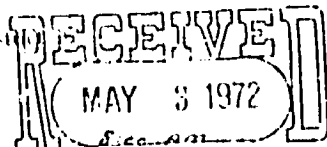


Water Right Number 963-1

1. Considered JULY 12, 19 72
2. Name of Applicant GEORGE LEVIN & SONS, INC.
3. Post Office Address HEREFORD, S.D.
4. Amount of Water claimed 4.90 DRY ELM DRAW
5. Source of Water supply ~~BELLE FOURGIE RIVER~~
6. Water to be used for IRRIGATION
- Acres to be irrigated 343.00
7. Water to be diverted and used in MEADE County
- about 5N 27E miles 1 1/4 of STURGIS
8. Proof of Publication Received 1-17-72
- Not Received _____
- Approved _____
- Subject to _____
- Not Approved _____
- Action Deferred _____

10. Remarks:

Map No. 794-1 Water Division No. 1 BELLE FOURCHE RIVER District 1
(Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

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

- Name of Applicant George Levin & Sons Inc.
Postoffice address Hereford, State South Dakota
If a corporation show date and place of incorporation Jan. 1st 1971 - Belle Fourche, S. Dak.
- Method of accomplishing work (contract, employment of others, or by direct labor) Contract
- Name of diversion work Levin Spreader System
- Amount of water claimed (cubic feet per second) 4.90
- Source of water supply Dry Elm Draw
- Location of point of diversion between a point 1685' N 90° E of W 1/2 Cor. Sec. 1, T6N, R9E, BHM
and a point 1780' S 66°30' W of E 1/2 Cor. Sec. 7, T6N, R10E, BHM
County Meade
- Annual period or periods during which water is to be used April 1st to October 1st
- Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
- For irrigation use, Total number of acres to be irrigated 343

List below each tract of land to be irrigated

Land Description	No. Acres Irr.	Land	Ac.

Attach sheet if more space is needed

- Time required to complete construction of water supply system 4 5 years. Additional time required to complete application of water to the proposed beneficial use 5 4 years.
- Choice of newspaper for Notice of Intent to Appropriate Water publication Rushmore Ads News - Sturgis
- Principal Features of the Proposed Water Supply System.

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

Spreaders

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

Spreader dams, ditches and dikes

C. Works proposed to apply water to beneficial use.

See above

Estimated Total Cost \$ 1,200.

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

STATE OF SOUTH DAKOTA)
)
)

County of Harding

George Levin & Sons Inc.

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

Subscribed and sworn to before me this 10th day of April, 1972

George Levin & Sons Inc.
George B. Levin, Pres.
Flourence L. Brungle
Notary Public (or other qualified officer)

PLAT OF THE LEVIN SPREADER PROJECT

Located in Sections 1 and 12 of Township 6 North, Range 9 East of the 3rd, and Sections 6 and 7 of Township 6 North, Range 10 East of the BHM, in Meade County, South Dakota, drawn and prepared as a part of the Application for Permit to appropriate water of George Levin & Sons Inc., of Hereford, South Dakota, to supply water for irrigation of areas as shown on this plat.

