

Considered: _____

WATER PERMIT NO. 5376-3

MAP No. same 886-2577

Name of Applicant CSS Company

Post Office Address RR3, Box 138B, Watertown SD 57201

Amount of Water Claimed 2.2 cfs Total Acres 156

Source of Water Supply ground water - 1 well

Water to be used for irrigation County Codington

About 7 miles N of Watertown

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Dec 18, 1989 Fee \$50.00 Remarks Appl to
reinstate No. 5002-3

Corrected Application Received _____ Period of Annual Use Apr 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED see 5002-3 APPROVED/CONDITIONAL (Circle one)

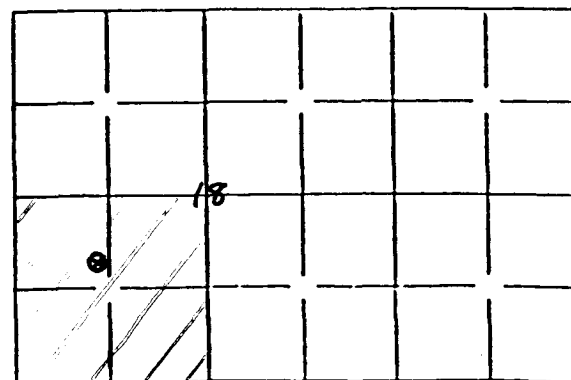
WI-1 Description same as Application YES ☒ NO _____ REMARKS _____

Diversion Point well: NW 1/4 SW 1/4 section 18-

T118N-R52W

Land to be Irrigated SW 1/4 section 18-T118N-

R52W



Well Log: Driller Kahnke & Kaiser in area Licensed YES ☒ NO _____

Depth of Well 150 feet REMARKS _____

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

assigned on January 12, 1990 By Ron Donald

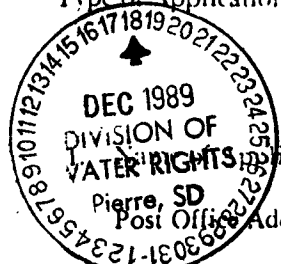
(See instructions)

No. 5376-3 Hydrologic Unit 10170202
Basin Big Sioux River
Newspaper Watertown Public Opinion, P.O. Box 10
57201-0010

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 Re-application Permit # 5002-3



Applicant CSS Company Phone No. 886-2577
RR3 Box 128 B Watertown State SD 57201
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 1.2 Total acres irrigated 156
3. Source of Water supply Groundwater 1 well
4. Location of point of diversion 1500' South of the NW corner of SW 1/4 of
Sec 18 T118N R52W NW 1/4 SW 1/4
County Codington
5. Counties where water will be used Codington
6. Annual period during which water is to be used April - October 31
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NW 1/4 SW 1/4 Sec 18 T118N R52W	<u>40</u> 39
SW 1/4 "	<u>40</u> 38
NE 1/4 "	<u>40</u> 40
SE 1/4 "	<u>40</u> 39

Land Description	No. Acres Irr.

Attach sheet if more space is needed

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

Re-applying for permit. System not developed as previous permit.

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 Codington) ss

I, Richard R. Spewak 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 Richard R. Spewak

Subscribed and sworn to before me this 11th day of December 1989

Paul J. Hunderschie
Notary Public

10-1-97

SOUTH DAKOTA
WATER PERMIT No. 5376-3 FOR IRRIGATION

Date of first receipt of application December 18, 1989.

Date Soil/Water Compatibility Permit received November 14, 1983.

The Water Management Board approved Water Permit Application No. 5376-3 on May 23, 1990 for CSS Company, RR #3, Box 138B, Watertown, SD 57201 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. 5376-3 reinstates Water Permit No. 5002-3 to appropriate 1.2 cubic feet of water per second from one well (Prairie Coteau Aquifer) 150 feet deep to irrigate 156 acres. The well is to be located in the NW1/4 SW1/4 and the acreage to be irrigated in the SW1/4; all in Section 18 T118N-R52W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is December 18, 1989.
4. One-fifth of the construction is to be completed on or before November 23, 1993.
5. All construction is to be completed on or before May 23, 1995.
6. Water is to be put to beneficial use on or before May 23, 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 well authorized by Permit No. 5376-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

(continued)

Water Permit No. 5376-3

Page 2

3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____


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

SEP 17 1990

(date)

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 12" Depth 150'
- b) Casing Type Steel Diameter 16" Thickness .375
- c) Screen Type Stainless Steel Diameter 10" Thickness .20'
- d) Gravel Pack Thickness 2" Length of Gravel Pack 20'
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) 30'
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others 1700'

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 _____

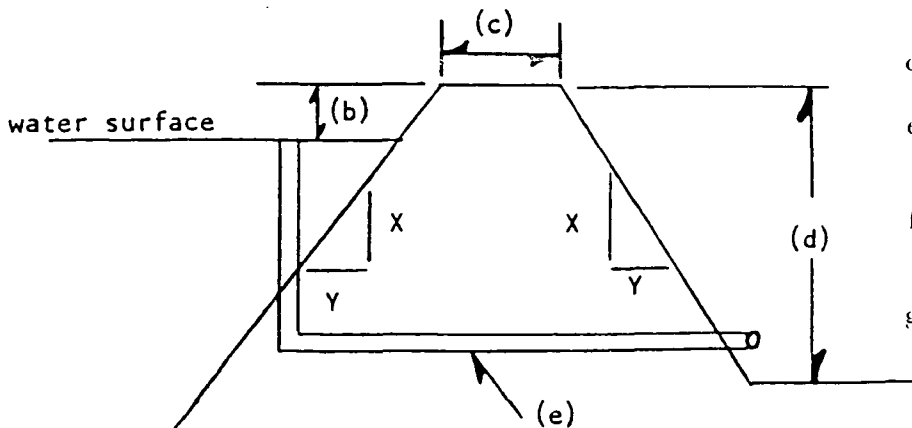
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Kill R Spel
Signature of Applicant

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411998

Pierre, December 18, 1989

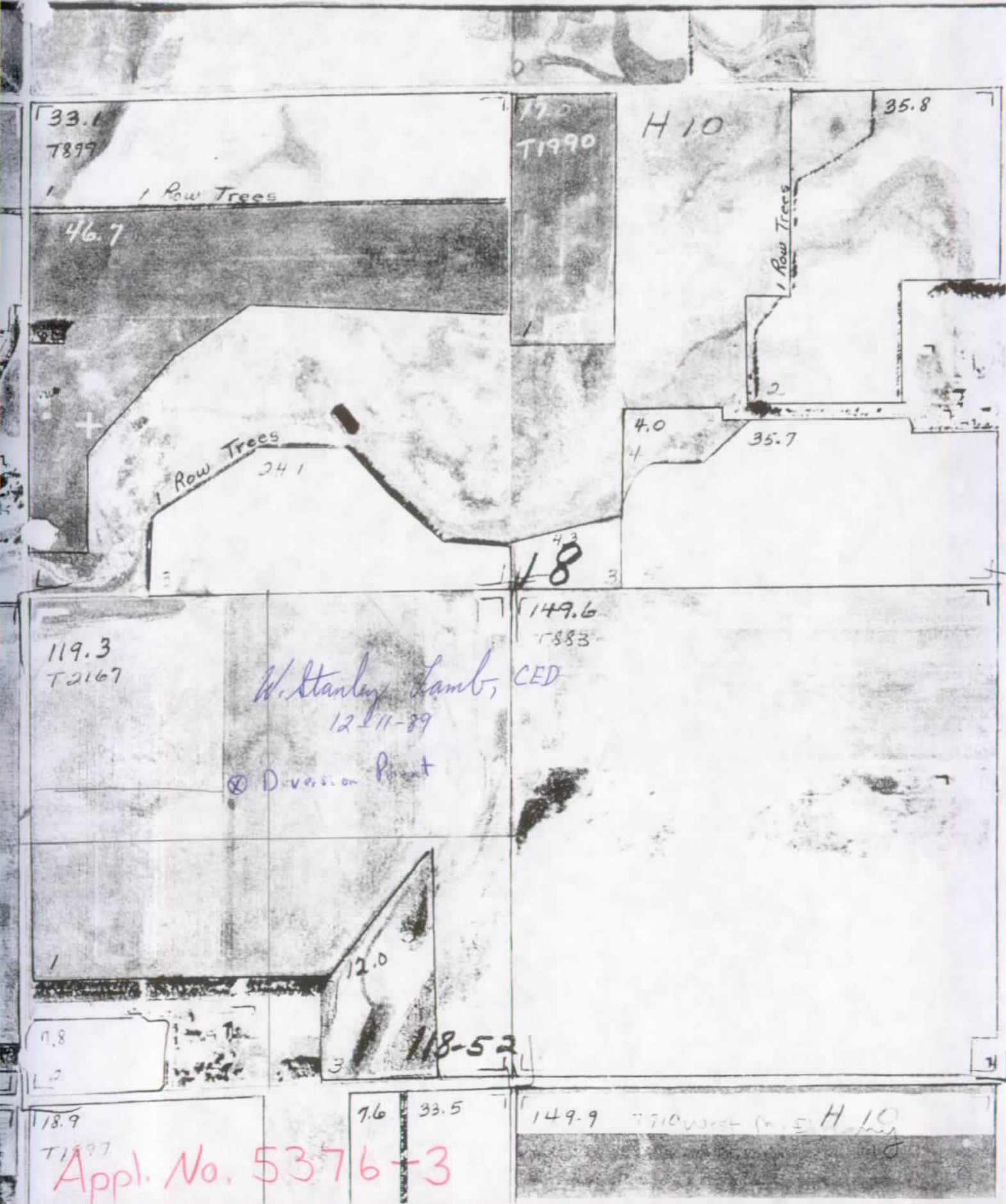
RECEIVED OF Richard R. Spevak, CSS Company, RR #3 Box 138B, Watertown, SD 57201

