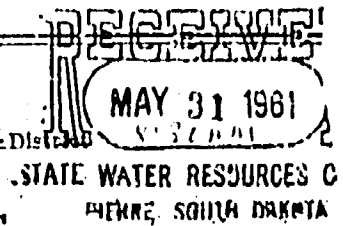


No. 576-1Water Division No. 1 BELLE FOURCHE RIVER District
(Blanks to be filled by the Engineer for the W. F. C.)

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

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

1. Name of applicant R. W. WILBERG
Postoffice address NEWELL, County BLUTE, State S.D.

I. If a corporation

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

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

2. Name of diversion work THE WILBERG PUMPING PROJECT3. Amount of water claimed EXX 2.7 cubic feet per second4. Source of water supply HORSE CREEKBetween a point S 64° 30' E 1463' from the NW Cor. S 8, T. 8 N., R. 6 E. BHM and5. Location of point of diversion
a point S 0° E 1320' from the NE Cor. S 8, T. 8 N., R. 6 E. BHM
on Butte Bank Butte County.6. Annual period or periods during which water is to be used April 1st thru Nov. 30th7. To be used for: Pump and gravity

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

(a) Number of acres to be irrigated 190 acres.
NE-NW-36 Ac., SE-NW-20 Ac., NW-NE-37 Ac., NE-NE-12 Ac., SW-NE-37 Ac.,(b) Legal subdivisions to be irrigated
(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be attached as a part of this application. Same may also be shown on accompanying map.)
SE-NE-38 Ac., NE-SE-10 Ac., Sec. 8, T. 8 N., R. 6 E. BHM Total 190 Ac.

(c) Statement as to domestic use (giving location, etc.)

Irrigation only

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

- (a) Nature of use None
Name any of the above uses claimed
(b) Amount of power to be generated None horse power.
(c) Location of plant None
(d) Method of developing power None
(e) Point where water will be returned to stream X X

MAP N° 489-1

8. Estimated cost of work:

Estimated cost of pumping unit

\$1800.00

(a) Head Gates, \$-----

Land leveling, \$-----

1000.00

(c) Fluming, \$-----

(d) Canal-earth, \$-----

Rock, \$-----

\$2800.00

(e) Other structures ----- \$-----

Total, \$-----

9. Description of diversion works:

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

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 high water mark ----- acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	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 ----- 4 ----- years.

12. Choice of newspaper for publication of notice of intention to appropriate -----

TUE BELLE FOURCHE BEE, BELLE FOURCHE, SO. DAK.

STATE OF SOUTH DAKOTA

County of BUTTE ss.

I, R. W. MILBERG, 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 R. W. MilbergSubscribed and sworn to before me this 18th day of May, 1961

Carl M. Cornoll,

Notary Public (or other authorized officer)

*Each diversion must have a headgate or measuring device.

Map No 489-1
Appl No 576-1

PLAT
OF
THE MILBERG IRRIGATION PROJECT
SECTION 8, T.8 N., R.6 E-BEM
BUTTE COUNTY, SOUTH DAKOTA

SCALE 1 inch = 660 feet.
8 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 R.W. Milberg of Nevel, Butte County South Dakota, I have made a survey of the irrigable tracts indicated hereon and have prepared this plat of same as a part of his Application for a Permit to appropriate Water for Irrigation Purposes.

