

Considered: _____

WATER PERMIT NO. VR 5678-3

Phone: 608-238-9949

Name of Applicant: G. Connie Flygt

Post Office Address: 1626 Capitol Ave, Madison WI

Amount of Water Claimed: 1.78 Total Acres: 108

Source of Water Supply: groundwater

Water to be used for: irrigation County: Turner

About 5 miles SE of Parker

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 6-22-92 Fee: \$15 Remarks Existing

irrigation project covered under Water Right No. 172-3

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

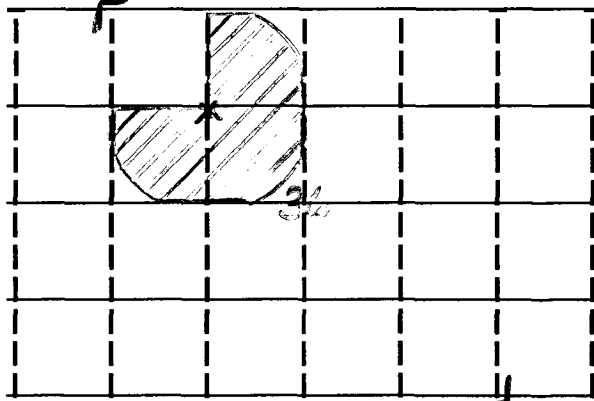
WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: center NW 1/4 Sec 36-T99N-R53W

Land to be Irrigated: E 1/2 NW 1/4, SW 1/4 NW 1/4

Sec 36-T99N-R53W



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

Depth of Well: 40' REMARKS _____

Type of Map: aerial PREPARED BY: Ron Duvall Reviewed and the Number

Assigned on 6-26-92 By Karen Schlaak

(See instructions)

No. 5678-3 Hydrologic Unit 10170102
Basin Vermillion
Newspaper The New Era, Box 577, Parker

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 _____
- G. Connie Flygt Phone No. 608-238-9949
- 1626 Capital Ave. Madison State WI 53705
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s) 1.78 Total acres irrigated 108
3. Source of Water supply ground water - 1 well
4. Location of point of diversion near center of NW 1/4 sec 36-T99N-R53W
- County Turner
5. Counties where water will be used Turner
6. Annual period during which water is to be used Apr 1 - Oct 31
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
<u>NE 1/4 NW 1/4 sec 36-T99N-R53W</u>	<u>36</u>
<u>SE 1/4 NW 1/4 "</u>	<u>36</u>
<u>SW 1/4 NW 1/4 "</u>	<u>36</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: ☒ Gun: _____ Other: _____ (Specify) _____
9. Crops to be Irrigated: _____
10. Give a description of proposed project. (Attach sheet if more space is needed)
Existing irrigation project covered under Water Right No. 172-3
Date of construction qualifies irrigation project as a vested right.

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~~ ^{Montana}
County of Fergus ^{ss}

I, G. Connie Flygt, 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 G. Connie Flygt

Subscribed and sworn to before me this 5th day of June 19 92

Marelyne Teess
Notary Public

SOUTH DAKOTA

VESTED WATER RIGHT NO. 5678-3 FOR IRRIGATION

Date of Receipt of Claim June 22, 1992.

Date of Validation September 30, 1992.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 5678-3 for irrigation purposes for G. Connie Flygt, 1626 Capital Ave., Madison WI 53705 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 5678-3 appropriates 1.78 cubic feet of water per second (Parker Centerville Aquifer) 44 feet deep located near the center of the NW 1/4 Section 36 to irrigate 108 acres located in the E 1/2 NW 1/4, SW 1/4 NW 1/4 Section 36; all in T99N-R53W.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. The water is to be used during the following annual period: April 1 - October 31.
3. The priority date of the Vested Water Right is June 22, 1951.
4. The water use system has been constructed and water has been applied to beneficial use.
5. 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 this vested water right is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This vested water right is validated subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

DEC 4 1992
date

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction NW 1/4 36-99-53

- a) Drill Hole Diameter _____ Depth 44 ft
- b) Casing Type concrete Diameter 22 in Thickness _____
- c) Screen Type Kelly Concrete Diameter 22 OD Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property ≈ 1 3/4 mi On property owned by others ≈ 1/2 mi

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 _____

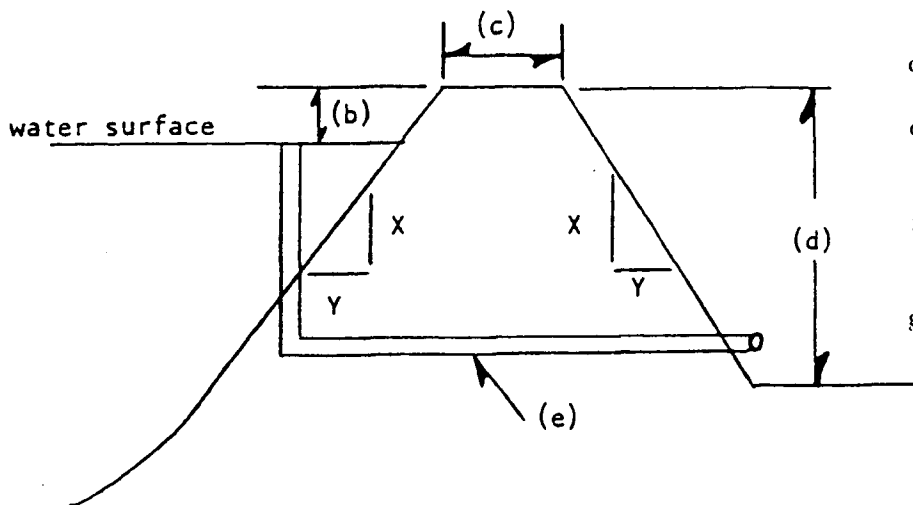
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



G. Connie Feyer
Signature of Applicant

Affidavit of Water Use

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction of a water use system already constructed is needed, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) G. Connie Flygt

Post Office Address 1626 Capital Ave. , Madison WI 53705
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

Date of recording _____ Recording date _____

Where 1951 Book _____ Page _____B. Date of start of construction of water supply system summer of 1954, June 22C. Date that water was first applied to beneficial use summer of 1954D. Name of owner of original water supply system R.H. CostainE. Amount of water originally applied to beneficial use ~ 1.78F. Present Use of Water - Amount of water now being used 1.78Date that this water was first used summer of 1954

G. Chronological History of Water Use My Father, Raymond H. Costain, had 4 wells dug in 1951 by Claude Grimshaw. With a centrifugal pump and Tractor PTOs and hand move pipe and sprinklers he irrigated from all four wells by 1954. In 1958, Raymond Costain passed away and the National Bank of South Dakota was the Trustee. They hired farm managers to manage the property. In 1970, my Mother passed away and in 1972 we terminated the management of the National Bank of South Dakota and transferred the management to the Union Bank of Sioux Falls, now the First Interstate Bank. Shortly after that we stopped hired farm managers and worked with Virgil Bosch. We leased the farm to him in 1958, he has done an admirable job and is currently the Lessee. He has proved beneficial use on all 4 wells at least every 3 years. Currently the land is owned by Shirley M. Wulf and G. Connie Flygt, daughters
Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent. of Raymond Costain.
see attached

State of ~~South Dakota~~ MontanaCounty of Fergus SS

I, G. Connie Flygt
(print or type) the applicant, certify that I have read the foregoing
and that the matters therein stated are true.

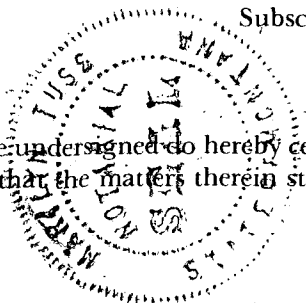
Signed G. Connie FlygtSubscribed and sworn to before me June 5, 1992

Marlene Tuss
Notary Public or other qualified officer

I, the undersigned, do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

G. Connie Flygt 6-5 1992
(Print name)

(Print name)



OWNERS - Shirley M. Wulf and G. Connie Flygt, daughters of Raymond H. Costain

LOCATION of Acres to be Irrigated

NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec 36, Tn99N, Rg53W

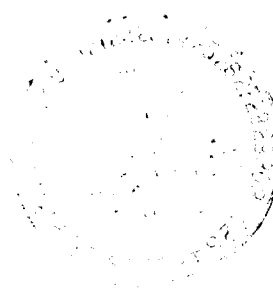
WELL (ORIGINAL)

	Depth	Diameter	Material	Gauge	Feet	Feet to H ₂ O	Static Water Level
1951							
Hole	44'	32"					
Casing	24'	20"	Galvanized Steel 14ga				
Screen	20'	20"	Dempster				
Length of gravel pack					44'		
Distance to Water						14'	
Character of water bearing material			very large sharp sand				

(REPLACEMENT)

1970 August Empire Drilling, Huron, S. D.
Hole 43'
Casing 43' 22" OD Kelley Concrete

LICENSED AUGUST 5, 1966 for 1.71 cfs for 120 Acres



172-3

EMPIRE

IRRIGATION & DRILLING COMPANY

NO. 1148

Highway 14 East

P.O. Box 1252

Huron, South Dakota

Ph. 352-4587

219
CK 47785
8-21-70

SOLD • Costain Estate
TO • % National Bank of SD.
• Sioux Falls, SD.

SHIP •
TO • Parker, SD. farm

ENTERED		CUSTOMER'S NO.		SALESMAN		
7/31/70		phone- V. Bosch				
DATE SHIPPED		VIA		TERMS:		
8/6/70		Rig # 3		net cash		
				INVOICE DATE		
				8/18/70		
QUANTITY			DESCRIPTION	PRICE	EXTENSION	NET AMOUNT
QUAN. ORD.	QUAN. B.O.	QUAN. SHPD.				
42 ft.			Drilling bore for casing	16.00		672.00
43 ft.			22" O.D. Kelly concrete casing	6.00		258.00
			Gravel-pack from Madison, SD.			59.10
			Freight on Casing			40.00
			2% Sales tax on casing			5.16
6 hrs.			Pull & reset pump	20.00		120.00
2			8 5/8" x 2" spiders (1 w/ set screw)	9.85		19.70
24			1/2" x 3" column bolts	.25		6.00
			4% sales tax on parts			1.03
						1180.99

NATIONAL BANK OF SOUTH DAKOTA

AFFILIATED WITH FIRST BANK STOCK CORPORATION

SIoux FALLS, S. D. August 24, 1970

Trust Department

Mrs. Shirley Wulf
1523 Park Avenue
Laramie, Wyoming 82071

Mrs. Gladys Flygt
856 South 3rd Avenue
Park Falls, Wisconsin 54552

Re: R. H. Costain Trust

Dear Mrs. Wulf and Mrs. Flygt:

Virgil called me one evening earlier this month to tell me that the irrigation well on the 120 acres had collapsed. We were fortunate that Virgil and his wife were at the well when this happened as they shut off the pump immediately and averted any damage to it. The old well that Grimshaw had dug was cased with a galvanized casing and these casings had now rusted to the point of collapse. Several of Grimshaws wells have collapsed in the Hurley area this summer.

We had no alternative but to drill a new well. This well is located approximately twelve feet south of the old well. It is a good well and indications are that it will pump in excess of 2,000 gallons of water a minute.

Enclosed is a copy of the well drilling expense. There is additional expense to Nelson Hardware of \$110.69 for wiring on the irrigation motor move to the new well. There will be another bill for approximately \$30.00 for trenching for the well drilling water reservoir.

The new well has a concrete case. This eliminates the problem we have just had with the old well.

Crops in the area really need rain and last week extremely hot (two days at 100 degrees) and windy weather took its toll of the crops. Some of the maturing corn is not filling properly. The corn blight threat in Iowa and Illinois plus the dry weather has given the corn market a boost in the last week.

If you have any questions, please write me.

