

WATER PERMIT NO. 5896-3

Name of Applicant: **Krause-Albee Farms**

Address: **c/o Larry Krause, 37841 147th St, Mansfield SD 57460** Phone: **(605) 887-3327**

Amount of Water Claimed: **0.74 add'l** Total Acres: **56 add'l**

Source of Water Supply: **runoff**

Water to be used for: **irrigation** County: **Brown**

Type of Waste Disposal System: **NA**

Location: **8 miles southwest of Aberdeen**

PRIORITY Date Received: **1-8-96** Fee: **\$150.00**

Corrected Application Received: **NA** Period of Annual Use: **April 1 - October 1**

Remarks: **Add an additional 56 acres and 0.74 cfs to Water Permit No. 4480-3 based on inspection by Tim Schaal**

Diversion Point: **#1 - SW 1/4 SE 1/4 Sec 34 and**
#2 - SW 1/4 SW 1/4 Sec 35; all in T122N-R65W

Land to be Irrigated: **S 1/2 NE 1/4 Sec 34-T122N-**
R65W

Depth of Well: **NA**

Well Driller: **NA**

Remarks:

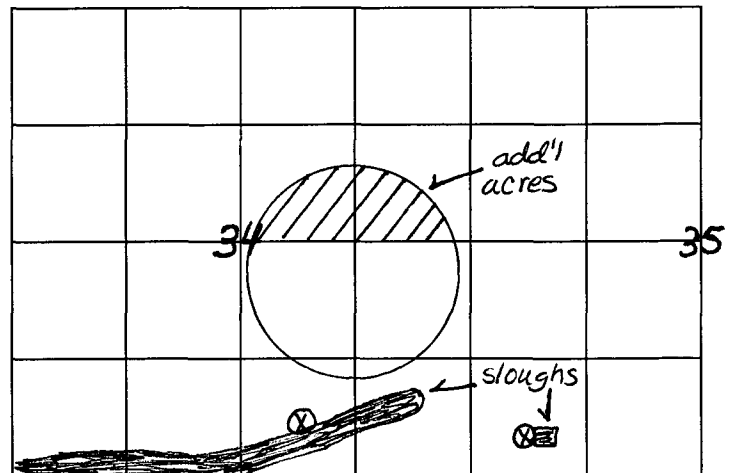
Type of Map: **aerial**

Prepared by: **Tim Schaal**

Reviewed and the Number Assigned on: **1-9-96**

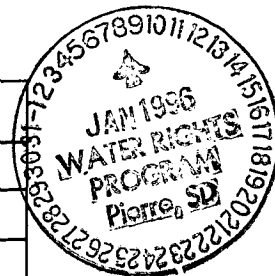
By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>5896-3</u> Hydrologic Unit <u>10160003</u>
	Basin <u>James River</u>
	Newspaper <u>American Alexis, Aberdeen, SD</u>



Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right X Amendment/Correction to Permit No. 4480-3
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)

Add an additional 56 acres of irrigation and 0.74 cfs appropriation to Water
Permit No. 4480-3

1. Name of Applicant Krause - ~~Albee~~ Farms ☒ Owner ☐ Tenant/Lessee Phone 887-3327
(check one)
- Mailing Address %Larry Krause, 37841 147th St., Mansfield State SD 57460
(Street, RR, or Box) (Zip Code)
2. Amount of water claimed 0.74 *CFS or **GPM ***AF Total Acreage 56 Ac.
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply Runoff water in low lands
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) #1 - 860 ft. North & 1720 ft. West of the SE corner Sec. 34-T122N-R65W (SW 1/4 SE 1/4) and #2 - 430 ft. North & 990 ft. East of SW corner Sec. 35-T122N-R65W (SW 1/4 SW 1/4) County Brown
5. County or counties where water will be used Brown
6. Annual period during which water is to be used April 1 to October 1
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SW 1/4 NE 1/4 Sec. 34-T122N-R65W	28		
SE 1/4 NE 1/4 " " "	28		

8. Give a description of the project. (Attach sheet if more space is needed)

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Brown ss

I, Larry Krause, the applicant, have read this application, examined the attached map, and certify that the matters stated are true. I intend and am able to complete the necessary construction.