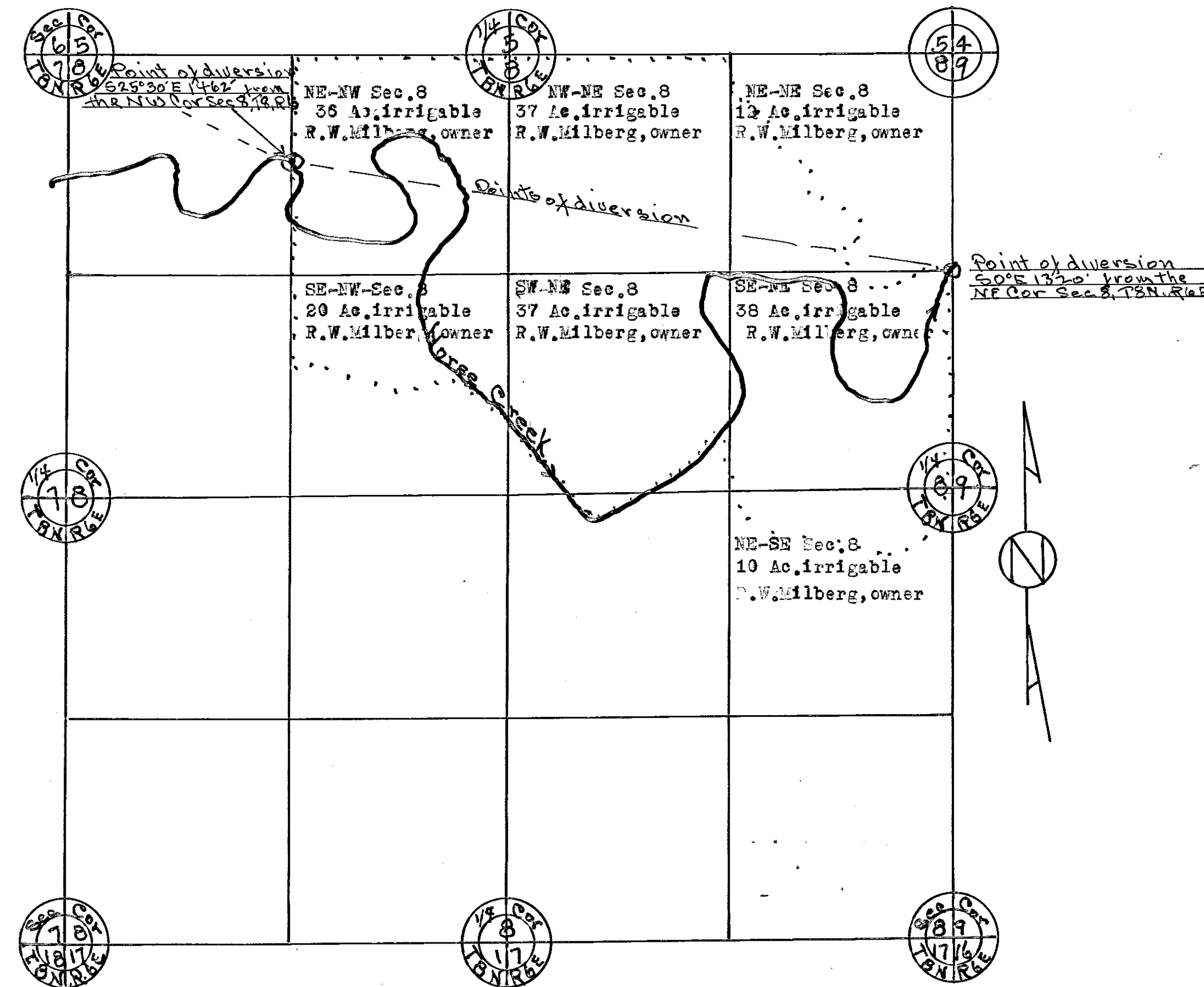
I further certify that the bearings, lengths and location of the several lines shown hereon with reference to the several Government Land Corners shown are correct to the best of my knowledge and belief.

Subscribed and sworn to before me at Buffalo, South Dakota this 24th day of May 1951.

Carl M. Cornell
Carl M. Cornell, Licensed Surveyor # 144
(SEAL)

Subscribed and sworn to before me at Buffalo, South Dakota this 24th day of May 1951,

Eleanor Lindholm
Notary Public. (SEAL)



Appl # 804-1

MAP No 489-1

APPL No 576-1

Remarks by State Water Resources Commission:

Primarily, water available for this permit is return flows from the Belle Fourche Project. Such available flows may be reduced or changed by different water utilization by the project.

The use of water under this permit is contingent upon water supplies being available to prior water rights.

Lands described in this permit which receive water from the Belle Fourche Project may not receive water under this permit at the same time water is being obtained from the Belle Fourche Project.

No water may be diverted from the ~~State Project~~ ^{HORSE CREEK} under this permit during the months of July and August except during times when ~~the~~ flows are substantially above normal.

County of 1-HUGHES } st.

Pierre, South Dakota, MAY 16, 1962

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock PM upon the 31ST day of May, 1961

State Water Resources Commission

By:

[Signature]
for Chief Engineer, Executive Officer

Number of permit 576-1

Date of first receipt of application MAY 31, 1961

Date of return to applicant for correction, amendments or changes required as follows: —, 1961

Date of receipt of corrected application MAY 31, 1961

Date from which applicant may claim right MAY 31, 1961

Approved MAY 9, 1962, Recorded in Book 7 Page 87

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

MAY 9, 1964 67

2nd. The whole of said work is to be completed on or before MAY 9, 1966

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

MAY 9, 1967 APPROVED 5-17-67

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 MAY 9, 1966; said water to be used during the following described annual period:

APRIL 1 THRU NOVEMBER 30

Witness my hand this 16TH day of MAY, 1962

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued JUNE 26, 1967

Water License Issued JUNE 26, 1967

STATE OF SOUTH DAKOTA

WATER LICENSE No. 576-1

WHEREAS, On the 31st day of May A. D. 1961R.W. Milbergof Newall County of Butte and State ofSouth Dakota duly made application (No. 576-1) to us for a permit to use 2.7cubic feet per second of the waters of Horse CreekCounty of Butte, State of South Dakota, for irrigation purposes; andWHEREAS, On the 16th day of May A. D. 1962Permit No. 576-1 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 9th day ofMay A. D. 1967 and for the application to beneficial use of saidwater on or before the 9th day of May A. D. 1967 and,WHEREAS, On the 29th day of March A. D. 1967the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.0cubic feet per second of said waters, as evidenced by our Certificate No. 576-1dated June 26, 1967 confirming the completion of works of sufficient capacity fordiverting and conveying to the place of intended use 2.0 cubic feet per second of water, with date ofpriority of May 31, 1961 and,WHEREAS, On the 29th day of March A. D. 1967proof was duly made of the application to beneficial use of 1.58 cubic feet per second of said water;for irrigating 111 acres in Section 8, T8N, R6E

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to R.W. Milberg
of Newell the holder and owner of said permit No. 576-1
a water right, dating from May 31, 1961 to the use of 1.56
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 hereinafter mentioned, to be diverted at a point 1/2 mile W. of the NE
corner, Section 8, T8N, R6E
and conducted to and upon portions of the N 1/2 Section 8, T8N, R6E, more
specifically described in the Certificate of Completion of Works

for the purpose of irrigation, subject to any limitation listed in the
permit to appropriate water, and

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 26th day of June A. D. Nineteen
Hundred and Sixty-seven.

State Water Resources Commission

By:

J.W. GRIMES Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 576-1

Water Division No. 1 BELLE FOURCHE RIVER Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This Is to Certify, That ----- R.W. Milberg

of Newell....., County of Butte....., and State of
South Dakota....., the holder.... of Permit No. 576-1, issued upon Application
No. 576-1, bearing date of priority of May 31, 1961....., authorizing the diversion of
2.7..... cu. ft. per second of the waters of Horne Creek.....
County of Butte....., State of South Dakota, at a point 1/2 mile W.
of the NE Corner, Section 8, 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

Specification for diving and conveying to the place of intended use 2.0 cu. ft.

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

to-wit: All in Section 8, TAN, R6E

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 12 acres

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 34 acres

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 12 acres

SE $\frac{1}{4}$ NE $\frac{1}{4}$ ----- 9 acres

S1/4 NE1/4 37 acres

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 7 acres

Total 111 Acres

Witness my hand this 26th day of June A. D. 1967.

State Water Resources Commission

139:

J.W. GRIMES

Chief Engineer, Executive Officer

Permit No. 576-1

Belle Fourche River

Water Division No. 1

Water District

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 _____

1967, I have ~~this day~~ made a thorough examination of the diversion works constructed by _____

R. W. Milberg

of _____

Newell

Butte

County, South Dakota, holder of Permit No. 576-1, issued

upon Application No. 576-1, bearing date of priority of May 31, 1961, authorizing the

diversion of 2.7 cu. ft. per second of the waters of Horse Creek for irrigation

purposes. I have to report on the condition of the same as follows:

The diversion works comprise: a dike, size approx 100' x 11' x 4' and about 1 1/2 miles of spreader ditches. This is a spreader system primarily using return flow from irrigation at the Belle Fourche Irrigation District and there is no installation provided to pump water from Horse Creek. The dike is placed in a very shallow natural watercourse.

and the system is in the following condition: Good

The point of diversion is located about 1/2 west of the NE corner of

Section 8, T8N, R6E

The works are capable of diverting and conveying to the place of use 2.0 cu. ft. per second of water, which is to be used for irrigation

The legal sub-divisions to be irrigated are: All in Section 8, T8N, R6E

NE 1/4 NE 1/4 12 Acres

SW 1/4 NE 1/4 37

NW 1/4 NE 1/4 34 Acres

SE 1/4 NW 1/4 7

NE 1/4 NW 1/4 12 Acres

SE 1/4 NE 1/4 9 Acres

comprising a total of 111 acres of land.

The domestic use intended comprises _____

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

Witness my hand, this 29 day of March, A. D. 1967.

--SEAL--

Ronald R. Russell

Examining Engineer.

