

Considered: _____

WATER PERMIT NO. 5617-3

Phone: 714-685-3790

Name of Applicant: Melvin Buss^u/LeRoy Buss^u

Post Office Address: 7165 Peralta Pl., Riverside CA 92509

Amount of Water Claimed: 2.0 Total Acres: 140

Source of Water Supply: groundwater

Water to be used for: irrigation County: Turner

About 1/2 miles South of Davis

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 12-23-92 Fee: \$250 Remarks _____

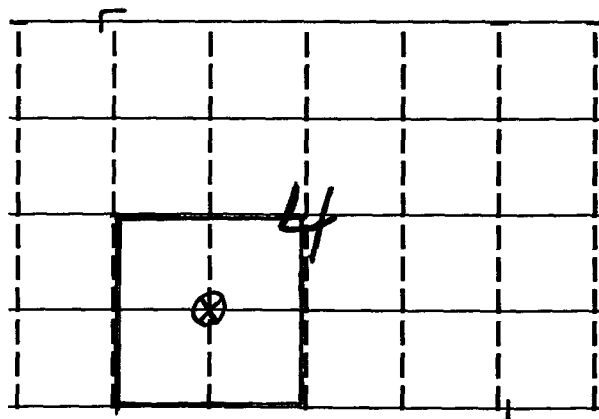
Corrected Application Received _____ Period of Annual Use April 1 - Sept 30

WATER QUALITY APPROVAL RECEIVED 2/4/92 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: center SW 1/4 Sec 4-T97N-R52W

Land to be Irrigated: SW 1/4 Sec 4-T97N-R52W



Well Log: Driller: Reiners Well Drilling Licensed YES X NO _____

Depth of Well: 70' REMARKS _____

Type of Map: aerial PREPARED BY: Lorin Froehlick, ASCS Reviewed and the Number

Assigned on 2-3-92 By Karen Schlaak

(See instructions)

No. 5617-3 Hydrologic Unit 10170102
Basin Vermillion River
Newspaper Hurley Leader, Box 218 57036
(Wed)

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

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

- Name of Applicant Melvin Buus + LeRoy Buus Phone No. 1-714-685-3790
- Post Office Address 7165 Peralta Pl. Riverside Calif. 92509
(Street, R.R. or Box) (City) Zip Code
- Amount of water claimed (c.f.s.) 2 CFS Total acres irrigated 140
- Source of Water supply Ground water - well
- Location of point of diversion The center of the SW 1/4 of 4-97-52
Turner Township - Turner County South Dakota
County Turner
- Counties where water will be used Turner
- Annual period during which water is to be used April 1 through Sept. 30
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
<u>SW 1/4 of SW 1/4 of 4-97-52</u>	<u>35</u>
<u>SE 1/4 of SW 1/4 of 4-97-52</u>	<u>35</u>
<u>NE 1/4 of SW 1/4 of 4-97-52</u>	<u>35</u>
<u>NW 1/4 of SW 1/4 of 4-97-52</u>	<u>35</u>

Attach sheet if more space is needed

Land Description	No. Acres Irr.

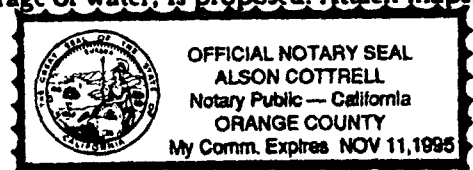
- Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: ☒ Gun: _____ Other: _____ (Specify) _____
- Crops to be Irrigated: Corn, Soybeans, Wheat, alfalfa
- Give a description of proposed project. (Attach sheet if more space is needed)

See Form 2A



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 Calif.
County of SS



Melvin Buus + LeRoy Buus, 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.

X Signed Melvin Buus LeRoy Buus

Subscribed and sworn to before me this 18th day of December 1991

Notary Public

OVER

Application Submitted by

David Smit

R.R. 1 Box 87

Davis So. Dak. 57021

Phone No. 238-5450



**SOUTH DAKOTA
WATER PERMIT No. 5617-3 FOR IRRIGATION**

Date of first receipt of application December 23, 1991.

Date Soil/Water Compatibility Permit received February 4, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5617-3 to Melvin Buus and LeRoy Buus, 7165 Peralta Place, Riverside CA 92509 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. 5617-3 appropriates 2.0 cubic feet of water per second from one well (Parker Centerville Aquifer) 70 feet deep located in the center of the SW 1/4 Section 4 to irrigate 140 acres located in the SW 1/4 Section 4; all in T97N-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 - September 30.
3. The date from which applicant may claim right is December 23, 1991.
4. The date of approval of Permit No. 5617-3 is March 17, 1992.
5. One-fifth of the construction is to be completed on or before September 17, 1994.
6. All construction is to be completed on or before March 17, 1997.
7. Water is to be put to beneficial use on or before March 17, 2001.
8. 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 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 well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

MAR 17 1992

date

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 30" Depth 70'
- b) Casing Type Plastic Diameter 16" Thickness $\frac{1}{2}"$
- c) Screen Type Plastic Diameter 16" Thickness $\frac{1}{2}"$
- d) Gravel Pack Thickness 7" Length of Gravel Pack 30'
- e) Depth to Top of Water Bearing Material 5'
- f) Depth to Water (ground surface to water level) 9'
- g) Distance to nearest existing domestic well:
On applicants property None On property owned by others $\frac{3}{4}$ Mile

