface. None of the water levels dropped below the top of the aquifer. The maximum total fluctuation in any particular well was 20 feet. This occurred in well SP-63E over its 25 years of record. The water levels in all 3 wells fluctuated with seasonal climatic variations and showed no long term effects from pumping (WRD Observation Well Logs, 1989).

A test hole log submitted with the application indicated at least 40 feet of saturated sand and gravel. The observation well logs and other nearby test holes indicated 50 to 100 feet of water bearing sand and gravel.

Existing Water Rights

There are a number of other permits in the vicinity of Application No. 5301-3. Three of them, 952-3, 136-3B and 136-3 have wells approximately 2000 feet from the applicant's proposed well site. Because of the artesian conditions and relatively close well spacing the applicant's pumping may have some effect on the other wells. The interference with the other wells should be insignificant because of the large aquifer capacity and thick deposits of sand and gravel. Other domestic wells are in the area that may withdraw water from the same aquifer. No significant interference is expected with any adequately constructed wells.

### Conclusions

1. Water is available from the Tulare-Western Spink Aquifer for Application No. 5301-3.
2. A number of other permitted wells are in the vicinity of the applicant's well. Slight drawdown may occur in the nearest of these wells from pumping of the applicant's well, but because of the large aquifer capacity no significant interference will occur with any adequately constructed wells.
3. The well must be constructed to comply with SD Well Construction Standards.

*Thomas M. Brandner*

Thomas M. Brandner  
Natural Resources Engineer

Approved by:

*James A Goodman*  
James A Goodman, P.E.  
Hydrologist

### References

- Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Prepared for U.S. Army Corps of Engineers Planning Division by DWNR Geological Survey, Vermillion, SD.
- Hedges, L.S., J. Allen, and D.E. Holly, 1983, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River South Dakota and Iowa. Task 7: Ground Water Recharge, Prepared for U.S. Army Corps of Engineers Planning Division by DWNR Geological Survey, Vermillion, SD.
- Water Rights Division, 1989, "Observation Well Logs and Permit Files," DWNR, Joe Foss Building, Pierre, SD.



# Department of Water & Natural Resources

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

April 6, 1989

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

Barbara Jo Anderson, Exec'x  
119 7th Ave. SW  
Aberdeen, SD 57401

Dear Ms. Anderson:

Water Permit Application No. 5301-3 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. Copies of the report and the Chief Engineer's recommendation will be sent to you at a later date. 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





# Department of Water & Natural Resources

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

April 6, 1989

Redfield Press  
P.O. Box 440  
Redfield, SD 57469

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5301-3 to be published twice. Please publish the first notice on or before April 12, 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 Barbara Jo Anderson, Exec'x, 119 7th Ave SW Aberdeen, SD 57401.

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 April 12, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

---

NOTICE OF HEARING on Application No. 5301-3 to Appropriate Water

Notice is given that Barbara Jo Anderson, Exec'x, 119 7th Ave, SW, Aberdeen, SD 57401 has filed an application for a water permit to appropriate 1.7 cubic feet of water per second from one well (Tulare-Western Spink) approximately 100 feet deep to irrigate 140 acres. The well is to be located near the center of the NW1/4 and the acreage to be irrigated is in the NW1/4; all in Section 27, T115N, R65W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5301-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board at 523 E. Capitol, Joe Foss Building, Room 216, Pierre, SD on May 10, 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 April 28, 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 April 28, 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.

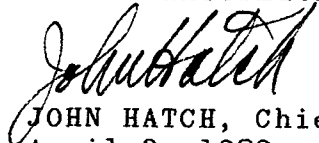
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 5301-3, Barbara Jo Anderson

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. 5301-3, Barbara Jo Anderson, 119 7th Ave SW, Aberdeen SD.

The Chief Engineer is recommending APPROVAL of Application No. 5301-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well authorized by Permit No. 5301-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.
2. 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.
3. 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  
April 3, 1989

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Spink ) ss.

I, Walter Mundstock hereby  
certify that the annexed printed copy of Notice of Intent to Appropriate  
Water 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:

April 12, 1989

April 19, 1989

*Walter Mundstock*  
(Signature)

Publisher  
(Title)

4-19-89  
(Date Signed)

Cost of Printing: 3420

No. 62

NOTICE OF HEARING

on Application No. 5301-3 to Appropriate Water

Notice is given that Barbara Jo Anderson, Exec'x, 119 7th Ave. SW, Aberdeen, SD 57401 has filed an application for a water permit to appropriate 1.7 cubic feet of water per second from one well (Tulare-Western Spink) approximately 100 feet deep to irrigate 140 acres. The well is to be located near the center of the NW 1/4 and the acreage to be irrigated is in the NW 1/4; all in Section 27, T115N, R65W.