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

Fee for Application for Permit No. <u>5376-3</u> to Appropriate Water, to construct works and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John D. Hetch
Chief Engineer

NOT TO SCALE



10-85

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Office Use Only

4064

OWNERS NAME: Brand Farms OWNERS ADDRESS: 214 NW 3rd
Watertown SD 57201
COUNTY LAND LOCATED IN: DeS Moines PHONE: 605-386-2577
TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

In accordance with State Law SDCL 46-5-6.5, if a water permit is granted with a conditional Soil/Water Compatibility permit, a copy of such conditional soil/water compatibility permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water permit within 6 months of receipt of such water permit.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION OR DIVERSION POINT: 3.40 North of center of SW⁴ Sec 18 - 118 - 52
2. SURFACE WATER SOURCE: _____
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>SW⁴ Sec 18 - 118 - 52</u>	<u>160</u>		

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ (Specify) _____
5. CROPS TO BE IRRIGATED: Corn & Soy Beans
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LEGAL DESCRIPTION: _____
IN WHAT NAME: _____

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 83-0601
8. SALINITY (EC X 10⁶): 1000
9. SODIUM (SAR): 1.12
10. ADJUSTED (SAR): 3.10

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at 4:00 a.m., on OCT 27, 1983, at the following location: Point of Diversion by R. H. Gieser - well drilled (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

24 DAY OF Oct, 1983.

(NOTARY PUBLIC)

[Signature]
APPLICANT'S SIGNATURE

[Signature]
Director, Division of Conservation

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water Management.

____ APPROVED
____ DISAPPROVED
☒ CONDITIONALLY APPROVED

CONDITIONAL

#4064

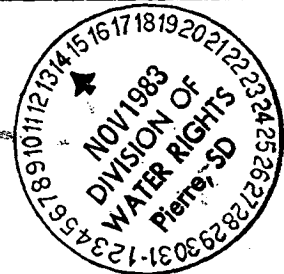
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: Brand Farms

LEGAL DESCRIPTION: SW $\frac{1}{4}$ 18-118-52 = 160 acres.

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:



THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:

The areas mapped as La Prairie silty loam are subject to wetness and occasional flooding. These areas are natural drainageways and shall be maintained in grass and/or alfalfa.

RECOMMENDED MANAGEMENT:

It is recommended that a form of conservation tillage and contour farming be used to control erosion.

It is also recommended that a water management plan be developed to assure the leaching of salts as well as prevent a water table from occurring under irrigation.

Jack M. Fipke
SIGNATURE

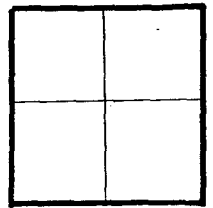
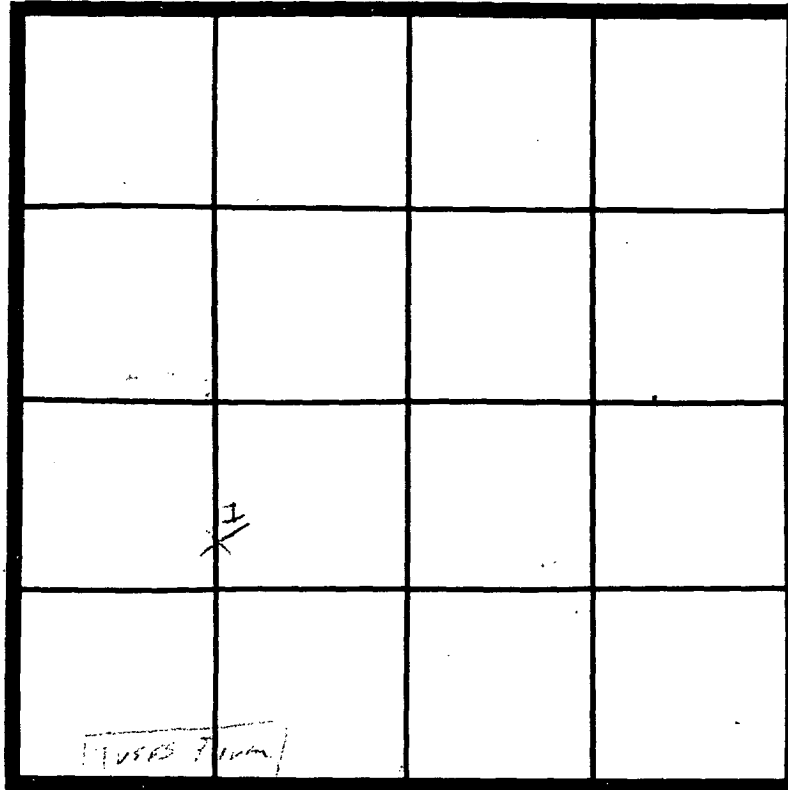
11-85
DATE

Kaiser Well Drilling De Smet, South Dakota 57231

IRRIGATION-TESTING-DRILLED-STOCK AND DOMESTIC
BORED WELLS

Ph. 854-3744

Brand Farms
Name Randy Sprouk
Location Sec 18 - 118-52
Township SW⁸
Section _____



Test hole No. 1

Data

Topsoil	0 - 2'
gravel	2 - 19'
Blue clay	19' - 147'
gravel & ^{took water}	147' - 164'
Blue clay	164' - 180'
SWL - 18' - 200m	
and sand	
Well was cased 4"	
From 154' - 164'	
with .035 slot P.U.C.	

Test hole No. 2

Data

Driller: <u>Randy Sprouk</u>	
Sample was taken	
after 3 hrs pumping.	
Witness: <u>Randy Sprouk</u>	
<u>Randy Sprouk</u>	

REPORT ON APPLICATION NO. 5376-3
CSS COMPANY
January 19, 1990

This application proposes to reinstate Water Permit No 5002-3 to appropriate 1.2 cfs from one well approximately 150 feet deep to irrigate 156 acres. The well is to be located in the NW 1/4 SW 1/4 and the acreage to be irrigated is in the SW 1/4; all in section 18, T118N R52W in Codington County.

AQUIFER - PRAIRIE COTEAU (PCO)

The Prairie Coteau is a buried Pliestocene age glacial (sand and gravel) aquifer under artesian conditions. The aquifer underlies 760 square miles in Codington and Grant counties and contains an estimated 1.5 million acre feet of water in storage (Hanson, 1988).

The Division of Water Rights monitors three observation wells (CD-77G, CD-77A and CD-76A) within a 5 mile radius of this application which are completed into the PCO aquifer. Observation well CD-77A is located approximately 1/2 mile north of this proposed diversion. Water levels in these monitoring wells fluctuate due to pumping by area irrigation wells. The record indicates that after pumping ceases the water levels recover rapidly and there is indication that recharge to the aquifer is adequate to sustain existing diversions (Water Rights, 1990). Records for CD-77G, CD-77A and CD-76A are included with this report.

Data submitted with the application indicate sand and gravel from 147 feet to 164 feet below land surface with a static water level 18 feet below land surface. Pumping data from a nearby irrigation well indicate a specific capacity of 25 gpm/ft of drawdown. This is a high specific capacity and is typical for wells completed into the PCO aquifer.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one nearby irrigation well (approximately 1/4 mile to the southeast) authorized by Permit No. 5174-3. Interference will occur. Data is not available at this time to access the magnitude of the interference or if that would be adverse. The observation well record for the area verifies that drawdowns will occur and that drawdowns from the proposed diversion and the existing well would overlap.

There has been controversy concerning the development of the PCO aquifer for irrigation. Numerous complaints by domestic users have been filed with the Division of Water Rights. Most of these complaints concerned the fluctuation of the artesian head when the high capacity wells were pumping. Many flowing wells ceased to flow or slowed down due to this fluctuation. In some instances new wells were drilled or pumps had to be lowered in the well.

CONCLUSIONS

1. Water is available from the PCO aquifer.
2. The PCO aquifer is under artesian conditions.
3. Interference will occur. The water level record indicates fluctuations do occur because of pumping. Data submitted with Permit No. 5174-3 indicate a pumping level of 56 feet below land surface. Locating another high capacity well approximately 1/4 mile away would create at least 10 feet of decline in the pumping level of the existing well. Data is not available to access if this would be adverse.
4. The potential for more problems with inadequate domestic wells in this area will increase.
5. This application is a request to reinstate Permit No. 5002-3 which was not developed.
6. Any well completed under this permit application must be constructed in accordance with SD well construction standards.
7. The standard qualification for submittal of water use data should be included on the permit.