Signed Larry Krause

Subscribed and sworn to before me this 4th day of January 19 96

My commission expires: 5-16-2002

SOUTH DAKOTA
WATER PERMIT NO. 5896-3

Date of first receipt of application January 8, 1996.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5896-3 to Krause-Allbee Farms, c/o Larry Krause, 37841 147th St, Mansfield SD 57460 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. 5896-3 appropriates 0.74 cubic feet of water per second (cfs) to irrigate an additional 52 acres. Water Permit No. 4480-3 appropriates 1.14 cfs from runoff in lowlands located in SW 1/4 SE 1/4 Section 34 and SE 1/4 SW 1/4 Section 35 to irrigate 80 acres located in the SE 1/4 Section 34; all in T122N-R65W. An investigation of Water Permit No. 4480-3 found a total of 132 acres being irrigated. The additional 52 acres being irrigated are located in the S 1/2 NE 1/4 Section 34-T122N-R65W with an increase in the water appropriation from 1.14 cfs to 1.88 cfs. The diversion points are located in the SW 1/4 SE 1/4 Section 34 and the SW 1/4 SW 1/4 Section 35-T122N-R65W. Water Permit No. 4480-3 and this permit, combined, may not exceed 1 cfs for each 70 acres irrigated.
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 1.
3. The date from which applicant may claim right is January 8, 1996.
4. The date of approval of Permit No. 5896-3 is March 4, 1996.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

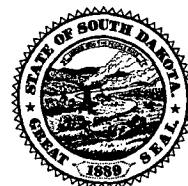
QUALIFICATIONS

1. The diversion rate from Water Permit Nos. 4480-3 and 5896-3, combined, shall not exceed the statutory limit of 1 cfs per 70 acres and 2 acre feet per acre.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

APR 4 1996
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 2, 1996

Larry Krause
37841 147th Street
Mansfield, SD 57460

Dear Mr. Krause:

Enclosed is a partially completed application form to add the additional acres located in the NE 1/4 of Section 34-T122N-R65W to Water Permit No. 4480-3. You will need to sign the form, have it notarized and return it to us along with the \$150.00 filing fee. If you want to, you can also send in the \$100.00 licensing fee to license this amendment along with Water Permit No. 4480-3 and Water Permit No. 5128-3, located in the SE 1/4 of Section 16-T122N-R65W

If you have any questions, please feel free to contact me.

Sincerely,

Timothy G. Schaal, P.E.
Natural Resources Engineer III
Water Rights Program
(605) 773-3352

enclosure

RECEIPT

414744

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ January 8, 19 96

RECEIVED OF Krause Allbee Farms, RR 1 Box 7, Mansfield, SD 57460

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

Fee for Application for Permit No. <u>5896-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	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	150 00

By

Chief Engineer

John Hatch

RECEIPT

Division of Water Rights

414742

South Dakota Department of Environment and Natural Resources

Pierre, _____ January 8, 19 96

RECEIVED OF Arause Allbee Farms, RR 1 Box 7, Mansfield, SD 57460

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4480-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatcher
Chief Engineer

REPORT ON
WATER PERMIT APPLICATION No. 5896-3
Krause-Allbee Farms
January 25, 1995

Water Permit Application No. 5896-3 has been filed by Krause-Allbee Farms, c/o Larry Krause, to appropriate 0.74 cubic feet of water per second (cfs) to irrigate an additional 52 acres of land. The diversion points are located in the SW 1/4 SE 1/4 of Section 34 and the SW 1/4 SW 1/4 of Section 35-T122N-R65W, in Brown County.