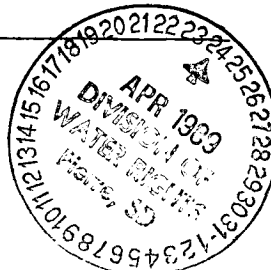
Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5301-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board at 523 E. Capitol, Joe Foss Building, Room 216, Pierre, SD, on May 10, 1989, at 10:00 a.m. 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 April 28, 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 April 28, 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.

(April 12, 19)





# Department of Water & Natural Resources

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

May 5, 1989

Barbara Jo Anderson, Exec'x  
119 7th Ave SW  
Aberdeen SD 57401

Dear Ms. Anderson:

Enclosed is the Report and the Recommendation of the Chief Engineer for Water Permit Application No. 5301-3 which will be considered at the May 10, 1989 Water Management Board Meeting.

Sincerely,

A handwritten signature in cursive script that reads "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

Barbara Jo Anderson, Exec'x  
119 7th Avenue SD  
Aberdeen, SD 57401

Dear Ms. Anderson:

Enclosed is Water Permit No. 5301-3 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 the Water Permit.

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 the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

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

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





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

September 17, 1996

5301-3

Barbara J. Rogers  
419 S. 10th St.  
Aberdeen, SD 57401

Dear Ms. Rogers:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5301-3, has been completed. Your final water right document, the Water License, can now be issued.

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

**Please remit fee to:  
Department of Environment & Natural Resources  
Water Rights Program  
523 E. Capitol  
Pierre, SD 57501-3181**

Sincerely,

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

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

# RECEIPT

415112

## Division of Water Rights

### South Dakota Department of Environment and Natural Resources

Pierre, \_\_\_\_\_ September 23, 19 96

RECEIVED OF Barbara Rogers, 499 S. 10th St., Aberdeen, SD 57401

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

|                                                                                                                      |       |       |
|----------------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____ |       |       |
| Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____                                  |       |       |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                               |       |       |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5301-3</u>          | 50    | 00    |
| Fee for Filing Transfer Form _____                                                                                   |       |       |
| Fee for Filing Extension Request _____                                                                               |       |       |
| Fee for _____                                                                                                        |       |       |
| _____                                                                                                                |       |       |
| _____                                                                                                                |       |       |
| (Any Other Work Provided by Law)                                                                                     | Total | 50 00 |

By John Hatch  
Chief Engineer

**Permit No. 5301-3**  
**James River** - Water District

**Report Of Examination Of Works And/Or Application of Water To Beneficial Use**

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, 7-25-96 made a thorough examination of the water use system constructed by Barbara J. Rogers of 419 S. 10th St., Aberdeen SD 57401 holder of Permit No. 5301-3, bearing the priority of February 28, 1989 authorizing the diversion of 1.7 cu. ft. per second of the waters of Tulare-Western Spink Aquifer 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:

One well 70 feet deep with 16 inch pvc casing and pvc screen.

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

100 feet of 8 inch steel pipe.

C. Works used to apply water to beneficial use:

Zimmatic center pivot, 1260 feet long with 8 towers and an end gun. Low pressure system with a capacity of 800 gpm.

The system is in the following condition good. The point of diversion is located 100 feet north of the center of the NW<sup>1</sup>/<sub>4</sub> Section 27, T115N, R65W. The works are capable of diverting and conveying to the place of use 1.7 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:

All in Section 27, T115N, R65W:

NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> 33 acres; NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> 33 acres; SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> 33 acres; SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> 33 acres  
comprising a total of 132 acres of land and the license should be issued for 1.7 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none

Lynn Beck  
Lynn Beck

Natural Resources Engineer  
DENR, Water Rights Program

9-3-96  
Date

**REPORT ON INSPECTION OF PERMIT NO. 5301-3**

**DATE OF INSPECTION: 7-25-96**

Other permit(s) associated with the project: none

NAME & ADDRESS OF INSPECTION CONTACT: Dean Rogers, 419 S. 10th St., Aberdeen SD 57401

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: husband

NAME & ADDRESS OF PERMIT HOLDER: Barbara Jo Rogers

**DIVERSION POINT LEGAL LOCATION: 100' north of the center of the NW $\frac{1}{4}$  Section 27, T115N, R65W.**

**WELL INFORMATION:**

- 1) Well Drilling Firm: Huron Drilling
- 2) No. of Wells 1
- 3) Depth(s) 70 feet
- 4) Well log is available yes

