

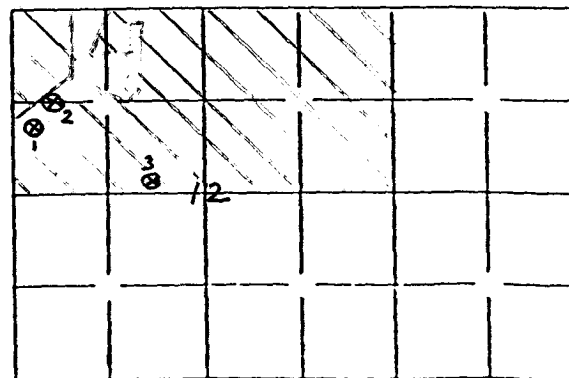
Considered: _____

WATER PERMIT NO. 5303-3MAP No. same 693-4178Name of Applicant John Vande WeerdPost Office Address RR 2, Box 332, Bruce SD 57220Amount of Water Claimed 3.56 cfs Total Acres 299Source of Water Supply ground water 3 wellsWater to be used for irrigation County HamlinAbout 2 miles N of Estelline.

PROOF OF PUBLICATION: Received _____ Not Received _____

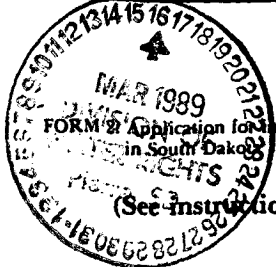
APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Mar 16, 1989 Fee 300⁰⁰ Remarks _____Corrected Application Received _____ Period of Annual Use May 1 - Sept 30WATER QUALITY APPROVAL RECEIVED see 2147-3 APPROVED/CONDITIONAL (Circle one)WI-1 Description same as Application YES NO REMARKS _____Diversion Point 3 wells: W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ section 12-T113N-R51WLand to be Irrigated N $\frac{1}{2}$ section 12-T113N-R51W

no date on log

Well Log: Driller Kaiser Licensed YES _____ NO _____Depth of Wells 30-38 feet REMARKS 16 1+2 probably drilled by Kaiser,16 3 driller is not known for certainType of Map aerial photo PREPARED BY Marlene Bushrud Reviewed and the Numberassigned on Mar 27, 1989 By Ron L. Marshall



No. 5303-3 Hydrologic Unit 10170202
Basin Big Sioux River
Newspaper Hamlin Co. Republican, Box 50, Castlewood
(Thurs) 5-2223

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352
P.L. 3/3/89

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 John Van Weert Phone No. 605 692 4122
Post Office Address RR 2 Box 292 Blount State SD 57220
(Street, RR or Box) 3.56 cfs (City) _____ Zip Code _____
2. Amount of water claimed (c.f.s.) 2500-6-0-00 Total acres irrigated 299 acres
3. Source of Water supply Tap 3 wells
4. Location of point of diversion 112 Sec 12 N 31
Well Nos. 1 & 2: W 1/4 NW 1/4; Well No. 3: SE 1/4 NW 1/4; all in 12-113N-51W
County Hamlin
5. Counties where water will be used Hamlin
6. Annual period during which water is to be used May 1, 1989 to Sept. 30
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NW 1/4 NW 1/4	30
NE 1/4 NW 1/4	36
SW 1/4 NW 1/4	22
SE 1/4 NW 1/4	40

Land Description	No. Acres Irr.
NW 1/4 NE 1/4	40
NE 1/4 NE 1/4	38
SW 1/4 NE 1/4	110
SE 1/4 NE 1/4	92

Attach sheet if more space is needed

all in Section 12-T113N-R51W

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: ☒ Gun: ☒ Other: _____
9. Crops to be Irrigated: _____
10. Give a description of proposed project. (Attach sheet if more space is needed)

this land has been in the hands of the Hamlin Co. for many years. It has been used for a center pivot system, but has not been used for a long time because of the bankruptcy of the Hamlin Co. holding property.

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 Brookings) ss

I, John Van Weert 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

John Van Weert

Subscribed and sworn to before me this 15th day of March 19 89

Notary Public

SOUTH DAKOTA
WATER PERMIT No. 5303-3 FOR IRRIGATION

Date of first receipt of application March 16, 1989.

Date Soil/Water Compatibility Permit received (see Permit No. 2147-3).

The Water Management Board approved Water Permit Application No. 5303-3 on May 10, 1989 for John Vande Weerd, RR 2, Box 332, Bruce SD 57220 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. 5303-3 appropriates 3.56 cubic feet of water per second from 3 wells (Big Sioux:Brookings) 27, 28, and 38 feet deep to irrigate 299 acres. The 3 wells are located in the W 1/2 N W1/4, SE 1/4 NW 1/4 and the acreage is in the N 1/2; all in section 12-T113N-R51W.
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 - September 30.
3. The date from which applicant may claim right is March 16, 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 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.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

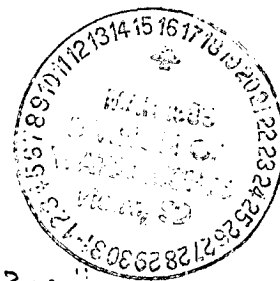
John Vande Weerd
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

SEP 12 1989

(date)

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 16' Depth 38'
- b) Casing Type steel Diameter 16" Thickness 3/8"
- c) Screen Type slotted Diameter 16" Thickness 1/4"
- d) Gravel Pack Thickness 1' Length of Gravel Pack 30'
- e) Depth to Top of Water Bearing Material 25'
- f) Depth to Water (ground surface to water level) 6'
- g) Distance to nearest existing domestic well:
- On applicants property 12' On property owned by others 10'

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 _____

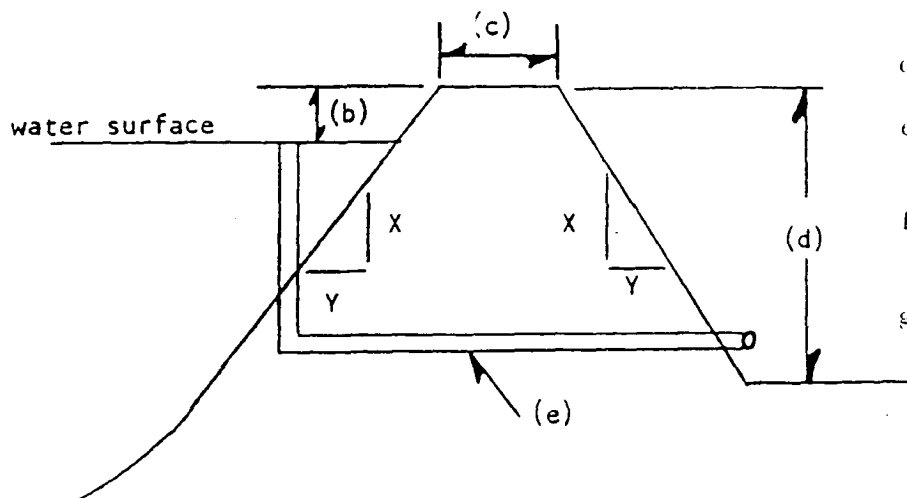
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



John Val Weed

Signature of Applicant

Well # 2

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth 27'
- b) Casing Type metal Diameter 16" Thickness 1/4"
- c) Screen Type stainless Diameter 16" Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 10'
- f) Depth to Water (ground surface to water level) 6'
- g) Distance to nearest existing domestic well:
- On applicants property 1500' adjacent On property owned by others 2000' across

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 _____

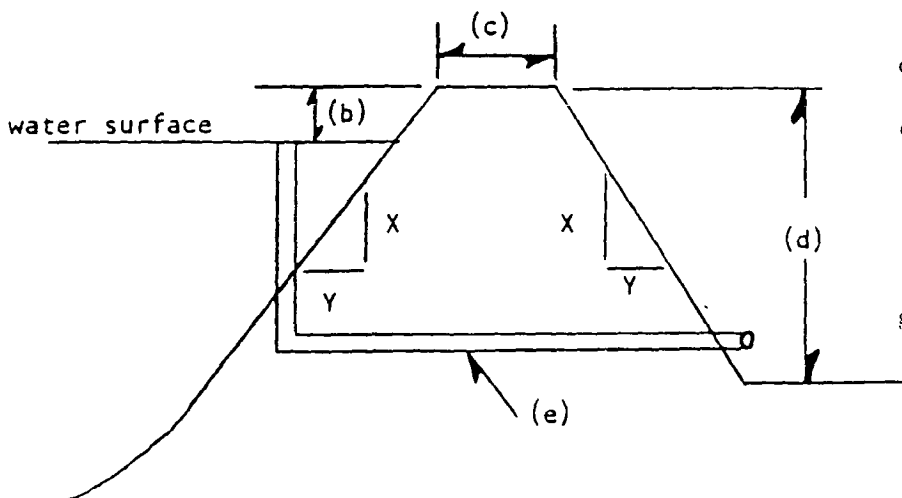
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____

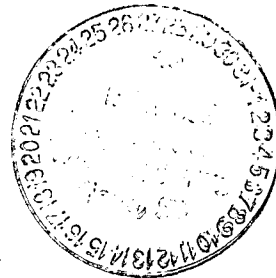


John Van der Weide
Signature of Applicant

Supplemental Information

Well # 3

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth 28'
- b) Casing Type metal Diameter 16" Thickness 1/4"
- c) Screen Type stainless Diameter 16" Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 11'
- f) Depth to Water (ground surface to water level) 8'
- g) Distance to nearest existing domestic well:
- On applicants property 1800' On property owned by others 2000'

