WATER PERMIT NO. 5818-3

Phone: 886-4939

Name of Applicant: Steve Horning

Post Office Address: PO Box 304, Watertown SD 57201

Amount of Water Claimed: ~~1.85~~ 2.0 cfs Total Acres: ~~130~~ 141

Source of Water Supply: groundwater

Water to be used for: irrigation County: Turner

About 2 miles SE of Parker

PRIORITY Date Received: 4-6-94 Fee: $250.00 Remarks:

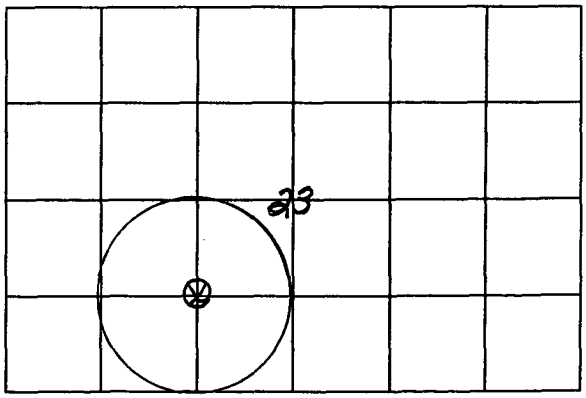
Corrected Application Received: 4-20-94 Period of Annual Use: April 1 - Oct 31

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

WI-1 Description same as Application YES ____ NO ____ REMARKS:

Diversion Point: center of SW1/4 Sec 23-T99N-R53W

Land to be Irrigated: SW 1/4 Sec 23-T99N-R53W



Well Log: Driller: Christenson Well Co. Licensed YES X NO ____

Depth of Well: 42 feet REMARKS:

Type of Map: aerial PREPARED BY: Kyle S Hizbenier, SCS Reviewed and the Number

Assigned on: 4-20-94 By: Karen Schlaak

FORM 2: Application for irrigation (type or print) in South Dakota

(See instructions)

No. 5818-3 Hydrologic Unit 10170102
Basin Vermillion River
Newspaper The New Era, Box 577, Parker

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

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. Name of Applicant Steve Horning Phone No. 605/886-4939

   Post Office Address PO Box 304 (Street, RR or Box) Watertown (City) State SD 57201 Zip Code

2. Amount of water claimed (c.f.s) 2.0 Total acres irrigated ~~130~~ 140
3. Source of Water supply well
4. Location of point of diversion Center point of SW 1/4 of Section 23, Township 99N, Range 53 West

   County Turner
5. Counties where water will be used Turner
6. Annual period during which water is to be used April 1 – October 31
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NW1/4 of SW1/4 S23,T99N,53W	35 ~~32.5~~
NE1/4 of SW1/4 S23,T99N,53W	35 ~~32.5~~
SE1/4 of SW1/4 S23,T99N,53W	35 ~~32.5~~
SW1/4 of SW1/4 S23,T99N,53W	35 ~~32.5~~

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ Other: (Specify) _____
9. Crops to be Irrigated: corn/soybeans/wheat
10. Give a description of proposed project. (Attach sheet if more space is needed)
    Center pivot located in center of SW 1/4 of S 23,T99N, R53W to irrigate approximately ~~130~~ 140 acres with 8-span center pivot.

APR 1994 DIVISION OF WATER RIGHTS PIERRE, SD

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Codington)ss

I, Steve Horning, 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 _____

Subscribed and sworn to before me this 4th day of April 1993

Carol A Rau
Notary Public

My Commission Expires 7-16-2000

4-87

SOUTH DAKOTA
WATER PERMIT NO. 5818-3

Date of first receipt of application April 6, 1994.
Date of return to applicant for corrections, amendments or changes April 7, 1994.
Date of receipt of corrected application April 20,1994.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5818-3 to Steve Horning, PO Box 304, Watertown SD 57201 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5818-3 appropriates 2.00 cubic feet of water per second from one well 42 deep located in the center of the SW 1/4 Section 23 to irrigate 140 acres located in the SW 1/4 Section 23; all in T99N-R53W.

2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.

3. The date from which applicant may claim right is April 6, 1994.

4. The date of approval of Permit No. 5818-3 is June 28, 1994.

5. One-fifth of the construction is to be completed on or before December 28, 1996.

6. All construction is to be completed on or before June 28, 1999.

7. Water is to be put to beneficial use on or before June 28, 2003.

8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well 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. The well authorized by Permit No. 5818-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

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

WATER MANAGEMENT BOARD

By: John Hatch

AUG 19 1994

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

date

Form 2A

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

   a) Drill Hole Diameter _____ Depth _____

   b) Casing Type _____ Diameter _____ Thickness _____

   c) Screen Type _____ Diameter _____ Thickness _____

   d) Gravel Pack Thickness _____ Length of Gravel Pack _____

   e) Depth to Top of Water Bearing Material _____

   f) Depth to Water (ground surface to water level) _____

   g) Distance to nearest existing domestic well:

   On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

   a) Surface Dimensions _____ Depth _____

   b) Depth to water (ground surface to water level) _____

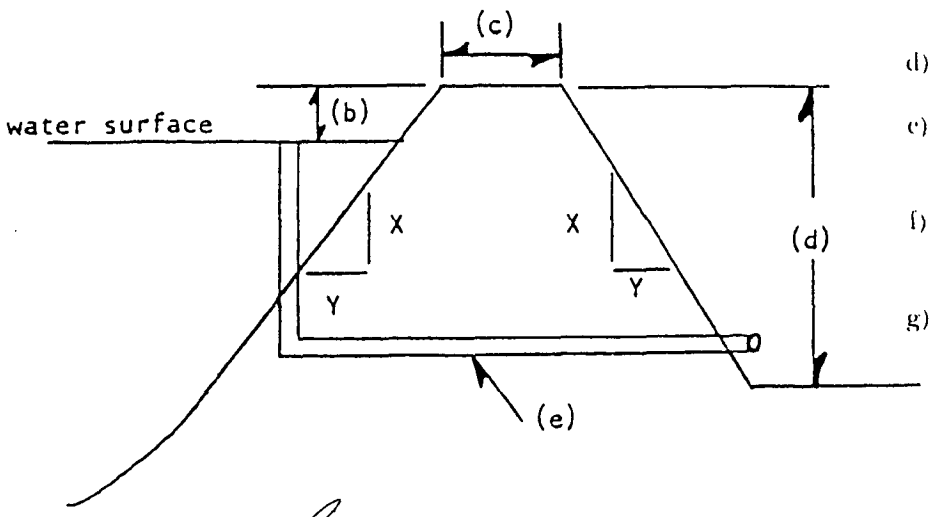
3. Water Storage Dams

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

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

   _____

   _____



   b) Freeboard _____

   c) Crest Width _____

   Crest Length _____

   d) Height _____

   e) Primary Outlet Capacity _____
   If Pipe, diameter _____

   f) Secondary Spillway Capacity _____
   Spillway width _____

   g) X & Y Slope
   Upstream _____

   Downstream _____

   Surface Area of Impoundment _____

   Storage _____ acre feet

   Drainage area above dam _____

_____
Signature of Applicant

RECEIPT

414127

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, April 7, 19 94

RECEIVED OF Steve Horning, PO Box 304, Watertown, SD 57201

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

Fee for Application for Permit No. 5818-3 to Appropriate Water, to construct and to put water to beneficial use	250	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No.		
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for		
(Any Other Work Provided by Law) **Total**	250	00

By John Hadch (Jmk)
Chief Engineer

APR 1994
DIVISION OF
WATER RIGHTS
Pierre, SD

APR 1994
DIVISION OF
WATER RIGHTS
Pierre, SD

NOT TO SCALE

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location ¼ S/W ¼ Sec 23 Twp 99 Rg 53

County TURNER

Please mark well location with an "X"

North

W E

1 Mile

Well Completion Date 8 JULY 94

Well Owner STEVE HORNING

Business Name

Address PO BOX 304 14 EAST KEMP WATERTOWN S. DAKOTA 57201

WELL LOG:

FORMATION	DEPTH FROM	DEPTH TO
TOP SOIL + PEBBLES	0	6
MED SAND + GRAVEL	6	18
COURSE GRAVEL + ROCKS	18	36
HARD SHALE	36	42

LOCATION:
Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? ____ ft from ____ (identify source)

PROPOSED USE:
☐ Domestic, Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:
REVERSE ROTARY

CASING DATA:
☐ Steel ☒ Plastic ☐ Other
If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
SCH40 LB/FT	16 IN	0 FT	20 FT	26 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
PORTLAND	26	15 lb/gal	10 ft	0 ft
		lb/gal	ft	ft

Describe grouting procedure TREMIE

SCREEN: ☑ Perforated pipe ☐ Manufactured
Diameter 16 IN Length 20 FEET
Material PVC
Slot Size .080 Set From 20 Feet to 40 Feet
Other information

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO
If so, what material?
Describe packer(s) and location?