**Casing:**

- 1) Diameter 16 inches
- 2) Length # feet
- 3) Type pvc

**Screen:**

- 1) Type pvc
- 2) Length # feet
- 3) Static water level 15 feet

**Pump:**

- 1) Make #
- 2) Model #
- 3) Size #
- 4) Capacity 800 GPM

**Motor:**

- 1) Make US Electric
- 2) Model No. #
- 3) Horsepower rating 60 hp

**DISTRIBUTION LINES OR CANALS:**

- 1) Type steel
- 2) Size 8 inches
- 3) Length 100 feet

**SYSTEM TYPE:****Center pivot:**

- 1) Make Zimmatic
- 2) Overall length 1260 feet
- 3) Number of towers 8
- 4) End gun yes
- 5) High or low pressure low
- 6) Capacity 800 GPM

**CHEMIGATION EQUIPMENT:**

- 1) Does chemigate yes
- 2) Main line check valve yes
- 3) Inspection port/air relief yes
- 4) Low pressure drain yes
- 5) Discharge is 20' from source yes
- 6) Interlock type electrical
- 7) Injection pump type piston
- 8) Injection check valve yes
- 9) Injection line check valve or positive displacement pump yes

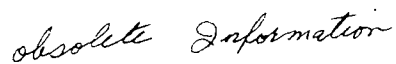
10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules yes

11) Comments: #

**PERMIT QUALIFICATIONS AND REGULATIONS:**

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

USDA 483



Elmer M. Ward  
District Conservationist

5301-3

## STATE OF SOUTH DAKOTA

### WATER LICENSE NO. 5301-3

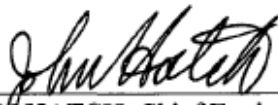
(1) Barbara J. Anderson, 419 S. 10th St, Aberdeen SD 57501 made Application No. 5301-3, February 28, 1989 for a water permit to divert 1.7 cubic feet of water per second from groundwater (one well), Spink County, South Dakota for irrigation purposes. Permit No. 5301-3, with a priority date of February 28, 1989 was approved May 10, 1989 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 10, 1994 and for the application to beneficial use of said water on or before May 10, 1998.

(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 1.7 cubic feet of water per second for beneficial use. The location of the diversion point is 100 feet north of the center of the NW 1/4 Section 27-T115N-R65W.

(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:

|                              |               |                  |
|------------------------------|---------------|------------------|
| <b>Section 27-T115N-R65W</b> | NE 1/4 NW 1/4 | 33 acres         |
|                              | NW 1/4 NW 1/4 | 33 acres         |
|                              | SW 1/4 NW 1/4 | 33 acres         |
|                              | SE 1/4 NW 1/4 | 33 acres         |
|                              | <b>Total</b>  | <b>132 acres</b> |

(4) Pursuant to South Dakota Water Law 46-5-30.1 Barbara J. Rogers, 419 S 10th St, Aberdeen SD 57401 the holder and/or owner of Water Permit No. 5301-3 is issued a license to appropriate water, the right to use 1.7 cubic feet of water per second from groundwater (one well) with a priority date of February 28, 1989 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 5301-3 and subject to South Dakota State Law.

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

OCT 1 1996

date





5301-3  
**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 14, 2000

**NOTICE**

TO: BARBARA J ROGERS, 419 S 10TH ST, ABERDEEN, SD 57401

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaires

Our records indicate that the 1999 Irrigation Questionnaires have not been submitted for Permit Nos. 5301-3, 2428-3 & 2485-3. The request for the Questionnaires was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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) 2428-3 & 2485-3 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) 5301-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 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) 5301-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2428-3 & 2485-3 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, 2000, 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.

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BARBARA J ROGERS  
419 S 10TH ST  
ABERDEEN SD 57401

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

1-15

C. Signature

X

Barbara Rogers

☐ Agent  
☐ AddresseeD. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

E

2227 670 296

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 3, 2000

2428-3  
2485-3  
5301-3

Barbara J Rogers  
419 S 10<sup>th</sup> St  
Aberdeen, SD 57401

Dear Ms. Rogers:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit Nos. 2428-3, 2485-3 and 5301-3.

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 for the notation about the change of ownership for the two systems in Section 29, T115N, R63W. I will contact Mr. Gatzke to follow-up on the transfer.

