

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

WATER PERMIT NO. 5374-3

HAP No. same

Name of Applicant Harold Lantgen

Post Office Address RR1, Box 149, Estelline SD 57234

Amount of Water Claimed 2.28 cfs Total Acres 160

Source of Water Supply ground water - 2 well

Water to be used for irrigation County Hamlin

About 2 1/2 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 Nov 27, 1989 Fee 250<sup>00</sup> Remarks same

location previously covered by Permit No. 3455-3

Corrected Application Received Dec 21, 1976 Period of Annual Use Mar 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED APPROVED/CONDITIONAL (Circle one)

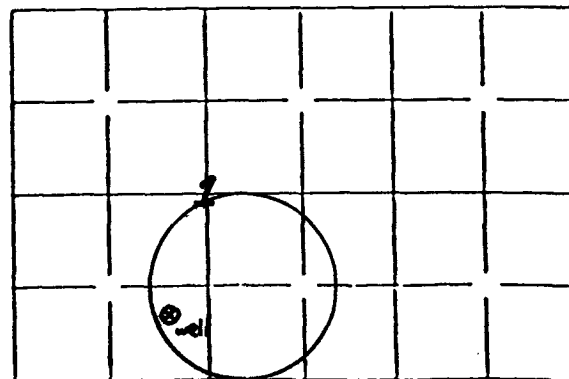
WI-1 Description same as Application YES ☒ NO \_\_\_\_\_ REMARKS \_\_\_\_\_

Diversion Point well: SE 1/4 SW 1/4 sec 1 -

T113N-R51W

Land to be Irrigated E 1/2 SW 1/4, SE 1/4 sec 1 -

T113N-R51W



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

Depth of Well 35 feet REMARKS \_\_\_\_\_

Type of Map aerial PREPARED BY \_\_\_\_\_ Reviewed and the Number

assigned on \_\_\_\_\_ By \_\_\_\_\_

(See instructions)

No. 5374-3 Hydrologic Unit 10170202  
Basin Big Sioux River  
Newspaper Estelline Journal, Box 8, Volga  
Estelline, SD 57020

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

- Type of Application: ☐ New ☐ Vested Right ☒ Amend Permit No. 3455-3
- ☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
- ☐ Add Acreage ☐ Increase diversion rate ☐ Other \_\_\_\_\_
- Name of Applicant Harold Lantgen Phone No. \_\_\_\_\_
- Post Office Address RR1 Box 149 Estelline State SD 57234  
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s.) 2.28 Total acres irrigated 160
3. Source of Water supply 2 Wells
4. Location of point of diversion Center of E 1/2 SW 1/4 of Sec 1-113-5 E 1/2 of SW 1/4  
Section 1-113-5 of 2400' North East of SW Corner  
of Sec 1-113-5 County Hamlin
5. Counties where water will be used Hamlin
6. Annual period during which water is to be used Mar 1 - OCT 31
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

| Land Description             | No. Acres Irr. | Land Description | No. Acres Irr. |
|------------------------------|----------------|------------------|----------------|
| SE 1/4 of SW 1/4 Sec 1-113-5 | 30             | SE 1/4 of SE 1/4 | 10             |
| NW 1/4 of SW 1/4 Sec 1-113-5 | 20             | NE 1/4 of SE 1/4 | 20             |
| NW 1/4 of SE 1/4 1-113-5     | 40             |                  |                |
| SW 1/4 of SE 1/4             | 40             |                  |                |

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: \_\_\_\_\_ Towline: \_\_\_\_\_ Center Pivot: X Gun: \_\_\_\_\_ Other: \_\_\_\_\_  
(Specify)
9. Crops to be Irrigated: Corn Beans HAY Potatoes
10. Give a description of proposed project. (Attach sheet if more space is needed)  
Well Supplying A1289 Reincke Center Pivot

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 Hamlin)<sup>ss</sup>

I, Beth Kessler, 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 Harold Lantgen

Subscribed and sworn to before me this 22nd day of November 1989

Beth Kessler

Notary Public

My Commission expires Aug. 31, 1995.

**SOUTH DAKOTA**  
**WATER PERMIT No. 5374-3 FOR IRRIGATION**

Date of first receipt of application November 27, 1989.

Date Soil/Water Compatibility Permit received December 21, 1976.