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 _____

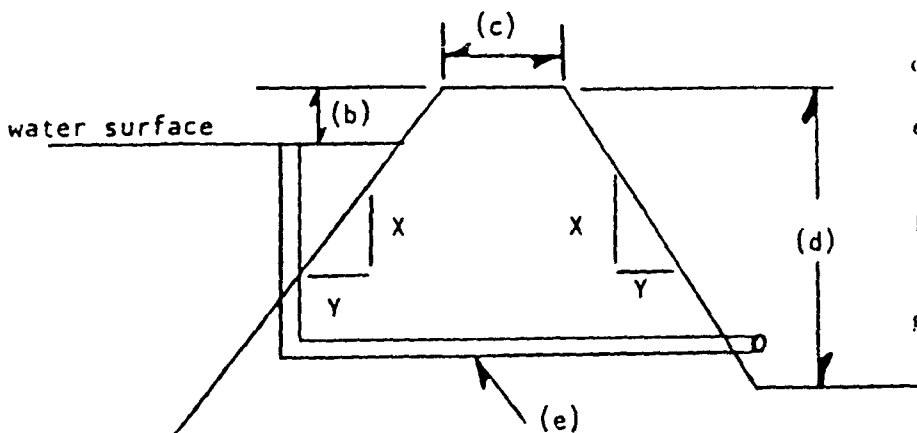
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

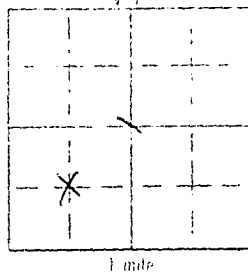
Drainage area above dam _____



X Melvin Bawa
Signature of Applicant

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Center
Location of SW Sec. 4 Twp. 97N R. 52WCounty
TurnerPlease mark well
location with
an "X"

Well Completion Date 4-29-92

PROPOSED USE

☐ Domestic ☐ Municipal ☐ Test Point
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling

Bucket Auger

CASING DATA

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER

Sch 40 LB/FT 16 IN 0 FT 41 FT 30 IN

LB/FT IN FT FT IN

LB/FT IN FT FT IN

LB/FT IN FT FT IN

GROUT:

Was the well grouted? ☒ YES ☐ NO

To what depth? 8 FEET

What is grouting material? Concrete

If cement, number of sacks? 3500 lb

Describe grouting procedure per variance attached

What was grout weight? _____ LB/GAL

SCREEN ☐ Perforated pipe ☒ Manufactured

Diameter 16 IN Length 20 FEET

Material PVC

Slot Size 85 Set from 41 Feet To 61 Feet

Slot Size _____ Set from _____ Feet To _____ Feet

Slot Size _____ Set from _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NO

Explain in gravel pack

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner

Name Melvin Buus

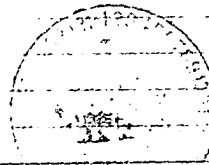
Address 7165 Peralta Pl. Riverside, Calif.

Well No. _____

Depth _____

Formation

Formation	Top	To
top soil	0	2
yellow gravelly clay	2	4
yellow gravel	4	14
grey gravel w/ trace clay	14	30
yellow sand + gravel	30	43
grey gravel w/ trace clay	43	52 1/2
grey clay	52 1/2	55 1/2
grey sand + gravel	55 1/2	61
dirty gravel + grey clay	61	62



STATIC WATER LEVEL 7 Feet

It flowing closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA

☐ Pumped☐ Bailed

Describe None

☐ Other

Pumping Level Below Land Surface

_____ ft After _____ Hrs pumped _____ GPM

_____ ft After _____ Hrs pumped _____ GPM

_____ ft After _____ Hrs pumped _____ GPM

REMARKS

This well was drilled under license # 270

And this report is true and accurate

Drilling firm Alton Wells & Concrete Co Inc

Signature of License Representative

Danny Vonder Bruck

Signature of Well Owner

Date 5/28/92

6-24-92

STATE OF SOUTH DAKOTA

MICROFILM CERTIFICATE OF AUTHENTICITY

THIS IS TO CERTIFY THAT THE MICROGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SECTION 1-27-4 OF THE SOUTH DAKOTA CODIFIED LAWS. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF ADMINISTRATIVE RULES OF SOUTH DAKOTA 10-04.01 AND 10-04.02 FOR MICROGRAPHIC REPRODUCTIONS.

PROJECT RATED

RAT. NUMBER

DATE MICROFILMED

CAMERA OPERATOR SIGNATURE

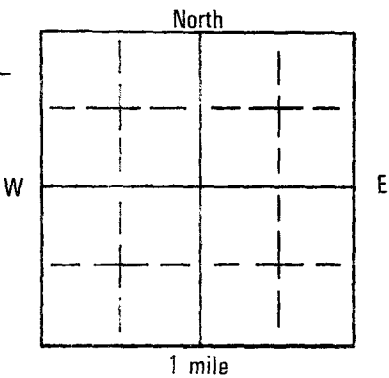
SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location 1/4 SW 1/4 Sec 4 Twp 97 Rg 52

County Turner

Please mark well location with an "X"



Well Completion Date 1992

PROPOSED USE:

- ☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

4" auger

CASING DATA:

- ☐ Steel ☐ Plastic ☐ Other

If other describe Test hole (not cased)

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☐ YES ☐ NO

To what depth? _____ FEET

What is grouting material? _____

If cement, number of sacks? _____

Describe grouting procedure _____

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☐ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☐ NO

Laboratory sent to _____

Well Owner:

Name Melvin Buus

Address _____

Well Log: _____ Depth _____

Formation _____ From _____ To _____

Topsoil 0 5'

clay 5' 12'

Water bearing sand 12' 65'

blue clay 65' 70'

STATIC WATER LEVEL 9 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped

☐ Bailed

☐ Other

Describe: Sand point used

pumped 2 hrs at

25 gpm

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:



This well was drilled under license # 478

And this report is true and accurate.