If you have any questions, please contact me.

Sincerely,

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



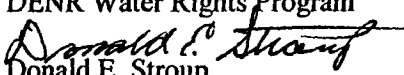
5301-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
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PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

November 13, 2003

**TO:** Garland Erbele, Chief Engineer  
DENR Water Rights Program

**FROM:**   
Donald E. Stroup  
Natural Resources Project Engineer  
DENR Water Rights Program

**SUBJECT:** Tulare Aquifer Irrigators

From April 28 through May 1, 2003 I made an on-site examination of the irrigation systems of several Tulare Aquifer Water Right holders. The Water Right holders, my observations, and subsequent actions are noted below:

**Water Right No. 1424-3**, Rick Boomsma Operator, 19749 Ponderosa Lane, Hitchcock, SD (605)266-2822

Center pivot on-site that appears not used for some time. Irrigation questionnaires show no irrigation from 1992 to present. In mid October I spoke with Rick Boomsma about the non use of the Water Right. Rick Boomsma stated that he had irrigated this summer. Cancellation of this water right will not be scheduled this year, but this site should be re-examined in the summer of 2004.

**Water Right No. 3243-3**, Rick Boomsma Operator, 19749 Ponderosa Lane, Hitchcock, SD (605)266-2822

No sign of irrigation equipment on-site. Irrigation questionnaires show no irrigation from 1991 to present. In mid October I spoke with Rick Boomsma about the non use of the Water Right. Rick Boomsma stated that he had irrigated this summer. Cancellation of this water right will not be scheduled this year, but this site should be re-examined in the summer of 2004.

**Water Right No. 2853-3**, Larry Gordon, 38899 SD Hwy 28, Hitchcock, SD (605)266-2718

Trees growing under center pivot, one right in front of wheels. Irrigation questionnaires show no irrigation in 1986, 1991, 1992, 1993 (flooded), 1994 to present (excess moisture 99, too wet 01, & system needs work 02). Spoke with Mr. Gordon and he stated he hadn't needed to irrigate as there was adequate moisture the previous years, but he planned to have the unit ready to use this summer. I re-visited the site in August 2003 and there was a corn crop in the field that had not been irrigated. The pivot was still in the same position and the trees were still standing. Cancellation of this water right will not be scheduled this year, but this site should be re-examined in the summer of 2004.

**Water Right No. 2568-3**, Leland Kleinsasser, 20166 401<sup>st</sup> Ave, Huron, SD (605)352-8125

No irrigation equipment on-site or sign of well head. Irrigation questionnaires show no irrigation from 1994 to present. Re-visited site in August 2003 and still no sign of equipment or irrigation. I spoke with Mr. Kleinsasser in mid October about the non use of the Water Right. Mr. Kleinsasser

stated that he no longer used the Water Right and had moved the equipment to another location. He agreed to the cancellation of the Water Right.

**Water Right No. 4545-3**, Victor Kleinsasser, 40008 198<sup>th</sup> St., Huron, SD (605)352-8103

Center pivot on-site that appears not used for some time. Irrigation questionnaires show no irrigation from 1992 to present. Spoke with Mr. Kleinsasser about this water right and other appropriations from the James River. Mr. Kleinsasser stated that all the irrigation equipment is from the 70s and needs rebuilt or repaired which he plans on doing this winter. Mr. Kleinsasser also has a James River Water Right No. 2387-3 showing use from 1999 to the present and three other ones showing non use from 1986 to the present. On 10/28/03 I spoke with Mr. Kleinsasser explaining the non use statute and that we would schedule the rights showing non use for cancellation. I further explained that he could appear before the Water Management Board to appeal the cancellations or write a letter explaining his position on the issue. Mr. Kleinsasser agreed.

**Water Right No. 4550-3**, Raymond Oil Co., PO Box 142, Huron, SD

Center Pivot on-site that appears well maintained and ready to be used. Irrigation questionnaires show no irrigation 1993, 95, 97 to present. This Water Right will not be scheduled for cancellation.

**Water Right No. 4194-3**, Verlin Tollefson, 19578 388<sup>th</sup> Ave., Hitchcock, SD (605)266-2834

Center pivot on-site, appears ready for use. Irrigation questionnaires show no irrigation 1995 to present. This Water Right will not be scheduled for cancellation.