James A Goodman

Natural Resources Engineer IV

enclosures

BIBLIOGRAPHY

Hanson, D., 1988, PERSONNEL COMMUNICATION, CODINGTON AND GRANT WATER RESOURCES STUDY, PCO AQUIFER, USGS, Huron, SD, 57350.

Water Rights, 1990, UNPUBLISHED RECORDS OF PCO AQUIFER OBSERVATION WELLS IN CODINGTON COUNTY, SD DWNr, Div. of Water Rights, Joe Foss Bldg., Pierre, SD, 57501.

NAME	LOCATION	DATE	W/L
CD-76A	119N-52W-13BBBBB R	04/20/77	-11.4
CD-76A	119N-52W-13BBBBB R	06/15/77	-14.2
CD-76A	119N-52W-13BBBBB R	06/21/77	-14.4
CD-76A	119N-52W-13BBBBB R	06/30/77	-13.9
CD-76A	119N-52W-13BBBBB R	07/06/77	-14.3
CD-76A	119N-52W-13BBBBB R	07/21/77	-15.5
CD-76A	119N-52W-13BBBBB R	08/03/77	-17.1
CD-76A	119N-52W-13BBBBB R	08/11/77	-18.6
CD-76A	119N-52W-13BBBBB R	09/08/77	-16.4
CD-76A	119N-52W-13BBBBB R	09/20/77	-15.2
CD-76A	119N-52W-13BBBBB R	10/18/77	-13.0
CD-76A	119N-52W-13BBBBB R	12/01/77	-11.5
CD-76A	119N-52W-13BBBBB R	01/17/78	-10.8
CD-76A	119N-52W-13BBBBB R	04/11/78	-10.4
CD-76A	119N-52W-13BBBBB R	05/05/78	-10.4
CD-76A	119N-52W-13BBBBB R	05/23/78	-10.0
CD-76A	119N-52W-13BBBBB R	06/08/78	-9.7
CD-76A	119N-52W-13BBBBB R	06/22/78	-9.5
CD-76A	119N-52W-13BBBBB R	07/08/78	-9.3
CD-76A	119N-52W-13BBBBB R	07/19/78	-9.4
CD-76A	119N-52W-13BBBBB R	08/16/78	-13.1
CD-76A	119N-52W-13BBBBB R	09/12/78	-13.5
CD-76A	119N-52W-13BBBBB R	09/28/78	-12.4
CD-76A	119N-52W-13BBBBB R	10/17/78	-11.2
CD-76A	119N-52W-13BBBBB R	11/19/78	-10.2
CD-76A	119N-52W-13BBBBB R	01/23/79	-9.6
CD-76A	119N-52W-13BBBBB R	03/23/79	-9.7
CD-76A	119N-52W-13BBBBB R	05/01/79	-8.9
CD-76A	119N-52W-13BBBBB R	06/13/79	-9.3
CD-76A	119N-52W-13BBBBB R	07/02/79	-8.7
CD-76A	119N-52W-13BBBBB R	07/17/79	-10.3
CD-76A	119N-52W-13BBBBB R	07/31/79	-11.7
CD-76A	119N-52W-13BBBBB R	08/14/79	-11.7
CD-76A	119N-52W-13BBBBB R	09/05/79	-10.8
CD-76A	119N-52W-13BBBBB R	09/26/79	-9.8
CD-76A	119N-52W-13BBBBB R	10/04/79	-10.2
CD-76A	119N-52W-13BBBBB R	10/25/79	-10.0
CD-76A	119N-52W-13BBBBB R	01/17/80	-8.9
CD-76A	119N-52W-13BBBBB R	03/06/80	-8.8
CD-76A	119N-52W-13BBBBB R	04/17/80	-8.8
CD-76A	119N-52W-13BBBBB R	05/30/80	-10.5
CD-76A	119N-52W-13BBBBB R	06/23/80	-10.1
CD-76A	119N-52W-13BBBBB R	07/11/80	-9.6
CD-76A	119N-52W-13BBBBB R	07/25/80	-12.2
CD-76A	119N-52W-13BBBBB R	08/07/80	-14.7
CD-76A	119N-52W-13BBBBB R	08/19/80	-16.1
CD-76A	119N-52W-13BBBBB R	09/10/80	-14.8
CD-76A	119N-52W-13BBBBB R	10/30/80	-11.5
CD-76A	119N-52W-13BBBBB R	12/09/80	-10.8
CD-76A	119N-52W-13BBBBB R	03/10/81	-10.1
CD-76A	119N-52W-13BBBBB R	04/15/81	-9.9
CD-76A	119N-52W-13BBBBB R	05/28/81	-12.9
CD-76A	119N-52W-13BBBBB R	06/03/81	-13.0
CD-76A	119N-52W-13BBBBB R	06/10/81	-12.8

NAME	LOCATION	DATE	W/L
CD-76A	119N-52W-13BBBBB R	06/23/81	-12.0
CD-76A	119N-52W-13BBBBB R	07/08/81	-13.5
CD-76A	119N-52W-13BBBBB R	07/22/81	-15.6
CD-76A	119N-52W-13BBBBB R	08/05/81	-17.2
CD-76A	119N-52W-13BBBBB R	09/01/81	-20.7
CD-76A	119N-52W-13BBBBB R	10/20/81	-15.6
CD-76A	119N-52W-13BBBBB R	12/29/81	-12.5
CD-76A	119N-52W-13BBBBB R	04/01/82	-11.3
CD-76A	119N-52W-13BBBBB R	05/06/82	-11.1
CD-76A	119N-52W-13BBBBB R	05/26/82	-11.0
CD-76A	119N-52W-13BBBBB R	06/09/82	-10.8
CD-76A	119N-52W-13BBBBB R	06/23/82	-11.6
CD-76A	119N-52W-13BBBBB R	07/09/82	-15.3
CD-76A	119N-52W-13BBBBB R	07/21/82	-15.2
CD-76A	119N-52W-13BBBBB R	08/04/82	-16.0
CD-76A	119N-52W-13BBBBB R	08/19/82	-20.5
CD-76A	119N-52W-13BBBBB R	09/02/82	-22.3
CD-76A	119N-52W-13BBBBB R	09/29/82	-19.5
CD-76A	119N-52W-13BBBBB R	10/26/82	-16.3
CD-76A	119N-52W-13BBBBB R	02/28/83	-12.2
CD-76A	119N-52W-13BBBBB R	04/08/83	-11.7
CD-76A	119N-52W-13BBBBB R	05/25/83	-11.1
CD-76A	119N-52W-13BBBBB R	06/08/83	-12.0
CD-76A	119N-52W-13BBBBB R	06/20/83	-12.9
CD-76A	119N-52W-13BBBBB R	07/07/83	-12.2
CD-76A	119N-52W-13BBBBB R	07/20/83	-13.6
CD-76A	119N-52W-13BBBBB R	08/02/83	-15.7
CD-76A	119N-52W-13BBBBB R	08/19/83	-20.9
CD-76A	119N-52W-13BBBBB R	09/08/83	-18.5
CD-76A	119N-52W-13BBBBB R	10/03/83	-15.5
CD-76A	119N-52W-13BBBBB R	11/09/83	-13.3
CD-76A	119N-52W-13BBBBB R	04/10/84	-10.7
CD-76A	119N-52W-13BBBBB R	05/03/84	-10.1
CD-76A	119N-52W-13BBBBB R	06/14/84	-9.5
CD-76A	119N-52W-13BBBBB R	06/27/84	-9.1
CD-76A	119N-52W-13BBBBB R	07/11/84	-9.6
CD-76A	119N-52W-13BBBBB R	07/25/84	-12.1
CD-76A	119N-52W-13BBBBB R	08/08/84	-15.0
CD-76A	119N-52W-13BBBBB R	08/22/84	-17.1
CD-76A	119N-52W-13BBBBB R	09/26/84	-16.2
CD-76A	119N-52W-13BBBBB R	10/31/84	-12.6
CD-76A	119N-52W-13BBBBB R	04/11/85	-9.2
CD-76A	119N-52W-13BBBBB R	05/14/85	-8.8
CD-76A	119N-52W-13BBBBB R	05/28/85	-9.0
CD-76A	119N-52W-13BBBBB R	06/11/85	-9.4
CD-76A	119N-52W-13BBBBB R	06/25/85	-9.3
CD-76A	119N-52W-13BBBBB R	07/09/85	-13.5
CD-76A	119N-52W-13BBBBB R	07/23/85	-17.7
CD-76A	119N-52W-13BBBBB R	08/07/85	-18.3
CD-76A	119N-52W-13BBBBB R	08/18/85	-20.1
CD-76A	119N-52W-13BBBBB R	09/11/85	-15.3
CD-76A	119N-52W-13BBBBB R	10/23/85	-11.3
CD-76A	119N-52W-13BBBBB R	03/26/86	-8.9
CD-76A	119N-52W-13BBBBB R	04/09/86	-8.8