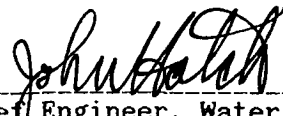
The Water Management Board approved Water Permit Application No. 5374-3 on March 7, 1990 for Harold Lantgen, RRL, Box 149, Estelline, SD 57234 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5374-3 appropriates 2.28 cubic feet of water per second from 2 wells (Big Sioux Aquifer - Brookings Management Unit) 35 feet deep to irrigate 160 acres. The 2 wells are to be located in the E1/2 SW1/4 and the acreage to be irrigated is to be located in the E1/2 SW1/4, SE1/4; all in Section 1-T113N-R51W.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: March 1 - October 31.
3. The date from which applicant may claim right is November 27, 1989.
4. One-fifth of the construction is to be completed on or before September 7, 1992.
5. All construction is to be completed on or before March 7, 1995.
6. Water is to be put to beneficial use on or before March 7, 1999.
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 authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
- 2) 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.
- 3) This permit is approved subject to the irrigation water use questionnaire being submitted each year.

**WATER MANAGEMENT BOARD**

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

JUN 18 1990  
(date)

# Supplemental Information

(type or print in ink)



## 1. Well Information - Proposed construction

- a) Drill Hole Diameter 28" Depth 35'
- b) Casing Type PVC Diameter 16 Thickness 1/2"
- c) Screen Type Stainless Diameter 16 Thickness
- d) Gravel Pack Thickness 6" Length of Gravel Pack 10'
- e) Depth to Top of Water Bearing Material 20'
- f) Depth to Water (ground surface to water level) 11'
- g) Distance to nearest existing domestic well:  
On applicants property 1800' On property owned by others

## 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

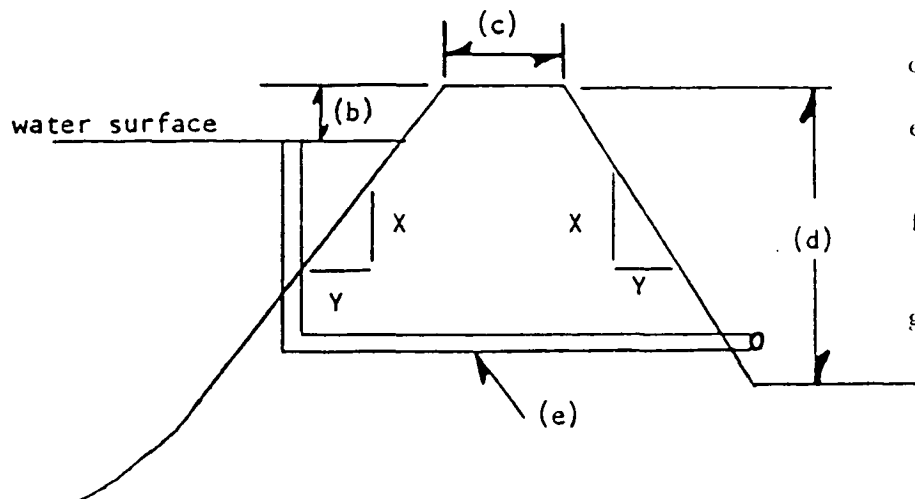
g) X & Y Slope  
Upstream

Downstream

Surface Area of Impoundment

Storage  acre feet

Drainage area above dam



Harold Lantgen  
Signature of Applicant

NAME OF PERSON OR FILE: Harold Lantgen

ADDRESS: RR1, Box 149, Estelline COUNTY Hamlin

DATE: Jan 5, 1990 TELEPHONE \_\_\_\_\_

RE: Status of Application

COMMENTS:

Contacted Harold Lantgen regarding an acreage correction on the application, the diversion rate and number of wells to be used

1) Mr Lantgen instructed me to correct the legal description of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  -- the description should be NE $\frac{1}{4}$ SW $\frac{1}{4}$

2) Mr. Lantgen instructed me to place a diversion rate on the application based on 1cfs/70ac (2.28 cfs)

3) Mr. Lantgen indicated that Pullman, test hole driller, believed one well would be needed; however Mr. Lantgen advised me to add a second well in the E $\frac{1}{2}$ SW $\frac{1}{4}$  incase one well is not sufficient.

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 Duvall

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411981

Pierre, November 29, 19 89

Harold Lantgen, RR 1, Box 149, Estelline SD 57234

RECEIVED OF \_\_\_\_\_

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

|                                                                                                                                    |       |        |
|------------------------------------------------------------------------------------------------------------------------------------|-------|--------|
| Fee for Application for Permit No. <u>5374-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____ | 250   | 00     |
| Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____                                                 |       |        |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                             |       |        |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____                                |       |        |
| Fee for Filing Transfer Form _____                                                                                                 |       |        |
| Fee for Filing Extension Request _____                                                                                             |       |        |
| Fee for Certified Copy of _____                                                                                                    |       |        |
| Fee for Print Copy of Map _____                                                                                                    |       |        |
| Fee for Certifying _____                                                                                                           |       |        |
| Fee for _____                                                                                                                      |       |        |
| (Any Other Work Provided by Law)                                                                                                   | Total | 250 00 |