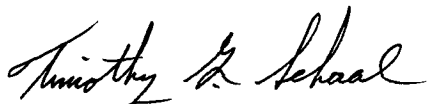
Discussion:

Water Permit No. 4480-3 was issued on March 26, 1980 to appropriate 1.14 cfs from runoff in lowlands (sloughs), with diversion points to be located in the SW 1/4 SE 1/4 of Section 34-T122N-R65W and the SE 1/4 SW 1/4 of Section 35-T122N-R65W, to irrigate 80 acres of land located in the SE 1/4 of Section 34-T122N-R65W.

An investigation of Water Permit No. 4480-3, on November 8, 1995, found a total of 132 acres being irrigated with the additional 52 acres located in the S 1/2 NE 1/4 of Section 34-T122N-R65W. The diversion points are located in the SW 1/4 SE 1/4 of Section 34 and the SW 1/4 SW 1/4 of Section 35-T122N-R65W. Water Permit Application No. 5896-3 adds an additional 52 acres and appropriation of 0.74 cfs to Water Permit No. 4480-3, and changes the location of the diversion points to the SW 1/4 SE 1/4 Section 34 and the SW 1/4 SW 1/4 of Section 35-T122N-R65W. There are no other Water Permits/Rights from these sloughs or any other connecting sloughs. Water Permit No. 4480-3 and Water Permit Application No. 5896-3, combined, may not exceed 1 cfs for each 70 acres irrigated.

Conclusions:

1. Water Permit Application No. 5896-3 should be approved since unappropriated water is available and approval will not have any adverse effects on existing Water Permits/Rights.
2. Water Permit No. 4480-3 and Water Permit Application No. 5896-3, combined, may not exceed 1 cfs for each 70 acres irrigated.
3. Approval of Water Permit Application No. 5896-3 does not exempt it from any federal requirements pertaining to wetlands.



Timothy G. Schaal, P.E.
Natural Resources Engineer III

approved by



Delvin D. Brosz, P.E.
Natural Resources Engineer IV

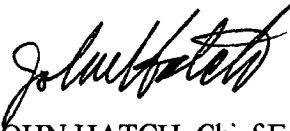
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5896-3, Krause-Allbee Farms**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 5896-3, Krause-Allbee Farms, %Larry Krause, 37841 147th St., Mansfield, SD 57460.

The Chief Engineer is recommending APPROVAL of Application No. 5896-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been 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 diversion rate from Water Permit Nos. 4480-3 and 5896-3, combined, shall not exceed the statutory limit of 1 cfs per 70 acres and 2 acre feet per acre.
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
February 6, 1996



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

February 8, 1996

Krause-Allbee Farms
%Larry Krause
37841 147th St.
Mansfield, SD 57460

Dear Mr. Krause:

Water Permit Application No. 5896-3 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 American News printed at Aberdeen, SD (Ph # (605) 225-4100). 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

February 8, 1996

American News
P.O. Box 4430
Aberdeen, SD 57402-4430

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5896-3 to be published twice. Please publish the first notice on February 16, 1996, 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 Krause-Allbee Farms, %Larry Krause, 37841 147th St., Mansfield, SD 57460 (Ph # (605) 887-3327).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on February 16, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5896-3 to Appropriate Water
and to Amend Water Permit No. 4480-3

Notice is given that Krause-Allbee Farms, %Larry Krause, 37841 147th St., Mansfield, SD 57460 has filed an application for a water permit to appropriate 0.74 cubic feet of water per second (cfs) and to irrigate an additional 52 acres. Water Permit No. 4480-3 appropriates 1.14 cfs from runoff in lowlands located in the SW 1/4 SE 1/4 Section 34 and SE 1/4 SW 1/4 Section 35 to irrigate 80 acres located in the SE 1/4 Section 34; all in T122N-R65W. An investigation of Water Permit No. 4480-3 found a total of 132 acres being irrigated. The additional 52 acres being irrigated are located in the S 1/2 NE 1/4 Section 34-T122N-R65W with an increase in the water appropriation from 1.14 cfs to 1.88 cfs. The diversion points are located in the SW 1/4 SE 1/4 Section 34 and the SW 1/4 SW 1/4 Section 35, T122N-R65W. Water Permit No. 4480-3 and this application, combined, may not exceed 1 cfs for each 70 acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5896-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 4, 1996.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Brown) SS