Very truly yours,

W F Pich
William F. Pich
Farm Representative

WFP:cr

C
O
P
Y

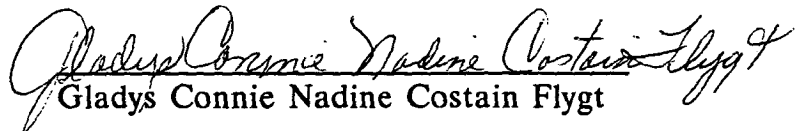
AFFIDAVIT

STATE OF SOUTH DAKOTA)
) ss
COUNTY OF TURNER)

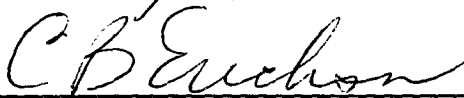
I, Gladys Connie Nadine Costain Flygt, do hereby depose and say the following:

1. That I am an adult resident of the State of Wisconsin, and that my current address is c/o Douglas Flygt, 1626 Capital Avenue, Madison, Wisconsin 53705.
2. That I am the daughter of Raymond and Susie Costain, and was born and raised on the farm which my father owned and operated near Parker, South Dakota (the "Costain Farm").
3. That after my father died in 1958 and my mother died in 1970, my sister (Shirley Wulf) and I inherited the Costain Farm and that she and I currently own it 50-50.
4. That I have two sons, one born in November of 1951 and one born in August of 1953.
5. That when I was pregnant with my first son in the early summer of 1951 I personally traveled to the Costain Farm and was shown one newly-dug irrigation well.
6. That between my visit in 1951 and December 31, 1954, I travelled to the Costain Farm on at least three occasions and was shown and discussed newly-dug irrigation wells which had been dug on the Costain Farm.
7. That I saw the water from such wells being used at that time for irrigating crops on the Costain Farm, and that I have observed such cropland being irrigated at least once each three years since that time.
8. That I am familiar with the location and layout of the Costain Farm, and that the irrigation wells which were dug in the period 1951-1954 were located on the following areas of the Costain Farm:

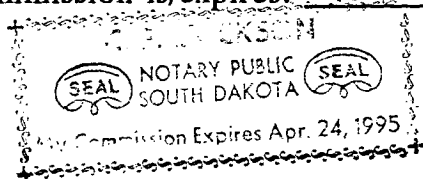
- a. The "Tree claim," sometimes known as the field "across from the old Finley #5 school."
 - b. "South 120."
 - c. The "VFW land."
 - d. The field "North of the Home Buildings."
9. That the legal descriptions for the four areas listed in a-d of the preceding paragraph are as follows:
- a. Well located in the W 1/2 of the NW 1/4, Section 23, TN 99N, Range 53W.
 - b. Well located in the E 1/2 of the NW 1/4, Section 36, TN 99N, Range 53W.
 - c. Well located in the S 1/2 of the SE 1/4, Section 14, TN 99N, Range 53W.
 - d. Well located in the E 1/2 of the NE 1/4, Section 23, TN 99N, Range 53W.
10. That this Affidavit is given for the purpose of setting the record straight as to when irrigation wells were successfully dug on the Costain Farm and used to irrigate crops.


Gladys Connie Nadine Costain Flygt

Subscribed and sworn to before me
this 31 day of July, 1990.



Notary Public, State of South Dakota
My Commission is/expires: _____



AFFIDAVIT

STATE OF MONTANA)
COUNTY OF FERGUS) ss

I, Shirley Costain Wulf, do hereby depose and say the following:

1. That I am an adult resident of the State of Wyoming, and that my current address is P.O. Box 694, Pine Bluffs, Wyoming 82082.
2. That I am the daughter of Raymond and Susie Costain, and was born and raised on the farm which my father owned and operated near Parker, South Dakota (the "Costain Farm").
3. That after my father died in 1958 and my mother died in 1970, my sister (Gladys Connie Flygt) and I inherited the Costain Farm and that she and I currently own it 50-50.
4. That in the years 1951-1954 I personally traveled to the Costain farm and was shown the newly-dug irrigation wells which had been dug on the Costain Farm.
5. That I saw the water from such wells being used at that time for irrigating crops on the Costain Farm, and that I have observed such cropland being irrigated at least once each three years since that time.
6. That I am familiar with the location and layout of the Costain Farm, and that the irrigation wells which were dug in the period 1951-1954 were located on the following areas of the Costain Farm:
 - a. The "Tree claim," sometimes known as the field "across from the old Finley #5 school."
 - b. "South 120."

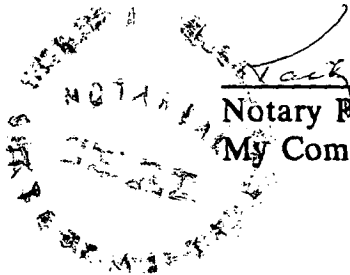
- c. The "VFW land."
 - d. The field "North of the Home Buildings."
7. That the legal descriptions for the four areas listed in a-d of the preceding paragraph are as follows:
- a. Well located in the W 1/2 of the NW 1/4, Section 23, TN 99N, Range 53W.
 - b. Well located in the E 1/2 of the NW 1/4, Section 36, TN 99N, Range 53W.
 - c. Well located in the S 1/2 of the SE 1/4, Section 14, TN 99N, Range 53W.
 - d. Well located in the E 1/2 of the NE 1/4, Section 23, TN 99N, Range 53W.
8. That this Affidavit is given for the purpose of setting the record straight as to when irrigation wells were successfully dug on the Costain Farm and used to irrigate crops.

Dated this 16 day of August, 1990.

Shirley Costain Wulf
Shirley Costain Wulf

Subscribed and sworn to before me
this 16 day of August, 1990.

Jack A. Liberty
Notary Public, State of MOORE
My Commission is/expires: 6/03/92



AFFIDAVIT

STATE OF SOUTH DAKOTA)
) ss
COUNTY OF TURNER)

I, Bert Drost, do hereby depose and say the following:

1. That I am an adult resident of the State of South Dakota, and that my current address is P.O. Box 657, Parker, South Dakota 57053.
2. That I am currently retired and living in Parker.
3. That I was formerly engaged in the business of farming. In 1948, I bought a farm which was located two and 1/2 miles west of the farm which Raymond Costain owned and operated until his death in 1958 (the "Costain Farm").
4. That in the years 1951-1954 I personally helped Raymond Costain move and tow pipe for the newly-dug irrigation wells which had been drilled and were throwing water on the Costain Farm. I also assisted in other farm work on the Costain farm.
5. That I saw the water from such wells being used at that time for irrigating crops on the Costain Farm.
6. That in the course of farming in the area, I believe I observed such croplands being irrigated by well water at least once each three years since that time.
7. That I am familiar with the location and layout of the Costain Farm, and that the irrigation wells which were dug in the period 1951-1954 were located on the following areas of the Costain Farm:
 - a. The "Tree claim," sometimes known as the "field across from the old Finley #5 school."
 - b. "South 120."

- c. The "VFW land."
 - d. The field "North of the Home Buildings."
8. That I have discussed the foregoing and reviewed certain maps with Gladys Connie Flygt, daughter of Raymond Costain, and have concluded that the legal descriptions for the four areas listed in a-d of the preceding paragraph are as follows:
- a. Well located in the W 1/2 of the NW 1/4, Section 23, TN 99N, Range 53W.
 - b. Well located in the E 1/2 of the NW 1/4, Section 36, TN 99N, Range 53W.
 - c. Well located in the S 1/2 of the SE 1/4, Section 14, TN 99N, Range 53W.
 - d. Well located in the E 1/2 of the NE 1/4, Section 23, TN 99N, Range 53W.
9. That this Affidavit is given for the purpose of setting the record straight as to when irrigation wells were successfully dug on the Costain Farm and used to irrigate crops.

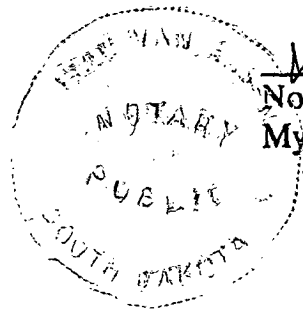
Bert Drost

Bert Drost

Subscribed and sworn to before me
this 30th day of July, 1990.

Wanda Ellen

Notary Public, State of South Dakota
My Commission is/expires: 1/10/97



AFFIDAVIT

STATE OF SOUTH DAKOTA)
) ss
COUNTY OF TURNER)

I, Don Scott, do hereby depose and say the following:

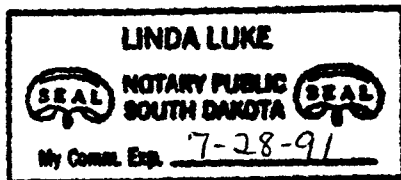
1. That I am an adult resident of the State of South Dakota, and that my current address is P.O. Box 85, Parker, South Dakota 57053.
2. That I am currently living on the farm on which I was born and raised, and that the location of said farm is two miles from the farm which Raymond Costain owned and operated until his death in 1958 (the "Costain Farm").
3. That I was formerly engaged in the trucking business, including the hauling of cattle and gravel, and ran heavy equipment.
4. That in the years 1951-1954 I personally hauled gravel to and on the Costain Farm to fill in around newly-dug irrigation wells which had been drilled on the Costain Farm.
5. That I saw the water from such wells being used at that time for irrigating crops on the Costain Farm.
6. That I am familiar with the location and layout of the Costain Farm, and that the irrigation wells which were dug in the period 1951-1954 were located on the following areas of the Costain Farm:
 - a. The "Tree claim," sometimes known as the "field across from the old Finley #5 school."
 - b. "South 120."
 - c. The "VFW land."
 - d. The field "North of the Home Buildings."

7. That I have discussed the foregoing and reviewed certain maps with Gladys Connie Flygt, daughter of Raymond Costain, and have concluded that the legal descriptions for the four areas listed in a-d of the preceding paragraph are as follows:
- a. Well located in the W 1/2 of the NW 1/4, Section 23, TN 99N, Range 53W.
 - b. Well located in the E 1/2 of the NW 1/4, Section 36, TN 99N, Range 53W.
 - c. Well located in the S 1/2 of the SE 1/4, Section 14, TN 99N, Range 53W.
 - d. Well located in the E 1/2 of the NE 1/4, Section 23, TN 99N, Range 53W.
8. That this Affidavit is given for the purpose of setting the record straight as to when irrigation wells were dug on the Costain Farm and used to irrigate crops.

Don Scott
Don Scott

Subscribed and sworn to before me
this 31st day of July, 1990.

Linda Luke
Notary Public, State of South Dakota
My Commission is/expires: 7-28-91



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413258

Pierre, June 22, 19 92

RECEIVED OF G Connie Flygt, 1626 Capitol Ave, Madison WI 53705

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

Fee for Application for Permit No. <u>5678-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	15	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	15 00

By

John Hatch
Chief Engineer

JOHN HATCH (ks)

Ron Duvall
Joe Foss Building
523 East Capitol Ave.
Pierre,
South Dakota

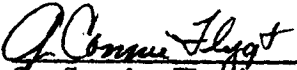


June 19, 1992

Dear Mr. Duvall,

Enclosed is a check for \$60.00 and four
Applications for Permits to Appropriate Water
by Vested Rights with Affidavats and Supplemental
information.

Sincerely,


Connie Flygt
1626 Capital Ave.
Madison, WI 53705
608-238-9949
or 715-762-4737

- #1 16 pages
- #2 14 pages
- #3 13 pages
- #4 14 pages

18 August 1992

Ron Duvall
S. D. Water Rights Commission
Dept. of Environment & Natural Resources
523 East Capitol
Pierre, South Dakota 57501-3181



Dear Ron,

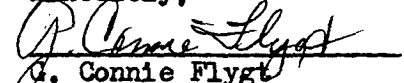
Enclosed is some of the paper work that may answer some of the questions.

As you will notice the financial documents do not necessarily add up. Records were kept separately sometimes for the Susie Costain Trust and the R. H. Costain Trust. Expenses were split for repairs and capital expenses.

I tried to pick a sampling of written documentation that would be helpful.

Virgil Bosch's Affidavit will be sent separately from Parker, S. D.

Sincerely,


G. Connie Flygt
1626 Capital Ave.
Madison, WI 53705

608-238-9949
715-762-4737

14 August 1992

September 21, 1958 Raymond H. Costain died.

The Trustee was the National Bank of South Dakota, Sioux Falls, S. D. with two trusts to be formed -- Marital Trust for Susie Costain and Residual Trust for his two daughters -- Shirley M. Wulf and Gladys Connie Flygt. The income was to go to Susie Costain as long as she lived and then the trusts were to be combined and distributed to Shirley M. Wulf and Gladys Connie Flygt.

Trust Officers of the National Bank of South Dakota, Sioux Falls, S. D. were primarily Jim Brick, Vice President and Trust Officer-- 1958 -- 1972
John Murphy, Trust Officer 1959 -- ?

Farm Managers employed by the Bank.