Drilling firm Reiners Well Drilling

Signature of License Representative: _____

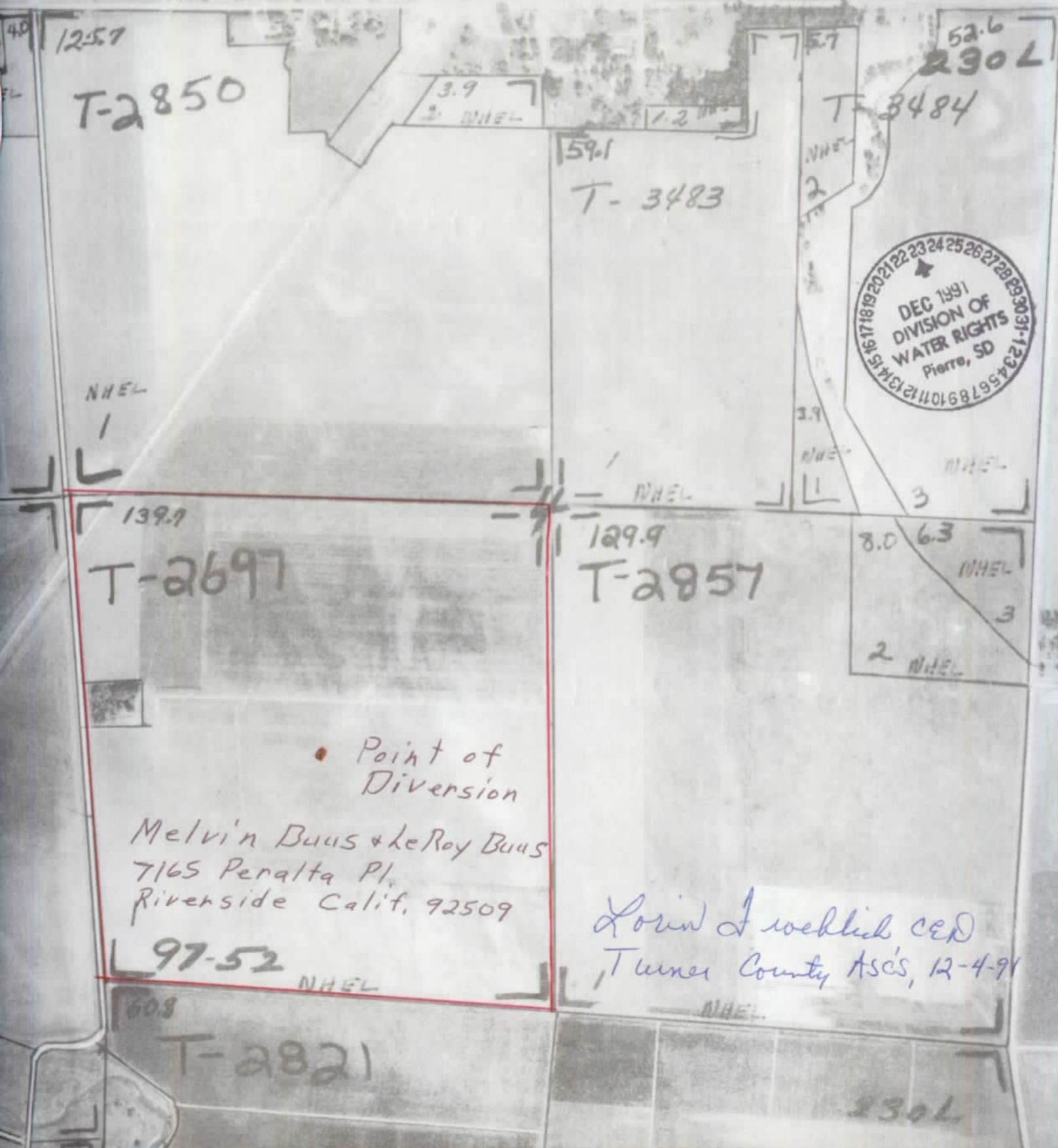
Jon Reiners

Signature of Well Owner: _____

Melvin Buus

Date _____

NOT TO SCALE



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412971

Pierre, December 23, 19 91

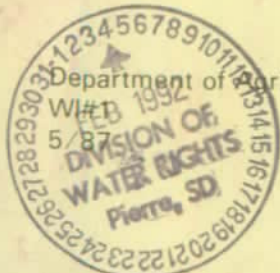
RECEIVED OF Melvin Buis, 7165 Peralta Place, Riverside CA 92509

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

Fee for Application for Permit No. <u>5617-3</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 John Hatch
Chief Engineer

1/ks



5617-3

SOIL/WATER COMPATIBILITY PERMIT

Division of Conservation

Office Use Only

4670

WR#

OWNERS NAME: BUUS, MELVIN & LeROYOWNERS ADDRESS: 7165 PERALTA PL
RIVERSIDE, CA 92509COUNTY LAND LOCATED IN: TURNER PHONE: 714-685-3790

LEGAL DESCRIPTION:

1. LOCATION The center of the SW $\frac{1}{4}$ 4-T97N-R52W (Turner Township - Turner County)☒ Well☐ Surface

Depth: _____

Legal Description	Acres	Legal Description	Acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 4-T97N-R52W	35		
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 4-T97N-R52W	35		
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 4-T97N-R52W	35		
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 4-T97N-R52W	35		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: XX GUN: _____ OTHER: _____ (Specify) _____3. CROPS TO BE IRRIGATED: CORN, SOYBEANS, WHEAT, ALFALFA

WATER QUALITY:

4. WATER SAMPLE NUMBER: 91-05767. ADJUSTED (SAR): 0.435. SALINITY (EC X 10⁶): 7508. PERCENT SODIUM: 4.326. SODIUM (SAR): 0.18

Requirements:

The areas mapped as Glamo silty clay (Cd) and Roxbury Variant silt loam (Rv) are subject to a seasonal water table, which may become parched under irrigation. On the long term, supplemental drainage may be required; i.e., tile drainage. Artificial drainage shall be installed, as deemed necessary.

Please be advised, we do not consider the Wetland regulations when developing our recommendations. Before undertaking any drainage project, contact your local Soil Conservation Service (SCS), or Agricultural Stabilization and Conservation Service (ASCS) offices.