DISINFECTION:
Was well disinfected upon completion? ☒ YES, How: CHLORINE
____ NO, Why Not?

STATIC WATER LEVEL 10 Feet
If flowing: closed in pressure ____ PSI
GPM flow ____ through ____ inch pipe
Controlled by ☐ Valve ☐ Reducers ☐ Other
Reduced Flowrate ____ GPM
Can well be completely shut in?

WELL TEST DATA:
☑ Pumped Describe: 8" TEST TURBINE
☐ Bailed
☐ Other

Pumping Level Below Land Surface
30 ft. After 1 Hrs. pumped 620 GPM
30 ft. After 2 Hrs. pumped 620 GPM
If pump installed, pump rate 500 GPM

REMARKS

MAR 1995 DIVISION OF WATER RIGHTS PIERRE, SD

This well was drilled under license # 444
And this report is true and accurate.
Drilling firm CHRISTENSEN WELL CO. INC.
Signature of License Representative: William J. Christensen
Signature of Well Owner or Equitable Property Holder:

T-L IRRIGATION

DATE:06-OCT-93
CONTROL #: JENS1
PHONE:

DEALER:

CENTER PIVOT SYSTEM DESIGN SPECIFICATIONS FOR: JENSEN

IRRIGATED ACREAGE... 130
CROP..... CORN
CLIMATE... HOT ARID
CROP AVG. PEAK DAILY USE... .35 in.
PIVOT APPLICATION EFF..... 90%
PIVOT DAILY NET APPLIED.... .28 in.
DAYS TO APPLY 1 INCH (NET). 3.6
TOTAL SEASON APPLICATION... 15 in.

SYSTEM LENGTH (W/O ENDGUN)... 1287ft.
ENDGUN RADIUS..... 100ft.
IRRIGATED RADIUS (W/ ENDGUN). 1387ft.
TIME END GUN IN USE..... 50%
FUEL SELECTED..... PROPANE
GPM..... 800
PORTION OF 360o CIRCLE..... 360o
TOTAL HOURS FOR SEASON..... 1303

QUANTITY	SPAN MODEL/DESCRIPTION
4	865 6 5/8 SPAN
2	965 6 5/8 SPAN
1	765+ 6 5/8 SPAN
1	865 6 5/8 SPAN
1	30 FT. OVERHANG

8 - TOTAL SPANS

PIPE SIZE DATA

10 in.	-	%
8 in.	-	%
6 5/8. in.	-	100 %

MAIN LINE
NONE

FRICTION LOSS / HORSE POWER STATISTICS

	PSI	FEET
END PRESSURE REQUIREMENT.	40.0	92.4
PIVOT FRICTION LOSS	11.0	25.4
PIVOT ELEVATION	0.0	0.0
PIVOT PRESSURE REQUIRED..	51.0	117.8
PIVOT HEIGHT.....	4.3	10.0
MAIN LINE FRICTION LOSS..	0.0	0.0
MAIN LINE ELEVATION.....	0.0	0.0
PUMP PRESSURE REQUIRED...	55.3	127.8

PUMPING DEPTH (FEET)..... 30
TOTAL DYNAMIC HEAD (FEET).... 158
PUMP + GEAR HEAD EFFICIENCY.. 75%
WATER PUMPING HORSE POWER.... 43
HYDRAULIC PUMP HORSE POWER... 10

TOTAL HORSE POWER REQUIRED... 53

FUEL/COST SUMMARY - DIESEL (FOR 1303 HOURS)
FUEL CONSUMPTION, $/HOUR.... $ 2.36
SEASON OPERATING COST..... $ 3069.28
HP PER HOUR PER GALLON..... 18.0
FUEL, COST/GALLON.....$0.80

FUEL/COST SUMMARY - PROPANE (FOR 1303 HOURS)
FUEL CONSUMPTION, $/HOUR.... $ 3.00
SEASON OPERATING COST..... $ 3913.34
HP PER HOUR PER GALLON..... 9.0
FUEL, COST/GALLON.....$0.51

FUEL/COST SUMMARY - NATURAL GAS (FOR 1303 HOURS)
FUEL CONSUMPTION, $/HOUR.... $ 1.62
SEASON OPERATING COST..... $ 2105.45
HP PER HOUR PER 1000 CU FT... 82.0
FUEL, COST/1000 CU FT.....$2.50

FUEL/COST SUMMARY - ELECTRICITY (FOR 1303 HOURS)
FUEL CONSUMPTION, $/HOUR.... $ 2.65
SEASON OPERATING COST..... $ 3452.95
HP PER KW/HOUR..... 1.20
FUEL, COST/KW/HOUR.....$0.06

APR 1994
DIVISION OF
WATER RIGHTS
Pierre, SD

ORDER FORM AND SALES CONTRACT

CONTROL #: 00191

26543

AUTHORIZED DEALER (Seller): CHRISTENSEN WELL CO.
HARTINGTON, NE.

Date: 24-NOV-93

T-L IRRIGATION
Manufacturer and/or Distributor
P.O. Box 1047
Hastings, NE 68902-1047
(402) 462-4128 • Fax (402) 462-4617

Sold to: (Buyer) STEVE HORNING
14 E. KEMP BX. 304
WATERTOWN, S.D. 57201

Seller Phone: 402-254-6809
Buyer Phone:

Requested Shipping Date:
Shipping Directions: PETE JENSEN / VIBORG, S.D.

G.P.M. 800 | PSI (Top of Pivot) 50 | End Gun SR100 | Sprinkler Pkg. #3A | Press. Reg. NONE
No. of Towers 8 | Auto-Endgun AUTOEG | Eng. or Elec. BLT-DR | End Pipe Lgth. 30 | Gear Dr. Type WORM
Serial No. | Position Stop ELEC | Towable NO | Tires 11238P | Spans 1¼" Oil Line 4

QUANTITY	PART #	DESCRIPTION		
1	MD4001	STD 6 5/8" PIVOT POINT ASSY		1,060.00
1	MD4050	BELT DRV ASSY FULL STRK 20 GPM		1,625.00
4	MD4230	6 5/8" X 158' SPAN WORM	3,420.00	13,680.00
2	MD4220	6 5/8" X 138'4" SPAN WORM	3,187.00	6,374.00
1	MD4245	6 5/8 X 187'6" SPAN WORM		4,005.00
1	MD42300	6 5/8" X 158' END SPAN WORM		3,360.00
4	MD9008	1 1/4" OIL LINE 158' SPAN/ADD	100.00	400.00
16	MD6025	11.2 X 38 PAINTED 8 HOLE ASSY	450.00	7,200.00
1	MD5612	30' OVERHANG ASSEMBLY		422.00
1	MD4510	END TOWER AUTO REVERSE		329.00
1	MD8951	ELECTRIC POSITION STOP		127.00
1290	MD89770	RAINBIRD L36 STR BORE / FOOT	0.62	799.80
1	MD9452	NELSON SR100 WITH PLUMBING		660.00
1	MD8941	HYDRAULIC END GUN ASSY LOW PSI		237.00
1290	MD8900	AUTO END GUN 1/2" TUBING / FT	0.41	528.90

Neither T-L Irrigation Co., nor the Seller shall be liable for any delays or defaults in making delivery where occasioned by any cause beyond its control, including but not limited to: action of any governmental authority; strikes, shortage of labor or materials, production facilities or transportation; labor difficulties; fire, flood, accidents or acts of God.