By \_\_\_\_\_

Chief Engineer

(RS)

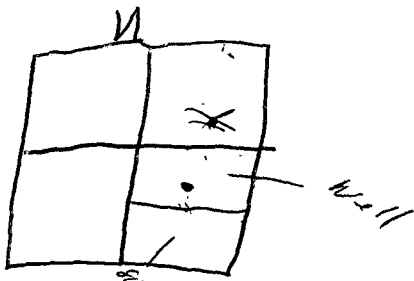
PULLMAN DRILLING — DRILLERS LOG

Phone: 1-800-451-4884

|                |                |          |         |         |
|----------------|----------------|----------|---------|---------|
| Harold Lantgen | 11311 51 W sc1 | 11-22-89 | 11      | Rayni   |
| JOB NAME       | LOCATION SE    | DATE     | RIG NO. | FOREMAN |

| Jt No. | DEPTH | TIME | HOLE #2 REMARKS                                |
|--------|-------|------|------------------------------------------------|
| 1      | 20    |      | 0-5 TOP - 5-17 yellow gravel 17-20 gray gravel |
| 2      | 40    |      | 20-35 gray gravel coarse 35-40 Blue clay       |
| 3      |       |      |                                                |
| 4      |       |      |                                                |
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| 36     |       |      |                                                |
| 37     |       |      | Rayni Pullen                                   |
| 38     |       |      |                                                |
| 39     |       |      | 11-22-89                                       |
| 40     |       |      |                                                |

REMARKS:



## REPORT ON APPLICATION NO. 5374-3

Harold Lantgen  
January 15, 1990

Application No. 5374-3 proposes to appropriate 2.28 cubic feet of water per second (cfs) from 2 wells (Big Sioux Aquifer-Brookings Unit) 35 feet deep to irrigate 160 acres. The 2 wells are to be located in the E1/2 SW1/4 and the acreage to be irrigated is to be located in the E1/2 SW1/4; SE1/4; all in section 1, T113N, R51W, Hamlin County, South Dakota.

### DISCUSSION

The acreage proposed for irrigation in application No. 5374-3 was previously covered under application No. 3455-3 which was cancelled on December 9, 1982 by the Water Management Board for non-construction of irrigation works. The new application proposes to use a center pivot irrigation system with the water to be supplied by one or two wells depending on well yields.

AQUIFER Big Sioux - Brookings Management Unit (BS-B)

### AQUIFER INFORMATION AND CHARACTERISTICS

Application No. 5374-3, if approved, will draw water from the Brookings Management Unit of the Big Sioux Aquifer. This surficial formation is composed of glacial meltwater stream deposits in most areas and is underlain by till. This sand and gravel outwash deposit has an average thickness of 30 feet with water levels ranging from ground surface to 18 feet below ground surface (Kume, 1985). The well log submitted with the application shows a gravel layer beginning at 5 feet and ending with a clay layer (till) at 35 feet below ground surface. The formation underlies 88,500 acres in Hamlin County and has an estimated 331,880 acre-feet of recoverable water in storage (Hedges, 1982). Recharge of the aquifer is by infiltration of precipitation falling directly on its surface, runoff from adjacent areas onto the aquifer deposits, leakage from till layers, and infiltration from the Big Sioux River when water levels are lower than that of the river. Discharge is to the Big Sioux River, lakes and ponds, wells, and evapotranspiration (Kume, 1985).

### REVIEW OF AREA WATER RIGHTS

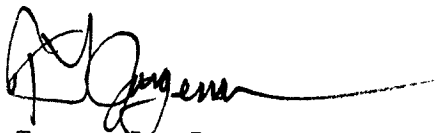
According to the 1988 Irrigation Report, there were 64 permits in the Big Sioux-Brookings Aquifer with a total appropriation of 31,575.4 acre-feet (approximately 10% of recoverable water in storage). The actual amount that was pumped for irrigation purposes in 1988 was 8,181.4 acre-feet. Area water rights (within a one mile radius) that use water from this formation are as follows:

|        |                |                   |          |       |
|--------|----------------|-------------------|----------|-------|
| 2479-2 | Harold Lantgen | T113N-R51W-sec 2  | 2 cfs    | 258 A |
| 2576-3 | Kenneth Foster | T113N-R51W-sec 12 | 3 cfs    | 214 A |
| 3237-3 | " "            | T113N-R51W-sec 12 | 1.2 cfs  | 87 A  |
| 5252-3 | Dale Williams  | T113N-R51W-sec 11 | 2.88 cfs | 202 A |

This formation is under water table conditions so there should be no well interference problems. The Division of Water Rights has an observation well in this area (HN63-B) that has been maintained since 1963. The maximum water level change in one year was only 3.9 feet which directly reflected the effects of seasonal changes.