Feb 1959 -- Mar 1961	Stanley Morrill	
Mar 1961 -- Feb 1964	Donald Jorgenson	Real Estate Manager
Aug 1964 -- Aug 1968	Carl Norberg	
Aug 1968 -- July 1970	William Pich	
July 1970 --	Orville Doescher	

February 10, 1970 Susie Costain died

February 1972 Trusts were dissolved and Trustee's Deeds were issued to Shirley M. Wulf and Gladys Connie Flygt.

February 1972 United Bank of South Dakota was hired as agent for Shirley M. Wulf and Gladys Connie Flygt. They in turn contracted with Farmer's National Co. of Omaha, Neb. to act as farm managers.

Farm Managers employed by Farmer's National Co.

Mar 1972 -- Mar 1974	Jim Woestman
Mar 1974 -- Mar 1976	Jerry Jackson
Oct 1976	S. D. Water Rights finally changed address to United Bank
Sept & Oct 1976	Letter approving Water License 1433-3
Mar 1976 -- Jan 1977	Charles Henningson
Jan 1977 -- Mar 1981	Jim Sample

March 1981 dispensed with services of Professional Farm Managers.

1981 S. D. Water rights transferred to G. Flygt and S. Wulf by S. D. Water Resource



prepared by G. Connie Flygt

G. Connie Flygt
G. Connie Flygt

ear
11
123456789101112131415161718192021
AUG 1992
DIVISION C
WATER RIGHT
Pinto, SD

*Includes \$3,300.00 R. H. Costain Residual Advance	
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JANUARY 1, 1963 - DECEMBER 31, 1963

SUSIE COSTAIN TRUST - HOME FARM & R. H. COSTAIN TRUST 120 ACRES APPRAISED VALUE \$71,000.00 TENANT - VIRGIL BOS

INCOME 1961 1962 1963

Corn		\$2,487.61	\$2,432.87
CCC Payments	\$ 222.88		
Rent	1,200.00	1,932.00	927.50
ACP Payments	95.00	16.80	
Soil Bank	663.12	663.12	663.12
Oats	373.94		
Barley		80.64	
Soybeans	162.68	1,068.32	1,287.89
Feed Grain Program		289.35	
Irrigation Contract		665.00	
Sugar Beets			40496.98

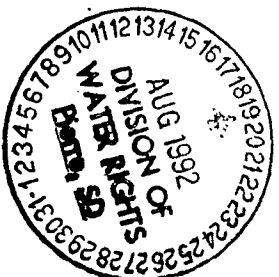
Total \$2,717.62 \$7,212.84 \$5,808.36

EXPENSES

Labor	400.79		
Insurance	50.26	50.28	170.03
Repairs	50.26		
Maintenance	24.13		174.86
Irrigation	54.45		62.56
Real Estate Taxes	756.21	1,044.86	1,371.94
Personal Prop. Taxes	86.75	119.26	121.97
Seed	198.29	40.19	
Miscellaneous			38.57
Fertilizer		568.45	476.98
Soil Sample		3.00	
Freight		14.86	
Installation of Starter		42.49	
Service Calls		30.65	
Spray			29.58

Total \$1,570.88 \$1,914.04 \$2,446.49

Net Income \$1,146.74 \$5,298.80 \$3,361.87



SUSIE COSTAIN TRUST - HOME FARM

CAPITAL EXPENDITURES

New Fence on "120"
Irrigation Equipment
Reduced Voltage Starter

1961

1962

1963

\$414.62

\$3,435.67
552.98

- 0 -
- 0 -

\$414.62

\$3,988.58

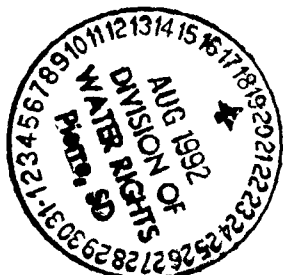
\$400 -

INVENTORY January 1, 1964

Corn Home Farm
Corn South Farm
Cash Rent Due

1500 Bu.
2300 Bu.

\$1,211.00



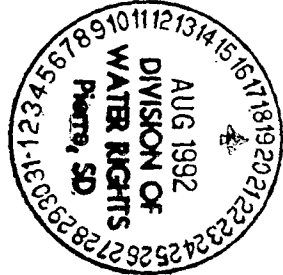
SUSIE COSTAIN TRUST - HOME FARM & R. H. COSTAIN TRUST 120 ACRES APPRAISED VALUE \$71,700.00 TENANT - VIRGIL BUS-

INCOME

	<u>1960</u>	<u>1961</u>	<u>1962</u>
Corn	\$2,878.08		\$2,487.61
Sorghum			
CCC Payments		\$ 222.88	1,932.00
Rent	1,432.00	1,200.00	16.80
ACP Payments	49.20	95.00	663.12
Soil Bank	663.12	663.12	
Oats		373.94	
Barley	302.06		80.64
Soybeans		162.68	1,068.32
Feed-Grain			289.35
Program			
4. Irrigation			
Contract			665.00
Total	\$ 5,324.46	\$2,717.62	\$7,212.84

EXPENSES

Labor		\$ 400.79	
Insurance	\$ 48.80	50.26	\$ 50.28
Repairs	162.12	50.26	
Maintenance	519.77	24.13	
Irrigation		54.45	
Trucking	77.66		
Shelling			
Real Estate			
Taxes	595.79	756.21	1,044.86
Personal Property			
Taxes		86.75	119.26
Seed-Grass		198.29	40.19
Miscellaneous	201.67		14.86
Freight			3.00
Soil Sample			
Installation of			
Starter			42.49
Service Calls			30.65
Fertilizer			568.45
Total	\$1,605.81	\$1,570.88	\$1,914.04
Net Income	\$3,718.65	\$1,146.74	\$5,298.80



SUSIE COSTAIN TRUST - HOME FARM

CAPITAL EXPENDITURES

1960

1961

1962

Overhead Sprinkler, \$2,527.45
 Accessories & Pipe 1,478.19
 50 HP Pump
 New Fence on "120"
 Irrigation Equipment
 Reduced Voltage Starter

\$ 414.62

\$3,435.67
 552.91

Total

\$4,005.64

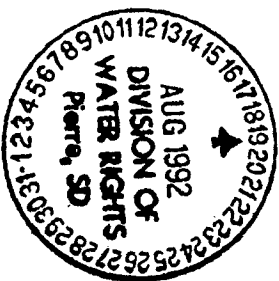
\$ 414.62

\$3,988.58

INVENTORY January 1, 1963

Corn Home Farm 600 bu.
 Corn South Farm 1400 Bu.
 Cash Rent Due

\$427.50



SUSIE COSTAIN TRUST - HOME FARM & R. H. COSTAIN TRUST 120 ACRES APPRAISED VALUE \$71,700.00 TENANT - VIRGIL BOSCH

INCOME

Corn \$1,075.91
Sorghum 210.00
CCC Payments 2,593.98
Rent 978.00
ACP Payments 441.68
Soil Bank 893.52
Wool Subsidy 545.93
Barley
Soybeans

1959

1960

1961

TOTAL

\$6,739.02

\$5,324.46

\$2,717.62

EXPENSES

Labor \$ 75.00
Insurance 80.80
Repairs 313.19
Maintenance 547.87
Irrigation 162.71
Trucking 74.86
Shelling 110.56
Real Estate Taxes 715.98
Personal Property Taxes 175.38
Seed 321.60
Miscellaneous 131.31

TOTAL

\$2,709.26

\$1,605.81

\$1,570.88

NET INCOME

\$4,029.76

\$3,718.65

\$1,146.74



SUSIE COSTAIN TRUST - HOME FARM

CAPITAL EXPENDITURES

Water Systems	\$ 338.00
Turbine Pump & Equipment	1,112.55
Overhead Sprinkler, Accessories & Pipe	4,114.00
60 HP Pump	
Vermeer Sprinkler	
New Fence on "120"	

1959

1960

1961

\$5,564.55

\$4,005.64

\$ 414.62

\$ 414.62

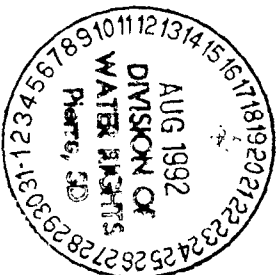
\$2,527.45
1,478.19

INVENTORY January 1, 1962

Corn	2000 bu.
Barley	100 bu.
Soybeans	60 bu.

CASH RENT DUE

\$682.00



R. H. COSTAIN ESTATE - HOME FARM

APPRAISED VALUE - \$71,700.00

TENANT - VIRGIL BOSCH

INCOME

1958

1959

1960

Corn \$978.53
Sorghum 790.39
CCC Payments 626.88
Rent 500.00
ACP Payments 358.25
Soil Bank 384.00
Seed 186.33
Hay 160.00
Wool Subsidy
Miscellaneous 55.20
Barley
Rye

TOTAL

\$ 4,039.58

\$6,026.30

\$3,799.04

\$363.19
210.00
2,593.98
978.00
441.68
893.52

545.93

\$849.59
1,150.00
761.52

783.36
254.57

EXPENSES

Labor 160.33
Insurance 42.80
Repairs 98.53
Maintenance 293.20
Irrigation
Trucking 79.42
Shelling
Drying 202.80
Real Estate Taxes
Personal Property Taxes
Seed
Miscellaneous 68.39
TOTAL

NET INCOME

\$ 3,094.11

\$3,317.04

\$2,193.23

\$ 945.47

\$2,709.26

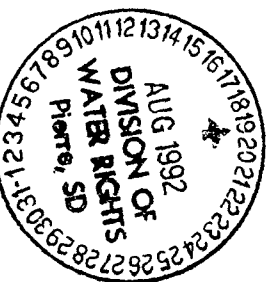
\$1,605.81

75.00
80.80
313.19
547.87
162.71
74.86
110.56
715.98
175.38
321.60
131.31

131.31

201.67
595.79

48.80
162.12
519.77
77.66



R. H. COSTAIN ESTATE - HOME FARM

CAPITAL EXPENDITURES

	<u>1958</u>	<u>1959</u>	<u>1960</u>
<u>Water System</u>			
Turbine Pump & Equipment	\$ 338.00		
Overhead Sprinkler, Accessories & Pipe	1,112.55		
60 HP Pump	4,114.00		
Vermeer Sprinkler			
TOTAL		\$ 5,564.55	\$ 2,527.45
			1,478.19
			\$4,005.64

INVENTORY February 6, 1961

Corn 2,418 bushel
Barley 425 bushel





No. 1433-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

October 19, 1976



National Bank of South Dakota
Trustee of R. H. Costain Estate
Sioux Falls, South Dakota 57101

Dear Sir:

Enclosed please find Receipt No. 4 4649 in the amount of \$12.00 for your Water License and Completion of Works.

Due to the increased work load and the necessity to have Water Right hearings in October and November, it may be awhile before you will receive the final papers on your Water Right.

If you have any questions please feel free to contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bw

Encl: As stated



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

773-3352

September 30, 1976



Linda Niebuhr
Trust Officer
United National Bank
Box 1348
Sioux Falls, South Dakota 57101

Dear Ms. Niebuhr:

Please be advised that your check No. 19061 in the amount of \$12.00 was received, but due to the large increased interest in irrigation, we are way behind on our work load.

Everything is in order and your Water License will be issued to you as soon as time permits.

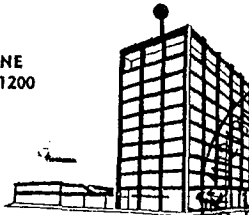
Sincerely,

A handwritten signature in cursive script that reads "Betty Westlund".

BETTY WESTLUND
Land/Water Clerk II

bw

TELEPHONE
605 336-1200



FARM MANAGEMENT

TRUSTS

ESTATES

AGENCIES



TRUST DEPARTMENT

NATIONAL BANK OF SOUTH DAKOTA

MAIN AVENUE AT EIGHTH STREET SIOUX FALLS, SOUTH DAKOTA 57101

CROP ACREAGE AND GENERAL REPORT

Date July 17, 1968

Owner R. H. Costain Trust Address _____ Farm No. 219

Tenant Virgil Bosch Address Parker, South Dakota Phone No. _____

County _____ State South Dakota

19 68

CROPS	ACRES	ON HAND	
Corn	57	---	bu.
Barley	28	---	
Oats			bu.
Beans	47.3	---	bu.
Alfalfa	45		
Hayland	45		
Pasture	287		
Idle	55.7		

(Some variations may be due to seasonal fluctuations!)

Weather and moisture conditions: Spring started as cold and wet. June weather included both moisture and high temperatures. Moisture received throughout season has been good to date. Adequate moisture amounts has cut irrigation activities.

