

WATER PERMIT NO. VR 5680-3

Phone: 608-238-9949

Name of Applicant: G. Connie Flygt

Post Office Address: 1626 Capitol Ave, Madison WI

Amount of Water Claimed: 1.11 Total Acres: 78

Source of Water Supply: groundwater

Water to be used for: irrigation County: Turner

About 2 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 Nos. 1433-3 -3

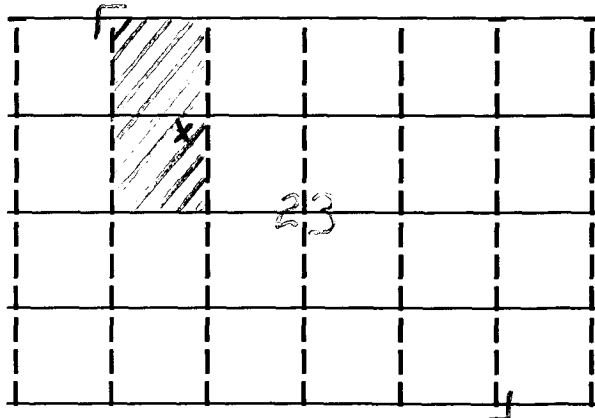
**Corrected Application Received**

WATER QUALITY APPROVAL RECEIVED APPROVED/CONDITIONAL (Circle one)

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

**Diversion Point: SW 1/4 NW 1/4 Sec 23-T99N-R53W**

Land to be Irrigated: W 1/2 NW 1/4 Sec 23-99-53



Well Log: Driller: Lacey Drilling Licensed YES X NO     

Depth of Well: 44' REMARKS \_\_\_\_\_

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

Assigned on **6-26-92** By **Karen Schlaak**

(See instructions)

No. 5680-3 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 \_\_\_\_\_
1. Division of Applicant G. Connie Flygt Phone No. 608-238-9949  
c/o Douglas Flygt  
1626 Capital Ave. Madison State WI 53705  
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s) 1.11 Total acres irrigated 78
3. Source of Water supply ground water - 1 well
4. Location of point of diversion SW 1/4 NW 1/4 section 23-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>NW 1/4 NW 1/4 23-99N-53W</u> | <u>39</u>      |
| <u>SW 1/4 NW 1/4 "</u>          | <u>39</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 Nos. 1433-3.  
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 )<sup>ss</sup>

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

Marlene Tress  
Notary Public

**SOUTH DAKOTA**

**VESTED WATER RIGHT NO. 5680-3 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. 5680-3 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. 5680-3 appropriates 1.11 cubic feet of water per second from one well (Parker Centerville Aquifer) 44 feet deep located in the SW 1/4 NW 1/4 Section 23 to irrigate 78 acres located in the W 1/2 NW 1/4 Section 23; 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 to 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 vested water right is validated subject to the irrigation water use questionnaire being submitted each year.

**WATER MANAGEMENT BOARD**

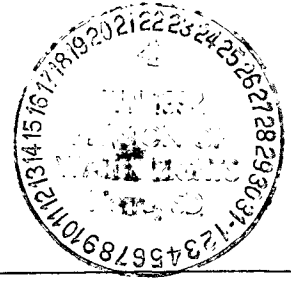
By:   
John Hatch, Chief Engineer, Water Rights Division  
Department of Environment and Natural Resources

DEC 4 1992

date

# Supplemental Information

(type or print in ink)



## 1. Well Information - Proposed construction SW 1/4 NW 1/4 23-99-53

- a) Drill Hole Diameter \_\_\_\_\_ Depth 44 ft
- b) Casing Type concrete Diameter 22" OD Thickness \_\_\_\_\_
- c) Screen Type Kelley Concrete Diameter 22" OD Thickness \_\_\_\_\_
- d) Gravel Pack Thickness \_\_\_\_\_ Length of Gravel Pack \_\_\_\_\_
- e) Depth to Top of Water Bearing Material 29 ft 21'
- f) Depth to Water (ground surface to water level) 14 ft Static Water Level 13'11"
- g) Distance to nearest existing domestic well:  
 On applicants property ≈ 3/4 mile On property owned by others ≈ 1/2 mile

## 2. Dugout Information Estimates

- a) Surface Dimensions \_\_\_\_\_ Depth \_\_\_\_\_
- b) Depth to water (ground surface to water level) \_\_\_\_\_

## 3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

\_\_\_\_\_  
 \_\_\_\_\_

b) Freeboard \_\_\_\_\_

c) Crest Width \_\_\_\_\_

Crest Length \_\_\_\_\_

d) Height \_\_\_\_\_

e) Primary Outlet Capacity \_\_\_\_\_  
 If Pipe, diameter \_\_\_\_\_

f) Secondary Spillway Capacity \_\_\_\_\_  
 Spillway width \_\_\_\_\_

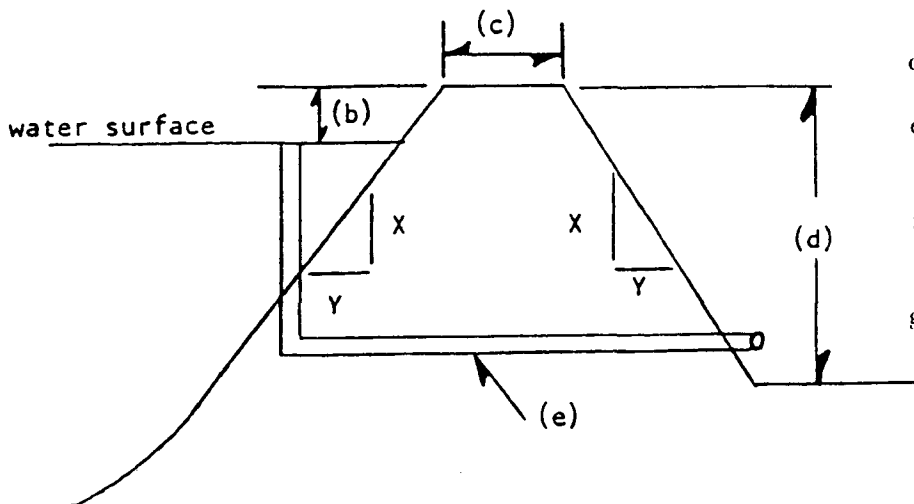
g) X & Y Slope  
 Upstream \_\_\_\_\_

Downstream \_\_\_\_\_

Surface Area of Impoundment \_\_\_\_\_

Storage \_\_\_\_\_ acre feet

Drainage area above dam \_\_\_\_\_



Connie Flynt  
 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 and water use 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 ≈ 1.11 cfsF. Present Use of Water - Amount of water now being used 1.11 cfs

Date that this water was first used summer of 1954  
My Father, Raymond H. Costain, had 4 wells dug in 1951 by Claude Grimshaw. With a centrifugal pump and Tractor PTO's and hand move pipe and sprinklers he irrigated from all four wells by 1954.