SURVEYOR'S CERTIFICATE

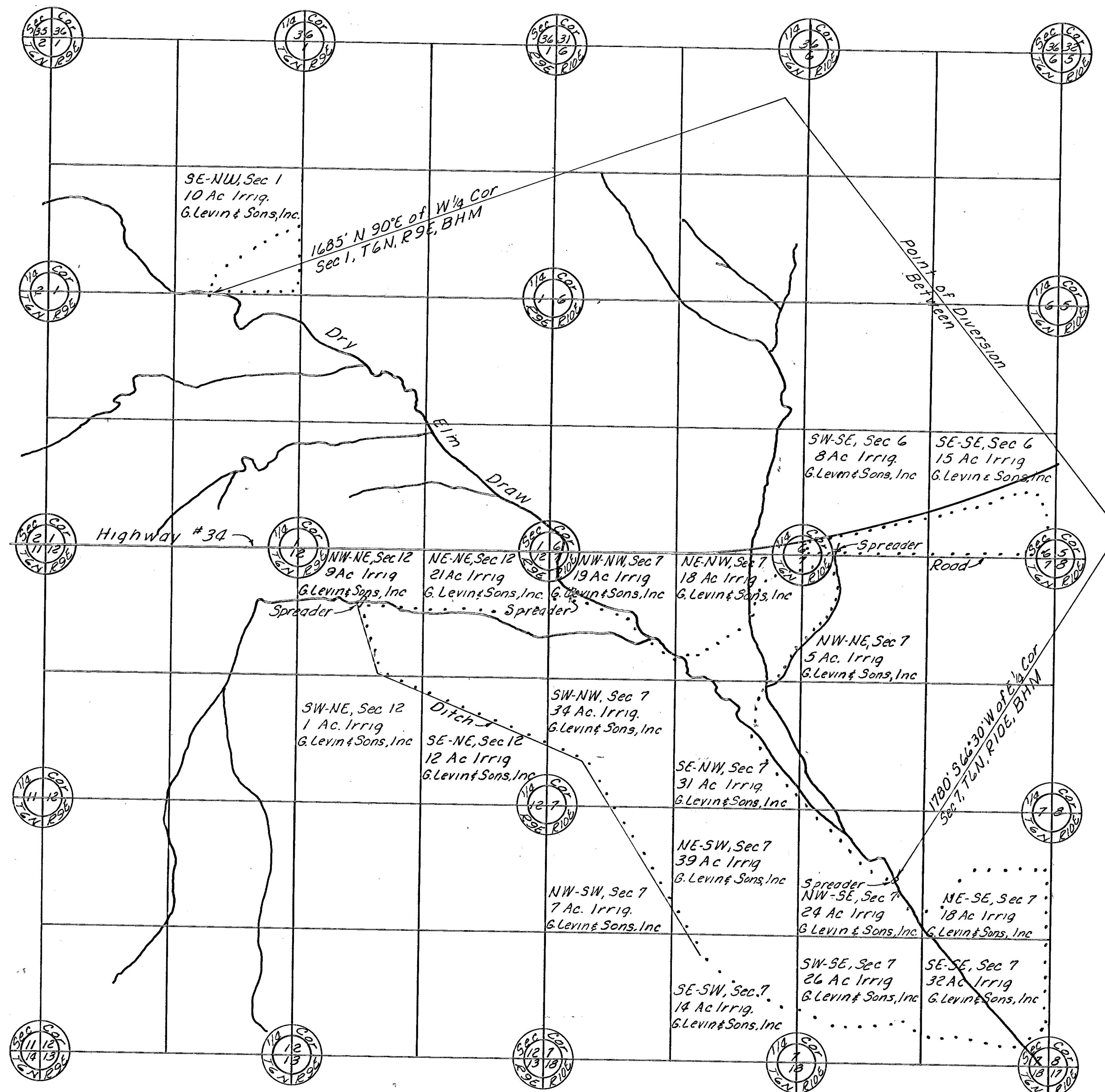
I, William C. Brengle, Registered Land Surveyor in and for the State of South Dakota, do hereby certify that at the request of George Levin, I have made a survey and have prepared this plat as a part of his application for a Permit to appropriate water for irrigation. I further certify that the bearings 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.

William C. Brengle
William C. Brengle (SEAL)
Registered Land Surveyor, #1517

Subscribed and sworn to before me this 16th day of April, 1972.

Florence Brengle
Notary Public (SEAL)

FLORENCE BRENGLE
NOTARY PUBLIC HARDING CO., S. DAK.
My Commission Expires Aug. 1, 1978



WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 963-1

GEORGE LEVIN & SONS, INC.
(Applicant)

HEREFORD
(Post Office Address)

SOUTH DAKOTA
(State)

With the following modifications:

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Draw irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

Date of first receipt of application MAY 3 19 72

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

Date of receipt of corrected application — 19 —

Approved JULY 12 19 72, Recorded in Book 12 Page 130

WATER RIGHT PERMIT NO. 963-1

The Water Resources Commission hereby grants and issues this Water Right Permit No. 963-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is MAY 3 19 72
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 12 19 75
3. The whole of said work is to be completed on or before JULY 12 19 77
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 12 19 81
5. The water appropriated shall be used for the purpose of IRRIGATION

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

7. The amount of the appropriation herein granted shall not exceed 4.90 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before JULY 12 19 81; said water to be used during the following described annual period: APRIL 1 TO OCTOBER 1

Witness my hand this 17TH day of JULY 19 72

WATER RESOURCES COMMISSION

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued — 19 —

Water License Issued — 19 —

show forty acres, division, or lot, or fraction thereof and show number of acres to be irrigated in each.

