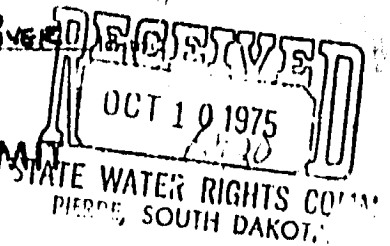


Water Right Number 1396-2

1. Considered November 12, 19 75
2. Name of Applicant C. L. Ferguson
3. Post Office Address Philip, SD
4. Amount of water claimed 1.62
5. Source of water supply West Plum Creek
6. Water to be used for irrigation
Acres to be irrigated 114
7. Water to be diverted and used in Hazkon County
about _____ Miles _____ of _____
8. Proof of Publication
Received 1st
Not received _____
Approved _____
Subject to _____
Not approved _____
Action deferred _____
9. Application
10. Remarks:

No. 1306-2Map No. 1105-2 Water Division No. 2 EAST CHEYENNE RIVER
(Plans to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT



To Appropriate Water within the State of South Dakota

(NOT to be Drawn a line through items not applicable)

1. Name of applicant C. L. Ferguson
 Postoffice address Phillips, State South Dakota
 If a corporation show date and place of incorporation --0---
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & Direct Labor
3. Name of diversion work C. L. Ferguson Irrigation Project #2
4. Amount of water claimed (cubic feet per second) 1.62 cfs
5. Source of water supply West Plum Creek
6. Location of point of diversion See attached sheet

County Haakon

7. Annual period or periods during which water is to be used March 1 to November 1
8. Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use, Total number of acres to be irrigated 114

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>See attached sheet</u>			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Pioneer Review
12. Principal Features of the Proposed Water Supply System.

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

Pump

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

Pipe Gravity flow

C. Works proposed to apply water to beneficial use.

Sprinkler & Gravity flowEstimated Total Cost \$ 10,000.00

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 HaakonI, C. L. Ferguson 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 25th day of September 1975

Signed

C. L. Ferguson
Joseph B. Warner
 Notary Public (or other qualified officer)

NOTARY PUBLIC, Notary Public
 My Commission Expires April 30, 1980

NOT TO SCALE

130R

155.2

0/5

5-21

130R

NOT TO SCALE

49

14

49.0

5-21

130R

49.1

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1306-2
C. L. FERGUSON Philip
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57567 With the following modifications:
 (State)

LOW FLOWS ARE NEEDED FOR DOWNSTREAM DOMESTIC USE,
 INCLUDING LIVESTOCK WATERING, MUST BE ENFORCED.

Date of first receipt of application OCTOBER 10 1975
 Date of return to applicant for correction, amendments or changes required — 19—
 Date of receipt of corrected application — 19—
 Approved NOVEMBER 13 1975 Recorded in Book 14 Page 163

WATER RIGHT PERMIT NO. 1306-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1306-2 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 OCTOBER 10 1975
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 13 1978
3. The whole of said work is to be completed on or before NOVEMBER 13 1980
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 13 1984
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 1.62 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 use 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 NOVEMBER 13 1984; said water to be used during the following described annual period: MARCH 1 TO NOVEMBER 1

Witness my hand this 2ND day of DECEMBER 1975

WATER RIGHTS COMMISSION

John W. McCall
 Chief Engineer, Executive Officer

Certificate of Construction Is used — 19—

Water License Issued — 19—

C. L. FERGUSON IRRIGATION PROJECT #2

All lands described are owned by "C. L. Ferguson"

AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	NE $\frac{1}{4}$ SE $\frac{1}{4}$	11	5N	21E	1.0
2	NW $\frac{1}{4}$ SW $\frac{1}{4}$	12	5	21	0.5
3	SE $\frac{1}{4}$ SE $\frac{1}{4}$	11	5	21	8.5
4	SW $\frac{1}{4}$ SW $\frac{1}{4}$	12	5	21	4.5
5	NW $\frac{1}{4}$ NE $\frac{1}{4}$	14	5	21	12.5
6	NE $\frac{1}{4}$ NE $\frac{1}{4}$	14	5	21	9.0
7	EW $\frac{1}{4}$ NW $\frac{1}{4}$	13	5	21	0.5
8	SW $\frac{1}{4}$ NW $\frac{1}{4}$	14	5	21	2.5
9	SE $\frac{1}{4}$ NW $\frac{1}{4}$	14	5	21	27.0
10	NW $\frac{1}{4}$ NE $\frac{1}{4}$	14	5	21	9.0
11	SE $\frac{1}{4}$ NE $\frac{1}{4}$	14	5	21	10.5
12	NW $\frac{1}{4}$ SW $\frac{1}{4}$	14	5	21	8.5
13	NE $\frac{1}{4}$ SW $\frac{1}{4}$	14	5	21	14.0
14	SW $\frac{1}{4}$ SW $\frac{1}{4}$	14	5	21	3.0
15	SE $\frac{1}{4}$ SW $\frac{1}{4}$	14	5	21	3.0
TOTAL					114.0