✓ G. Chronological History of Water Use  
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 National Bank 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 of R. H. Costain.

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. **see attached**

State of ~~South Dakota~~ Montana )  
Fergus ss  
County of \_\_\_\_\_)

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

Signed G. Connie Flygt

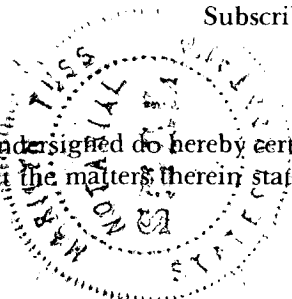
Subscribed and sworn to before me June 5, 19 92

Doreen Luss  
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 19 92  
(Print name)

\_\_\_\_\_  
(Print name) 19\_\_\_\_



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

LOCATION of Acres to be Irrigated W1/4NW1/4, Sec. 23, Tn 99N, Rg. 53W

WELL (ORIGINAL)

|                                     | Depth | Diameter | Material               | Gauge | Feet | Feet to H <sub>2</sub> O | Static Water Level |
|-------------------------------------|-------|----------|------------------------|-------|------|--------------------------|--------------------|
| 1951                                |       |          |                        |       |      |                          |                    |
| Hole                                | 42'   | 32"      |                        |       |      |                          |                    |
| Casing                              | 22'   | 20"      | Galvanized Steel 14 ga |       |      |                          |                    |
| Screen                              | 20'   | 20"      | Dempster               |       |      |                          |                    |
| Length of gravel pack               |       |          |                        |       | 42'  |                          |                    |
| Distance to Water                   |       |          |                        |       |      | 12'                      |                    |
| Character of water bearing material |       |          | white sharp sand       |       |      |                          |                    |
| Thickness of water bearing material |       |          |                        |       | 30'  |                          |                    |

(REPLACEMENT)

1975 October Empire Drilling, Huron:

|                                     |     |        |                 |  |     |  |        |
|-------------------------------------|-----|--------|-----------------|--|-----|--|--------|
| Hole                                | 44' |        |                 |  |     |  |        |
| Casing                              | 20' | 22" OD | Kelley Concrete |  |     |  |        |
| Screen                              | 24' | 22" OD | Kelley Concrete |  |     |  |        |
| Thickness of water bearing material |     |        |                 |  | 23' |  |        |
| Static Water Level                  |     |        |                 |  |     |  | 13'11" |



# EMPIRE

## IRRIGATION DRILLING CO., INC.

HURON, S. D.

INV. NO. 2244

PHONE 352-458

Costain Estate

Parker, SD 57053

SHIP

TO

| ENTERED<br>2/24/75      |           |         | CUSTOMER'S NO.<br>contract                    |  | SALESMAN           |           | INVOICE DATE<br>10/18/75 |  |
|-------------------------|-----------|---------|-----------------------------------------------|--|--------------------|-----------|--------------------------|--|
| DATE SHIPPED<br>10/2/75 |           |         | VIA<br>Rig #2                                 |  | TERMS:<br>net cash |           |                          |  |
| QUANTITY                |           |         | DESCRIPTION                                   |  | PRICE              | EXTENSION | NET AMOUNT               |  |
| ORDERED                 | BACK ORD. | SHIPPED |                                               |  |                    |           |                          |  |
| 45 ft.                  |           |         | RIG #1                                        |  |                    |           |                          |  |
|                         |           |         | Irrigation Test Well #1 NW 1/4, Sec 23,       |  | 2.00               |           | 90.                      |  |
| 125 ft.                 |           |         | Irrigation Test Well #2 NE 1/4 SW 1/4 Sec 13, |  | 2.00               |           | 250.                     |  |
|                         |           |         | Water Not good                                |  |                    |           |                          |  |
| 110 ft.                 |           |         | Cased and Pumped for Water Sample             |  | 1.00               |           | 110.                     |  |
|                         |           |         | RIG #2                                        |  |                    |           |                          |  |
|                         |           |         | Irrigation Well                               |  |                    |           |                          |  |
| 44 ft.                  |           |         | Drilling Bore for Casing                      |  | 25.00              |           | 1100.                    |  |
| 44 ft.                  |           |         | 22" O.D. Kelly Concrete Casing                |  | 15.00              |           | 660.                     |  |
| 19,000 lbs.             |           |         | Gravel pack from Madison, SD                  |  |                    |           | 146.                     |  |
|                         |           |         | Hauling gravel from Madison, SD               |  |                    |           | 28.                      |  |
|                         |           |         | Slush-pit by Marshall Johnson                 |  |                    |           | 35.                      |  |
|                         |           |         | 2% Sales Tax on Materials                     |  |                    |           | 13.                      |  |
|                         |           |         | TOTAL                                         |  |                    |           | \$ 2,30                  |  |



# IRRIGATION & DRILLING COMPANY

Highway 14 East

P. O. Box 1252

Huron, South Dakota

Ph. 352-4587

Costain Estate  
Parker, SD 57053

*NW 1/4 Sec 23, T 99, R 9 53*

Static Water Level: 13' 11"

|        | <u>Drawdown</u> | <u>G.P.M.</u> |
|--------|-----------------|---------------|
| 23 in. | 22' 9"          | 727           |
| 27 in. | 26' 10"         | 777           |
| 36 in. | 32' 11"         | 897           |

