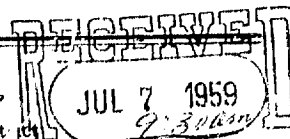


1. Considered August 10, 1959 Appl. No. 400-1
2. Name of Applicant Robert J. Eichler
3. Post Office Address Newell, South Dakota
4. Amount of water claimed 1.57 cfs
5. Source of water supply Horse Creek
6. Water to be used for Irrigation
Acres to be irrigated 189
7. Water to be diverted and used in Butte County about
10 miles away of Newell.
8. Proof of Publication Received ☒
Not Received ☐
9. Application Approved ☐
Subject to ☐
Not approved ☐
Action deferred ☐

10. Remarks:

Mr. William Winchell is here
of object



No. 400-1 Beffe French
 Water Division No. 1 River District 1
 (Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant ROBERT J. EICHLER
 Postoffice address NEWELL, County BUTTE, State S.D.

- I. If a corporation X X X X
- (a) Name of same X X X X
- (b) Date and place of incorporation X X X X
- (c) Amount of capital stock X X X X
- (d) Amount paid in X X X X
- (e) Names and addresses of directors X X X X

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

- X X X X
- (b) Cash on hand, \$ X X (c) Treasury stock, \$ X X
- (d) Bonds to be issued, \$ X X (e) Other resources, \$ X X

2. Name of diversion work THE EICHLER IRRIGATING PROJECT

3. Amount of water claimed 2.7 cubic feet per second

4. Source of water supply Horse Creek

From a point 51188' from the W $\frac{1}{4}$ Cor. Sec. 9, T.8 N., R.6 E. BHM to a point
 Location of point of diversion
500' N of the S $\frac{1}{4}$ Cor. Sec. 9, T.8 N., R.6 E. BHM
 on Both bank Butte County.

6. Annual period or periods during which water is to be used April 1st to Nov. 30th

7. To be used for

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Combination

SW-NW-25 Ac., SE-NW-20 Ac., NW-SW-39 Ac., NE-SW-38 Ac., SW-SW-29 Ac.,
SE-SW-38 Ac. Sec. 9 T.9 N., R.6 E-BHM Total area 189 Ac.

Stockwater and irrigation only

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use Stockwater and irrigation
 Name any of the above uses claimed

(b) Amount of power to be generated None horse power.

Amount claimed for engine cooling None

(c) Location of plant None

(d) Method of developing power None

(e) Point where water will be returned to stream

Map No. 347-1

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-1000.00
 (c) Fluming, \$----- (d) Canal-earth, \$----- Pipe Rock \$-800.00
) Other structures ----- \$----- Total, \$-1500.00

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

~~Pumping plant and main line pipe~~

II. Dimensions of works:

(a) Dam: Height-----feet; length at bottom-----feet, length at top-----feet; thickness at bottom-----feet; thickness at top-----feet; slope at front water face-----; slope at back face-----material used in construction-----
 (b) Reservoir: Capacity when filled-----acre feet. Surface area at highwater mark-----acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width-----feet; height-----feet;
 Material-----
 (d) Canal: Total length-----miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ---4--- years.
 11. Time required for complete application of water to the proposed beneficial use ---5--- years.
 12. Choice of newspaper for publication of notice of intention to appropriate -----
 -----Valley Irrigator, Newell, South Dakota.

STATE OF SOUTH DAKOTA

County of -----Butte-----} ss.

I, Robert J. Eichler, 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, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