POINTS OF DIVERSION:

On West Plum Creek: 124 rods N73°00'E of the Southwest corner of Section 14, T5N, R21E and 109 rods N12°00'W of the Southeast corner of Section 11, T5N, R21E.

Publish first publication, on or before October 30, 1975.

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 24, 1975

Notice is hereby given that C.L. Ferguson

whose post office address is Phillip, 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

1.62 cubic feet of water per second of time from the West Plum Creek through the

Ferguson Project #2, the point of diversion of which is to be located in the

between points in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14; and the NE $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 11, Twp. 5N, Range 21E. Said water to be used for the purpose

portions of
of providing irrigation on the following described land:

SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13; E $\frac{1}{2}$ SE $\frac{1}{4}$,

Section 11; W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 12, all in T5N, R21E

This application No. 1306-2 will be considered by the Water Rights Commission at their office at Pierre upon the 12th day of November, 1975, at 2:30 P. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc:
C.L. Ferguson, Phillip, S.D. 57567

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

No. 2206-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Haukon) ss.

I, Les Ravallotte hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Piorean River

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 Phillip of Phillip

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

October 30, 1975

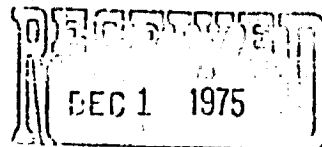
November 6, 1975

Les Ravallotte
(Signature)

Publicer
(Title)

Nov 28 1975
(Date Signed)

NOTICE INTENT TO APPROPRIATE WATER
Notice is hereby given that O. I. Ferguson, whose post office address is Phillip, 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 1.52 cubic feet of water per second for time from West Plum Creek through the Ferguson Project #2, the point of diversion of which is to be located in the between points in the SW 1/4 SW 1/4, Section 14, and the NE 1/4 SE 1/4 of Section 11, Twp. 5N, Range 21E. Said water to be used for the purpose of providing irrigation on portions of the following described land: SW 1/4, S1/2, NW 1/4, NE 1/4, Section 14, NW 1/4, NW 1/4, Section 13, E1/2, SE 1/4, Section 11, W1/2, SW 1/4, Section 12, all in T5N, R21E. This application No. 2206-2 will be considered by the Water Rights Commission at their office at Pierre upon the 12th day of November 1975, at 2:30 p.m. All interested persons may appear and be heard. WATER RIGHTS COMMISSION By: Burton F. Jones, AUTON F. JONES, Water Rights Specialist (Publish Oct. 30 & Nov. 6)



STATE WATER RIGHTS
PIERRE, SOUTH DAKOTA

State of South Dakota
Water License No. 1306-2

(1) C. L. Ferguson
of NSR, Box 11, Philip, South Dakota 57567
made Application No. 1306-2, October 10, 1975 for a water permit to appropriate
1.6% cubic feet per second of water from West Plum Creek
Haskell County, South Dakota for Irrigation purposes.
Permit No. 1306-2, with a priority date of October 10, 1975
was approved November 13, 1975 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before November 13, 1980 and for the application to beneficial use of said
water on or before November 13, 1984.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 0.94 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is between points in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ (DA)
Section 11 and SE $\frac{1}{4}$ SW $\frac{1}{4}$ (CD) Section 14, T5N, R21E

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T5N, R21E

Section 11	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1.0 acres	(DA)
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	8.5 acres	(DD)
Section 12	NW $\frac{1}{4}$ SW $\frac{1}{4}$	.5 acres	(CB)
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	4.5 acres	(CC)
Section 13	NW $\frac{1}{4}$ NW $\frac{1}{4}$	1.0 acres	(BB)
Section 14	NE $\frac{1}{4}$ NE $\frac{1}{4}$	6.4 acres	(AA)
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	10.3 acres	(AD)
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	7.5 acres	(AC)
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	14.4 acres	(BD)
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	9.0 acres	(CA)
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	2.7 acres	(CD)
	TOTAL	65.8 ACRES	