# EMPIRE

P. O. Box 1252

Ph. 352-4587

# DRILLING REPORT

Location of Well: \_\_\_\_\_ 1/4, NW 1/4, Section 23, Township 99, Range 53

Well to be drilled for: Costans Creek (Name) (Address) 2 11 1

\_\_\_\_\_  
(County) \_\_\_\_\_ (State) \_\_\_\_\_

Date well drilling started 9-25-73 finished 9-25-73

Purpose of well \_\_\_\_\_  
(domestic, irrigation, industrial, other)

Depth \_\_\_\_\_ ft. Casing Diameter \_\_\_\_\_ inches  
 Slot Size \_\_\_\_\_ Screen Size \_\_\_\_\_  
 Screen Depth: From \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
 Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

NORTH

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

1 Mile

## REPORT OF FINAL PUMPING TEST

Write Additional Times and Readings on Back of Page

| Elapsed Time From<br>Start of Pumping |        | Water Level |     | Discharge |
|---------------------------------------|--------|-------------|-----|-----------|
| O hr.                                 | O min. | ft.         | in. | (Static)  |
| hr.                                   | min.   | ft.         | in. | GPM       |
| hr.                                   | min.   | ft.         | in. | GPM       |
| hr.                                   | min.   | ft.         | in. | GPM       |
| hr.                                   | min.   | ft.         | in. | RECOVERY  |

[illegible]

10/02/75

200.0 ACRES NATIVE PASTURE: Has greened up considerably from the recent rains. Livestock are in the area at this time.

86.6 ACRES VERMILLION RIVER PASTURE: Pretty much the same story here. A few head of livestock are in the area.

BILLS APPROVED:

\$230.00 for 2/5 share of 2.3 ton of 18-46-0 at \$250.00 for '76 corn.

*bu 23 test hole*  
IRRIGATION WELL TEST HOLES: Was present at the farm last Thursday morning and afternoon at which time Empire Well Drilling test well rig had arrived at the farm. First test hole drilled was on the west side of the Section 23 where new irrigation well was scheduled to go in. Test hole bore was 41 feet in depth and they had bored into excellent water bearing gravel at a depth of 20 feet. Following the boring of the test holes static water level in the test hole was 16 feet from the surface.

*Test hole*  
Later on in the afternoon proceeded with the drilling of the test hole east of the Vermillion River. The rig did drill to a depth of 125 feet, had run into 3 layers of gravel. First layer of gravel was not too far down and was very thin, ran into a second layer of gravel at 48 feet and had run out of this gravel layer at 53 feet. Proceeded downward and bored into excellent water bearing gravel at a depth of 88 feet and had not run out of it when they quit boring at 125 feet. Water sample was taken from the test hole and the sample has been taken to the Brookings Water Testing Lab at this time. Expect results from the water sample back the first part of next week.

In addition to turning in the water sample, also, filled out conservation commission form W-#1 which will need to accompany the results of the water quality sample to Pierre and placed on file for reference at a later date should a water right permit be applied for on this tract of land.

Static water level in the second test hole on the east side of the river following drilling operations was at a depth of 53 feet.

NEW IRRIGATION WELL: Have, also, spent the past two days at the farm with Mr. Paul King of Empire Well Drilling Company of Huron in constructing the new irrigation well in west side of Section 23. Did experience considerable difficulty with large amounts of rock being in the way of the drilling bit and had only bored to a depth of approximately 20 feet at the end of the first day. Boring operations resumed again this morning and at approximately 5:30 this afternoon had obtained a depth of 44 feet and had bored into a heavy blue clay layer at that depth. Casing and gravel packing operations proceeded immediately and were completed just after dark. Due to the darkness was unable to obtain what the static water level would be in the new well.

*bu 23*  
According to Mr. King, drilling bit had entered good water bearing gravel at a depth of 21 feet. Total depth of the well being 44 feet giving us 23 feet of good water bearing material. The well has been cased with 24 feet of screening casing and 20 feet of regular casing.

-Continued on Page 2-

Jerry Jackson

This well was drilled under license # 418  
And this report is true and accurate.  
Drilling firm Reiners Well Drilling  
Signature of License Representative: Jon Reiner  
Signature of Well Owner: John Rogers  
Date Nov 7 98



# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413261

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>5680-3</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

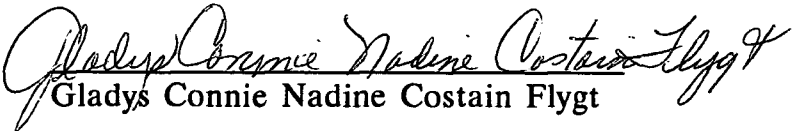
## AFFIDAVIT

STATE OF SOUTH DAKOTA     )  
                                          ) ss  
COUNTY OF TURNER         )

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

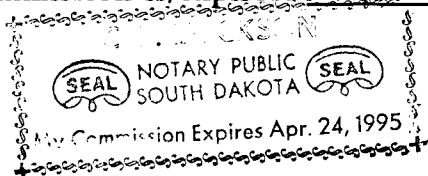
1. That I am an adult resident of the State of Wisconsin, and that my current address is c/o Douglas Flygt, 1626 Capital Avenue, Madison, Wisconsin 53705.
2. That I am the daughter of Raymond and Susie Costain, and was born and raised on the farm which my father owned and operated near Parker, South 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."
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- 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. Hendrix  
Notary Public, State of Montana  
My Commission is/expires: 01/03/92

## 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.

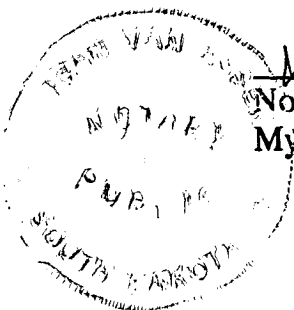
Bert Drost

Bert Drost

Subscribed and sworn to before me  
this 30<sup>th</sup> day of July, 1990.