METHOD OF PAYMENT: Cash ☐ Lease ☑

List Total		40,807.70
LESS CUSTOMER DISCOUNT		-10,653.44
LESS SPECIAL DISCOUNT		-1,960.00
Sub-Total		28,194.26
Installation & CONCRETE PAD		3,000.00
Freight & UNLOADING		550.00
Total		31,744.26
Sales Tax (If Applicable)		
Less Down Payment		
Balance Due on Delivery		

SELLER: CHRISTENSEN WELL CO. INC.

By William J. Christensen

BUYER: [signature]

By 11-6-93 Title Owner

This agreement is subject to the acceptance by T-L Irrigation Co., of Hastings, Nebraska.

This agreement is subject to the terms and conditions on the reverse side. READ BEFORE SIGNING

CUSTOMER

APR 1994
DIVISION OF
WATER RIGHTS
Pierre, SD

Proposal

Page No. of Pages

CHRISTENSEN WELL CO.
Well, Pump & Water Systems
T-L Pivot Dealer
South Hwy. 15 Route 1
HARTINGTON, NEBRASKA 68739
(402) 254-6809

PROPOSAL SUBMITTED TO: PETE JENSEN		PHONE	DATE: 11/1/93
STREET: PO BOX 338		JOB NAME:	
CITY, STATE and ZIP CODE: VIBORG S.D. 57070		JOB LOCATION: FARM EAST OF PARKER	
ARCHITECT	DATE OF PLANS		JOB PHONE

We Propose hereby to furnish material and labor — complete in accordance with specifications below, for the sum of:

TWELVE THOUSAND EIGHT HUNDRED SEVENTY ONE AND 38/100 dollars ($ 12,871.38).

Payment to be made as follows:

$1500.00 DOWN PAYMENT BAL. ON COMPLETION OF WELL + INSTALLATION OF PUMP

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from specifications below involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature: William J. Christensen

Note: This proposal may be withdrawn by us if not accepted within _____ days.

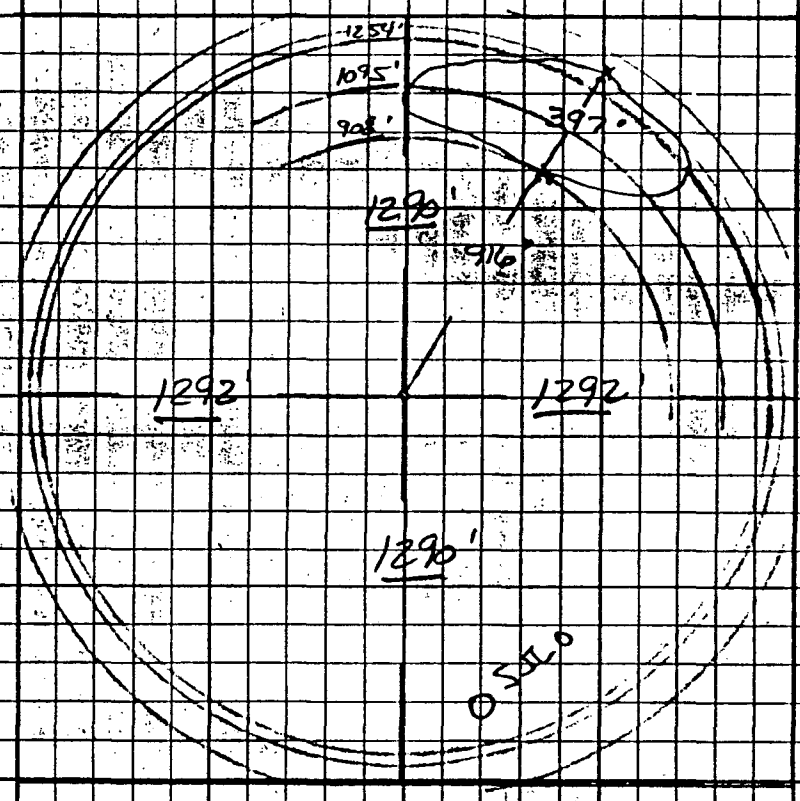
We hereby submit specifications and estimates for:

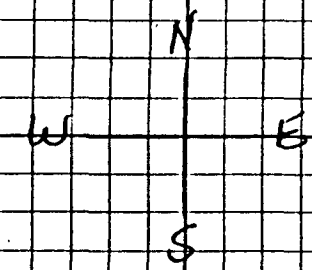
30'	16" PVC SCED 40 PVC CASING	18.00	540.00
20'	16" PVC SLOTTED PVC CASING	21.00	420.00
1	3 STG BOWL UNIT		3552.00
40'	6 5/8 X 1 1/4 WATER LUBE COLUMN		1684.00
1	DISCHARGE HEAD		1250.00
1	60 HP GEAR DRIVE		1540.00
1	W41 + 36 DRIVE SHAFT		258.00
1	FLANGE		42.00
1	SHAFT GUARD		46.00
1	6" CHECK VALVE		310.00
1	CEMENT PUMP PAD		95.00
10	YDS GRAVEL PACK		225.00
			9964.00
50'	DRILLING		1500.00
1	SLUSH PIT		245.00
	TEST PUMP + DEVELOP		200.00
	LABOR + FRT.		500.00
	SALES + EXISE TAX		462.38

CHRISTENSEN WELL / PETE JENSEN

4 - 158'	=	632'	#4 WT
2 - 138'	=	908'	#6 WT
1 - 187	=	1095'	#7 WT
1 - 158'	=	1254'	#8 WT
1 30'	=	1284'	
1 - END GOU	=	4'	
		1288'	

END GOU THRUS 100'





South Dakota State University
Brookings, South Dakota 57007

Water Resources Research Institute
Telephone 605-688-4910

APR 1994
DIVISION OF
WATER RIGHTS
PIERRE, SD

March 25, 1994

Steve Horning
1169 Skyline Dr.
Watertown, SD 57201

Dear Mr. Horning:

Enclosed is a copy of the analysis of your water sample which you submitted to us for testing. We have identified the source of your water as taken from a Well at a depth of 40 ft in Section 23, Township 99N, Range 53W. We have assigned it lab number 94-0038.

Your water, as represented by this sample, is classified as a very high salinity, low sodium hazard for irrigation usage. The electrical conductivity (EC) of this water is 2300 micromhos/cm. The main ions in this water are: calcium (Ca) and sulfate (SO4).

I have plotted your approximate water quality in red on the outside back cover of the enclosed pamphlet (AES 13). The sodium hazard, ranging from 0.26 to 0.71, is low and is dependent upon the leaching fraction that may result if irrigation water is applied. The higher sodium hazard is associated with no leaching, and the lower sodium hazard is associated with normal leaching fractions (0.03-0.05). The leaching fraction is defined as the amount of water lost below the root zone annually, divided by the total amount received into the soil profile.

This water is high in total salinity and can be a problem for some salinization to develop on some heavier soils. If, however, the soils you intend to irrigate with this water are the Delmont/Enet loam/sandy loam associations, which have excellent natural subsurface drainage, I would not expect excessive soil salinization to develop. Some salt sensitive crops may, however, suffer some yield declines compared to lower salt carrying waters. I have enclosed a sheet which shows the yield declines which should be expected for specific crops for different salinity waters. I have highlighted the crops and salinity levels which approach the level of your irrigation water. The "0%" column indicates the point at which yield declines can be expected to start (i.e. soil extract averages 1.7 millimhos/cm, or 1700 umhos/cm, for corn). For corn, if the average soil salinity was 2.5 millimhos/cm or 2500 umhos/cm (your water is 2300 umhos/cm) over the growing season, the best yield you could expect would be 135 bu/acre.

I would recommend that you could use this water for irrigation purposes if the soils were Enet/Delmont soils and the crops were not extremely salt sensitive.

You should be aware that on these types of soils, nutrient leaching is a significant potential problem, particularly in the spring before the crop is using nitrogen and water. This needs to be balanced with salt leaching. I would expect that you should get sufficient natural leaching from rainfall to control the soil salt content on Enet/Delmont soils, and that nutrient loss from leaching may be a higher priority. Split applications of nitrogen (spoon feeding) or fertigation may be some alternative methods of applications which may lessen the potential for nitrogen leaching.