NAME	LOCATION	DATE	P. 1.
CD-76A	119N-52W-13BBBBB R	04/23/86	-8.4
CD-76A	119N-52W-13BBBBB R	05/07/86	-8.0
CD-76A	119N-52W-13BBBBB R	05/21/86	-7.6
CD-76A	119N-52W-13BBBBB R	06/03/86	-7.3
CD-76A	119N-52W-13BBBBB R	06/19/86	-7.0
CD-76A	119N-52W-13BBBBB R	07/01/86	-7.1
CD-76A	119N-52W-13BBBBB R	07/16/86	-8.4
CD-76A	119N-52W-13BBBBB R	07/31/86	-14.4
CD-76A	119N-52W-13BBBBB R	08/06/86	-13.8
CD-76A	119N-52W-13BBBBB R	08/13/86	-12.9
CD-76A	119N-52W-13BBBBB R	09/04/86	-11.3
CD-76A	119N-52W-13BBBBB R	10/29/86	-8.0
CD-76A	119N-52W-13BBBBB R	04/09/87	-7.2
CD-76A	119N-52W-13BBBBB R	05/13/87	-7.5
CD-76A	119N-52W-13BBBBB R	05/27/87	-7.8
CD-76A	119N-52W-13BBBBB R	06/10/87	-8.0
CD-76A	119N-52W-13BBBBB R	06/24/87	-9.4
CD-76A	119N-52W-13BBBBB R	07/09/87	-12.8
CD-76A	119N-52W-13BBBBB R	07/23/87	-13.6
CD-76A	119N-52W-13BBBBB R	08/06/87	-19.7
CD-76A	119N-52W-13BBBBB R	08/20/87	-17.9
CD-76A	119N-52W-13BBBBB R	09/17/87	-15.8
CD-76A	119N-52W-13BBBBB R	11/19/87	-10.6
CD-76A	119N-52W-13BBBBB R	04/12/88	-9.2
CD-76A	119N-52W-13BBBBB R	05/05/88	-9.3
CD-76A	119N-52W-13BBBBB R	05/19/88	-14.6
CD-76A	119N-52W-13BBBBB R	06/02/88	-11.4
CD-76A	119N-52W-13BBBBB R	06/16/88	-14.0
CD-76A	119N-52W-13BBBBB R	06/30/88	-22.0
CD-76A	119N-52W-13BBBBB R	07/12/88	-35.6
CD-76A	119N-52W-13BBBBB R	07/13/88	-40.4
CD-76A	119N-52W-13BBBBB R	07/15/88	-41.0
CD-76A	119N-52W-13BBBBB R	07/29/88	-38.2
CD-76A	119N-52W-13BBBBB R	08/12/88	-53.5
CD-76A	119N-52W-13BBBBB R	08/24/88	-37.5
CD-76A	119N-52W-13BBBBB R	09/09/88	-33.1
CD-76A	119N-52W-13BBBBB R	09/23/88	-27.9
CD-76A	119N-52W-13BBBBB R	10/14/88	-22.8
CD-76A	119N-52W-13BBBBB R	02/16/89	-13.4
CD-76A	119N-52W-13BBBBB R	04/13/89	-12.0
CD-76A	119N-52W-13BBBBB R	05/17/89	-11.4
CD-76A	119N-52W-13BBBBB R	05/31/89	-11.5
CD-76A	119N-52W-13BBBBB R	06/13/89	-12.3
CD-76A	119N-52W-13BBBBB R	06/26/89	-13.8
CD-76A	119N-52W-13BBBBB R	07/11/89	-31.9
CD-76A	119N-52W-13BBBBB R	07/26/89	-36.8
CD-76A	119N-52W-13BBBBB R	08/08/89	-45.8
CD-76A	119N-52W-13BBBBB R	08/23/89	-27.2
CD-76A	119N-52W-13BBBBB R	10/04/89	-17.9
CD-76A	119N-52W-13BBBBB R	11/15/89	-16.2

NAME	LOCATION	DATE	W/L
CD-77A	118N-52W-18BBBB	04/16/81	6.5
CD-77A	118N-52W-18BBBB	10/26/82	3.2
CD-77A	118N-52W-18BBBB	06/08/83	6.5
CD-77A	118N-52W-18BBBB	07/07/83	6.4
CD-77A	118N-52W-18BBBB	08/02/83	5.6
CD-77A	118N-52W-18BBBB	09/08/83	4.5
CD-77A	118N-52W-18BBBB	10/03/83	4.0
CD-77A	118N-52W-18BBBB	05/03/84	9.0
CD-77A	118N-52W-18BBBB	06/27/84	10.5
CD-77A	118N-52W-18BBBB	07/25/84	10.0
CD-77A	118N-52W-18BBBB	08/22/84	8.0
CD-77A	118N-52W-18BBBB	09/26/84	6.0
CD-77A	118N-52W-18BBBB	04/11/85	5.2
CD-77A	118N-52W-18BBBB	05/14/85	10.5
CD-77A	118N-52W-18BBBB	05/28/85	10.5
CD-77A	118N-52W-18BBBB	06/11/85	10.2
CD-77A	118N-52W-18BBBB	06/25/85	10.5
CD-77A	118N-52W-18BBBB	07/09/85	9.5
CD-77A	118N-52W-18BBBB	07/23/85	7.5
CD-77A	118N-52W-18BBBB	08/07/85	6.9
CD-77A	118N-52W-18BBBB	08/18/85	6.0
CD-77A	118N-52W-18BBBB	10/23/85	8.5
CD-77A	118N-52W-18BBBB	03/26/86	11.0
CD-77A	118N-52W-18BBBB	04/09/86	11.0
CD-77A	118N-52W-18BBBB	05/07/86	11.5
CD-77A	118N-52W-18BBBB	05/21/86	9.5
CD-77A	118N-52W-18BBBB	06/03/86	9.5
CD-77A	118N-52W-18BBBB	06/19/86	12.5
CD-77A	118N-52W-18BBBB	07/01/86	12.5
CD-77A	118N-52W-18BBBB	07/16/86	12.5
CD-77A	118N-52W-18BBBB	07/31/86	10.5
CD-77A	118N-52W-18BBBB	08/13/86	7.5
CD-77A	118N-52W-18BBBB	09/05/86	9.7
CD-77A	118N-52W-18BBBB	10/29/86	11.3
CD-77A	118N-52W-18BBBB	05/13/87	8.0
CD-77A	118N-52W-18BBBB	05/25/87	8.5
CD-77A	118N-52W-18BBBB	06/10/87	8.5
CD-77A	118N-52W-18BBBB	06/24/87	8.0
CD-77A	118N-52W-18BBBB	07/09/87	8.0
CD-77A	118N-52W-18BBBB	07/23/87	7.0
CD-77A	118N-52W-18BBBB	08/06/87	5.0
CD-77A	118N-52W-18BBBB	08/20/87	4.0
CD-77A	118N-52W-18BBBB	09/17/87	-5.4
CD-77A	118N-52W-18BBBB	11/19/87	8.0
CD-77A	118N-52W-18BBBB	05/05/88	9.2
CD-77A	118N-52W-18BBBB	05/19/88	9.0
CD-77A	118N-52W-18BBBB	06/02/88	9.0
CD-77A	118N-52W-18BBBB	06/16/88	7.0
CD-77A	118N-52W-18BBBB	06/30/88	5.0
CD-77A	118N-52W-18BBBB	07/12/88	-2.7
CD-77A	118N-52W-18BBBB	11/09/88	-0.9
CD-77A	118N-52W-18BBBB	04/12/89	5.8
CD-77A	118N-52W-18BBBB	05/17/89	5.3
CD-77A	118N-52W-18BBBB	05/31/89	5.8

NAME	LOCATION	DATE	W/L
CD-77A	118N-52W-18BBBB	06/13/89	5.7
CD-77A	118N-52W-18BBBB	06/27/89	5.6
CD-77A	118N-52W-18BBBB	07/11/89	2.1
CD-77A	118N-52W-18BBBB	07/27/89	-1.2
CD-77A	118N-52W-18BBBB	08/08/89	-4.5
CD-77A	118N-52W-18BBBB	08/23/89	-5.6