Deputy Chief Engineer

Water Resources Commission

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Butte) ss.Lawrence Wagon being duly sworn, deposes and says the annexed printed copy of Notice

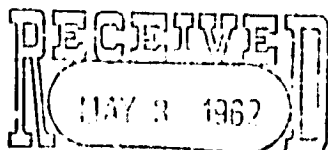
of Intention to Appropriate Water was taken from the -----

Butte-Terrace Rec. a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in theCity of Butte County of Butte and State of South Dakota;

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

April 1, 1962April 13, 1962April 20, 1962April 27, 1962in each and every issue of the full number thereof, the first publication being made on the 1 day of April1962 and the last publication on the 27 day ofApril 1962, upon which days or times

of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was Lawrence Wagon the printer and publisher of the said newspaper.Subscribed and sworn to before me this 27 day of April A. D. 1962STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTANo. 576-1
APPROPRIATION OF WATEROffice of State Water
Resources Commission,
Pierre, S. Dak.,
March 16, 1962

Notice is hereby given that R. W. Milberg whose postoffice 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 Milberg Pumping Project, the point of diversion of which is to be located on both banks of said stream between a point in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and a point in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 8 Twp. 8N Range 3E. Said water to be used for the purpose of providing irrigation on portions of the following described land: E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, T8N, R3E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 9th day of May, 1962, at 2 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 BURTON F. JONES
Water Right Specialist
B4t 4/1-13-20-27

Notary Public Butte County, S. D.Notary Public, Butte County, So. Dak.
My Commission Expires Sept. 29, 1966

No. 376-1on or before April 12, 1962
(First Publication)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., March 16, 1962

Notice is hereby given that R. W. Milberg whose postoffice 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 the Horse Creek through the Milberg Pumping Project, the point of diversion of which is to be located on the both between a point in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and a point bank of said stream in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 8 portions of Twp. 8N Range 6E. Said water to be used for the purpose of providing irrigation on the following described land:

E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ and NE $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 8, T8N, R6E

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 9th day of May, 1962, at 2 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:

Copy: Laurence Weylor, Publisher
Belle Fourche Boe
Belle Fourche, S. Dak.

~~XXXXXXXXXXXXXXXXXXXX~~
BURTON F. JONES
Water Right Specialist

Form No. 13

APPLICATION FOR EXTENSION OF TIME FOR COMPLETING WORKS

To the State Water Resources Commission
Pierre, South Dakota

April 6, 1967
(date)

Dear Sirs:

I hereby request that an extension of time from May 9, 1966
to May 9, 1967 be granted me for the completion of works to be done under Permit No.
and that the time for proof of beneficial use of water be extended to May 9, 1967

Said works are located in Butte County County and are described
as follows:

Location of headworks: In the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$
of Section 8 Township 8N Range 6E
E., B.H.M.

The water is to be used for the purpose of spread irrigation

The extension of time for the completion of these works is requested for the following reasons:

To provide for final inspection before the local
five year time limit

APPROVED: May 17, 1967

State Water Resources Commission

By: Richard D. Schenck
For Chief Engineer, Executive Officer

Holder of Permit No. 576-1



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

November 10, 1982

576-1

R.W. Milberg
Box 107
Newell SD 57760

Dear Mr. Milberg:

This letter is in regard to your Water Right No. 576-1. You indicated on your 1982 Irrigation Questionnaire that you did not irrigate in 1982 and that your system had not been constructed.

Our records show that your system was inspected and a Water License issued in 1967. In order for a License to be issued, the system must be constructed and operating at the time of inspection. Water Right No. 576-1 authorizes diversion of 2.0 cubic feet per second of water from Horse Creek to irrigate 111 acres.

Please advise this office as to the status of your water right, i.e., approximate last date irrigated, intent to irrigate in the future, and whether or not any equipment for such irrigation remains on the site. If you no longer own the land, please indicate this, and the new owner will be contacted.

If you have any questions, please contact this office. Your assistance in this matter would be appreciated. A postage paid envelope is enclosed for your reply.

Sincerely,

GENNY YOUNG
Water Rights Specialist

*New owner is Lynn Eickler
Newell, S.D.*

GY:ks

enclosure



ENCLOSURE

CL:K2

Water Rights Section
CENNA LOUIS

Sincerely,

LEB:Y

The water meter is attached. A postage paid envelope is enclosed for you. If you have any questions, please contact this office. Your assistance in the future, please indicate this, and the new owner will be contacted. If you have any equipment to, such as irrigation remains on the site. If you no longer have any more irrigation, please indicate in the future, and whether or not you will indicate this office as to the status of your water meter, i.e., approval.