The boron level 0.16 ppm for this water poses a low toxicity level for most normal crops in this area. I have enclosed a sheet that tells the boron toxicity levels for major crops.

I am forwarding a copy of this letter and water analysis to the Division of Conservation in Pierre for their information and/or action. If you have further questions regarding this water analysis, please do not hesitate to call or write.

Sincerely,

John Bischoff

John H. Bischoff, Assistant Professor
Water Resources Institute

Enclosures
cc: Division of Conservation

CROP TOLERANCE TABLE

FIELD CROPS

YIELD DECREMENT TO BE EXPECTED FOR CERTAIN CROPS DUE TO SALINITY OF IRRIGATION WATER WHEN COMMON SURFACE IRRIGATION METHODS ARE USED.

CROP	0% EC_E[1]	10% EC_E	25% EC_E	50% EC_E	MAXIMUM EC_E
BARLEY	8.0	10	13	18	28
COTTON	7.7	9.6	13	17	27
SUGARBEET	7.0	8.7	11	15	24
WHEAT	6.0	7.4	9.5	13	20
SOYBEAN	5.0	5.5	6.2	7.5	10
SORGHUM	4.0	5.1	7.2	11	18
CORN	1.7	2.5	3.8	5.9	10
FLAX	1.7	2.5	3.8	5.9	10

[1]EC_E = ELECTRICAL CONDUCTIVITY OF THE SATURATION EXTRACT OF THE SOIL (MILLIMHOS/CM)

DATA AS REPORTED BY MAAS AND HOFFMAN (IN PRESS), BERNSTEIN (1964), AND UNIVERSITY OF CALIFORNIA COMMITTEE OF CONSULTANTS (1974).

REPORT OF WATER ANALYSIS 03/25/1994
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, SD 57007

Bill To: Horning, Steve
1169 Skyline Dr.
Watertown, SD 57201
cc:

	Turner
Date Rec'd	03/03/1994
Lab Sample No.	94-0038
Source	Well
Depth	40
Legal ID: T 99N5 R 3W2 S 3	

Calcium (Ca)	432	ppm	21.60	me/l
Magnesium (Mg)	110	ppm	9.05	me/l
Sodium (Na)	23	ppm	1.00	me/l
Potassium (K)	8	ppm	0.20	me/l
Sulfate (SO4)	1270	ppm	26.44	me/l
Nitrate as N (NO3)		ppm		me/l
Organic Nitrogen as N		ppm		
Ammonia Nitrogen as N		ppm		
Nitrite as N (NO2)		ppm		
Ortho Phosphorus		ppm		
Total Phosphorus		ppm		
Chloride (Cl)	28	ppm	0.79	me/l
Bicarbonate (HCO3)	259	ppm	4.24	me/l
Carbonate (CO3)	0	ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Manganese (Mn)		ppm		
Boron (B)	0.16	ppm		
Hardness (EDTA as CaCO3)	1533	ppm	89.62	gpg
Total Solids		ppm		
Total Cations			31.85	me/l
Total Anions			31.47	me/l
Alkalinity (Methyl Orange)	212	ppm(as CaCo3)		
Alkalinity (Phenolphthalein)	0	ppm(as CaCo3)		
Electrical Conductivity	2300	micromhos per cm at 25°C		
Sodium Adsorption Ratio (SAR)	0.26	Adjusted SAR	0.71	
Sodium	3.14	% of Cations		
Residual Sodium Carbonate	0.00	me/l		
pH	7.81			

gpg = grains per gallon ppm = parts per million
me/l = milliequivalents per liter

COMMENTS:

Analysis By: Shirley Mittan

Service Performed:	Analysis Cost:	42.00	Amount Received:	.00
	Sales Tax:	2.52	AMOUNT DUE:	44.52
Irrigation Analysis	Total Cost:	44.52		

Make checks payable to: SDSU Water Quality Lab
Please write lab number on your check!
Lab Sample No. 94-0038

CROP TOLERANCE TABLE

FORAGE CROPS

YIELD DECREMENT TO BE EXPECTED FOR CERTAIN CROPS DUE TO SALINITY OF IRRIGATION WATER WHEN COMMON SURFACE IRRIGATION METHODS ARE USED.

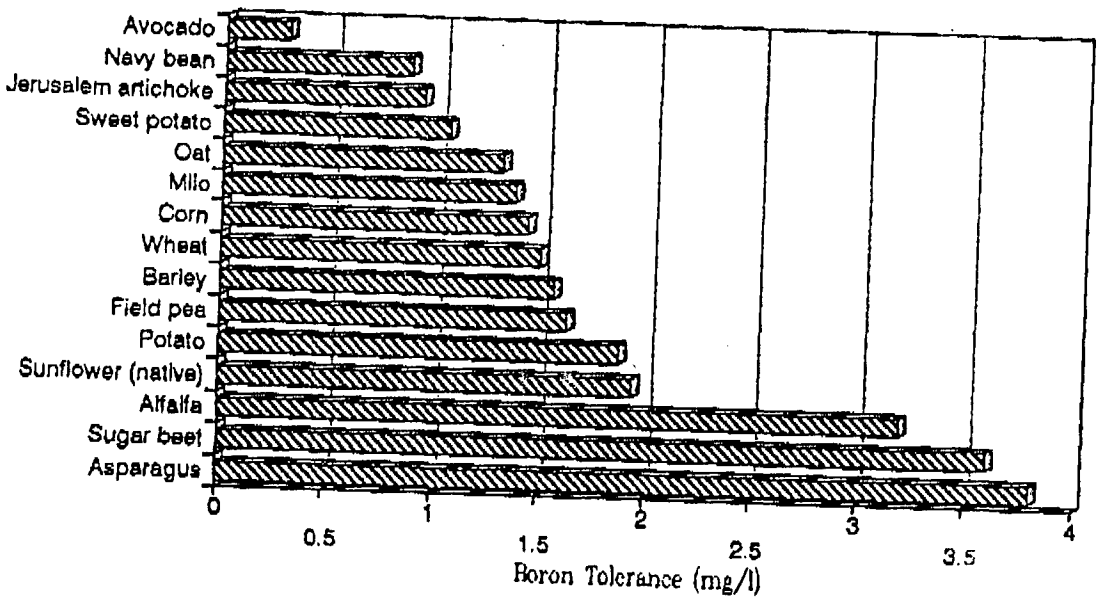
CROP	0% EC_E[1]	10% EC_E	25% EC_E	50% EC_E	MAXIMUM EC_E
TALL WHEAT GRASS	7.5	9.9	13.3	19.4	31.5
WHEAT GRASS (FAIRWAY)	7.5	9.0	11	15	22
BERMUDA GRASS	6.9	8.5	10.8	14.7	22.5
TREFOIL, BIRDSFOOT NARROW LEAF	5.0	6.0	7.5	10	15
TALL FESCUE	3.9	5.8	8.6	13.3	23
CRESTED WHEAT GRASS	3.5	6.0	9.8	16	28.5
SUDAN GRASS	2.8	5.1	8.6	14.4	26
TREFOIL, BIG	2.3	2.8	3.6	4.9	7.5
ALFALFA	2.0	3.4	5.4	8.8	15.5
CLOVER, BERSEEM	1.5	3.2	5.9	10.3	19
ORCHARD GRASS	1.5	3.1	5.5	9.6	17.5

[1] EC_E = ELECTRICAL CONDUCTIVITY OF THE SATURATION EXTRACT OF THE SOIL (MILLIMHOS/CM)