**Water Right No. 4146-3**, Adele Walters, 440 Jersey Ave. NE#5, Huron, SD (605)352-7505 (Ray Hofer Operator)

No irrigation equipment on-site, pump station & well head present. Irrigation questionnaires show no irrigation 1994 to present. Nos. 4146-3 and 4546-3 use same well. I contacted Mr. Ray Hofer, the renter of the property, and he confirmed that irrigation had not taken place for several years and that the equipment was old and needed to be repaired. He further stated that he did not intend to repair the equipment as he only had a three year lease. I contacted Mrs. Walters, but she is in her 90s and doesn't hear well or understand cancellation of the Water Right. I then contacted Mrs. Walters' lawyer, Reed Hutchinson, and explained the situation of non use of the Water Right and the difficulty of explaining this to Mrs. Walters. Reed Hutchinson stated that if Water Rights sends the cancellation information to him, he will ensure that it gets to Mrs. Walters and he will explain the situation to her.

**Water Right No. 4147-3**, Adele Walters, 440 Jersey Ave. NE#5, Huron, SD (605)352-7505 (Ray Hofer Operator)

Center pivot on-site, appears not used for some time. Irrigation questionnaires show no irrigation 1996 to present. I contacted Mr. Ray Hofer, the renter of the property, and he confirmed that irrigation had not taken place for several years and that the equipment was old and needed to be repaired. He further stated that he did not intend to repair the equipment as he only had a three year lease. I contacted Mrs. Walters, but she is in her 90s and doesn't hear well or understand cancellation of the Water Right. I then contacted Mrs. Walters' lawyer, Reed Hutchinson, and explained the situation of non use of the Water Right and the difficulty of explaining this to Mrs. Walters. Reed Hutchinson stated that if Water Rights sends the cancellation information to him, he will ensure that it gets to Mrs. Walters and he will explain the situation to her.

**Water Right No. 4546**, Adele Walters, 440 Jersey Ave. NE#5, Huron, SD (605)352-7505 (Ray Hofer Operator)

No irrigation equipment on-site, pump station & well head present. Irrigation questionnaires show no irrigation 1997 to present. Nos. 4146-3 and 4546-3 use same well. I contacted Mr. Ray Hofer, the

renter of the property, and he confirmed that irrigation had not taken place for several years and that the equipment was old and needed to be repaired. He further stated that he did not intend to repair the equipment as he only had a three year lease. I contacted Mrs. Walters, but she is in her 90s and doesn't hear well or understand cancellation of the Water Right. I then contacted Mrs. Walters' lawyer, Reed Hutchinson, and explained the situation of non use of the Water Right and the difficulty of explaining this to Mrs. Walters. Reed Hutchinson stated that if Water Rights sends the cancellation information to him, he will ensure that it gets to Mrs. Walters and he will explain the situation to her.

**Water Right No. 3321-3, Peggy Brooker, 18512 387<sup>th</sup> Ave., Tulare, SD (605)596-4391**

Center pivot on site, appears ready to be used. Irrigation questionnaires show no irrigation 1986, 1993, 1995, and 1996 to present. This Water Right will not be scheduled for cancellation.

**Water Right No. 4260-3, Roger Chaplin, 1820 Fulton, Sturgis, SD (605)720-2125 Farm (605)266-2108**

No irrigation equipment on-site, no sign of well head or pumping equipment, & no sign of irrigation. Irrigation questionnaires show no irrigation 1987 to present. I spoke with Mr. Chaplin about this Water Right and his other appropriations from the James River. Mr. Chaplin stated that he had pumped some from the river this summer (I re-visited site in August and saw no sign of irrigation). His son is now living on the farm. Mr. Chaplin is having test holes drilled on land better suited for irrigation and was wondering about transferring diversion point, etc. I explained the problem with the fully appropriated aquifer. In mid October I spoke with Mr. Chaplin and told him that the Chief Engineer recommended scheduling this Water Right for cancellation and that the ground water personnel list this well as abandoned. Mr. Chaplin again stated he desired to retain the Water Rights on the James River but did not object to the cancellation of this Water Right. I explained that he could appear before the Water Management Board and state his position on retaining the Water Rights from the James River and that he would get a notification of time and place for the Board meeting. If he didn't want to appear before the Board he could send a letter.

**Water Right No. 3164-3, Darrel Jensen, Box 350, Redfield, SD (605)472-2782**

Center pivot on-site, appears ready to be used. Irrigation questionnaires show no irrigation 1993 and 1995 to present. This Water Right will not be scheduled for cancellation.