Walter E. Allen

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:

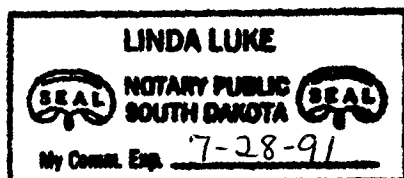
1. That I am an adult resident of the State of South Dakota, and that my current address is P.O. Box 85, Parker, South Dakota 57053.
2. That I am currently living on the farm on which I was born and raised, and that the location of said farm is two miles from the farm which Raymond Costain owned and 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.
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  - 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 31<sup>st</sup> day of July, 1990.

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



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

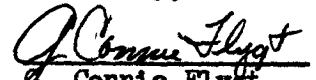


June 19, 1992

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,



J. 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,

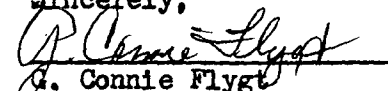
Enclosed is some of the paper work that may answer some of the questions.

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



**SUSIE COSTAIN TRUST - HOME FARM & B. H. COSTAIN TRUST 120 ACRES APPRAISED VALUE \$71,000.00**

---

**TENANT - VIRGIL BOS**

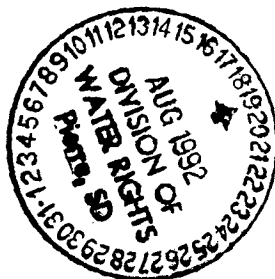
SUSIE COSTAIN TRUST - HOME FARM

CAPITAL EXPENDITURES

|                         | <u>1961</u>     | <u>1962</u>       | <u>1963</u>     |
|-------------------------|-----------------|-------------------|-----------------|
| New Fence on "120"      | \$414.62        |                   | - 0 -           |
| Irrigation Equipment    |                 | \$3,435.67        | - 0 -           |
| Reduced Voltage Starter |                 | <u>552.98</u>     | - 0 -           |
| Total                   | <u>\$414.62</u> | <u>\$3,988.58</u> | <u>\$ 4 0 -</u> |

INVENTORY January 1, 1964

|               |            |            |
|---------------|------------|------------|
| Corn          | Home Farm  | 1500 Bu.   |
| Corn          | South Farm | 2300 Bu.   |
| Cash Rent Due |            |            |
|               |            | \$1,211.00 |



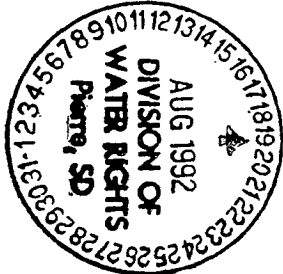
SUSIE COSTAIN TRUST - HOME FARM & R. H. COSTAIN TRUST 120 ACRES APPRAISED VALUE \$71,700.00 TENANT - VIREIL BUS

INCOME

|              | <u>1960</u>  | <u>1961</u> | <u>1962</u> |
|--------------|--------------|-------------|-------------|
| Corn         | \$2,878.08   |             | \$2,487.61  |
| Sorghum      |              |             |             |
| CCC Payments |              | \$ 222.88   |             |
| Rent         | 1,432.00     | 1,200.00    | 1,932.00    |
| ACP Payments | 49.20        | 95.00       | 16.80       |
| Soil Bank    | 663.12       | 663.12      | 663.12      |
| Oats         |              | 373.94      |             |
| Barley       | 302.06       |             | 80.64       |
| Soybeans     |              | 162.68      | 1,068.32    |
| Feed-Grain   |              |             | 289.35      |
| Program      |              |             |             |
| Irrigation   |              |             |             |
| Contract     |              |             | 665.00      |
| Total        | \$ 55,324.46 | \$ 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,

Accessories & Pipe

\$2,527.45

30 HP Pump

1,478.19

New Fence on "120"

\$ 414.62

Irrigation Equipment

Reduced Voltage Starter

\$3,435.67  
552.91

Total

\$4,005.64

\$ 414.62

\$3,988.58

INVENTORY January 1, 1963

Corn Home Farm

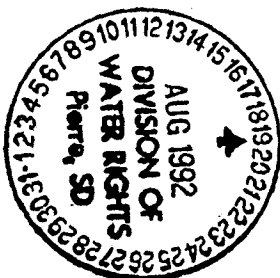
600 bu.

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

|              | <u>1959</u> | <u>1960</u> | <u>1961</u> |
|--------------|-------------|-------------|-------------|
| Corn         | \$1,075.91  | \$2,878.08  | \$ 222.88   |
| Sorghum      | 210.00      |             | 1,200.00    |
| CCC Payments | 2,593.98    |             | 95.00       |
| Rent         | 978.00      | 1,432.00    | 663.12      |
| ACP Payments | 441.68      | 49.20       | 373.94      |
| Soil Bank    | 893.52      | 663.12      |             |
| Wool Subsidy | 545.93      |             |             |
| Barley       |             | 302.06      |             |
| Soybeans     |             |             | 162.68      |

TOTAL \$6,739.02 \$5,324.46 \$2,717.62

EXPENSES

|                         | \$            | \$            | \$     |
|-------------------------|---------------|---------------|--------|
| Labor                   | 75.00         | 48.80         | 400.79 |
| Insurance               | 80.80         | 162.12        | 50.26  |
| Repairs                 | 313.19        | 519.77        | 24.13  |
| Maintenance             | 547.87        |               | 54.45  |
| <u>Irrigation</u>       | <u>162.71</u> |               |        |
| Trucking                | 74.86         | 77.66         |        |
| Shelling                | 110.56        |               |        |
| Real Estate Taxes       | 715.98        | 595.79        | 756.21 |
| Personal Property Taxes | 175.38        |               | 86.75  |
| Seed                    | 321.60        |               | 198.29 |
| Miscellaneous           | <u>131.31</u> | <u>201.67</u> |        |

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"                     |           |