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 _____

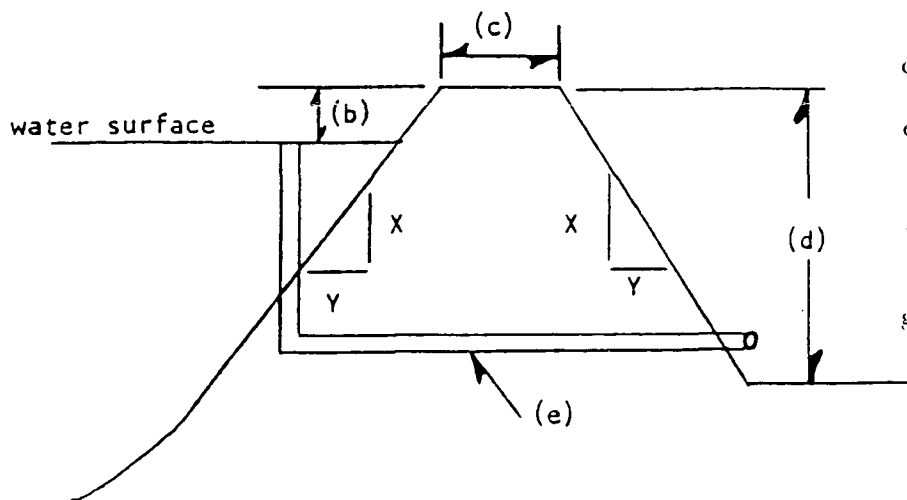
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



John Vanhook
Signature of Applicant

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, March 16, 1989, 1989

RECEIVED OF John VanAntwerp, N/A, 57220, Bruce, SD 57220

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

Fee for Application for Permit No. <u>5303-3</u> to Appropriate Water, to construct works and to put water to beneficial use	300	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	300 00

By John Hatch / msa
Chief Engineer

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE ONLY

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: Mel Lipp
11/20/74

Disapproved: _____

NAME: Jim Blacketter
ADDRESS: Estilline S.D.
COUNTY: Hamlin

LEGAL DESCRIPTION

1. WELL LOCATION: N $\frac{1}{2}$ S 12
2. AREA TO BE IRRIGATED: 320 acres

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): Sprinkler
4. CROPS TO BE IRRIGATED: Corn alf. (Pivot)

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0-2%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: 3M472 - Fordville on the majority of the cropland. The west 60 rods and East 200 rods of the Sec. 30 LR are subject to local flooding. The east 50 rods is upland. 2M46. J. H. H. worth & Co.

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 74-902
8. SALINITY: EC = 1377 micromhos/cm (high)
9. SODIUM: SAR = 0.64 (low)

I do hereby certify that a chemical analysis of the ground water to be
acquired for irrigation from South Dakota State University and:
the land capability for irrigation information has been acquired from

and:

that the legal description for the location of the well and land to be
irrigated is true and correct.

James Blackletter

Subscribed and sworn before me this

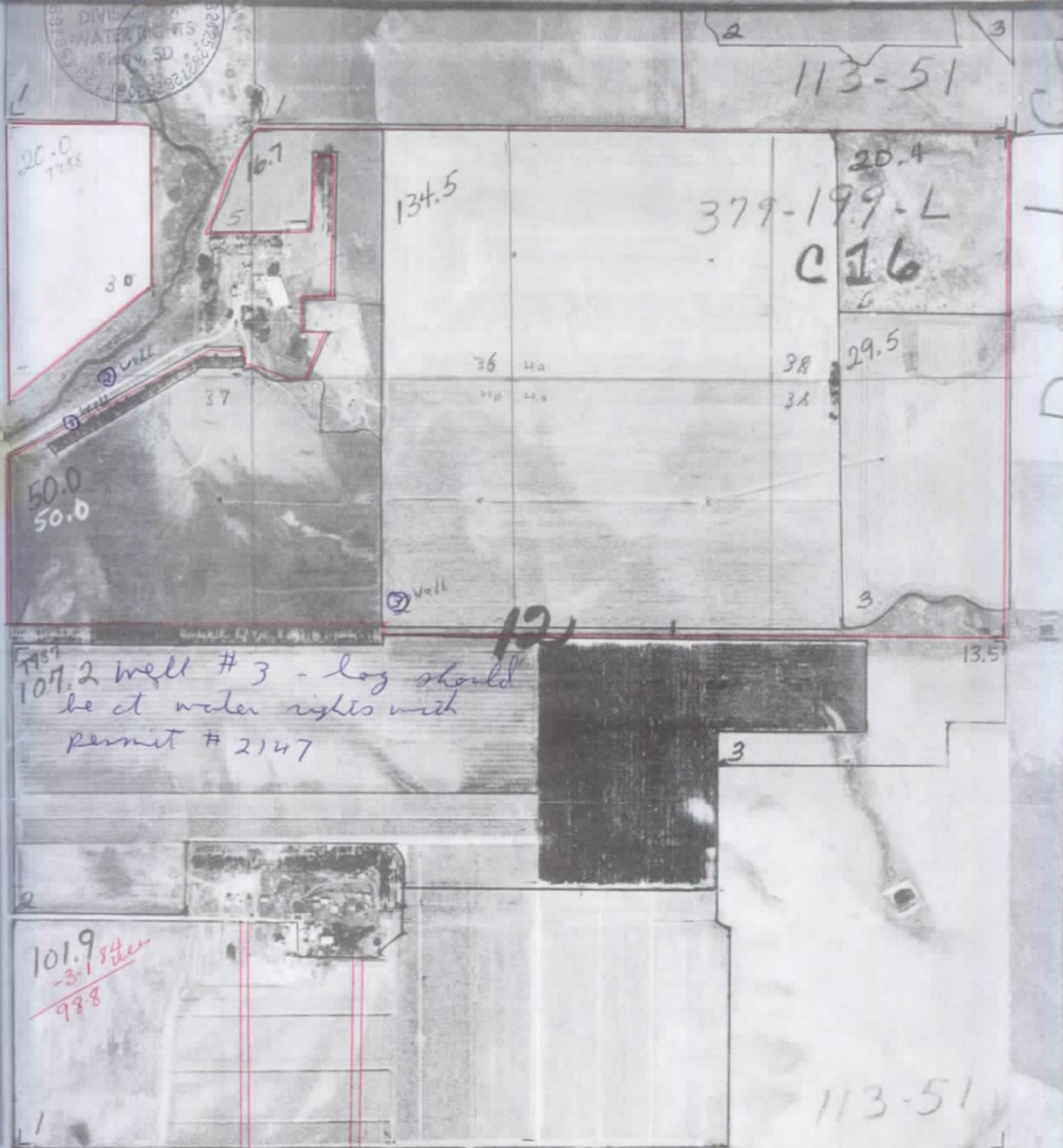
14th day of November 1974.

Shelva Wilcox

Notary Public

(Title)

NOT TO SCALE



Appl. No 5303-3

Marlene Bushrud, CPA
Brookings County ASCS Office

Wiser Well Drilling
De Smet, South Dakota 57231

IRRIGATION-TESTING-DRILLED-STOCK AND DOMESTIC
 BORED WELLS

Ph. 854-3744

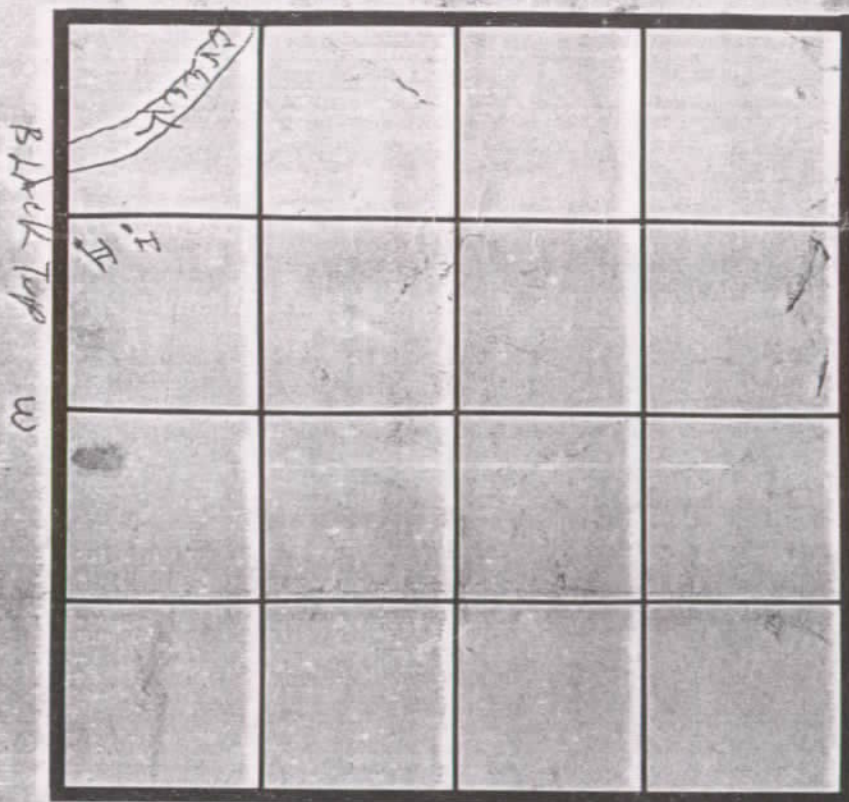


Name Jim Blacketter

Location 24N ESTILLINE

Township ESTILLINE

Section 13



Well #1

Test hole No. 1

Data

Top soil	0 - 4'
gravel	4 - 10'
coarse gravel	
Tight formation	10 - 24'
Blue clay	24' - 25'
rock water	
And ONi Form	25' - 37'
Blue clay	37' - 39'
yellow clay	39' - 71'
Blue clay	71' - 100'
blue brown fine grain	
swell 10	

Well #2

Test hole No. 2

Top soil	0 - 4'
gravel coarse (Tight)	4' - 24'
gravel loose with	
finer sands	24' - 28'
yellow clay	28' - 40'



John Vanhook Weard
march 15, 1989
Bruce L.D.
57220

water rights Board

I am requesting Permit No. 2147, N $\frac{1}{2}$ sec 12 113, 51 Hamlin Co. be reactivated.