Director, Division of Conservation

JANUARY 28, 1992

Date

XXX

APPROVED

DISAPPROVED

WAIVER

XXX

REQUIREMENTS

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 1992

MEMO TO: SENATOR ROBERTA RASMUSSEN

FROM: JOHN HATCH, CHIEF ENGINEER
Water Rights Division

RE: David Smit's Questions Regarding Processing of Water Permit
Application No. 5617-3, Melvin and LeRoy Buus

This memo is a follow-up to our conversation last Friday regarding the processing of a water permit application for Melvin and LeRoy Buus. The tenant of this property, David Smit, had talked to you about the time it takes to process an application.

Water Permit Application No. 5617-3 (applicant was Melvin and LeRoy Buus) was received by the Water Rights Division on December 23, 1991 and a copy was immediately sent over to the Department of Agriculture for the necessary Soil/Water Compatibility Permit (S/W Permit). A Soil/Water Compatibility Permit must be obtained prior to the processing of the application to appropriate water.

Mr. Smit called us on January 27, 1992 to ask the status of the application. We called the Department of Agriculture to ask the status of the S/W Permit and were told that the necessary water analysis had not yet been submitted. Mr. Smit stated that it had been submitted long ago and upon further discussion it was discovered that the application was submitted in the Buus's name. The water analysis in Mr. Smit's name had been received by the Department of Agriculture on December 19, 1991. The Department of Agriculture was not aware that the Smit water analysis was for the Buus application. The delay of more than a month was due to the fact that two different names were on the application and water sample analysis.

The Department of Agriculture gave this office verbal approval of the S/W Permit on February 3, 1992 and the application was immediately sent to a staff engineer for a report. Currently, there are ten groundwater applications from rural water systems, cities, and people that want to irrigate waiting for reports to be prepared that are ahead of this application. These other applicants also want their applications advertised as soon as we can.

I understand that Mr. Smit wants to develop his irrigation project this spring. This may still be possible if no opposition is received to this application. We can issue unopposed applications without a hearing by the Board. If the application is opposed, then it will have to be scheduled for a formal hearing before the Water Management Board at their May 6 and 7, 1992 meeting.

Due to the number of existing water permits near Mr. Smit, we will not know if we can recommend approval until the water availability analysis for this application is completed. Without the delay caused by the two different names, and with a favorable recommendation, the application would have been advertised by January 15, 1992.

Please let me know if I can answer other questions.

REPORT ON APPLICATION NO. 5617-3
for Melvin Buus and LeRoy Buus
February 10, 1992

Application No. 5617-3 proposes to appropriate 2.0 cfs from one well approximately 65 feet deep located in the center of the SW 1/4 of section 4 to irrigate 140 acres located in the SW 1/4 of section 4; all in T97N R52W in Turner County.

AQUIFER - PARKER CENTERVILLE (PAC)

The Parker Centerville is a glacial outwash (sand and gravel) under predominantly unconfined (water table) conditions. The SDGS reported the aquifer underlies 38,300 acres and contains an estimated 114,900 acre feet of recoverable water in storage in Turner County (Hedges, 1982). The USGS reported the Parker Centerville to underlie 74 square miles and contain 322,000 acre feet of water in storage (Hansen, 1990). The difference in these estimates can be attributed to better geologic mapping of the aquifer, the fact that the SDGS estimates do not include Vermillion East and West Fork management units and that the USGS estimates total water in storage as opposed to the total recoverable water in storage in the Hedges report.

In general ground water movement in the Parker Centerville is from north to south and towards the Vermillion River which acts as a discharge zone for ground water. Locally this will create an east to west or west to east direction of movement. Also in the northern portion of the Parker Centerville aquifer the underlying Upper Vermillion Missouri aquifer appears to be in hydraulic connection. This is mentioned in the USGS ground water study and is confirmed by test drilling in this area.

The Division of Water Rights monitors one observation well TU-80G (hydrograph included with this report) which is completed into the Parker Centerville aquifer and is located within 1/2 mile of the proposed diversion for this application. Water levels for this well show good response to climatic conditions, that is, rising during wet years (recharge) and gradually declining during dry years (discharge). The Division of Water Rights monitors 21 observation wells in Turner County completed into the Parker Centerville aquifer. All these wells show similar responses to climatic conditions. The water level record indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 1992).

Recharge occurs through direct infiltration of rainfall and snowmelt into the aquifer, runoff from surrounding upland areas, potential contributions from underlying and adjacent aquifers, glacial till and the Vermillion River. Recharge to the Parker Centerville aquifer has been estimated to be approximately 4.9 inches per year (Hedges, 1983). This equates to approximately 15,640 acre feet per year. This was calculated using the SDGS approximations for the aquifer area. The reported water use for the Parker Centerville aquifer is shown by the following table.

YEAR	PERMITS	WATER USE
1990	103	11,851 ACRE FEET
1989	103	13,703 ACRE FEET
1988	102	13,174 ACRE FEET
1987	105	8,522 ACRE FEET
1986	106	6,037 ACRE FEET

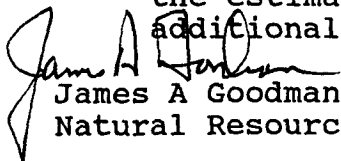
Based upon the reported water use, water is available from the aquifer. The reported use is for irrigation only. There is some municipal and domestic use from the aquifer, however, this is minor in comparison with the total irrigation use from the aquifer.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing Water Right No. 969-3 which is located within 1/2 mile of this proposed diversion. Interference is not expected to be a concern. Pumping from an aquifer like the Parker Centerville does not create significant drawdown very far from individual production wells.

CONCLUSIONS

1. Water is available from the Parker Centerville aquifer.
2. Interference is not expected to be a problem. Drawdown does not extend very far from an individual production well. The aquifer is under water table conditions and is a prolific water supply.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. Water use from the Parker Centerville aquifer is close to the estimated average annual recharge to the aquifer. In some years the estimated recharge rate may be exceeded. At this time additional water can be appropriated from the aquifer.