Soil & Fertility Conditions: Very adequate this year. Both corn and soybeans receiveing applications of commercial fertiliz. Total amounts used are not known this date due to a late billing.

Crop outlook at this time: No estimate on yields available this early in growing season. Quite favorable.

Government Program: Participation at 50% with acres that are idle being kept fallowed or are seeded down.

Buildings: Ok, house was resided this past winter; window trimming has been done at a cost of \$175.00 with bids taken for the work. Did receive some minor dama to roofs from a severe windstorm last month.

Fences: Ok; see plat for areas rebuilt or restretched as indicated in red.

Water Supply: Ok; to date have not used north irrigation well due to wind damage on the Vermeer sprinkler. Insurance claim filed and awaiting repairs. No crop damage evident due to lack of irrigation as rains have been adequate this date.

REMARKS: Have written to several companies on trying to obtain a used portable pump but unsuccessful so far. We can rent (or use) a neighbors later in growing season if we have to do so.

Tenant & Qualifications: Virgil Bosch

FARM MANAGER—THE NATIONAL BANK OF SOUTH DAKOTA

THE NATIONAL BANK OF SOUTH DAKOTA

AFFILIATED WITH FIRST BANK STOCK CORPORATION

SIOUX FALLS, S. D.

September 2, 1966



Mrs. Shirley M. Wolff
1813 Wainright, Apt. #4
Laramie, Wyoming 82071

Re: West Farm
Bert Drost Tenant

Dear Mrs. Wolff:

We recently received some heavy rains and wind in the Parker area especially on the west farm where several trees were broken off and the steel mesh cornercrib was blown over into the hog yard and heavily damaged.

Since it is unrepairable, I have contacted various lumber yards on replacing this same type of crib that we lost. The best price is from Schoeneman Lumber in Parker. The cost for a thousand bushel crib would be \$250.00 plus labor and foundation. Lawrence has not given us a figure at this date on what the foundation would cost. In our conversation last spring, you will recall that we were planning to put a foundation under this crib as well as the north crib on the home place.

The crops look good and the rainfall has been plentiful since my mid-summer report to you in July.

We shut the irrigation pumps off in mid-August as rainfall and growing conditions in that area were very favorable.

Our fall report will be mailed to you on or about October 1. Hope you are all fine and if you have any questions, please let us know.

Regards,

Carl Norberg
Carl Norberg
Farm Manager

CN/js

CC Mrs. Gladys Flygt

C
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P
Y

THE NATIONAL BANK OF SOUTH DAKOTA

AFFILIATED WITH FIRST BANK STOCK CORPORATION

SIoux FALLS, S. D.

August 10, 1966



C
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Y

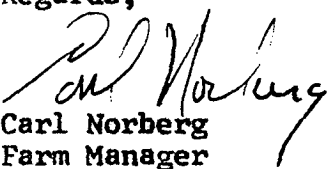
Mrs. Shirley M. Wulf
1813 Wainright, Apt. 4
Laramie, Wyoming 82071

Dear Mrs. Wulf:

For your information there is enclosed a photo copy of papers that we received from the South Dakota Water Resources Commission concerning approval and issuance of a Water License.

Crops in the Parker area are quite good considering the hot weather that we received last month. This area did receive some good rains when other areas around Sioux Falls did not. The north farm is probably the driest of the four. Irrigation systems are operating satisfactorily. If you have any questions, please feel free to contact me.

Regards,


Carl Norberg
Farm Manager

CN/js

Enc.

cc Mrs. Gladys Flygt

THE NATIONAL BANK OF SOUTH DAKOTA

AFFILIATED WITH FIRST BANK STOCK CORPORATION

SIOUX FALLS, S. D.

March 1, 1965



Mrs. Shirley M. Wolff
Box 453
Pine Bluffs,
Wyoming

Dear Mrs. Wolff:

Re: Irrigation Motor

In reviewing the letter you received last week, I should clarify the figures quoted because it read as if our costs would be \$600.00. This is not true.

The only costs to be paid by the Costain Trust is approximately \$165.52. The balance of \$434.48 (\$600.00 minus \$165.52) will be paid by the Insurance Company to Shakstad Electric.

I hope this clarifies my previous report.

Sincerely,

Carl O. Norberg
Farm Manager

CON/pb

cc: Mrs. Gladys Flygt

C
O
P
Y

The Bank with a Weatherball

The National Bank of
PHILLIPS AVE. AT 9TH STREET



South Dakota SIOUX FALLS, S. D.
AFFILIATED WITH FIRST BANK STOCK CORPORATION

TRUST DEPARTMENT

TELEPHONE 336-1200

February 25, 1965



Mrs. Gladys Flygt
856 So. 3rd Avenue
Park Falls, Wisconsin

Dear Mrs. Flygt:

j(w) In my last letter I mentioned that the irrigation motor (1956 model) on the home farm was struck by lightning and a claim had been filed with the insurance company, last fall.

We have given approval to the insurance company that we want the motor completely over-hauled, giving us the equivalent of a new motor except for the main shell or housing. My reasons for doing this rather than buying a new motor include a \$400.00 saving for the additional cost for the new.

The following will give you an estimate of what costs and adjustments are involved:

New motor	\$792.96	(without excessories)
less 50% depreciation. . .	.396.48	
less salvage	20.00	
	<u>\$376.48</u>	
Plus Shakstad & Nelson Hardware for pulling & checking motor	<u>\$58.00</u>	
	<u>\$434.48</u>	paid to us
**	<u>\$165.52</u>	paid by us (difference)
	<u>\$600.00</u>	<u>Total repair costs</u>

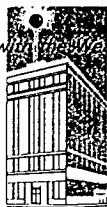
I am having Shakstad Electric add a non-reverse attachment to this motor at a small additional cost. This should have been on the motor when used for an irrigation purpose. Grimshaw Drilling Company has inspected the pump for this same well and it is in good condition.

My reason for writing this letter is mainly to keep you informed of activities taking place on your farms. If any questions please feel free to ask.

Sincerely,

Carl O. Norberg
Farm Manager

The Bank with the Weatherball



The National Bank of

PHILLIPS AVE. AT 9TH STREET

South Dakota SIOUX FALLS, S. D.

AFFILIATED WITH FIRST BANK STOCK CORPORATION

TRUST DEPARTMENT

TELEPHONE 336-1200

August 26, 1964



Mrs. Gladys Flyght
856 South 3rd Avenue
Park Falls, Wisconsin

Dear Mrs. Flyght:

In my first correspondence, I am pleased to be of service to you as Farm Manager, replacing Don Jorgenson who transferred to a branch bank on May 1st. Due to his transfer and my full-time starting date of August 1, the enclosed farm crop locations for '64 plantings are coming to you rather late in the season. I hope they are correct as my inspections of each farm has not been fully completed, however, I plan to inspect each farm more thoroughly prior to October 1st.

Moisture and temperature conditions have not been ideal this spring and summer. Spring rains arrived late, high temperatures in July and the first half of August hurt crop conditions and the prospects of high yields for all plantings. Lack of rain during the tasseling period in corn was the primary factor. Ears are not fully formed; many stalks lack any sign of an ear, and others have only a scattering of kernels. This is mainly on the non-irrigated lands. Irrigated crops will have a normal yield unless the high temperatures combined with the sprinkling caused the tassels to be scalded. This has not been completely determined by our field inspections.

The installation of power lines, pump and motor were completed in time for early summer irrigation on the north west 50 acres of corn. There has been no real problems at this date with this equipment. I have been receiving estimates on roof repairs for those buildings needing attention. So far the estimates are running rather high and it may be wise to place such buildings along with painting on a yearly schedule.

This past weekend the Parker area received a good inch of rain which was a relief to the area, as most pastures are very dry and little grazing is done. I have been working with Virgil on establishing a grazing rotation on the large pasture by the use of temporary electric fences. We feel

August 26, 1964

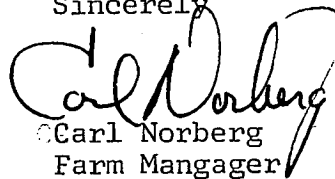
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this will be worked out satisfactorily during the fall season and in summers to come.

All farms, in summary, will have relatively good crops, but total yields will be under 1963. Crops on the home farm that are not irrigated are doing well considering growing conditions. It is always a disappointment when one has to report poor crop conditions, lack of rain and overall lower crop yield estimates, especially in my first letter. Though living in South Dakota we have to expect such conditions from time to time.

If I may be of further assistance, please feel free to call on me.

Sincerely



Carl Norberg
Farm Manager

CN:pb

Encl:

FARM MANAGEMENT

Trusts

Estates

Agencies

THE NATIONAL BANK OF SOUTH DAKOTA
Trust Department
Sioux Falls, South Dakota

Crop-Acreage and General Report

No. 218 Name S. Costain Date AugustAcres 768 County Turner State South Dakota

THE DETAILS of this report give the crop plans for the current year, and comments concerning soil fertility and general appearances.

CROP PLANS 19 64. (Some variation may be necessary due to seasonal conditions.)108 A Corn is good, irrigating to max.---- A Oats --------- A Wheat -----67 A Alfalfa good cuttings7 A Soybeans good considering weather254 A Pasture dry- need rains20 A Sorghum dry- need rains38 9A 33 A Idle Acres -----

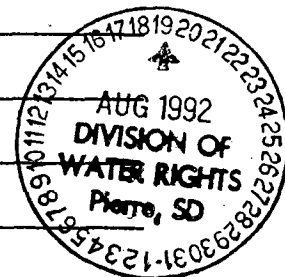
REMARKS Straitening and replacing fence along river across road north of
buildings on west side of river. Will fence pasture with electric fence
to rotate grazing practices.

BUILDINGS Investigating on possibilities of painting buildings and es-
tablishing a painting schedule. Also receiving estimates on roof repairs.

FENCES ✓WATER SUPPLY ✓Tenant Virgil Bosch - good farmer.

Qualifications

THE NATIONAL BANK OF SOUTH DAKOTA

Signed Carl Mueberg
Real Estate Manager

FARM MANAGEMENT

Trusts

Estates

THE NATIONAL BANK OF SOUTH DAKOTA
Trust Department
Sioux Falls, South Dakota



Agencies

Crop-Acreage and General Report

No. 218 Name Susie Costain Trust Date June 12, 1963

Acres 615 County Minnehaha Turner (?) State South Dakota

THE DETAILS of this report give the crop plans for the current year, and comments concerning soil fertility and general appearances.

CROP PLANS 1963. (Some variation may be necessary due to seasonal conditions.)

58 A Corn Rain held us up some, but it also gave us moisture for starting our corn.
A Oats
A Wheat
96 A Alfalfa Took good for first crop.
20 A Sugar Beets Beets are up and have a very high stand. We have already thinned the stand and we are looking for a bigger crop this year.
A
A
A

REMARKS We are not in the Feed Grain Program on the farm this year.
Soil Bank land will be coming out this July 1, and we will at that time or shortly thereafter work the vegetation growth up to prepare it for 1964.

BUILDINGS The roof on the large hog barn needs some repair and will be checking into it this summer and fall.

FENCES No repair this spring.

WATER SUPPLY OK

Tenant Very cooperative

Qualifications

THE NATIONAL BANK OF SOUTH DAKOTA

Signed Louise Peterson

The Bank with the Weatherball



The National Bank of

South Dakota SIOUX FALLS, S. D.

AFFILIATED WITH FIRST BANK STOCK CORPORATION

TRUST DEPARTMENT

December 6, 1962



Mrs. Susie Costain
Parker, South Dakota

Dear Mrs. Costain:

Our fall crop reports for 1962 are enclosed. Our corn crop this year was the best crop to withstand all of the moisture we had. The oats and barley didn't mature like it should have and the quality was down. The reports are pretty much self-explanatory, but I would like to emphasize a few points.

In checking on the previous years, the irrigated corn this year was by far the best yield we have been able to obtain on irrigated ground; and I think the experience plus the additional rain has given us some insite in corn production. Also, I feel that we will rotate our ground with soybeans rather than small grain as we have done in the past.

As I have reported in the crop report, our first year's experience with sugar beets proved that we had soil capable of producing a crop; which I think in the future will benefit us greatly. Even though we did not receive a large tonnage per acre, it still would have exceeded our cash rent on an alfalfa basis.

In checking the buildings on your farm, I feel that we should start a painting schedule so that we can spread it over a period of years.

This coming July 1st our soil bank land will be plowed and worked up for the following year's crop. Also, we will have to be concerned on additional irrigating equipment. As of yet, I have not checked into the purchase of any equipment for this land.