This land the past 4 yrs has either been in bankruptcy or in F.H.A. hands so couldn't be irrigated.
I will be purchasing it I would like

OVER

PRINTING - LITHOGRAPHING - BANK SUPPLIES - COMMERCIAL SUPPLIES

WAYNE KINCAID

1904 SOUTHEASTERN DRIVE BOX 891 SIOUX FALLS, SOUTH DAKOTA 57101
PHONE A.C. (605) 334-6359

Representing the

United States Check Book Company

1201 SOUTH 16TH STREET - OMAHA, NEBRASKA 68108 - PHONE 345-3162

FOR YOUR CONVENIENCE, USE OUR WATS LINE 1-800-228-9246

to irrigate this land,
it is already devel-
oped, with wells
& center pivot.

Thank you

John

VanderWeerd



Conversation or File Documentation

NAME OF PERSON OR FILE: John Vande WeerdADDRESS: RR2, Box 332, Bruce SD 57220 COUNTY HamlinDATE: March 21, 1989 TELEPHONE _____RE: Water Permit Application

COMMENTS:

Contacted Mr. Vande Weerd regarding questions about
his water permit application:

Well No. 1 was constructed possibly in 1982 and well Nos 2 & 3
were constructed in the 70's. The only log available for
the wells is the Kaiser test hole logs. Well Nos 1 and 2
were constructed by Kaiser well drilling. The driller
for Well No. 3 is not known. All well depths are 30-38 feet

Mr. Vande Weerd also stated that the diversion rate needs
to be increased from 1500 to 1600 gpm (capacity of
existing irrigation system)

March 23, 1989
Jim Stukel, Division of Conservation, called and stated
that no additional soil/water compatibility permit is
needed for 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.

NAME: Ron Duwall

Conversation or File Documentation

NAME OF PERSON OR FILE: John Vande WeerdADDRESS: RR2, Box 332, Bruce SD COUNTY HamlinDATE: March 21, 1989 TELEPHONE _____RE: Phone conversation with John Vande Weerd regarding acreage

COMMENTS:

The acreage specified on this application exceeds the number of acres specified on Permit No. 2147-3:

<u>Application - Permit No. 2147-3 = add'l acreage</u>				
<u>NWNW sec 12</u>	<u>(30 ac)</u>	<u>-</u>	<u>20 ac</u>	<u>= 10 additional acres</u>
<u>NE1/4</u>	<u>" (36)</u>	<u>-</u>	<u>33</u>	<u>= 3</u>
<u>SW1/4</u>	<u>" (37)</u>	<u>-</u>	<u>35</u>	<u>= 2</u>
<u>NE1/4</u>	<u>" (38)</u>	<u>-</u>	<u>17</u>	<u>= 21</u>
<u>SE1/4</u>	<u>" (38)</u>	<u>-</u>	<u>37</u>	<u>= 1</u>
<u>Total</u>			<u>37</u>	<u>additional acres</u>

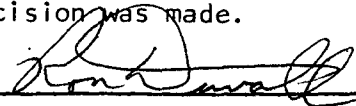
The add'l acreage may be irrigated as a result of changes in the irrigation system. This application includes the 37 add'l acres and the acreage specified on Permit No. 2147-3, plus two add'l wells (Well Nos 1 & 2). IF Permit No. 2147-3 is found to be a valid permit by the Board, then this application still needs to be approved for the two additional wells, the 37 add'l acres and any other acreage included on this application that was not developed under Permit No. 2147-3.

March 24, 1989

Mr. Vande Weerd indicated the pumping capacity of Well No. 3 is 350 gpm and Well No 2 is 250 to 300 gpm. Well No. 1 does not have a pump installed, but was test pumped at 1100 gpm.

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: _____



Whitcomb Weend
RR2 BX332
Bruce, ID. 57220
Ph 693-4178

Water Rights

Well # 3 was dug in 1975
by Ed Larson.

was pumped at 350 g.p.m.
this is the well original period
was on.

Water bearing gravel on this
well started at 11 ft, well is 28' deep.

Well # 2 was dug around 1977
by a brother's friend, Clark,
(puller well drilling possibly)

this well was pumped at 250-
300 g.p.m.

Water bearing gravel started
at 12' this well is 27' deep.
the log on the well should
be similar to well #1

Well #1 you already have
information on. Kaiser well
drilling did dig this well in
1971

all this information is
based on telephone conversation
with past owner.

sha fyon
John VanWeend



Conversation or File Documentation

2417-3

NAME OF PERSON OR FILE: Farmer's Home AdministrationADDRESS: Watertown, SD COUNTY Codington (Land in Hamlin)DATE: 4-3-89 TELEPHONE (605) 882-1872RE: Ownership of lands under Permit 2417-3

COMMENTS:

I called the FHA about ownership of the lands under Permit 2417-3. The individual there told me they officially got the deed to the land on 2-6-89, but ~~they~~ they were involved in the proceedings for part of the year prior to that.

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:

Thomas M. Barden

Conversation or File Documentation

2417-3

NAME OF PERSON OR FILE: Register of Deeds
ADDRESS: Hayti, SD COUNTY Hamlin
DATE: 4-3-89 TELEPHONE (605) 783-3206
RE: Ownership of lands under Permit No. 2417-3

COMMENTS:

Called the Register of Deeds office in Hayti
concerning past ownership of lands under Permit
No. 2417-3. Leslie Williams was the owner prior
to the land being deeded to James Blacketter. The
land remained under Mr. Blacketter until the
court action & sheriff's sale on 1-25-88. They did
not know of any court proceedings prior to that.

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.

Conversation or File Documentation

NAME OF PERSON OR FILE: John Vande Weerd

247-3

ADDRESS: Bruce, South Dakota COUNTY Brookings (Land in Hamilton)DATE: 4-4-89 TELEPHONE (605) 693-4178RE: Call to Mr. Vande Weerd concerning Permit Application

COMMENTS:

I called Mr. Vande Weerd to determine when Mr. Blacketter last irrigated the lands under 247-3, and when the acreage was under bankruptcy proceedings.

Mr. Vande Weerd said Mr. Blacketter was moving at the present time and could not be reached. He did not know when it was last irrigated but certainly not in the last 3 years. He stated the land was in bankruptcy since the summer of 1986 and that the Blackettters moved off the land in the winter of 1986-1987.

He suggested that H & D Electric Co. would probably know when Mr. Blacketter last irrigated the land.

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.

Thomas M. Brandon

Conversation or File Documentation

+
2417-3NAME OF PERSON OR FILE: H + D Electric CompanyADDRESS: Clear Lake, SDCOUNTY ~~Dewel~~ (Land in Hamlin)DATE: 4-4-89TELEPHONE (605) 874-2171RE: Call to determine when Permit 2417-3 was last used.

COMMENTS:

I called the H + D Electric Company in Clear Lake SD to determine when Permit 2417-3 was last used.

The individual I spoke with was familiar with the BlackKetter irrigation system. He stated it was first run in 1978 and the last time it was used was in 1981. He stated that it would have been ^{very} difficult for the system to have been run without the Electric Company knowing about it, so he was confident that it has not been run since 1981.

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:

Thomas M. Brander

Report on Application No. 5303-3
John Vande Weerd
April 5, 1989

Water Permit Application No. 5303-3 was submitted for John Vande Weerd of Bruce, South Dakota to appropriate 3.56 cubic feet of water per second (cfs) from 3 existing wells 27, 28, and 38 feet deep to irrigate 299 acres. Two of the wells are located in the W1/2 NW1/4 while the third well is located in the SE1/4 NW1/4, all in Section 12, T113N, R51W. The lands to be irrigated are in the N1/2 of Section 12, T113N, R51W, and are located in Hamlin County.

Mr. Vande Weerd has also petitioned the Water Management Board to make a declaratory ruling on the legal status of Water Permit No. 2147-3. This permit was applied for by James Blackketter and was approved on January 23, 1975 to irrigate 262 acres in the N1/2 of Section 12, T113N, R51W from one well. The lands have not been irrigated for a number of years and the petition request is to determine if Permit No. 2147-3 is still valid based on "legal excuse" for non-use of the water.

Background

Permit Application No. 5303-3 is an application to use wells and lands that were previously used for irrigation under Water Permit No. 2147-3, James Blackketter. Permit No. 2147-3 was approved for 3.7 cfs to irrigate 262 acres in the N1/2 of Section 12, T113N, R51W from one well located in the SW1/4 NW1/4 of the section. The well has subsequently been found to have been incorrectly advertised for the SW1/4 NW1/4 whereas the correct location is the SE1/4 NW1/4. In addition to irrigation of the above permitted lands, Permit Application No. 5303-3 proposes to irrigate an additional 37 acres in the N1/2 of the section, divert water from 2 additional existing wells in the W1/2 NW1/4 of Section 12, T113N, R51W, and change the diversion rate to 3.56 cfs.