(4) Pursuant to §46-5-30.1 C. L. Ferguson
of NSR, Box 11, Philip, South Dakota 57567
the holder(s) and/or owner(s) of Water Permit No. 1306-2 is issued a license to appropriate water, the right to use
0.94 cubic feet per second of water from West Plum Creek with a priority date
of October 10, 1975 from the location specified in (2) of this license. The water to be
conducted to and upon lands specified in (3) of this license for the purpose of Irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 1306-2 and subject
to South Dakota State Law.

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

JOHN HATCH

December 28, 1983

Permit No. 1306-2East Cheyenne Water District
10130112**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by C.L.Ferguson of Philip SD holder ofPermit No. 1306-2, bearing the priority of October 10 1975 authorizingthe diversion of 1.62 cu. ft. per second of the waters of West Plum Creekfor irrigation purposes, in Haskell County.

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

A. Works used to divert the water: Pump: PTO Driven Crisafulli
SN. 7493 imp. 24 in.
Capacity - 8000 gpm

B. Works used to transport water to place of use: Dikes: type - earth
length - 20 ft
height - 2 ft

C. Works used to apply water to beneficial use: waterspreading

The system is in the following condition goodThe point of diversion is located Between NE 1/4 SE 1/4 in sec. 11 and SE 1/4 SW 1/4 of
sec. 14 all in T5N, R21EThe works are capable of diverting and conveying to the place of use 17.77cu. 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 T5N, R21E

		Acrea			Acrea			Acrea
<u>NE 1/4 SE 1/4</u>	<u>sec 11</u>	<u>1.0</u>	<u>NW 1/4 NW 1/4</u>	<u>sec 13</u>	<u>1.0</u>	<u>SE 1/4 NW 1/4</u>	<u>sec 14</u>	<u>14.4</u>
<u>SE 1/4 SE 1/4</u>	<u>sec 11</u>	<u>8.5</u>	<u>NE 1/4 NE 1/4</u>	<u>sec 14</u>	<u>6.4</u>	<u>NE 1/4 SW 1/4</u>	<u>sec 14</u>	<u>9.0</u>
<u>NW 1/4 SW 1/4</u>	<u>sec 12</u>	<u>.5</u>	<u>SE 1/4 NE 1/4</u>	<u>sec 14</u>	<u>10.3</u>	<u>SE 1/4 SW 1/4</u>	<u>sec 14</u>	<u>2.7</u>
<u>SW 1/4 SW 1/4</u>	<u>sec 12</u>	<u>4.5</u>	<u>SW 1/4 NE 1/4</u>	<u>sec 14</u>	<u>7.5</u>			

comprising a total of 45.8 acres of land and the license should be issued for 94 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date August 26, 1983

Ron Duvall
 (signature)

LICENSE FOR PERMIT NUMBER 1306-2

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

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

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

3. Distribution lines:

a) size of lines 2ft high 12 dikes
b) type earth
c) length 20 ft.

4. Dam information:

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

i) Outlet tubes:

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

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 _____

b) towline:

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

5. System Type: c) center pivot

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

g) Gun

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

d) Gate Pipe

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

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

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

h) Hydromatic

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

YES	NO	Check Items
-----	----	-------------

- | | | |
|-----|-----|---|
| ___ | ___ | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit. |
| ___ | ___ | 2. Special Qualifications to permit being abided by. |
| ___ | ___ | 3. All Structures, wells and lands on map. |

REMARKS: pump : PTO driven Crisafulli

S.N. 7493

imp. 24 "

Capacity 8000 gpm

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

November 29, 1983

Larry Smith
Hilesville,
South Dakota 57553

Dear Mr. Smith:

On August 26, 1983, I completed the final inspection of C.L. Ferguson's Water Permit No. 1306-2. The purpose of the final inspection is to compare the original conditions of the permit with what has been developed. After all necessary corrections are made, the water permit is licensed and becomes a water right.

In answer to your question about numping during flood flows without a permit: a permit is required for all uses, except domestic use, no matter what the flow level of the waterway.

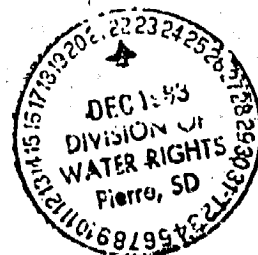
A final inspection fee of \$50.00 is needed before Water Permit No. 1306-2 can be licensed. Please send the fee or forward this letter to Mr. Ferguson.