\$5,564.55

\$2,527.45  
1,478.19

\$4,005.64

\$ 414.62

\$ 414.62

1959

1960

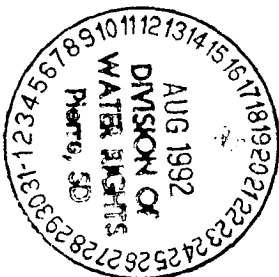
1961

INVENTORY January 1, 1962

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

CASH RENT DUE

\$682.00



R. H. COSTAIN ESTATE - HOME FARM

INCOME

|               |                   |
|---------------|-------------------|
| 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           |                   |
| <b>TOTAL</b>  | <b>\$4,039.58</b> |

APPRAISED VALUE - \$71,700.00

1958

1959

TENANT - VIRGIL BOSCH

1960

|  |          |                   |
|--|----------|-------------------|
|  | \$363.19 | \$849.59          |
|  | 210.00   |                   |
|  | 2,593.98 |                   |
|  | 978.00   | 1,150.00          |
|  | 441.68   | 761.52            |
|  | 893.52   |                   |
|  |          |                   |
|  | 545.93   |                   |
|  |          | 783.36            |
|  |          | 254.57            |
|  |          | <b>\$3,799.04</b> |

EXPENSES

|                         |                   |
|-------------------------|-------------------|
| Labor                   | 160.33            |
| Insurance               | 42.80             |
| Repairs                 | 98.53             |
| Maintenance             | 293.20            |
| <u>Irrigation</u>       |                   |
| Trucking                | 79.42             |
| Shelling                |                   |
| Drying                  | 202.80            |
| Real Estate Taxes       |                   |
| Personal Property Taxes |                   |
| Seed                    |                   |
| Miscellaneous           | 68.39             |
| <b>TOTAL</b>            | <b>\$945.47</b>   |
| <b>NET INCOME</b>       | <b>\$3,094.11</b> |

|  |                   |
|--|-------------------|
|  | \$2,709.26        |
|  | \$3,317.04        |
|  | <b>\$2,193.23</b> |

|  |                   |
|--|-------------------|
|  | \$1,605.81        |
|  | <b>\$2,193.23</b> |



R. H. COSTAIN ESTATE - HOME FARM

CAPITAL EXPENDITURES

Water System  
 Turbine Pump & Equipment  
 Overhead Sprinkler, Accessories & Pipe  
 60 HP Pump  
 Vermeer Sprinkler

TOTAL

1958

1959

1960

\$ 338.00  
 1,112.55  
 4,114.00

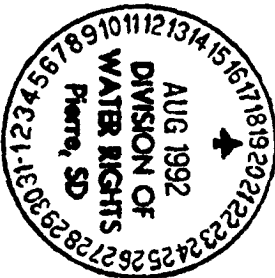
\$ 5,564.55

\$ 2,527.45  
 1,478.19

\$4,005.64

INVENTORY February 6, 1961

Corn 2,418 bushel  
 Barley 425 bushel



# SOUTH Dakota

## WATER RIGHTS COMMISSION

October 19, 1976



Dear Sir:

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.

Very truly yours,

JH/bw

Encl: As stated



# Department of Natural Resource Development

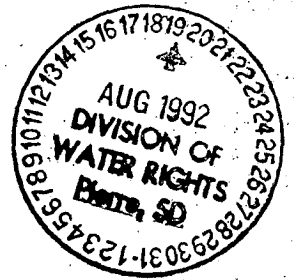
## WATER RIGHTS COMMISSION

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.

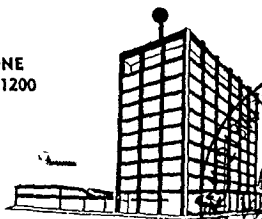
Sincerely,

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 cornerrib was blown over into the hog yard and heavily damaged.

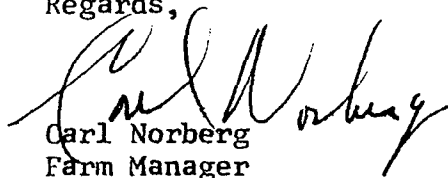
Since it is unrepairable, I have contacted various lumber yards on replacing this same type of crib that we lost. The best price is from Schoeneman Lumber in Parker. The cost for a thousand bushel crib would be \$250.00 plus labor and foundation. Lawrence has not given us a figure at this date on what 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  
Farm Manager

CN/js

CC Mrs. Gladys Flygt

C  
O  
P  
Y

# THE NATIONAL BANK OF SOUTH DAKOTA

AFFILIATED WITH FIRST BANK STOCK CORPORATION

SIoux FALLS, S. D.

August 10, 1966



C  
O  
P  
Y

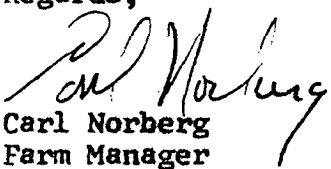
Mrs. Shirley M. Wulf  
1813 Wainright, Apt. 4  
Laramie, Wyoming 82071

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



C  
O  
P  
Y

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

The Bank with a Gatherball



**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:

JW 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.

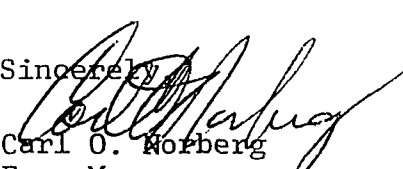
The following will give you an estimate of what costs and adjustments are involved:

|                                                                    |                 |                         |
|--------------------------------------------------------------------|-----------------|-------------------------|
| New motor . . . . .                                                | \$792.96        | (without excessories)   |
| less 50% depreciation. . .                                         | .396.48         |                         |
| less salvage . . . . .                                             | 20.00           |                         |
|                                                                    | <u>\$376.48</u> |                         |
| Plus Shakstad &<br>Nelson Hardware for<br>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> | Total repair costs      |

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.