I feel that this has been the best year we have had in our irrigating farming.

If you have any questions concerning this report, please let me know.

Sincerely yours,

Donald G. Jorgenson
Real Estate Manager

FARM MANAGEMENT

Trusts

Estates

Agencies

THE NATIONAL BANK OF SOUTH DAKOTA
Trust Department
Sioux Falls, South Dakota



Crop-Acreage and General Report

No. _____ Name Susie Costain Trust Home farm _____ Date December 5, 1962
Acres _____ County Lincoln State South Dakota

THE DETAILS of this report give the crop plans for the current year, and comments concerning soil fertility and general appearances.

CROP PLANS 1962. (Some variation may be necessary due to seasonal conditions.)

Landlord's share

600 Bu. A Corn 68 Bu. average - very good - will seal as soon as corn is ready.

A Oats No oats on this farm this year.

A Wheat _____

A Alfalfa _____

A Soybeans - none

A Sugarbeets - For our first year of participating, we have done a good job

A We averaged approximately 12 ton per acre which in our minds, is in direct relationship with our experience, our soil type and growing conditions in 1962. First we put beets on new alfalfa ground which has proved not to be desirable from the point of leaf spot. Secondly, we have a low percentage of humus which when operating on light ground is very important factor and last we were not sure of our fertility ratio of nitrogen to phosphorous or trace elements. We do know it is profitable to those who do raise good clean sugar beets, and we are going to continue to raise beets.

REMARKS

BUILDINGS In 1963, we are going to have to set up a schedule on painting and repairing our buildings. Hog house must be checked into for some repair and bracing. Nothing serious has come up for repair, but we should schedule repairs evenly so as not to put a strain on your account.

FENCES Have had some repair due to floor this spring and changing of the bridge.

WATER SUPPLY Adequate.

Tenant Satisfactorily - good co-operator

Qualifications

THE NATIONAL BANK OF SOUTH DAKOTA

Signed _____
Real Estate Manager

SUSIE COSTAIN & R. H. COSTAIN TRUST FARM OPERATION REPORT

1961 CROP YEAR SUMMARY

January 10, 1962

To clarify our report with last year's report I would like to explain the difference in income for years 1959 and 1960. As you will note on your last year's report, there was an inventory of grain on your three farms and this has now been sold and the corrected 1960 income figures appear on this year's report.

In general the over-all farm operation on all the farms was very similar to last year. To brief you on a few of the highlights for last year we could start by saying that our irrigation system gave us no trouble. The timer was installed and two 90° elbows were purchased. We also installed a boundary line fence on the south of the 120 acres and on the north farm last year we purchased a two ring steel crib which was added a third ring this fall to bring the capacity up to 1500 bushels, which we are sealing. The only change made on the west farm that was of an benefit to us was change in corn storage for the landlord. I have now stored the corn in the south half of the wood granery crib.

free claim

One of the important outlooks for the home farm is sugar beet production. You have probably heard and read as much as I have about the potential of this crop in the area. According to the latest farm report, there is going to be no sugar beet acreage restrictions which means there will be more emphasis on this area. This fall I indicated that I have done some checking into putting sugar beets on some of the irrigated ground and have now leased twenty-five acres. These twenty-five acres should indicate the potential of both the farm and the operator and we shall wait to see how profitable this operation will be. I have talked with some of the producers and they are definitely going to stay in producing sugar beets. Most of the sugar beet producers in the area were satisfied this first year. I contacted the SCS this summer and they did a preliminary study on the soil bank acres for the possibility of a flood type irrigation. This type of irrigation is very suitable to sugar beet production.

I sold some of the hand-move 4" irrigation pipes to Harry Novak and have taken a bid from T. L. Irrigation Equipment Company on trading the rest of the 4" pipe on two tractor pulls. Mr. Coulter of T. L. Irrigation Equipment Company contacted me about the bid that he gave us on the two tractor pulls and I told him that I had written to you about this purchase. I shall make no definite commitment to him until I have heard from you on this matter. Mr. Coulter said that he would stop in and see me shortly for my answer on the bid. If you would give me your answer in the near future, it will be appreciated.



We went into a feed grain program on all farms this year and all the idle acres were sown down to either alfalfa or sweet clover for soil building purposes. The farm program for 1962 is not completely out as yet, but we know it will follow in general last year's program. There is a new barley program out which will effect us to the amount of acres we can plant. I was very well satisfied with the program last year and the tenants seemed to go along with it, too. We will have to wait and see for the final answer on the program.

Feel free to ask questions about the farm operations at anytime.



COMMISSION

Carl Cronin, Gettysburg
Kenneth C. Kellar, Lead
Lauren A. Davis, Belle Fourche
John Sutton, Omaha
John Morrison, Wahkonsa
Emanuel Bierwagen, Milleville
E. M. Brady, Mitchell



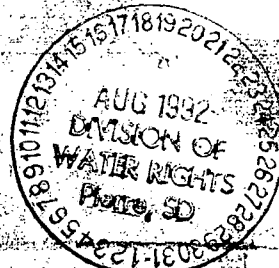
171-3
172-3
177-3
221-3
222-3

SOUTH DAKOTA
State Water Resources Commission

J. W. GRIMES, CHIEF ENGINEER AND EXECUTIVE OFFICER
STATE OFFICE BUILDING

PIERRE, SOUTH DAKOTA

April 15, 1959



Mr. Hils A. Bee
Stordahl, May and Bee
Security Bank Building
Sioux Falls, South Dakota

Mr. W. J. Young

Dear Mr. Bee:

Reference is made to your letter of April 14, 1959 relative to the Raymond H. Costain water right applications.

In my letter of October 14, 1958 I believe I furnished you the pertinent information concerning Mr. Costain's Permits #171-3, #172-3, #177-3, #221-3 and 222-3 at that time.

Since then we have received a Notice of Completion of Works from Mr. John F. Murphy, Trust Department, The National Bank of South Dakota for Permits #171-3, #172-3 and #177-3. These notices made the records current and inspections will be scheduled as soon as my work schedule permits.

The status of #221-3 is also current. Construction is to be completed by February 4, 1960 and Application to Beneficial Use of Water is scheduled on or before February 4, 1962. Considerable time therefore, remains to complete the irrigation system and apply the water to beneficial use. Mr. Stanley D. Merrill of The National Bank of South Dakota, in his letter of November 22, 1958 stated that the well is completed. If sprinkler pipes and nozzles have been acquired, you may wish to arrange for inspection of the works at the same time as the inspections are made under the other Permits.

The status of Permit #222-3 is also current. Completion of Construction is scheduled for September 17, 1959 and application of water for September 17, 1961. If construction or beneficial use cannot be completed within the period specified, I believe the Commission

Ells A. Doe

2

April 15, 1959

justification for an extension of time for construction and application of water to beneficial use. The same would apply to #221-3 if the necessity exists.

I am enclosing blank forms in case that you wish to notify us of completion of works under #221-3 or 222-3 or apply for an extension of time in either case.

Should you have further question please feel free to contact me and I will be glad to help in any way that I can.

Sincerely,

IPS WILSON
Water Rights Engineer

W:lt

Enc: 8

MINUTES OF THE SPECIAL MEETING OF THE SOUTH DAKOTA WATER RESOURCES COMMISSION DULY CALLED BY CHAIRMAN, A. E. MUNCK, AND HELD IN THE WATER RESOURCES COMMISSION ROOM, STATE OFFICE BUILDING AND THE CITY AUDITORIUM BASEMENT, PIERRE, SOUTH DAKOTA, FEBRUARY 4, 1957.

There were present: Commissioners A. E. Munck, Chairman; James Biggar; Carl Cronin; Lauren Davis; Stephen Ferris; Walter Taylor and Kenneth Kellar, Secretary. J. W. Grimes, Les Wyborny, Don Driscoll, and Louise Seals of the Commission staff were also present.

Chairman Munck called the meeting to order at 1:00 P.M. in the Water Resources Commission room, State Office Building.

-A discussion was had on Dr. Rothrock's special report and the proposed procedure of conducting the hearings to be held at 2:00 p.m. It was agreed that Dr. Rothrock should give a summary and explanation of the Geological Survey findings in the special report and which will be in the printed report and answer any questions that may be expressed by the water users. That Mr. Grimes should further explain the relations of such findings to the applications for irrigation permits. In the interests of everyone concerned, it was agreed that only new material concerning the relationships between irrigation and domestic water supplies should be discussed at the hearings.

Meeting adjourned to be re-opened for the hearings to be held at 2:00 p.m. at the City Auditorium, Pierre, South Dakota.

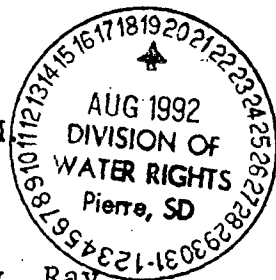
Hearing

Mr. Munck called the meeting to order at 2:00 P.M.

Parker-Hurley Area Irrigation Applications

The following delegation appeared: Harold Benney, Ray Matthews, Walter Bones, Jr., Merlin Andal, Weldon Wirt, Vincent Leber, R. C. Benny, Albert Koller and Harley Eggleston, all of Parker. John Vasgaard, Jr., Glenn Knutson, Howard Irvine all of Centerville: Ray Flyger, Dale Gocken, Gifford Sherard, James O. Eidem, Chris Flyger, Merle E. Flyger, Harry W. Novak, J. H. Neuhauser, Claude Sherard, all of Hurley, South Dakota; and C. W. Grimshaw of Sioux Falls and Dick H. Reiners, Worthing, South Dakota.

Mr. Munck called on Dr. Rothrock to give a preliminary report. Dr. Rothrock reported that the investigation had been going on since 1934, keeping water level records in Eastern South Dakota on lakes and wells to get the fluctuations of ground water. That pumping irrigation started in Nebraska and Kansas and that they pumped more water than they had, and then had to make a careful estimate of the ground water reservoirs and that after such



Executive Session was resumed at the close of the Hearing.

It was moved by Mr. Cronin, seconded by Mr. Kellar and unanimously carried that the following applications be approved:

Parker-Hurley Area:

	<u>Name of Applicant</u>
148-3	L. K. Stoddard
162-3	Roy Eckoff
164-3	Roy and Anna M. Flyger
165-3	Merle and Laverna Flyger
168-3	L. K. Stoddard
169-3	L. K. Stoddard
170-3	L. K. Stoddard
171-3	✓ R. H. Costain
172-3	✓ R. H. Costain
173-3	Bones Stock Farms, Inc.
174-3	Bones Stock Farms, Inc.
175-3	Bones Stock Farms, Inc.
176-3	Merle E. and Laverna Flyger
177-3	✓ R. H. Costain (re adv. corrected)
178-3	Harriette and James Mershon
180-3	Roy and Anna M. Flyger
181-3	Harry Novak
185-3	Dale Gocken
186-3	Chris Flyger
189-3	Fanny Hagena
191-3	M. K. Rundell
199-3	Andrew J. Rieners
221-3	✓ R. H. Costain
288-3	Harriette Sherard Mershon
289-3	Gifford Sherard
290-3	Roy and/or Anna M. Flyger
291-3	Roy and/or Anna M. Flyger
302-3	William E. Knock
303-3	Rudolph D. Feenstra
304-3	William S. Smith
317-3	Harm J. Rieman
318-3	Lizzie Schnose
319-3	Valeria M. Knock Shade
328-3	Robert Rieners



It was moved by Mr. Ferris, seconded by Mr. Cronin, unanimously carried, that the meeting be adjourned. Meeting adjourned at 3:30 P.M., February 4, 1957

A. E. Munck, Chairman

Kenneth C. Kellar. Secretary

LAW OFFICES

**DeWITT, PORTER,
HUGGETT, SCHUMACHER & MORGAN, S.C.**

Two East Mifflin Street, Suite 600
Madison, Wisconsin 53703
Telephone: (608) 255-8891 Facsimile: (608) 252-9243



Jack R. DeWitt
Donald R. Huggett
Duane P. Schumacher
William F. Nelson
John Duncan Varda
Ronald W. Kuehn
Jon P. Axelrod
Donald Leo Bach
John H. Lederer
Jayne K. Kuehn
Stuart C. Herro
Jean G. Setterholm
Frederic J. Brouner
Henry J. Handzel, Jr.
Anthony R. Varda

Ronald R. Ragatz
Eric A. Farnsworth
Peter A. Peshek
Douglas L. Flygt
Richard J. Lewandowski
Fred Gants
Stephen E. Bablitch
Paul G. Kent
Michael R. Davis
Eli H. Schmukler
John Koeppl
Gregory E. Scallion
Dona J. Merg
Anne Taylor Wadsack
John D. Center

Margaret Baumgartner
Timm P. Speerschneder
William E. McCardell
Constance L. Anderson
Margaret A. Satterthwaite
Karen K. Gruenisen
William D. Mollway
Monica Burkert-Brist
Linda M. Zech
Troy A. Mayne
Cynthia A. Curtes

A.J. McAndrews
1903-1990
Phillip H. Porter
1891-1976
James W. Morgan
1932-1988

Of Counsel
Norman C. Herro
James G. Derouin
David W. Kruger
Anne W. Schacherl
J. Thomas McDermott
David E. Stewart
Ronald R. Smith

August 17, 1992

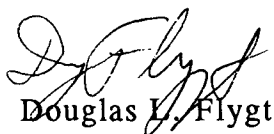
Mr. Ron Duvall
South Dakota Water Rights Commission
Department of Environmental and
Natural Resources
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. Duvall:

With respect to the water rights matters which you have been discussing with Mrs. G. Connie Flygt, enclosed please find the affidavit of Virgil Bosch. Mrs. Flygt will be calling you to discuss this in further detail.