The Water Rights Division Irrigation Questionnaire for Permit No. 2147-3 was returned in only 3 of the last 11 years. In those 3 years (1983, 1984 & 1988), no irrigation was reported. Mr. Vande Weerd stated that the land had not been irrigated for at least 3-4 years, but he did not know the exact year it was last used. A phone conversation with personnel from H-D Electric Co-op, Inc., Clear Lake, SD revealed that the last time the power was turned on for irrigation of Permit No. 2147-3 was 1981.

SDCL 46-5-37 requires that appropriated water be put to beneficial use at least once every 3 years or the unused portion of the water reverts to the public and becomes unappropriated water. Mr. Vande Weerd stated that the land has been in bankruptcy proceedings or held by the Farmers Home Administration since 1986 (Phone Conversation, April 4, 1989). Mr. Vande Weerd contends that Permit No. 2147-3 should remain valid because bankruptcy proceeding constitute legal excuse for non-use of the water and therefore suspended the period of non-use pursuant to General Rules, 74:02:01:37.01.

The Water Rights Division is recommending that Water Permit No. 2147-3 be declared invalid and cancelled based upon more than 3 consecutive years of non-use without a valid legal excuse for the non-use. The bankruptcy process is a legal excuse for non-use but the case has only been in the courts since 1986, and the land was not irrigated for the 4 years prior to that.

Aquifer Characteristics and Water Availability

The applicant's wells have been drilled into the Big Sioux Aquifer-Brookings Management Unit. This surficial aquifer is an alluvium-mantled glacial stream deposit consisting of outwash sands and gravels located near the land surface. The aquifer underlies approximately 88,500 acres of Hamlin County and contains an estimated 331,880 acre-feet of recoverable water in storage (Hedges, 1982). The aquifer is found primarily under water table conditions but can be artesian where the outwash is overlain by glacial till (Kume, 1985). Test hole logs submitted with the application indicate water table conditions exist at this site.

Recharge to the aquifer occurs through direct infiltration of precipitation, lateral inflow from upgradient portions of the aquifer and through the aquifer's connection with the Big Sioux River. The estimated annual recharge to the aquifer management unit is 4.0 inches while average annual use was calculated at 0.84 inches (Hedges, 1983). The actual annual recharge depends a great deal upon the ground cover conditions and intensity of individual precipitation events.

Six Water Rights Division observation wells are located in the Big Sioux-Brookings aquifer less than 2 miles from the applicant's wells. Water levels in the wells ranged from 2.6 to 12.0 feet below the land surface. This constitutes a total fluctuation of less than 10 feet in the combined historical records of all the wells. The observation wells generally showed seasonal fluctuations in water levels related to the variations in yearly precipitation. No long term trends in water levels were detected (WRD Observation well Files, 1989).

The 3 wells for use under Permit Application No. 5033-3 have already been drilled and used for irrigation from 1978 to 1981. According to the applicant, wells one, two and three have been pumped at 1100 gpm, 250-300 gpm, and 350 gpm, respectively. No logs from the production wells were available. Wells 2 and 3 had estimated saturated thicknesses of about 16 feet. Logs of other wells in the area indicate saturated thicknesses of 16-40 feet.

Existing Water Rights

The Division of Water Rights has record of 4 water permits located within a mile of the applicant's wells. The nearest well, under Water Permit No. 3237-3 for Kenneth Foster, is approximately 1/4 to 1/2 mile away. A number of domestic wells are also located in the aquifer in the vicinity of the application wells (WRD Drillers Logs, 1989). According to Permit Application No. 5303-3 the nearest domestic well on

property not owned by the applicant is 2000 feet away. The well spacing is adequate for this shallow, high capacity, water table aquifer. No interference is expected with any adequately constructed wells. The wells have been in operation in the past and the Water Rights Division has no record of any interference problems (WRD Complaint Files, 1989). Application wells No's 1 and 2 are listed as being only 300 feet apart. It is not known whether this has caused interference problems in the past but that possibility does exist because of the close proximity of the two wells.

Conclusions

1. Water Permit No. 2147-3 should be cancelled for forfeiture due to more than 3 consecutive years of non-use without a legitimate legal excuse for the non-use.

2. Unappropriated water is available from the Big Sioux Aquifer-Brookings Management Unit for Water Permit Application No. 5303-3.

3. The 3 proposed irrigation wells were previously drilled in 1975, 1977 and 1981 and operated between 1978 and 1981. The Water Rights Division has no record of these wells causing any interference problems.

4. A number of other permitted and domestic wells are located in the area, but no interference is expected with any adequately constructed wells.



Thomas M. Brandner
Natural Resources Engineer

Approved by:



James A Goodman, P.E.
Hydrologist

References

- H-D Electric Co-op, Inc., April, 1989, Phone Conversation with H-D Electric personal, Clear Lake, SD.
- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon, 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.
- Kume, J., 1985, Water Resources of Deuel and Hamlin Counties, South Dakota, U.S. Geological Survey, Water Resources Investigations Report 84-4069, Huron, SD.
- Water Rights Division, 1989, "Complaint Files, Drillers Logs Irrigation Questionnaires, Observation Well Files, and Permit Files", DWNR, Joe Foss Building, Pierre, SD.
- Water Rights Division, 1989, "Permit Application No. 5303-3", DWNR, Joe Foss Building, Pierre, SD.
- Vande Weerd, John, April, 1989, Phone Conversation with Permit Applicant, Bruce, SD.

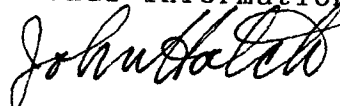
RECOMMENDATIONS OF CHIEF ENGINEER FOR WATER PERMIT No. 2147-3
AND FOR APPLICATION NO. 5303-3, JOHN VANDE WEERD

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 No. 2147-3, and for Water Permit Application No. 5303-3, John Vande Weerd, RR 2, Box 332, Bruce SD 57220.

The Chief Engineer is recommending CANCELLATION of Water Permit No. 2147-3 because No. 2147-3 has been forfeited for non-use and APPROVAL of Application No. 5303-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

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

See the attached report for additional information.



JOHN HATCH, Chief Engineer
April 6, 1989



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.**

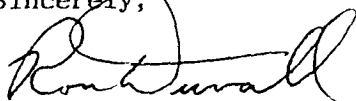
John Vande Weerd
RR 2, Box 332
Bruce SD 57220

Dear Mr. Vande Weerd:

Water Permit Application No. 5303-3 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 Hamlin Co. Republican printed at Castlewood 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





Department of Water & Natural Resources

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

April 6, 1989

Hamlin Co. Republican
Box 50
Castlewood SD 57223

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5303-3 to be published twice. Please publish the first notice on or before April 13, 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 John Vande Weerd, RR 2, Box 332, Bruce SD 57220.

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



**NOTICE OF HEARING ON APPLICATION NO. 5303-3 TO APPROPRIATE WATER
AND ON REQUEST FOR A DECLARATORY RULING REGARDING THE LEGAL
STATUS OF WATER PERMIT NO. 2147-3**

Notice is given that John Vande Weerd, RR 2, Box 332, Bruce SD 57220 has filed an application for a water permit to appropriate a total of 3.56 cubic feet of water per second (cfs) from 3 wells (Big Sioux:Brookings) 27, 28 and 38 feet deep to irrigate 299 acres. The 3 wells are located in the W1/2 NW1/4, SE1/4 NW1/4 and the acreage is in the N1/2; all in section 12-T113N-R51W.

Notice is also given that John Vande Weerd has petitioned the Water Management Board to make a declaratory ruling on the legal status of Water Permit No. 2147-3. Permit No. 2147-3 was applied for by James Blackketter and was approved on January 23, 1975 for irrigation of 262 acres in the N1/2 section 12-T113N-R51W from one well. Mr. Vande Weerd has petitioned the Board to make a decision on the legal status of Permit No. 2147-3 due to the nonuse of water for irrigation since at least 1983. SDCL 46-5-37 requires that appropriated water be put to beneficial use at least once every three years or the unused portion of the water reverts to the public and becomes unappropriated water. Mr. Vande Weerd believes that Permit No. 2147-3 is still valid because legal excuse for nonuse of the water suspended the period of nonuse pursuant to General Rules, 74:02:01:37.01.

Application No. 5303-3 is to appropriate water to irrigate the acreage described on Permit No. 2147-3. Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends DENIAL of Mr. Vande Weerd's petition, CANCELLATION of Permit No. 2147-3 and APPROVAL of Application No. 5303-3. Cancellation of No. 2147-3 is recommended due to forfeiture pursuant to SDCL 46-5-37. Approval of Application No. 5303-3 is recommended 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. The Chief Engineer's recommendation is not final or binding on the Board. The Board may issue one of the following decisions regarding the petition for a declaratory ruling after all evidence is taken at the hearing: 1) that legal excuse existed for the nonuse of water and Permit No. 2147-3 is a valid permit, 2) that Permit No. 2147-3 has been forfeited due to nonuse and is subject to cancellation or 3) take no action or do some combination of the above. The Board is authorized to do the following with Application No. 5303-3: 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing. Application No. 5303-3 and the petition for a declaratory ruling on the legal status of Permit No. 2147-3 will be considered by the Water Management Board at 10:00 am on May 10, 1989, in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

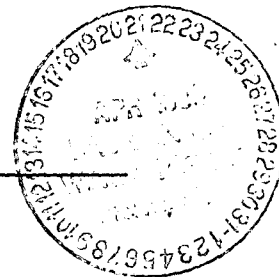
Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with both the applicant and Chief Engineer by April 28, 1989. The Chief Engineer's address is "Water Rights Division, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must describe the petitioner's interest in the application and/or the petition for declaratory ruling, the petitioner's reasons for opposing or supporting the application and/or the petition for declaratory ruling, and the signature and mailing address of 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 and/or the petition for a declaratory ruling or to assure access to the hearing by the handicapped.