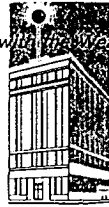
Sincerely,

  
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

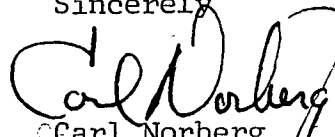
2

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 Mangager

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 August

Acres 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 1964. (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 cuttings

7 A Soybeans good considering weather

254 A Pasture dry need rains

20 A Sorghum dry need rains

38 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 ✓

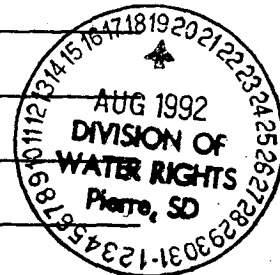
WATER SUPPLY ✓

Tenant Virgil Bosch - good farmer.

Qualifications

THE NATIONAL BANK OF SOUTH DAKOTA

Signed Carl Nuhberg  
Real Estate Manager





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

A 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 boundry 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 want 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.

*With Don Jorgensen's Report*



Carl Cronin, Gettysburg  
Kenneth C. Kellar, Lead  
Lauren A. Davis, Belle Fourche  
John Sutton, Orinda  
John Morrison, Wakeoda  
Emanuel Bierwagen, Milerville  
E. M. Brady, Mitchell



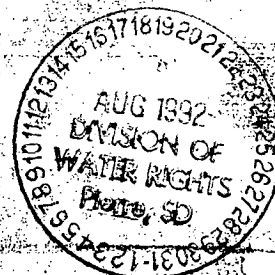
171-3  
172-3  
177-3  
221-3  
222-3

SOUTH DAKOTA  
*State Water Resources Commission*

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

PIERRE, SOUTH DAKOTA

April 15, 1959



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

Mr. W. J. Young

Dear Mr. Doe:

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. Cestain'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. Morrill 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 would consider Mr. Costain's failing health and death as adequate

Wils 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 WISGENT~~  
Water Rights Engineer

Wilt  
Encl: 8

Excess

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.

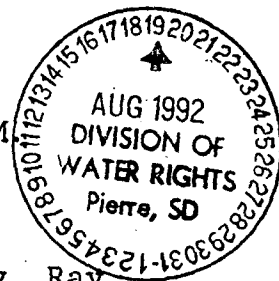
#### Hearing

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:

Name of Applicant

|       |                                     |
|-------|-------------------------------------|
| 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. Scallon  
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

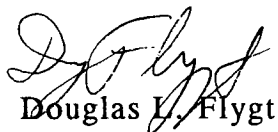
Mr. Ron Duvall  
South Dakota Water Rights Commission  
Department of Environmental and  
Natural Resources  
523 East Capitol  
Pierre, SD 57501-3181

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

DLF:tma  
Enclosure



AFFIDAVIT

STATE OF SOUTH DAKOTA           )  
                                          ) ss  
COUNTY OF TURNER               )

I, Virgil Bosch, do hereby depose and say the following:

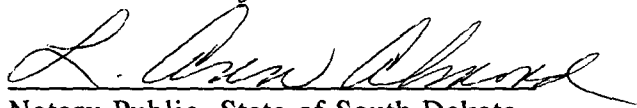
1. That I am an adult resident of the State of South Dakota, and that my current address is RR 2, Box 53, Parker, South Dakota 57053.
2. That I am now and have been for over 34 years engaged in the business of farming.
3. That in late 1958 I leased the farm which Raymond Costain had owned and operated until his death in September, 1958 (the "Costain Farm").
4. That I have continuously farmed the Costain Farm from that date to the present time.
5. That as the tenant on the Costain Farm I am familiar with the location and layout of the following irrigation wells which are located on 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."
6. 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.
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.

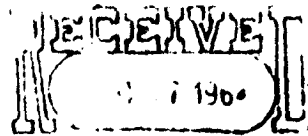
Should you have any questions, feel free to contact this office.

Sincerely,

BURTON F. JONES  
Water Right Specialist

BFJ:mf

Permit No. 171-3



STATE WATER RESOURCES COMMISSION

Water Division No. 3 Vermillion Water District PIERRE, SOUTH DAKOTA

## 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 1964

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 4, 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 NW1 Sec 23 T 99N  
R53 W

MEETING OF THE SIXTY-THIRD ANNUAL MEETING OF THE SOUTH DAKOTA  
WATER RESOURCES COMMISSION HELD CALLED BY COMMISSIONER LAUREN  
DAVIS AND HELD IN THE CONFERENCE ROOM OF THE DEPARTMENT  
OF GAME, FISH AND PARKS, PIERRE, SOUTH DAKOTA  
Sept. 15-16, 1966

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

Others registered in attendance were:

N.A. 772-1

Mr. & Mrs. Floyd Howe  
Sueyrus, North Dakota

N.A. 822-2

Tom Simpson  
Dandwood, South Dakota

Harold Mandaras

Rapid City, South Dakota

Rudolph Schroth

Buffalo Gap, South Dakota

Howard Hallanting

Buffalo Gap, South Dakota

Dana Cooper

Buffalo Gap, South Dakota

Albert Miller

Buffalo Gap, South Dakota

N.A. 776-1

Mr. & Mrs. John Bush  
Hettinger, North Dakota

N.A. 1122-1

Jerry Hubbardall  
Mitchell, South Dakota

Bill Hubbardall

Letcher, South Dakota

N.A. 821-1

Bob 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.

2122-2-1-1

772-1. Flow Control, North Dakota

Application is for 11.6 cfs of water out of the Grand River  
to irrigate 825.4 acres. Proof of publication received.

171-3, 221-3A, 222-3, R. M. Costain Estate, Permit A-2

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.

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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 would 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.

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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  
1276-3 Alfred R. Barnes

1279-3 Cadet Oxandaburu  
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. 5680-3, 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. 5680-3, G. Connie Flygt, 1626 Capital Ave., Madison, WI 53705.

The Chief Engineer is recommending VALIDATION of Application No. 5680-3 for 1.11 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. 5680-3, 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. 5680-3, G. Connie Flygt, 1626 Capital Ave., Madison, WI 53705.

The Chief Engineer is recommending VALIDATION of Application No. 5680-3 for 1.11 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.

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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 and advertising department thereof and has personal knowledge

stated in this affidavit and the advertisement headed Y

Hearings to Validate Vested  
printed copy of which hereto 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

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.

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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.