If there are any questions with respect to the foregoing, please give me a call. Thank you.

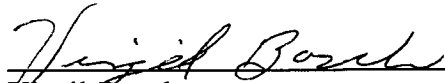
Sincerely,


Douglas L. Flygt

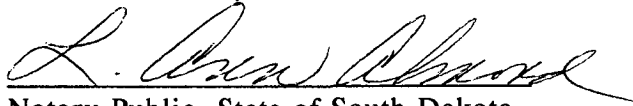
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Enclosure

- b. Well located in the E 1/2 of the NW 1/4, Section 36, TN 99N, Range 53W.
 - c. Well located in the S 1/2 of the SE 1/4, Section 14, TN 99N, Range 53W.
 - d. Well located in the E 1/2 of the NE 1/4, Section 23, TN 99N, Range 53W.
7. That since 1959, water from each of such wells was applied for beneficial use in irrigating the Costain Farm at least once every three years.
8. That this Affidavit is given for the purpose of clarifying the record with respect to the use of the foregoing irrigation wells on the Costain Farm.

Further Affiant sayeth not.


Virgil Bosch

Subscribed and sworn to before me
this 18 day of August, 1992.



Notary Public, State of South Dakota
My Commission is/expires: 9-30-95

August 2, 1966

Mr. Carl O. Norberg, Farm Manager
The National Bank of South Dakota
Main Avenue at Eighth Street
Sioux Falls, S.D.

Dear Carl:

On July 27, 1966 I made the final inspection of the works constructed and beneficial use of water under Permits 172-3 and 177-3 held in the name of the R. H. Costain Estate.

We are now ready to issue the Certificate of Completion of Works and the Water License which are the final papers on these water rights. Statutes require that we charge \$12.00 for the inspection and issuance of these documents on each permit. Upon receipt of your check in the amount of \$24.00 the final papers will be sent to you.

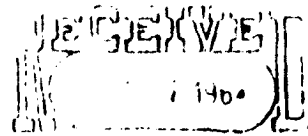
In our discussion, you indicated that the other permits held in the name of the R. H. Costain Estate, Permits 171-3, 221-3A, and 222-3, had been abandoned. These are subject to cancellation. They will be considered for cancellation by the Water Resources Commission at 10:00 a.m. on September 16, 1966 at its office in Pierre.

Should you have any questions, feel free to contact this office.

Sincerely,

BURTON F. JONES
Water Right Specialist

BFJ:mf



STATE WATER RESOURCES COMMISSION
PIERRE SOUTH DAKOTA

Water Division No. 3

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works.

(P. O.) Parker, South Dakota

(Date) December 15, 1961

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of
1.14 cu. ft. per second of the waters of the state from April 1
through the thirtieth of September each crop year
for cropland irrigation purposes
In accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is R. H. Costain Trust, The
National Bank of South Dakota, Trustee, Sioux Falls, South Dakota
2. The postoffice address of such person or the place of business of such corporation is Sioux Falls,
County of Minnehaha State of South Dakota
3. The number of such permit is 171-3 and the date set for the completion of such work is
February 11, 1962
4. Said water to be used for irrigation purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1.14 cubic feet per second.
- * 6. The amount of land for which said water is available is 80 acres,
particularly described as follows: This is no longer a producing well due to this lack
of water at this site the well has been abandoned. W¹/₂ NW¹/₄ Sec 23 T 99N
R 3 W

MINUTES OF THE SIXTY-SIXTH MEETING OF THE SOUTH DAKOTA
WATER RESOURCES COMMISSION DULY CALLED BY CHAIRMAN LAUREN
DAVIS AND HELD IN THE CONFERENCE ROOM OF THE DEPARTMENT
OF GAME, FISH AND PARKS, SIOUX FALLS, SOUTH DAKOTA
Sept. 15-16, 1966

There were present, Commissioners Lauren Davis, Earl Orsain,
Lester Brue, Milton Fischer and John Sutton. Commissioner Albro
Ayres was absent. Members of the staff present were J. W. Swine,
Donald Driscoll, Burton Jones, Raymond Lund and Louise Neale.

Others registered in attendance were:

N.R. 773-1

Mr. & Mrs. Floyd Howe
Bucyrus, North Dakota

N.R. 822-2

Tom Simpson
Deadwood, South Dakota

Howard Kandaras
Rapid City, South Dakota

Rudolph Schroth
Buffalo Gap, South Dakota

Howard Gallentine
Buffalo Gap, South Dakota

Dana Genger
Buffalo Gap, South Dakota

Albert Miller
Buffalo Gap, South Dakota

N.R. 774-1

Mr. & Mrs. John Bach
Hettinger, North Dakota

N.R. 1200-1

Jerry Rubendall
Mitchell, South Dakota

Bill Rubendall
Letcher, South Dakota

N.R. 822-2

Sam Hunter
Dept. Game, Fish & Parks

Chairman Davis called the meeting to order at 2:00 P.M.

Mr. Davis moved, seconded by Mr. Sutton that the minutes be
approved as written. Motion unanimously carried.

2:00 P.M. - 2:15 P.M.

773-1. Flood Water Storage, North Dakota

Application is for 11.6 cfs of water out of the Grand River
to irrigate 822.4 acres. Proof of publication received.

171-3, 221-3A, 222-3, R. M. Costain Estate, Pierre, S.D.

Mr. Jones reported the R. M. Costain Estate has three completed water rights. Upon inspection of the completed water rights, it was indicated that the rights under 171-3, 221-3A and 222-3 will not be completed.

The National Bank of South Dakota in Sioux Falls handling the Costain Estate was notified of the scheduled consideration for cancellation.

Mr. Brue moved Water Permit 171-3 be cancelled. Mr. Fischer seconded the motion and motion unanimously carried.

Mr. Lommen moved Water Permit 221-3A be cancelled. Mr. Sutton seconded the motion and motion unanimously carried.

Mr. Fischer moved Water Permit 222-3 be cancelled. Mr. Lommen seconded the motion and motion unanimously carried.

Brief discussion was held on quality of water standards to be acted upon at the September 23rd Pollution Board meeting. It was felt that the proposed criteria as drafted could not be adopted without change. Mr. Grimes remarked, "By establishing this criteria as originally drawn up we could very well stop irrigation development".

Chairman Davis believed the standards should be set low enough that they could be raised if necessary.

Payment of Per Diem and Travel expenses for Commissioners attending the Big Bend Dam dedication ceremony were approved.

The following new permits were issued during the period July 12, 1966 to September 6, 1966

884-2 John Didier
1197-3 Albert Svatos
1263-3 Bridget Flynn
1268-3 Ray Wenk
1274-3 George Manolis
1275-3 John & Paul Ames
1278-3 Alfred R. Barnes

1279-3 Cadet Okandaburu
1281-3 Lloyd VanderVorste
1282-3 David Trumble
1283-3 Rollin Barnes
1285-3 R. Guy Goddard
1286-3 Wylie Blume

**REPORT ON
VESTED WATER RIGHT CLAIM NOS. 5677-3, 5678-3, 5679-3, AND 5680-3
FOR G. CONNIE FLYGT**

August 17, 1992

Vested Water Right Claim No. 5677-3 appropriates 1.11 cubic feet of water per second (cfs) from one well, 35 feet deep, located in the NE1/4 NE1/4 to irrigate 48 acres located in the E1/2 NE1/4; all in section 23-T99N-R53W.

Vested Water Right Claim No. 5678-3 appropriates 1.78 cfs from one well, 44 feet deep, located near the center of the NW1/4 to irrigate 108 acres located in the E1/2 NW1/4, SW1/4 NW1/4; all in section 36-T99N-R53W.

Vested Water Right Claim No. 5679-3 appropriates 1.52 cfs from one well, 44 feet deep, located in the SW1/4 SE1/4 section 14 to irrigate 107 acres located in the N1/2 NE1/4 section 23; NW1/4 NW1/4 section 24; SW1/4 SW1/4 section 13; S1/2 SE1/4, NW1/4 SE1/4 section 14; all in T99N-R53W.

Vested Water Right Claim No. 5680-3 appropriates 1.11 cfs from one well, 44 feet deep, located in the SW1/4 NW1/4 to irrigate 78 acres located in the W1/2 NW1/4; all in section 23-T99N-R53W.

According to each of the claims, construction of works began June 22, 1951, with water being put to beneficial use by 1954. The priority date claimed on each of the vested right claims is June 22, 1951.

HISTORY

The acreage specified on these vested right claims is currently covered by Water Right Nos. 172-3, 177-3, and Permit No. 1433-3 except for 2 acres located in the NW1/4 SE1/4 section 14-T99N-R53W. The priority dates established by Nos. 172-3 and 177-3 are April 24, 1956, and April 27, 1956, respectively. Water Permit No. 1433-3 has a priority date of July 19, 1967, and covers acreage formerly covered by Permit Nos. 171-3, 221-3, and 221-3A with priority dates of April 24, 1956 (171-3), June 8, 1956 (221-3), and June 8, 1956, and April 27, 1956 (221-3A).

According to a letter dated August 2, 1966, Carl Norberg, farm manager for the National Bank of South Dakota, informed Burton F. Jones with the Water Rights Division that Permit Nos. 171-3, 221-3, and 221-3A had been abandoned. Mr. Norberg also indicated in a notice of completion of works for No. 171-3 that the well was constructed, but no water was available at the site (a well is currently located near the original site).

I completed an inspection of the irrigation project on May 27, 1992, accompanied by G. Connie Flygt. During the inspection Ms. Flygt contended that Permit Nos. 171-3, 221-3, and 221-3A had not been abandoned and should not have been cancelled in September of 1966. The trustee misinformed the Division according to Ms. Flygt. In support of Ms. Flygt's contention that the trust beneficiary did not intend to abandon the permits are the following considerations:

- 1) Permit No. 1433-3 is for the same acreage and approximate well sites of the cancelled permits and was approved the year following the cancellations,

Claim Nos. 5677-3, 5678-3, 5679-3, and 5680-3
August 20, 1992

- 2) Documentation received August 19, 1992, lists expenditures being made for irrigation purposes dating from creation of the trust in 1959 and use of water through the date the permits were cancelled in 1966 (no legal descriptions noted on documentation), and
- 3) Virgil Bosch, tenant dating from 1958 to present, states in his affidavit received August 20, 1992, that irrigation has occurred at least once every three years from each irrigation well.

INSPECTION RESULTS

An inspection of Nos. 172-3, 177-3, and 1433-3 on May 27, 1992, found that portions of the acreage covered by Nos. 177-3 and 1433-3 were not irrigated from the correct well site. Each well site is covered by a permit/right, but some of the irrigated acreage (17 acres - SW1/4 SW1/4 section 13; NW1/4 NW1/4 section 24; NE1/4 NE1/4 south of road in section 23; all in T99N-R53W) is not covered for the particular well being used. In addition, a small acreage (2 acres - NW1/4 SE1/4 section 14-T99N-R53W) was not covered by any of the permit/rights. In order to correct the discrepancies, two applications would be needed to identify the correct well sites for irrigation of the 17 acres and to change the location of the irrigated acreage to cover the omitted 2 acres. During the course of the investigation and through prior correspondence, Ms. Flygt indicated that all of the irrigation systems predate March 2, 1955. Therefore, rather than make two applications to correct the above discrepancies, Ms. Flygt decided to claim a vested right for each of the irrigation projects.