I, Roberta Dempsey

certify that the attached printed Notice was

taken from the Aberdeen American
News

printed and published in Aberdeen

County of Brown and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

February 16, 1996

February 23, 1996

Cost of Printing: 62.66

13" @ 4.82 per "

Roberta Dempsey
(Signature)

Receptionist
(Title)

Feb 23 1996
(Date Signed)



(No. 132 - Feb. 16, 23 - 2T)

**NOTICE OF APPLICATION NO. 5896-3
to Appropriate Water and to Amend
Water Permit No. 4480-3**

Notice is given that Krause-Albee Farms, %Larry Krause, 37841 147th St., Mansfield, SD 57460 has filed an application for a water permit to appropriate 0.74 cubic feet of water per second (cfs) and to irrigate an additional 52 acres. Water Permit No. 4480-3 appropriates 1.14 cfs from runoff in lowlands located in the SW 1/4 SE 1/4 Section 34 and SE 1/4 SW 1/4 Section 35 to irrigate 80 acres located in the SE 1/4 Section 34; all in T122N-R65W. An investigation of Water Permit No. 4480-3 found a total of 132 acres being irrigated. The additional 52 acres being irrigated are located in the S 1/2 NE 1/4 Section 34-T122N-R65W with an increase in the water appropriation from 1.14 cfs to 1.88 cfs. The diversion points are located in the SW 1/4 SE 1/4 Section 34 and the SW 1/4 SW 1/4 Section 35, T122N-R65W. Water Permit No. 4480-3 and this application, combined, may not exceed 1 cfs for each 70 acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5896-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is Water Rights Program, Foss Building 523 E. Capitol, Pierre SD 57501 (605 773-3352) and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 4, 1996.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Permit No. 4480-3 & 5896-3

James 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, **November 8, 1995**, made a thorough examination of the water use system constructed by **Krause-Allbee Farms** of **% Larry Krause, 37841, 147th St., Mansfield, SD 57460** holder of Permit No. **4480-3 & 5896-3**, bearing the priority of **March 6, 1980 and January 8, 1996**, respectively, authorizing the diversion of **1.14 & 0.74** cu. ft. per second of the waters of **runoff** for **irrigation** purposes, in **Brown** County.

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

A. Works used to divert the water:

Berkeley Centrifugal pump, Model B4EYOB, 13 inch with Detroit 100 Hp diesel motor, Model 371, capacity 900 gpm

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

about 1600 feet of 8 inch aluminum pipe

C. Works used to apply water to beneficial use:

Lockwood 8 tower center pivot

The system is in the following condition **Good**. The point of diversion is located **860 feet north & 1720 feet west of the SE corner of Sec. 34-T122N-R65W (SW 1/4 SE 1/4) and 430 feet north & 990 feet east of the SW corner of Sec. 35-T122N-R65W (SW 1/4 SW 1/4)**. The works are capable of diverting and conveying to the place of use **2.0 cfs (900 gpm)** 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:

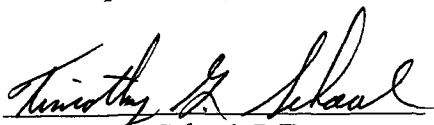
NW 1/4 SE 1/4 Sec. 34-T122N-R65W	---	36 Acres	SW 1/4 NE 1/4 Sec. 34-T122N-R65W	---	28 Acres		
NE 1/4 SE 1/4	"	"	--36 Acres	SE 1/4 NE 1/4	"	"	--28 Acres
SW 1/4 SE 1/4	"	"	-- 2 Acres				
SE 1/4 SE 1/4	"	"	-- 2 Acres				

comprising a total of **132** acres of land and the license should be issued for **1.88** cfs.