		Total	Description		No. Acres
Section 1, T6N, R9E			Section 7, T6N R10E		
SE 1/4 NW 1/4	10	10	NW 1/4 NW 1/4		19
			NE 1/4 NW 1/4		18
Section 12, T6N, R9E			SW 1/4 NW 1/4		34
NW 1/4 NE 1/4	9		SE 1/4 NW 1/4		31
NE 1/4 NE 1/4	21		NW 1/4 NE 1/4		5
SW 1/4 NE 1/4	1		NW 1/4 SW 1/4		7
SE 1/4 NE 1/4	<u>12</u>		NE 1/4 SW 1/4		39
		43	SE 1/4 SW 1/4		14
Section 6, T6N, R10E			NW 1/4 SE 1/4		21
SW 1/4 SE 1/4	8		NE 1/4 SE 1/4		18
SE 1/4 SE 1/4	<u>15</u>		SW 1/4 SE 1/4		26
		23	SE 1/4 SE 1/4		<u>32</u>
					267

GRAND TOTAL

313 Acres

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 972...

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Heade) ss.

I, Teresa Shoun hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Sturris 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

n Sturris Tribune of Sturris

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

June 14, 21, 28 and July 5

Teresa Shoun
(Signature)

Bookkeeper
(Title)

July 14 1972
(Date Signed)

NOTICE
INTENT TO
APPROPRIATE WATER

Pierre, South Dakota 57501
May 22, 1972

Notice is hereby given that George Levin and Sons, Inc. whose post office address is Hereford, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 4.90 cubic feet of water per second of time from Dry Elm Draw through the Levin Sprayer System, the points of diversion of which are to be located between points in SE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 1, T6N, R9E, and in the NW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 7, T6N, R10E. Said water to be used for the purpose of providing irrigation on portions of the following described land: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1; NE $\frac{1}{4}$, Section 12; T6N, R9E; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6; NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$, Section 7, T6N, R. 10E.

This application No. 963-1 will be considered by the Water Resources Commission at their office at Pierre upon the 12th day of July, 1972, at 2:00 p.m. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION
By: s-Burton F. Jones
BURTON F. JONES
Water Rights Specialist
June 14-27-28-July 5

RECEIVED
JUL 17 1972

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Form 6 - Notice of Intent to Appropriate Water

963-1

Publish first publication, on or before June 14, 19 72

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 22, 19 72

Notice is hereby given that George Levin and Sons, Inc.
whose post office address is Hereford, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
4.90 cubic feet of water per second of time from the Dry Elm Draw through the
Levin Spreader System, the point of diversion of which ^{are} to be located ~~in the~~
between points in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, T6N, R9E, and in the NW $\frac{1}{4}$ SE $\frac{1}{4}$,
Section 7, T6N, R10E

~~of said water to be used for the purpose~~
of providing irrigation on ^{portions of} the following described land:
SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1; NE $\frac{1}{4}$, Section 12; T6N, R9E; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6;
NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$, Section 7, T6N, R10E.

This application No. 963-1 will be considered by the Water Resources Commission at their office at
Pierre upon the 12th day of July, 19 72, at 2:00 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

**BUFTON F. JONES, Water Rights
Specialist**

cc: George Levin, Hereford, S.D. 57743

**South Dakota Department of
Water & Natural Resources**

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

December 1, 1987

523-1

963-1

Dennis L. Levin
George Levin & Sons Inc.
HC 75, Box 244
Hereford, South Dakota 57785

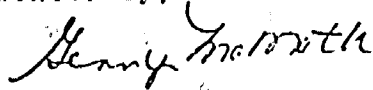
Dear Mr. Levin:

Thank you for the prompt return of the 1987 irrigation questionnaire for Water Right No. 821-1. I am contacting you in regard to your inquiry about completing questionnaires for Water Right Nos. 523-1 and 963-1.