**Water Right No. 3054A-3, Charles Gilbert, 38957 186<sup>th</sup> St., Hitchcock, SD (605)266-2886**

Center pivot on-site with chokecherry bushes and one evergreen tree grown around center as high as the pivot. Mr. Gilbert stated system had not been used for awhile as moisture has been adequate and he plans on refurbishing the system this year. Irrigation questionnaires show no irrigation 1993 to present. Re-visited site in August 2003 and pivot was running and irrigating crop. This Water Right will not be scheduled for cancellation.

**Water Right No. 2729-3, Leroy Gross, 39848 185<sup>th</sup> St., Hitchcock, SD (605)266-2548**

No sign of irrigation equipment or irrigation. This Water Right was transferred to Harvey Wollman at the May 2003 Water Management Board meeting.

**Water Right No. 5568-3, Richard Jessen, 18250 377<sup>th</sup> Ave., Tulare, SD (605)472-2408 (Brett Binger Operator)**

Center pivot on-site, appears ready for use. Irrigation questionnaires show no irrigation 1992 to present. This Water Right will not be scheduled for cancellation.

**Water Right No. 4375-3, Dave Swanson, 39840 168<sup>th</sup> St., Frankfort, SD (605)472-2573**

No irrigation equipment on-site or evidence of irrigation in June 2003. Swanson purchased land about 4 months ago (January 2003) and is in the process of setting up a system on the land. Irrigation questionnaires show no irrigation 1990 to present. I re-visited the site in August and saw no sign of irrigation equipment, but a bean crop appears to have been irrigated as it is a lot greener than the same crops in adjacent fields. Cancellation of this water right will not be scheduled this year, but this site should be re-examined in the summer of 2004.

**Water Right No 1504-3, Donald Mendel, 17909 406<sup>th</sup> Ave., Doland, SD (605)635-6587**

No sign of irrigation equipment on-site or evidence of irrigation. Mr. Mendel stated moisture has been adequate and he hasn't needed to irrigate for years. Mr. Mendel also stated that the well is only about 50-feet deep and is not a good producer under drought conditions. He has a stock dam adjacent to the well and if the dam dries up, so does the well. Mr. Mendel is transferring the land to his sons and plans on retiring. Irrigation questionnaires show no irrigation 1987 and 1991 to present. This is the Water Right that Harvey Wollman wants to acquire a portion of. This Water Right should be scheduled for cancellation.

**Water Right No. 5234-3, Larry Nielson, 18476 385<sup>th</sup> Ave., Tulare, SD (605)596-4339**

Center pivot on-site, appears ready for use. Irrigation questionnaires show no irrigation 1992, 93, 94, 97, 98, 99, 01, & 02. This Water Right will not be scheduled for cancellation.

**Water Right No. 3045-3, Cal Nowell, 1265 3<sup>rd</sup> Street SW, Huron, SD (Ken Nowell Operator, (605)596-4271)**

No irrigation equipment on-site or sign of irrigation. Irrigation questionnaires show irrigation. Appears Mr. Nowell has the locations for Nos. 3045-3 and 3046-3 switched. Re-visited the sites in August 2003, and both are being irrigated. In mid October I spoke with Ken Nowell and he affirmed that he is the operator for this Water Right and that he had irrigated this summer. Ken Nowell also advised that his son, Joshua is the operator for # 3046-3. This Water Right will not be scheduled for cancellation.

**Water Right No. 3046-3, Cal Nowell, 1265 3<sup>rd</sup> Street SW, Huron, SD (Joshua Nowell Operator, (605)596-4271)**

Center pivot on-site, appears not used for some time. Irrigation questionnaires show no irrigation 1986 to present. Appears Mr. Nowell has the locations for Nos. 3045-3 and 3046-3 switched. Re-visited sites in August 2003 and both are being irrigated. In mid October I spoke with Ken Nowell and he advised that his son, Joshua is the operator for # 3046-3. This Water Right will not be scheduled for cancellation. It still appears that Ken Nowell has the locations for these two Water Rights switched as he stated that his son had just put a new system on this location when in April I had noted that this site had irrigation equipment on it and the # 3045-3 site did not..

**Water Right No. 5231-3, Ken Nowell, 38671 187<sup>th</sup> St., Hitchcock, SD (605)596-4271**

Center pivot on-site, appears not used for some time. Irrigation questionnaires show no irrigation 1993 to present. In mid October I spoke with Ken Nowell and he affirmed that he is the operator for this Water Right and that he had irrigated this summer. This Water Right will not be scheduled for cancellation.