### CONCLUSIONS

1. Water is available in the Big Sioux-Brookings Aquifer for further appropriations.
2. There should not be a problem with well interference with the addition of the two diversion points proposed in application No. 5374-3.
3. It is recommended that application No. 5374-3 be approved to irrigate 160 acres using water from two wells at a combined diversion rate of 2.28 cfs.
4. Approval of application No. 5374-3 is subject to the completion of the annual irrigation questionnaire.



Terry L. Jorgensen  
Natural Resources Engineer  
Division of Water Rights

Approved by:



Gale N. Selken, P.E.  
Natural Resources Engineer IV

### REFERENCES

- Division of Water Rights, 1989, Observation Well Files, DWNr, Division of Water Rights, Joe Foss Building, Pierre, SD.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., Schoon, R.A., 1982, Evaluation of Groundwater Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, U.S. Army Corps of Engineers Contract DACW 45-80-C-0185, DWNr, Division of Geological Survey, Vermillion, SD.
- Kume, Jack, 1985, Water Resource of Deuel and Hamlin Counties, South Dakota, U.S. Geological Survey, Huron, SD.

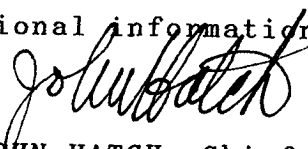
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 5374-3, Harold Lantgen

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5374-3, Harold Lantgen, RR 1, Box 149, Estelline SD.

The Chief Engineer is recommending APPROVAL of Application No. 5374-3 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 wells authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
2. 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.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.

  
JOHN HATCH, Chief Engineer  
January 16, 1990



# Department of Water & Natural Resources

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

January 16, 1990

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

Harold Lantgen  
RR #1 Box 149  
Estelline, SD 57234

Dear Mr. Lantgen:

Water Permit Application No. 5374-3 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 Estelline Journal printed at Volga SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also enclosed. 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 Hearing 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

January 16, 1990

Estelline Journal  
Box 8  
Volga, SD 57071

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5374-3 to be published twice. Please publish the first notice on or before January 25, 1990 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 Harold Lantgen, RR #1 Box 149, Estelline, SD 57234.

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

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

Sincerely,

Ron Duvall  
Natural Resources Engineer  
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

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

No. \_\_\_\_\_

Date \_\_\_\_\_

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

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper



Instruction to Newspaper - Publish first Notice on or before January 25, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

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NOTICE OF HEARING on Application No. 5374-3 to Appropriate Water

Notice is given that Harold Lantgen, RR #1 Box 149, Estelline, SD 57234 has filed an application for a water permit to appropriate 2.28 cubic feet of water per second from 2 wells (Big Sioux Aquifer-Brookings Management Unit) 35 feet deep to irrigate 160 acres. The 2 wells are to be located in the E1/2 SW1/4 and the acreage to be irrigated is to be located in the E1/2 SW1/4, SE1/4; all in Section 1-T113N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5374-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Roosevelt - Jefferson Room, Howard Johnson, 2211 LaCrosse, Rapid City, SD on March 7, 1990 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 23, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by February 23, 1990.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
 County Hamlin ) ss.



I, Mark R Hausman

certify that the attached printed Notice was taken  
 from the Estelline Journal

A newspaper which during the whole time of publication of  
 said notice herein after stated, has been and is printed and  
 published in the Estelline Journal  
of Estelline

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

1/25/90

2/1/90

[Signature]  
 (Signature)  
Publsh  
 (Title)  
2/2/90  
 (Date Signed)

Cost of Printing: \$41.72

**NOTICE OF HEARING**  
 on Application No. 5374-3  
 to Appropriate Water

Notice is given that Harold Lantgen, RR #1, Box 149, Estelline, SD 57234 has filed an application for a water permit to appropriate 2.28 cubic feet of water per second from 2 wells (Big Sioux Aquifer-Brookings Management Unit) 35 feet deep to irrigate 160 acres. The 2 wells are to be located in the E1/2 SW1/4 and the acreage to be irrigated is to be located in the E1/2 SW1/4, SE1/4; all in Section 1-T113N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5374-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is in the public interest.

This application will be considered by the Water Management Board in the Roosevelt-Jefferson Room Howard Johnson, 2211 LaCrosse, Rapid City, SD on March 7, 1990 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by February 23, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by February 23, 1990.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARS 74:02:01:01 thru 74:02:01:15.



