

# WATER PERMIT NO. 6126-3

Name of Applicant: G Connie Flygt

Address: 1626 Capital Ave, Madison WI 53705

Phone: 608 238-9949

Amount of Water Claimed: 0.55 cfs

Total Acres: 38.9

Source of Water Supply: groundwater

Water to be used for: irrigation

County: Turner

Type of Waste Disposal System: NA

Location: 5 miles southeast of Parker

PRIORITY

Date Received: 2-12-1999

Fee: \$150.00

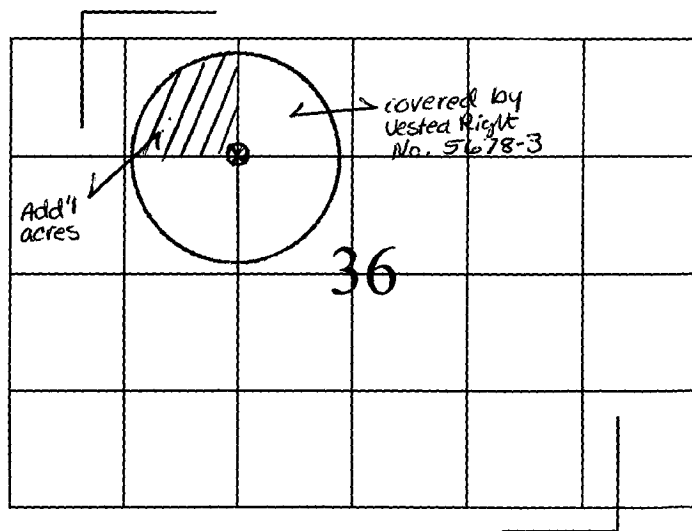
Corrected Application Received:

Period of Annual Use: April 1 – October 31

Remarks: Using existing well authorized by Vested Right No. 5678-3

Diversion Point: center of NW ¼ Sec 36-T99N-R53W

Land to be Irrigated: NW ¼ NW 1/4  
Sec 36-T99N-R53W



Depth of Well: 44 feet

Well Driller: Empire Drilling

Remarks:

Type of Map: aerial

Prepared by: Ron Duvall

Reviewed and the Number Assigned on: 2-12-1999

By: Karen Schlaak

Notice of Hearing - date to intervene: \_\_\_\_\_

**SOUTH DAKOTA**  
**WATER PERMIT NO. 6126-3**

Date of first receipt of application February 12, 1999.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6126-3 to G.ConnieFlygt, 1626 Capital Ave, Madison WI 53705 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. 6126-3 to appropriate 0.55 cubic feet of water per second (cfs) to irrigate 38.9 additional acres. Vested Water Right No. 5678-3 appropriates 1.78 cfs from one well (Parker-Centerville Aquifer) 44 feet deep located in the center of the NW ¼ Section 36 to irrigate a ¾ center pivot rotation totaling 108 acres located in the E ½ NW ¼, SW ¼ NW ¼ Section 36; all in T99N-R53W. This permit authorizes irrigation of 38.9 additional acres located in the NW ¼ NW ¼ Section 36-T99N-R53W from the existing well and authorizes the existing center pivot to make a full circle.
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 February 12, 1999.
4. The date of approval of Permit No. 6126-3 is April 19, 1999.
5. One-fifth of the construction is to be completed on or before October 19, 2001.
6. All construction is to be completed on or before April 19, 2004.
7. Water is to be put to beneficial use on or before April 19, 2008.
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. Pursuant to SDCL 46-5-6, Permit No. 6126-3 and Vested Water Right No. 5678-3 authorize a maximum diversion rate of 2.10 cfs and 2 acre feet of water per acre per year for irrigation of 146.9 acres.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

**WATER MANAGEMENT BOARD**

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

MAY 20 1999

date





|                                                                                                                    |                                            |                                                      |
|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------|------------------------------------------------------|
| Mail to:<br>Water Rights Program<br>Joe Foss Building<br>523 E. Capitol<br>Pierre, SD 57501-3181<br>(605) 773-3352 | No. <u>6126-3</u>                          | (office use only)<br>Hydrologic Unit <u>10170102</u> |
|                                                                                                                    | Basin <u>Vermillion River</u>              |                                                      |
|                                                                                                                    | Newspaper <u>Hurley Leader, Hurley, SD</u> |                                                      |
|                                                                                                                    |                                            |                                                      |

## Application For Permit To Appropriate Water For Irrigation

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

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)  
Add 38.9 acres to current permit 5678-3 completing  
the full circle in the NW 1/4 of Section 36

1. Name of Applicant G. Connie Flygt Phone 608-238-9949  
(check one) X Owner        Tenant/lessee         
Mailing Address 1626 Capital Ave, Madison State WI Zip Code 53705  
(Street, RR, or Box and City)
2. Amount of water claimed .55 \*CFS or        \*\*GPM        \*\*\*AF Total Acreage 38.9  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply well - located for water permit # 5678-3
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)  
1 well - currently located in 120 irrigated acres adjacent  
Center NW 1/4 Sec. 36-T99N-R53W County
5. County or 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 division, or lot, or fraction thereof and show number of acres to be irrigated in each.  
(Attach sheet if more space is needed)

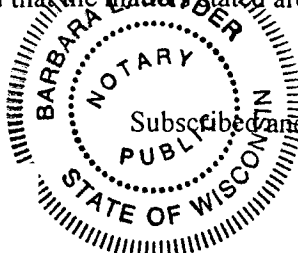
| Land Description               | Acres | Land Description | Acres |
|--------------------------------|-------|------------------|-------|
| NW 1/4 NW 1/4 Sec 36, T99, R53 | 38.9  |                  |       |
|                                |       |                  |       |
|                                |       |                  |       |
|                                |       |                  |       |

8. Give a description of the project. (Attach sheet if more space is needed)  
Currently we are irrigating 108 acres of the 120 Acres we have  
owned, with a center pivot that makes 3/4 of a circle. We  
bought the 38.9A in the NW 1/4, Sec. 36 so the pivot can make a  
full circle. We do not wish to jeopardize the vested water right we have.

STATE OF SOUTH DAKOTA  
County of Sauk

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)

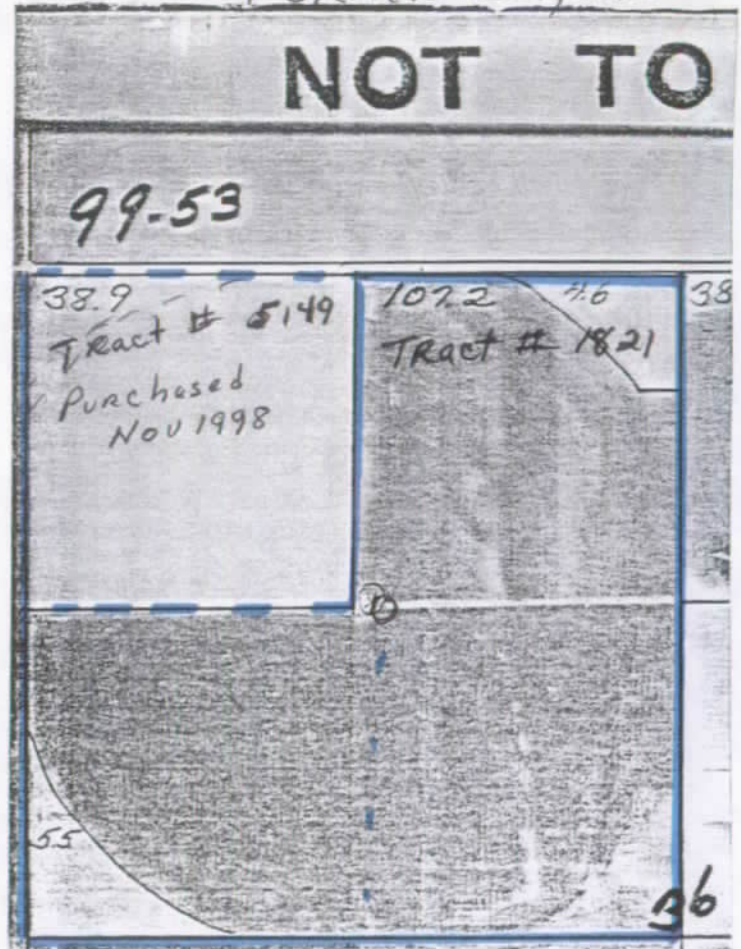
I, G. Connie Flygt, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.



Applicant's signature G. Connie Flygt  
Subscribed and sworn to before me this 29 day of January 19 99

Barbara D. Snyder  
Notary Public signature

G. Connie Flygt & Shirley Wulf  
Turner Co., S.D.



current vested water right 5678-3

old farm number 1263  
new farm number 5815

R. J. J. J.  
Natural Resources Engineer  
2/12/99



# RECEIPT

## Water Rights Program

South Dakota Department of Environment and Natural Resources

N<sup>o</sup> 416045

Pierre, February 12, 19 99

RECEIVED OF G. Connie Flygt, 1626 Capital Ave., Madison, WI 53705  
the following amount in fees for services rendered as provided for by law:

|                                                                                                                                 |       |        |
|---------------------------------------------------------------------------------------------------------------------------------|-------|--------|
| Fee for Application for Permit No. <u>6126-3</u> to Appropriate Water, to construct<br>and to put water to beneficial use _____ | 150   | 00     |
| Fee for Application for Permit No. _____ to Appropriate Water, for Future<br>Use _____                                          |       |        |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                          |       |        |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water<br>License No. <u>6126-3</u> _____            | 50    | 00     |
| Fee for Filing Transfer Form _____                                                                                              |       |        |
| Fee for Filing Extension Request _____                                                                                          |       |        |
| Fee for _____                                                                                                                   |       |        |
| _____                                                                                                                           |       |        |
| _____                                                                                                                           |       |        |
| (Any Other Work Provided by Law)                                                                                                | Total | 200 00 |

By \_\_\_\_\_  
Chief Engineer

*John Hatch*

February 4, 1999

Water Rights Program  
Joe Foss Building  
523 E Capitol  
Pierre, SD 57501



Attention: Ron Duvall

Dear Sir or Madam:

Two applications making several changes to our farming operation in Turner County, SD, are enclosed. All of our current water rights are vested and we would like to preserve that situation. The current lessee is LaRohn Hagen, 45904 283d St, Davis, SD 57021. A check for \$400 for the two applications is also enclosed.

The farm number until now has been 1263; the new farm number, effective 12/29/1998 is 5815. The tract numbers are: 1820, 623 farmland acres, 3 irrigation wells; 1821, 120 farmland acres, 1 irrigation well; 1822, 160 farmland acres, 0 irrigation wells; 5149 (new), 38.9 farmland acres, to use the 1821 irrigation well.

Water Right 5678-3 (tract 1821) is in Sec 36 of T 99 R 53, dated June 22, 1951. Water 1.78 cfs 108 A: [NE1/4NW1/4, 36A; SWNW1/4, 36A; SE1/4NW1/4, 36A]. In November, 1998, we purchased the remaining acreage in the quarter (NW1/4NW1/4 38.9A) and would like to add these so the center pivot can make a full circle.

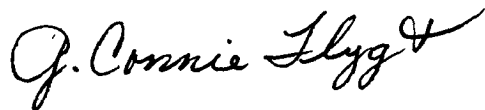
Water Right 5679-3 (tract 1820) is in Sec 23 of T 99 R 53, dated June 22, 1951. Water 1.52 cfs 107 A: [Sec 13, 14, 23, and 24 in T 99 R 53] Originally this was irrigated with an EZ rain gun from a well located 165 feet north and 1430 feet west of the SE corner of Sec 14 of T 99 R 53. While the well remains in the same location, water is now piped north toward the railroad where a center pivot is used in windshield fashion. This changes the acres that are irrigated, but the total acreage irrigated and water used is the same.

Water Right 5680-3 (tract 1820) is in Sec 23 of T 99 R 53, dated June 22, 1951. Water 1.11 cfs 78 A: [NW1/4NW1/4, 39A; SW1/4NW1/4, 39A]. a) According to measurements the replacement well is just within SW1/4NW1/4. The well log is enclosed. b) We are adding approximately 80 acres [NE1/4NW1/4; SE1/4NW1/4] by breaking pastureland adjacent to the current well and irrigated

acreage. After the corners are deleted, we would use the new permit for approximately 60 additional acres.

Thanks very much for your help in making this application for what we would like to do. If there are any questions, or additional information that needs to be provided, please contact at the address and number below.

Sincerely,

A handwritten signature in cursive script that reads "G. Connie Flygt". The signature is written in black ink and includes a stylized flourish at the end.

G Connie Flygt

C/O TR Flygt

E12003 Steinke Rd

Baraboo, WI 53913

Phone 608/356-5054

Fax 608/356-2147

REPORT ON WATER PERMIT APPLICATION NO. 6126-3  
for G Connie Flygt  
March 8, 1999

Application No. 6126-3 proposes to appropriate 0.55 cfs to irrigate 38.9 additional acres. Vested Water Right No. 5678-3 appropriates 1.78 cfs from one well approximately 44 feet deep located in the center of the NW 1/4 of Section 36 to irrigate a 3/4 center pivot rotation totaling 108 acres located in the E 1/2 NW 1/4, SW 1/4 NW 1/4 of Section 36, all in T99N-R53W in Turner County. This application is to irrigate 38.9 additional acres located in the NW 1/4 NW 1/4 of Section 36, T99N-R53W. Approval of this application will authorize the existing center pivot to make a complete circle.

#### AQUIFER - PARKER CENTERVILLE (PAC)

The Parker Centerville is a surficial outwash (sand and gravel) which is under unconfined or water table conditions in this area. The aquifer underlies 74 square miles and contains an estimated 322,000 acre feet of water in storage in Turner County (Lindgren, 1990). The aquifer is hydraulically connected to the Vermillion East and West Fork aquifers, the Vermillion River and also the deeper Upper Vermillion Missouri aquifer. Ground water movement is generally from northwest to southeast and locally toward the Vermillion River.

The Water Rights Program does monitor three observation wells completed into the Parker Centerville aquifer within one and one-half miles of this application. One of these wells, TU-79E, is located within one-half mile of the diversion point for this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1999). A hydrograph for this well is included with this report.

#### REVIEW OF EXISTING WATER PERMITS/RIGHTS

This area of Turner County is intensively irrigated. There are eleven irrigation wells within a one mile radius of this application. This is an existing well and has been in use for many years with no apparent problems. Interference is not expected to be a concern.

#### CONCLUSIONS

1. Water is available from the Parker Centerville aquifer.
2. The aquifer is under water table conditions in this area and drawdown created by pumping will not extend very far from the production well. Interference is not expected to be a concern.

3. This application will allow an existing center pivot to make a complete circle. The existing Water Right No. 5678-3 authorizes a diversion rate of 1.78 cfs. It is unlikely that this diversion rate will change even though additional acres will be irrigated. Authorizing an additional 0.55 cfs for the 38.9 additional acres does not make sense and also would allow a diversion rate greater than one cfs per 70 acres. This application should not be approved for more than 2.10 cfs for irrigation of 146.9 acres.
4. During extreme or prolonged drought, water wells in the Parker Centerville Aquifer may decline to the point where the pumping capacity of individual wells will be affected. This is primarily due to the relatively thin saturated thickness of the aquifer.



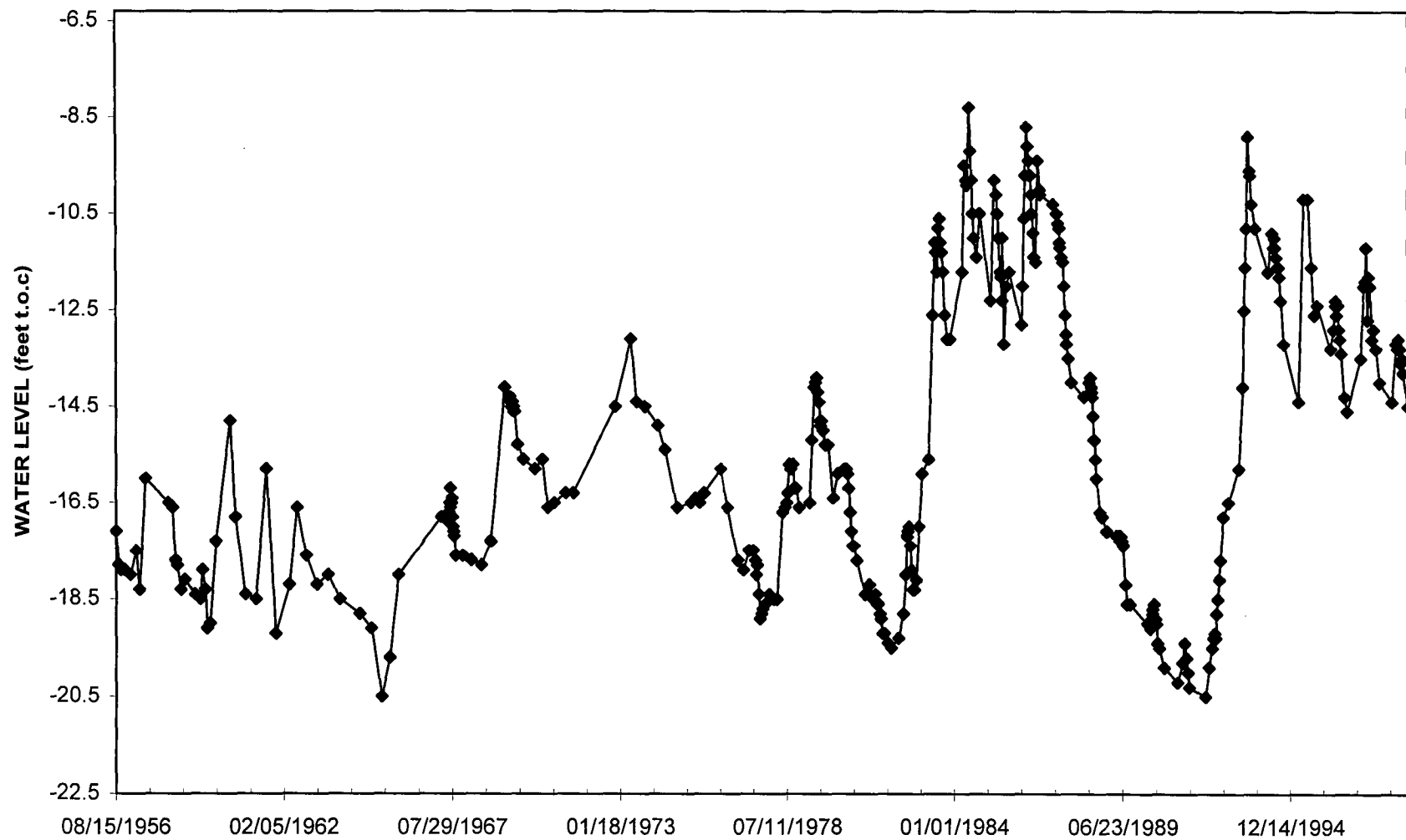
James A Goodman  
Natural Resources Engineer

#### BIBLIOGRAPHY

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

Water Rights, 1999, Unpublished Observation Well Data for Turner County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL  
TU-79E**



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT**  
**APPLICATION NO. 6126-3, G. Connie Flygt**

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. 6126-3, G. Connie Flygt, 1626 Capital Ave., Madison WI 53705.

The Chief Engineer is recommending APPROVAL of Application No. 6126-3 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) it is in the public interest with the following qualifications:

1. Pursuant to SDCL 46-5-6, Permit No. 6126-3 and Vested Water Right No. 5678-3 authorize a maximum diversion rate of 2.10 cfs and 2 acre feet of water per acre per year for irrigation of 146.9 acres.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer  
March 18, 1999



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

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

March 19, 1999

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

Dear Ms. Flygt:

Water Permit Application Nos. 6126-3 and 6127-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Hurley Leader printed at Hurley, SD (Ph # (605) 238-5229). For your information, a copy of the notice, the recommendations of the Chief Engineer and the reports on the applications 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 applications.

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  
www.state.sd.us/denr

March 19, 1999

Hurley Leader  
Box 218  
Hurley, SD 57036

ATTENTION: Legal Public Notice

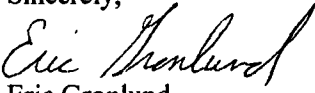
Enclosed is a Notice of Hearing on Application Nos. 6126-3 and 6127-3 to Appropriate Water to be published twice. Please publish the first notice on April 1, 1999, with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is G. Connie Flygt, 1626 Capital Ave., Madison, WI 53705 (Ph # (608) 238-9949).

**Please send the Water Rights Program the first publication immediately.** The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

-----CU T HERE-----

Nos. 6126-3 & 6127-3

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

Date \_\_\_\_\_

We are in receipt of your letter of March 19, 1999, enclosing Notice of Hearing to Appropriate Water by Application Nos. 6126-3 and 6127-3 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 April 1, 1999, with the second publication 7 days later. The applicant is responsible for payment.

---

NOTICE OF APPLICATION NOS. 6126-3 and 6127-3 to Appropriate Water

Notice is given that G Connie Flygt, 1626 Capital Ave, Madison WI 53705 has filed the following applications for a water permit to appropriate water.

Application No. 6126-3 proposes to appropriate 0.55 cubic feet of water per second (cfs) to irrigate 38.9 additional acres. Vested Water Right No. 5678-3 appropriates 1.78 cfs from one well (Parker-Centerville Aquifer) 44 feet deep located in the center of the NW  $\frac{1}{4}$  Section 36 to irrigate a  $\frac{3}{4}$  center pivot rotation totaling 108 acres located in the E  $\frac{1}{2}$  NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  Section 36; all in T99N-R53W. This application is to irrigate 38.9 additional acres located in the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  Section 36-T99N-R53W from the existing well. Approval of this application will authorize the existing center pivot to make a full circle.

Application No. 6127-3 proposes to appropriate 0.86 cfs to irrigate 60 additional acres. Vested Water Right No. 5680-3 appropriates 1.11 cfs from one well located in the SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  Section 23 to irrigate 78 acres located in the W  $\frac{1}{2}$  NW  $\frac{1}{4}$  Section 23; all in T99N-R53W. This application is to irrigate 60 additional acres located in the E  $\frac{1}{2}$  NW  $\frac{1}{4}$  Section 23 and authorizes a replacement well (Parker-Centerville Aquifer) 40 feet deep located in the SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  Section 23; all in T99N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6126-3 and 6127-3 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 April 19, 1999.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

# AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF TURNER

Lynette Bagley, Editor, being first duly sworn, on oath says HURLEY LEADER is a WEEKLY newspaper published in HURLEY in said county of TURNER, State of South Dakota; and that she is authorized to and does make this affidavit on behalf of said HURLEY LEADER; that affiant has personal knowledge of all facts stated in this affidavit; that said newspaper is a legal newspaper as defined by SDCL 17-2-2.1 through 17-2-2.4 inclusive as amended, has a bona fide circulation of at least two hundred copies WEEKLY, has been published in the English language within said county and has been admitted to the United States mail under the second class mailing privilege, for at last one year continuously next prior to the publication of the notice herein mentioned and was and is printed wholly or in part in an office maintained at said place of publication; that said notice, a printed copy of which taken from the paper in which the same was published is hereto attached and is made part of this affidavit, was published in said newspaper

2 time(s) as follows: that the first publication of said notice in said newspaper aforesaid was on Thursday the 1st day of April, 1999, and that the succeeding publications were severally

on Thursday, the 8th day of April, 1999;

on Thursday, the      day of     , 1999;

on Thursday, the      day of     , 1999;

on Thursday, the      day of     , 1999;

Affiant further says that the full amount of the fees charged for the publication of said notice inures to the benefit of the publishers of said newspaper; that no agreement of understanding for the division thereof has been made with any other person, that no part therefore has been agreed to be paid to any person whomsoever; and that the fees charged for the publication thereof are:

DOLLARS(\$ 44.46)

(x) Lynette Bagley

Subscribes and sworn to before me this 8th day of

April, 1999.

Cyndi R. Jensen  
Notary Public

My commission expires April 15, 2000.

## NOTICE OF APPLICATION NOS. 6126-3 and 6127-3 to Appropriate Water

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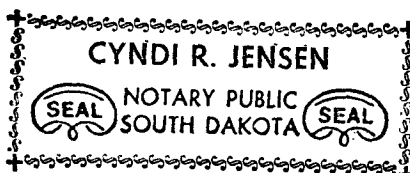
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Nettie H. Myers,  
Secretary,  
Department of Environment  
and Natural Resources





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

MAY 20 1999

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

Dear Ms. Flygt:

Enclosed are Water Permit Nos. 6126-3 and 6127-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Two Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return these completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Very truly yours,

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

enclosures



6126-3  
**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 14, 2000

**NOTICE**

TO: G CONNIE FLYGT, 1626 CAPITAL AVE, MADISON, WI 53705

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

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

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

The hearing will be held at 1:30 pm, March 1, 2000 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5677-3, 5678-3, 5679-3, 5680-3. 6126-3 & 6127-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 25, 2000

G Connie Flygt  
1626 Capital Ave  
Madison, WI 53705

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

Dear Mrs. Flygt:

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

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

If you have any questions, please contact me.

Sincerely,

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

6126-3



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

www.dewittross.com

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

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

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

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

March 14, 2007

**VIA FEDERAL EXPRESS**

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

RE: Transfer of Water Rights

Dear Mr. Gronlund:

Thank you for talking with me last week.

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

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

Sincerely,

**DEWITT ROSS & STEVENS** s.c.

Douglas L. Flygt

DLF:jtk  
Enclosures

**RECEIVED**

**MAR 15 2007**

**WATER RIGHTS  
PROGRAM**

## NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED  
MAR 15 2007  
WATER RIGHTS  
PROGRAM

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

No. 6126-3

Date: 3/13/07

I/We request that Water Permit No. 6126-3

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

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

Telephone No. (608) 238-9949

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

38.9 acres - NW ¼ NW ¼ Section 36, T99N, R53W

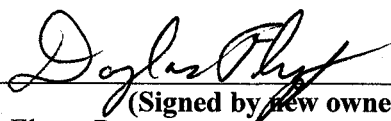
I/We understand that the validity of Water Permit No. 6126-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

**A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.**

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

**BallaCostain LLP**

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

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

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

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/15, 20 07

RECEIVED OF DOUGLAS FLYCT 1626 CAPITAL AVE MADISON WI 53705

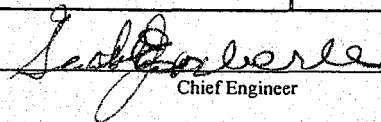
The following amount in fees for services rendered as provided for by law:

|                                                                                                                |       |      |
|----------------------------------------------------------------------------------------------------------------|-------|------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use | 2     | 50   |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                   |       |      |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                         |       |      |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____            |       |      |
| Fee for Filing Transfer Form <u>6126-3</u>                                                                     |       |      |
| 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. _____                                         | 2     | 50   |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |      |
| (Any Other Work Provided by Law)                                                                               | TOTAL | 2 50 |

No.

02995

By

  
Chief Engineer





March 19, 2007

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

Douglas L Flygt  
BallaCostain LLP  
1626 Capital Ave  
Madison WI 53705

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

Dear Mr. Flygt:

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

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

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

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

Sincerely,

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

enclosures



**Pump:**

- 1) Make Western Land Roller
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 750 GPM

**Motor:**

- 1) Make General Electric
- 2) Model No. 5KE364DTT6007
- 3) Horsepower rating 60 hp

**B. Works used to apply water to beneficial use:**

**Center pivot:**

- 1) Make Unknown
- 2) Overall length 1297 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) High or low pressure Low
- 6) Capacity 750 GPM

**Gun:**

- 1) Make Unknown

**Chemigation Equipment:**

- 1) Does chemigate N

**C. Compliance with Permit Requirements:**

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

## Report of Examination of Works

Permit No6126-3

The system is in good condition with the point of diversion located as follows: **Center of NW ¼ Sec 36-T99N-R53W, approximately 1,370 feet south and 1,293 feet east of the north-west corner of section 36,**

**W -97.05756 Longitude and N 43.35494 Latitude.** The works are capable of diverting and conveying to the place of use 1.67 cu. ft. per second of water to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows: **all in T99N-R53W**

|           |        |            |        |
|-----------|--------|------------|--------|
| NW ¼ NW ¼ | sec 36 | 38.9 acres | 6126-3 |
| NE ¼ NW ¼ | sec 36 | 36 acres   | 5678-3 |
| SE ¼ NW ¼ | sec36  | 36 acres   | 5678-3 |
| SW ¼ NW ¼ | sec 36 | 36 acres   | 5678-3 |

comprising a total of 146.9 acres of land and the license should be issued for 1.67 cfs .

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project: **Permit No. 6126-3 is to add irrigated acres to the lands being irrigated under vested water right No. 5678-3. Water right No. 5678-3 authorizes the diversion of 1.78 cfs and permit No. 6126-3 authorizes the diversion of 0.55 cfs for a total diversion of 2.33 cfs which exceeds the statutory limit of 2.10 cfs for 146.9 acres irrigated. It is recommended that the license be issued to allow a diversion of 1.67 cfs as this is the rate that the equipment in place is capable of diverting.**



Mark Costello

Natural Resources Engineer  
DENR, Water Rights Program

Date report completed: 08 August 2007



*South Dakota*

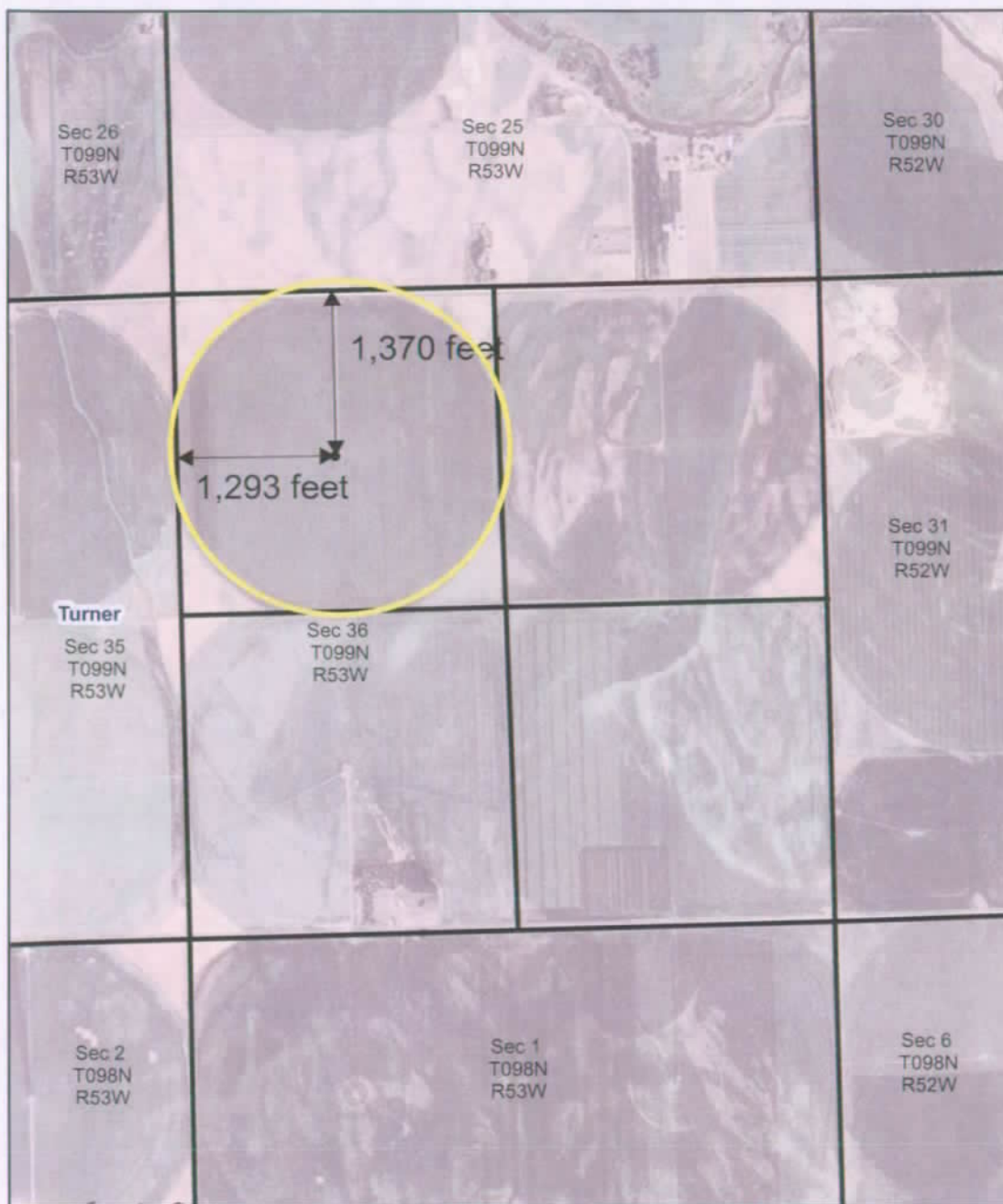
Permit No. 6126-3

BallaCostain LLP  
1626 Capital Ave.  
Madison, WI. 53705

South Dakota Department of  
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today



*Mark Costello*  
Mark Costello  
Natural Resources Engineer  
DENR, Water Rights Program  
08 August 2007

0 500 1,000 2,000 3,000 Feet

**STATE OF SOUTH DAKOTA**  
**PARTIAL VESTED WATER LICENSE NO. 6126-3**

(1) G Connie Flygt made Application No. 6126-3, February 12, 1999 for a water permit to divert 0.55 cubic feet of water per second from ground water (one existing well – Parker Centerville Aquifer), Turner County, South Dakota for irrigation purposes. Permit No. 6126-3, with a priority date of February 12, 1999 was approved April 19, 1999 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 19, 2004 and for the application to beneficial use of water on or before April 19, 2008.

Water Right No. 6126-3 authorizes additional water and an additional 38.9 acres to the irrigation system described in Vested Water Right No. 5678-3. The additional acres and diversion rate allowed the existing center pivot system to make a full rotation. The applicable portions of Vested Water Right No. 5678-3 have been incorporated into this water license.

On March 15, 2007, Vested Water Right No. 5678-3 and Water Permit No. 6126-3 were transferred from G Connie Flygt to BallaCostain LLP, a Wisconsin Limited Partnership.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, BallaCostain LLP, a Wisconsin Limited Partnership, % Douglas Flygt, 1626 Capital Avenue, Madison, WI 53705 the holders and/or owners of Partial Vested Water Right No. 6126-3 are issued a license, bearing priority dates of June 22, 1951 and February 12, 1999 to appropriate 1.67 cubic feet of water per second from ground water (one well – Parker Centerville Aquifer) to irrigate 146.9 acres.

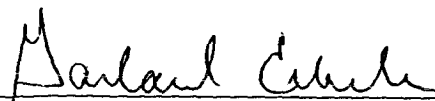
The diversion point is located 1,370 feet S and 1,293 feet E of the NW corner of Section 36, T99N, R53W (approximate center of the NW 1/4).

The acres authorized for irrigation are as follows:

|                        |               |            |                                          |
|------------------------|---------------|------------|------------------------------------------|
| Section 36, T99N, R53W | NW 1/4 NW 1/4 | 38.9 acres | February 12, 1999 Priority date (6126-3) |
|                        | NE 1/4 NW 1/4 | 36.0 acres | June 22, 1951 Priority date (5678-3)     |
| Total of 146.9 acres   | SE 1/4 NW 1/4 | 36.0 acres | June 22, 1951 Priority date (5678-3)     |
|                        | SW 1/4 NW 1/4 | 36.0 acres | June 22, 1951 Priority date (5678-3)     |

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Partial Vested Water Right No. 6126-3 including the following qualifications:

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

  
Garland Erbele, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

OCT 17 2007

date





DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

OCT 17 2007

5678-3  
6126-3

Douglas Flygt  
BallaCostain LLP  
1626 Capital Ave  
Madison WI 53705

Dear Mr. Flygt:

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

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6126-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

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



6126-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

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

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5677-3, 5679-3, 5680-3, 6126-3, 6127-3 & 6843-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5677-3, 5679-3, 5680-3, 6126-3, 6127-3 & 6843-3 qualification:

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

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

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

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

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

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 28, 2009

Douglas Flygt  
Ballacostain LLP  
1626 Capital Ave  
Madison WI 53705

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

Dear Mr. Flygt:

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

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

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

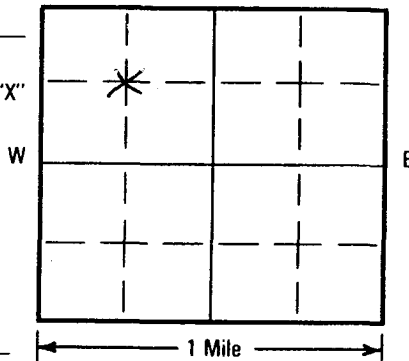
## SOUTH DAKOTA WATER WELL COMPLETION REPORT

6126-3

07-92

Location NW ¼ NW ¼ Sec 36 Twp 99 Rg 53  
 County Turner

Please mark well location with an "X"



Well Completion Date

6/20/09

## LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.): 2000 ft. from Farm Place (identify source).

## PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes  
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

## METHOD OF DRILLING:

Boring machine

## CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe \_\_\_\_\_

| PIPEWEIGHT  | DIAMETER     | FROM        | TO           | HOLE DIAMETER |
|-------------|--------------|-------------|--------------|---------------|
| _____ LB/FT | <u>16</u> IN | <u>0</u> FT | <u>40</u> FT | <u>30</u> IN  |
| _____ LB/FT | _____ IN     | _____ FT    | _____ FT     | _____ IN      |
| _____ LB/FT | _____ IN     | _____ FT    | _____ FT     | _____ IN      |

## GROUTING DATA

| Grout Type | No. of Sacks | Grout Weight  | From     | To       |
|------------|--------------|---------------|----------|----------|
| _____      | _____        | _____ lb./gal | _____ ft | _____ ft |
| _____      | _____        | _____ lb./gal | _____ ft | _____ ft |

Describe grouting procedure Cement grout from 7' to top of casing.

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 16 IN Length 20 FEET

Material plastic

Slot Size 200 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: \_\_\_\_\_

X NO, Why Not? \_\_\_\_\_

Laboratory sent to for water quality analysis

Well Owner: Douglas Flygt, partner of  
 Business Name: Bella Costain LLP  
 Address: 1626 Capitol Ave  
Madison, WI 53705

## WELL LOG:

| FORMATION                              | DEPTH     |            |
|----------------------------------------|-----------|------------|
|                                        | FROM      | TO         |
| <u>Topsoil</u>                         | <u>0'</u> | <u>5'</u>  |
| <u>Gravel</u>                          | <u>5'</u> | <u>7'</u>  |
| <u>Water bearing sand &amp; gravel</u> | <u>7'</u> | <u>40'</u> |
|                                        |           |            |
|                                        |           |            |
|                                        |           |            |
|                                        |           |            |
|                                        |           |            |
|                                        |           |            |

STATIC WATER LEVEL 7' 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: no test

☐ Bailed \_\_\_\_\_

☐ Other \_\_\_\_\_

Pumping Level Below Land Surface

\_\_\_\_\_ ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

\_\_\_\_\_ ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

If pump installed, pump rate 800 GPM

## REMARKS

RECEIVED

FEB - 1 2010

WATER RIGHTS PROGRAM

This well was drilled under license # 478

And this report is true and accurate.

Drilling firm Beiners Well Drilling

Signature of License Representative: Jon Kasper

Signature of Well Owner or Equitable Property Holder:

X Bella Costain LLP

by: Douglas Flygt, partner

Date: 9/1/09



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

February 9, 2010

Bella Costain LLP  
c/o Doug Flygt  
1626 Capitol Ave  
Madison WI 53705

Dear Mr. Flygt:

I am writing in regard to a well driller's report filed by Reiners Well Drilling. The report shows they completed a new well for you on June 20, 2009. A review of our files indicates Water Right No. 6126-3 authorizes 750 gallons per minute (gpm) from one well, approximately 44 feet deep located in the center of the NW ¼ Sec 36-T99N-R53W for irrigation of 147 acres.

Since this well appears to be located in the approximately the same location, am I correct in assuming this is a replacement well? Please call or email me regarding the status of this new well. At that time, we can determine if any additional action needs to be taken.

Thank you in advance for your response.

Sincerely,

Karen Schlaak  
Water Rights Program  
605 773-3352  
[karen.schlaak@state.sd.us](mailto:karen.schlaak@state.sd.us)

## **Water Rights Program - File Documentation**

**NAME:** Doug Flygt

**ADDRESS:** Madison WI

**DATE:** 2-16-10      **COUNTY:** TU      **TELEPHONE:**

**RE:** Well Completion Report

**COMMENTS:**

Doug Flygt called regarding my letter dated 2-9-10. Mr. Flygt stated the old well was having problems and this well was a replacement well. The well is approximately the same depth, same location and the same pivot system is being used, so no additional water was being used. I asked about the old well and he said they were going to cap it, but he needed to follow-up and see if that had been done.



Karen Schlaak  
Environmental Scientist



6126-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

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

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3 qualification:

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

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

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

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

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

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

February 3, 2020

Douglas Flygt  
BallaCostain LLP  
1626 Capital Ave  
Madison WI 53705

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

Dear Mr. Flygt:

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

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Permit or Right Nos. 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

6126-3



**DENR**  
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 22, 2021

**NOTICE**

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

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

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

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3 qualification:

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

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

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

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

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

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

6126-3



**DENR**  
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

February 3, 2021

Douglas Flygt  
Ballacostain LLP  
1626 Capital Ave  
Madison WI 53705

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

Dear Mr. Flygt:

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

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right or Permit Nos. 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

Genny McMath  
Water Rights Program  
605 773-3352  
Genny.mcmath@state.sd.us



6126-3

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

January 20, 2022

**NOTICE**

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

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

**SUBJECT:** Reporting Requirement for 2021 Irrigation Questionnaire(s)

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

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

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

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

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

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

**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.

6126-3



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

January 26, 2022

Douglas Flygt  
Ballacostain LLP  
1626 Capital Ave  
Madison WI 53705

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

Dear Mr. Flygt:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit Nos. 5679-3, 5680-3, 6126-3, 6127-3, 6843-3 & 7173-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath  
Water Rights Program  
605 773-3352  
Genny.mcmath@state.sd.us