Sincerely,

Ron Duvall

RON DUVAL
Water Resources Engineer

RD:ks



RECEIPT

Division of Water Rights

No 4 9449

South Dakota Department of Water and Natural Resources

Pierre, December 22, 1983

RECEIVED OF C. L. Ferguson, HSR, Box 11, Philip, SD 57567

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 _____	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. 1306-2		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____	50	00
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By

Chief Engineer

JOHN HATCH/ms



Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

No. 1306-2

Department of Water & Natural Resources

December 30, 1983

C. L. Ferguson
NSR, Box 11
Philip, South Dakota 57567

Dear Mr. Ferguson:

Enclosed herewith is, Water License No. 1306-2. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

Enclosures

WNR-817 3/83
Transmittal of Water License



1306-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 12, 1993

No. 1306-2

Linda Boerwinkle
c/o C. L. Ferguson
1181 Parkwood
Rapid City, SD 57701

Dear Ms. Boerwinkle:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 1306-2. The water right is currently listed in the name of C. L. Ferguson.

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

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

If you have any questions, please contact me.

Sincerely,

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

enclosure

File No. 903-2
1306-2

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: C L Ferguson

ADDRESS: 1181 Parkwood, Rapid City, SD 57701 COUNTY: Haakon

DATE: January 14, 1993 TELEPHONE: 342-2210

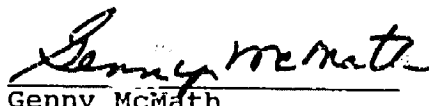
RE: Transfer of Nos. 903-2 and 1306-2

COMMENTS:

On the 1992 irrigation questionnaire for Water Right No. 1306-2, Mr. Ferguson indicated it should be transferred to Linda Boerwinkle (his daughter). A transfer form was mailed 1-12-93.

Mr. Ferguson contacted the office and indicated he was not selling the land under Water Right No. 1306-2. The land covered under Vested Right Claim No. 903-2 was the portion being sold. (No. 903-2 is for a spreader system and does not get a questionnaire).

He asked if he could retain the water rights until after the contract for deed to his daughter was paid off. I told him that he could, however after the contract is paid, the vested right should be transferred. He stated this was fine.



Genny McMath
Natural Resources Analyst
DENR, Water Rights Division

File No. 1306-2

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: C L Ferguson, 255 Texas St, Apt 10, Rapid City, SD 57701-7319

DATE: October 24, 2000

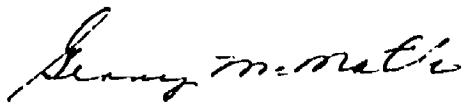
TEL PHONE: 605 721-0335

RE: use of water under Water Right No. 1306-2

COMMENTS:

Mr. Ferguson called and indicated he no longer used the water right from West Plum Creek and requested that we cancel it. I asked him to write those comments on the irrigation questionnaire when he returned it and we would then schedule it for cancellation.

We also visited about the fact that he had two water rights. One from West Plum Creek (No. 1306-2) and one from a dry draw (No. 903-2). The one from the dry draw was a vested right and authorized storage of 75 acre feet of water. Mr. Ferguson stated he still irrigated from the dry draw when water was available. No runoff occurred in 2000 and therefore he did not irrigate under Vested Right No. 903-2. He did use some water for his cattle.



Genny McMath
Environmental Scientist

Address change to: 201 Annamaria Drive - #201
Rapid City SD 57701-7376

5/16/2001 - Assessors office thought daughter now
owned the land - Linda Boetwinkle
8524 Walredon
Burr Ridge, IL 60521

2002 Water Management Board Irrigation Questionnaire

Please fill out and return before December 2, 2002

No. 1306-2

C L FERGUSON
255 TEXAS ST APT 110
RAPID CITY SD 57701 7319

Any address corrections? NEW OWNER
Linda F. Boerwinkle Revocable Trust,
Dated July 18, 1995
8524 Walredon Ave., Burr Ridge, IL 60527
Telephone No. (630) 323-9880

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501-3181 (605) 773-3352
or send your form(s) electronically over the internet at <http://www.state.sd.us/eforms/secure/eforms/E0455V1-IQ.pdf>

- Is the system constructed? *yes _____ no _____
*Type of system used (check all that apply):
center pivots _____ towlines _____ big gun _____
flood ☒ sprinklers _____ other _____
- Did you irrigate in 2002? *yes _____ **no ☒
*If yes, number of acres irrigated _____
**If no, list reason(s) in comment box and answer No. 3:
- Is the land enrolled in CRP? *yes _____ no ☒
*If yes, through what year? _____
- Did you apply chemicals or fertilizer through the system in 2002? yes _____ no ☒
- If permitted for more than one water source, circle each source used. A. WEST PLUM CREEK
B.
C.