NAME	LOCATION	DATE	W/L
CD-77G	118N-52W-26CCCC	05/02/78	-61.5
CD-77G	118N-52W-26CCCC	05/23/78	-61.4
CD-77G	118N-52W-26CCCC	06/08/78	-61.3
CD-77G	118N-52W-26CCCC	06/20/78	-61.2
CD-77G	118N-52W-26CCCC	07/08/78	-61.1
CD-77G	118N-52W-26CCCC	07/19/78	-61.0
CD-77G	118N-52W-26CCCC	08/16/78	-61.2
CD-77G	118N-52W-26CCCC	09/11/78	-61.2
CD-77G	118N-52W-26CCCC	09/28/78	-61.3
CD-77G	118N-52W-26CCCC	10/16/78	-61.2
CD-77G	118N-52W-26CCCC	11/29/78	-60.9
CD-77G	118N-52W-26CCCC	03/23/79	-60.8
CD-77G	118N-52W-26CCCC	05/02/79	-60.7
CD-77G	118N-52W-26CCCC	05/31/79	-60.7
CD-77G	118N-52W-26CCCC	06/13/79	-60.7
CD-77G	118N-52W-26CCCC	07/02/79	-60.3
CD-77G	118N-52W-26CCCC	07/17/79	-60.4
CD-77G	118N-52W-26CCCC	07/31/79	-60.5
CD-77G	118N-52W-26CCCC	08/14/79	-60.6
CD-77G	118N-52W-26CCCC	09/05/79	-60.2
CD-77G	118N-52W-26CCCC	09/26/79	-60.4
CD-77G	118N-52W-26CCCC	10/25/79	-60.3
CD-77G	118N-52W-26CCCC	01/17/80	-60.0
CD-77G	118N-52W-26CCCC	03/05/80	-60.1
CD-77G	118N-52W-26CCCC	04/17/80	-60.0
CD-77G	118N-52W-26CCCC	05/30/80	-60.3
CD-77G	118N-52W-26CCCC	06/09/80	-60.0
CD-77G	118N-52W-26CCCC	06/23/80	-60.1
CD-77G	118N-52W-26CCCC	07/11/80	-60.2
CD-77G	118N-52W-26CCCC	07/25/80	-60.4
CD-77G	118N-52W-26CCCC	08/07/80	-60.5
CD-77G	118N-52W-26CCCC	08/19/80	-60.8
CD-77G	118N-52W-26CCCC	09/10/80	-61.2
CD-77G	118N-52W-26CCCC	10/30/80	-61.4
CD-77G	118N-52W-26CCCC	12/09/80	-61.2
CD-77G	118N-52W-26CCCC	03/10/81	-61.3
CD-77G	118N-52W-26CCCC	04/15/81	-61.0
CD-77G	118N-52W-26CCCC	05/28/81	-61.0
CD-77G	118N-52W-26CCCC	06/04/81	-61.4
CD-77G	118N-52W-26CCCC	06/08/81	-61.1
CD-77G	118N-52W-26CCCC	06/24/81	-61.3
CD-77G	118N-52W-26CCCC	07/09/81	-61.6
CD-77G	118N-52W-26CCCC	07/22/81	-61.8
CD-77G	118N-52W-26CCCC	08/06/81	-62.2
CD-77G	118N-52W-26CCCC	09/01/81	-63.5
CD-77G	118N-52W-26CCCC	10/20/81	-64.4
CD-77G	118N-52W-26CCCC	12/29/81	-63.9
CD-77G	118N-52W-26CCCC	04/01/82	-62.7
CD-77G	118N-52W-26CCCC	06/09/82	-62.5
CD-77G	118N-52W-26CCCC	07/09/82	-63.0
CD-77G	118N-52W-26CCCC	08/04/82	-65.1
CD-77G	118N-52W-26CCCC	09/02/82	-67.1
CD-77G	118N-52W-26CCCC	10/26/82	-66.4
CD-77G	118N-52W-26CCCC	03/01/83	-63.7

NAME	LOCATION	DATE	FL
CD-776	118N-52W-26CCCC	06/08/83	-63.6
CD-776	118N-52W-26CCCC	07/07/83	-63.8
CD-776	118N-52W-26CCCC	08/02/83	-65.9
CD-776	118N-52W-26CCCC	09/08/83	-68.4
CD-776	118N-52W-26CCCC	10/12/83	-67.9
CD-776	118N-52W-26CCCC	11/09/83	-66.4
CD-776	118N-52W-26CCCC	04/11/84	-63.4
CD-776	118N-52W-26CCCC	05/03/84	-62.9
CD-776	118N-52W-26CCCC	06/27/84	-61.9
CD-776	118N-52W-26CCCC	07/25/84	-62.8
CD-776	118N-52W-26CCCC	07/31/84	-63.4
CD-776	118N-52W-26CCCC	08/22/84	-64.8
CD-776	118N-52W-26CCCC	09/26/84	-65.8
CD-776	118N-52W-26CCCC	05/14/85	-61.3
CD-776	118N-52W-26CCCC	06/11/85	-61.2
CD-776	118N-52W-26CCCC	07/09/85	-62.1
CD-776	118N-52W-26CCCC	08/07/85	-64.3
CD-776	118N-52W-26CCCC	09/11/85	-64.6
CD-776	118N-52W-26CCCC	10/23/85	-63.1
CD-776	118N-52W-26CCCC	03/26/86	-60.6
CD-776	118N-52W-26CCCC	04/09/86	-60.7
CD-776	118N-52W-26CCCC	05/06/86	-60.4
CD-776	118N-52W-26CCCC	05/21/86	-59.9
CD-776	118N-52W-26CCCC	06/03/86	-59.6
CD-776	118N-52W-26CCCC	07/01/86	-59.5
CD-776	118N-52W-26CCCC	07/31/86	-59.6
CD-776	118N-52W-26CCCC	08/05/86	-60.0
CD-776	118N-52W-26CCCC	09/05/86	-59.9
CD-776	118N-52W-26CCCC	10/29/86	-59.5
CD-776	118N-52W-26CCCC	04/09/87	-58.8
CD-776	118N-52W-26CCCC	05/25/87	-59.6
CD-776	118N-52W-26CCCC	06/24/87	-60.6
CD-776	118N-52W-26CCCC	07/23/87	-62.4
CD-776	118N-52W-26CCCC	08/20/87	-64.6
CD-776	118N-52W-26CCCC	11/19/87	-62.5
CD-776	118N-52W-26CCCC	04/12/88	-61.4
CD-776	118N-52W-26CCCC	05/19/88	-61.3
CD-776	118N-52W-26CCCC	06/16/88	-68.8
CD-776	118N-52W-26CCCC	07/12/88	-82.2
CD-776	118N-52W-26CCCC	07/13/88	-82.3
CD-776	118N-52W-26CCCC	07/15/88	-82.8
CD-776	118N-52W-26CCCC	08/25/88	-82.3
CD-776	118N-52W-26CCCC	09/23/88	-81.2
CD-776	118N-52W-26CCCC	02/16/89	-66.2
CD-776	118N-52W-26CCCC	04/13/89	-65.0
CD-776	118N-52W-26CCCC	05/17/89	-64.4
CD-776	118N-52W-26CCCC	05/31/89	-64.4
CD-776	118N-52W-26CCCC	06/27/89	-64.4
CD-776	118N-52W-26CCCC	07/27/89	-80.8
CD-776	118N-52W-26CCCC	08/23/89	-78.3
CD-776	118N-52W-26CCCC	10/05/89	-71.4
CD-776	118N-52W-26CCCC	11/15/89	-68.8

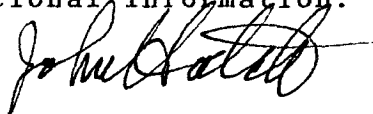
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5376-3, CSS Company

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5376-3, CSS Company, RR 3, Box 138B, Watertown SD.

The Chief Engineer is recommending APPROVAL of Application No. 5376-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well authorized by Permit No. 5376-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:30. 29 *JA*
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
January 29, 1990



Department of Water & Natural Resources

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

January 30, 1990

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

Richard Spevak
CSS Company
RR #3 Box 138B
Watertown, SD 57201

Dear Mr. Spevak:

Water Permit Application No. 5376-3 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 Public Opinion printed at Watertown 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,

A handwritten signature in dark ink, appearing to read "Ron Duvall". The signature is fluid and cursive, with the first name "Ron" being more prominent.

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 30, 1990

Watertown Public Opinion
Box 10
Watertown, SD 57201

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5376-3 to be published twice. Please publish the first notice on or before February 7, 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 CSS Company, RR #3 Box 138B, Watertown, SD 57201.

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 February 7, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5376-3 to Reinstate
Permit No. 5002-3 to Appropriate Water

Notice is given that CSS Company, RR #3 Box 138B, Watertown, SD 57201 has filed an application for a water permit to reinstate Water Permit No. 5002-3 to appropriate 1.2 cubic feet of water per second from one well (Prairie Coteau Aquifer) 150 feet deep to irrigate 156 acres. The well is to be located in the NW1/4 SW1/4 and the acreage to be irrigated in the SW1/4; all in Section 18-T118N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5376-3 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.

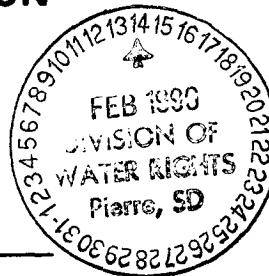
Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 23, 1990. The Chief Engineer's address is "Water Rights Division, 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 Codington) ss.



I, Monica K. Saathoff

certify that the attached printed Notice was taken
 from the Watertown Public Opinion

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

_____ city _____ of Watertown

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

February 3rd, 1990

February 10th, 1990

Monica K. Saathoff
 (Signature)

Bookkeeper

(Title)

February 10th, 1990

(Date Signed)

WATERTOWN

**NOTICE OF HEARING
 ON APPLICATION NO. 5376-3
 TO REINSTATE PERMIT NO.
 5002-3 TO APPROPRIATE
 WATER**

Notice is given that CSS Company, RR #3, Box 138B, Watertown, SD 57201 has filed an application for a water permit to reinstate Water Permit No. 5002-3 to appropriate 1.2 cubic feet of water per second from one well (Prairie Coteau Aquifer) 150 feet deep to irrigate 156 acres. The well is to be located in the NW 1/4 SW 1/4 and the acreage to be irrigated in the SW 1/4; all in Section 18-T118N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5376-3 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 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by 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.

(February 3, 10, 1990)

Cost of Printing: \$80.86

10/12 @ 3.85 x 2 = \$80.86

Watertown, S.D.
Feb. 20, 1990

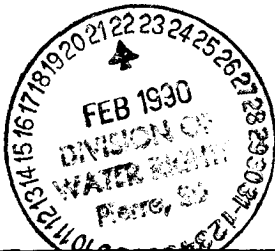
Dept. of Water & Natural Resources
John Hatch - Chief Engineer
Water Rights Division:

Subject: Water permit application in the
Watertown vicinity. Scheduled for hearing on
March 7, 1990 in Rapid City.

I, Nick J. Endres am very opposed
to Reinstate Water Permit No. 5002-3 on
Application No. 5376-3.

First reason I have a pasture in the
NW $\frac{1}{4}$ sec 18-118-52. The only source of
water supply is a spring fed stock dam
I am very concerned this may affect my
water supply; and the second reason as
a township supervisor, I am very opposed
to CSS Company's gross negligence of
their irrigation practices in the SE $\frac{1}{4}$ 18-
118-52, which is in the same section they
are applying for reinstate of permit #
5376-3 permit #5002-3 to appropriate water

I, Nick J. Endres am asking for this
application water permit to be delayed and
brought to the Watertown area.



Sincerely,
Nick J. Endres
RR 1 Box 122
Watertown, S.D. 57201

February 23, 1990
(date)

page 1

Parties of Record before Water Management Board regarding Water Permit
Application No 5376-3, CSS Company

Proponents:

Richard R. Spevak
CSS Company
RR 3, Box 138B
Watertown SD 57201

Opponents:

Nick J. Endres
RR 1, Box 122
Watertown SD 57201



Department of Water & Natural Resources

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

February 26, 1990

NOTICE

TO: Richard R Spevak Nick J Endres
CSS Company RR 1, Box 122
RR 3, Box 138B Watertown SD 57201
Watertown SD 57201

FROM: *William W. Buss*
for John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Automatic Delay of Hearing on Water Permit Application
No. 5376-3

On February 22, 1990 a petition opposing Water Permit Application No. 5376-3 was received from Nick J Endres (copy enclosed). The petition also requested an automatic delay of the hearing. Therefore, the hearing on Application No. 5376-3 is automatically delayed pursuant to SDCL 46-2A-4 and 46-2A-5 and will **NOT** be held on March 7, 1990.

Notice of the time and place of hearing will be given at a later date.

cc: Water Management Board
John Guhin, Assistant Attorney General
John Haak, Assistant Attorney General

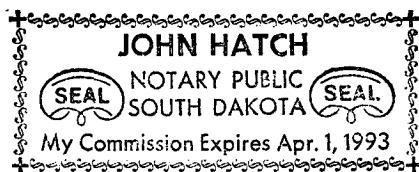
CERTIFICATION

I hereby certify that on February 26, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Hearing on the Automatic Delay of Hearing on Wateer Permit Application No. 5376-3 addressed as stated on the Notice.

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of March, 1990.



John A. [Signature]
Notary Public



Department of Water & Natural Resources

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

March 21, 1990

NOTICE

TO: Richard R Spevak
CSS Company
RR 3, Box 138B
Watertown SD 57201

Nick J Endres
RR 1, Box 122
Watertown SD 57201

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352 *John Hatch*

SUBJECT: Hearing for Water Permit Application No. 5376-3

Application No. 5376-3 was not considered at the March 7, 1990 Water Management Board meeting pursuant to a request for an automatic delay as specified in the Notice dated February 26, 1990.

The Water Management Board will now consider Water Permit Application No. 5376-3 at 10:30 am on May 23, 1990, Pelican Room, Ramkota Inn, Highway 212 West, Watertown SD. The agenda time is an estimate. The actual time of hearing may be later than 10:30 am due to prior agenda items. Applicable provisions of the Notice of Hearing published on February 3 and 10, 1990 in the Watertown Public Opinion will still apply at this hearing.

cc: John Haak, Assistant Attorney General

CERTIFICATION

I hereby certify that on March 21, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Hearing on Water Permit Application No. 5376-3 addressed as stated on the Notice.

Karen Schlaak

KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 26th day of March, 1990.



John Balch
Notary Public



Department of Water & Natural Resources

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

May 31, 1990

NOTICE

TO: Richard R. Spevak
CSS Company
RR 3, Box 138B
Watertown SD 57201

Nick J. Endres
RR 1, Box 122
Watertown SD 57201

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and
Final Decision

The Water Management Board has directed John Guhin, the Board's attorney to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision on approval of Water Permit Application No. 5376-3. The Board will consider the proposed Findings, Conclusions and Final Decision at 1:00 pm, July 25, 1990 in Room 216, Joe Foss Building, Pierre SD. The agenda time is an estimate. The actual time of consideration may be delayed due to prior agenda items.

The Board has requested that a copy of the proposed Findings, Conclusions and Final Decision be mailed to each Board member and Parties of Record (Mr. Spevak and Mr. Endres) by July 5, 1990. Any comments pertaining to the proposed Findings, Conclusions and Decision are to be mailed to each Board member, the Board attorney and all Parties of Record by July 16, 1990.

The public hearing was completed May 23, 1990. No additional testimony will be received on July 25, 1990.

cc: John Guhin, Assistant Attorney General

CERTIFICATION

I hereby certify that on May 31, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice to Prepare Findings of Fact, Conclusions of Law and a Final Decision for Water Permit Application No. 5376-3 addressed as stated on the notice.

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 1st day of June, 1990.



John Hatch
Notary Public

STATE OF SOUTH DAKOTA

WATER MANAGEMENT BOARD

IN THE MATTER OF THE	)	FINDINGS OF FACT,
APPLICATION FOR WATER	)	CONCLUSIONS OF LAW
PERMIT NO. 5376-3, CSS	)	AND
COMPANY	)	FINAL DECISION

FINDINGS OF FACT

I

This is application pursuant to SDCL 46-2A-8.1 to reinstate a water permit. The reinstatement is requested because the construction necessary to put water to beneficial use was not completed pursuant to Water Permit No. 5002-3.

II

This application is for 1.2 cfs of water from one well approximately 150 deep to irrigate 156 acres. The well and the acreage to be irrigated are located in Codington County.

III

The source of water is the Prairie Coteau (PCO), a buried Pliestocene age glacial (sand and gravel) aquifer under artesian conditions. The aquifer underlies 760 square miles in Codington and Grant Counties. The aquifer contains approximately 1.5 million acre feet of water in storage.

IV

Water levels in monitoring wells typically decline as a result of pumping for irrigation, but recover rapidly after pumping ceases. The evidence indicates that recharge to the aquifer is adequate to sustain existing diversions.

V

There is development of irrigation use from wells in the area. The studies of the amount of water in storage, together with the studies of the data developed through the monitoring wells, indicate that no irrigation user would be unlawfully deprived of water by the grant of this permit.

VI

There are also domestic users of water in this area. Certain of these users, through grants received through the South Dakota Board of Water & Natural Resources, now have wells which are "adequate" in that they are drilled into the PCO aquifer. The owner of such a well will be able to draw water from it despite the grant of the permit.

VII

The Board finds that many of the domestic wells in the area do not draw water from the PCO aquifer in that they are quite shallow.

VIII

The Board finds that there may be an additional expense in pumping cost to certain nearby domestic owners and to nearby owners of irrigation pumps who draw water from adequate wells within the PCO aquifer, because the water level of the aquifer is susceptible to decline because of irrigation pumping.

IX

In weighing the benefits to be accrued from this irrigation project against the detriment of an unquantified additional cost for pumping to irrigators and to domestic users, the Board finds that the public interest favors the grant of the irrigation permit. An opposite conclusion could virtually freeze the development of a water source which contains over 1.5 million acre feet of water and which remains in an artesian condition. This is contrary to the public interest, especially in an area which is threatened by serious drought.

CONCLUSIONS OF LAW

I

This Board has jurisdiction of this matter.

II

There is a reasonable probability that there is unappropriated water available for the Applicants' proposed use.

III

The proposed diversion can be developed without unlawful impairment of existing rights.

IV

The proposed use for irrigation is a beneficial use.

V

The proposed use is a beneficial use as qualified in and set out in the Final Decision.

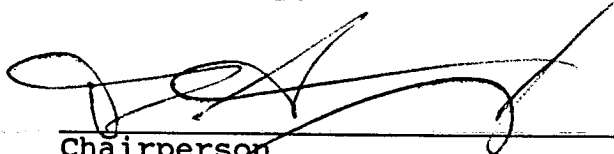
FINAL DECISION

The Application for Water Permit No. 46-2A-2 is granted subject to the following qualifications:

1. The well authorized by Permit No. 5376-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water permits.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Dated this 31st day of July, 1990.