# Department of Water & Natural Resources

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

JUN 18 1990

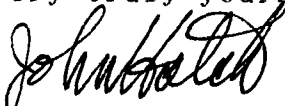
Harold Lantgen  
RR 1, Box 149  
Estelline SD 57234

Dear Mr. Lantgen:

Enclosed is Water Permit No. 5374-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

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

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

August 27, 1992

2479-3

4342-3

5374-3

Rod Kemink  
PO Box 1593  
Watertown, SD 57201-1593

Dear Mr. Kemink:

Enclosed, as we discussed, are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 2479-3 and 4342-3 and Water Permit No. 5374-3.

The transfer forms should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$7.50).

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,

Genny McMath  
Natural Resources Analyst  
(605) 773-3352

enclosures

# RECEIPT

4134J5

## Division of Water Rights

### South Dakota Department of Environment and Natural Resources

Pierre, \_\_\_\_\_, September 3, 19 92

RECEIVED OF Pine Knoll Mobile Park, 4504 W 12th St, Sioux Falls, SD 57107

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. 5374-3</u>                                                          | 2            | 50          |
| Fee for Filing Extension Request _____                                                                               |              |             |
| Fee for _____                                                                                                        |              |             |
| _____                                                                                                                |              |             |
| _____                                                                                                                |              |             |
| (Any Other Work Provided by Law)                                                                                     | <b>Total</b> | <b>2 50</b> |

By \_\_\_\_\_  
Chief Engineer

*John Hatch*

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5374-3

Date: September 1, 1992

I\We request that Water Permit No. 5374-3

formerly owned by: Harold Lantgen

be transferred to: (name & address) Pine Knoll, Inc. 4504 W. 12th Street  
Sioux Falls, SD 57107 (Telephone No.) 605-338-1249

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

E 1/2 SW 1/4 and SE 1/4 Section 1, T113N, R51W

I\We understand that the validity of Water Permit No. 5374-3 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 CODINGTON )

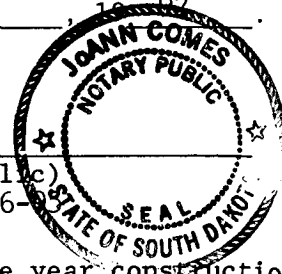
I\We Pine Knoll, Inc. being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.



Pine Knoll Inc By Don McE  
(Signed) J. Pres

Subscribed and sworn to before me this 1st day of September, 1992

JoAnn Comes  
JoAnn Comes (Notary Public)  
My Commission Expires: 12-16-



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.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

September 10, 1992

No. 2479-3

4342-3

5374-3

Don Weeg  
Pine Knoll, Inc.  
4504 W. 12th Street  
Sioux Falls, SD 57107

Dear Mr. Weeg:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 2479-3 and 4342-3, and Water Permit No. 5374-3.

Our records now show you as the owner of Water Right Nos. 2479-3 and 4342-3, and Water Permit No. 5374-3.

Sincerely,

*Cheryl F. Frost*

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

October 23, 1995

Don Weeg  
4504 W 12th  
Sioux Falls, SD 57107

Dear Mr. Weeg:

Thank you for your telephone call requesting legal descriptions of your water rights. The following is a listing of water permits/rights listed in the name of Pine Knoll, Inc. and/or Don Weeg:

- No. 439-3A 97 acres - SE ¼ Section 26, T99N, R53W
- No. 2230-3 136 acres - NE ¼ Section 20, T98N, R52W
- No. 2479-3 258 acres - S ½ Section 2, T113N, R51W
- No. 3541-3 228 acres - NW¼, N½ SW¼ Section 17; SE¼ NE¼ Section 18, T98N, R52W
- No. 4341-3 62 acres - N ½ SW ¼ Section 9, T99N, R53W
- No. 4342-3 120 acres - SW ¼ Section 19, T113N, R50W
- No. 4958-3 101 acres - E ½ SW ¼, SE ¼ Section 22, T99N, R53W
- No. 5374-3 160 acres - E ½ SW ¼, SE ¼ Section 1, T113N, R51W

If you have any questions concerning the above information, or if you need assistance in completing your 1995 irrigation questionnaires, please do not hesitate to contact me.

Sincerely,

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

**Permit No. 5374-3**  
**Big Sioux River - Water District**

**Report Of Examination Of Works**

On, May 23, 2000, I made a thorough examination of the water use system constructed by Pine Knoll Inc of 4504 W 12<sup>th</sup> Street, Sioux Falls SD holder of Permit No. 5374-3, bearing the priority of November 27, 1989 authorizing the diversion of 2.28 cu. ft. per second of the waters of ground water (Big Sioux B Aquifer) 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:

Two wells with a combined capacity of 800 - 900 gpm

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

Buried 10 PVC pipe

C. Works used to apply water to beneficial use:

A center pivot

The system is in the following condition good. The points of diversion are located from the SW corner of Section 1 T113N-R51W; Well #1 – 1325 ft east and 550 ft north with a longitude of -96.89908 and a latitude of 44.61781 and ; Well #2 – 1990 ft east and 810 ft north with a longitude of -96.89782 and a latitude of 44.61800. The works are capable of diverting and conveying to the place of use 1.78 – 2.00 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 land located in Section 1 T113N-R51W:

|                           |                           |                          |
|---------------------------|---------------------------|--------------------------|
| <u>NE ¼ SW ¼ - 17 ac;</u> | <u>SE ¼ SW ¼ - 17 ac;</u> | <u>NW ¼ SE ¼ - 37 ac</u> |
| <u>NE ¼ SE ¼ - 12 ac;</u> | <u>SE ¼ SE ¼ - 12 ac;</u> | <u>SW ¼ SE ¼ - 37 ac</u> |

comprising a total of 132 acres of land and the license should be issued for 1.89 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none



Mark D. Rath  
Natural Resources Engineer  
DENR, Water Rights Program

5/25/00

Date

**REPORT ON INSPECTION OF PERMIT NO. 5374-3**

**DATE OF INSPECTION: 5/23/2000**

Contact Person & Address: Don Weeg, % Pine Knoll Inc. 4504 W 12<sup>th</sup> St, Sioux Falls SD, 57107,

**DIVERSION POINT LEGAL LOCATION:** located from the SW corner of Section 1 T113N-R51W; Well #1 – 1325 ft east and 550 ft north with a longitude of –96.89908 and a latitude of 44.61781 and ; Well #2 – 1990 ft east and 810 ft north with a longitude of –96.89782 and a latitude of 44.61800

**WATER SUPPLY** Source: ground water (Big Sioux B)

**Well Information:**

- |                                                          |                                               |
|----------------------------------------------------------|-----------------------------------------------|
| 1) Well Drilling Firm: <u>Pullman drilled test holes</u> | 2) No. of Wells <u>2</u>                      |
| 3) Depth(s) <u>35</u> feet                               | 4) Well log is available <u>test hole log</u> |

**Casing:**

- |                              |                         |
|------------------------------|-------------------------|
| 1) Diameter <u>15</u> inches | 2) Length <u>?</u> feet |
| 3) Type <u>steel</u>         |                         |

**Screen:**

- |                                     |                         |
|-------------------------------------|-------------------------|
| 1) Type <u>?</u>                    | 2) Length <u>?</u> feet |
| 3) Static water level <u>?</u> feet |                         |

**Pump\ Motor:**

- |                                  |                                  |
|----------------------------------|----------------------------------|
| 1) Pump Make <u>submersible</u>  | 2) Pump Model <u>?</u>           |
| 3) Capacity <u>400 - 450</u> GPM | 4) Motor Make <u>submersible</u> |
| 5) Motor Model No. <u>?</u>      | 6) Horsepower rating <u>?</u> hp |

**DISTRIBUTION LINES OR CANALS:**

- 1) Type PVC 2) Size 10 inches 3) Length 1700 feet

**SYSTEM TYPE:**

**Center pivot:**

- |                                     |                                    |
|-------------------------------------|------------------------------------|
| 1) Make <u>Reinke</u>               | 2) Overall length <u>1300</u> feet |
| 3) Number of towers <u>8</u>        | 4) End gun <u>yes</u>              |
| 5) High or low pressure <u>high</u> | 6) Capacity <u>800-900</u> GPM     |

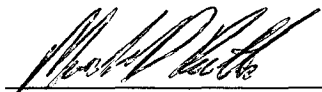
**CHEMIGATION:**

1) Does chemigate No

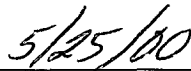
**PERMIT QUALIFICATIONS AND REGULATIONS:**

