

Water Right Number 1055-1

1. Considered MAY 21, 1975
2. Name of Applicant ORVAL STADHEIM & BARTRAM BERG
3. Post Office Address HETTINGER, N.D.
4. Amount of Water claimed 7.70
5. Source of Water supply N. FORK GRAND RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 544
7. Water to be diverted and used in PERKINS County
about 25,34W miles of LEMMON
8. Proof of Publication Received 5-14-75
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

10. Remarks:

No. 1033-1

Map No. 869-1 Water Division No. 1 GRAND RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

8/21

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

- Name of Applicant Orval Stadheim & Bartram R. Berg - RR # 2 - Box D301
Postoffice address Hettinger, State North Dakota
If a corporation show date and place of incorporation None
- Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor
- Name of diversion work Stadheim & Berg Irrigation Project #1
- Amount of water claimed (cubic feet per second) 7.7 cfs
- Source of water supply North Grand River
- Location of point of diversion See attached sheet

- County Perkins
Annual period or periods during which water is to be used March 1st thru October 31st
- Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
- For irrigation use, Total number of acres to be irrigated 544

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
See attached sheet			

Attach sheet if more space is needed

- Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 5 years.
- Choice of newspaper for Notice of Intent to Appropriate Water publication The Bison Courier
- Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Pump

B. Works proposed to transport water to place of use.

Pipeline

C. Works proposed to apply water to beneficial use.

Big Gun Sprinkler

Cost \$ 16,500.00

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Perkins

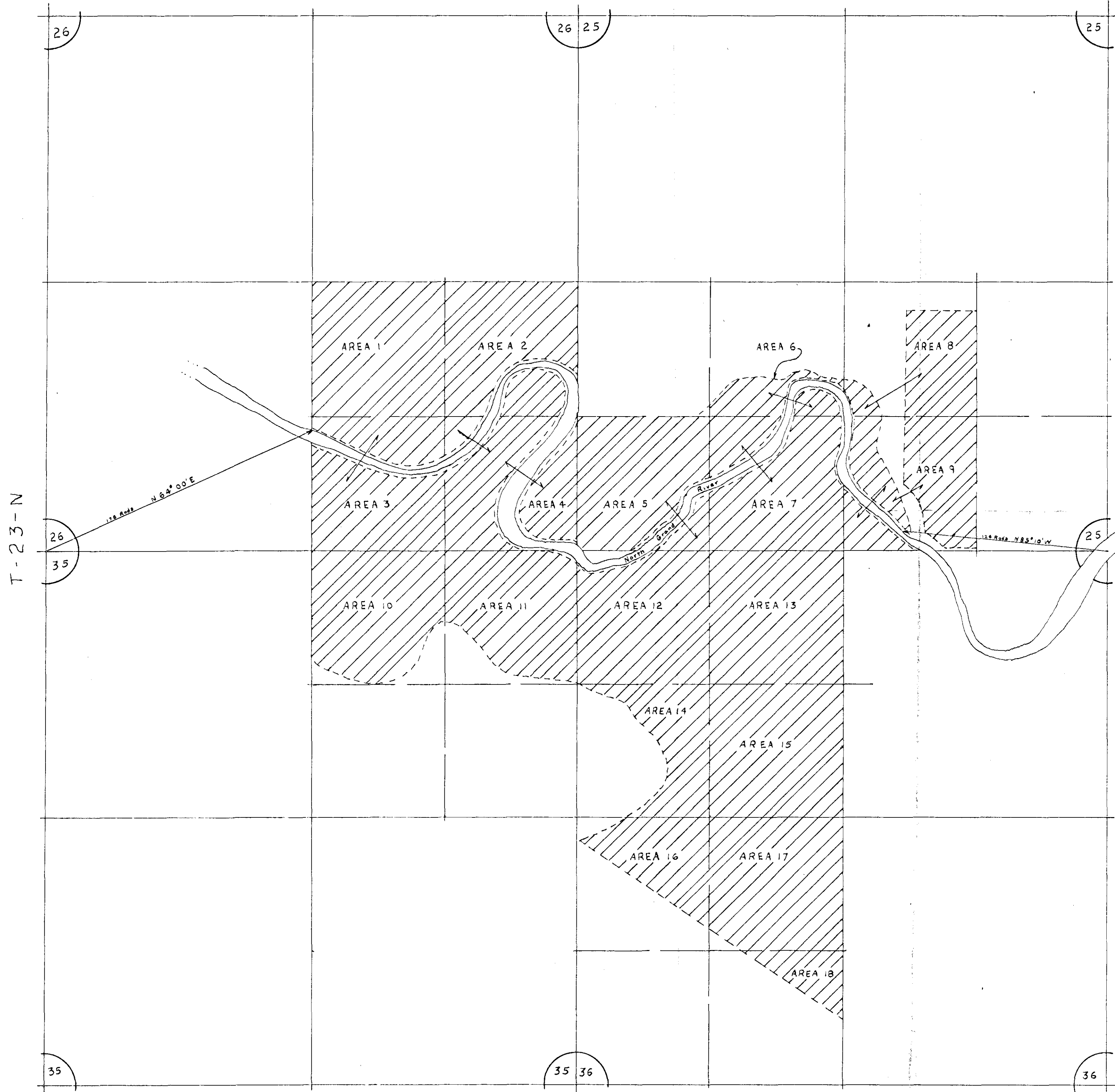
I, Orval Stadheim & Bartram R. Berg, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction

Subscribed and sworn to before me this 27th day of August, 1925

Signed Orval Stadheim
Bartram R. Berg
Notary Public (or other qualified officer)

My Commission expires 8-11-25

R-10-E



All lands described are owned by "Orval Stadheim & B.R. Berg"

LOCATION OF LAND TO BE IRRIGATED					
AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	NW 1/4 SE 1/4	26	23N	10E	40
2	NE 1/4 SE 1/4	26	23	10	35
3	SW 1/4 SE 1/4	26	23	10	36
4	SE 1/4 SE 1/4	26	23	10	30
5	SW 1/4 SW 1/4	25	23	10	36
6	NE 1/4 SW 1/4	25	23	10	9
7	SE 1/4 SW 1/4	25	23	10	36
8	NW 1/4 SE 1/4	25	23	10	20
9	SW 1/4 SE 1/4	25	23	10	30
10	NW 1/4 NE 1/4	35	23	10	35
11	NE 1/4 NE 1/4	35	23	10	34
12	NW 1/4 NW 1/4	36	23	10	37
13	NE 1/4 NW 1/4	36	23	10	40
14	SW 1/4 NW 1/4	36	23	10	20
15	SE 1/4 NW 1/4	36	23	10	40
16	NW 1/4 SW 1/4	36	23	10	19
17	NE 1/4 SW 1/4	36	23	10	39
18	SE 1/4 SW 1/4	36	23	10	8
TOTAL					544

Scale: 1" = 660'

STADHEIM & BERG IRRIGATION PROJECT

No. 1

(Orval Stadheim & Bertram Berg)

Perkins County, South Dakota

Keith Kuchonko, Manager
West River Conservancy Sub-District

APP NO 2669-1 APPL NO 1055-1

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1055-1

ORVAL STADHEIM & BARTRAM R. BERG
(Applicant)