Applicable permit qualifications have been complied with: YES **X**

Exceptions to compliance are: **None**

Date Report Completed: **March 8, 1996**


Timothy G. Schaal, P.E.

Natural Resources Engineer
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 4480-3 & 5896-3

Other permit(s) associated with the project: XXXX

DATE OF INSPECTION: November 8, 1995

NAME & ADDRESS OF INSPECTION CONTACT/ Larry Krause

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: manager

NAME & ADDRESS OF PERMIT HOLDER: Krause-Allbee Farms, % Larry Krause, 37841, 147th ST., Mansfield, SD 57460

DIVERSION POINT LEGAL LOCATION: 860 ft. North & 1720 ft. West of the SE corner of Sec. 34-T122N-R65W (SW 1/4 SE 1/4) and 430 ft. North & 990 ft. East of the SW corner of Sec. 35-T122N-R65W (SW 1/4 SW 1/4)

Pump:

- 1) Make Berkeley Centrifugal
- 2) Model B4EYOB
- 3) Size 13 inch
- 4) Capacity 900 GPM

Motor:

- 1) Make Detroit diesel
- 2) Model No. 371
- 3) Horsepower rating 100 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type aluminum
- 2) Size 8 inches
- 3) Length about 1650 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Lockwood
- 2) Overall length 1300 feet
- 3) Number of towers 7

- 4) Distance between towers XXX feet
- 5) End gun yes
- 6) High or low pressure high--80 psi
- 7) Capacity 900 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate NO

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A
- 2) Special qualifications to permit being abided by yes
- 3) All structures, wells and lands on map yes
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

NOT TO SCALE

NOT TO SCALE

Timothy G. Schaal
Natural Resources Eng III
December 20, 1995

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5896-3

(1) Krause-Allbee Farms, c/o Larry Krause, 37841 147th St, Mansfield SD 57460 made Application No. 5896-3, January 8, 1996 for a water permit to divert 0.74 cubic feet of water per second (cfs) from runoff, Brown County, South Dakota for irrigation purposes. Permit No. 5896-3, with a priority date of January 8, 1996 was approved March 4, 1996 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 5896-3 authorizes irrigation of additional acreage that was developed but not permitted under Water Permit No. 4480-3. A priority date of March 6, 1980 (established under No. 4480-3) is retained for 1.14 cfs. A priority date of January 8, 1996 (established under No. 5896-3) is retained for 0.74 cfs. The applicable portions of Water Permit No. 4480-3 have been incorporated into this Water License No. 5896-3.

(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 1.88 cubic feet of water per second for beneficial use. The location of the diversion points are: 860 feet north and 1,720 feet west of the southeast corner (SW 1/4 SE 1/4) of Section 34 and 430 feet north and 990 feet east of the southwest corner of Section 35 (SW 1/4 SW 1/4); all in T122N-R65W.

(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: **all in T112N-R65W**

Section 34	NW 1/4 SE 1/4	36 acres	Section 34	SW 1/4 NE 1/4	28 acres
	NE 1/4 SE 1/4	36 acres		SE 1/4 NE 1/4	28 acres
	SW 1/4 SE 1/4	2 acres			
	SE 1/4 SE 1/4	2 acres			
Total					132 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Krause-Allbee Farms, c/o Larry Krause, 37841 147th St, Mansfield SD 57460 the holder and/or owner of Incorporated Water Permit No. 5896-3 is issued a license to appropriate water, the right to use 1.88 cubic feet of water per second from runoff with a priority date of March 6, 1980 (1.14 cfs) and January 8, 1996 (0.74 cfs) 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 Incorporated Water Permit No. 5896-3 and subject to South Dakota State Law.