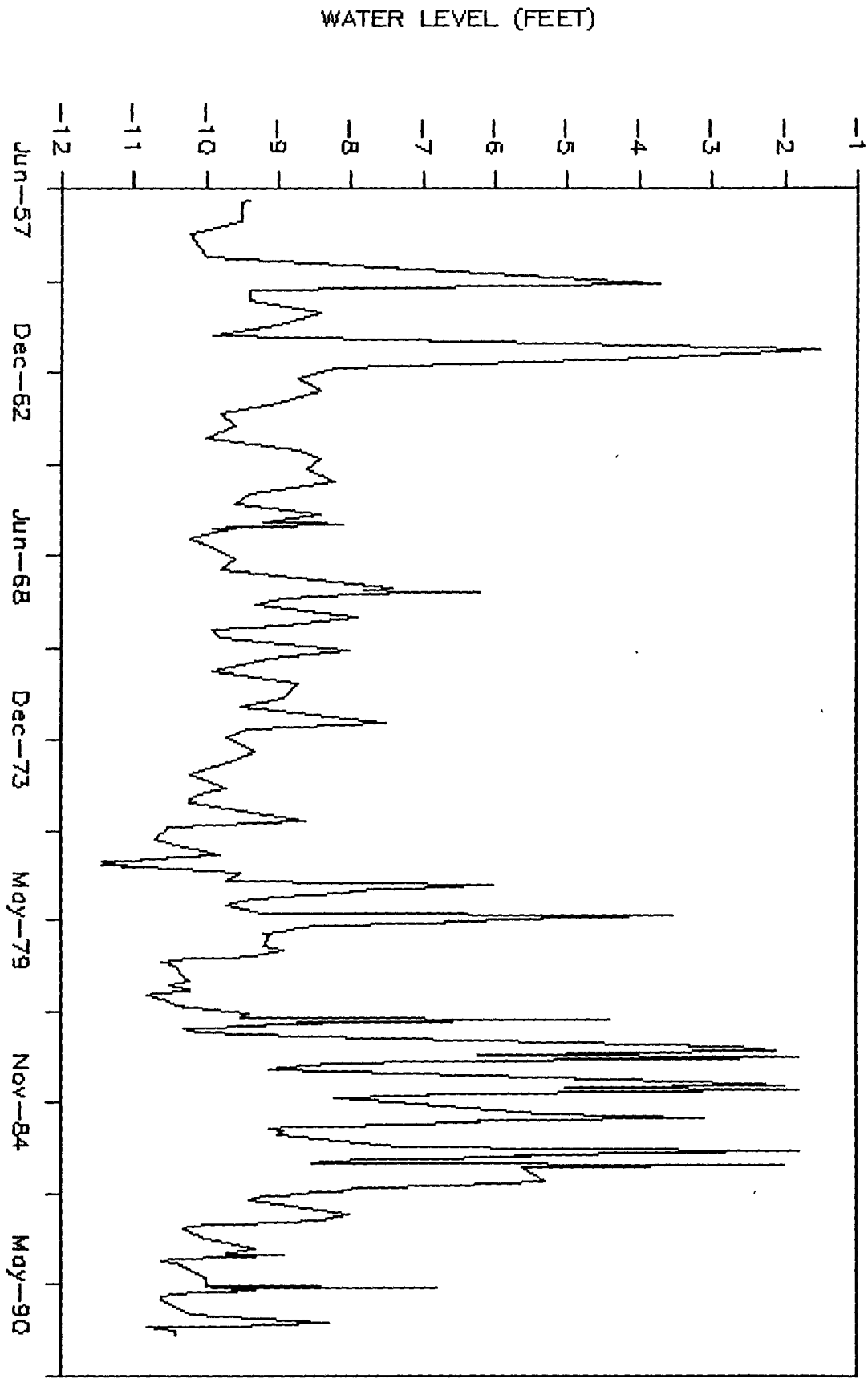

James A Goodman
Natural Resources Engineer

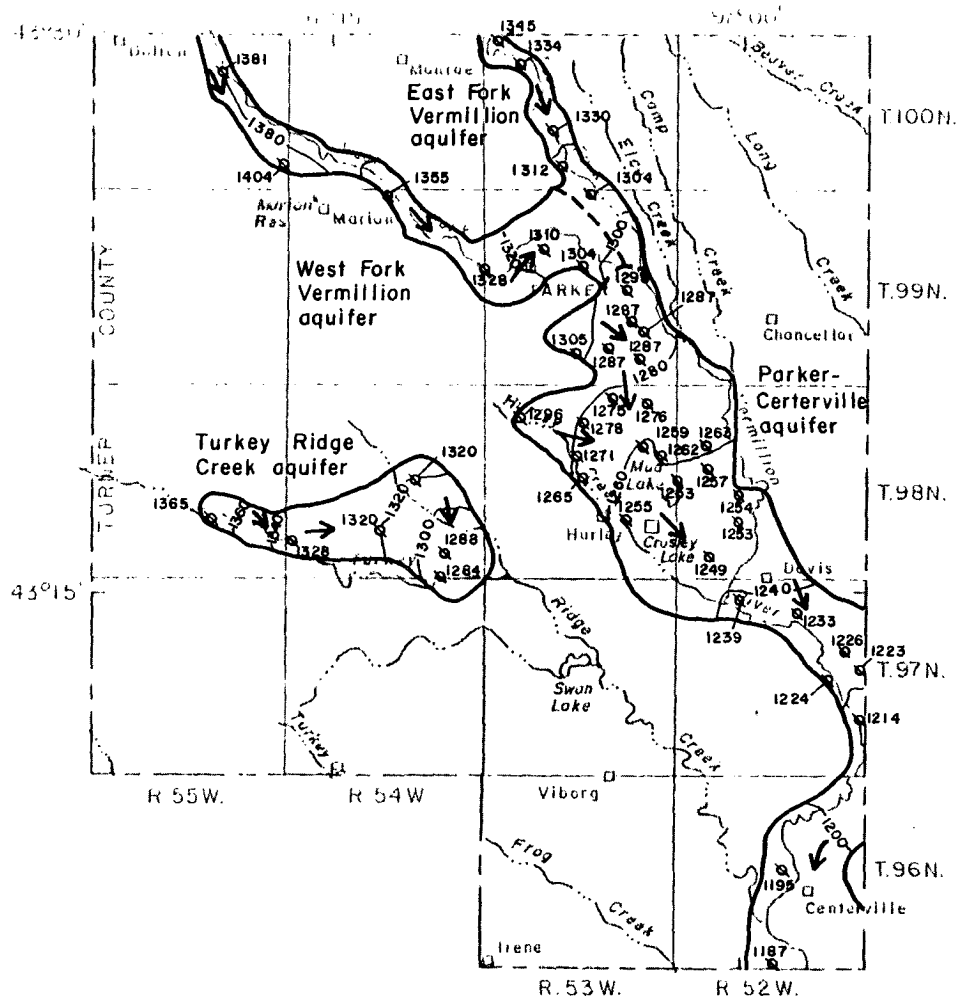
BIBLIOGRAPHY

- Hansen, D.S., 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, USGS WRI 90-4093, USGS, Huron, SD, 57350.
- Hedges, L.S., 1982, Evaluation of Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Hedges, L.S., 1983, Task 7, Ground Water Recharge, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 1992, Observation Well Records for Parker Centerville Aquifer in Turner County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

TU-806





EXPLANATION

- 
OBSERVATION WELL--Number is altitude of water surface, in feet. Datum is sea level
- 1300--** **POTENTIOMETRIC CONTOUR**--Shows altitude at which water level would have stood in tightly cased wells. Dashed where approximately located. Contour interval, 20 feet
- **AQUIFER BOUNDARY**--Dashed where approximately located
-  **DIRECTION OF GROUND-WATER MOVEMENT**

Figure 15.--Potentiometric surface of the Parker-Centerville, West Fork Vermillion, East Fork Vermillion, and Turkey Ridge Creek aquifers in Turner County (November 1986).

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5617-3, Melvin and LeRoy Buus

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5617-3, Melvin and LeRoy Buus, 7165 Peralta Pl, Riverside, CA 92509.

The Chief Engineer is recommending APPROVAL of Application No. 5617-3 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 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 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 report on application for additional information.



JOHN HATCH, Chief Engineer
February 11, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

February 12, 1992

Melvin Buus/LeRoy Buus
7165 Peralta Pl
Riverside, CA 92509

Gentlemen:

Water Permit Application No. 5617-3 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 Hurley Leader printed at Hurley, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are 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. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

cc: David Smit, RR 1 Box 87, Davis, SD 57021

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 1992

Hurley Leader
Box 218
Hurley, SD 57036

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5617-3 to be published twice. Please publish the first notice on February 19, 1992, 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 Melvin Buus/LeRoy Buus, 7165 Peralta Pl, Riverside, CA 92509.

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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
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 February 19, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5617-3 to Appropriate Water