Our records show the water use systems under Water Right Nos. 523-1 and 963-1 are waterspreading systems. Water Right holders with waterspreading systems are not required to submit yearly irrigation questionnaires. This is why you did not receive forms for Nos. 523-1 and 963-1.

Thank you for your inquiry into this matter. If you have any questions, please contact me.

Sincerely,



Genny McMath
Natural Resources Analyst

GM:ms

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

November 16, 1981

George Levin & Sons, Inc.
Hereford,
South Dakota 57742

Dear Mr. Levin:

On October 13, 1981, in the process of making the final inspection on your Water Right Permit No. 963-1, I found that you were irrigating land not covered under your permit. In order to comply with the South Dakota Water Laws it will be necessary for you to submit an application for the additional acreage.

Enclosed are two completed copies of a completed Form 2, "Application for Permit" for the additional 76 acres, 1.23 cubic feet per second and additional diversion points. This application and the enclosed map were made up as a result of my visit with you. Please check over the form and the map, make any corrections necessary, sign the Form 2 and have them notarized and return it to this office with a check for \$225.00 to cover the cost of the filing fee. If there are no corrections on the map you may keep it for your use as we have a copy on file in this office. However, if you make any changes on the map, please return it with the Form 2, so that we can correct our file copy.

Water Quality approval for the additional acreage and that acreage not covered under Permit No. 963-1 (the yellow shaded area on the map) will be required. See No. 5 of the enclosed instruction sheet.

If you have any questions regarding the matter, please feel free to contact this office.

Sincerely,

LEROY J MERNAUGH
Water Resources Engineer

LJM:ks

enclosures

cc: Martin Gertonson
State Conservation Comm.

WATER RIGHTS DIVISION
(605) 773-3352

December 23, 1983

George Levin and Sons, Inc.
Hereford, South Dakota 57743

Dear Mr. Levin:

On November 16, 1981 a new water permit application was sent to you to straighten out your water permit No. 963-1. This was done after it had been inspected. To bring your water permit into compliance with South Dakota State Laws we have completed a new application which is enclosed. Please check it over, correct if necessary, sign, notarize and return to this office. The following will also be required:

1. Filing fee of \$300.00 for the lands shown,
2. Soil/Water compatibility approval from the State Conservation Commission will be required on the 263 acres not previously covered by your permit. We have discussed this application with their Staff and they will be sending you their forms and instructions.

If you have any questions on the water permit application contact our office. Contact Jim Stukel, Department of Agriculture, Division of Conservation, Anderson Building, Pierre, South Dakota 57501. Phone #773-3255 if you have questions on the Soil/Water compatibility.

Sincerely,

Betty Westlund
Water Resources Analyst.

BV:mg

cc: Stukel

Encl. 2 firm #2

Attachment



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 963-1

November 15, 1988

George Levin & Sons, Inc.
Hereford, South Dakota 57743

Dear Mr. Levin:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 963-1 has been completed. Your final water right document, the Water License, can now be issued.

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

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

Sincerely,

Maxine Stirling
Secretary

NOTE: On check or money order, please indicate the number of the water permit. This insures proper handling of the fee.

DWNR-814 8/83

Water Rights Division - DWR
Conversation or File Documentation
George Levin & Sons Inc

File No. 963-3

NAME OF PERSON OR FILE: _____

ADDRESS: _____ COUNTY _____

DATE: April 4, 1989 TELEPHONE _____

RE: Letters dated November 16, 1981 and December 23, 1983 to Mr. Levin

COMMENTS:

November, 1981 and December, 1983 letters were sent to Mr. Levin with application forms to make an application for the additional acres he was irrigating that were not covered under Water Permit No. 963-3. (An October 13, 1981 inspection by LeRoy Mernaugh was the basis for the new application) Mr. Levin did no. respond to the letters.

On September 15, 1988, Rassoul Ahadi inspected the waterspreading system of George Levin & Sons. The inspection showed only 17.7 acres now being irrigated. Mr. Levin indicated he was no longer irrigating the acreage found during the 1981 inspection.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Heidi Mernaugh

Permit No. 963-1

Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

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

I have this day made a thorough examination of the water use system constructed by George Levitt
and Sons Inc. of Hereford S.D. 57743 holder ofPermit No. 963-1, bearing the priority of May 3 19 72 authorizingthe diversion of 4.9 cu. ft. per second of the waters of Dry Elm Drawfor irrigation purposes, in Heade County.