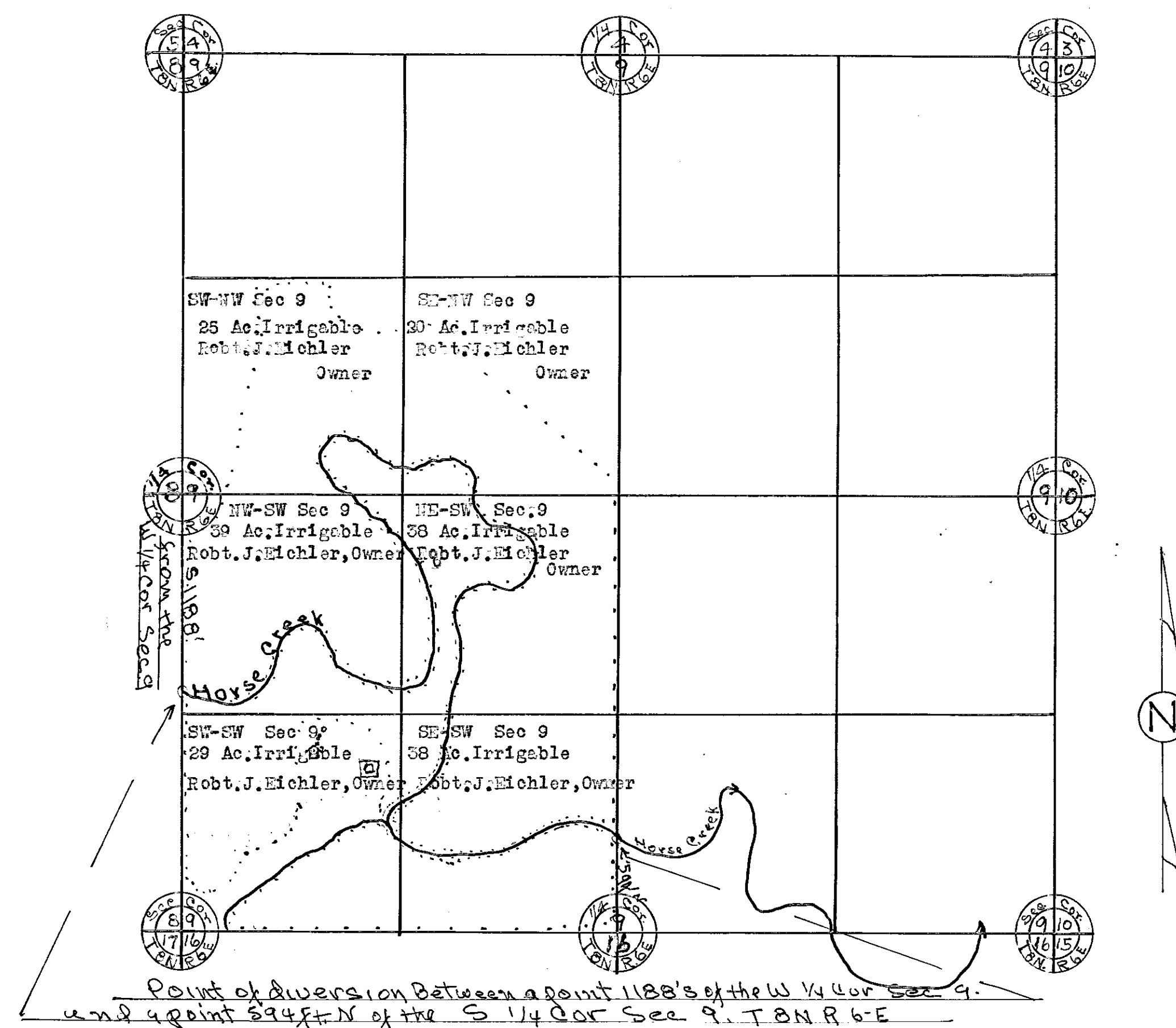
Signed

Subscribed and sworn to before me this ---25th--- day of ---June--- 1959.

Carl M. Cornell Notary Public (or other qualified officer)

PLAT
OF
THE EICHLER IRRIGATION PROJECT
SECTION 9, T.8 N., R.6 E-BM
BUTTE COUNTY SOUTH DAKOTA

SCALE 1 inch = 800 feet.
3 inches = 1 mile.



SURVEYOR'S CERTIFICATE

I, Carl M. Cornell, Licensed Surveyor in and for the State of South Dakota, do hereby certify that, at the request of Robert J. Eichler of Newell, South Dakota, I have made a survey and prepared this plat of irrigable lands belonging to the said Robert J. Eichler, for the purpose of furnishing the required plat for his Application for a Permit to appropriate water for irrigation purposes.

I further certify that the lengths and bearings of all lines shown and their location with reference to Government Land Corners shown, are correct, to the best of my knowledge and belief.

Subscribed and sworn to at Buffalo, South Dakota this 30th day of June 1959.

SIGNED: Carl M. Cornell (SEAL)
Carl M. Cornell, Licensed Surveyor
144.

Subscribed and sworn to before me at Buffalo, South Dakota this 30th day of June 1959

SIGNED: M. R. Hann
Notary Public
(SEAL)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA } ss.
County of Flagg

Pierre, South Dakota, July 11, 1959

This is to certify that the foregoing application was received by the Commission at 9:30 o'clock
a m. upon the 7 day of July, 1959

State Water Resources Commission

By:

John R. Miller
Chief Engineer, Executive Officer

Number of permit 400-1

Date of first receipt of application July 7, 1959

Date of return to applicant for correction, amendments or changes required as follows: July 10, 1959

Date of receipt of corrected application July 14, 1959

Date from which applicant may claim right July 7, 1959

Approved August 11, 1959 Recorded in Book 5 Page 206

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

- 1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before August 11, 1961
- 2nd. The whole of said work is to be completed on or before August 11, 1963
- 3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is August 11, 1964
- 4th. The water appropriated shall be used for the purpose of irrigation

5th. 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.