**Water Right No. 5301-3, Barbara Jo Rogers, 419 S. 10<sup>th</sup> St., Aberdeen, SD (605)226-0344**

Center Pivot on-site being and being used in an alfalfa field. Irrigation questionnaires show no irrigation 1993, 97, 99 to present. This Water Right will not be scheduled for cancellation.

**Water Right No. 2514, Willard Wipf, 18371 403<sup>rd</sup> Ave., Frankfort, SD (605)266-2595**

Center pivot on-site. Mr. Wipf stated the system had not been used for several years due to adequate moisture. Wetter years in the 90s had brought up salt from the soil and he had to idle the area. The land should be suitable for irrigation this year if needed. Irrigation questionnaires show no irrigation 1993, 95 to present. This Water Right will not be scheduled for cancellation.

**Water Right No. 3467-3, Spink Colony (Paul Wipf), 18206 Spink Lane, Frankfort, SD (605)472-1269**

Mr. Wipf was under the impression that this right had been cancelled. The soil and water were incompatible and they had quit irrigating. The soil in the area has been reconditioned and they could possibly irrigate it again at a reduced rate. Also Mr. Wipf brought up transferring the irrigation right to a different quarter if the right is still good. This Water Right was cancelled by the Water Management Board at the October 2003 meeting.

In summary, one (1) Water Right has already been cancelled and seven (7) are being scheduled for cancellation before the Water Management Board. Three (3) sites should be re-visited the summer of 2004.

cc: individual files

5301-3

Donald L. Gellhaus  
Jay R. Gellhaus  
Jodi L. Brown



120 South Lincoln  
Post Office Box 73  
Aberdeen, SD 57402-0073  
Telephone (605) 225-6522  
Fax (605) 225-6895  
E-mail: lon@gellhauslaw.com  
jay@gellhauslaw.com  
jodi@gellhauslaw.com

August 17, 2005

Genny McMath  
Department of Environment and Natural Resources  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501-3182

RE: NW ¼ of Section 27, Township 115 North, Range 65 West of the  
5<sup>th</sup> P.M., Spink County, South Dakota.

Dear Genny:

The above quarter is an irrigated quarter in Spink County, South Dakota. I would appreciate it if you would give me information that has previously been sent to your department regarding the irrigated acres and crops grown on this quarter from 1999 through 2005 and any other information that you have regarding what was reported. Thank you very much.

Sincerely,

GELLHAUS & GELLHAUS, P.C.

A handwritten signature in cursive script that reads 'Lon Gellhaus'.

Donald L. Gellhaus

LLG:tp

RECEIVED  
AUG 18 2005  
WATER RIGHTS  
PROGRAM



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

August 18, 2005

5301-3

Lonald L Gellhaus  
GELLHAUS & GELLHAUS PC  
PO Box 73  
Aberdeen SD 57402-0073

RE: Water Right No. 5301-3, Barbara J Rogers

Dear Mr. Gellhaus:

I am writing in regard to your inquiry on irrigation as described under Water Right No. 5301-3. The water right is currently held by Barbara Jo Rogers and authorizes irrigation of the NW ¼ Section 27, T115N, R65W.

Enclosed are copies of the irrigation questionnaires you requested for the years 1999 through 2004. Hopefully they contain the information you are searching for.

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

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

October 30, 2006

5301-3

Barbara Jo Rogers  
13520 387<sup>th</sup> Ave  
Aberdeen SD 57401-8503

Dear Ms. Rogers:

Enclosed is a "Notice" dated October 20, 2006 concerning the 2006 irrigation questionnaire. The notice was originally mailed to 419 S 10<sup>th</sup> St, Aberdeen SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

November 16, 2017

5301-3

Dean Rogers  
3509 387<sup>th</sup> Ave S  
Aberdeen SD 57401

Dear Mr. Rogers:

I am writing in follow-up to your phone conversation with Eric Gronlund in our Program. It is my understanding the water right should be transferred to your name.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. 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 \$50.00. 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,

A handwritten signature in cursive script, reading "Genny McMath".

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

enclosure

# NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

NOV 21 2017

WATER RIGHTS  
PROGRAM

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

No. 5301-3

Date: 11-19-17

I/We request that Water Right No. 5301-3

formerly owned by: Barbara J Rogers

be transferred to: (name & address) Dean F. Rogers  
same address

Telephone No. 605 380-9522

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

132 acres - NW 1/4 Section 27, T115N, R65W

I/We understand that the validity of Water Right No. 5301-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Dean Rogers, the new owner, certify that the above information is true and correct.