(continued)

The 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 on Application No. 5303-3 and the petition for a declaratory ruling will 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.

The petition for a declaratory ruling on the legal status of Permit No. 2147-3 is made pursuant to the Board General Rules, Sections 74:02:01:46 thru 74:02:01:49. The Board has legal authority and jurisdiction to consider the following: 1) Application No. 5303-3, 2) the petition for a declaratory ruling and 3) cancellation of Permit No. 2147-3 pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-5, 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, 46-5-36, 46-5-37, 46-5-37.1; and Board General Rules, Sections 74:02:01:01 thru 74:02:01:15, 74:02:01:36 thru 74:02:01:41.

No. _____



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hamlin) ss.

I, Donna Holman hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Hamlin County Republican

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 Castlewood

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

April 13, 1989

April 20, 1989

Donna Holman
(Signature)

Publisher
(Title)

4-20-89
(Date Signed)

Cost of Printing: \$67.08

NOTICE OF

NOTICE OF HEARING ON APPLICATION NO. 5303-3 TO APPROPRIATE WATER AND ON REQUEST FOR A DECLARATORY RULING REGARDING THE LEGAL STATUS OF WATER PERMIT NO. 2147-3

Notice is given that John Vande Weerd, RR 2, Box 332, Bruce, SD 57220 has filed an application for a water permit to appropriate a total of 3.56 cubic feet of water per second (cfs) from 3 wells (Big Sioux: Brookings) 27, 28 and 38 feet deep to irrigate 299 acres. The 3 wells are located in the W1/2 NW1/4, SE1/4 NW1/4 and the acreage is in the N1/2; all in section 12-T113N-R51W.

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Application No. 5303-3 is to appropriate water to irrigate the acreage described on Permit No. 2147-3. Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends DENIAL of Mr. Vande Weerd's petition, CANCELLATION of Permit No. 2147-3 and APPROVAL of Application No. 5303-3. Cancellation of No. 2147-3 is recommended due to forfeiture pursuant to SDCL 46-5-37. Approval of Application No. 5303-3 is recommended 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. The Chief Engineer's recommendation is not final or binding on the Board. The Board may issue one of the following decision regarding the petition for a declaratory ruling after all evidence is taken at the hearing: 1) that legal excuse existed for the nonuse of water and Permit No. 2147-3 is a valid permit, 2) that Permit No. 2147-3 has been forfeited due to nonuse and is subject to cancellation or 3) take no action or do some combination of the above. The Board is authorized to do the following with Application No. 5303-3: 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing. Application No. 5303-3 and the petition for a declaratory ruling on the legal status of Per-

HEARING

mit No. 2147-3 will be considered by the Water Management Board at 10:00 a.m. on May 10, 1989, in Room 216, Joe Foss Building, 523 E. Capitol, Pierre SD.

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, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)." The petition may be informal, but must describe the petitioner's interest in the application and/or the petition for declaratory ruling, the petitioner's reasons for opposing or supporting the application and/or the petition for declaratory ruling, and the signature and mailing address of 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 and/or the petition for a declaratory ruling or to assure access to the hearing by the handicapped.

The 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 on Application No. 5303-3 and the petition for a declaratory ruling will 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.

The petition for a declaratory ruling on the legal status of Permit No. 2147-3 is made pursuant to the Board General Rules, Section 74:02:01:1 thru 74:02:01:49. The Board has legal authority and jurisdiction to consider the following: 1) Application No. 5303-3, 2) the petition for declaratory ruling and 3) cancellation of Permit No. 2147-3 pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-11 thru 46-1-15; 46-2-3.1, 46-2-5, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2-1 thru 46-2A-10, 46-2A-12, 46-2-14, 46-2A-15; 46-5-1 thru 46-5-14, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-36, 46-5-37, 46-5-37.1; 46-6-1, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board General Rules, Sections 74:02:01:01 thru 74:02:01:15, 74:02:01:36 thru 74:02:01:41.

(published april 13, 20, 1989)



Department of Water & Natural Resources

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

May 3, 1989

John Vande Weerd
RR 2, Box 332
Bruce SD 57220

Dear Mr. Vande Weerd:

Enclosed is the Report and the Recommendation of the Chief Engineer for Water Permit No. 2147-3 and Water Permit Application No. 5303-3 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 SCHLAAK
Senior Secretary
605 773-3352

enclosures





Department of Water & Natural Resources

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

May 17, 1989

NOTICE

TO: John Vande Weerd
RR 2, Box 332
Bruce SD 57220

FROM: John Hatch, Chief Engineer
Water Rights Division
Pierre SD 57501

SUBJECT: Approval of Water Permit Application No. 5303-3 and
Cancellation of Water Permit No. 2147-3

This notice is to inform you that on May 10, 1989, the Water Management Board approved Water Permit Application No. 5303-3 and ruled that Permit No. 2147-3 is no longer a valid permit due to forfeiture. Permit No. 2147-3 was then cancelled due to nonuse of water without valid legal excuse pursuant to SDCL 46-5-37 and Board Rule 74:02:01:37.01.

Decisions of the Water Management Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

cc: John Haak, Assistant Attorney General



CERTIFICATION

I hereby certify that on May 17, 1989 I have personally deposited with the U.S. Mail a postage prepaid envelope containing a Notice of Approval of Water Permit Application No. 5303-3 and Cancellation of Water Permit No. 2147-3 addressed as follows:

John Vande Weerd, RR 2, Box 332, Bruce SD 57220

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 19th day of May, 1989.



John Hatch
Notary Public



Department of Water & Natural Resources

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

SEP 12 1989

John Vande Weerd
RR 2, Box 332
Bruce SD 57220

Dear Mr. Vande Weerd:

Enclosed is Water Permit No. 5303-3 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.



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

Date 5-17-93

TO: Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Dale G Williams Rt. 1 151
(name) (address)
Estelline SD 57234 (605) 873-9319
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5303-3.

Irrigation systems are all completed and working.

Water Permit No. _____ states that the diversion system is to be constructed by _____, and that the water is put to beneficial use by _____
(date)

(date)

The diversion system was completed on _____
(date)

Applying the water to beneficial use was completed on _____
(date)

This farm was purchased by us
May 13, 1993

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

Dale G. Williams
(signature)

South Dakota



GREAT FACES. GREAT PLACES.

February 1, 1991

JOHN VANDE WEERD
RR 2 BOX 332
BRUCE SD 57220

DEPARTMENT OF WATER & NATURAL RESOURCES

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

NOTICE

RE: Violation of Water Permit No(s) 5303-3

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 5303-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 5303-3 qualification:

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

The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s) 5303-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: JOHN VANDE WEERD RR 2 BOX 332 BRUCE SD 57220	4. Article Number P 694 057 442 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Addressee X <i>John Van de Weerd</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent X	
7. Date of Delivery FEB. 4 1991	



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 6, 1991

4252-3
5303-3

John VandeWeerd
VandeWeerd Farms
RR #2 Box 332
Bruce, SD 57220

Dear Mr. VandeWeerd:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires and chemical application use for Water Permit Nos. 4252-3 and 5303-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire and the Notice of failure to report chemical use. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 16, 1993

No. 5303-3

Dale Williams
Rt 1, Box 151
Estelline, SD 57234

Dear Mr. Williams:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 5303-3. The water permit is currently listed in the name of John VandeWeerd.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 26, 1993

**SECOND NOTICE
PERMIT NO. 5303-3**

Dale Williams
Rt 1, Box 151
Estelline, SD 57234

Dear Mr. Williams:

On February 16, 1993, notice was sent to you concerning the transfer of Water Permit No. 5303-3 in the name of John VandeWeerd. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The permit can then be transferred to your name. If you are not the present owner of the land covered under this permit, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Genny McMath, (605) 773-3352.

Very truly yours,

RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

5303-3

Dale Williams
Rt 1, Box 151
Estelline, SD 57234

4a. Article Number

P 318 052 516

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

4-28-93

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

6. Signature (Agent)

PS Form 3811, December 1991

★U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 5303-3

Date: 5-17-93

I/We request that Water Permit No. 5303-3

formerly owned by: John VandeWeerd, RR #2 Box 332, Bruce, SD 57220

be transferred to: (name & address) Dale G Williams Rt. 1 Box 151
Estelline SD 57234-9459 (Telephone No) (605) 873-9319

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

N 1/2 Section 12, T113N, R51W

I/We understand that the validity of Water Permit No. 5303-3 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 at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

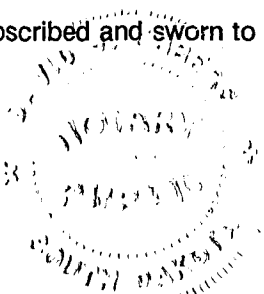
STATE OF SOUTH DAKOTA)

County of Hamlin)

I/We Dale Williams being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Dale G. Williams
(Signed)

Subscribed and sworn to before me this 17th day of May, 19 93.