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

A. Works used to divert the water:

portable spreaders

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

Two dykes are used to spread water on different parts of the land. One is 1160 feet long and the other one approximately 600 feet long.

C. Works used to apply water to beneficial use:

Gravity system of irrigation is used to irrigate the land. Water is used whenever

there is enough water in the dry draw to flood the land.

The system is in the following condition GoodThe point of diversion is located Points between NW1/4 NW1/4 and the SW1/4 NE1/4 Section 7, T6N-R10E.The works are capable of diverting and conveying to the place of use 5.0+cu. 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 Section 7, T6N-R10ESE1/4 NW1/4 11.4 ac.SW1/4 NW1/4 3.5 ac.NW1/4 NW1/4 2.8 ac.comprising a total of 17.7 acres of land and the license should be issued for 0.25 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: Date 9/15/88MPA had

(signature)

LICENSE FOR PERMIT NUMBER 963-1

1. Legal location of wells: NA

dams & structures: Points between NW $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T5N-R10E

2. Well Information: Well Drilling Firm NA

No. of wells _____ Depth _____

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

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

3. Distribution lines:

a) size of lines _____
b) type _____
c) length _____

4. Dam information:

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

1) size _____
2) type _____
3) length _____

5. System Type: a) sideroll:

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

i) Outlet tubes:

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

b) towline:

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

Two dykes are used to spread water on the field. According to the owner, he had got a couple of planks which he uses to divert water. The planks were not in place at the time of inspection.

5. System Type: c) center pivot

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

g) Gun

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

d) Gate Pipe

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

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

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

h) Hydromatic

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

YES	NO	Check Items
_____	_____	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
<u> X </u>	_____	2. Special Qualifications to permit being abided by.
<u> X </u>	_____	3. All Structures, wells and lands on map.

REMARKS:

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 963-1

(1) George Levin and Sons, Inc. of HC 75 Box 244, Hereford, South Dakota 57743 made Application No. 963-1, May 3, 1972 for a water permit to appropriate 4.90 cubic feet of water per second from Dry Elm Draw, Meade County, South Dakota for irrigation purposes. Permit No. 963-1 with a priority date of May 3, 1972 was approved July 12, 1972 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before July 12, 1977 and for the application to beneficial use of said water on or before July 12, 1981.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.25 cubic feet of water per second for beneficial use. The location of the diversion points are: between points in the NW1/4 NW1/4 and SW1/4 NE1/4 Section 7, T6N, R10E.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T6N, R10E, Section 7	SE1/4 NW1/4	11.4 acres
	SW1/4 NW1/4	3.5 acres
	NW1/4 NW1/4	2.8 acres
	Total	17.7 acres

(4) Pursuant to Section 46-5-30.1 George Levin and Sons, Inc. of HC 75, Box 244, Hereford, South Dakota 57785 the holder(s) and/or owner(s) of Water Permit No. 963-1 is issued a license to appropriate water, the right to use 0.25 cubic feet of water per second from Dry Elm Draw with a priority date of May 3, 1972 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 963-1 and subject to South Dakota State Law.


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

SEP 14 1989

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411518

Pierre, December 1, 19 00

RECEIVED OF George Levin & Sons, Inc., HC 75 Box 241, Hereford, 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 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. <u>963-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	50	00

By John Hatch
Chief Engineer JOHN HATCH (AS)

**South Dakota Department of
Water & Natural Resources**

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

963-1

SEP 14 1989

George Levin and Sons, Inc.
HC 75 Box 244
Hereford, SD 57743

Dear Mr. Levin:

Enclosed is Water License No. 963-1. This is the final water right document completing your process of obtaining a water right. Enclosed is Receipt No. 411518 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

As long as you use the water beneficially, as state in the Water License, the State Water Law provide that you have a continuing right to use the water.