Dean Rogers  
(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 November 21, 20 17

RECEIVED OF Dean Rogers 3509 S 387th Ave Aberdeen 57401

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 _____                                                                             |       |    |
| 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. _____                                         | 50    | 00 |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |    |
| (Any Other Work Provided by Law)                                                                               | TOTAL |    |

No. **08379**

By

Jeannie Goodman

Chief Engineer

TCM



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

November 22, 2017

5301-3

Dean Rogers  
3509 387<sup>th</sup> Ave S  
Aberdeen SD 57401

Dear Mr. Rogers:

I am writing to acknowledge receipt of the 2017 irrigation questionnaire, the transfer of ownership form and \$50 filing fee.

The ownership change has been completed. Water Right No. 5301-3 formerly held by Barbara J Rogers is now listed in your name.

Enclosed for your records is Receipt No. 08379 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

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

enclosure



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

February 8, 2019

5301-3

Tyson Nuhsbaumer  
17781 370<sup>th</sup> Ave  
Zell SD 57469

Dear Sir:

I am writing in follow-up to our phone conversation concerning Water Right No. 5301-3 (copy enclosed).

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

Also enclosed are copies of the last two years' irrigation questionnaires. This will give you an idea of what type of information to keep track of during the irrigation season. I also included a page of examples that may be helpful for reporting. The questionnaires are mailed to irrigators in mid-October each year and are due back by December 1<sup>st</sup>.

The transfer form and filing fee are the only two items you need to return. The rest of the paperwork is for your files. If you have any questions, please contact me.

Sincerely,

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

enclosures

PAID

FEB 14 2019

Ck# 1080

NOTICE OF TRANSFER OF OWNERSHIP  
RECEIVED

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

FEB 14 2019

WATER RIGHTS  
PROGRAM

No. 5301-3

Date: 2-10-19

I/We request that Water Right No. 5301-3

formerly owned by: Dean E Rogers

be transferred to: (name & address) Tyson Nuhsbaumer 17781 370<sup>th</sup> Ave  
Zell, SD 57469

Telephone No. (605) 460-1368

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

132 acres - NW ¼ Section 27, T115N, R65W

I/We understand that the validity of Water Right No. 5301-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Tyson Nuhsbaumer, the new owner, certify that the above information is true and correct.

Tyson Nuhsbaumer  
(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 February 14, 20 19

RECEIVED OF Tyson Nuhsbaumer 17781 370th Ave Zell 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>5301-3</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. _____                                         | 50    | 00 |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |    |
| (Any Other Work Provided by Law)                                                                               | TOTAL |    |

No. **09042**

By Jeanne Goodman  
Chief Engineer 2/14/19

5301-3



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

February 1, 2019

5301-3

Tyson Nuhsbaumer  
17781 370<sup>th</sup> Ave  
Zell SD 57469

Dear Sir:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 5301-3.

The ownership change has been completed. Water Right No. 5301-3 formerly held by Dean E Rogers is now listed in your name.

Enclosed for your records is Receipt No. 09042 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

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

enclosure



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 E. CAPITOL AVE  
PIERRE SD 57501-3182  
danr.sd.gov

No. 5301-3

July 29, 2021

Tyson Nuhsbaumer  
17781 370<sup>th</sup> Ave  
Zell SD 57469

Dear Mr. Nuhsbaumer:

On July 21, 2021, a staff member from the Department of Agriculture and Natural Resources (DANR) observed overspray from the irrigation system located in the NW 1/4 Section 27-T115N-R65W onto the adjacent north/south road (see attached). This irrigation system is covered by Water Right No. 5301-3.

It is common for center pivots to have stops which are used to shut off the end gun when the pivot nears a road. Please take steps to ensure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to waste water or operate an irrigation system in violation of state water law, which includes end gun overspray upon lands, including roadways, not covered by the water right. Application of water to a roadway or unauthorized lands is a waste and unreasonable use of water pursuant to SDCL 46-1-4.

If you don't believe this irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at [ron.duvall@state.sd.us](mailto:ron.duvall@state.sd.us).

Thank you for your cooperation,

Ron Duvall  
Water Rights Program, DANR

enclosure

On July 21, 2021 at 12:43 PM, DANR Water Rights Staff observed overspray occurring from the center pivot authorized by Water Right No. 5301-3. The irrigation system was just starting up when they drove by, so the full extent of the overspray onto the road was not documented. Attached is a photograph that was taken while facing south on 377<sup>th</sup> Ave. On the next page is a map showing the location of the photograph and active water rights in the immediate vicinity.