Notice is given that Melvin Buus/LeRoy Buus, 7165 Peralta Pl, Riverside, CA 92509 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well (Parker Centerville Aquifer) 70 feet deep located in the center of the SW 1/4 Section 4 to irrigate 140 acres located in the SW 1/4 Section 4; all in T97N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5617-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 9, 1992. 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 the petitioner's legal counsel, if legal counsel is obtained.

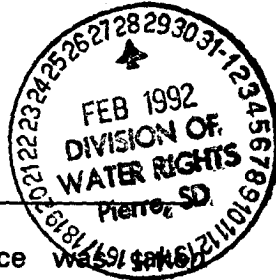
For purposes of publishing 1) the notice of hearing on Application No. 5617-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for March 17, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the March 17, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The March 17, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by March 9, 1992.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Turner) ss.



I, James E. Wipf
certify that the attached printed Notice was published
from the Hurley Leader

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

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

2/20/92
2/27/92

James E. Wipf
(Signature)
publisher/owner
(Title)
2/27/92
(Date Signed)

Cost of Printing: Total = \$76.61

Subscribed and sworn to me This 27th
day of February, 1992

Joyce E. Wipf, Notary Public
My Commission Expires 2-4-95

NOTICE OF HEARING ON APPLICATION NO. 5617-3 TO APPROPRIATE WATER

Notice is given that
Melvin Buus/LeRoy Buus,
7165 Peralta Pl., Riverside,
CA 92509 has filed an
application for a water permit
to appropriate 2.0 cubic feet of
water per second from one
well (Parker Centerville
Aquifer) 70 feet deep located in
the center of the SW 1/4
Section 4 to irrigate 140 acres
located in the SW 1/4 Section
4; all in T97N-R52W.

on back

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5617-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605/773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 9, 1992. 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 the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5617-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for March 17, 1992, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the March 17, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The March 17, 1992, hearing date will be automatically delayed at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by March 9, 1992.

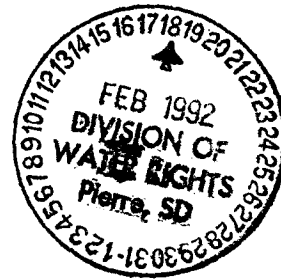
If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve; 2) approve with qualifications; 3) defer; or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-6-11, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ASD 74:02:01:01 thru 74:02:01:15.

Publish: In the Hurley Leader February 20 & 27, 1992.

12 FEB 1992

TO: WATER RIGHTS DIVISION
523 E. CAPITOL
PIERRE, SD 57501
(ATTN) JOHN HATCH



FROM: MELVIN L. BOOS
7165 PERALTA PL
RIVERSIDE, CA 92509

SUBJ: REQUEST FOR APPROVAL OF TEST WELL AT THE
CENTER OF THE SW 1/4 OF 4-97-52 TURNER
TOWNSHIP TURNER COUNTY SOUTH DAKOTA.