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

**COMMENTS:** none

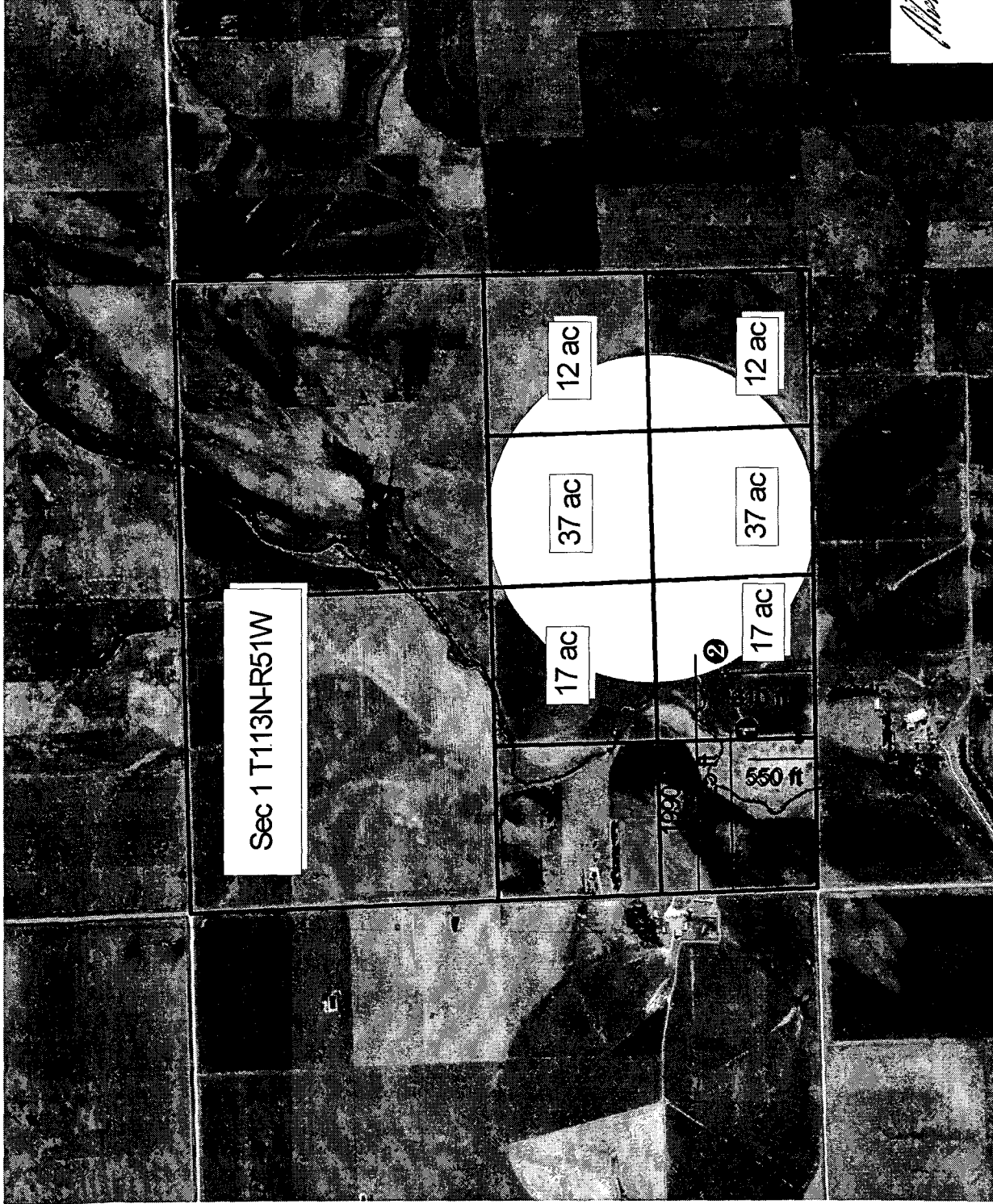
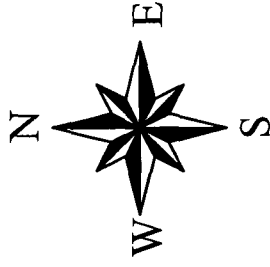


Mark D. Rath  
Natural Resources Engineer  
DENR, Water Rights Program



Date

No 5374-3



*Mark D Rath* 5-25-2000

Mark D Rath  
Natural Resources Engineer  
SD Water Rights Program



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

May 30, 2000

5374-3

Pine Knoll, Inc.  
%Don Weeg  
4504 W. 12<sup>th</sup> St.  
Sioux Falls, SD 57107

Dear Mr. Weeg:

The investigation of your water use system was conducted on May 23, 2000, by Mark D. Rath, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 5374-3. Your final water right document, the Water License, can now be issued.

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

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

Sincerely,

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

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

# RECEIPT

## Water Rights Program

South Dakota Department of Environment and Natural Resources

NC 416537

Pierre, June 2, 2000

RECEIVED OF Pine Knoll Mobile Park, 4504 West 12th St., Sioux Falls, SD 57107  
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. 5374-3

Fee for Filing Transfer Form \_\_\_\_\_

Fee for Filing Extension Request \_\_\_\_\_

Fee for \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Any Other Work Provided by Law)

Total

50 00

By Michael Ebel  
Chief Engineer



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

**JUN 05 2000**

5374-3

Pine Knoll, Inc.  
%Don Weeg  
4504 W. 12<sup>th</sup> St.  
Sioux Falls, SD 57107

Dear Mr. Weeg:

Enclosed is Water License No. 5374-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416537 in the amount of \$50.00 which you paid for the investigation 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. 5374-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

ks  
enclosures

# STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 5374-3

(1) Harold Lantgen, RR 1 Box 149, Estelline SD 57234 made Application No. 5374-3, November 27, 1989 for a water permit to divert 2.28 cubic feet of water per second from groundwater (two wells), Hamlin County, South Dakota for irrigation purposes. Permit No. 5374-3, with a priority date of November 27, 1989 was approved March 7, 1990 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 7, 1995 and for the application to beneficial use of said water on or before March 7, 1999.