BY THE BOARD:


Chairperson
Water Management Board



Department of Water & Natural Resources

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

August 2, 1990

NOTICE

TO: Richard R. Spevak
CSS Company
RR 3, Box 138B
Watertown SD 57201

Nick J. Endres
RR 1, Box 122
Watertown SD 57201

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

A handwritten signature in cursive script, appearing to read "John Hatch".

SUBJECT: Adoption of Findings of Fact, Conclusions of Law and
Final Decision

This is to notify you that a Final Decision, including Findings of Fact, Conclusions of Law were adopted by the Water Management Board for approval of Water Permit Application No. 5376-3 which was considered at the May 23, 1990 meeting.

A copy of the signed final Decision, Findings and Conclusion is enclosed. South Dakota Statutes provide that the decision of the Board may be appealed to the Courts.

cc: John Haak, Assistant Attorney General

CERTIFICATION

I hereby certify that on August 2, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice on adoption of Findings of Fact, Conclusions of Law and a Final Decision for Water Permit Application No. 5376-3 addressed as stated on the notice.

Karen Schlaak

KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 3rd day of August, 1990.



John Hatch
Notary Public



Department of Water & Natural Resources

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

SEP 17 1990

Richard Spevak
CSS Company
RR #3 Box 138B
Watertown SD 57201

Dear Mr. Spevak:

Enclosed is Water Permit No. 5376-3 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,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Hatch".

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 Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
November 8, 1990

CSS Company
ATTN: Randy Spavak
RR 3 Box 138B
Watertown, SD 57201

Dear Mr. Spavak:

Enclosed is a test hole well log which you requested for a well located in the SW1/4 of Section 18-T118N-R52W. If you have any questions feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark D. Rath". The signature is written in a cursive, flowing style.

Mark D. Rath
Natural Resources Engineer II
Water Rights Division
(605) 773-3352

enclosure

Permit No. 5376-3
Big Sioux River - Water District

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

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

On, **August 14, 1996**, I made a thorough examination of the water use system constructed by **CSS Company** of **3334 9th Ave SW, Watertown, SD** holder of Permit No. **5376-3**, bearing the priority of **December 18, 1989** authorizing the diversion of **1.2** cu. ft. per second of the waters of **ground water - Prairie Coteau** for **irrigation** purposes, in **Codington** County.

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

- A. Works used to divert the water:
A Morrison Brothers submersible pump.
- B. Works used to transport water to place of use:
20 feet of 8 inch of aluminum pipe.
- C. Works used to apply water to beneficial use:
A Lyndsey center pivot

The system is in the following condition **good**. The point of diversion is located **from the SW corner of Sec 18 T118N-R52W: 1650 ft North and 1050 ft East**. The works are capable of diverting and conveying to the place of use **1.11** cu. ft. per second of water which is to be used for **irrigation**. Water has been put to beneficial use to 1.11 the maximum extent as follows:

All land located in Sec 18 T118N-R52W:

NW1/4 SW1/4 - 34 ac

NE1/4 SW1/4 - 22 ac

SE1/4 SW1/4 - 10 ac

SW1/4 SW1/4 - 17 ac

comprising a total of **83** acres of land and the license should be issued for **1.11** cfs.

Applicable permit qualifications have been complied with: **yes**

Exceptions to compliance are: **none**



Mark D. Rath
Natural Resources Engineer

8/28/96

Date

REPORT ON INSPECTION OF PERMIT NO. 5376-3

DATE OF INSPECTION: 8/14/1996

Contact Person & Address: Milt Carter, 3334 9th Ave SW, Watertown, SD

DIVERSION POINT LEGAL LOCATION: From the SW corner of Sec 18 T118N-R52W:
1650 ft North and 1050 ft East

WATER SUPPLY Source: groundwater-Prairie Coteau Aquifer

Well Information:

- | | |
|--|-------------------------------------|
| 1) Well Drilling Firm: <u>LTP Enterprises, Inc</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>166</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|------------------------------|---------------------------|
| 1) Diameter <u>12</u> inches | 2) Length <u>146</u> feet |
| 3) Type <u>steel</u> | |

Screen:

- | | |
|--------------------------------------|--------------------------|
| 1) Type <u>stainless steel</u> | 2) Length <u>20</u> feet |
| 3) Static water level <u>12</u> feet | |

Pump:

- | | |
|---------------------------------|-----------------------------|
| 1) Make <u>Morrion Brothers</u> | 2) Model <u>submersible</u> |
| 3) Size <u>10</u> | 4) Capacity <u>500</u> GPM |

Motor:

- | | |
|----------------------------------|---------------------------------|
| 1) Make <u>?</u> | 2) Model No. <u>submersible</u> |
| 3) Horsepower rating <u>?</u> hp | |

DISTRIBUTION LINES OR CANALS:

- | | | |
|-------------------------|-------------------------|--------------------------|
| 1) Type <u>Aluminum</u> | 2) Size <u>8</u> inches | 3) Length <u>20</u> feet |
|-------------------------|-------------------------|--------------------------|

SYSTEM TYPE:

Center pivot:

- | | |
|------------------------------|------------------------------------|
| 1) Make <u>Linsay</u> | 2) Overall length <u>1000</u> feet |
| 3) Number of towers <u>8</u> | 4) End gun <u>yes</u> |

- 5) High or low pressure high 6) Capacity 500 GPM

CHEMIGATION EQUIPMENT:

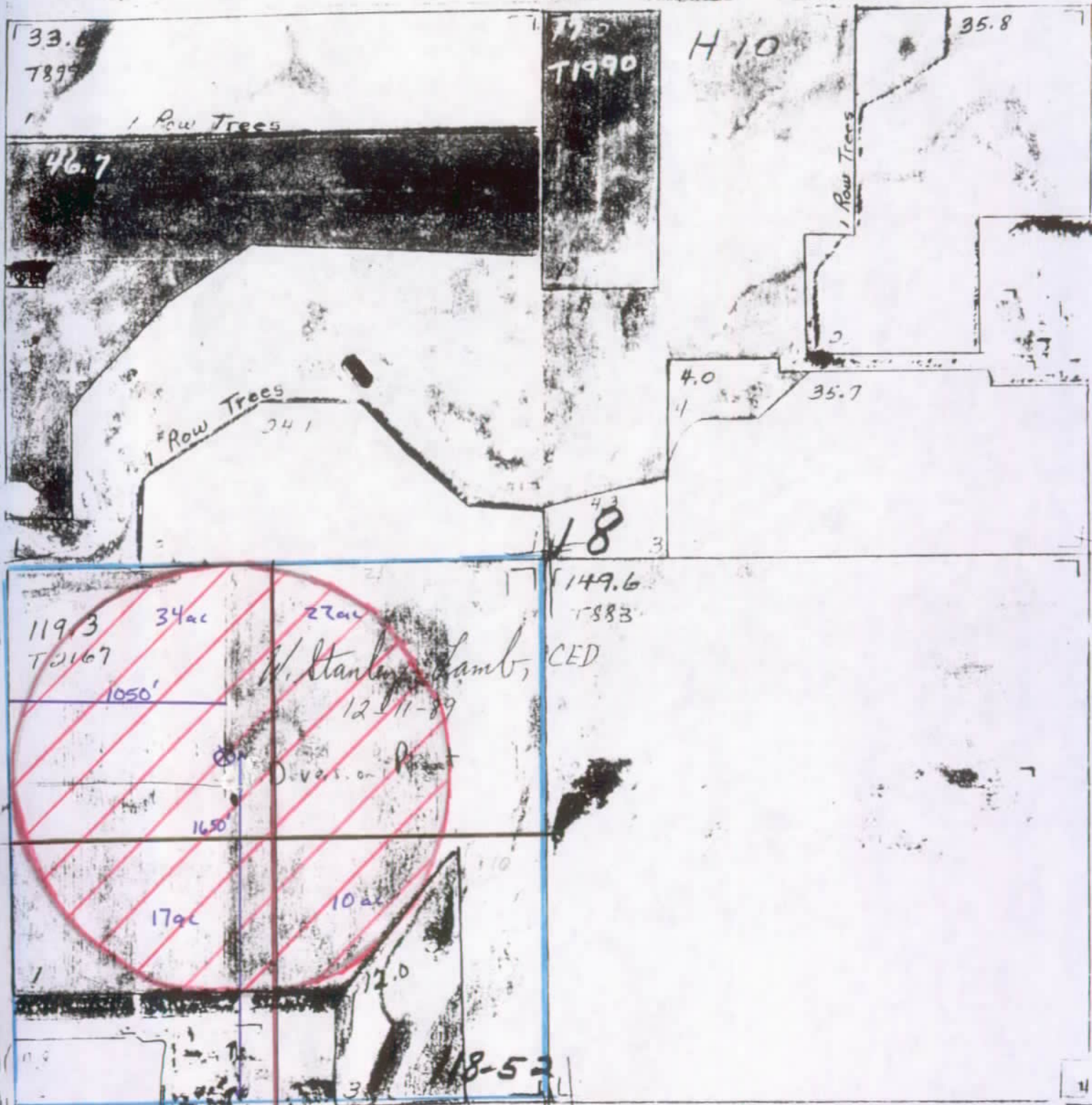
- 1) Does chemigate yes 2) Main line check valve yes
3) Inspection port/air relief yes 4) Low pressure drain yes
5) Discharge is 20' from source yes 6) Interlock type electric
7) Injection pump type piston 8) Injection check valve yes
9) Injection line check valve or positive displacement pump yes
10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules yes
11) Comments : #

PERMIT QUALIFICATIONS AND REGULATIONS:

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

401 112

NOT TO SCALE



Mark D Rath
Natural Resources Engineer
Division of Water Rights
Date 8/26/96

149.9 H 11 5376-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 11, 1996

CSS Farms
Milt Carter
3334 9th Ave SW
Watertown SD 57201

Dear Mr. Carter:

Pursuant to our phone conversation this morning, enclosed are two partially completed *Notice of Transfer of Ownership* forms. The form for Water Permit No. 5378-3 transfers the permit to CSS Farms. The other form will transfer Water Permit No. 5586-3 to Robert Carr. Each form needs to be signed by the owner and notarized. The filing fee for each transfer is \$2.50.