WE (CLEROY & MELVIN BOOS) CURRENTLY HAVE AN
APPLICATION FOR WATER RIGHTS WORKING ITS WAY
THROUGH FOR APPROVAL. THERE WAS SOME DELAY IN
BROOKINGS AS THE REPORT ON OUR WATER AND SOIL
STUDY WAS MISPLACED AND NOT FORWARDED TO YOUR
OFFICE ON SCHEDULE. THAT HAS CAUSED US SOME
CONCERN ABOUT MAINTAINING ALL OUR SCHEDULES
AND DATES FOR DRILLING, PURCHASING EQUIPMENT,
INSTALLATION ETC. TO ASSIST IN TRYING TO MEET
EVERYONES SCHEDULE WE ARE REQUESTING APPROVAL
FOR A TEST WELL. TIME HAS BECOME VERY IMPORTANT
ON THIS PROJECT. I WOULD APPRECIATE A REPLY AT
YOUR EARLIEST OPPORTUNITY.

Melvin L Boos



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 19, 1992

Melvin L. Buus
7165 Peralta Pl.
Riverside, CA 92509

Dear Mr. Buus:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, this is authorization to construct a test well at the center of the SW 1/4 Sec.4, T97N-R52W, prior to approval of a water permit. The test well must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Very truly yours,

JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 17 1992

Melvin and LeRoy Buus
7165 Peralta Place
Riverside, CA 92509

Dear Sirs:

Enclosed is Water Permit No. 5617-3 authorizing construction of your water diversion system and beneficial use of the water, 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.

cc: David Smit, RR 1 Box 87, Davis, SD 57021

REPORT ON INSPECTION OF PERMIT NO. 5617-3

Other permit(s) associated with the project: None

DATE OF INSPECTION: July 15, 1996

NAME OF INSPECTION CONTACT: David Smit, operator.

NAME & ADDRESS OF PERMIT HOLDER: Melvin & Leroy Buus, 7165 Peralta Place, Riverside, CA 92509

DIVERSION POINT LEGAL LOCATION: Approximately 1250 feet N and 1250 feet E from the SW corner of Section 4; T097N R52W (center of the SW1/4).

WELL INFORMATION:

- 1) Well Drilling Firm: Alton Well & Concrete
- 2) No. of Wells 1
- 3) Depth(s) 62 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 16 inches
- 2) Length 42 feet
- 3) Type PVC

Screen:

- 1) Type PVC
- 2) Length 20 feet
- 3) Static water level 7 feet

Motor:

- 1) Make US Electrical
- 2) Model No. 2
- 3) Horsepower rating 50 HP

Pump:

- 1) Make Western Land Roller
- 2) Size 8 inches
- 3) Capacity 750 GPM

SYSTEM TYPE:

Center pivot:

- 1) Make Valley
- 2) Overall length 1120 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) High or low pressure Low
- 6) Capacity 750 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

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

COMMENTS:

The quarter that this center pivot sets on has only 140 acres in the entire quarter. Therefore, the pivot is shorter than the standard quarter sized center pivot to allow the pivot to do a complete circle.

All correspondence should be sent to Melvin Buus, 7165 Peralta Place, Riverside, CA 92509. David Smit of Hurley, SD is the renter of the property.

Permit No. 5617-3
Vermillion River - Water District

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

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

I have this day, July 15, 1886, made a thorough examination of the water use system constructed by Melvin & Leroy Buus of 7165 Peralta Place, Riverside, CA 92509 holder of Permit No. 5617-3, bearing the priority of December 23, 1991 authorizing the diversion of 2.00 cu. ft. of water per secons from ground water for irrigation purposes, in Turner County.

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

A. Works used to divert the water:

A 50 HP US Electrical motor with a 750 GPM Western Land Roller pump.

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

N/A

C. Works used to apply water to beneficial use:

A 7 tower Valley center pivot .

The system is in the following condition good. The point of diversion is located approximately 1250 feet N and 1250 feet E from the SW corner of Section 4; T097N R52W (center of the SW1/4). The works are capable of diverting and conveying to the place of use 1.66 cu. ft. of water per second which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

T097N R52W	SECTION 4	NW1/4 SW1/4	31 ACRES
		NE1/4 SW1/4	31 ACRES
		SW1/4 SW1/4	31 ACRES
		SE1/4 SW1/4	31 ACRES

comprising a total of 124 acres of land and the license should be issued for 1.66 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