DAVID J. EBBERTS
Notary Public, Hamlin County, S.D.
My Commission Expires Dec. 3, 1993

David J. Ebberts
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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

413777

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ May 18 _____, 19 93

RECEIVED OF Mary Ann Williams, RR 1 Box 151, Estelline SD 57234

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Permit No. 5303-5</u>		2 50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 20, 1993

No. 5303-3

Dale G. Williams
Rt 1, Box 151
Estelline, SD 57234-9459

Dear Mr. Williams:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 5303-3.

Our records now show you as the owner of Water Permit No. 5303-3.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 30, 1993

5303-3

Dale Williams
RR 1, Box 151
Estelline, SD 57234-9459

Dear Mr. Williams:

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. 5303-3, has been completed. Your final water right document, the Water License, can now be issued.

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

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

Sincerely,

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

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

RECEIPT

413965

Division of Water Rights

South Dakota Department of Environment and Natural Resources

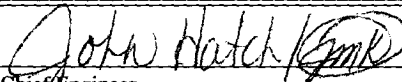
Pierre, _____ December 9, 19 93

RECEIVED OF Mary Ann Williams, RR 1 Box 151, Estelline, SD 57234

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>5305-3</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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 15, 1994

Dale G Williams
RR 1, Box 151
Estelline SD 57234-9459

Dear Mr. Williams:

This letter is in response to our phone conversation on March 14, 1994, concerning Water Right No. 5303-3.

You indicated that you believe more acreage should be included on the water license. Enclosed is a copy of the map prepared by Lynn Beck, staff engineer, that outlines the location and size of the center pivots. According to our conversation, you noted that the large pivot covers 136 acres and may be towed to the furthest east center pivot pad. The irrigated area of a 136 acre pivot should reach to the northern boundary and center line of the section; however, the area on the map does not reach to the north and center lines of section 12. You also indicated that the small pivot covers 40 acres.

Please feel free to outline on the map the correct size of the pivot and to identify the pad locations and the additional area irrigated from the pads. Return the map to my attention and we will try to get the issue resolved as soon as possible.

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

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Division

enclosure

Permit No. 5303-3
Big Sioux - Water District

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

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

I have this day made a thorough examination of the water use system constructed by John Vander Weerd; current owner Dale Williams of RR 1 Box 151, Estelline, SD 57234-9459 holder of Permit No. 5303-3, bearing the priority of March 6, 1989 authorizing the diversion of 3.56 cu. ft. per second of the waters of Big Sioux Aquifer, Brookings Management Unit for irrigation purposes, in Hamlin County.

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

A. Works used to divert the water:

One well 38' deep with 25' of 16" pvc casing and 13' of stainless steel screen. Well Line pump, model no. AXN1068, 800 gpm capacity; US Electric motor, model no. 364TP type RU, 60 hp.

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

3828" of 8" pvc pipe and 660' of 8" aluminum pipe.

C. Works used to apply water to beneficial use:

Valley 6000 center pivot, 1345' long with an end gun, 7 towers, low pressure system, 800 gpm capacity. Valley Water Drive center pivot, 660' long with an end gun, 6 towers, high pressure system, 700 gpm capacity.

The system is in the following condition fair. The point of diversion is located 230' E and 1720' S of the NW corner Sec. 12-T113N-R51W. The works are capable of diverting and conveying to the place of use 1.78 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 12-T113N-R51W:

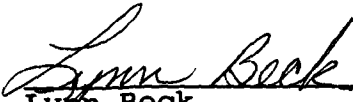
<u>NE 1/4 NW 1/4</u>	<u>26 acres</u>	<u>NW 1/4 NE 1/4</u>	<u>40 acres</u>
<u>SW 1/4 NW 1/4</u>	<u>22 "</u>	<u>NE 1/4 NE 1/4</u>	<u>29 "</u>
<u>SE 1/4 NW 1/4</u>	<u>37 "</u>	<u>SW 1/4 NE 1/4</u>	<u>40 "</u>
		<u>SE 1/4 NE 1/4</u>	<u>29 "</u>

comprising a total of 223 acres of land and the license should be issued for 1.78 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: none

Date: 7-1-93


 Lynn Beck
 Natural Resources Engineer
 DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 5303-3

DATE: 7-1-93

Other permit(s) associated with the project:

DIVERSION POINT LEGAL LOCATION: SW 1/4 NW 1/4 Sec. 12-T113N-R51W.

WELL INFORMATION:

- 1) Well Drilling Firm: Kaiser Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 38 feet
- 4) Well log is available Y
- 5) Comment: The well log is for test holes.

Casing:

- 1) Diameter 16 inches
- 2) Length 25 feet
- 3) Type steel

Screen:

- 1) Type stainless steel
- 2) Length 13 feet
- 3) Static water level 6 feet

Pump:

- 1) Make Well Line
- 2) Model AXN1068
- 3) Size
- 4) Capacity 800 GPM

Motor:

- 1) Make US Electric
- 2) Model No. 364TP type RU
- 3) Horsepower rating 60 hp

DISTRIBUTION LINES OR CANALS:

1) Type pvc 2) Size 8 inches 3) Length 3828 feet

1) Type aluminum 2) Size 8 inches 3) Length 660 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Valley 6000
- 2) Overall length 1345 feet
- 3) Number of towers 7
- 4) Distance between towers feet
- 5) End gun Y
- 6) High or low pressure low
- 7) Capacity 800 GPM

Center pivot:

- 1) Make Valley Water Drive
- 2) Overall length 660 feet
- 3) Number of towers 6
- 4) Distance between towers feet
- 5) End gun Y
- 6) High or low pressure high
- 7) Capacity 700 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: Mrs. Dale Williams File No. 5303-3

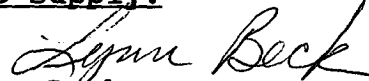
Address: Rt. #1, Box 151, Estelline, SD 57234 County: Hamlin

Date: Telephone:

RE:

Comments:

Recalling a conversation with Mrs. Williams, she indicated that one of the three original wells is plugged and another is capped. The capped well may become a domestic supply.


Lynn Beck
Natural Resources Engineer

NOT TO SCALE

113-51



Total Acres = 223

Prepared by:

Lynn Beck

Lynn Beck
Natural Resources Engineer
DENR, Water Rights
10-8-93

5303-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5303-3

(1) John Vande Weerd, of RR #2 Box 332, Bruce, SD 57220 made Application No. 5303-3, March 16, 1989 for a water permit to appropriate 3.56 cubic feet of water per second from groundwater (three wells), Hamlin County, South Dakota for irrigation purposes. Permit No. 5303-3, with a priority date of March 16, 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. On May 17, 1993, a "Notice of Completion of Works and Application of Water to Beneficial Use" was submitted which stated that the irrigation system was completed and working.

On May 18, 1993, Water Permit No. 5303-3 was transferred from John Vande Weerd to Dale Williams of Estelline, SD.

(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 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is 230'E and 1720'S of the NW corner of Section 12, T113N, R51W (SW¼NW¼).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land: **all in Section 12, T113N, R51W**

NE¼ NW¼	12 acres	NW¼ NE¼	34 acres
SW¼ NW¼	22 acres	NE¼ NE¼	6 acres
SE¼ NW¼	24 acres	SW¼ NE¼	34 acres
		SE¼ NE¼	6 acres
		Total	138 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Dale G Williams of RR #1 Box 151, Estelline, SD 57234-9459 the holder and/or owner of Water Permit No. 5303-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater (one well) with a priority date of March 16, 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. 5303-3 and subject to South Dakota State Law.



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

JAN 4 1994

date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 4 1994

5303-3

Dale G. Williams
RR 1, Box 151
Estelline, SD 57234-9459

Dear Mr. Williams:

Enclosed is Water License No. 5303-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413965 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5303-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

gm
enclosures

3-16-93

We're leading the search
for new corn uses

NCGA



FUNK'S G

Wish I could

have been here

when Lynn was here.

Hope you can figure out
acres from this map?

Sorry it took so long for me
to see this, we had quite a year
with all the flooding!

Thank you for your
cooperation on this matter.