On September 3, 1992, Water Permit No. 5374-3 was transferred to Pine Knoll, Inc.

(2) It is certified that the permit holder 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 1.89 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 – 1,325 feet east and 550 feet north and Well #2 – 1,990 feet east and 810 feet north; both from the southwest corner of Section 1-T113N-R51W (SE ¼ SW ¼).

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

| Section 1-T113N-R51W |          |           |          |
|----------------------|----------|-----------|----------|
| NE ¼ SE ¼            | 12 acres | NE ¼ SW ¼ | 17 acres |
| SE ¼ SE ¼            | 12 acres | SE ¼ SW ¼ | 17 acres |
| NW ¼ SE ¼            | 37 acres |           |          |
| SW ¼ SE ¼            | 37 acres |           |          |
| Total 132 acres      |          |           |          |

(4) Pursuant to South Dakota Water Law 46-5-30.1 Pine Knoll Inc., 4504 W 12<sup>th</sup> St, Sioux Falls SD 57107 the holder and/or owner of Water Right No. 5374-3 is issued a license to appropriate water, the right to use 1.89 cubic feet of water per second from groundwater (two wells) with a priority date of November 27, 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 Right No. 5374-3 and subject to South Dakota State Law.

*Garland Erbele*

GARLAND ERBELE, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

JUN 05 2000

date





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

December 11, 2001

5374-3

Pine Knoll, Inc  
4504 W 12<sup>th</sup> St  
Sioux Falls, SD 57107

Dear Sir:

Thank you for contacting us regarding the pending ownership change for Water Right No. 5374-3.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing the change. The form will need to be completed and then signed in the presence of a notary public by the new owner. Upon completion, please have the form returned to us with a required filing fee of \$2.50. The check or money order for the fee should be made payable to the Water Rights Program.

I have included a copy of the water right in the event you do not have one. If you have any questions concerning the water right or completion of the transfer form, please let me know.

Sincerely,

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

enclosures

# NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5374-3

Date: 1/22/02

I\We request that Water Right No. 5374-3

formerly owned by: Pine Knoll, Inc., 4504 W 12<sup>th</sup> St, Sioux Falls, SD 57107

be transferred to: (name & address) Kenneth & Judith Foster, PO Box 254  
Estelline, SD 57234 Telephone No. 605/873-2554

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

132 acres in the SE ¼ and E ¼ SW ¼ Section 1, T113N, R51W

I\We understand that the validity of Water Right No. 5374-3 has not been determined by this transfer action. If I\We have any questions on validity, I\We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA )

County of Hamlin )

I\We Kenneth Foster 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.

Kenneth Foster  
(Signature of new owner)

Subscribed and sworn to before me this 22<sup>nd</sup> day of January, 2002.

MY COMMISSION EXPIRES DEC. 3 2007

[Signature]  
(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

## Water Rights Program

South Dakota Department of Environment and Natural Resources

417062

Pierre, January 24, 20 02

RECEIVED OF Kenneth Foster, PO Box 254, Estelline, SD 57284

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 5374-3

2 50

Fee for Filing Extension Request \_\_\_\_\_

Fee for \_\_\_\_\_

(Any Other Work Provided by Law)

Total

2 50

By

Darlene Wile

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 24, 2002

5374-3

Kenneth & Judith Foster  
PO Box 254  
Estelline, SD 57234-0254

Dear Mr. & Mrs. Foster:

Thank you for following up on the ownership change for Water Right No. 5374-3. The water right, formerly held by Pine Knoll, Inc., is now listed in your names.

Enclosed is your Receipt No. 417062 in the amount of \$2.50. You may keep this for your records.

If you have any questions concerning the water right, please let me know.

Sincerely,

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

enclosure



5374-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 24, 2006

**NOTICE**

TO: KENNETH FOSTER, PO BOX 254, ESTELLINE, SD 57234 0254

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaires

Our records indicate that the 2005 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3237-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5374-3 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 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) 5374-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3237-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before **February 24, 2006**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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

5374-3



## Track & Confirm

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**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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February 8, 2006

3237-3  
5374-3

Kenneth & Judy Foster  
PO Box 254  
Estelline SD 57234

Dear Mr. & Mrs. Foster:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right Nos. 3237-3 and 5374-3.

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

If you have any questions, please contact me.

Sincerely,

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