Claim No. 5677-3 appropriates 1.11 cfs for irrigation of 48 acres which is in excess of the statutory limit of 1.0 cfs per 70 acres. The basis for exceeding 1.0 cfs per 70 acres is the operating requirements of the irrigation system (vermeer boom). Claim No. 5678-3 is also in excess of 1.0 cfs per 70 acres based on operating requirements of the irrigation system (center pivot). The pivot swings only three quarters of a circle. Claim No. 5679-3 appropriates 1.52 cfs (680 gpm) for irrigation of 107 acres which is 1.0 cfs per 70 acres. The system uses an EZ rain big gun which is similar to an EZ rain big gun used for operation of the system covered by Claim No. 5680-3. Claim No. 5680-3 appropriates 1.11 cfs (500 gpm) to irrigate 78 acres which equals the statutory 1.0 cfs per 70 acres.

AQUIFER - PARKER CENTERVILLE (PAC)

The Parker Centerville is a glacial outwash (sand and gravel) under predominantly unconfined (water table) conditions. Recharge to the aquifer 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.

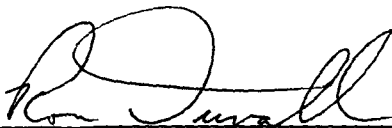
The Division of Water Rights monitors 21 observation wells in Turner County completed into the Parker Centerville aquifer. Water levels in these wells show good response to changes in climatic conditions (i.e. rising levels during wet years and gradual declining levels during dry years).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

Water Right Nos. 2288-3, 2962-3, 3632-3, 2897-3, and 3900-3 are located approximately one half mile from one or more of the well sites included on the vested right claims. There is no record of interference between these wells in the permit files and none is expected due to the aquifer characteristics. Drawdowns do not extend very far from the wellheads. The existing priority dates of 172-3, 177-3, and 1433-3 are senior to all of the above water rights except for No. 3900-3. One of the two wells included on No. 3900-3 predates No. 172-3. The other well specified on No. 3900-3 is in a deeper aquifer.

CONCLUSIONS

- 1) Water availability from the Parker Centerville is not an issue since vested water rights are being claimed. No net increase in permitted use of the water from the aquifer should occur since the irrigated acreage is currently covered by Nos. 172-3, 177-3, and 1433-3. If Claim Nos. 5677-3, 5678-3, 5679-3, and 5680-3 are validated, then Nos. 172-3, 177-3, and 1433-3 should be scheduled for cancellation.
- 2) Interference between irrigation wells has not been reported. The aquifer is under water table conditions and is a very good water supply. The junior/senior priority dates between existing water rights and these claims will not change except for a portion of Water Right No. 3900-3 which has a priority date of May 11, 1955. This date will become junior to the June 22, 1951, priority date established under Claim No. 5678-3. No interference between these wells has been reported.
- 3) The 1.52 cfs diversion rate on Claim No. 5679-3 may be excessive. An EZ rain big gun may be capable of operating at this diversion rate, but the rate is greater than the 1.11 cfs specified on No. 5680-3 which also uses a big gun.
- 4) According to Ms. Flygt, cancellation of Permit Nos. 171-3, 221-3, and 221-3A due to abandonment was an error. The trust beneficiaries were not notified of the cancellation proceedings according to the minutes of the September 15 and 16, 1966, Water Resources Commission meeting. In order to address the cancellation of the permits, a new permit application (No. 1433-3) was submitted the following year for approximately the same irrigated area and well sites. The inspection found the existing wells to be near the original well sites specified on 171-3, 221-3, and 221-3A.



Ron Duvall, Natural Resources Engineer
Water Rights Division

BIBLIOGRAPHY

Water Rights Division, 1992, Observation Well Records for Parker Centerville Aquifer in Turner County, SD DENR, Division of Water Rights, Pierre SD 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 5678-3, G. Connie Flygt

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 Validation of Vested Water Right Application No. 5678-3, G. Connie Flygt, 1626 Capital Ave., Madison, WI 53705.

The Chief Engineer is recommending VALIDATION of Application No. 5678-3 for 1.78 cfs because 1) water has been appropriated as described for irrigation use with a priority date of June 22, 1951, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest with the following qualifications:

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

See report on application for additional information.



JOHN HATCH, Chief Engineer
August 19, 1992

REVISED RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF
VESTED WATER RIGHT APPLICATION NO. 5678-3, G. Connie Flygt

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Validation of Vested Water Right Application No. 5678-3, G. Connie Flygt, 1626 Capital Ave., Madison, WI 53705.

The Chief Engineer is recommending VALIDATION of Application No. 5678-3 for 1.78 cfs because 1) water has been appropriated as described for irrigation use with a priority date of June 22, 1951, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest with the following qualifications:

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

See report on application for additional information.


JOHN HATCH, Chief Engineer
September 18, 1992



GREAT FACES. GREAT PLACES.

**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.

August 26, 1992

G. Connie Flygt
1626 Capital Avenue
Madison, WI 53705

Dear Ms. Flygt:

Your Application Nos. 5677-3, 5678-3, 5679-3 and 5680-3 for vested water right claims have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claims has been sent to the Publisher of The New Era printed at Parker, SD (Ph # 297-4419). For your information, a copy of the notice, the recommendations of the Chief Engineer and a report on the applications are enclosed. Please review the notice 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 hearings to validate vested rights 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 applications can be considered.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 26, 1992

The New Era
Box 577
Parker, SD 57053-0577

ATTN: Legal Publications:

Enclosed is Notice of Hearings to Validate Vested Right Application Nos. 5677-3, 5678-3, 5679-3 and 5680-3 to be published twice. Please publish the notice on September 3, 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 G. Connie Flygt, 1626 Capital Ave, Madison, WI 53705 (Ph # (608)238-9949).

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 applications cannot be considered 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: ATTN: Eric Gronlund
Water Rights Division
523 E Capitol
Pierre SD 57501-3181

Date _____
We are in receipt of your letter of _____ enclosing Notice of Hearing to
Validate A Vested Right Application 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 September 3, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARINGS To Validate
Vested Water Right Application Nos. 5677-3, 5678-3, 5679-3 and 5680-3
to Appropriate Water

Notice is given that G. Connie Flygt, 1626 Capital Ave, Madison, WI 53705 has filed four applications to validate vested water right claims.

Vested Right Claim No. 5677-3 is to appropriate 1.11 cubic feet of water per second (cfs) from one well (Parker Centerville Aquifer) 35 feet deep located in the NE 1/4 NE 1/4 Section 23 to irrigate 48 acres located in the E 1/2 NE 1/4 Section 23; all in T99N-R53W. The water use has a claimed priority date of June 22, 1951.

Vested Right Claim No. 5678-3 is to appropriate 1.78 cfs from one well (Parker Centerville Aquifer) 44 feet deep located near the center of the NW 1/4 Section 36 to irrigate 108 acres located in the E 1/2 NW 1/4, SW 1/4 NW 1/4 Section 36; all in T99N-R53W. The water use has a claimed priority date of June 22, 1951.

Vested Right Claim No. 5679-3 is to appropriate 1.52 cfs from one well (Parker Centerville Aquifer) 44 feet deep located in the SW 1/4 SE 1/4 Section 14 to irrigate 107 acres located in the N 1/2 NE 1/4 Section 23, NW 1/4 NW 1/4 Section 24, SW 1/4 SW 1/4 Section 13, S 1/2 SE 1/4, NW 1/4 SE 1/4 Section 14; all in T99N-R53W. The water use has a claimed priority date of June 22, 1951.

Vested Right Claim No. 5680-3 is to appropriate 1.11 cfs from one well (Parker Centerville Aquifer) 44 feet deep located in the SW 1/4 NW 1/4 Section 23-T99N-R53W to irrigate 78 acres located in the W 1/2 NW 1/4 Section 23; all in T99N-R53W. The water use has a claimed priority date of June 22, 1951.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application Nos. 5677-3, 5678-3, 5679-3 and 5680-3 because 1) water has been appropriated as described for irrigation use with a priority date of June 22, 1951, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Water Management Board will NOT CONDUCT a HEARING to consider these applications and the chief engineer will issue the vested water right applications as recommended. Petitions filed in support of the applications will NOT require the Board to hear the applications.

Any person interested in opposing or supporting the applications 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 recommendations. 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 September 21, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If petitions are filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Board will consider the applications at 10:00 am, September 30, 1992, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve the validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the applications based on the facts presented at the public hearing. The September 30, 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 applications. The request for an automatic delay must be filed by September 21, 1992.

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 Eric Gronlund by September 21, 1992, at the above Water Rights Division address to request copies of information pertaining to the applications or to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

These applications are 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, 46-2A-18, 46-2A-22; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; 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; 74:02:01:19 thru 74:02:01:22. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF TURNER

SS.

OK

Scott Munger
County of Turner, State of South Dakota, being first duly sworn and says:

The New Era is a weekly legal newspaper of general and published in the City of Parker, in said County of Turner. Scott Munger or Jill Munger, publishers, and has been so during the times hereinafter mentioned; that the said newspaper exists as such legal newspaper for more than one year and publication of the notice hereunto attached, and has during and now has, more than 200 bona fide subscribers; that I

affiant, is the publisher of the said newspaper advertising department thereof and has personal knowledge

stated in this affidavit and the advertisement headed Y

Hearings to Validate Vested
printed copy of which her unto attached, was printed and

newspaper for 2 successive weeks, on the same day of the week, on the following dates, to-wit:

On Thurs, the 3 day of Sept

On Thurs, the 10 day of Sept

On _____, the _____ day of _____

On _____, the _____ day of _____

On _____, the _____ day of _____

On _____, the _____ day of _____

On _____, the _____ day of _____

That \$ 67.95 being the full amount of the fees attached notice insures solely for the benefit of the publisher; that no arrangement or understanding for a been made with any other person and that no part thereof to be paid to any other person whomsoever.

Subscribed and sworn to before

day of SEPT

L. A. [Signature]
Notary Public, Turner County, South Dakota.

NOTICE OF HEARINGS To Validate Vested Water Right Application Nos. 5677-3, 5678-3, 5679-3 and 5680-3 to Appropriate Water

Notice is given that G. Connie Flygt, 1626 Capital Ave., Madison, WI 53705 has filed four applications to validate vested water right claims.

Vested Right Claim No. 5677-3 is to appropriate 1.11 cubic feet of water per second (CFS) from one well (Parker Centerville Aquifer) 35 feet deep located in the NE1/4 NE1/4 Section 23 to irrigate 48 acres located in the E1/2 NE1/4 Section 23; all in T99N-R53W. The water use has a claimed priority date of June 22, 1951.

Vested Right Claim No. 5678-3 is to appropriate 1.78 cfs from one well (Parker Centerville Aquifer) 44 feet deep located near the center of the NW1/4 Section 36 to irrigate 108 acres located in the E1/2 NW1/4, SW1/4 NW1/4 Section 36; all in T99N-R53W. The water use has a claimed priority date of June 22, 1951.

Vested Right Claim No. 5679-3 is to appropriate 1.52 cfs from one well (Parker Centerville Aquifer) 44 feet deep located in the SW1/4 SE1/4 Section 14 to irrigate 107 acres located in the N1/2 NE1/4 Section 23, NW1/4 NW1/4 Section 24, SW1/4 SW1/4 Section 13, S1/2 SE1/4, NW1/4 SE1/4 Section 14; all in T99N-R53W. The water use has a claimed priority date of June 22, 1951.

Vested Right Claim No. 5680-3 is to appropriate 1.11 cfs from one well (Parker Centerville Aquifer) 44 feet deep located in the SW1/4 NW1/4 Section 23-T99N-R53W to irrigate 78 acres located in the W1/2 NW1/4 Section 23; all in T99N-R53W. The water use has a claimed priority date of June 22, 1951.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application Nos. 5677-3, 5678-3, 5679-3 and 5680-3 because 1) water has been appropriated as described for irrigation use with a priority date of June 22, 1951, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Water Management Board will NOT CONDUCT a HEARING to consider these applications and the chief engineer will issue the vested water right applications as recommended. Petitions filed in support of the applications will NOT require the Board to hear the applications.