Sincerely,

Dale Williams

Dale G. Williams

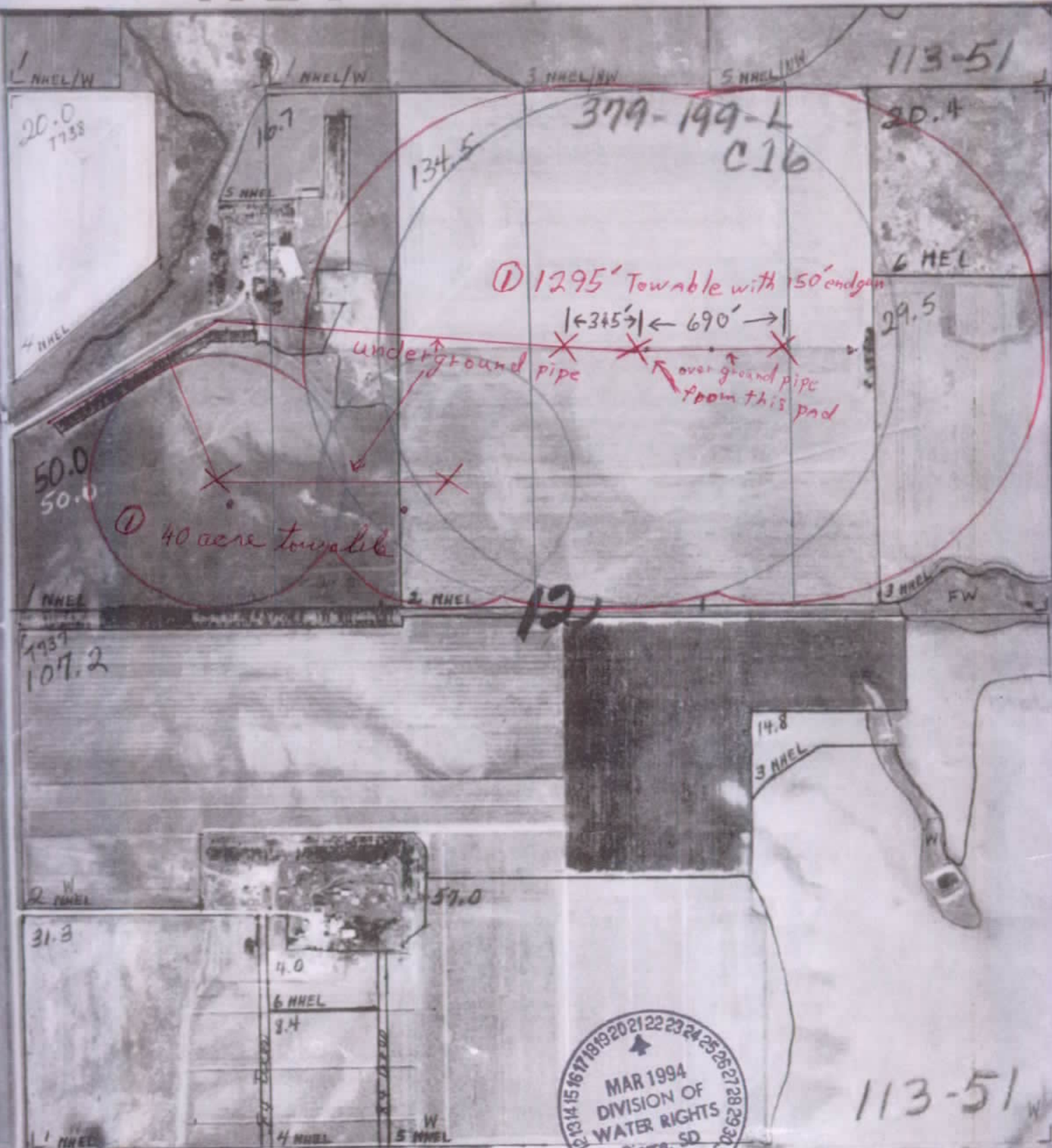
Permit # 5303-3

Rt. 1 Box 151
Estelline, S. DAK-57234
(605) 873-9319

Sec. 12
113-51

Each X is a pivot pad

NOT TO SCALE



STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 5303-3

(1) Dale G Williams, of RR #1 Box 151, Estelline, SD 57234-9459 was issued Water License No. 5303-3, January 4, 1994 for a water right to appropriate 1.78 cubic feet of water per second from groundwater (one well), Hamlin County, South Dakota for irrigation purposes. Water License No. 5303-3, with a priority date of March 16, 1989 was issued to the permit holder for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

The initial inspection and the January 4, 1994 water license did not accurately reflect the acreage being irrigated. A map showing the acreage irrigated and the position of the irrigation system was submitted by Dale Williams on March 21, 1994. The original license is being reissued to correct the error and describe all of the acres being irrigated. The acreage being licensed is within the original permitted area.

(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 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is 230'E and 1720'S of the NW corner of Section 12, T113N, R51W (SW¼NW¼).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land: all in Section 12, T113N, R51W

NE¼ NW¼	26 acres	NW¼ NE¼	40 acres
SW¼ NW¼	22 acres	NE¼ NE¼	29 acres
SE¼ NW¼	37 acres	SW¼ NE¼	40 acres
		SE¼ NE¼	29 acres
		Total	223 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Dale G Williams of RR #1 Box 151, Estelline, SD 57234-9459 the holder and/or owner of Water Permit No. 5303-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater (one well) with a priority date of March 16, 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. 5303-3 and subject to South Dakota State Law.



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

NOV 15 1994
date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 15 1994

5303-3

Dale G. Williams
RR 1, Box 151
Estelline, SD 57234-9459

Dear Mr. Williams:

Enclosed is Reissued Water License No. 5303-3. The water license was reissued to show the correct location of the irrigated acres.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

gm
enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 1995

5252-3
5303-3

Dale Williams
RR #1 Box 151
Estelline, SD 57234

Dear Mr. Williams:

I am writing to acknowledge receipt of your 1994 irrigation questionnaires. The questionnaires were completed for you following our February 8th telephone conversation. You may disregard the February 7, 1995, **Notice of Violation of Water Permit Nos. 5252-3 and 5303-3.**

The questionnaires were 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 Division
(605) 773-3352

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

DALE G WILLIAMS
RR 1 BOX 151
ESTELLINE SD 57234

NOTICE

RE: Violation of Water Permit No(s) 5252-3 & 5303-3.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No(s) 5252-3 & 5303-3. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 5252-3 & 5303-3 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 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S 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) 5252-3 & 5303-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

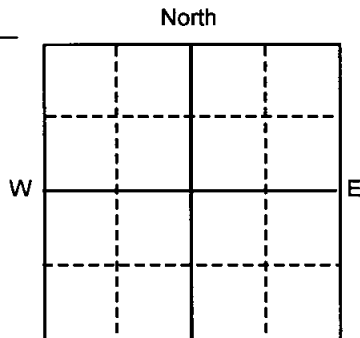
If the questionnaire(s) is(are) received in this office on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 NW 1/4 Sec 12 Twp 113 Rg 51County HamlinPlease mark well
location with an "X"

Well Completion Date

December 5, 2012

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
ft. from _____ (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

mud rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other
 If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	12.00 IN	0.0 FT	27.0 FT	17.50 IN
LB/FT	12.00 IN	37.0 FT	42.0 FT	17.50 IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Quick Grout	9	Lb/gal	0.0 Ft	17.0 Ft
Red Flint	25	Lb/gal	17.0 Ft	42.0 Ft

Describe grouting procedure
Pressure Tremmie for grout

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 12.00 Inches Length 10.0 Feet
 Material Stainless Steel
 Slot Size 120 Set From 27.0 Feet to 37.0 Feet
 Other information _____

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine
☐ No, Why Not? _____
Lab to which water
quality sample sent for analysis _____Well Owner: Dale Williams

Business Name: _____

Address: 19151 465th AveCity, State, Zip: Estelline SD 57234

WELL LOG:

		DEPTH	
FORMATION		FROM	TO
Top Soil	Black	0	2
Sand	Brown	2	30
Sand	Blue	30	37

STATIC WATER LEVEL 10.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: _____☐ Bailed☐ Other

Pumping Level Below Land Surface

21.3 Ft. After 6 Hrs. pumped 350 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

 Production Well #2
 44 36 32.8N
 96 54 17.0W
 Elev 1678

 RECEIVED
 APR 18 2013
 WATER RIGHTS
 PROGRAM
This well was drilled under license # 463 and this report is true and accurate.Drilling firm: Steffl Drilling & Pump Inc / Kris Van Heuveln

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Dale WilliamsDate: 2-14-2013

RECEIVED

DEC - 2 2013

WATER RIGHTS
PROGRAM

These pivots are nozzled at 800 gallons per minute. The one well can usually keep up all season long as it did this year 2013. But in extreme dry weather it starts surging at the end of the season. Then we will cut back main well from 800 to 500 G.P.M. and the helper well will contribute 300 G.P.M. to get us back to 800.

As per phone conversation we were told existing permit can be modified to cover this as long as we don't exceed 800 G.P.M. and we won't have to file for a new permit. I should have written down the name of the person I talked to and now I can't remember who I talked to, so I hope they remember our conversation.