III. Notes.
Division of 5.0 cubic feet per second of water flow from creek to indicate and operating at the time of inspection. Water Meter No. 228-1 authorized 1983. In order for a license to be issued, the system must be constructed. One record shows that your system was inspected and a water license issued in 1983 and not been constructed.

1983 irrigation construction that you did not indicate in 1983 and that your this letter is in regard to your Water Meter No. 228-1. You indicated on your

Dear Mr. Hillard:

Newell 20 2280

Box 107

S.M. Hillard

November 10, 1983

228-1
202 228-2225
Water Rights Division

Water Rights Division
605 773-3352

February 10, 1983

576-1

Lynn Eichler
Newell,
South Dakota 57760

Dear Mr. Eichler:

This letter is in regard to Water Right No. 576-1 listed in the name of R.W. Hilberg. The water right authorizes diversion of 2.0 cubic feet per second of water from Horse Creek to irrigate 111 acres.

Mr. Hilberg has notified this office that you now own the land covered by this water right. In order to keep our records up-to-date, it will be necessary for you to have the water right transferred to your name,

Enclosed please find our Form 20 "notice of Transfer". Please check over, sign, date and have notarized before returning the form to this office with a \$2.50 filing fee. The water right can then be transferred to your name.

If you do not intend to irrigate, please notify this office and disregard the transfer form.

If you have any questions, please advise.

Sincerely,

GENNY YOUNG
Water Right Specialist

GY:ks

enclosure

NO. 576-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: Mar 22 1983

This is to notify you that the title to the lands described as follows:
111 acres - NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 8, T8N, R6E

formerly owned by R. W. Milberg
has been transferred to Lynn Eichler Rt 1 Box 8 Newell SD 57760
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 576-1 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit"
in its appropriate file at the Office of Water Rights, Water Management Board as
evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees
as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Butte) ss.

I, Lynn 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, and I know of my own personal knowledge that the infor-
mation herein stated is true.

Lynn Eichler
(Signed)

Subscribed and sworn to before me this 22 Day of March, 1983

Leona M. Stapp
(Notary Public)

LEONA M. STAPP, Notary Public
Newell, S. Dak. 57760
My Commission Expires 8-10-84

No. 576-1

SOUTH DAKOTA Department of
Water & Natural Resources
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352
March 24, 1983

Lynn Eichler
Rt #1 Box 8
Newell SD 57760

Dear Mr. Eichler:

Enclosed is receipt No. 4 9200 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 576-1.

Our records now show you as the owner of this Water Right.

Sincerely,

KAREN SCHLAACK
Administrative Aide

enclosure

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 9200

PIERRE, March 23, 1983

RECEIVED OF Lynn Eichler, Route #1, Box 8, Newell, SD 57760

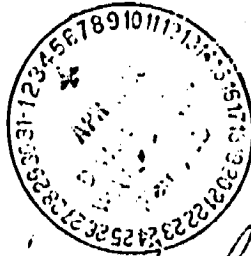
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing Transfer of WR# 576-1	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH

Mar 25, 53



WR # 576-1

Germy Pump.

A couple of days ago
I sent you a transfer of
water right from the Ralph Hilberg
place to my name. (Lynn Eichler)

Now! If I want to use
this water right and put a
pump in Horse Creek and irrigate
my pasture, what do I have
to do?

The area that I would like
to irrigate is an irrigated pasture that
I water with runoff water and
waste water. It is on the Belle-
Fourche Irrigation District - But
I do not pay water charges on
the land.

Thank you
for the time

Lynn Eichler
Rt 1 Box 8
Newell S.D.
57260

Lynn Eichler

576-1

**WATER RIGHTS DIVISION
(605) 773-3352**

April 8, 1983

Lynn Eichler
RR#1, Box 8
Newell, South Dakota 57760

Dear Mr. Eichler:

This letter is in regard to your letter dated March 25, 1983 requesting information on what you could irrigate from Water Right No. 576-1.

Enclosed is a copy of the Water License and Certificate of Completion of Works. Under Water Right No. 576-1 you are authorized to divert 1.58 c.f.s. from Horse Creek to irrigate 111 acres in portions of Section 8, T8N., R6E. I have outlined the land description on the Completion of Works.

Any diversion in excess of 1.58 c.f.s. or irrigation of lands other than described on the Completion of Works, would require a new permit.

If you have any further questions or desire information on obtaining another Permit, please advise.