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(Publish 9-3 & 10.)

n Fees ..... \$ 67.95

es ..... \$

tal ..... \$ 67.95

Received Payment,



**REPORT ON INSPECTION OF VESTED RIGHT NO. 5680-3      DATE: May 27, 1992**

**Other permit(s) associated with the project:** Water Right No. 1433-3

**DIVERSION POINT LEGAL LOCATION:** 980 feet E and 1.470 feet S of the NW corner section 23-T99N-  
R53W

**WELL INFORMATION:** Well Drilling Firm: Empire Drilling

No. of Wells 1                      Depth(s) 44 feet

- |                                                       |                                                   |
|-------------------------------------------------------|---------------------------------------------------|
| a) <b>Casing:</b> 1) diameter <u>22</u> inches        | b) <b>Screen:</b> 1) type <u>kelley concrete</u>  |
| 2) length <u>20</u> feet                              | 2) length <u>24</u> feet                          |
| 3) type <u>kelley concrete</u>                        | c) <b>Pump</b> 1) make <u>Western Land Roller</u> |
| d) <b>Static Water Level</b> <u>13 feet 11 inches</u> | 2) model <u>S.N. C761016</u>                      |
| e) <b>Motor:</b>                                      | 3) size inches                                    |
| 1) make <u>General Electric</u>                       | 4) capacity <u>500</u> GPM                        |
| 2) model No. <u>5K6254XH501A</u>                      | 5) turbine pump - No. of stages                   |
| 3) horsepower rating <u>60</u> hp                     | 6) operating pressure PSI                         |

**DISTRIBUTION LINES OR CANALS:**

- |                         |                         |                             |
|-------------------------|-------------------------|-----------------------------|
| a) type <u>aluminum</u> | b) size <u>6</u> inches | c) length <u>2,700</u> feet |
|-------------------------|-------------------------|-----------------------------|

**SYSTEM TYPE:**

**Gun:**

- 1) make E-Z Rain
- 2) nozzle size 1.29 and 1.30 inches
- 3) capacity 500 GPM
- 4) hose size 4.5 inches
- 5) hose length 660 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 : Chemical tank is cracked, a replacement has been purchased. Discharge hose is not on site but is installed during the 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 NA - Vested Right

**Vested Right No. 5680-3**  
**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. 5680-3, bearing the priority of June 22, 1951 authorizing the diversion of 1.11 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:

General Electric  
M.N. 5K6254XH501A  
S.N. GHJ728352  
60 hp

Western Land Roller pump  
S.N. C761016  
capacity - 500 gpm

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

Approximately 2,700 feet of 6 inch aluminum pipe

C. Works used to apply water to beneficial use:

E-Z Rain Big Gun  
Nelson P200 gun  
S.N. 56149 & CC10307

two interchangeable nozzles  
1.29 inch and 1.3 inch  
660 feet of 4.5 in Angus hose

The system is in the following condition good. The point of diversion is located 980 feet E and 1,470 feet S of the NW corner section 23-T99N-R53W. The works are capable of diverting and conveying to the place of use 1.11 cu. ft. per second of water which is to be used for irrigation.

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

NW1/4NW1/4 section 23-T99N-R53W - 39 acres  
SW1/4NW1/4 section 23-T99N-R53W - 39 acres

comprising a total of 78 acres of land and the license should be issued for 1.11 cfs.

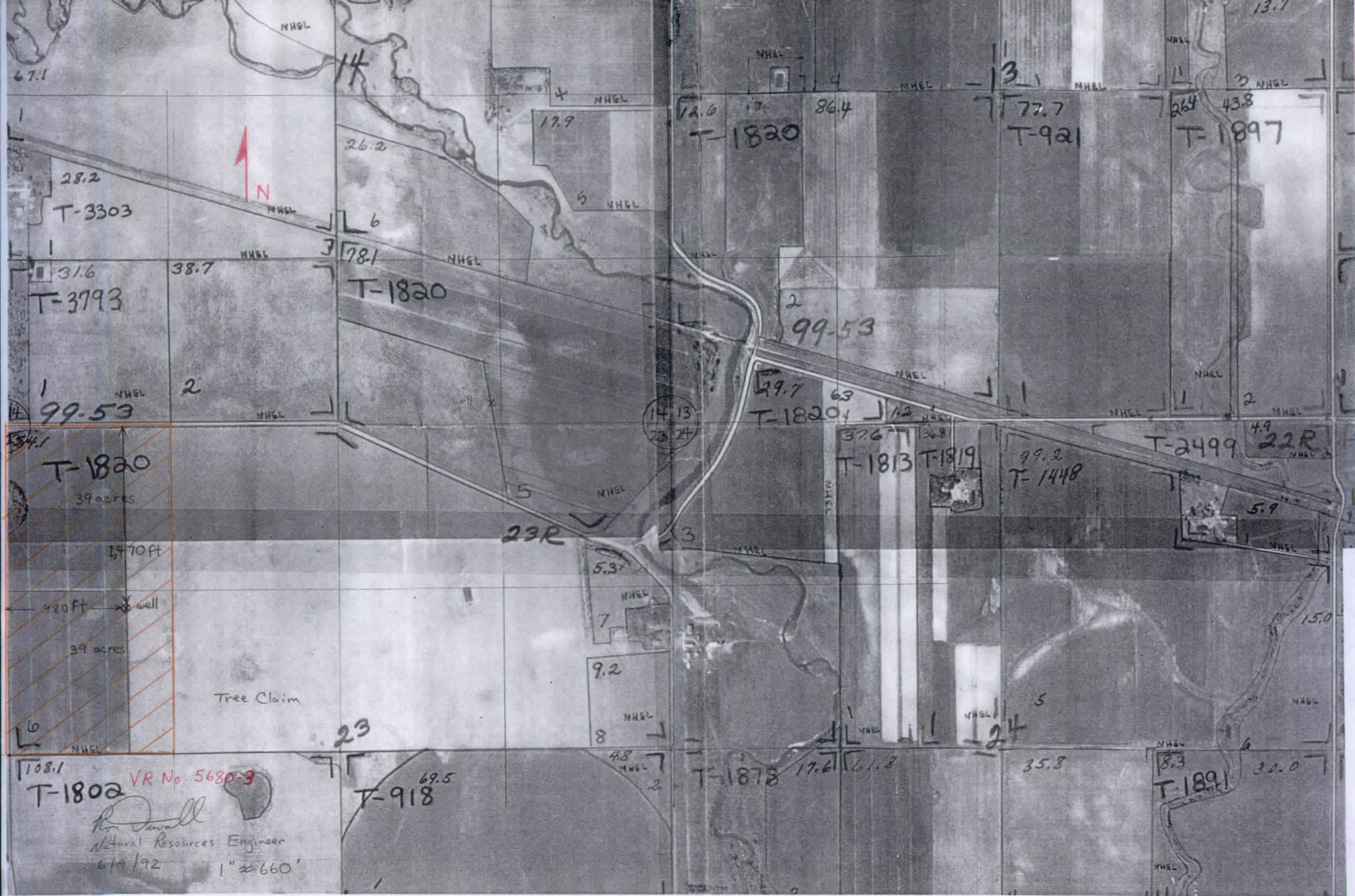
Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are:

Date: May 27, 1992



Ron Duvall  
Natural Resources Engineer  
DENR, Water Rights Division



## STATE OF SOUTH DAKOTA

### VESTED RIGHT WATER LICENSE NO. 5680-3 FOR IRRIGATION

(1) G Connie Flygt of 1626 Capital Avenue, Madison, WI 53705, made Application No. 5680-3, June 22, 1992 for validation of a vested right claim to appropriate 1.11 cubic feet of water per second from groundwater (one well), Turner, County, South Dakota, for irrigation purposes. Vested Water Right No. 5680-3 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 1.11 cubic feet of water per second for beneficial use. The location of the diversion point is: 980 feet east and 1,470 feet south of the NW corner Section 23, T99N, R53W.

The location of the irrigated acreage is:

|            |            |               |          |
|------------|------------|---------------|----------|
| T99N, R53W | Section 23 | NW 1/4 NW 1/4 | 39 acres |
|            |            | SW 1/4 NW 1/4 | 39 acres |
|            |            | Total         | 78 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. 5680-3 is issued a license to appropriate 1.11 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. 5680-3 and subject to South Dakota State Law.

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

DEC 4 1992



**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', is written over a horizontal line.

Ron Duvall, Natural Resources Engineer



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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



**DEWITT  
ROSS & STEVENS<sup>SC</sup>**  
LAW FIRM

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

**RECEIVED**

**MAR 15 2007**

**WATER RIGHTS  
PROGRAM**

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<sup>SC</sup>**

Douglas L. Flygt

DLF:jtk  
Enclosures

## 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. 5680-3

Date: 3/13/07

I/We request that Vested Water Right No. 5680-3

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:

78 acres - W 1/2 NW 1/4 Section 23, T99N, R53W

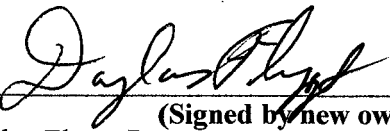
I/We understand that the validity of Vested Water Right No. 5680-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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 FLYCT 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>5680-3</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.

02994

By

Garland Erberle  
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](http://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](mailto:genny.mcmath@state.sd.us)

enclosures



5680-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: BALLACOSTAIN LLP, DOUGLAS FLYGT, PARTNER, 1626 CAPITAL AVE, MADISON, WI 53705

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5677-3, 5679-3, 5680-3, 6126-3, 6127-3 & 6843-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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, 5679-3, 5680-3, 6126-3, 6127-3 & 6843-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5677-3, 5679-3, 5680-3, 6126-3, 6127-3 & 6843-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:  
<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 28, 2009

Douglas Flygt  
Ballacostain LLP  
1626 Capital Ave  
Madison WI 53705

RE: Water Permit/Right Nos. 5677-3, 5679-3, 5680-3, 6126-3, 6127-3 & 6843-3

Dear Mr. Flygt:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Permit/Right Nos. 5677-3, 5679-3, 5680-3, 6126-3, 6127-3 & 6843-3.

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  
email: [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us)



5680-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: BALLACOSTAIN LLP, DOUGLAS FLYGT, PARTNER, 1626 CAPITAL AVE, MADISON, WI 53705

FROM: Ron Duvall, Natural Resources Engineer  
for Jeanne Goodman, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us). **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: XFCQTJ**

**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 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

February 3, 2020

Douglas Flygt  
BallaCostain LLP  
1626 Capital Ave  
Madison WI 53705

RE: Water Permit or Right Nos. 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3

Dear Mr. Flygt:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Permit or Right Nos. 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3. 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  
Water Rights Program  
(605) 773-3352  
email: [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us)



**DENR**  
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 22, 2021

**NOTICE**

**TO:** BALLACOSTAIN LLP, DOUGLAS FLYGT, PARTNER, 1626 CAPITAL AVE, MADISON, WI 53705

**FROM:** Ron Duvall, Natural Resources Engineer  
for Jeanne Goodman, Chief Engineer  
Water Rights Program

**SUBJECT:** Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us). **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: MYVLQY**

**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.



**DENR**  
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

February 3, 2021

Douglas Flygt  
Ballacostain LLP  
1626 Capital Ave  
Madison WI 53705

RE: Water Right/Permit Nos. 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3

Dear Mr. Flygt:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right or Permit Nos. 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3. 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  
Water Rights Program  
605 773-3352  
Genny.mcmath@state.sd.us



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

January 20, 2022

### NOTICE

TO: BALLACOSTAIN LLP, DOUGLAS FLYGT, PARTNER, 1626 CAPITAL AVE, MADISON, WI 53705

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

**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.

5680-3



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

January 26, 2022

Douglas Flygt  
Ballacostain LLP  
1626 Capital Ave  
Madison WI 53705

RE: Water Permit Nos. 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3

Dear Mr. Flygt:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit Nos. 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3. 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  
Water Rights Program  
605 773-3352  
Genny.mcmath@state.sd.us