Steffl Drilling and Pump Inc. drilled our well. The number is

1-800-288-9355

Our home phone 1-605-873-9319

My cell number 1-605-690-9319

Dale G. Williams

Sec. 12
Est. Township

-N-

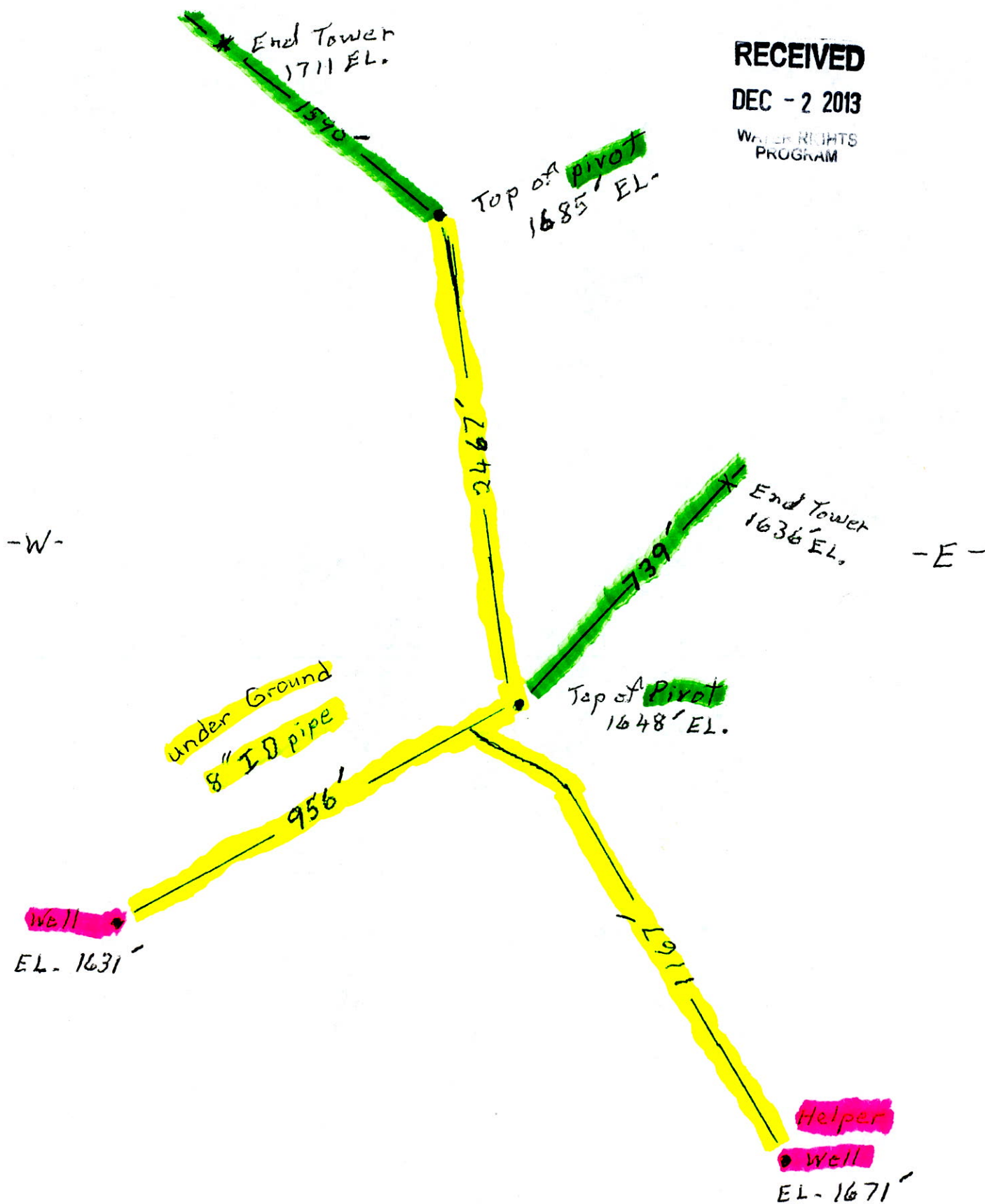
Williams

5303-3

RECEIVED

DEC - 2 2013

WATER RIGHTS
PROGRAM



File No. 5303-3

Approval of Additional of Diversion Point

NAME: Dale Williams

ADDRESS: 19151 465th Ave, Estelline SD 57234

DATE: January 6, 2014 **COUNTY:** Hamlin **TELEPHONE:** (605) 873-9319

BACKGROUND:

Water Right No. 5303-3 appropriates 1.78 cubic feet per second (cfs) from one well completed into the Brookings Management Unit of the Big Sioux aquifer (approximately 27 feet deep) in the W ½ NW ¼ of Sec 12, T113N-R51W in order to irrigate 223 acres (26 acres in the NE ¼ NW ¼, 22 acres in the SW ¼ NW ¼, 37 acres in the SE ¼ NW ¼, 40 acres in the NW ¼ NE ¼, 29 acres in the NE ¼ NE ¼, 40 acres in the SW ¼ NE ¼, 29 acres in the SE ¼, NE ¼) in the N ½ of the same section in Hamlin County. The original Water Right was conditioned with well interference, well construction, and irrigation questionnaire qualifications.

Mr. Williams has indicated that in times of drought the single well is not able to provide the licensed 800 gallons per minute (1.78 cfs) and requires 300 gpm from an additional well in order to provide the full 800 gpm. Consequently, he has requested permission to pump from an additional well in the SW ¼ NW ¼ of Sec 12, T113N-R51W in order to supplement supply from the main well and provide the full 800 gpm.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional points may be licensed provided the following conditions are met and the potential for interference with other existing diversion points is not increased.

- **Developed water source is the same as licensed source and no additional water is appropriated.**

The water source authorized by Water Right No. 5303-3 is the Brookings Management Units of the Big Sioux aquifer. The existing well was completed to a depth of 27 feet below land surface. The new well has been completed to a depth of 37 feet with a static water level of 10 feet below land surface.

No additional appropriation of water is authorized. Water Right No. 5303-3 appropriates 1.78 cfs and no additional diversion rate authority is being requested.

Review of Existing Diversions

The well completion report and water rights databases were reviewed for the nearest domestic wells and water rights/permits on file. The nearest water right (3237-3) consists of a single well located approximately 1,200 feet to the southeast of the new well under Water Right No. 5303-3. At this distance, and given that the new well will not be in regular use, interference is not expected to be a concern. Of the three domestic wells within one mile of the new well, the closest two are owned by Mr. Williams. The third is located approximately 1,800 feet to the southeast. Interference is not expected to be a concern at this distance.

Observation Well Data

The Water Rights Program monitors a series of observation wells completed into the Big Sioux: Brookings aquifer. The closest observation well (HN-77J) is located approximately 6,900 feet to the southwest of the new well site. This well has been in place since 1977 and shows static water level fluctuations of one to 12 feet below ground surface. Historic water levels in HN-77J show that aquifer levels are primarily climatically controlled but do show seasonal fluctuations as a result of pumping.

CONCLUSION:

- The new well does not propose to appropriate additional water.
- The new well is completed into the same formation as the existing well, the Big Sioux: Brookings aquifer.
- Unlawful impairment of existing water rights is not expected to occur.

RECOMMENDED ACTION:

Based on the above criteria, it is recommended that the request for an additional diversion point in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 12, T113N-R51W be approved.



Bracken Capen
Natural Resources Engineer

The Chief Engineer makes a finding pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14:01 that:

The addition of a diversion point does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 6, 2014

5303-3

Dale Williams
19151 465th Ave
Estelline, SD 57234

Dear Mr. Williams:

Water Permit No. 5303-3 appropriates 1.78 cubic feet per second (cfs) or 800 gallons per minute (gpm) from one well completed into the Brookings Management Unit of the Big Sioux aquifer located in the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec 12, T113N-R51W in order to supply two pivots irrigating 223 acres in the N $\frac{1}{2}$ of the same section.

With the submission of your 2013 irrigation report, you requested authorization to add an additional well in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12. The basis for this request is to provide additional capacity in order to supplement the original well when not enough water is available to provide the licensed 800 gpm.

Upon review of the request and pursuant to SDCL 46-5-13.1, the additional well location is authorized without application or publication of a notice of hearing pursuant to SDCL 45-2A-4. No increase in the authorized diversion rate of 1.78 cfs or the total volume (466 acre-feet) pumped annually from Water Right No. 5303-3 has been requested or approved. If the total diversion rate increases, a new water permit will need to be obtained from the SD DENR Water Rights Program.

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

Sincerely,

A handwritten signature in black ink that reads "Jeanne Goodman". The signature is fluid and cursive, with the first name "Jeanne" being more prominent than the last name "Goodman".

Jeanne Goodman
Chief Engineer
Water Rights Program



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

November 5, 2020

5252-3

5303-3

7489-3

8149-3

8154-3

Jeff Williams
19132 465th St
Estelline SD 57234

Dear Mr. Williams:

As indicated on your 2020 Irrigation Questionnaires enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on the water permits/rights listed above. The water permits/rights are currently listed in the name of Dale G Williams.

The transfer forms should be checked over for accuracy and signed by the new owner. Upon completion, return the forms to our office with a required filing fee of \$50.00 each (total \$250.00).

For informational purposes, under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain water permit. This three year period can be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Genny McMath or me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
email: karen.schlaak@state.sd.us

enclosures

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Jeff Williams, 19132 465th St, Estelline SD 57234

DATE: November 10, 2020

TELEPHONE: 605 690-2265

RE: Water Right/Permit Nos. 5252-3, 5303-3, 7489-3, 8149-3 and 8154-3

COMMENTS:

In response to irrigation questionnaires returned by Jeff Williams, a letter was sent to him with transfer forms for changing the water rights from Dale Williams to Jeff's name.

Jeff called and indicated he was Dale's son. He and his brother are taking over some of the farming and of course the paperwork but Dale still owns the land.

He wanted the annual questionnaires sent to him, but ownership stays under Dale G Williams. I told him to disregard the transfer forms we mailed to him.



Genny McMath
Water Rights Program



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: JEFF WILLIAMS, OPERATOR, 19132 465th St, ESTELLINE, SD 57234

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5252-3, 5303-3, 7489-3, 8149-3 & 8154-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5252-3, 5303-3, 7489-3, 8149-3 & 8154-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** 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) 5252-3, 5303-3, 7489-3, 8149-3 & 8154-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: OETXTH**

c: Dale G Williams, 19151 465th Ave, Estelline SD 57234

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.

5303-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 31, 2022

Jeff Williams
19132 465th St
Estelline SD 57234

RE: Water Permit or Right Nos. 5252-3, 5303-3, 7489-3, 8149-3 & 8154-3

Dear Mr. Williams:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires (copies enclosed).

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for the above listed Water Permits or Rights. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

5303-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 02 2022

5303-3
8154-3

Dale G Williams
19151 465th Ave
Estelline SD 57234

Dear Mr. Williams:

Enclosed is Water License No. 8154-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: Upon licensing, the applicable portions of Water Right No. 5303-3 were incorporated into Water License No. 8154-3.