Sincerely,

Genny Young
Water Rights Specialist

GY:ms
Enc.



Department of Water & Natural Resources

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

March 23, 1987

LYNN EICHLER
RT 1 BOX 8
NEWELL, SD 57760

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 576-1. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 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 2:00 pm. May 6, 1987 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). 576-1 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 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

May 13, 1987

NOTICE OF AMENDMENT TO WATER PERMIT(s)

TO: LYNN EICHLER
RT 1 BOX 8
NEWELL, SD 57760

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Amendment to Water Permit No(s). 576-1

Pursuant to the provisions of the notice dated March 23, 1987, and following the Hearing May 6, 1987, the Water Management Board has amended Water Permit No(s). 576-1 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in SUSPENSION of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

Attachment to Water Permit No. 576-1

Pursuant to the provisions of the notice dated March 23, 1987 and following the Hearing May 6, 1987, the Water Management Board has amended Water Permit No. 576-1 to add the following qualification:

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

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 576-1

May 15, 1987

Ray Telkamp
Farmers Home Administration
PO Box 70
Belle Fourche, South Dakota 57717

Dear Mr. Telkamp:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a return and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. South Dakota Water Law 16-5-30.3 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.

Please advise if you have any questions.

Sincerely,

Genny McMath
Natural Resources Analyst

NOTE: Mr. Telkamp, this transfer notice and blank 1986 Irrigation Questionnaire are being sent to you by request of Mike Madsen with the Fmha in Huron.

Enclosed is \$2.50 cash for fee.

MAY 18 1987. 576-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 5-20-87

This is to notify you that the title to the lands described as follows:

111 Acres - NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 8, T8N-R6E

formerly owned by Lynn Eichler, RR 1, Box 8, Newell, South Dakota 57760

UNITED STATES OF AMERICA, FmHA
has been transferred to P.O. BOX 70, BELL & FOURCNE, S.D. 57717

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 576-1 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
) ss.
County of BUTTE)

I, RAY N TELKAMP, FmHA 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 I know of my own personal knowledge that the information herein stated is true.

Ray N Telkamp, FmHA
(Signed)

Subscribed and sworn to before me this 20th Day of May, 19 87.

Paul G. [Signature]
(Notary Public)

Map Com. Office 4-24-90

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

U.S.A. Pierre, May 23, 1937

RECEIVED OF Farmers Home Administration, PO Box 70, Belle Fourche, SD 57717

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. _____		
Fee for Filing Transfer Form 576-1 _____	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Prime Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By J. L. Hatch
Chief Engineer JOHN HATCH (ms)

No. 576-1

SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

June 5, 1987

Ray Telkamp
United States of America, FmHA
P.O. Box 70
Belle Fourche, South Dakota 57717

Dear Mr. Telkamp:

Enclosed is receipt No. 410893 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 576-1.

U.S.A. Farmers Home Administration
Our records now show ~~you~~ as the owner of this Water Right.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

 **Department of
Water & Natural Resources**

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

October 25, 1989

576-1

Ed Wierzbicki
RR #1 Box 8
Newell, SD 57760

Dear Mr. Wierzbicki:

Our office has been notified by the Farmers Home Administration that you now own the land authorized for irrigation under Water Right No. 576-1. The legal description of the land is as follows:

111 acres - NE 1/4, E 1/2 NW 1/4 Section 8, T8N, R6E

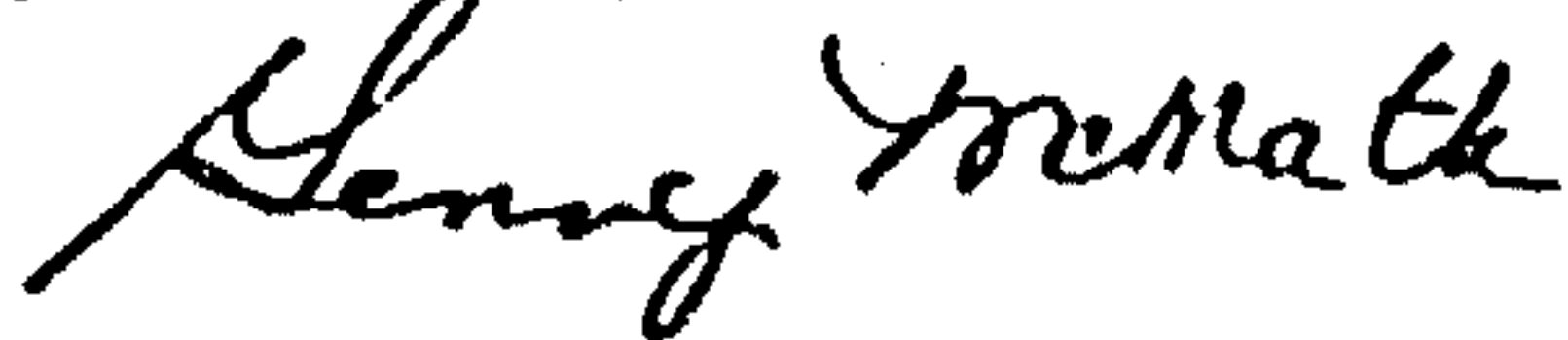
Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 576-1. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50.

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.

Also enclosed is the 1989 irrigation questionnaire pertaining to Water Right No. 576-1 and a postage paid envelope. The questionnaire needs to be completed and returned to our office before December 15, 1989.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosures





Department of Water & Natural Resources

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

March 16, 1990

Second Notice
W Right No. 576-1

Ed Wierzbicki
RR #1 Box 8
Newell, SD 57760

Dear Mr. Wierzbicki:

On October 25, 1989 notice was sent to you concerning the transfer of Water Right No. 576-1 in the name of Farmers Home Administration which covers irrigation of 111 acres in the NE 1/4, E 1/2 NW 1/4 Section 8, T8N, R6E. 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 Division

enclosure

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: Ed Wierzbicki RRI Box 8 Newell SD 57760	4. Article Number P 176 878 341 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Addressee X	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent X <i>Esther Blomberg</i>	
7. Date of Delivery MAR 19 1990	

No. 576-1

Date: 3-20-90

be transferred to: (name & address) Ed Wierzbicki
Box 253, Newell, So. Dak. 57760 (telephone No.) 605-456-2702

Butte Co.

STATE OF SOUTH DAKOTA)
County of Butte)

Ed. H. Longbrake
(Signed)

Subscribed and sworn to before me this 20th day of March, 19 90.

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 water 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

412159

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, March 21, 1990

RECEIVED OF Ed Wierzbicki, Box 253, 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 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. _____

Fee for Filing Transfer Form Water Right No. 576-1

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

2 50

2 50

By

Chief Engineer

John Hatch



Department of Water & Natural Resources

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

March 28, 1990

576-1

Ed Wierzbicki
Box 253
Newell SD 57760

Dear Mr. Wierzbicki:

Enclosed is Receipt No. 412159 in the amount of \$2.50 which you paid for transfer of Water Right No. 576-1.

Our records now reflect you as the owner of this Water Right.

Sincerely,

Marie R. Arthur

MARIE R. ARTHUR
Secretary
Water Rights Division
(605) 773-3352

enclosure

Is your RETURN ADDRESS indicated 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:

576-1

ED WIERZBICKI
BOX 253
NEWELL SD 57760

5. Received By: (Print Name)

Esther Blomberg

6. Signature: (Addressee or Agent)

X Esther Blomberg

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.

4. Article Number

378 080 587

4b. Service Type

☐ Registered

☐ Express Mail

☐ Return Receipt for Merchandise

☒ Certified

☐ Insured

☐ COD

7. Date of Delivery

2/5/97

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

Domestic Return Receipt

Thank you for using Return Receipt Service.

576-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: ED WIERZBICKI, BOX 253, NEWELL, SD 57760
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s). 576-1

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 576-1. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 576-1 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 576-1 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, 1997, 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
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 21, 1997

576-1

Ed Wierzbicki
Box 253
Newell, SD 57760

Dear Mr. Wierzbicki:

I am writing to acknowledge receipt of your 1996 irrigation questionnaire. You may disregard the February 4, 1997, Notice of Violation of Water Permit No. 576-1.

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

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

LYNN E. ECHLER
RT 1 BOX 4
NEWELL, SD 57760

4. Article Number

P 576 329 707

Type of Service:

- ☐ Registered
☒ Certified
☐ Express Mail

☐ Insured
☐ COD

Always obtain signature of addressee or agent and **DATE DELIVERED**.

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

5. Signature - Addressee

6. Signature - Agent

7. Date of Delivery

MAY 16 1987

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 20, 2006

576-1

Ed Wierzbicki
Box 253
Newell SD 57760

Dear Sir:

Enclosed is your 2006 irrigation questionnaire for Water Right No. 576-1. In order for the questionnaire to be considered complete, you will need to complete the back side of the form by filling in the pump rate, days per month and average hours per day water was applied.

Please complete and return the questionnaire to us by December 30th. I have included a postage paid envelope for your use in returning the form.

Thank you and 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



576-1
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: ED WIERZBICKI, 18832 EICHLER RD, NEWELL, SD 57760

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 576-1. 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(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) 576-1 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 11, 2009** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 576-1 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 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

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

576-1

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 7613
Status: **Delivered**

Your item was delivered at 1:09 PM on January 27, 2009 in NEWELL, SD 57760. The item was signed for by E WCERZBICKI.

Track & Confirm

Enter Label/Receipt Number.

[Additional Details >](#)[Return to USPS.com Home >](#)

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)

[Site Map](#)[Contact Us](#)[Forms](#)[Gov't Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

Copyright© 1999-2007 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 7613		ED WIERZBICKI 18832 EICHLER RD NEWELL SD 57760	
Waiver of Signature ☐ YES ☐ NO		POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com ® or call 1-800-222-1811	
Postmark Here		☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel	



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 11, 2009

576-1

Ed Wierzbicki
18832 Eichler Rd
Newell SD 57760

Dear Mr. Wierzbicki:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 576-1.

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 cursive script that reads 'Genny McMath'.

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



576-1
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 21, 2011

NOTICE

TO: ED WIERZBICKI, 18832 EICHLER RD, NEWELL, SD 57760

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 576-1. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 576-1 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 9, 2011** 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) 576-1 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 4, 2011**, 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.

[Home](#) | [Help](#) | [Sign In](#)[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 0775

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

Your item was delivered at 9:30 am on January 22, 2011 in NEWELL, SD 57760. The item was signed for by H GIBSON.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 22, 2011, 9:30 am, NEWELL, SD 57760
- Notice Left, January 22, 2011, 8:51 am, NEWELL, SD 57760
- Arrival at Post Office, January 22, 2011, 8:10 am, NEWELL, SD 57760

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email.

[Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)[Site Map](#)[Customer Service](#)[Forms](#)[Gov't Services](#)[Careers](#)[Privacy Policy](#)[Terms of Use](#)[Business Customer Gateway](#)

Copyright© 2010 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA

U.S. Postal Service Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 0775

ED WIERZBICKI
18832 EICHLER RD
NEWELL SD 57760

Waiver of Signature ☐ YES ☐ NOPostmark
Here

POSTAL CUSTOMER:

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

- ☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 14, 2011

576-1

Ed Wierzbicki
Box 253
Newell SD 57760

Dear Mr. Wierzbicki:

I am writing to acknowledge receipt of your 2010 irrigation questionnaire.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right No. 576-1. 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 cursive script that reads "Genny McMath".

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 18, 2011

576-1

Ed Wierzbicki
PO Box 395
Newell SD 57760 0395

Dear Mr. Wierzbicki:

Enclosed is a "Notice" dated October 14, 2011 concerning the 2011 irrigation questionnaire.

The notice was originally mailed to PO Box 253, Newell SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

November 29, 2016

576-1

Jerry & Laura Wierzbicki
PO Box 395
Newell SD 57760 0395

Dear Mr. & Mrs. Wierzbicki:

I am writing to acknowledge receipt of the 2016 irrigation questionnaire and your notation indicating an ownership change is needed for Water Right No. 576-1.

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.

If you have any questions concerning the water right or completion of the transfer form, please get in touch with me.

Sincerely,

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

enclosure.

RECEIVED

DEC 16 2016

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 576-1

Date: 12-13-16

I/We request that Water Right No. 576-1

formerly owned by: Ed Wierzbicki

be transferred to: (name & address) Jerry or Laura Wierzbicki
18852 Scrapper Drive P.O. Box 395
Newell SD 57760 Telephone No. 605-456-2005

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

111 acres – portions of the N ½ Section 8, T8N, R6E

I/We understand that the validity of Water Right No. 576-1 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 Jerry Wierzbicki - or -, the new owner, certify that the above information is true and
Laura Wierzbicki correct.

Jerry Wierzbicki or Laura Wierzbicki
(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 12/16, 20 16

RECEIVED OF Harry Wierzbicki PO Box 395 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	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>576-1</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	50 00

No. **07995**

By Jean Hoodman
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

December 19, 2016

576-1

Jerry & Laura Wierzbicki
PO Box 395
Newell SD 57760 0395

Dear Mr. & Mrs. Wierzbicki:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for filing an ownership change on Water Right No. 576-1.

The ownership change has been completed. Water Right No. 576-1, formerly held by Ed Wierzbicki is now listed in your names.

Enclosed for your records is Receipt No. 07995 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