Very truly yours,

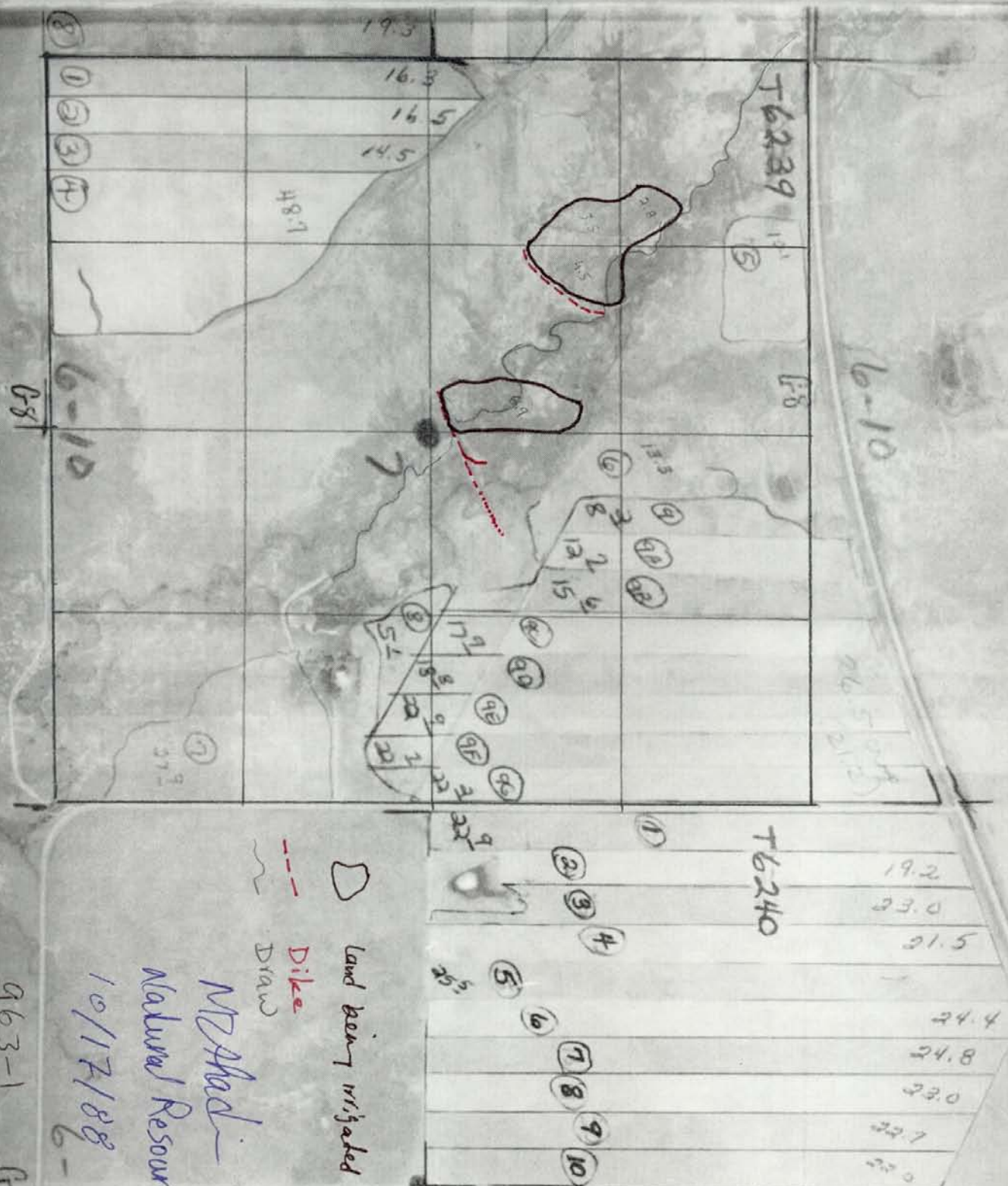


JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures



NOT TO SCALE



MR. Had
Natural Resources Engineer

10/17/88

G-10

963-1

G8

963-1

963-1



963-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 12, 2017

963-1
1673-1

Cory Levin
15737 209th Place
Hereford SD 57785

Dear Mr. Levin:

I am writing in follow-up to our July 11th phone conversation concerning Water Right No. 963-1 and Water Permit No. 1673-1. I have included copies for your review.