Any person interested in opposing or supporting the applications 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 recommendations. The Chief Engineer's address is "Water Right 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 application must be filed by September 21, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If petitions are filed opposing the application or the applicant files a petition contesting the chief engineer's recommendations, the Board will consider the applications at 10:00 a.m., September 30, 1992, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve the validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the applications based on the facts presented at the public hearing. The September 30, 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 applications. The request for an automatic delay must be filed by September 21, 1992.

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 Eric Gronlund by September 21, 1992, at the above Water Right Division address to request copies of information pertaining to the applications or to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

These applications are 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, 46-2A-18, 46-2A-22; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; 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; 74:02:01:19 thru 74:02:01:22. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

(Publish 9-3 & 10.)

Fees \$ 67.95

es \$

tal \$ 67.95

Received Payment,



REPORT ON INSPECTION OF VESTED RIGHT NO. 5678-3 DATE: May 27, 1992

Other permit(s) associated with the project: Water Right No. 172-3

DIVERSION POINT LEGAL LOCATION: approximately 1,300 feet N and 1,300 feet W of the center of section 36-T99N-R53W

WELL INFORMATION Well Drilling Firm: Empire Well Drilling

No. of Wells 1 Depth(s) 44 feet

- | | |
|--|---|
| a) Casing: 1) diameter <u>22</u> inches | b) Screen: 1) type <u>kelly concrete</u> |
| 2) length <u>24</u> feet | 2) length <u>20</u> feet |
| 3) type <u>concrete</u> | c) Pump 1) make <u>Western Land Roller</u> |
| d) Static Water Level <u>14</u> feet | 2) model <u>unknown</u> |
| e) Motor: | 3) size <u>unknown</u> inches |
| 1) make <u>US Electrical</u> | 4) capacity <u>800</u> GPM |
| 2) model No. <u>R-62234-02-076 R2107288S</u> | 5) turbine pump - No. of stages |
| 3) horsepower rating <u>60</u> hp | 6) operating pressure <u>90</u> PSI |

DISTRIBUTION LINES OR CANALS:

- a) type Aluminum pipeline b) size 8 inches c) length 20 feet

SYSTEM TYPE:

- | | |
|-------------------------------------|-----------------------|
| a) Center pivot: | |
| 1) make <u>Olson</u> | |
| 2) model no. <u>103P</u> | f) Gun: |
| 3) number of towers <u>10</u> | 1) make |
| 4) distance between towers feet | 2) nozzle size inches |
| 5) end gun <u>Y</u> | 3) capacity GPM |
| 6) high or low pressure <u>high</u> | 4) hose size inches |
| 7) capacity <u>800</u> GPM | 5) hose length _ feet |

CHEMIGATION EQUIPMENT:

- a) does chemigate Y
- b) main line check valve Y
- c) inspection port/air relief Y
- d) low pressure drain Y
- e) discharge is 20' from source Y
- f) interlock type electrical
- g) injection pump type piston
- h) injection check valve Y
- i) injection line check valve or positive displacement pump Y
- j) all chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules Y
- k) comments : 20 feet of hose not on site but is installed during irrigation season

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit NA
- b) Special qualifications to permit being abided by Y
- c) All structures, wells and lands on map Y
- d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N - This is vested right.

Vested Right No. 5678-3
Vermillion River - Water District

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

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

I have this day made a thorough examination of the water use system constructed by **G. Connie Flygt** of **1626 Capital Avenue, Madison WI 53705** holder of Vested Right No. **5678-3**, bearing the priority of **June 22, 1951** authorizing the diversion of **1.78** cu. ft. per second of the waters of **Parker Centerville aquifer** 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:

US Electrical Motor
Design B, Type RU, Frame 364TP
ID# R-62234-02-076 R2107288S
60 hp, 1770 rpm

Western Land Roller pump
operates at 90 psi
no model or size available

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

8 inch aluminum - 20 feet

C. Works used to apply water to beneficial use:

Center pivot: Olson - 10 towers
Model No. 103P
Serial No. 4180

high pressure with end gun
capacity - 800 gpm

The system is in the following condition **good**. The point of diversion is located **approximately 1,300 feet N and 1,300 feet W of the center of section 36-T99N-R53W**. The works are capable of diverting and conveying to the place of use **1.78** cu. ft. per second of water which is to be used for **irrigation**.

Water has been put to beneficial use to the maximum extent as follows:

NE1/4NW1/4 sec 36-T99N-R53W - 36 acres
SE1/4NW1/4 sec 36-T99N-R53W - 36 acres
SW1/4NW1/4 sec 36-T99N-R53W - 36 acres

comprising a total of **108** acres of land and the license should be issued for **1.78*** cfs.
Applicable permit qualifications have been complied with: Yes **X** No

Exceptions to compliance are:

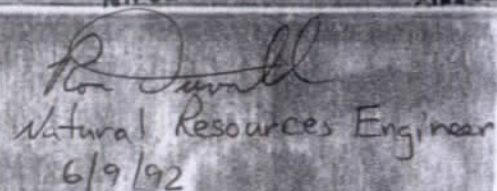
Date: **May 27, 1992**



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Division

*** Diversion rate is in excess of**
1 cfs/70 ac because the pivot can
not make a full circle.

NOT TO SCALE



STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 5678-3 FOR IRRIGATION

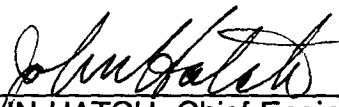
(1) G Connie Flygt of 1626 Capital Avenue, Madison, WI 53705, made Application No. 5678-3, June 22, 1992 for validation of a vested right claim to appropriate 1.78 cubic feet of water per second from groundwater (one well), Turner, County, South Dakota, for irrigation purposes. Vested Water Right No. 5678-3 was validated September 30, 1992 with a priority date of June 22, 1951. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

(2) The vested right owner is entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is: approximately 1,300 feet north and 1,300 feet west of the center of Section 36, T99N, R53W.

The location of the irrigated acreage is:

T99N, R53W	Section 36	NE 1/4 NW 1/4	36 acres
		SE 1/4 NW 1/4	36 acres
		SW 1/4 NW 1/4	36 acres
		Total	108 acres

(3) Pursuant to Section 46-5-30.1 G Connie Flygt of 1626 Capital Avenue, Madison, WI 53705 the holder(s) and/or owner(s) of Vested Water Right No. 5678-3 is issued a license to appropriate 1.78 cubic feet of water per second from groundwater (one well) with a priority date of June 22, 1951 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 5678-3 and subject to South Dakota State Law.

 DEC 4 1992

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 4 1992

5677-3
5678-3
5679-3
5680-3

G. Connie Flygt
1626 Capital Ave.
Madison, WI 53705

Dear Ms. Flygt:

Enclosed are your Validated Vested Water Right and Water License Nos. 5677-3, 5678-3, 5679-3 and 5680-3. As long as you use the water beneficially, as stated in the Water Licenses, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

enclosures

FILE DOCUMENTATION

NAME: G. Connie Flygt

ADDRESS: 1626 Capital Avenue, Madison WI 53705

SUBJECT: Cancellation of Water Right Nos. 172-3, 177-3, and Permit No. 1433-3

DATE: December 30, 1992

On December 4, 1992, Vested Water Right Nos. 5677-3, 5678-3, 5679-3, and 5680-3 were issued to G. Connie Flygt. These vested rights cover irrigated acreage that is also included on Nos. 172-3, 177-3, and 1433-3. During an on-site inspection of the irrigated acreage, it was decided by Ms. Flygt that the irrigated acreage qualified for vested status. Subsequently, claims were filed for the acreage, the claims were validated, and vested rights were then issued as noted above.

Ms. Flygt indicated a desire to have separate claims filed for each project and did not want any rights incorporated into one another. The vested rights have priority dates which predate the priority dates of Water Right Nos. 172-3, 177-3, and Permit No. 1433-3. Since all of the acreage is now covered by the vested rights, Nos. 172-3, 177-3, and 1433-3 are abandoned and need to be cancelled.

A handwritten signature in black ink, appearing to read "Ron Duvall", written over a horizontal line.

Ron Duvall, Natural Resources Engineer



5678-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2000

NOTICE

TO: G CONNIE FLYGT, 1626 CAPITAL AVE, MADISON, WI 53705
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5677-3, 5678-3, 5679-3, 5680-3, 6126-3 & 6127-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5677-3, 5678-3, 5679-3, 5680-3, 6126-3 & 6127-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in the 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) 5677-3, 5678-3, 5679-3, 5680-3, 6126-3 & 6127-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (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
www.state.sd.us/denr

January 25, 2000

G Connie Flygt
1626 Capital Ave
Madison, WI 53705

RE: Water Permit/Right Nos. 5677-3, 5678-3, 5679-3, 5680-3, 6126-3 & 6127-3

Dear Mrs. Flygt:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit/Right Nos. 5677-3, 5678-3, 5679-3, 5680-3, 6126-3 & 6127-3.

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

If you have any questions, please contact me.

Sincerely,

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

5678-3



www.dewittross.com

Capitol Square Office
Two East Mifflin Street
Suite 600
Madison, WI 53703-2865
Tel 608-255-8891
Fax 608-252-9243

West Office
8000 Excelsior Drive
Suite 401
Madison, WI 53717-1914
Tel 608-831-2100
Fax 608-831-2106

Metro Milwaukee Office
13935 Bishop's Drive
Suite 300
Brookfield, WI 53005-6605
Tel 262-754-2840
Fax 262-754-2845

Please respond to: Capitol Square Office
Direct line: 608-252-9355

March 14, 2007

VIA FEDERAL EXPRESS

Department of Environment and Natural Resources
Attn: Eric Gronlund
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

RE: Transfer of Water Rights

Dear Mr. Gronlund:

Thank you for talking with me last week.

Enclosed please find five (5) water rights transfers, together with a check for \$12.50, to effectuate the transfer of those five existing water rights. BallaCostain LLP is the entity that my brother and I (and our wives) set up to own the South Dakota property.

If there are any questions, please contact me. Thank you.

Sincerely,

DEWITT ROSS & STEVENS s.c.

Douglas L. Flygt

DLF:jtk
Enclosures

RECEIVED

MAR 15 2007

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED
MAR 15 2007
WATER RIGHTS
PROGRAM

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

No. 5678-3

Date: 3/13/07

I/We request that Vested Water Right No. 5678-3

formerly owned by: G Connie Flygt, 1626 Capital Avenue, Madison, WI 53705

be transferred to: (name & address) BallaCostain LLP, a Wisconsin limited partnership,
c/o Douglas Flygt, 1626 Capital Avenue, Madison, Wisconsin 53705

Telephone No. (608) 238-9949

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

108 acres - E 1/2 NW 1/4, SW 1/4 NW 1/4 Section 36, T99N, R53W

I/We understand that the validity of Vested Water Right No. 5678-3 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.

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

BallaCostain LLP

By: 
(Signed by new owner)
Douglas Flygt, Partner

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 3/15, 20 07

RECEIVED OF DOUGLAS FLYGT 1626 CAPITAL AVE MADISON WI 53705

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>5678-3</u>	2	50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

02993

By

Barbara E. Eberle

Chief Engineer



March 19, 2007

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Douglas L Flygt
BallaCostain LLP
1626 Capital Ave
Madison WI 53705

RE: Vested Water Right Nos. 5677-3, 5678-3 & 5680-3 and Water Permit Nos. 6126-3 & 6127-3

Dear Mr. Flygt:

I am writing to acknowledge receipt of the ownership changes and filing fees you submitted for Vested Water Right Nos. 5677-3, 5678-3 & 5680-3 and Water Permit Nos. 6126-3 & 6127-3. The transfers have been completed. The vested water rights and water permits formerly listed in the name of G Connie Flygt are now listed in the name of **"BallaCostain LLP, a Wisconsin limited partnership"**.

Enclosed are your Receipt Nos. 02992, 02993, 02994, 02995 and 02996 in the amount of \$2.50 each. You may keep these for your records.

Also enclosed is a "Notice of Transfer of Ownership" form for Vested Water Right No. 5679-3. I somehow missed sending it to you with the original group. Please complete and return the form to us with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

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

Sincerely,

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

enclosures

5678-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 17 2007

5678-3
6126-3

Douglas Flygt
BallaCostain LLP
1626 Capital Ave
Madison WI 53705

Dear Mr. Flygt:

Enclosed is your Partial Vested Water License No. 6126-3. This is the final water right document completing your process of obtaining a Water Right. Also included with the license is a map prepared by the staff engineer who conducted the field investigation.

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. 6126-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

Note: The applicable portions of Vested Water Right No. 5678-3 were incorporated into Water License No. 6126-3.