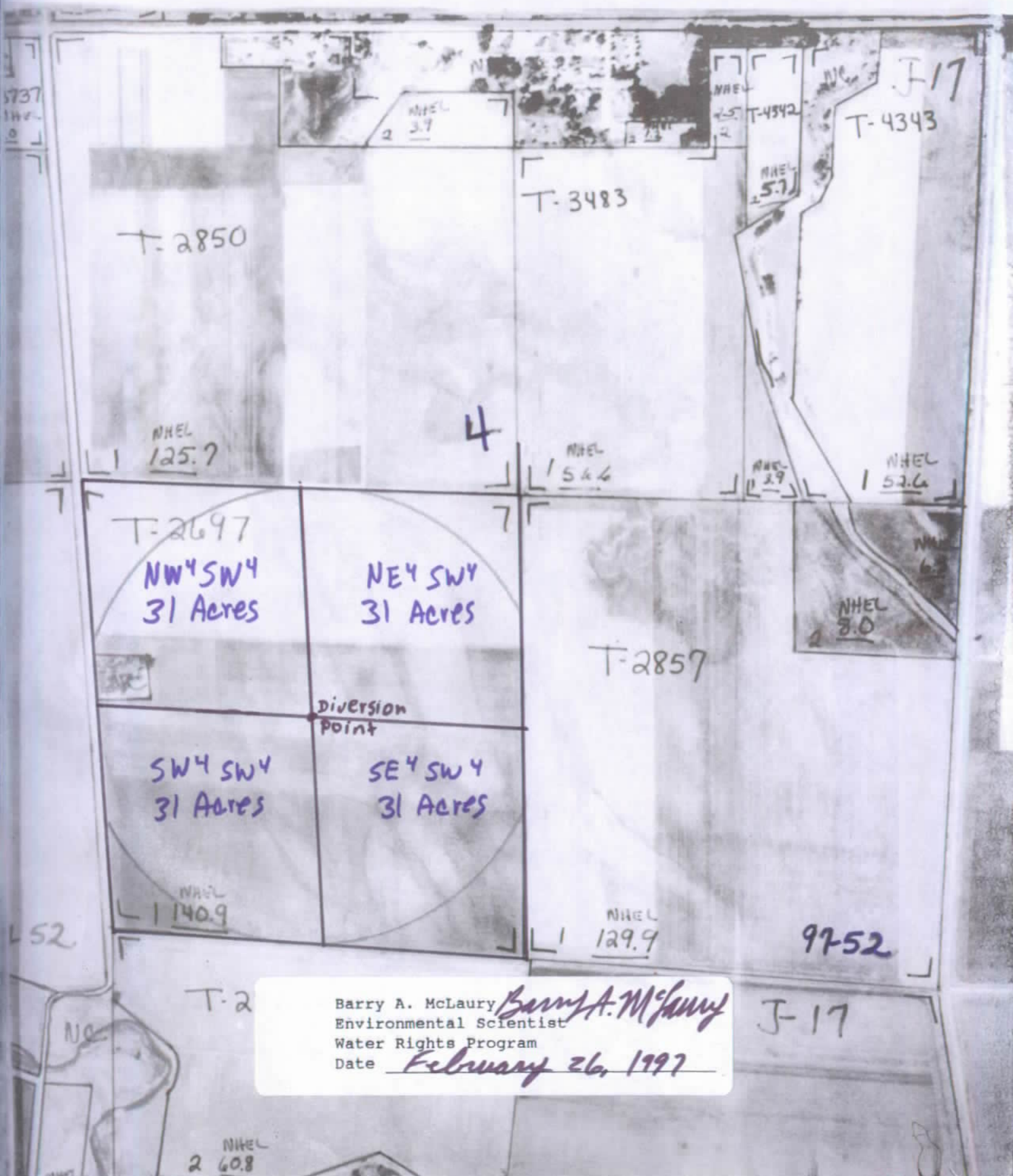
Exceptions to compliance are: None Date Report Completed: March 4, 1997



Barry A. McLaury
Natural Resources Scientist
DENR, Water Rights Program

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP.

5617-3



Barry A. McLaury *Barry A. McLaury*
Environmental Scientist
Water Rights Program
Date *February 26, 1997*

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5617-3

(1) Melvin & LeRoy Buus, 7165 Peralta Place, Riverside CA 92509 made Application No. 5617-3, December 23, 1991 for a water permit to divert 2.0 cubic feet of water per second from groundwater (one well), Turner County, South Dakota for irrigation purposes. Permit No. 5617-3, with a priority date of December 23, 1991 was approved March 17, 1992 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before March 17, 1997 and for the application to beneficial use of said water on or before March 17, 2001.

(2) It is certified that the applicants have 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 1.66 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 1,250 feet north and 1,250 feet east from the southwest corner of Section 4-T97N-R52W (center of the SW 1/4).

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

Section 4-T97N-R52W	NW 1/4 SW 1/4	31 acres
	NE 1/4 SW 1/4	31 acres
	SW 1/4 SW 1/4	31 acres
	SE 1/4 SW 1/4	31 acres
Total		124 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Melvin & LeRoy Buus, 7165 Peralta Place, Riverside CA 92509 the holders and/or owners of Water Permit No. 5617-3 are issued a license to appropriate water, the right to use 1.66 cubic feet of water per second from groundwater (one well) with a priority date of December 23, 1991 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. 5617-3 and subject to South Dakota State Law.


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

APR 7 1997

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 5, 1997

5617-3

Melvin and LeRoy Buus
7165 Peralta Place
Riverside, CA 92509

Dear Sirs:

The investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5617-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the 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

415268

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, March 17, 19 97

RECEIVED OF Melvin L. Sand, 7105 West 34th Pl., Riverdale, GA 30269

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>5617-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 7 1997

5617-3

Melvin & LeRoy Buus
7165 Peralta Place
Riverside, CA 92509

Dear Sirs:

Enclosed is Water License No. 5617-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415268 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. 5617-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

ks
enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 29, 2011

5617-3

Arlan Hagena
28418 467th Ave
Lennox SD 57039

Dear Mr. Hagena:

I am writing to acknowledge receipt of the 2011 irrigation questionnaire for Water Right No. 5617-3. I see by the notation on the form that David Smit no longer operates the irrigation system and that ownership of the water right should be changed to your name.

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

I have also included a copy of the water right for you to keep for your records. If you have any questions concerning the water right or completion of the transfer form, please contact me.

Sincerely,

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

enclosure

RECEIVED

FEB 23 2012

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5617-3

Date: 2 - 16 - 2012

I/We request that Water Right No. 5617-3

formerly owned by: Melvin & LeRoy Buus

be transferred to: (name & address) Arlan Hagen, 28418 467th Ave, Lennox SD 57039

AND JONATHAN HAGENA

Telephone No. 605 647-5789

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

124 acres - SW 1/4 Section 4, T97N, R52W

I/We understand that the validity of Water Right No. 5617-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We: ARLAN + JONATHAN HAGENA, the new owner, certify that the above information is true and correct.

Arlan Hagen [Signature]
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/23

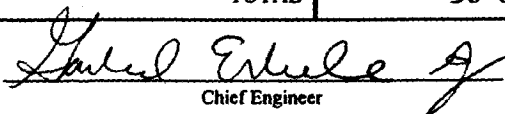
RECEIVED OF Arlan Hagena 28418 467th Ave Lennox SD 57039

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>5617-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05362**

By


Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

February 23, 2012

5617-3

Arlan & Jonathan Hagen
28418 467th Ave
Lennox SD 57039

Dear Sirs:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 5617-3.

The ownership change has been completed. The water right formerly held by Melvin and LeRoy Buus is now listed in your names.

Enclosed for your records is Receipt No. 05362 in the amount of \$50.00 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

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

enclosure