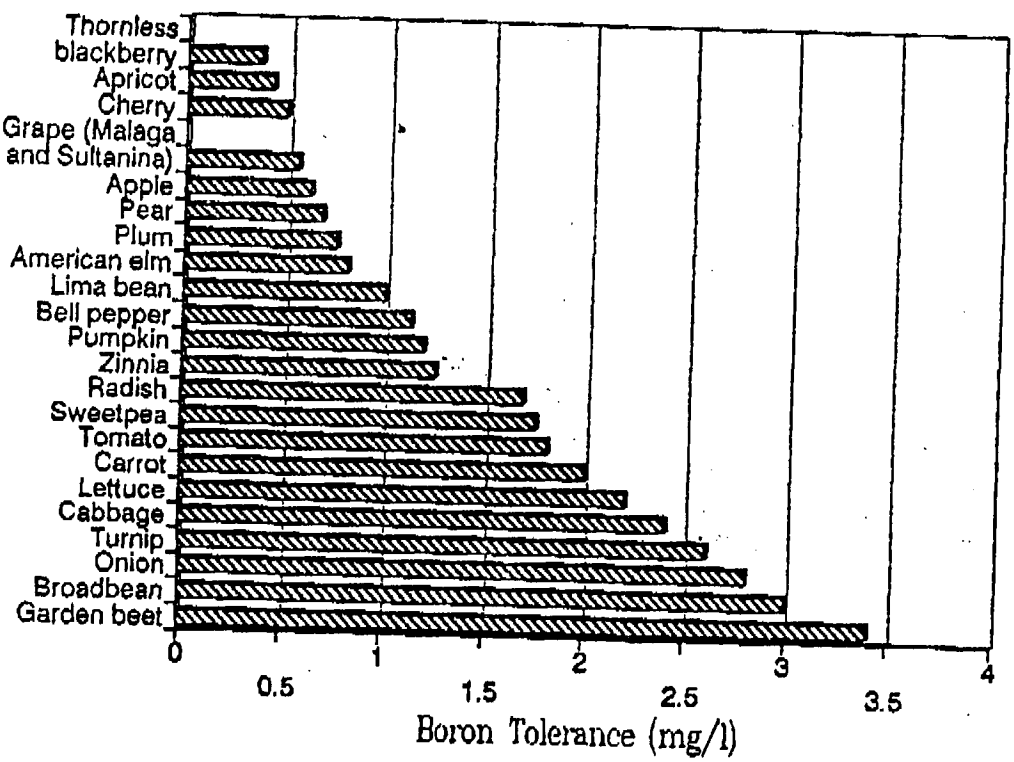
DATA AS REPORTED BY MAAS AND HOFFMAN (IN PRESS), BERNSTEIN (1964), AND UNIVERSITY OF CALIFORNIA COMMITTEE OF CONSULTANTS (1974).

...nits of Boron in Irrigation Water for Crops of Different Degrees of Boron Tolerance.

Field Crops



Other Crops



* The magnitude of the number may vary somewhat within these groups. The rank, however, is correct. (Taken from Trace Elements in the Environment. 1972. Binham, F.T. "Boron in Cultivated Soils and Irrigation Waters".)

GREAT FACES. GREAT PLACES.

APR 1994
DIVISION OF
WATER RIGHTS
PIERRE, SD

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

April 7, 1994

Steven Horning
PO Box 304
Watertown SD 57201

Dear Mr. Horning:

We received your water permit application on April 6, 1994. Enclosed is the map submitted with the application. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office). Also, please indicate the location of the well on the map.

On the application, Item No. 2, the amount of water claimed was not completed. Under State Statutes you are allowed 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed 1.85 cfs for the 130 acres to be irrigated. This is approximately 830 gallons per minute.

Upon receipt of the signed map, further processing of your application will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
605 773-3352

enclosure

Pete –
Would you please see if you can get these items cleared up and sent back to DENR & Nat Resources –
Thanks Pete –
If you cannot please call me

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Steve Horning -- WP Application No. 5818-3

ADDRESS: COUNTY: Turner

DATE: April 25, 1994 TELEPHONE: 886-4939

RE: Discussion regarding acreage to by irrigated

COMMENTS:

Mr. Horning returned my phone call. I explained how his application proposed irrigation of 130 acres, however, from one of the quotes he'd received from the person supplying him the irrigation equipment indicate the irrigation radius to be 1,387 feet which equals 138.7 acres. I suggested that his application be amended to be for 140 acres and the appropriate statutory diversion rate of 2. cfs. I explained that it was better to clear this up now than to have to apply for the additional acreage some time in the future after and inspection had been completed.

He agreed and asked me to amend his application.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Trenlund

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: WP Application No. 5818-3, Steve Horning

ADDRESS: COUNTY:

DATE: 5/12/94 TELEPHONE:

RE: Call from Pete ?Jenson? from Farmers State Bank

COMMENTS:

Mr. Jenson called regarding the status of Mr. Horning's water permit application. I stated it was on one of the engineer's desk waiting for a report. Once the report and recommendation are completed they will be sent to Mr. Horning along with a notice of hearing, he will then need to contact the newspaper to authorize publication.

Mr. Jenson stated the well was now completed and was capable of producing 650 gpm. He stated that Mr. Horning was a little nervous about getting a permit in time to irrigate this year. I explained the order we process applications and stated we'd do the best we can.

Mr. Jenson asked if it was okay for them to put up the irrigation system and I read SDCL 46-5-9 to him.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Gronlund

REPORT ON WATER PERMIT APPLICATION NO. 5818-3
for Steve Horning
May 13, 1994

Application No. 5818-3 proposes to appropriate 2.00 cfs (900 gpm) from one well approximately 42 feet deep located in the center of the Sw 1/4 of section 23 to irrigate 140 acres located in the SW 1/4 of section 23; all in T99N R53W in Turner County.

AQUIFER - PARKER CENTERVILLE (PAC)

The Parker Centerville is a glacial outwash (sand and gravel) aquifer under predominantly unconfined (water table) conditions. The aquifer underlies 38,300 acres and contains an estimated 114,900 acre feet of recoverable water in storage (Hedges, 1982). The USGS estimates the aquifer underlies 74 square miles and contains an estimated 322,000 acre feet of water in storage (Lindgren, 1990). The estimates are slightly larger in the more recent USGS report because of better aquifer mapping and the fact that recoverable water is generally about 1/2 of the total water in storage. Recharge to the aquifer has been estimated at 4.9 inches per year (Hedges, 1983) (16,600 acre feet per year for Hedges area and 19,340 acre feet per year for USGS area). Historically, pumping from the Parker Centerville aquifer was 13,958 acre feet in 1988. This was the largest recorded water use year for the aquifer. Based upon water use data, the aquifer is capable of sustaining additional withdrawals.

The Division of Water Rights monitors 5 observation wells (TU-80C, TU-77A, TU-79E, TU-79D and TU-79A) which are located within a 2 mile radius of this application. Water levels for these wells show good correlation between wet and dry years with water levels rising quickly or falling slowly in response to the climatic conditions. The natural climatic effects amount to about 13 feet maximum change between the highest and lowest water levels recorded. Annual changes of 1 to 3 feet of decline are typical but water levels are dependent upon the availability of recharge to the aquifer. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1994).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are six existing water permits/rights in about an 1/2 mile radius of this application. These are Water Right Nos. 2962-3, 1164-3, 2810-3, 5680-3, 5677-3 and 4958-3. Interference is not expected to be a concern. All of these water permits/rights obtain ground water from the Parker Centerville aquifer and have been in use for many years.

CONCLUSIONS

1. Water is available from the Parker Centerville aquifer.

2. The aquifer is unconfined and under water table conditions. Interference is not expected to be a concern. Significant drawdown caused by pumping an individual well does extend very far from the production well in aquifer's like the Parker Centerville.

3. Ground water levels in this area can fluctuate over 10 feet between high and low periods. At the time of test drilling for this application, the ground water levels in area observation wells were relatively high. Following this logic the water level could be expected to decline from the 10 feet reported to about 20 feet. This would leave 16 feet of water in the production well at this site. This magnitude of water level change may have an impact on the production from the well.

4. This well must be constructed in accordance with SD Well Construction Standards.

5. An extended period of drought much like what occurred in the mid 1970's could result in reduced pumping rates and inability to produce the amount of water needed. The aquifer is within a few thousand acre feet of being fully appropriated based on use.

James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hedges, L.S., et al, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Hedges, L.S., et al, 1983, Task 7: Ground Water Recharge, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, SD, USGS WRI 90-4093, USGS, Huron, SD, 57350.

Water Rights, 1994, Unpublished Observation Well Data for Turner County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5818, Steve Horning

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5818-3, Steve Horning, PO Box 304, Watertown, SD 57201.

The Chief Engineer is recommending APPROVAL of Application No. 5818-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well 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. The well authorized by Permit No. 5818-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

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

See report on application for additional information.