It is my understanding that you own the land covered under Nos. 963-1 and 1673-1. Enclosed are partially completed "Notice of Transfer of Ownership" forms. Please review and complete as needed. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

During our phone conversation, you voiced some concern over filing the ownership changes and paying the associated fees if they would end up being cancelled. Steve Quissell, a staff engineer with our program, recently contacted you to set up an inspection of the water use system developed under Permit No. 1673-1. It is fine if you want to wait to transfer No. 963-1 and No. 1673-1 until Steve has had a chance to conduct the field investigation.

Irrigation of land over an acre in size requires a water permit to be in place. If the water use systems authorized under either No. 963-1 or No. 1673-1 are in place and functioning, they must be maintained.

If Mr. Quissell's field investigation finds everything in place and in use, the following will need to occur:

- **For Water Right No. 963-1:** complete and submit the transfer form along with a filing fee of \$50;
- **For Water Permit No. 1673-1:** complete and submit the transfer form along with a filing fee of \$50; also needed will be a \$50 fee for the investigation and issuance of the water license.

continued

Page 2
July 12, 2017
Cory Levin

As we discussed, it is fine to wait until Steve has had a chance to visit with you and conduct a field investigation before filing the ownership changes and payment of the fees. I wanted to be able to get you something in writing and send along copies of everything to give you an opportunity to look them over before Steve's visit.

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

Sincerely,

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

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

enclosures

963-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 17, 2018

1673-1
963-1

Cory Levin
15737 209th Place
Hereford SD 57785

Dear Mr. Levin:

I am contacting you in regard to Water Right No. 963-1 and Water Permit No. 1673-1. Both of these are currently listed in the name of either George Levin and Sons or George & Laura Levin. A year ago we spoke concerning the need to transfer both to your name. At that time, you wanted to wait until our staff inspector conducted a field investigation on No. 1673-1 to determine if the water permit was going to be licensed or cancelled.

On July 31, 2017 the field investigation of the water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1673-1, was completed by Steve Quissell, a staff engineer with our program. His report indicated the system was in fair condition and could spread water on 14.5 acres. He noted in the file that he spoke with you about Water Right No. 963-1 and you indicated you were not sure the system still had much value.

With the inspection showing acreage would receive water through the spreader system if water was available, No. 1673-1 should be transferred and licensed. Additionally, if Water Right No. 963-1 is still in working condition, since it is already licensed, the only thing needed would be to have it transferred to your name. Working condition would mean that the dikes are still in place and water would be diverted out to acreage if water was available.

To recap – the following would be needed:

- No. 1673-1, fees of \$100 for licensing and ownership change
- No. 963-1, fee of \$50 for ownership change

I am enclosing partially completed forms for your use. The check or money order for a total of \$150 can be made payable to the Water Rights Program.

If you have decided you do not wish to maintain them and the systems are rendered inoperable, both would be scheduled for cancellation consideration. Please let us know what you decide.

Sincerely,

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



963-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
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www.state.sd.gov

July 16, 2019

1673-1
963-1

Cory Levin
15737 209th Place
Hereford SD 57785

Dear Mr. Levin:

I am contacting you in regard to Water Right No. 963-1 and Water Permit No. 1673-1. Both of these are currently listed in the name of either George Levin and Sons or George & Laura Levin.

On July 31, 2017 a field investigation of the water use system developed under Water Permit No. 1673-1 was completed by Steve Quissell, a staff engineer with our program. His report indicated the system was in fair condition and could spread water on 14.5 acres. He noted in the file that he spoke with you about Water Right No. 963-1 and you indicated you were not sure the system still had much value.

With the inspection showing acreage would receive water through the spreader system if water was available, No. 1673-1 should be transferred and licensed. Additionally, if Water Right No. 963-1 is still in working condition, since it is already licensed, the only thing needed would be to have it transferred to your name. Working condition would mean that the dikes are still in place and water would be diverted out to acreage if water was available.

To recap – the following would be needed:

- No. 1673-1, fees of \$100 for licensing and ownership change
- No. 963-1, fee of \$50 for ownership change

I am enclosing partially completed forms for your use. The check or money order for a total of \$150 can be made payable to the Water Rights Program.

Letters were written to you in August, 2017 and July, 2018 concerning the above information. To date, we have not received a reply from you. **If you have decided you do not wish to maintain them and the systems are rendered inoperable, both would be scheduled for cancellation consideration.** Please let us know what you decide.

Sincerely,

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