HETTINGER
(Post Office Address)

NORTH DAKOTA 58639 With the following modifications.
(State)

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING, AND PRIOR WATER RIGHTS MUST BE BY-PASSED. FLOWS OF THE GRAND RIVER PROPOSED FOR USE UNDER THIS PERMIT ARE INCLUDED UNDER U.S. WITHDRAWAL NO 544-1 FOR STORAGE IN SHADEHILL RESERVOIR. RESTRICTIONS ON THE USE OF WATER UNDER THIS PERMIT MAY BE NECESSARY IF THE BUREAU OF RECLAMATION DEVELOPS THE SHADEHILL IRRIGATION PROJECT UNDER SUCH WITHDRAWAL. THIS PERMIT DOES NOT AUTHORIZE DIVERSIONS FROM THE NORTH FORK OF THE GRAND RIVER AFTER JULY 15 OF EACH CALENDAR YEAR, NOR AT ANY TIME WHEN THE RIVER IS OBVIOUSLY LOW, UNLESS WRITTEN ORDERS HAVE BEEN SO ISSUED BY THE STATE WATER RIGHTS COMMISSION OR ITS LEGALLY APPOINTED REPRESENTATIVE. DIVERSIONS UNDER THIS PERMIT SHALL BE IN ACCORDANCE WITH ANY WRITTEN ORDERS ISSUED BY THE COMMISSION OR ITS REPRESENTATIVE.

Date of first receipt of application APRIL 3, 19 75

Date of return to applicant for correction, amendments or changes required —, 19 —

Date of receipt of corrected application —, 19 —

Approved MAY 21, 19 75, Recorded in Book 13 Page 255

WATER RIGHT PERMIT NO. 1055-1

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1055-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is APRIL 3, 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 21, 19 77
3. The whole of said work is to be completed on or before MAY 21, 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 21, 19 80
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 2.7 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is

actually and beneficially applied for irrigation on or before MAY 21, 19 80; said water to be used during the following described annual period: MARCH THRU OCTOBER

Witness my hand this 23RD day of MAY, 19 75

WATER RIGHTS COMMISSION

By:

Herb W. Butler
Atty Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19 —

Water License Issued —, 19 —

Stadheim & Berg
Irrigation Project #1

LOCATION OF LAND TO BE IRRIGATED:

AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	NW $\frac{1}{4}$ SE $\frac{1}{4}$	26	23N	10E	40
2	NE $\frac{1}{4}$ SE $\frac{1}{4}$	26	23N	10E	35
3	SW $\frac{1}{4}$ SE $\frac{1}{4}$	26	23N	10E	36
4	SE $\frac{1}{4}$ SE $\frac{1}{4}$	26	23N	10E	30
5	SW $\frac{1}{4}$ SW $\frac{1}{4}$	25	23N	10E	36
6	NE $\frac{1}{4}$ SW $\frac{1}{4}$	25	23N	10E	9
7	SE $\frac{1}{4}$ SW $\frac{1}{4}$	25	23N	10E	36
8	NW $\frac{1}{4}$ SE $\frac{1}{4}$	25	23N	10E	20
9	SW $\frac{1}{4}$ SE $\frac{1}{4}$	25	23N	10E	30
10	NW $\frac{1}{4}$ NE $\frac{1}{4}$	35	23N	10E	35
11	NE $\frac{1}{4}$ NE $\frac{1}{4}$	35	23N	10E	34
12	NW $\frac{1}{4}$ NW $\frac{1}{4}$	36	23N	10E	37
13	NE $\frac{1}{4}$ NW $\frac{1}{4}$	36	23N	10E	40
14	SW $\frac{1}{4}$ NW $\frac{1}{4}$	36	23N	10E	20
15	SE $\frac{1}{4}$ NW $\frac{1}{4}$	36	23N	10E	40
16	NW $\frac{1}{4}$ SW $\frac{1}{4}$	36	23N	10E	19
17	NE $\frac{1}{4}$ SW $\frac{1}{4}$	36	23N	10E	39
18	SE $\frac{1}{4}$ SW $\frac{1}{4}$	36	23N	10E	8
TOTAL					544

POINT OF DIVERSION:

O

On North Grand River: 176 rods N 64° 00' E of the Southwest Corner of Section 26, T23N, R10E to 124 rods N 85° 10' W of the Southeast Corner of Section 25, T23N, R10E.

AT THE MAY, 1974 COMMISSION MEETING
A REPORT WAS PRESENTED TO THE COMMISSION
REGARDING FLOWS AND WATER RIGHT
RELATIONS ON THE NORTH FORK OF THE
GRAND RIVER. THE REPORT RECOMMENDED
THAT, BASED ON U.S.G.S. FLOW RECORDS,
PERMITS BE ALLOWED UP TO A TOTAL
DIVERSION RATE OF APPROXIMATELY 6.0 CFS.
THE COMMISSION ADOPTED THE REPORT
AS PRESENTED. THIS APPLICATION
PROPOSES TO DIVERT 7.7 CFS. WHICH
WILL BRING THE TOTAL DIVERSIONS
UNDER APPROVED PERMITS TO 8.5 CFS.
IT IS RECOMMENDED THIS APPLICATION
BE APPROVED WITH THE N. FORK GRAND
RIVER QUALIFICATION

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Perkins) ss.

I, Mende E. Hallock hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Bevin Creek

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

town of Bevin

County of Perkins and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

April 17, 1975

April 24, 1975

Mende E. Hallock
(Signature)

Owner
(Title)

4-24-75
(Date Signed)

NOTICE
INTENT TO APPROPRIATE
WATER

Pierre, South Dakota 57501

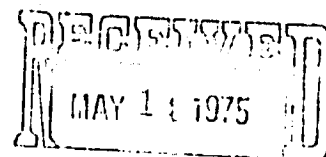
April 8, 1975

Notice is hereby given that Orval Stadheim and Bartram Berg whose post office address is Hettinger, North Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 7.7 cubic feet of water per second of time from the North Fork Grand River through the Stadheim & Berg Irrigation Project No. 1, the point of diversion of which is to be located between points in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, and in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, Twp. 23N, Range 10E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

W $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 25;
SE $\frac{1}{4}$, Section 26; N $\frac{1}{2}$ NE $\frac{1}{4}$,
Section 35, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36, all in
T23N, R10E.

This application No. 1055-1 will be considered by the Water Rights Commission at its office at Pierre upon the 21st day of May, 1975, at 3:30 P.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION
By: BURTON F. JONES
Water Rights Specialist
(April 17, 24)



STATE WATER RIGHTS COM.
PIERRE, SOUTH DAKOTA

Publish first publication, on or before May 8, 1975NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 8, 1975

Notice is hereby given that Orvil Stadheim and Bertram R. Berg
whose post office address is Hettinger, North Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
7.7 cubic feet of water per second of time from the North Fork Grand River through the
Stadheim & Berg Irrigation Project #1, the point of diversion of which is to be located in the XXXX

between points in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, and in the SW $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 25, Twp. 23N, Range 101. Said water to be used for the purpose

of providing irrigation on ^{portions of} the following described land:

W $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 25; SE $\frac{1}{4}$, Section 26; N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 35, NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,

SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36, all in T23N, R10E

This application No. 1055-1 will be considered by the Water Rights Commission at its office at
Pierre upon the 21st day of May, 1975, at 2:30 P. M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Orvil Stadheim, Hettinger, North Dakota 58639

1050-1

**South Dakota Department of
Water & Natural Resources**
Joe Foss Building
Pierre, South Dakota 57501

Division of Water Rights (605) 773-3352

September 4, 1980

You are hereby ordered to cease pumping water from the North Fork of the Grand River from the North Dakota - South Dakota border to the tailwaters of the Shadehill Reservoir, for the remainder of the year, unless written notice is received indicating otherwise. Apparently there was some misunderstanding with the order issued July 15, 1980 and this order is issued to clarify any misunderstanding.

This order is issued in accordance with the South Dakota Water Laws which require the Water Management Board to control and regulate all waters of the State to assure water for domestic supplies and prior water rights.

All the permits above the Shadehill contain the qualification that low flows as needed for downstream domestic use, including livestock watering must be bypassed.

Very truly yours,

John Hatch

JOHN HATCH, Chief Engineer
Water Rights Division

JH/gy

Equal Opportunity Employer

1055-1

**South Dakota Department of
Water & Natural Resources**
Joo Foss Building Division of Water Rights (605) 773-3352
Pierre, South Dakota 57501

September 8, 1980

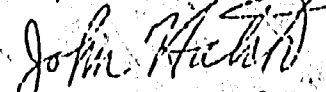
1055-1
Orval Stadheim
Hettinger, ND 58639

This letter will revoke the order dated September 4, 1980 shutting off irrigation pumping from the North Fork of the Grand River between Shadehill Reservoir and the North Dakota border.

In an effort to provide more local control of the pumping from the North Fork of the Grand River, we are going to allow the local Irrigators Association to attempt to regulate themselves to better utilize the limited flows in the North Fork. The primary requirement will be that water for livestock use will need to be made available for downstream use.

We expect that someone from this office will be in the area this week.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH/gy

Equal Opportunity Employer

NORTH FORK OF GRAND RIVER

River Flows and Water Right Diversion Rates

The North Fork of the Grand River in South Dakota consists of approximately 50 river miles between the North Dakota-South Dakota Boundary and Shadehill Reservoir. This entire reach of the river is contained in Perkins County.

To date there are eleven valid permits authorizing the diversion of 77.1 c.f.s. of water from the North Fork of the Grand River (see attachment A). There is a July 15 cutoff date on 25.9 c.f.s. of the 77.1. This leaves a maximum authorized pumping rate of 51.2 c.f.s. after July 15. The staff has checked several of the older permits and is certain the actual diversion rates will be considerably less than the total authorized rates.

Checking the flows for a 27 year period, we see that the average flows in June were 101.4 c.f.s. and in July, 35.4 c.f.s. (see attachment B). However, the flow during the first half of July was much higher than the 35.4 c.f.s. average (see attachment C).

Because of the high flows used in calculating the average flows, the average flow figures are somewhat misleading. Attachment C shows the percentage of time that flows were equalled or exceeded. Note that while the average flow in June was over 100 c.f.s. that flow was available only about 15 to 20 per cent of the time in June. Likewise, the average flow of 35 c.f.s. in July was available only about 25 per cent of the time in July.

Based on the record only, the recommendation of the Commission staff would be that no further permits should be approved for several years to see how much development there is under the existing permits. However, because the Commission staff believes there will be a relatively small amount of development under some of the older permits having large authorized diversion rates, it is recommended that permits be approved with the July 15 cutoff until the total authorized diversion rate is increased to approximately 90 c.f.s. from the present total of 77.1 c.f.s.

WATER RIGHTS - N. FORK GRAND RIVER

ATTACHMENT A

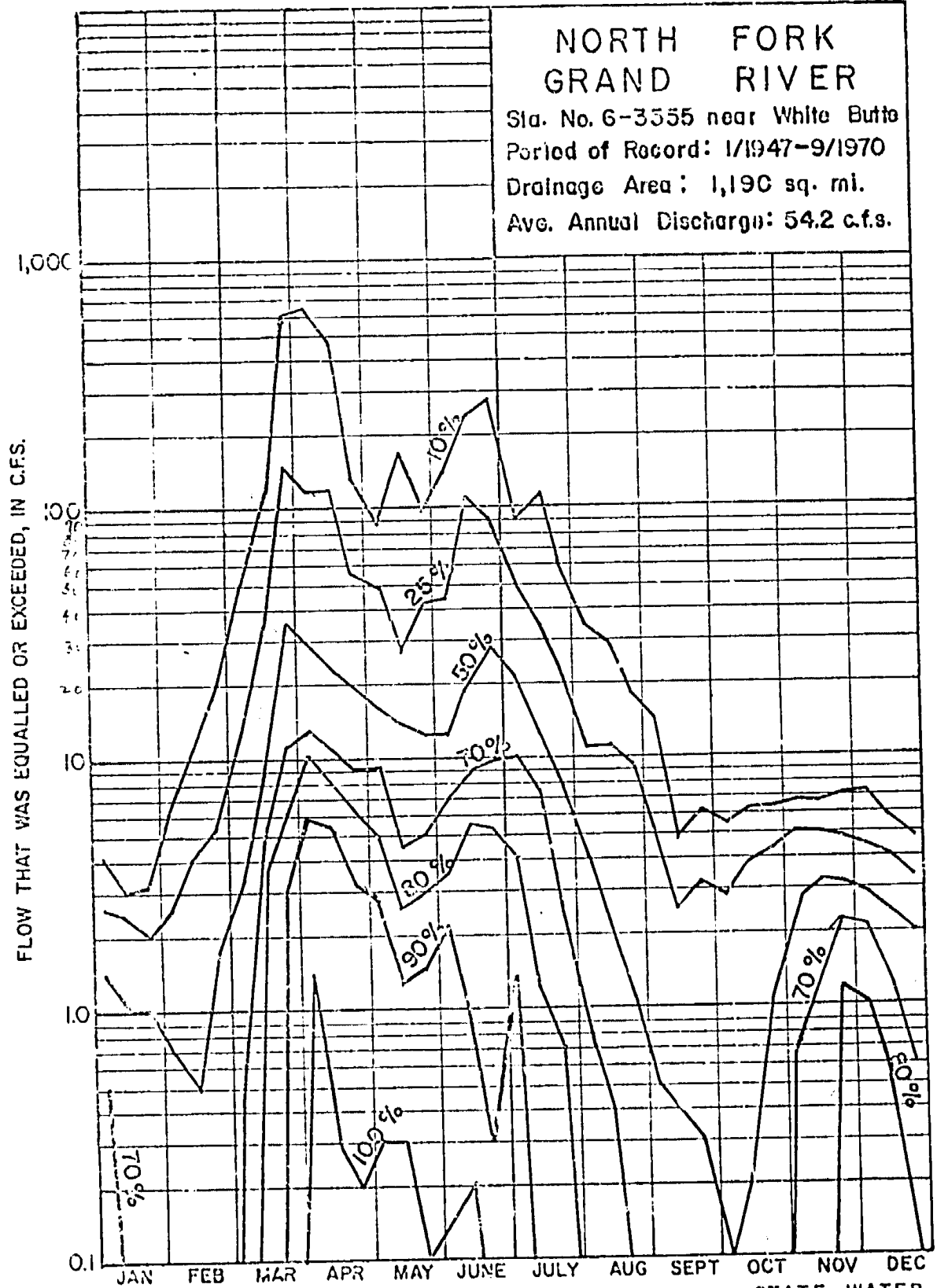
No.	DATE	CUT OFF DATE	AMOUNT(cts)	Per. / Lic.
773-1	7-25-66	None	11.60	Per.
990-1	6-25-73	7-15	2.77	Per.
802-1	3-10-67	None	16.30	Per.
774-1	8-11-66	None	7.65	Per.
956-1	2-15-72	None	10.00	Per.
981-1	4-16-73	7-15	9.60	Per.
635-1	6-25-71	None	.96	Per.
983-1	5-4-73	7-15	2.20	Per.
623-1	10-17-61	None	1.30	Lic.
980-1	4-16-73	7-15	4.30	Per.
822-1	12-6-67	None	9.40	Per.
			70.08	

FEET IN N. FORK GRAND RIVER

ATTACHMENT B

YEAR	CUBIC FEET PER SECOND				
	MAY	JUNE	JULY	AUG.	SEPT.
1946	4.76	4.62	9.94	.04	0.0
1947	25.90	246.00	66.10	20.02	2.53
1948	17.50	19.90	46.00	5.92	.02
1949	27.00	9.49	5.05	.17	0.0
1950	240.00	33.70	13.40	18.70	3.33
1951	15.00	13.30	26.50	60.60	27.20
1952	73.20	21.00	13.60	20.10	5.01
1953	95.90	572.00	77.30	34.60	12.90
1954	10.70	9.26	13.40	14.70	3.28
1955	1.73	1.66	9.51	4.42	2.02
1956	8.14	2.16	.04	.80	5.25
1957	3.36	187.00	24.00	6.52	1.72
1958	2.80	29.20	15.20	1.37	0.0
1959	8.70	1.88	.92	.06	0.0
1960	21.20	110.00	6.97	.15	0.0
1961	3.04	3.03	00	00	0.0
1962	46.15	61.10	103.00	6.28	.01
1963	23.50	118.00	21.40	3.43	.3
1964	7.23	387.00	55.80	9.32	3.56
1965	219.00	165.00	40.50	7.29	4.20
1966	13.00	75.60	149.00	40.30	5.07
1967	163.00	191.00	13.30	.38	.64
1968	3.27	22.20	6.20	0.0	0.0
1969	32.50	14.40	120.00	8.41	.99
1970	144.00	168.00	18.80	5.28	.062
1971	59.50	182.00	38.10	.68	2.51
1972	308.00	88.20	54.90	33.8	5.93
All Record Mean	58.4	101.4	36.4	11.26	3.22

ATTACHMENT C



Source: U. S. GEOLOGICAL SURVEY RECORDS

STATE WATER PLAN
SOUTH DAKOTA CONSERVANCY DISTRICT

NORTH FORK GRAND RIVER (at White Butte)

Withdrawal up to July 15 = 77.08 cfs

Withdrawal after July 15 = 51.21 cfs

Effect of the dam before construction

Month	May	June	July	Aug.	Sept.
Mean	41.29	98.62	33.2	12.15	3.65

Effect of the dam after construction

Month	May	June	July	Aug.	Sept.
Mean	118.37	111.13	41.8	8.17	1.68

State of South Dakota
Water License No. 1055-1

(1) Orval Stadhelm and Bertram R. Berg
of RR#2, Box D301, Hettinger, North Dakota 58639
made Application No. 1055-1, April 3, 1975 for a water permit to appropriate
7.70 cubic feet per second of water from the North Fork of the Grand River,
Perkins County, South Dakota for Irrigation purposes.
Permit No. 1055-1, with a priority date of April 3, 1975
was approved May 21, 1975 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before May 21, 1980 and for the application to beneficial use of said
water on or before May 21, 1980.

and

(2) It is certified that the application 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 1.65 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is between points in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ (DC) and
SE $\frac{1}{4}$ SE $\frac{1}{4}$ (DD) of Section 26, T23N, R10E on the North Fork Grand River

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in Section 26, T23N,

R10E

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 37.0 ACRES(DC)

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 36.5 acres(DB)

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 11.5 acres(DA)

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 30.9 (DD)

TOTAL 115.9 ACRES

(4) Pursuant to §46-5-30.1 Orval Stadheim & Bertram R. Berg

of RR#2, Box D301, Hettinger, ND

the holder(s) and/or owner(s) of Water Permit No. 1055-1 is issued a license to appropriate water, the right to use 1.65 cubic feet per second of water from the North Fork Grand River with a priority date of April 3, 1975 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of Irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 1055-1 and subject to South Dakota State Law.

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

January 10, 1984

Permit No. 1055-1Grand River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Orval Stadheim
& Bartram R. Berg of RR#2, Box 0301, Hettinger, ND holder of
 Permit No. 1055-1, bearing the priority of April 3 19 75 authorizing
 the diversion of 7.70 cu. ft. per second of the waters of North Fork of Grand River
 for irrigation purposes, in Perkins County.

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

- A. Works used to divert the water: pump : PTO driven Berkeley
 S.N. 6212086
 imp. 12 in.
- B. Works used to transport water to place of use: 2000 gpm
 pipeline : size - 8 in
 type - Aluminum
 length - 2000 ft
- C. Works used to apply water to beneficial use:
 spreads water over acreage by moving pipeline to various positions
 to allow flooding

The system is in the following condition good

The point of diversion is located N. Fork Grand R. : Between SW 1/4 SE 1/4 and
SE 1/4 SE 1/4 of sec 26 ; all in T23N, R10E

The works are capable of diverting and conveying to the place of use 4.44
 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: all in T23N, R10E

	sec. 26	Acre
<u>SW 1/4 SE 1/4</u>		<u>37.0</u>
<u>NW 1/4 SE 1/4</u>	<u>"</u>	<u>36.5</u>
<u>NE 1/4 SE 1/4</u>	<u>"</u>	<u>11.5</u>
<u>SE 1/4 SE 1/4</u>	<u>"</u>	<u>30.9</u>

comprising a total of 115.9 acres of land and the license should be issued for 4.65 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date Sept. 27, 1983

Ron Duwall
 (signature)

LICENSE FOR PERMIT NUMBER 1055-1

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____
c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____
b) model _____ b) model no. _____
c) size _____ c) horsepower rating _____
d) capacity _____ GPM d) motor efficiency rating _____
e) turbine pump
no. of stages _____

3. Distribution lines:

a) size of lines 8 in
b) type Aluminum
c) length 2000 ft

4. Dam information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____
h) Distribution lines or canals:
1) size _____
2) type _____
3) length _____

1) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

5. System Type: a) slideroll:

1) length _____ feet
2) diameter of pipe _____
3) make, model & number of sprinklers _____
4) spacing of sprinklers _____
5) nozzle size _____

b) towline:

1) length _____ feet
2) make, model & number of sprinklers _____
3) spacing of sprinklers _____
4) nozzle size _____

5. System Type: c) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM _____

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES	NO	Check Items
☒	☐	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
☒	☐	2. Special Qualifications to permit being abided by.
☒	☐	3. All Structures, wells and lands on map.

REMARKS: pump : PTO driven Berkeley
S.N. 6212086
imp. 12 in.
2000 g.p.m.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1055-1

December 15, 1983

Orval Stadheim & Bartram R. Berg
RR#2, Box 0301
Hettinger, North Dakota 58639

Dear Sirs:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 1055-1 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Genny McMath
Water Rights Specialist

GM:ms

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

DWNR-814 8/83

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

No 4 9479

Pierre, January 10, 1984

RECEIVED OF Bertram R. Berg, RR#2, Box D 301, Hettinger, ND 58639

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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. 1055-1 _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____
(Any Other Work Provided by Law)

Total

50 00

50 00

By

Chief Engineer

JOHN HATCHER

No. 1055-1

SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501
WATER RIGHTS DIVISION
Phone (605) 773-3352

January 11, 1984

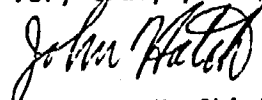
Bertram R. Berg
RR#2, Box D301
Hettinger, North Dakota 58639

Dear Mr. Berg:

Enclosed herewith is, Water License No. 1055-1. This is the final water right document completing your process of obtaining a water right.

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.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

Enclosures

WNR-817 3/83
Transmittal of Water License

1035-1

WATER RIGHTS DIVISION
(605) 773-3352

January 19, 1984

Bertram R. Berg
RR#2, Box D301
Hettinger, North Dakota 58639

Dear Dr. Berg:

Enclosed is your check #535 in the amount of \$50.00 which you paid for inspection and issuance of your Water License No. 1055-1.

A filing fee of \$50.00 was received from you on January 10, 1984. The Water License was then issued and forwarded to you by letter dated January 11, 1984. An additional \$50.00 filing fee is not required, therefore the check received in our office January 19, 1984 is being returned to you.

If you have any questions, please contact this office.

Sincerely,

Genny McMath
Water Resources Analyst

GM:ms
Enc.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

1055-1

January 29, 1988

BERTRAN BERG/ORVAL STADHEIM
RR #2 BOX 612
HETTINGER, ND 58639

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 1055-1. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 1055-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.

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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 9, 1988

1055-1

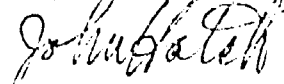
Bertram Berg & Orval Stadheim
RR 2, Box 612
Hettinger ND 58639

Dear Sirs:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 1055-1 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,



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



1055-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: BERTRAM BERG/ORVAL STADHEIM
RR #2 BOX 612
HETTINGER ND 58639

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 1055-1. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 3, 1993, 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1055-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, your name will be deleted from the Board agenda.

ed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

1055-1

4a. Article Number

9906 560 081

BERTRAM BERG/ORVAL STADHEIM
RR #2 BOX 612
HETTINGER ND 58639

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

2-1-93

5. Signature (Addressee)

Orval Stadheim

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

6. Signature (Agent)

Orval Stadheim

Is your RETURN /

PS Form 3811, December 1991 U.S.G.P.O. : 992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



1055-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 9, 1993

1055-1

Bertram Berg
& Orval Stadheim
RR #2 Box 612
Hettinger, ND 58639

Dear Sirs:

I am writing to acknowledge receipt of your 1992 irrigation questionnaire for Water Right No. 1055-1. You may disregard the January 29, 1993 Notice of Violation of the Requirement to Submit the 1992 Irrigation Questionnaire.

The questionnaire 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
Natural Resources Analyst
Water Rights Division
(605) 773-3352

We have divided our land so send all future mail to

both addresses before 1996 WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE
PLEASE FILL OUT AND RETURN BEFORE DECEMBER 20, 1996

1055-1
BERTRAM BERG/CORNER 20TH
RR 2 BOX 612
HETTINGER ND 58639

Orval J. Stadheim

Her 2 Box 8

Reader NW

58676

COMPLETE AND RETURN THIS FORM TO THE WATER RIGHTS PROGRAM AT

HAS SYSTEM BEEN CONSTRUCTED? YES _____ NO _____

DID YOU IRRIGATE IN 1996? YES _____ NO ☒ IF YES, NUMBER OF ACRES IRRIGATED _____

SOURCE OF WATER _____

DID YOU CHEMIGATE IN 1996? YES _____ NO _____

TYPE OF SYSTEM (CHECK ALL THAT APPLY):

CENTER PIVOTS _____ TOWNLINES _____ BIG GUN _____

FLOOD _____ SPRINKLERS _____ OTHER _____

COMMENT SECTION:



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

EXAMPLE 1: IN JUNE & JULY, 130 ACRES WERE IRRIGATED USING A CENTER PIVOT SYSTEM (70 ACRES OF CORN & 60 ACRES OF BEANS). THE PUMP RATE OF THE PIVOT IS 800 GALLONS PER MINUTE AND YOU PUMPED 10 DAYS (@ 24 HOURS PER DAY) ON THE CORN AND 20 DAYS ON THE BEANS:

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

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Bertram Berg
RR 2 Box 612
Hettinger ND 58639

Orval J Stadheim
HCR 2 Box 8
Reeder ND 58646

Dear Sirs:

Thank you for submitting the 1996 Irrigation Questionnaire. The questionnaire indicated the land has been divided. In order to keep our records clear, we need to know which portions of the SE 1/4 of Section 26-T23N-R10E belong to each of you. Enclosed is a copy of the water license. Please indicate who owns each quarter-quarter and the water right will be split accordingly.

If you want the water right to remain as it is, listing both of your names, then we need to know which person and address the yearly irrigation questionnaire should be sent to.

If you have questions, please contact Genny McMath or me.

Sincerely,

Karen Schlaak
Karen Schlaak
Water Rights Program
605 773-3352

enclosure

Water Rights Program - File Documentation

NAME: Orval Stadheim

ADDRESS: HCR Box 8, Reeder ND 58649

DATE: 4-4-97 COUNTY: Perkins TELEPHONE: 701 853-2394

RE: Ownership of Water Right No. 1055-1

COMMENTS:

Based on the Irrigation questionnaire, I sent a letter to clarify ownership of the water right. Mr. Stadheim had returned the water license indicating he owned the entire SE 1/4 Section 26-T23N-R10E. I called the Stadheim's to clarify the ownership of Water Right No. 1055-1. Mrs. Stadheim indicated the same thing over the phone, subsequently transfer forms are being sent to Orval Stadheim.



Karen Schlaak
Environmental Scientist

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in Section 26, T23N,

RIDE

SW1/4 37.0 ACRES (DC)

NW1/4 36.5 acres (DB)

NE1/4 11.5 acres (DA)

SE1/4 30.9 (DD)

TOTAL 115.9 ACRES

Owned By Orval Stadheim

RR/2, Box 8

Reeder 970 78649

(1) Pursuant to §36-5-30.1 Orval Stadheim & Bertram R. Berg

of RR/2, Box D301, Hettinger, ND

the holder(s) and/or owner(s) of Water Permit No. 1055-1 is issued a license to appropriate water, the right to use

1.65 cubic feet per second of water from the North Fork Grand River with a priority date

of April 3, 1975 from the location specified in (2) of this license. The water to be

conducted to and upon lands specified in (3) of this license for the purpose of Irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 1055-1 and subject to South Dakota State Law.

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

January 10, 1984



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 7, 1997

Orval Stadheim
HCR Box 8
Reeder ND 58649

Dear Mr. Stadheim:

Enclosed is a partially completed "Notice of Transfer" form for use in filing ownership change on Water Right No. 1055-1. The water right is currently listed in the name of Bertram Berg & Orval Stadheim. You have indicated that you are now the sole owner of the land in the SE 1/4 Section 26-T23N-R10E.

The transfer form should be completed, checked over for accuracy and signed by you in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Right Program
605 773-3352

enclosure



1055-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 10, 1997

SECOND NOTICE
Permit No. 1055-1

Orval Stadheim
HCR Box 8
Reeder, ND 58649

Dear Mr. Stadheim:

On April 7, 1997, notice was sent to you concerning the transfer of Water Right No. 1055-1 in the name of Bertram Berg and Orval Stadheim. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water right can then be transferred to your name. If you are not the present owner of the land covered under this water right, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Genny McMath, (605) 773-3352.

Very truly yours,

RON DUVALL
Natural Resources Engineer
For John Hatch, Chief Engineer
Water Rights Program

enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

3. Article Addressed to:

Orval Stadheim
HCR Box 8
Reeder, ND 58649

5. Received By: (Print Name)

Emily Stadheim

6. Signature (Addressee or Agent)

X Emily Stadheim

PS Form 3811, December 1994

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

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

Consult postmaster for fee.

1055-1
4a. Article Number

P 422 707 478

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

7-12-97

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

Domestic Return Receipt

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



REEDER M

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

JUL 14 1997

• Print your name, address, and ZIP Code in this box •

DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES
WATER RIGHTS PROGRAM
523 E. CAPITOL JOE FOSS BLDG.
PIERRE, SOUTH DAKOTA 57501



NOTICE OF TRANSFER OF OWNERSHIP

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



No. 1055-1

Date: July 1, 1997

I/We request that Water Right No. 1055-1

formerly owned by: Bertram Berg & Orval Stadheim

be transferred to: (name & address) Orval J. Stadheim Revocable Trust
RR 6078, Rader ND 58647 Telephone No. 701-853-2394

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

115.9 acres - SE 1/4 Section 26-T23N-R10E

I/We understand that the validity of Water Right No. 1055-1 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 attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Perkins)

I/We Orval J. Stadheim being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Orval J. Stadheim
(Signed)

Subscribed and sworn to before me this 14th day of July, 1997.

Margaret Wagner
(Notary Public)
MARGARET WAGNER
Notary Public, Adams County, ND
My Commission Expires March 1, 2003

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 16, 1997

Orval Stadheim
RR Box 8
Reeder ND 58649

Dear Mr. Stadheim:

Thank you for returning the "Notice of Transfer" form for Water Right No. 1055-1. The filing fee for this transfer is \$2.50. Also, I am assuming you want future correspondence sent to the address stated above.

Upon receipt of the \$2.50, further processing of the transfer will continue. If you have questions, please contact me.

Sincerely,

Karen Schlaak
Water Right Program
605 773-3352

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

415425

Pierre, _____ July 28, 19 97

RECEIVED OF Orval Stadheim Revocable Trust, HC, box 8, Reeder, ND 58649
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 1055-1</u>		50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 11, 1997

No. 1055-1

Orval J. Stadheim
RR Box 8
Reeder, ND 58649

Dear Mr. Stadheim:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1055-1.

Our records now show Orval J. Stadheim Revocable Trust as the owner of Water Right No. 1055-1.

Sincerely,

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

enclosure

2001 Water Management Board Irrigation Questionnaire

Please fill out and return before December 1, 2001

No. 1055-1

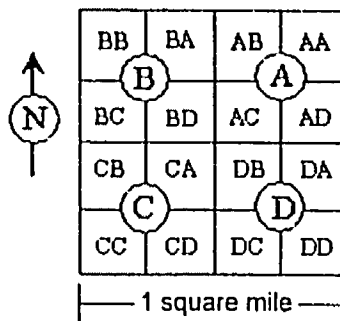
Emily P. STADHEIM
ORVAL J. STADHEIM REVOCABLE TRUST
HC BOX 8
REEDER ND 58649

Any address corrections?

Telephone No. (7-1) 853-2374

Return the completed form to the Water Rights Program at 523 E Capitol, Pierre, SD 57501-3181 (605) 773-3352

- Is the system constructed? *yes ___ no ___
*Type of system used (check all that apply):
center pivots ___ towlines ___ big gun ___
flood ☒ sprinklers ___ other ___
- Did you irrigate in 2001? *yes ___ **no ☒
*If yes, number of acres irrigated ___
**If no, list reason(s) in comment section:
Comment Section.
- Is land enrolled in CRP? *yes ___ no ☒
*If yes, through what year? ___
- Did you apply chemicals or fertilizer through the system in 2001? yes ___ no ☒
- If permitted for more than one water source, circle each source used. 1: N FORK GRAND RIVER
2:
3:



Office use only



Acreage permitted for irrigation under No. 1055-1 (see above section map for help reading legal descriptions)

sec 26-T023N-R10E, DC -- 37.00 acres
sec 23-T023N-R10E, DB -- 36.50 acres
sec 26-T023N-R10E, DA -- 11.50 acres
sec 26-T023N-R10E, DD -- 30.90 acres

Please provide your 2001 water use to irrigate the above acreage on the REVERSE side of this form.

For a sample completed questionnaire, please refer to the reverse side of your cover letter.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 24, 2002

1055-1

Emily P Stadheim
1305 4th Ave SW
Reeder ND 58649

Dear Ms. Stadheim:

I am contacting you in regard to Water Right No. 1055-1, currently listed in the name of "Orval J Stadheim Revocable Trust" (see enclosed copy)

I noticed when preparing the mailing for the annual irrigation questionnaire, that you made a notation on last year's form that you wished to have the name changed on the water right. In order to change the name, a Notice of Transfer of Ownership form must be filed with our office. Enclosed is a partially completed form. Please review and make any necessary changes. Once completed, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the filing fee should be made payable to the Water Rights Program.

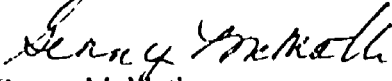
Past irrigation questionnaires submitted for this water right show that no irrigation has been done since 1984. South Dakota Water Law states that water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain the water right. This three-year period may be waived if legal excuse exists for not irrigating. Legal excuse as defined in Water Management Board Rules includes, but is not limited to, the following:

- 1) unavailability of water to satisfy a permit or right;
- 2) legal proceedings which prevent the use of water; or
- 3) water use under existing climatic conditions would result in a waste of water.

If legal excuse does not exist for the years of non-use, the water right may have been lost due to abandonment and/or forfeiture. If legal excuse does exist, the water right would be transferable and could be changed over to your name.

Please write or call and let us know your intentions towards the water right. If you have any questions, please contact me at (605) 773-3352.

Sincerely,


Genny McMath
Environmental Scientist
Water Rights Program

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 7, 2002

RECEIVED OF Emily Stedheim, HCR Box 8, Reeder ND 58649

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1055-1</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

000208

By

Darland Erbe

Chief Engineer

gm

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED
OCT - 7 2002
WATER RIGHTS
PROGRAM

No. 1055-1

Date: Oct 1, 2002

I/We request that Water Right No. 1055-1

formerly owned by: Orval J Stadheim Revocable Trust

be transferred to: (name & address) Emily P. Stadheim Revocable Trust
1305 - 4th Ave SW
Redox MN 58649 Telephone No. 701-853-2394

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

115.9 acres - SE 1/4 Section 26, T23N, R10E

I/We understand that the validity of Water Right No. 1055-1 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 Emily P. Stadheim, the new owner, certify that the above information is true and correct.
Rev. Trust

Emily P. Stadheim
(Signed by new owner)

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/de.nr

October 15, 2002

Emily P Stadheim
1305 4th Ave SW
Reeder ND 58649

1055-1

Dear Ms. Stadheim:

Thank you for sending in the ownership change for Water Right No. 1055-1. The transfer has been completed and the water right is now listed in the name of "Emily P Stadheim Revocable Trust."

Enclosed is your Receipt No. 000308 in the amount of \$2.50. You may keep this for your records.

Last week, our annual irrigation questionnaires were mailed out. I apologize for the incorrect name on the form. I was unable to get the form pulled and changed prior to mailing, however I wanted to let you know that the transfer has now been completed.

If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program



1055-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: EMILY P STADHEIM REVOCABLE TRUST, 1305 4TH AVE SW, REEDER, ND 58649

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit No. 1055-1. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 2, 2005, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No. 1055-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 is received in this office on/or before February 25, 2005, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, 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.



1055-1

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 1367

Your item was delivered at 1:17 pm on January 28, 2005 in REEDER, ND 58649. The item was signed for by E STADHEIM.

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SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 1367

EMILY P STADHEIM REVOCABLE TRUST
1305 4TH AVE SW
REEDER ND 58649

Waiver of Signature ☐ YES ☐ NO

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(See Reverse)



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FEB - 4 2005
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 20, 2005

NOTICE

TO: EMILY P STADHEIM REVOCABLE TRUST, 1305 4TH AVE SW, REEDER, ND 58649

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit No. 1055-1. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 2, 2005, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No. 1055-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 is received in this office on/or before February 25, 2005, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, 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.

*Could you send me another questionnaire?
Please.*

new form sent 2-4-05

*Emily Stadheim
1305 4th Ave SW
Reeder ND 58649*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 22, 2005

1055-1

Emily P Stadheim
1305 4th Ave SW
Reeder ND 58649

Dear Ms. Stadheim:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 1055-1.

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**

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PMB 2020
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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

November 3, 2008

1055-1

Emily P Stadheim
504 11th Ave N
Hettinger ND 58639-7320

Dear Ms. Stadheim:

Enclosed is a "Notice" dated October 24, 2008 concerning the 2008 irrigation questionnaire. The notice was originally mailed to 1305 4th Ave SW, Reeder ND. 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
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures



1055-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: EMILY P STADHEIM REVOCABLE TRUST, 504 11TH AVE N, HETTINGER, ND 58639
7320

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 has not been submitted for Permit No(s) 1055-1. 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 be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1055-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
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.pd>

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.

1055-1

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 5503	EMILY P STADHEIM REVOCABLE TRUST 504 11TH AVE N HETTINGER ND 58639 7320	
	Waiver of Signature ☐ YES ☐ NO	
	Postmark Here	
	POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com ® or call 1-800-222-1811	
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DEPARTMENT of ENVIRONMENT
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www.state.sd.us/denr

March 12, 2009

NOTICE OF AMENDMENT OF WATER RIGHT

TO: Emily Stadheim Revocable Trust, 504 11th Ave N, Hettinger ND 58639

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Amendment to Water Right No. 1055-1

On March 11, 2009, the Water Management Board amended Water Right No. 1055-1 to add the following qualification:

"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."

This action was taken for failure to return the 2008 irrigation questionnaire. The addition of this qualification to your water right means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on March 12, 2009, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 12, 2009 regarding cancellation, suspension and amendments of Water Rights addressed as stated below:

Cancelled

Thomas Corrio, 33551 480th Ave., Jefferson SD 57038 5313-3

Gary R Larson, PO Box 337, Bison SD 57620 984-1

3 year suspension

Edward Patrick Henry, PO Box 11, White Clay NE 672-2

1 year suspension

Mike Slocum, Lakes Golf Course, 19 Golf Dr., Wentworth SD 57075 6055-3

Brad Kronz, McCook Country Club, PO Box 129, Salem SD 57058 5222-3 & 6874-3

Donald T & Katherine A Miller, 13217 Wilson Cemetery Rd., Newell SD 57760 1653-1

Duane Rogers, Administrator, 13575 383rd Ave., Aberdeen SD 57401 2943-3

Amendment to Water Right

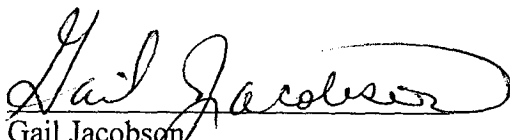
Steven Ching, 46577 188th St., Castlewood SD 57223 3224-3

Emily Stadheim Revocable Trust, 504 11th Ave N, Hettinger ND 58639 1055-1

Kent Wientjes, River Bottom Cattle Co., LLC, PO Box 96, Mobridge SD 57601 1012-1

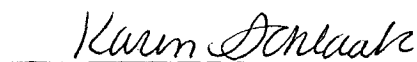
Soderquist Family Ranch Limited Partnership, 17965 Baseline Rd., Wasta SD 57791 618-2

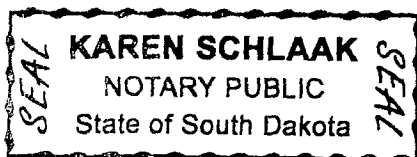
Fred Wientjes, PO Box 127, Mobridge SD 57601 1067-1


Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of March, 20 09.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013





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 22, 2010

NOTICE

TO: EMILY P STADHEIM REVOCABLE TRUST, 504 11TH AVE N, HETTINGER, ND 58639
7320

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1055-1. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 1055-1 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 10, 2010** 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) 1055-1 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 5, 2010**, 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 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/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.

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Label/Receipt Number: 2303 2160 0000 0802 8788

Service(s): **Signature Confirmation™**Status: **Delivered**

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- Out for Delivery or Available at PO Box, January 25, 2010, 11:06 am, HETTINGER, ND 58639
- Sorting Complete, January 25, 2010, 10:36 am, HETTINGER, ND 58639
- Arrival at Post Office, January 25, 2010, 10:22 am, HETTINGER, ND 58639

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 8788EMILY P STADHEIM REVOCABLE TRUST
504 11TH AVE N
HETTINGER ND 58639 7320Waiver of Signature ☐ YES ☐ NOPostmark
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Form 153, 1-1-09



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

March 11, 2010

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: Emily P Stadheim Revocable Trust, 504 11th Ave. N, Hettinger, ND 58639

FROM: Garland Erbele Chief Engineer *Garland Erbele*
Water Rights Program

SUBJECT: One Year Suspension of Water Right No. 1055-1

On March 10, 2010, the Water Management Board ordered:

Effective April 10, 2010, Water Right No. 1055-1 be suspended for the 2010 irrigation season for failure to submit the 2009 irrigation questionnaire.

If the 2009 irrigation questionnaire is received prior to April 10, 2010 the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2010 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2010 unless the irrigation questionnaire is submitted by April 10th.

After April 10th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2009 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 5, 2010 in Pierre, SD. The letter should include your reasons for not completing the 2009 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

A review of the file found that you have not irrigated for at least 25 years. Under South Dakota water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years to maintain a water right. The three year period may be waived if legal excuse exists for the years of non-use. Enclosed are excerpts of the water laws and Water Management Board Rules dealing with these issues. If you no longer wish to maintain the water right, the water right will be scheduled for cancellation consideration due to abandonment and/or forfeiture. If the water right is cancelled, you could reapply for a new permit if you decide to irrigate in the future. Cancellation of the water right would also eliminate the need for the annual irrigation questionnaire.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on March 11, 2010, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 11, 2010 regarding failure to submit irrigation questionnaires addressed as stated below:

One Year Suspension:

1828-1	Danny Adams, 2010 Avalon Pkwy Ste 400, McDonough GA 30253-3011
1769-1	Lee Ahrlin, 531 Fox Run Dr, Rapid City SD 57701
3224-3	Steven Ching, 46577 188 th St, Castlewood SD 57223-5705
5524-3	Wade & Todd Druin, 30906 Bluff Rd, Volin SD 57072
1055-1	Emily P Stadheim Revocable Trust, 504 11 th Ave N, Hettinger ND 58639
1350-3 6042-3	Raymond D Jensen, 24348 478 th Ave, Dell Rapids SD 57022
5339-3	Douglas Swenson, 23358 396 th Ave, Woonsocket SD 57385

Three Year Suspension:

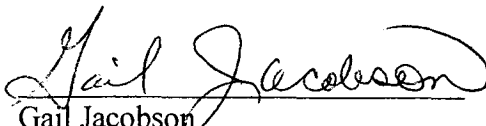
1755-1	John Bachman, Mayor, City of Eagle Butte, PO Box 150, Eagle Butte SD 57645-0150
2696-3A 4414-3	Donald Schmidt, 19053 427 th Ave, Willow Lake SD 57278-6205

Cancellation:

1275-2	Donald, Herbert & Rebecca Kaiser, 15745 SD Hwy 40, Hermosa SD 57744
2480A-3	Dennis H & Jackie McDowell, 227 W Lakeshore Dr, Carrollton GA 30117-1937

Amendment:

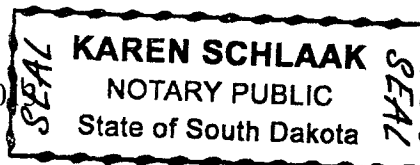
3805-3	Richard Horton, 45446 285 th St, Hurley SD 57036
3293-3	Michael L Schmidt, 47640 242 nd St, Dell Rapids SD 57022


Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 11th day of March, 20 10.


Karen Schlaak
Notary Public
My Commission expires April 1, 20





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 24, 2010

1055-1

Emily P Stadheim
504 11th Ave N
Hettinger ND 58639 7320

Dear Ms. Stadheim:

On March 10th, the Water Management Board ordered Water Right No. 1055-1 to be suspended if the 2009 irrigation questionnaire was not received prior to April 10, 2010. The questionnaire was received March 23, 2010.

Since the irrigation questionnaire is on file, no violation has occurred and no suspension will take place.

If you have any questions, please contact Genny McMath at (605) 773-3352.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Duvall".

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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November 3, 2010

1055-1

Luke Stadheim
1305 4th Ave SW
Reeder ND 58649

Dear Mr. Stadheim:

Enclosed as we discussed is a copy of Water Right No. 1055-1 currently listed in the name of Emily Stadheim Revocable Trust.

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

One thing to keep in mind is that water must be used in order to maintain the water right. Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit. This three year period may be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

You can keep the copy of the water right and excerpts of the water laws. The only items we need back are the signed "Notice of Transfer of Ownership" form and the filing fee. If you have any questions, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

NOV 29 2010

WATER RIGHTS
PROGRAM

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

No. 1055-1

Date: 11-20-10

I/We request that Water Right No. 1055-3

formerly owned by: Emily P Stadheim Revocable Trust

be transferred to: (name & address) Luke Stadheim
1305 4th Ave SW
Reeder, NM 58649 Telephone No. 701-853-2394

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

SE ¼ Section 26, T23N, R10E

I/We understand that the validity of Water Right No. 1055-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

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

Luke Stadheim
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/29, 20 10

RECEIVED OF Luke Stadheim 1305 4th Ave SW Reeder ND 58649

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

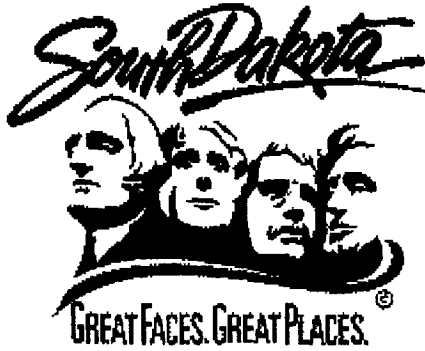
Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1055-1</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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No.

04683

By

Leland E. Eide
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 30, 2010

1055-1

Luke Stadheim
1305 4th Ave SW
Reeder ND 58649

Dear Mr. Stadheim:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for transferring Water Right No. 1055-1. The transfer has been completed. The water right formerly held by the Emily Stadheim Revocable Trust is now listed in your name.

Enclosed for your records is Receipt No. 04683 in the amount of \$50.00. 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

enclosure



1055-1
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 24, 2012

NOTICE

TO: LUKE STADHEIM, 1305 4TH AVE SW, REEDER, ND 58649
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1055-1. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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) 1055-1 qualification:

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

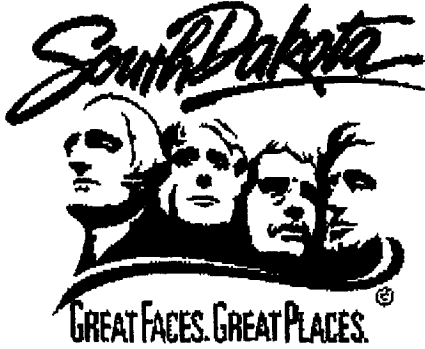
The hearing will be held at **10:00 am, March 7, 2012** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According 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) 1055-1 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 2, 2012**, 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
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PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 30, 2012

1055-1

Luke Stadheim
1305 4th Ave SW
Reeder ND 58649

Dear Mr. Stadheim:

I am writing to acknowledge receipt of your 2011 irrigation questionnaire.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right No. 1055-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

1055-1



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: LUKE STADHEIM, 1305 4TH AVE SW, REEDER, ND 58649
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) 1055-1. 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) 1055-1 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) 1055-1 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. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: MHQYIP**

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 AGRICULTURE
and NATURAL RESOURCES**

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

January 25, 2022

1055-1

Luke Stadheim
1305 4th Ave SW
Reeder ND 58649

Dear Mr. Stadheim:

I am writing to acknowledge receipt of the information for your 2021 irrigation questionnaire. A form was completed for you based on our phone conversation.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 1055-1. 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