6th. 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 system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 August 11, 1964; said water to be used during the following described annual period:

April to November inclusive

Witness my hand this 9 day of September, 1959

State Water Resources Commission

By:

John R. Miller
Chief Engineer, Executive Officer

Certificate of Construction issued April 17, 1964

Water License issued April 17, 1964

STATE OF SOUTH DAKOTA

WATER LICENSE No. 400-1

WHEREAS, On the 7th day of July A. D. 1959

Robert J. Eichler

of Newell County of Butte and State of South Dakota duly made application (No. 400-1) to us for a permit to use 2.7 cubic feet per second of the waters of Horse Creek County of Butte, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 9th day of September A. D. 1959 Permit No. 400-1 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 11th day of August A. D. 1963 and for the application to beneficial use of said water on or before the 11th day of August A. D. 1964 and,

WHEREAS, On the 17th day of March A. D. 1964 the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.7 cubic feet per second of said waters, as evidenced by our Certificate No. 400-1 dated April 17, 1964 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2.7 cubic feet per second of water, with date of priority of July 7, 1959 and,

WHEREAS, On the 17th day of March A. D. 1964 proof was duly made of the application to beneficial use of 2.7 cubic feet per second of said water; for irrigating 189 acres in the W $\frac{1}{2}$ Section 9, T8N, R6E

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,

hereby grant and confirm to **Robert J. Eichler**

of **Nowell** the holder and owner of said permit No. **400-1**

a water right, dating from **July 7, 1959** to the use of **2.7**

cubic feet per second of the waters of **Horse Creek**

in the County of **Butte** and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinbelow mentioned, to be diverted ~~xx~~ **between a point S 1188 ft. from the W $\frac{1}{4}$ corner, Section 9, and a point 594 ft. N of the S $\frac{1}{4}$ corner, Section 9, T8N, R6E**

and conducted to and upon **portions of the W $\frac{1}{4}$ Section 9, T8N, R6E, more specifically described in the Certificate of Completion of Works**

for the purpose of **irrigation**

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this **17th** day of **April** A. D. Nineteen
Hundred and **Sixty-Four**

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

Permit No. 400-1Water Division No. 1 Belle Fourche River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Robert J. Eichler

of Newell, County of Butte and State of South Dakota, the holder of Permit No. 400-1, issued upon Application No. 400-1, bearing date of priority of July 7, 1959, authorizing the diversion of 2.7 cu. ft. per second of the waters of Horse Creek

County of Butte, State of South Dakota, ~~xx~~ between a point S 1188 ft. from the W $\frac{1}{4}$ corner, Section 9, and a point 594 ft. N. of the S $\frac{1}{4}$ corner, Section 9, T8N, R6E, for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.7 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

all in Section 9, T8N, R6E

to-wit:

NW $\frac{1}{4}$ SW $\frac{1}{4}$ CB 39.0 acres

SW $\frac{1}{4}$ NW $\frac{1}{4}$ BC 25.0 "

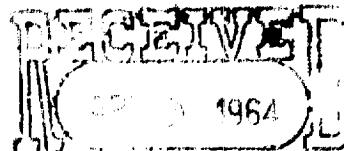
SE $\frac{1}{4}$ NW $\frac{1}{4}$ BD 20.0 "

NE $\frac{1}{4}$ SW $\frac{1}{4}$ CD 38.0 "

SW $\frac{1}{4}$ SW $\frac{1}{4}$ CE 29.0 "

SE $\frac{1}{4}$ SW $\frac{1}{4}$ CD 38.0 "

Total - 189.0 "

Permit No. 400-1

Water Division No. _____

Water District _____

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA**Certificate of Examination of Works****Report of Examining Engineer**

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated 3/10/1964 19____, I have this day made a thorough examination of the diversion works constructed by Robert J. Richler of Newell Butte County, South Dakota, holder of Permit No. 400-1, issued upon Application No. 400-1, bearing date of priority of July 7, 1964 authorizing the diversion of 2.7 cu. ft. per second of the waters of Horse Creek for stockwater Irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: 1-Berkeley 6-1/2 HP 20 HP electric pump
240 ft. 8" aluminum pipe

and the system is in the following condition: Good

The point of diversion is located From a point 1188 ft. from the W 1/4 cor. Sec. 9, T. 8 N., R. 6 E-BHM
to a point 594 ft. from the S 1/4 cor. Sec. 9, T. 8 N., R. 6 E-BHM

The works are capable of diverting and conveying to the place of use 2.7 cu. ft. per second of water, which is to be used for Stockwater and irrigation

The legal sub-divisions to be irrigated are:
NW-SW- 39 ac., SW-NW-25 ac., SE-NW-20 ac., NE-SW-39 ac., SW-SW-29 ac.
SE-SW-38 ac., Sec. 9, T. 8 N., R. 6 E-BHM Total 189 ac.

comprising a total of 189 acres of land.