JOHN HATCH, Chief Engineer
May 18, 1994

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.

May 20, 1994

Steve Horning
PO Box 304
Watertown, SD 57201

Dear Mr. Horning:

Water Permit Application No. 5818-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of The New Era printed at Parker, SD (Ph # 297-4419). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

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

May 20, 1994

The New Era
Box 577
Parker, SD 57053-0577

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5818-3 to be published twice. Please publish the first notice on May 26, 1994, 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 Steve Horning, PO Box 304, Watertown, SD 57201 (Ph # 886-4939).

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

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

No._____

Date_____

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

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

_____ _____
Name Newspaper

Instruction to Newspaper - Publish first Notice on May 26, 1994, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5818-3 to Appropriate Water

Notice is given that Steve Horning, PO Box 304, Watertown, SD 57201 has filed an application for a water permit to appropriate 2.00 cubic feet of water per second from one well 42 feet deep located in the center of the SW 1/4 Section 23 to irrigate 140 acres located in the SW 1/4 Section 23; all in T99N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5818-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 13, 1994. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application at 10:00 a.m., June 28, 1994, Gallery D, Ramkota Inn Best Western, 920 West Sioux, Pierre, SD. If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The June 28, 1994, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 13, 1994.

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 June 13, 1994, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

Affidavit of Publication

JUN 1994 DIVISION OF WATER RIGHTS Pierre, SD

STATE OF SOUTH DAKOTA }
COUNTY OF TURNER } ss.

Bruce Bormann of the City of Parker, County of Turner, State of South Dakota, being first duly sworn on oath, deposes and says:

The New Era is a weekly legal newspaper of general circulation, printed and published in the City of Parker, in said County of Turner, by The New Era, Bruce J. Bormann or Brenda L. Bormann, publishers, and has been such legal newspaper during the times hereinafter mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the publisher of the said newspaper, in charge of the advertising department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed Notice of Hearing on Application No. 5818-3 printed copy of which hereunto attached, was printed and published in the said newspaper for 2 successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Thu, the 26 day of May, 19 94;
On Thu, the 2 day of June, 19 94;
On ____, the ____ day of ____, 19____;
On ____, the ____ day of ____, 19____;
On ____, the ____ day of ____, 19____;
On ____, the ____ day of ____, 19____;
On ____, the ____ day of ____, 19____;

That $51.39 being the full amount of the fees for publication of the attached notice insures solely for the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Diane Winnepenninckx

Subscribed and sworn to before me this 15 day of June, 19 94.

Notary Public, Turner County, South Dakota.

My Commission Expires Sept. 20, 1998

NOTICE OF HEARING on Application No. 5818-3 to Appropriate Water

Notice is given that Steve Horning, PO Box 304, Watertown, SD 57201 has filed an application for a water permit to appropriate 2.00 cubic feet of water per second from one well 42 feet deep located in the center of the SW 1/4 Section 23 to irrigate 140 acres located in the SW 1/4 Section 23; all in T99N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5818-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

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Publication Fees - - - $51.39
Notary Fees - - - - - $____
Total - - - - - $51.39

Received Payment,

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 June 13, 1994, at the above Water Rights Division address to request copies of informatin pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

(Publish 5-26 & 6-2)

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

AUG 19 1994

Steve Horning
PO Box 304
Watertown, SD 57201

Dear Mr. Horning:

Enclosed is Water Permit No. 5818-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

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

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

Form 10

AUG 1994
DIVISION OF
WATER RIGHTS
RECEIVED

NOTICE OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Date 8-2-94

TO: Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Steve Horning (name) PO Box 304 (address)
Watertown (city) SD (state) 57201 (zip) 886 4939 (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5818-3.

Water Permit No. 5818-3 states that the diversion system is to be constructed by 6-28-99 (date), and that the water is put to beneficial use by 6-28-2003 (date).

The diversion system was completed on July 1994 (date).

Applying the water to beneficial use was completed on July 1994 (date).

You may schedule an inspection so that the Water License may be issued.

(signature)

STEVEN T. HORNING, P.C.
CERTIFIED PUBLIC ACCOUNTANT
P.O. BOX 304
14 EAST KEMP
WATERTOWN, SD 57201

PHONE 605-886-4939
FAX 605-886-4957

AUG 1994
DIVISION OF
WATER RIGHTS
Pierre, SD

August 22, 1994

John Hatch, Chief Engineer
Water Rights Division
Department of Environment
and Natural Resources
523 East Capitol
Pierre, SD 57501-3181

Dear John:

I am enclosing Form 10, which you requested, regarding water permit #5818-3. I am pleased with the way this system is running. If you need any additional information, please advise.

Sincerely yours,

Steven T. Horning

STH/lm
Enc: Form #10

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

March 19, 1997

5818-3

Steve Horning
P.O. Box 304
Watertown, SD 57201

Dear Mr. Horning:

The investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5818-3, has been completed. Your final water right document, the Water License, can now be issued.

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

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

Sincerely,

Cheryl F. Frost

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

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

RECEIPT

415286

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, March 25, 1997

RECEIVED OF Steve Morning, P.O. Box 304, Watertown, SD 57201

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. 5010 3	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		
(Any Other Work Provided by Law) **Total**	50	00

By Joe Hatch
Chief Engineer

Form 12

Permit No. 5818-3
Vermillion River - Water District

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

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

I have this day, **June 17, 1996**, made a thorough examination of the water use system constructed by **Steve Horning** of **PO Box 304, Watertown, SD 57201** holder of Permit No. **5818-3**, bearing the priority of **April 6, 1994** authorizing the diversion of **2.00** cu. ft. of water per second from **ground water** for **irrigation** purposes, in **Turner** County.

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

A. Works used to divert the water:

A 165 HP Chevy propane engine with a 500 GPM Amarillo pump.

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

N/A

C. Works used to apply water to beneficial use:

An 8 Tower T&L center pivot.

The system is in the following condition **good**. The point of diversion is located **1320 feet E and 1320 feet N from the SW1/4 of Section 23; T099N R53W**. The works are capable of diverting and conveying to the place of use **1.11** cu. ft. of water per second which is to be used for **Irrigation**. Water has been put to beneficial use to the maximum extent as follows:

T099N R53W	**SECTION 23**	**NW1/4 SW1/4**	**33 ACRES**
		NE1/4 SW1/4	**33 ACRES**
		SW1/4 SW1/4	**33 ACRES**
		SE1/4 SW1/4	**33 ACRES**

comprising a total of **132** 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: **None** Date Report Completed: **March14, 1997**

Barry A. McLaury

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

REPORT ON INSPECTION OF PERMIT NO. 5818-3

Other permit(s) associated with the project: **None.**

DATE OF INSPECTION: **June 17, 1996.**

NAME OF INSPECTION CONTACT: **Curt Adrian, renter.**

NAME & ADDRESS OF PERMIT HOLDER: **Steve Horning, PO Box 304, Watertown, SD 57201.**

DIVERSION POINT LEGAL LOCATION: **1320 feet E and 1320 feet N from the SW corner of Section 23; T099N R53W (center of the SW1/4).**

WELL INFORMATION:

1) Well Drilling Firm: **Christensen Well Company**
2) No. of Wells **1**
3) Depth(s) **42** feet
4) Well log is available **Y**

Casing:

1) Diameter **16** inches
2) Length **20** feet
3) Type **PVC**

Screen:

1) Type **PVC**
2) Length **20** feet
3) Static water level **10** feet

Motor:

1) Make **Chevy V-8**
2) Model No. **propane**
3) Horsepower rating **165** HP

Pump:

1) Make **Amarillo**
2) Serial No. **560A**
3) Capacity **500** GPM

SYSTEM TYPE:

Center pivot:

1) Make **T&L**
2) Overall length **1288** feet
3) Number of towers **8**
4) End gun **Y**
5) High or low pressure **low**
6) Capacity **500** GPM

CHEMIGATION EQUIPMENT:

1) Does chemigate **N**

PERMIT QUALIFICATIONS AND REGULATIONS:

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

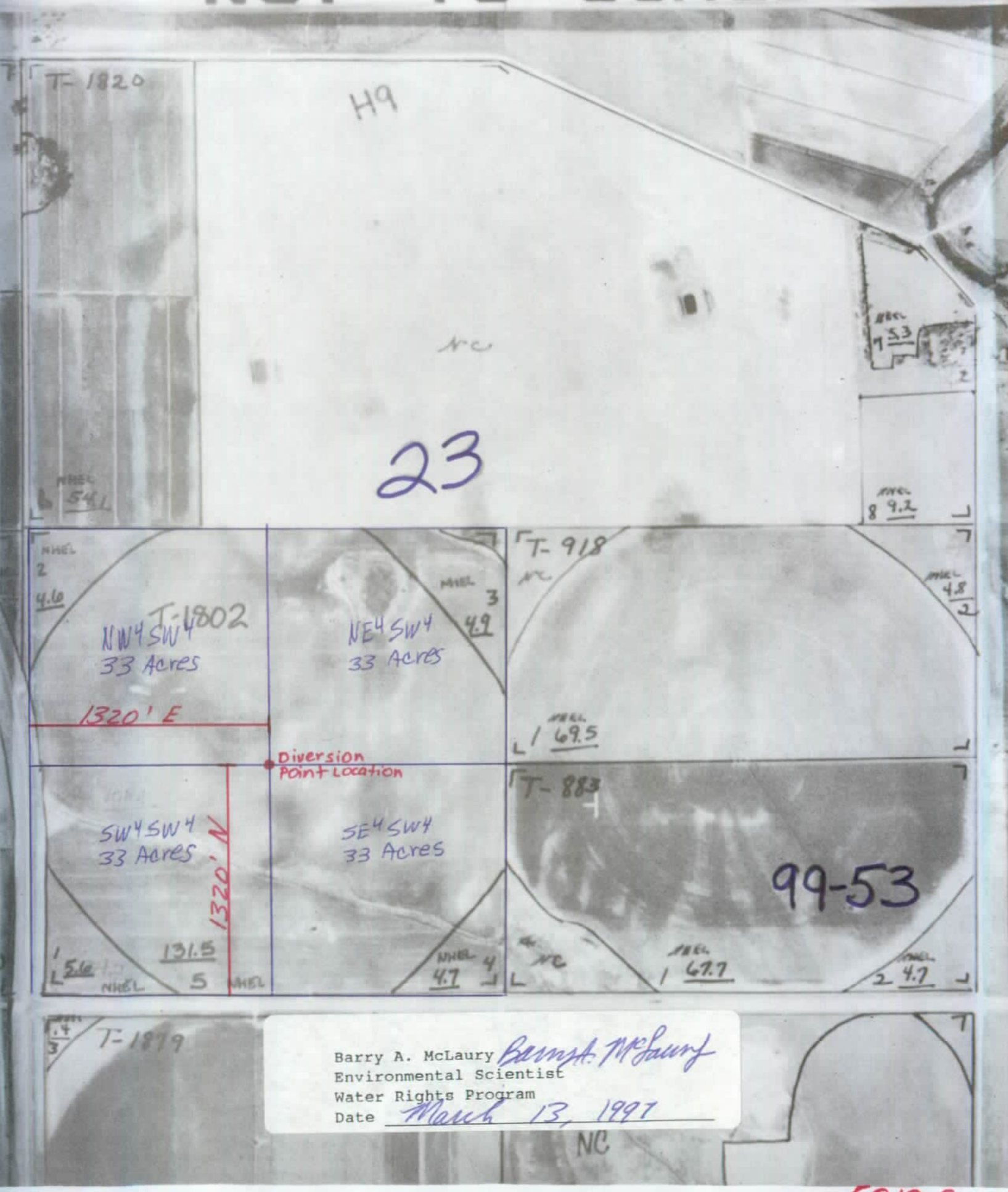
NOTE:

Mr. Horning signed a "Notice of Completion of Works and Application of Water to Beneficial Use" on August 22, 1994.

This center pivot does a complete circle watering all areas within its radius. But, crop is not planted in all areas within its radius because of a low area (slough). The tire tracks from the center pivot were built up through the low area to allow the center pivot to do a full circle without having to stop it. Therefore, this permit will be licensed for the full 132 acres of land even though it's not all farmed.

Water Permit No. 5818-3
Steven Herring

NOT TO SCALE



Barry A. McLaury
Environmental Scientist
Water Rights Program
Date March 13, 1997

5818-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5818-3

(1) Steve Horning, PO Box 304, Watertown SD 57201 made Application No. 5818-3, April 6, 1994 for a water permit to divert 2.00 cubic feet of water per second from groundwater (one well), Turner County, South Dakota for irrigation purposes. Permit No. 5818-3, with a priority date of April 6, 1994 was approved June 28, 1994 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 28, 1999 and for the application to beneficial use of said water on or before June 28, 2003.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on August 24, 1994. The *Notice* stated the diversion system was completed July, 1994 and the water placed to beneficial use July, 1994.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.11 cubic feet of water per second for beneficial use. The location of the diversion point is 1,320 feet east and 1,320 feet north from the southwest of Section 23-T99N-R53W (center of the SW 1/4).

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

Section 23-T99N-R53W	NW 1/4 SW 1/4	33 acres
	NE 1/4 SW 1/4	33 acres
	SW 1/4 SW 1/4	33 acres
	SE 1/4 SW 1/4	33 acres
	Total	**132 acres**

(4) Pursuant to South Dakota Water Law 46-5-30.1 Steve Horning, PO Box 304, Watertown SD 57201 the holder and/or owner of Water Permit No. 5818-3 is issued a license to appropriate water, the right to use 1.11 cubic feet of water per second from groundwater (one well) with a priority date of April 6, 1994 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 5818-3 and subject to South Dakota State Law.

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

APR 7 1997
date

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

APR 7 1997

5818-3

Steve Horning
P.O. Box 304
Watertown, SD 57201

Dear Mr. Horning:

Enclosed is Water License No. 5818-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415286 in the amount of $50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5818-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

ks
enclosures

1998 WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE
PLEASE FILL OUT AND RETURN BEFORE DECEMBER 1, 1998

5818-3
CURT ADRIAN, MGR
45572 279TH ST
PARKER, SD 57053

CHANGES TO ADDRESS LABEL , IF ANY:

Telephone No. _____

COMPLETE AND RETURN THIS FORM TO THE WATER RIGHTS PROGRAM AT 523 E CAPITOL, PIERRE, SD 57501-3181 (605) 773-3352

IS SYSTEM CONSTRUCTED? YES _____ NO _____ DID YOU IRRIGATE IN 1998? *YES_____ *NO_____

* IF YES, NUMBER OF ACRES IRRIGATED_____ *IF NO, LIST REASON(S) IN COMMENT SECTION

IS LAND ENROLLED IN CRP? YES _____ NO _____ IF YES, THROUGH WHAT YEAR? _____

DID YOU CHEMIGATE IN 1998? YES _____ NO _____

SOURCE OF WATER_____

TYPE OF SYSTEM **(CHECK ALL THAT APPLY)**:

CENTER PIVOTS _____ TOWLINES _____ BIG GUN _____

FLOOD_____ SPRINKLERS ____ OTHER_____

COMMENT SECTION:

THE PORTION OF THE FORM FOR REPORTING ACRES IRRIGATED IS ON THE BACK OF THIS PAGE. LISTED BELOW ARE TWO EXAMPLES OF HOW TO COMPLETE THE FORM:

EXAMPLE 1: *IN JUNE & JULY, 130 ACRES WERE IRRIGATED USING A PIVOT SYSTEM (70 ACRES OF CORN & 60 ACRES OF ALFALFA). THE PUMP RATE OF THE PIVOT IS 800 GALLONS PER MINUTE AND YOU PUMPED 8 DAYS (@ 24 HOURS PER DAY) ON THE CORN AND 22 DAYS ON THE ALFALFA:*

MONTH	CROP	ACRES	PUMP RATE	# DAYS	AVE/HRS DAY
JUNE	CORN	70	800 GPM	8	24
	ALFALFA	60	800 GPM	10	24
JULY					
	ALFALFA	60	800 GPM	12	24

EXAMPLE 2: *IN JUNE, 40 ACRES OF ALFALFA WERE IRRIGATED (USING GATED PIPE @ 3000 GPM) FOR 5 DAYS - 24 HOURS PER DAY; 60 ACRES OF BEANS WERE IRRIGATED (USING BIG GUN @ 380 GPM) FOR 10 DAYS AT 24 HOURS PER DAY:*

JUNE	ALFALFA	40	3000 GPM	5	24
	BEANS	60	380 GPM	10	24

PLEASE SPECIFY IF ACTUAL IRRIGATION HOURS OR KILOWATT HOURS ARE BEING REPORTED. FOR KILOWATT HOURS, INCLUDE DEPTH TO WATER & SYSTEM PRESSURE IN COMMENT SECTION.

MONTH IRRIGATED	CROP TYPE	ACRES IRRIGATED	PUMP RATE/GPM	DAYS PER MONTH	AVE/HRS PER DAY
MARCH					
APRIL					
MAY					
JUNE					
JULY					
AUGUST					
SEPTEMBER					
OCTOBER					

IF MORE ROOM IS NEEDED, PLEASE INCLUDE THE INFORMATION ON A BLANK SHEET OF PAPER

This land I no longer farm.

Duane Haase of Marion S.D.

Currently farms this.

Duane Haase
21840 452nd Ave
Parker S.D.
57053

DEC 1998
WATER RIGHTS
PROGRAM
Pierre, SD

297-4125

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

December 16, 1998

5818-3

Duane Haase
27840 452nd Ave
Parker, SD 57053

Dear Mr. Haase:

Enclosed is the 1998 irrigation questionnaire pertaining to Water Right No. 5818-3. The water right, held by Steve Horning, authorizes diversion of ground water to irrigate 132 acres in the SW ¼ Section 23, T99N, R53W.

The irrigation questionnaire was originally sent to Curt Adrian for completion. Mr. Adrian notified our office that you now farm. Please complete the questionnaire and return it to our office by January 8, 1999. I am including a copy of the 1997 irrigation questionnaire to give you an idea of how to complete the form.

If you have any questions, please get in touch with me.

Sincerely,

Genny McMath

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

encl

5818-3

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 22, 1999

NOTICE

TO: DUANE HAASE, MGR, 27840 452ND AVE, PARKER, SD 57053

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire(s) has not been submitted for Permit No(s)5818-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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) 5818-3 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 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) 5818-3 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 1, 1999, 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.

C: STEVE HORNING, PO BOX 304, WATERTOWN, SD 57201

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.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Steve Horning
PO Box 304
Watertown, SD 57201

4a. Article Number
P378 080 628

4b. Service Type
☐ Registered ☑ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
1-26-99

5. Received By: *(Print Name)*

6. Signature: *(Addressee or Agent)*
X. Judy Aslesen

8. Addressee's Address *(Only if requested and fee is paid)*

PS Form **3811**, December 1994 102595-98-B-0229 Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

DUANE HAASE, MGR
27840 452ND AVE
PARKER SD 57053

4a. Article Number
Z 119 141 563

4b. Service Type
☐ Registered ☑ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
1-23-99

5. Received By: *(Print Name)*
DAVE Haase

6. Signature: *(Addressee or Agent)*
X DAVE HAASE

8. Addressee's Address *(Only if requested and fee is paid)*

PS Form **3811**, December 1994 Domestic Return Receipt

Thank you for using Return Receipt Service.

5818-3

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 9, 1999

345-3
4560-3
5650-3
5818-3

Duane Haase
27840 452nd Ave
Parker, SD 57053

Dear Mr. Haase:

Thank you for your telephone call of February 8th. During your phone conversation with Ken Buhler, you requested additional irrigation questionnaires and transfer forms.

Enclosed are the following:

- Transfer of ownership forms for Water Right Nos. 345-3, 4560-3 & 5650-3
- 1998 Irrigation Questionnaires for Water Right Nos. 345-3, 4560-3, 5650-3 (Ted Neuhauer Estate) & 5818-3 (Steve Horning)
- 1998 Chemical Reporting forms for Water Right Nos. 4560-3 & 5650-3

Please review the transfer forms and complete as needed. Upon completion, please sign them in the presence of a notary public and return them to our office with a required filing fee of $2.50 each (total of $7.50).

With regard to the irrigation questionnaires and chemical reporting forms, please complete those and return them no later than March 1, 1999.

If I can answer any questions for you, please get in touch with me.

Sincerely,

Genny McMath

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

enclosures

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 26, 1999

345-3
4560-3
5650-3
5818-3

Duane Haase
27840 452nd Ave
Parker, SD 57053

Dear Mr. Haase:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires and chemical reporting forms. You may disregard the January 22, 1999, "Notices" concerning reporting requirements for Water Right/Permit Nos. 345-3, 4560-3 and 5818-3.

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

We also have received the transfer forms you submitted for transferring Water Right Nos. 345-3 and 4560-3, formerly owned by Ted Neuhauer. The transfers have been completed and the water rights are now listed in your name. Enclosed are your Receipt Nos. 416052 and 416053 in the amounts of $2.50 each.

Previously, I forwarded you an irrigation questionnaire and a transfer form for Water Right No. 5650-3, also listed in the name of Ted Neuhauer. I spoke with Mrs. Haase yesterday and she indicated you did not own the land described in Water Right No. 5650-3. She indicated you were going to give the transfer form and questionnaire to the new owner. Thank you in advance for your assistance.

If you have any questions, please contact me.

Sincerely,

Genny McMath

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

enclosures

5818-3

I Dustin Haase are forming these four well permitts in the next year - so send me the permitts.

Dustin Haase
27521 449 Ave
Parker, SD 57053

297-4190

RECEIVED
DEC - 4 2006
WATER RIGHTS
PROGRAM

5818-3

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: DUSTIN HAASE, OPERATOR, 27521 449TH AVE, PARKER, SD 57053

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaires

Our records indicate that the 2008 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 345-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4560-3 & 5818-3 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) 4560-3 & 5818-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 345-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 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

c: DUANE HAASE, PO BOX 306, PARKER SD 57053-0306

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.

538543

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

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

January 30, 2009

Dustin Haase
27521 449th Ave
Parker SD 57053

RE: 2008 Irrigation Questionnaires for Water Right Nos. 345-3, 4560-3, 4562-3 & 5818-3

Dear Mr. Haase:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right Nos. 345-3, 4560-3, 4562-3 & 5818-3.

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

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

c: Duane Haase
Lawrence Strawbridge

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

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

January 5, 2010

5818-3

Allen Abbas
27118 461 Ave
Chancellor SD 57015

Dear Mr. Abbas:

Thank you visiting with me in regard to Water Right No. 5818-3 (copy enclosed).

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

Each year in October, we mail out an irrigation questionnaire to all irrigators in South Dakota. The form requests information on the amount of water pumped during the crop year. I am including copies of the 2004-2008 questionnaires with this correspondence to give you an idea of how to complete the form and what type of information to keep track of during the season.

You may keep the enclosed copies for your records. The only thing I need back for now is the completed "Notice of Transfer of Ownership" form and the filing fee. 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

enclosures

RECEIVED
JAN 13 2010
WATER RIGHTS PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. **5818-3**

Date: 1/9/2010

I/We request that Water Right No. **5818-3**

formerly owned by: **Steve Horning**

be transferred to: (name & address) Allen Abbas 27118 461st Ave
Chancellor S. Dak 57015

Telephone No. 605 647-2008
cell 201-8631

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

132 acres – SW ¼ Section 23, T99N, R53W

I/We understand that the validity of Water Right No. **5818-3** has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

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

Allen I. Abbas
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/13, 2010

RECEIVED OF Allen S Abbas 27118 461st Ave Chancellor SD 57015

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 5818-3	50	00
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	50	00

No. 04567

By Gabriel Erickle

Chief Engineer

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

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

January 14, 2010

5818-3

Allen Abbas
27118 461st Ave
Chancellor SD 57015

Dear Mr. Abbas:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for Water Right No. 5818-3. The transfer has been completed. The water right formerly held by Steve Horning is now listed in your name.

Enclosed for your records is Receipt No. 04367 in the amount of $50.00.

If you have any questions, please contact me.

Sincerely,

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

enclosure