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

APR 4 1996
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 4 1996

5128-3
5896-3

Krause-Allbee Farms
%Larry Krause
37841 147 St.
Mansfield, SD 57460

Dear Mr. Krause:

Enclosed is Water Permit and License No. 5896-3, and Water License No. 5128-3. These are the final water right documents completing your process of obtaining Water Rights. Enclosed are Receipt Nos. 414742 and 414743 in the amount of \$50.00 each which you paid for the inspection and issuance of the Water Licenses.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 5896-3 and 5128-3, constructs replacement wells and does not plan to use the old wells, the old wells are 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 Licenses, 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

NOTE: The applicable portions of Water Permit No. 4480-3 have been incorporated into this Water License No. 5896-3.



5896-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2000

NOTICE

TO: LARRY KRAUSE, 37841 147TH ST, MANSFIELD, SD 57460
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaires

Our records indicate that the 1999 Irrigation Questionnaires have not been submitted for Permit Nos. 5128-3, 5495-3 & 5896-3, 3367-3, 3368-3, 3652-3, 3881-3 & 3882-3. The request for the Questionnaires was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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) 3367-3, 3368-3, 3652-3, 3881-3 & 3882-3 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) 5128-3, 5495-3 & 5896-3 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 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) 5128-3, 5495-3 & 5896-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3367-3, 3368-3, 3652-3, 3881-3 & 3882-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 28, 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 (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 18, 2000

Larry Krause
37585 149th St
Mansfield, SD 57460

RE: Irrigation Questionnaires for Water Permit/Rights Nos. 3367-3, 3368-3, 3652-3, 3881-3,
3882-3, 5128-3, 5495-3 and 5896-3

Dear Mr. Krause:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. Questionnaires were completed for you based on your January 18th telephone conversation with Ron Duvall.

You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit or Right Nos. 3367-3, 3368-3, 3652-3, 3881-3, 3882-3, 5128-3, 5495-3 and 5896-3. 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2009

Larry Krause
37585 149th St
Mansfield SD 57460

RE: Water Permit or Right Nos. 3652-3, 5128-3, 5896-3 and 6176-3

Dear Mr. Krause:

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 or Right Nos. 3652-3, 5128-3, 5896-3 and 6176-3.

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

With regard to your note on two of the questionnaires indicating different ownership, transfer forms were sent to Barry Vculek last year and he has not yet followed up on the ownership changes. I will contact him again.

If you have any questions, please contact me.

Sincerely,

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

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



5896-3
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 16, 2015

NOTICE

TO: KRAUSE-ALLBEE FARMS, LARRY KRAUSE, 37585 149TH ST, MANSFIELD, SD 57460
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5128-3, 5896-3 & 6176-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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) 5128-3, 5896-3 & 6176-3 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 4, 2015** 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) 5128-3, 5896-3 & 6176-3 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 4, 2015** 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. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

denr.sd.gov

February 9, 2015

5128-3
5896-3
6176-3

Larry Krause
Krause-Allbee Farms
37585 149th St
Mansfield SD 57460

Dear Mr. Krause:

I am writing to acknowledge receipt of the 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right or Permit Nos. 5128-3, 5896-3 & 6176-3. 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



5896-3
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, 2020

NOTICE

TO: KRAUSE-ALLBEE FARMS, LARRY KRAUSE, 37585 149TH ST, MANSFIELD, SD 57460
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) 5128-3, 5896-3 & 6176-3. 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) 5128-3, 5896-3 & 6176-3 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) 5128-3, 5896-3 & 6176-3 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. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: KRFZVL**

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

February 4, 2020

5128-3
5896-3
6176-3

Larry Krause
Krause-Allbee Farms
37585 149th St
Mansfield SD 57460

Dear Mr. Krause:

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

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right Nos. 5128-3, 5896-3 & 6176-3. 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

5896-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 28, 2021

5128-3
5896-3
6176-3

Larry Krause
PO Box 109
Mansfield SD 57460 0109

Dear Mr. Krause:

Enclosed is a "Notice" dated October 22, 2021 concerning the 2021 irrigation questionnaires.

The notice was originally mailed to 36585 149th St., Mansfield SD. The post office notified us that your address has changed, and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures