

No. 843-1
 Water Division No. 1 ELK CREEK District
 (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 LAVERNE E. WILBURN

Postoffice address PIEDMONT, County MEADE, State S.D.

I. If a corporation

(a) Name of same

(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 WILBURN SPRINKLER SYSTEM

3. Amount of water claimed 2.10 cubic feet per second 77 MAXIMUM ALLOWABLE

4. Source of water supply Wilburn Draw and Artesian Well
Between pt. S 30° 13' W 1835' from N ¼ Cor. Sec. 10 and point N. 70° 36' W

5. Location of point of diversion from E ¼ Cor. Sec. 10
Artesian Well - S. 11° 41' E - 1955 ft. from N ¼ cor. S. 10, T. 3 N., R. 6 E - BHM
on bank County.

6. Annual period or periods during which water is to be used April 1st thru Nov. 15th

7. To be used for:

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

(a) Number of acres to be irrigated 54 acres
Lot 5 of SW-NW 2 ac., Lot 8 A of SE-NW 20 ac., Lot A of SW-NW 32 ac. Sec 10,

(b) Legal subdivisions to be irrigated T. 3 N., R. 6 E - BHM Total 54 ac.
 (NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereon, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

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

Artesian well used for household as well as stockwater and irrigation

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

(a) Nature of use Stockwater
 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 N° 703-1

8. Estimated cost of work:

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

(b) Pumping plant, \$800.00

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

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

Well Road \$1.00

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

Total, \$-3900.00

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 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 ----- years.

11. Time required for complete application of water to the proposed beneficial use ----- years.

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

Sturgis Tribune, Sturgis, Meade Co., So. Dak.

STATE OF SOUTH DAKOTA

County of -----

I, **Laverne E. Wilburn**, -----, 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

Laverne E. Wilburn

Subscribed and sworn to before me this -----

DATE ----- of ----- 1980 ----- 19-----

Carl M. Cornell

Notary Public for the State of South Dakota

*Each diversion must have a headgate or measuring device.

DRILLER'S LOG OF WELL

Lot B of the SW. NE 1/4 sec. 10 T. 8 N., R. 6 E. - 11th
 Location of Well: ... 4, ... 4, Section ... , Township ... , Range ...
 Well to be drilled for: **Laverne Wilburn, Piedmont, Meade Co. So. Dak.**
 (Name) (Address)
 Owner of land (if other than above) **Same**
 (Name) (Address)
 Date well drilling started **about 1935** finished **about 1935**
 Purpose of well **Domestic and irrigation only**
 (domestic, irrigation, municipal, industrial, other)

Diameter		12 in surface casing depth unknown by owner	
Inches			
↑ ↓ ↑ ↓ ↑ ↓ ↑ ↓ ↑ ↓ ↑ ↓	Feet Feet Feet Feet Feet Feet Feet Feet Feet Feet Feet Feet	7 in. to total depth of 480 ft.	Ground Surface Elevation: ... (If Available) Kind and thickness of casing to be installed: Describe kind of materials drilled through (add layers on back of form if necessary) Size of casing to be installed: ... feet of ... inches diameter ... feet of ... inches diameter ... feet of ... inches diameter Type of seal between casing sizes. Kind of perforated screen to be installed: Material (steel, wood, concrete, etc.) Size of screen: Diameter inches Length feet Size openings inches Water bearing material Depth below ground surface to which water rises in well ... Flows about 220 GPM.

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 12 in, Depth unknown

Type of casing steel (Surface casing)
(wood, concrete, steel, etc.)

Well cased to total depth of 480 ft. owner has no further /
Size of casing _____, Thickness of casing _____

Length of casing _____ If collection gallery, length, size and depth of
gallery _____

(b) Screens

Type of perforated screen _____

Size of perforated screen _____ (diameter) _____ (length)

Thickness of gravel pack _____, length of gravel pack _____

(c) Water Bearing Materials

Flow of estimated - 320 GPM Character of water bearing materials _____
Distance to water _____

Thickness of water bearing material unknown

(d) Pump and Motor

Type of pump Well flows - no pump
(centrifugal, propeller, mixed flow, etc.)

Name of pump _____, size _____

Kind of motor _____ (gasoline, electric, diesel, etc.)

Horsepower _____, Name of Motor _____

(e) Complete well

Capacity 320 GPM at drawdown of _____ Estimated cost \$700

(f) Owner of land upon which well is located LAVERNE WILBURN
Name

PIEDMONT? NEADE CO. ? SO. DAK.
Address

(g) Distance to nearest existing well's

On same owner's property _____ rods. On property owned by others _____ rods

PLAT OF THE WILBURN SPRINKLER SYSTEM

Located in Sec. 10, T.3 N., R.6 E.-N.M. in Keade Co., S.Dak. drawn and prepared as a part of the Application For a Permit to Appropriate Water of Lavern F. Wilburn of Piedmont, South Dakota to supply water for irrigation of areas as shown of this plat.

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 Lavern F. Wilburn I have made a survey and have prepared this plat as a part of His Application for A Permit to appropriate water for irrigation. I further certify that the bearings and lengths of all lines shown and their location with reference to the Government Land Corners shown, are correct to the best of my knowledge and belief.

SIGNED

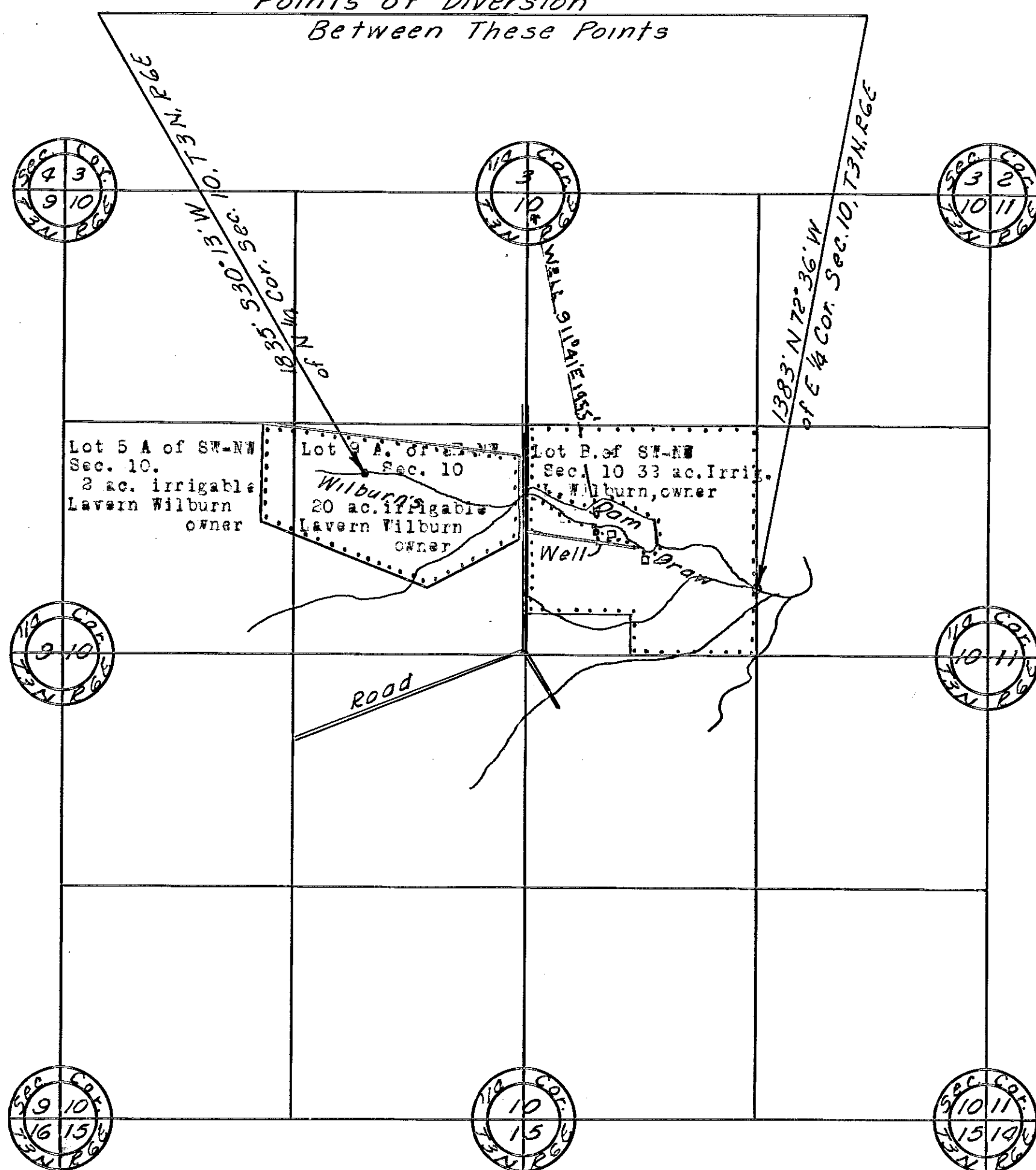
Carl M. Cornell

Carl M. Cornell, Licensed Surveyor
Lic. No. 144
(SEAL)

Subscribed and sworn to before me at Buffalo, South Dakota this 1st day of April 1968.

Cleaner Lindholm
Notary Public (SEAL)

Points of Diversion
Between These Points



Scale: 1" = 660'

MAP 1127031 (REV 112311)

Remarks by State Water Resources Commission:

UNDER THIS PERMIT THOSE PORTIONS OF THE SPRING
FLOWS AS NEEDED FOR DRAINSTREAM DOMESTIC
USE, INCLUDING LIVESTOCK WATERING, MUST BE
BY-PASSED.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, MAY 23, 1968

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
9 a.m. upon the 8TH day of APRIL, 1968

State Water Resources Commission

By:

Durston Jones
for Chief Engineer, Executive Officer

Number of permit 843-1

Date of first receipt of application APRIL 8, 1968

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right APRIL 8, 1968

Approved MAY 22, 1968 Recorded in Book 10 Page 162

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 NOVEMBER 22, 1970

2nd. The whole of said work is to be completed on or before MAY 22, 1973

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is MAY 22, 1973

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 1.77 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 22, 1973; said water to be used during the following described annual period:

APRIL 1 TO NOVEMBER 15
23RD day of MAY, 1968

Witness my hand this _____ day of _____, 1968

State Water Resources Commission

By:

W. O. G. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 9, 1977

Water License Issued SEPTEMBER 9, 1977

WATER LICENSE NO. 843-1

(1) WHEREAS, On the 8th day of April A. D. 19 68
Lavern E. Wilburn

made Water Right Application No. 843-1 for a permit to use .77 cubic feet per second of the waters of artesian ground water & Wilburn draw

County of Meade, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 22nd day of May A. D. 19 68

Permit No. 843-1, with a date of priority of April 8, 1968

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 22nd day of May A. D. 19 73 and for the application to beneficial use of said water on or before the 22nd day of May A. D. 19 73

and;

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert .77 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

for irrigating the following land in Section 10, T3N, R6E

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 2.0 acres

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

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 32.0 "

TOTAL 54.0 acres

(5) 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 Lavern E. Wilburn

_____ of Piedmont
the holder _____ and owner _____ of said permit No. 843-1 a water right, dating from April 8, 1968
_____ to use of .77 cubic feet per second of the waters

of artesian ground water & Wilburn draw
in the County of Meade and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at from draw - between points S36°13'W, 1835 feet
from the N¼ corner and N72°36'W, 1383 feet from the E¼ corner; from well -
S11°41'E, 1955 feet from the N¼ corner, all in Section 10, T3N, R6E

and conduct to and upon portions of Section 10, T3N, R6E
described on the face of this licence

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 843-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 9th day of September A. D.
Nineteen Hundred and Seventy-seven

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer John Hatch

Permit No. 843-1Water Diversion No. 1 Elk Creek Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Lavern E. Wilburn

_____ the holder _____ of
 Permit No. 843-1, issued upon Application No. 843-1, bearing date of priority of April 8,
1968 authorizing the diversion of .77 cu. ft. per second of the waters of _____
~~artesian ground water & Wilburn draw~~ Heade, State of South Dakota at _____
~~from draw between points S30°13'W, 1835 feet from the N½ corner and N72°36'W,~~
~~1283 feet from the E½ corner; from well S11°41'E, 1955 feet from the N½ corner,~~
all in Section 10, T3N, R6E, for irrigation

_____ purposes, has _____ 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 1.1 cu. ft. per second of water.

Date September 9, 1977

WATER RESOURCES COMMISSION

By

John Hatch

JOHN HATCH, Chief Engineer

543-1 Lateral Wilburn

1/2 1/2 1/2 1/2

4-7-45

Pump. Horsepower 217.30074 m.
Core 4 cyl. Small Engine

4" pipe Sp. 100 - 100 ft.
#30. 100 ft. pipe, 100 ft. Sp. 100
30 ft. up on lateral

Permit No. 843-1Water Division 1 Elk Creek Water District

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Lavern E. Winburn of Piedmont, S. Dak. holder of Permit No. 843-1, bearing date of priority of April 8, 1968, authorizing the diversion of .77 cu. ft. per second of the waters of winburn Ditch and Artesian Well. for Irrigation purposes, in Meade County.

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

The Water Use System consists of,

A. Works used to divert the water:

Pump. Centrifugal - 500 gpm.
Engine. Case, 4 cylinder, Gasoline.

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

Aluminum - 1800 ft 4 inch dia mains and laterals

C. Works used to apply water to beneficial use.

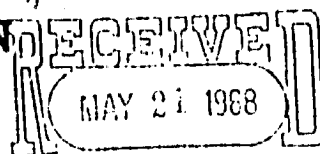
Rainbird #30 sprinklers spaced 30 ft apart on lateralsThe system is in the following condition: Good

The point of diversion is located between 1835 ft S 30°13'W of N½ Cor. Sec. 10 T3N, R6E and 1383 ft N 72°36'W of E½ Cor. Sec. 10, T3N, R6E.
Artesian Well S 11°41'E 1955 ft from N½ Cor. Sec. 10, T3N, R6E

The works are capable of diverting and conveying to the place of use 1.1cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in sec. 10 T3N R6ESW¼ NW¼ - 2.0 AcresSE¼ NW¼ - 20.0 "SW¼ NE¼ - 32.0 "comprising a total of 54.0 acres of land.Date April 9, 1976

LeRoy J. Monaghan
(Signature)

PROOF OF PUBLICATION

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTASTATE OF SOUTH DAKOTA }
County Meade } ss.

Morris G. Hallack being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

Sturgis Tribune 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 Sturgis County of

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

April 17

April 24

May 1

May 8

in each and every issue of the full number thereof, the first publication being made on the 17 day of April

1968 and the last publication on the 8 day of

May 1968, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was the printer and publisher X of the said newspaper.

Morris Hallack

No. 843-1
APPROPRIATION OF WATER
Office of State Water
Resources Commission,
Pierre, S. Dak., April 10, 1968
Notice is hereby given that
Lavern E. Wilburn whose post-
office address is Piedmont, S.
Dak., has made an application
in accordance with the provi-
sions of the water laws of South
Dakota for a permit to appro-
priate for beneficial use 77 cu-
bic feet of water per second of
time from artesian ground wa-
ter and Wilburn Draw through
the Wilburn Sprinkler System,
the point of diversion of which
is to be located on either bank
of said stream between points
in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$
and from a well in the SE $\frac{1}{4}$
of the NW $\frac{1}{4}$ of Section 10 Twp.
3N Range 6E. Said water to be
used for the purpose of provid-
ing irrigation on portions of the
following described land:
S $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec-
tion 10, T3N, R6E.
This application will be taken
up by the State Water Resour-
ces Commission at their office
at Pierre for consideration up-
on the 22nd day of May, 1968,
at 2:00 P.M. All interested per-
sons may appear and be heard.
Appropriate action will be
taken by the Water Resources
Commission after suitable time
has elapsed for the considera-
tion of any or all information
presented.
State Water Resources
Commission
By: Burton F. Jones
BURTON F. JONES
Water Rights Specialist
Trib. Apr 17-24 May 1-5

Subscribed and sworn to before me this 9 day of May A. D. 1968

Notary Public Meade County, S. D.

on or before
(First Publication) April 25, 1968

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., April 10, 1968

Notice is hereby given that Lavern E. Milburn whose post office address is Piedmont 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 77 cubic feet of water per second of time from the artesian ground water & Milburn Draw the Milburn Sprinkler System, the point of diversion of which is to be located on the either between points in the SE 1/4 and SW 1/4 NE 1/4, and from a well bank of said stream, in the SE 1/4 of the NW 1/4 of Section 10 Twp. 3N Range 6E. Said water to be used for the purpose of providing irrigation on the following described land:

SE 1/4 and SW 1/4 NE 1/4, Section 10, T3N, R6E

~~and for~~

~~purposes~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 22nd day of May, 1968, 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

cc: Lavern E. Milburn, Piedmont, S.D. By:

Chief Engineer, Executive Officer

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



Department of Water & Natural Resources

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

April 15, 1985

Lavern E. Wilburn
Piedmont, SD 57769

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s). 843-1. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 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.

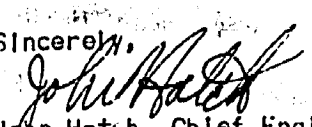
The hearings will be held at 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

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). 843-1 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.

Sincerely,


John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

NOTE: If the questionnaire(s) is received in this office before the May 15th hearing date, your name will be deleted from the agenda for the hearings.



Department of Water & Natural Resources

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

June 12, 1985

Notice or Amendment to Water Permit(s)

To: Lavern E. Wilburn
Piedmont, SD 57769

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

SUBJECT: Amendment to Water Permit No(s). 843-1.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 843-1 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.

SOUTH DAKOTA
Dakota Department of
Water & Natural Resources

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

Attachment to Water Permit No(s). 843-1

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 843-1 to add the following qualification:

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



843-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE, SOUTH DAKOTA 57501-3181

January 29, 1993

NOTICE

TO: LAVERN E WILBURN
BOX 8283
RAPID CITY, SD 57709

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

RE: Failure to Report Chemical Use under Water Permit No(s) 843-1

The first notice to file chemigation report(s) for Permit No(s) 843-1 was dated November 20, 1992. Our records indicate that we have not received the 1992 chemigation report for Permits No(s) 843-1. The Water Management Board has directed that owners of water permits who have not submitted the 1992 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:30 A.M. on March 3, 1993, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 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 or up to three years for the 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). 843-1 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 3, 1993 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

843-1

Lavern E. Welburn
Box 8283
Rapid City SD 57709

4a. Article Number

P 906 360 235

4b. Service Type

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

7. Date of Delivery

2-1-93

5. Signature (Addressee)

Daniel S. Hawley

6. Signature (Agent)

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

PS Form 3811, December 1991

U.S. GPO: 1992-723 402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 11, 1993

Lavern E. Wilburn
Box 8283 22
Rapid City, SD 57709

Dear Sir:

I am writing to acknowledge receipt of your phone call concerning the 1992 chemigation questionnaire. You may disregard the January 29, 1993 notice of "Failure To Submit Chemigation Questionnaire." I have filled out the questionnaire with the information you provided over the phone and your name is deleted from the Water Management Board agenda.

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

Sincerely,


Barry A. McLaury
Natural Resources Analyst
Water Rights Division



843-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 1999

NOTICE

TO: LAVERNE WILBURN, BOX 8283, RAPID CITY, SD 57709

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 843-1. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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) 843-1 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 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) 843-1 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 1, 1999, 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.

843-1

SENDER: - Complete items 1 and/or 2 for additional services. - Complete item 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.		I also wish to receive the following services (for an extra fee): ☐ Addressee's Address ☐ Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: LAVERN E WILBURN BOX 8283 RAPID CITY SD 57709		4a. Article Number 7119141 025	
		4b. Service Type ☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD	
5. Received By: (Print Name)		7. Date of Delivery 1-26-99	
6. Signature: (Addressee or Agent) <i>L. E. Wilburn</i>		8. Addressee's Address (Only if requested and fee is paid)	
P5 Form 3811, December 1994		102535-97-B-0179 Domestic Return Receipt	

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 1999

843-1

Lavern E Wilburn
Box 8283
Rapid City, SD 57709

Dear Mr. Wilburn:

I am writing to acknowledge receipt of your 1998 irrigation questionnaire. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Right No. 843-1.

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



843-1
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: LAVERN E WILBURN, BOX 8283, RAPID CITY, SD 57709
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire(s)

Our records indicate that the 2002 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 843-1. 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) 843-1 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(s) 843-1 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.



Track & Confirm

Delivery Status

You entered 2301 0370 0000 7541 4388

Your item was delivered at 8:15 am on January 18, 2003 in RAPID CITY, SD 57702 to EIGHT THOUSAND. The item was signed for by L TROASTLE.

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U.S. Postal Service Signature Confirmation Receipt

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LAVERN E WILBURN
BOX 8283
RAPID CITY SD 57709

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www.usps.com
or call 1-800-222-1811

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(See Reverse)

PS Form 153, February 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 10, 2003

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: Lavern E Wilburn, Box 8283, Rapid City SD 57709

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

SUBJECT: One Year Suspension of Water Right No. 843-1

Pursuant to the provisions of the notice dated January 17, 2003, and following the hearing March 5, 2003, the Water Management Board has ordered:

That Water Right No. 843-1 be suspended until December 31, 2003, for failure to submit the 2002 irrigation questionnaire.

Suspension of a water permit or right means water may not be pumped during the 2003 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 2002 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 7, 2003 in Pierre, SD. The letter should include your reasons for not completing the 2002 irrigation questionnaire.

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



843-1

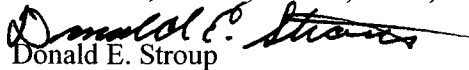
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
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PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

August 25, 2003

TO: Files 418-1, 1470-1, ~~4197-2~~, 843-1, 816-2, 973-2, 529-1, & 530-1

FROM: 
Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

SUBJECT: Examination of Cancelled/Suspended Water Rights

Nos. 816-2 & 973-2, Craig Mowry. I checked these two water rights the summer of 2001 and found no evidence that irrigation had taken place for several years. There was no equipment for irrigation on-site. This information was written up and should have been on file. I made the examination for possible cancellation at the time.

No. 418-1, Dennis Lien. I made an on-site examination 8/22/03 and found no irrigation taking place or evidence that the acreage had been irrigated this year. The pasture is all weeds with a dozen or more horses grazing it.

No. 843-1, Laverne Wilburn. I had made an on-site check for K. Buehler on this. This was in response to a report of a flowing well. There was a hose discharging water into a pond at the location. Reported find to Buehler.

Nos. 529-1 & 530-1, Rod Anders. I made an on-site 8/21/03, getting to about 3-miles of the land authorized for irrigation. I could view the land authorized for irrigation and there was no evidence that irrigation had taken place this year.

No. 1470-1, William Holst. I made an on-site 8/22/03 and found irrigation had and was taking place. I placed a call to Mr. Holst on 8/25/03 requesting that he call me back on the subject.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 29, 2004

843-1

Lavern E Wilburn
PO Box 124
Sturgis SD 57785-0124

Dear Mr. Wilburn:

Enclosed is a "Notice" dated October 22, 2004 concerning the 2004 irrigation questionnaire. The notice was originally mailed to Box 8283, Rapid City, SD. The post office notified us that your address has changed and I will update our records accordingly.

A review of your water right file found that you have not irrigated since 1992. Water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water right. Legal excuse for not irrigating would suspend the three year period of nonuse. Enclosed are excerpts of our Water Management Board Rules and Water Rights Laws pertaining to these issues.

If you have discontinued irrigation on the land, we could go ahead and schedule the water right for cancellation and you would no longer need to complete annual irrigation questionnaires.

Please let me know when returning your questionnaire what you wish to do with the water right. If I can answer any questions for you, give me a call. Thank you in advance for your help.

Sincerely,

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

enclosures



843-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: LAVERNE WILBURN, PO BOX 124, STURGIS, SD 57785 0124

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 843-1. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire(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) 843-1 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 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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. 843-1 in accordance with applicable provisions of SDCL 46-1-12. **Due to a past violation, Water Rights Staff will be recommending to the Board that your water right be suspended for three years.**
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 25, 2005**, 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.



843-1

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 1077

Your item was delivered at 10:20 am on January 27, 2005 in STURGIS, SD 57785. The item was signed for by L WILBURN.

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Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 1077

LAVERN E WILBURN
PO BOX 124
STURGIS SD 57785 0124

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

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or call 1-800-222-1811

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PS Form 153, July 2001



March 4, 2005

DEPARTMENT of ENVIRONMENT
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www.state.sd.us/denr

NOTICE OF THREE YEAR SUSPENSION OF WATER RIGHT

TO: Lavern E Wilburn, PO Box 124, Sturgis SD 57785-0124

FROM: Garland Erbele, Chief Engineer
Water Rights Program *[Signature: Garland Erbele]*

SUBJECT: Three Year Suspension of Water Right No. 843-1

On March 2, 2005, the Water Management Board ordered:

That effective April 4, 2005, Water Right No. 843-1 be suspended for the 2005, 2006 and 2007 irrigation seasons for failure to submit the 2004 irrigation questionnaire.

If the 2004 irrigation questionnaire is received prior to April 4, 2005, the suspension will not take effect.

Suspension means water may not be pumped during the 2005, 2006 or 2007 irrigation seasons. Consistent with the Board's order, you are not permitted to irrigate for three years unless the irrigation questionnaire is submitted by April 4th.

After April 4th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2004 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 4, 2005, in Pierre, SD. The letter should include your reasons for not completing the 2004 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

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

CERTIFICATION

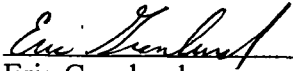
I hereby certify that on March 4, 2005 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 4, 2005 regarding Notice of Three Year Suspension of Water Right No's 843-1, 5124-3, 1237-3 & 1395-3, 2116-2 addressed as stated below:

843-1
Lavern E Wilburn
PO Box 124
Sturgis SD 57785-0124

5124-3
Victor L Wiczorek
26622 395th Ave
Mt Vernon SD 57363

1237-3 & 1395-3
Rolland VanderPol
720 E 4th St
Corsica SD 57328

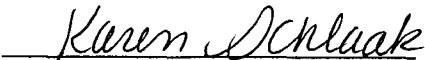
2116-2
Donald Schmitz
RR 1 Box 55
Bonesteel SD 57317



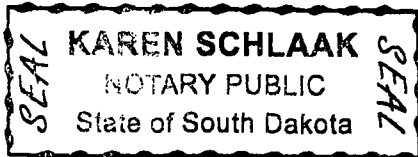
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of March, 2005.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



INTERNAL MEMORANDUM

TO: Water Right Files

FROM: Aaron Tieman, Natural Resource Engineer

Aaron R. Tieman

SUBJECT: Irrigation

During the summer of 2006, several on-site field investigation were conducted to determine if Water Management Board action to suspend irrigation for the 2006 irrigation season was being complied with. A list of these permits is given below:

Inspections Summer 2006

Permit No.	County	Date	Description
375-2	Shannon	9/13/2006	No irrigation system in place or visible.
402-1	Butte	7/20/2006	No visual signs of irrigation/system.
686-3	Minnehaha	7/18/2006	Housing development, no visible signs of water use/irrigation or system in place.
843-1	Meade	7/20/2006	No irrigation system in place or visible.
932-3	Jones	7/19/2006	No visible signs of water use or irrigation system.
1172-3	Spink	5/11/2006	No system visible, pasture is all grassland.
1237-3 1395-3	Charles Mix	7/19/2006	No visible signs of water use/irrigation system.
2116-2	Gregory	7/19/2006	No system in place, no irrigation.
2197-3 	Haakon	7/20/2006	No visible irrigation system or water use of any kind.
2480A-3	Beadle	5/11/2006	Center pivot in place with no towers, drainage pattern may limit pivot rotation.
3198A-3	Clark	5/11/2006	Pivot in place in SE ¼ - No visible signs of irrigation.
4957-3	Clark	5/11/2006	No system visible, planted with wheat.
5124-3	Davison	7/18/2006	System not in working condition (wind damaged).
5353-3	Day	5/10/2006	Well under water – No visible system in place.
5640-3	Marshall	5/10/2006	Unable to locate due to water over roads.

LAW OFFICES

HANSEN & HUBBARD

**P.O. Box 580
Sturgis, SD 57785-0580**

RECEIVED

843-1

DEC 17 2008

**WATER RIGHTS
PROGRAM**

Telephone: (605) 347-2551
FAX: (605) 347-4466

Physical Address:

1010 Ball Park Road, Suite 6
Sturgis, South Dakota

**DALE R. HANSEN
BRUCE A. HUBBARD**

Email addresses:

dale@hanslaw-sturgis.com
bruce@hanslaw-sturgis.com
mail@hanslaw-sturgis.com

December 16, 2008

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

Re: Lavern E. Wilburn (deceased)
Permit No. 843-1

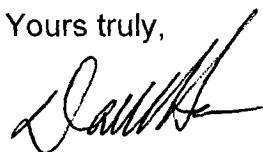
Dear Sir or Madam:

Enclosed please find the 2008 Water Management Board Irrigation Questionnaire for the above-named Permit. Also enclosed is a Notice of Transfer of Ownership changing this Permit to the names of Roberta J. Wilburn and Deb Kersteins.

Enclosed is check in the amount of \$2.50 to cover the filing fee.

If you need anything further concerning this transfer, please advise. Thank you.

Yours truly,



Dale R. Hansen

DRH:jl

Enclosures.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/17, 20 08

RECEIVED OF LaVern Wilburn Ranch PO Box 124 Sturgis SD 57785

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>843-1</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. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

63828

By Lindal Erbele
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

DEC 17 2008

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 843-1

Date: 12/16/08

I/We request that Water Right/Permit No. 843-1 formerly owned by:

Lavern E. Wilburn (deceased)

be transferred to:

New Owner Name: Roberta J. Wilburn and Deb Kersteins

Address: ~~XXXXXXXXXX~~ 16410 Spring Valley Rd.

City, State, Zip ~~XXXXXXXXXX~~ Piedmont, SD Telephone No. (605) 716-0330
57769

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

sec 10-T003N-R06E, SW1/4NW1/4 - 2.00 acres
sec 10-T003N-S06E, SE1/4NW1/4 - 20.00 acres
sec 10-T003N-R06E, SW1/4NE1/4 - 32.00 acres

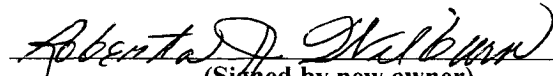
☒ I understand that the validity of Water Right/Permit No. 843-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 Two Dollars and Fifty Cents (\$2.50) is included to cover the filing fee as required by SDCL 46-2-13.

I, Roberta J. Wilburn and Deb Kersteins, the new owner, certify that the above information is true and correct.


DEB KERSTEINS


(Signed by new owner)
ROBERTA J. WILBURN

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.

-----Original Message-----

From: Janice Lundgren [mailto:Janice@hanslaw-sturgis.com] **On Behalf Of** Dale Hansen

Sent: Wednesday, December 17, 2008 12:45 PM

To: McMath, Genny

Subject: Wilburn Water Right Transfer

Genny:

Yes, please use the 16410 Spring Valley Road, Piedmont, SD 57769 address. That is the address of Deb Kersteins, Roberta Wilburn's daughter. She will be the one that needs to get the form each year. Her phone # is (605) 787-9757. Roberta's address is 16420 Spring Valley Road and her phone # is (605) 716-0330.

Thank you for your assistance.

Yours truly,

Dale R. Hansen
Hansen & Hubbard
P.O. Box 580
Sturgis, SD 57785
Ph.: (605) 347-2551
Fax: (605) 347-4466
E-mail: dale@hanslaw-sturgis.com

-----Original Message-----

From: Genny.McMath@state.sd.us [mailto:Genny.McMath@state.sd.us]

Sent: Wednesday, December 17, 2008 9:45 AM

To: Dale Hansen

Subject: water right transfer

Mr. Hansen,

I received the "Notice of Transfer of Ownership" from your office this morning for Water Right No. 843-1 (Lavern E Wilburn).

I have a quick question for you on the address for the new owners. I was unsure which address to list on our records since two names are shown on the form. I did a reverse search on the phone number listed and found an address for Roberta J Wilburn as being 16420 Spring Valley Road, Piedmont, SD (as opposed to 16410 as listed on the form). The receipt has an address of PO Box 124 in Sturgis.

I wanted to touch base with you to find out which address is correct. Please send me a note or call me concerning the address and I will continue processing the ownership change.

Thanks!

Genny McMath

Water Rights Program

605 773-5455



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 18, 2008

843-1

Roberta J Wilburn
and Deb Kersteins
16410 Spring Valley Rd
Piedmont SD 57769

Dear Ms. Wilburn and Ms. Kersteins:

I am writing to acknowledge receipt of the ownership change and filing fee submitted for Water Right No. 843-1. The transfer has been completed. The water right, formerly held by Lavern E Wilburn is now listed in both of your names.

Receipt No. 03828 in the amount of \$2.50 which was paid for filing the ownership change, is enclosed. You may keep this for your records.

One thing to keep in mind concerning the water right, it must be used in order to be maintained. Under South Dakota Water Laws, water must be placed to beneficial use for the purpose it was appropriated at least once every three years unless legal excuse exists for the years of nonuse. I have included excerpts of the South Dakota Water Laws and Water Management Board Rules dealing with these issues.

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

Sincerely,

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

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

enclosures