Mark Rath, engineer with this office, completed the inspections of several of CSS Farms water use systems. The final water right document, the Water License, can now be issued for the following permits:

- 5376-3 (SW 1/4 Sec 18-T118N-R52W),
- 5378-3 (N 1/2 SW 1/4 Sec 18-T118N-R52W),
- 5723-3 (E 1/2 NW 1/4, W 1/4 NE 1/4 Sec 10-T122N-R52W)
- 5724-3 (SE 1/4 Sec 3-T122N-R52W)
- 5586-3 (SW 1/4, W 1/2 SE 1/4, SE 1/4 NW 1/4, SW 1/4 NE 1/4 Sec 28-T120N-R51W) will incorporate 5263-3 [listed in the name of Robert Carr] after 5586-3 has been transferred to Robert Carr.

Statutes require a \$50.00 fee for each inspection and issuance of the Water Licenses. The total amount due for the two *Notice of Transfer of Ownership* forms and the five water licenses will be \$255.00. Upon receipt fees and transfer forms, the water licenses will be issued. If you have any questions, please contact me.

Please send fee to:

Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
605 773-3352

enclosures

RECEIPT

Division of Water Rights

415093

South Dakota Department of Environment and Natural Resources

Pierre, September 13, 1996

RECEIVED OF CSS Farms, Inc, 3334 9th Ave SW, Watertown SD 57201

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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>5376-3</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 JOHN HATCH (ks)

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5376-3

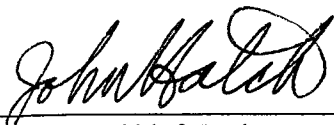
(1) CSS Company, 3334 9th Ave SW, Watertown SD 57201 made Application No. 5376-3, December 18, 1989 for a water permit to divert 1.20 cubic feet of water per second from groundwater (one well), Codington County, South Dakota for irrigation purposes. Permit No. 5376-3, with a priority date of December 18, 1989 was approved May 23, 1990 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 23, 1995 and for the application to beneficial use of said water on or before May 23, 1999.

(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 1.11 cubic feet of water per second for beneficial use. The location of the diversion point is 1,650 feet north and 1,050 feet east from the southwest corner of Section 18-T118N-R52W (NW 1/4 SW 1/4).

(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:

Section 18-T118N-R52W	NW 1/4 SW 1/4	34 acres
	SE 1/4 SW 1/4	10 acres
	NE 1/4 SW 1/4	22 acres
	SW 1/4 SW 1/4	17 acres
Total		83 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 CSS Company, 3334 9th Ave SW, Watertown SD 57201 the holder and/or owner of Water Permit No. 5376-3 is issued a license to appropriate water, the right to use 1.11 cubic feet of water per second from groundwater (one well) with a priority date of December 18, 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. 5376-3 and subject to South Dakota State Law.



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

OCT 17 1996

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 17 1996

CSS Farms
Milt Carter
3334 9th Ave SW
Watertown SD 57201

Dear Mr. Carter:

Enclosed are the Water License Nos. 5376-3, 5378-3, 5723-3, 5724-3 and 5586-3. These are the final documents which complete the process of obtaining a water right.

Water License No. 5378-3 has been transferred to CSS Farms. Water License No. 5586-3 has been transferred to Robert L. Carr. The applicable portions of Water Permit No. 5263-3 have been incorporated into Water License No. 5586-3. The receipts for the water licenses and transfers fees are enclosed.

As long as CSS Farms uses the water beneficially, as stated in the Water Licenses, State Water Laws a continuing right to use the water.

Very truly yours,

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

ks

enclosures



5376-3

February 4, 1997

NOTICE**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

TO: CSS FARMS, MILT CARTER, 3334 9TH AVE SW, WATERTOWN, SD 57201

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

SUBJECT: Violation of Water Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3, 2120-3, 3672-3, 4041-3 & 4181-3 and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3, 2120-3, 3672-3, 4041-3 & 4181-3. The request for the Questionnaires was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 2120-3, 3672-3, 4041-3 & 4181-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2120-3, 3672-3, 4041-3 & 4181-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: MILT CARTER
CSS FARMS
3334 9TH AVE SW
WATERTOWN SD 57201

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

RE: Failure to Report Chemical Use under Water Permit No(s) 2120-3; 3229-3; 3672-3; 3782-3; 4041-3; 4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-3; 5379-3; 5586-3; 5723-3 & 5724-3

The first notice to file chemigation report(s) for Permit No(s) 2120-3; 3229-3; 3672-3; 3782-3; 4041-3; 4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-3; 5379-3; 5586-3; 5723-3 & 5724-3 was dated 10/24/96. Our records indicate that we have not received the 1996 chemigation report for any of the above listed permits. The Water Management Board has directed that owners of water permits who have not submitted the 1996 chemigation report(s) be given notice of violation and hearing before the board. The hearing held by the board is to determine what action is to be taken concerning violation of Administrative Rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical applied.

The hearing will be held at 2:30 PM on March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to chapter 1-26. According to SDCL 46-1-12, the board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 2120-3; 3229-3; 3672-3; 3782-3; 4041-3; 4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-3; 5379-3; 5586-3; 5723-3 & 5724-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the chemigation report(s) is(are) received by this office on/or before February 28, 1997 your name will be deleted from the board agenda.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 1997

Milt Carter
CSS Farms
3334 9th Ave SW
Watertown, SD 57201

Dear Mr. Carter:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires and chemical reporting forms. You may disregard the February 4, 1997, **Notices of Violation**.

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

Thank you and if you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 8, 1998

5376-3

Don Endres
919 Christine Ave
Brookings, SD 57006

Dear Mr. Endres:

Thank you for getting in touch with me regarding the irrigation questionnaire and chemigation report for Water Right No. 5376-3. I completed the forms for you based on our telephone conversation.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with Water Right No. 5376-3. Please review the form and complete as needed. Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50.

I am including a copy of the water right in the event you do not have one. You may keep it for your records. 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

encl

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 5376-3

Date: 3/22/99

I/We request that Water Right No. **5376-3**

formerly owned by: CSS Company, 3334 9th Ave SW, Watertown, SD 57201

be transferred to: (name & address) DONALD L. ENDRES, 919 CHRISTINE AVENUE,
BROOKINGS, SD 57006 Telephone No. 605-696-7201

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

83 acres - SW 1/4 Section 18, T118N, R52W

I/We understand that the validity of Water Right No. **5376-3** 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.

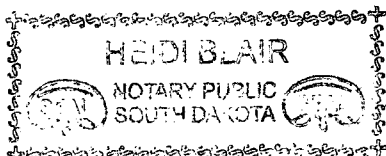
STATE OF SOUTH DAKOTA)

County of Brookings)

I/We Don Endres 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.

[Signature]
(Signed)

Subscribed and sworn to before me this 22nd day of March, 19 99.



Heidi Blair
(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

N^o 416076

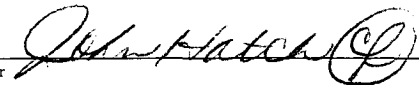
Pierre, _____ March 24, 1999

RECEIVED OF Donald L. Endres, 919 Christine Ave., Brookings, S.D. 57006
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 5376-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By _____
Chief Engineer





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 24, 1999

5376-3

Donald L. Endres
919 Christine Ave
Brookings, SD 57006

Dear Mr. Endres:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and the filing fee you submitted for Water Right No. 5376-3. The transfer has been completed and the water right is now listed in your name.

Thank you for completing the transfer of ownership. Enclosed is a copy of the form you filed and your Receipt No. 416076 in the amount of \$2.50. You may keep both for your records.

If you have any questions, please let me know.

Sincerely,

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

encl



5376-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: TERRY J ENDRES, OPERATOR, 17214 460TH AVE, WATERTOWN, SD 57201
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaires

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

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

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

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

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

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 2010

Terry J Endres
17214 460th Ave
Watertown SD 57201

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

Dear Endres:

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

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

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

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

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