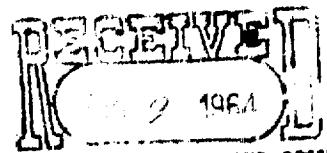
The domestic use intended comprises Stockwater and irrigation

The utilization for power, mining, or other beneficial uses comprises: _____

None

Permit No. 400-1

Water Division No. Water District

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) Newell, Butte Co., So. Dak.

(Date) March 17, 1964

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the 17th day of March 1964, at Newell County of Butte State of South Dakota, before Carl M. Cornuell (Examining Engineer or Officer) proof will be submitted of the application to beneficial use of 2.7 cubic feet per second of the waters of Horse Creek in accordance with the terms and conditions of Permit No. 400-1 heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are Robert J. Eichler

2. The use to which said water has been applied is Stockwater and irrigation

3. The amount applied to beneficial use is 2.7

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) SW-NW-25 ac., SE-NW-20 ac., NW-SW-39 ac., NE-SW 38 ac., SW-SW-29 ac., SE-SW-38 ac., Sec. 9, T. 8 N., R. 6 E-BHM Total 189 ac.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is The Eichler Irrigation Project Pump - Berkeley 3-YPH, electric 20 HP motor. 240 ft. 8" aluminum pipe

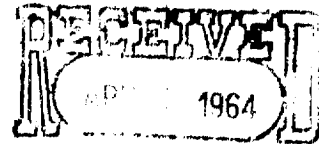
6. The right to take the water from such works is based upon permit No. 400-1

7. The source of supply from which such water is diverted is Horse Creek

8. The date of priority which said user is prepared to establish is June 25, 1959

(Sign)

Robert J. Eichler

Permit No. 400-1

Water Division No. _____

Water District _____
STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA**NOTICE OF COMPLETION OF WORKS**

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) Newell, Butte Co., So. Dak.(Date) March 17, 1964

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of _____

2.7 cu. ft. per second of the waters of the state from _____
through the Horse Creek
for Stockwater and irrigation purposes

_____ in accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is _____

Robert J. Eichler

2. The postoffice address of such person or the place of business of such corporation is Newell
County of Butte State of South Dakota

3. The number of such permit is 400-1 and the date set for the completion of such work is

March 17, 1964

4. Said water to be used for Stockwater and irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 2.7 cubic feet per second.

6. The amount of land for which said water is available is 189 acres,
particularly described as follows: SW-NW-25 ac., SE-NW-20 ac., NW-SW-39 ac., NE-SW-38 ac.,
SW-SW-29 ac., SE-SW-38 ac., Sec 9, T.2 N., R.6 E-BRN Total 189 ac.

I hereby certify that the facts set forth in the above notice are true.

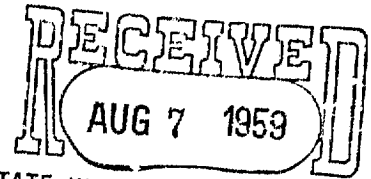
Kindly authorize Carl M. Cornell
to make final inspection on this
Project.

Robert J. Eichler
Robert J. Eichler

(Signature of Owners) _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss.

County of BulteSTATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Thos. E. Glanton being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the -----

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

City of Newell County of

Bulte and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

July 16, 1959
July 23, 1959
July 30, 1959
August 6, 1959

in each and every issue of the full number thereof, the first

publication being made on the 16th day of July

1959 and the last publication on the 6th day of

August 1959, upon which days or times

of publication aforesaid the newspaper was regularly pub-

lished, and that during the whole time of said publication he

was Editor the printer and publisher of

the said newspaper.

APPROPRIATION OF WATER
Office of State Water Resources
Commission, Pierre, S. Dak.,
July 11, 1959.

Notice is hereby given that Robert J. Eichler, whose post office address is Newell, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.7 cubic feet of water per second of time from Horse Creek through the Eichler Irrigation Project, the point of diversion of which is to be located on both banks of said stream between a point in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and a point in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 9, Twp. 8N, Range 6E. Said water to be used for the purpose of providing irrigation on parts of the following described land: S $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$, Sec. 9, T. 8N, R. 6E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 10th day of August, 1959, at 2:00 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission
By: LEE WYBORN,
Water Rights Engineer 42ci

Subscribed and sworn to before me this 6th day of August A. D. 1959

Notary Public Bulte County, S. D.

(First Publication _____, 19____)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., July 11, 1959

Notice is hereby given that Robert J. Kichler whose postoffice address is Nowell S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.7 cubic feet of water per second of time from Horse Creek through the Kichler Irrigation Project, the point of diversion of which is to be located on the both between a point in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and a point bank of said stream in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 9 parts of Twp. 8N Range 6E. Said water to be used for the purpose of providing irrigation on the following described land:

SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$, Sec. 9, T 8N, R 6E

~~*****~~ ~~*****~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 10 day of August, 1959, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

~~XXXXXXXXXXXXXXXXXXXX~~
LES WYBORN
Water Rights Engineer

cc: **F. Lynn Gladstone, Publisher**
The Valley Irrigator
Nowell, South Dakota

September 6, 1961

Mr. Robert J. Eichler
Newell, South Dakota

Dear Mr. Eichler:

Because there is now insufficient water to maintain continuous flows in the stream, upon which you have a water right, to enable the delivery of water on a priority basis, there will be no further orders from the Watermaster during this irrigation season unless conditions change.

Unless you receive further notice, you may pump from pools contained entirely on your own land as you desire during the remainder of this irrigation season. You may not construct any dam in the stream, or close the bypass of any existing dam to store any local flows for irrigation diversions. You may not pump from pools contained jointly on land owned by others as well as your own land without agreement of the other land-owners involved.

You should keep in mind that if rains occur in sufficient runoff amounts to reestablish flowing stream conditions it may be necessary to stop any irrigation diversions for indefinite periods of time in order to satisfy stockwater or other domestic uses downstream.

Sincerely,

J. W. GAYNES
Executive Officer &
Chief Engineer

JWG:ls
cc to each Water Reserve Commissioner

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

 **Department of
Water & Natural Resources**

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

May 26, 1988

Robert J Eichler
Rt 1, Box 9
Newell, SD 57760

Dear Mr. Eichler:

I am writing in regard of our review of irrigation questionnaire records. No irrigation has been reported for the last five irrigation seasons under Permit No(s). 400-1.

South Dakota Codified Laws state that when any person fails to use water for the purpose for which it was appropriated for a period of three years, or abandons the use of the water, such unused water shall revert to the public. An exception to the law is when there is legal excuse for nonuse of water. Examples of legal excuse for nonuse of water are when water is not available or legal proceedings which prevent the use of water.

Since your permit(s) has (have) not been used for five years, the permit(s) may be subject to cancellation by the Water Management Board unless there is a legal reason for not using water. Please advise by June 17, 1988 if you still want to keep your water right and if there is a reason why water has not been used. Let us know, if you have any questions.

Very truly yours,



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





400-1
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

**JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3402
www.state.sd.us/denr**

January 19, 2001

NOTICE

TO: ROBERT J. EICHLER, RT 1 BOX 9, NEWELL, SD 57760

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire

Our records indicate that the 2000 Irrigation Questionnaire has not been submitted for Permit No. 400-1. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 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 7, 2001, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No. 400-1 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 March 2, 2001, 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.

START

OF

RETAKE



400-1
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2001

NOTICE

TO: ROBERT J. EICHLER, RT 1 BOX 9, NEWELL, SD 57760

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire

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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 March 2, 2001, 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.

END

OF

RETAKE

1. Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
2. Print year, month, and address on the reverse so that we can return the card to you.
3. Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ROBERT J. EICHLER
RT 1 BOX 9
NEWELL SD 57760

A. Received by (Please Print Clearly)

B. Date of Delivery

1-20-01

C. Signature

X

Roe-Eichler

☐ Agent

☐ Addressee

D. Is delivery address different from Item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7000 0600 0026 9814 3635

PS Form 3811, July 1999

Domestic Return Receipt

100000-00-00000



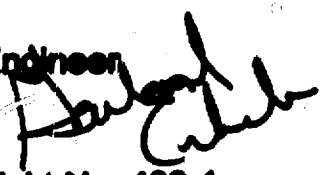
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

**JOE FERG BUILDING
623 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3402
www.state.sd.us/dnr**

March 9, 2001

NOTICE OF AMENDMENT OF WATER RIGHT

TO: Robert J Eichler, RR 1 Box 9, Newell, SD 57760

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

SUBJECT: Amendment to Water Right No. 400-1

Pursuant to the provisions of the notice dated January 19, 2001, and following the hearing March 7, 2001, the Water Management Board has amended Water Right No. 400-1 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 2000 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

**JOE FARR BUILDING
823 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3307
www.state.sd.us/denr**

March 12, 2001

400-1

Tracy Eichler
RR 1 Box 9A
Newell, SD 57760

Dear Mr. Eichler:

I am contacting you in regard to your March 9th telephone conversation with Ron Duvall. Ron indicated you would like Water Right No. 400-1 transferred to your name.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing the ownership change. Please review the form for accuracy and complete as needed. Upon completion, please sign the form in the presence of a notary public and return it to our office 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 get in touch with me.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

**JOE FONG BUILDING
600 EAST CAMDEN
PUEBLO, SOUTH DAKOTA 57601-3402
www.state.sd.us/dnr**

May 17, 2001

400-1

Tracy Eichler
RR 1 Box 9A
Newell, SD 57760

Dear Mr. Eichler:

I am writing as a reminder to you that we have not yet received the transfer of ownership form from you for transferring Water Right No. 400-1. The water right is currently listed in the name of Robert J Eichler.

In the event you no longer have the form I mailed to you in March, I am enclosing an additional one. Please review the form for accuracy and complete as needed. Upon completion, please sign the form in the presence of a notary public and return it to our office 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 get in touch with me.

Sincerely,

Genny McMath

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

enclosure



August 3, 2001

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

**JOE FORD BUILDING
623 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3162
www.state.sd.us/denr**

400-1

Tracy Eichler
RR 1 Box 9A
Newell, SD 57760

Dear Mr. Eichler:

On March 12th and May 17th, I wrote to you concerning the ownership change for Water Right No. 400-1. The water right, currently listed in the name of Robert J Eichler, authorizes diversion of water from Horse Creek to irrigate 189 acres in the W ½ Section 9, T8N, R6E.

To date, we have not heard from you and the water right remains listed in Robert's name. In the event you no longer have the original transfer form, I am enclosing an additional one. Please review the form and complete as needed. Upon completion, please sign the form in the presence of a notary and return it to our office 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 you do not own the land and we should be contacting someone else, give me a call. Thank you in advance for your help.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

**JOE FOSB BUILDING
623 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr**

October 3, 2001

400-1

Tracy & Brenda Eichler
RR 1 Box 9A
Newell, SD 57760

Dear Mr. & Mrs. Eichler:

Thank you Brenda for calling me back yesterday with regard to the transfer of ownership for Water Right No. 400-1 (Robert J Eichler).

I searched again for the transfer form and fee you sent, but did not find any record of it. When a transfer comes in, the secretary logs in the fee, receipts the money and passes it on to me with the transfer form. I had the secretary search back through May, 2001 and she did not find an entry for the cash or the form.

In order to ensure the water right is transferred correctly, I am sending you another transfer form for signature. Please complete the form as needed. Once completed, please sign the form in the presence of a notary public and return it to our office with the required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

I do believe that you sent the form and cash to us after my last letter, but for some reason, it became lost between here and there. I appreciate you taking the time to complete the additional form for us. If I can answer any questions, please let me know.

Sincerely,

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

enclosure

400-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

TEMP RETURN SERVICE REQUESTED

CERTIFIED MAIL



7001 2520 0004 4797 4428

RECEIVED
FEB - 4 2002
WATER RIGHTS
PROGRAM

TRACY EICHLEB, OPERATOR
RT 1 BOX 9A
NEWELL SD 57760
UNCLAIMED

JAN 1 1992
First Notice
Second Notice
Return to



400-1
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 2002

NOTICE

TO: Tracy Eichler, RR 1 Box 9A, Newell SD 57760

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

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

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Right No. 400-1

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed". The envelope indicated the post office notified you January 17th and January 24th to pick up and sign for the certified mail.

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 19, 2002

400-1

Tracy Eichler, Operator
RR 1 Box 9A
Newell SD 57760

Dear Mr. Eichler:

I am writing to acknowledge receipt of your 2001 irrigation questionnaire. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right No. 400-1.

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,

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

Note: I still have you listed as operator instead of owner because you have not yet filed the ownership change. If you do not own the land and we should be contacting someone else, let me know.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3100
WWW.DNR.SD.GOV

May 17, 2001

400-1

Tracy & Brenda Eichler
RR 1 Box 9A
Newell, SD 57760

Dear Mr. & Mrs. Eichler:

I am writing as a reminder that Water Right No. 400-1 remains in the name of Robert J Eichler.

Transfer forms were forwarded to you in March, May, August and October 2001. In October, 2001, Brenda called and indicated she thought she had mailed the form in along with a \$2.00 fee (in cash). We have no record of receiving the form or the fee (transfers require a fee of \$2.50).

In order to change ownership of a water right, a Notice of Transfer of Ownership form and a \$2.50 filing fee are required. Enclosed is another form. Please review it and complete as needed. It will need to be signed in the presence of a notary public. The check or money order for the fee can be made payable to the Water Rights Program.

It is very important to keep ownership records up-to-date. Failure to keep records current can mean a delay in receiving notices regarding the water right. In some cases, we provide notice of new pending applications to water users that share the same water source.

If you no longer want the water right transferred and you wish to have it remain in Robert's name, please let me know and no further letters regarding the ownership change will be directed to your attention.

Sincerely,

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

enclosure



400-1
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 16, 2002

NOTICE

TO: TRACY EICHLER, OPERATOR, RT 1 BOX 9A, NEWELL, SD 57760
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 400-1. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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) 400-1 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 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 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) 400-1 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 8, 2002, 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**

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

March 3, 2003

400-1

Tracy Eichler
RR 1 Box 9A
Newell SD 57760

Dear Mr. Eichler:

I am writing to acknowledge receipt of your 2002 irrigation questionnaire. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right No. 400-1.

I completed a questionnaire for you based on our February 28th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Enclosed as we discussed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change on Water Right No. 400-1. Please review the form and complete as needed. Upon completion, please return the form to our office 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.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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



400-1

Track & Confirm

Delivery Status

You entered 2301 0370 0000 7540 5362

Your item was delivered at 10:20 am on January 18, 2003 in NEWELL, SD 57760. Waiver of signature was exercised at time of delivery.

[Request Delivery Record >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)
Copyright © 1999-2002 USPS. All Rights Reserved. Terms of Use Privacy Policy

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7540 5362

TRACY EICHLER, OPERATOR
FOR ROBERT EICHLER
RT 1 BOX 9A
NEWELL SD 57760

mailing.

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail
☐ Package Services

(See Reverse)

PS Form 153, February 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 17, 2003

NOTICE

TO: TRACY EICHLER, OPERATOR, (ROBERT EICHLER) RT 1 BOX 9A, NEWELL, SD 57760
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire

Our records indicate that the 2002 Irrigation Questionnaire has not been submitted for Permit No(s) 400-1. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 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) 400-1 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 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. 400-1 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 **February 28, 2003**, 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.

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

APR - 4 2003

WATER RIGHTS
PROGRAM

No. 400-1

Date: 3-14-03

I/We request that Water Right No. 400-1

formerly owned by: Robert Eichler

be transferred to: (name & address) Tracy & Brenda Eichler

RR1 Box 9A

Newell SD 57760

Telephone No. 605 456 2275

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

189 acres – SW ¼ and S ½ NW ¼ Section 9, T8N, R6E

I/We understand that the validity of Water Right No. 400-1 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 Tracy & Brenda Eichler, the new owner, certify that the above information is true and correct.

Brenda Eichler Tracy Eichler
(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 April 4, 20 03

RECEIVED OF Tracy & Brenda Eichler, RR 1 Box 9A, Newell SD 57760-9999

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>400-1</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.

000713

By

Darland Eichler
Chief Engineer *gm*



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 4, 2003

400-1

Tracy & Brenda Eichler
RR 1 Box 9A
Newell SD 57760

Dear Mr. & Mrs. Eichler:

I am writing to acknowledge receipt of the transfer of ownership form and filing fee you submitted for or transferring Water Right No. 400-1. The transfer has been completed. The water right, formerly listed in the name of Robert Eichler is now listed in your names.

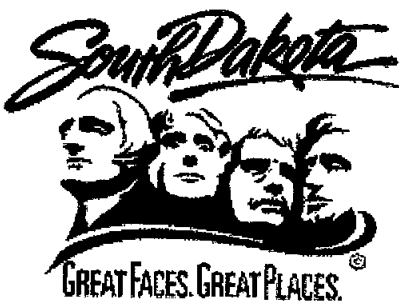
Enclosed is your Receipt No. 000713 in the amount of \$2.50 which you paid for filing the ownership change. You may keep this for your records.

If you have any questions, please contact me.

Sincerely,

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

enclosure



400-1
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 15, 2016

NOTICE

TO: TRACY & BRENDA EICHLER, 305 NORTHWESTERN AVE, NEWELL, SD 57760 2131
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 400-1. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 400-1 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 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) 400-1 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 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 19, 2016

400-1

Tracy & Brenda Eichler
305 Northwestern Ave
Newell SD 57760-2131

Dear Mr. Mrs. Eichler:

I am writing to acknowledge receipt of your 2015 irrigation questionnaire.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right No. 400-1. 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
email: genny.mcmath@state.sd.us

400-1

McMath, Genny

From: Tracy Eichler <tracy.eichler@mines.sdsmt.edu>
Sent: Friday, January 06, 2017 8:35 AM
To: McMath, Genny
Subject: Re: irrigation questionnaire

Follow Up Flag: Follow up
Flag Status: Completed

I sold it to my brother Doug. We are not talking right now. You can reach him at Doug Eichler, 13221 Deere lane, Eichler road, Newell, SD 57760.
I think his phone is 605-645-0052.

On Fri, Jan 6, 2017 at 5:53 AM, McMath, Genny <Genny.McMath@state.sd.us> wrote:

That would explain it. Hey, can you tell me who you sold the land to so I can get ahold of them for an ownership change?

From: Tracy Eichler [mailto:tracy.eichler@mines.sdsmt.edu]
Sent: Thursday, January 05, 2017 9:44 PM
To: McMath, Genny
Subject: Re: irrigation questionnaire

Genny, I have sold the farm so I do not irrigate the farm any more.

On Thu, Jan 5, 2017 at 10:33 AM, McMath, Genny <Genny.McMath@state.sd.us> wrote:

Tracy,

Just a note to see if you are working on the irrigation questionnaire for 400-1. The form was mailed in October and was due by December 1st.

The notices scheduling a hearing before the Water Management Board go out in the next week. Please work on the form or give me a call and I can help you if needed.

Thank you in advance,



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 9, 2017

400-1

Doug Eichler
13221 Deere Lane
Newell SD 57760

Dear Mr. Eichler:

I am writing in follow up to our phone conversation concerning Water Right No. 400-1. I have enclosed a copy of the water right for your records. It is my understanding you now own the land described in the water right.

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.

As we discussed, each year irrigators are sent a questionnaire to report how much water was pumped during the season. These forms are mailed out in October and are due back by December 1st. I have completed a form for you for 2016 indicating water was not pumped.

If you have any questions concerning the water right or completion of the enclosed transfer form, please let me know.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 9, 2017



400-1

Doug Eichler
13221 Deere Lane
Newell SD 57760

Dear Mr. Eichler:

I am writing in regard to ownership of land described in Water Right No. 400-1, currently listed in the name of Tracy and Brenda Eichler. In January, 2017 I spoke with you on the phone and then forwarded you a partially completed transfer form for filing an ownership change. To date, I have not received anything back from you.

In the event you no longer have the original form, I am enclosing a duplicate copy. Please review the form and complete as needed. 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.

Under SDCL 46-5-30.3, the notice of any sale, grant, lease, conveyance, or other transfer of an application, permit, or license to appropriate water under the provisions of this title shall be filed with the chief engineer within ninety days.

If you have any questions concerning the water right or completion of the enclosed transfer form, please let me know.

Sincerely,

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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 18, 20 17

RECEIVED OF Douglas Eichler 13221 Deere Ln. Newell, 57760

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 _____ 400-1		
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. **08358**

By Jeanne Goodman
Chief Engineer
Jm



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

December 18, 2017

400-1

Doug R Eichler
13221 Deere Lane
Newell SD 57760

Dear Mr. Eichler:

I am writing to acknowledge receipt of the 2017 irrigation questionnaire, transfer form and filing fee for Water Right No. 400-1.

The ownership change has been completed. Water Right No. 400-1, formerly held by Tracy and Brenda Eichler is now listed in your name.

Enclosed for your records is Receipt No. 08398 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

DEC 18 2017

WATER RIGHTS
PROGRAM

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

No. 400-1

Date: 12-14-17

I/We request that Water Right No. 400-1

formerly owned by: Tracy and Brenda Eichler

be transferred to: (name & address) Doug R Eichler - 13221 Deere Ln
Newell So Dak 57766

Telephone No. 605-645-0052

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

189 acres - W 1/2 Section 9, T8N, R6E

I/We understand that the validity of Water Right No. 400-1 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 Doug R Eichler, the new owner, certify that the above information is true and correct.

Doug R Eichler
(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 AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: DOUG R EICHLER, 13221 DEERE LN, NEWELL, SD 57760

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 400-1. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 400-1 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, 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) 400-1 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 5, 2025**, 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: EXOSSS**

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

February 19, 2025

400-1

Chris Penner
13202 188th St
Newell SD 57760

Dear Mr. Penner:

This letter is intended to follow up on our recent phone conversation regarding the sale of Mr. Eichler's property to yourself, and the need to reassign ownership of Water Right No. 400-1. I've included a copy of the original license for your records.

For your convenience, I have also enclosed a partially completed "Notice of Transfer of Ownership" form. Please complete the highlighted portions and return it in the prepaid envelope with a check (payable to SD Water Rights) in the amount of \$50.00. If you would prefer to pay by card, you may call our Fiscal Office at 605.773.4216. This form will still need to be returned even if you are submitting payment over the phone.

Should you decide you wish to discontinue the irrigation on this piece of land, we would ask that you let us know.

If you have any questions or concerns, please give me a call. My direct number is 605.910.5187

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 19, 2025

400-1

Doug R Eichler
13221 Deere Ln
Newell SD 57760

Dear Mr. Eichler:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 400-1. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

cc: Chris Penner, 13202 188th St, Newell SD 57760

400-1

RECEIVED

JUN 16 2025

PAID

JUN 16 2025

Ck# 2093

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

OFFICE OF
WATER

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 400-1

Date: 6-9-2025

I/We request that Water Right/Permit No. 400-1 formerly owned by:
Doug Eichler - Newell SD

be transferred to:

New Owner Name: Christopher Penner
Address: 13202 188th St. mobile: 605-350-3621
City, State, Zip: Newell, SD 57760 email: cpenner21@yahoo.com

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

189 acres - W 1/2 Section 9, T8N, R6E

☒ I understand that the validity of Water Right/Permit No. 400-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Christopher Penner, the new owner, certify that the above information is true and correct.

Christopher Penner
(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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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 Agriculture and Natural Resources

Date June 16th, 2025

RECEIVED OF Christopher Penner/Jana Penner 13202 188th St Newell SD 57760

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 #400-1</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$50.00</u>

By Mark Maye
Chief Engineer