Comment Box

NO WATER



BB	BA	AB	AA
(B)		(A)	
BC	BD	AC	AD
CB	CA	DB	DA
(C)		(D)	
CC	CD	DC	DD

1 square mile

Office use only

RECEIVED
NOV 05 2002
WATER RIGHTS
PROGRAM

Acres permitted for irrigation under No. 1306-2 (see above section map for help reading legal descriptions)

sec 11-T005N-R21E, DA -- 1.00 acres
sec 11-T005N-R21E, DD -- 8.50 acres
sec 12-T005N-R21E, CB -- 1.50 acres
sec 12-T005N-R21E, CC -- 4.50 acres
sec 13-T005N-R21E, BB -- 1.00 acres
sec 14-T005N-R21E, AA -- 6.40 acres
sec 14-T005N-R21E, AD -- 10.30 acres
sec 14-T005N-R21E, AC -- 7.50 acres
sec 14-T005N-R21E, BD -- 14.40 acres
sec 14-T005N-R21E, CA -- 9.00 acres
sec 14-T005N-R21E, CD -- 2.70 acres

Please provide your 2002 water use to irrigate the above acreage on the REVERSE side of this form.
For a sample completed questionnaire, please refer to the reverse side of your cover letter.

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Tom & Linda Boerwinkle, 8524 Walredon, Burr Ridge, ILL 60527

DATE: November 6, 2002

TELEPHONE: 630 323-9880

RE: Water Right No. 1306-2, C L Ferguson

COMMENTS:

In response to the 2002 irrigation questionnaire, I called and visited with Tom Boerwinkle about the land. He indicated his wife who is C L Ferguson's daughter, owns the land. He did not know if the land had been irrigated or not because they don't live there. He said the tenants on the property are Linda and Larry Smith. I explained to him the purpose of my call was to determine if the land was being irrigated anymore at all. Mr. Ferguson had requested a couple years ago that we cancel the water right. I didn't follow through with cancellation at that time because I found he had two water rights and wanted to make sure we were canceling the correct one. I also needed to determine ownership of the land. Mr. Boerwinkle requested that I contact the tenant and ask these questions.

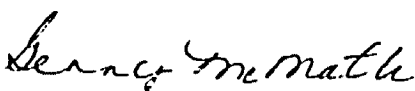
I called and spoke with Larry Smith (605 544-3249). He said they have not irrigated in several years because when they needed to irrigate, no water was available in West Plum Creek. When enough water was in the creek to use, then they did not have to irrigate in order to grow the crop they needed. He did say they had repaired the system but have not used it for awhile.

I told Mr. Smith that I would send him and Mr. Boerwinkle a copy of the water right and a copy of the rules and regulations dealing abandonment and forfeiture and also for legal excuse. They could review the information and let me know.

A quick review of past irrigation questionnaires indicates the land has been irrigated once in the last 18 years.

Send letters to: **Larry Smith, HC 2, Milesville SD 57553**

Linda F Boerwinkle, 8524 Walredon Ave, Burr Ridge, ILL 60527


Genny McMath
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

www.state.sd.us/denr

November 19, 2002

Linda & Tom Boerwinkle
8524 Walredon Ave
Burr Ridge ILL 60527

Larry Smith
HC 2
Milesville SD 57553

Dear Mr. & Mrs. Boerwinkle and Mr. Smith:

I am contacting you in regard to Water Right No. 1306-2, held by C L Ferguson. A couple of years ago, Mr. Ferguson wrote in and requested that the water right be "dropped" or cancelled. Prior to doing anything with the water right, I needed to touch base with him again to make sure of his intentions and to see if he owned the land described in the water right. The assessor's office indicated that Linda owned the land.

On November 6th, I visited with you about the use of water being made under Water Right No. 1306-2. Enclosed is a copy for your review.

Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years. This three-year period may be waived if legal excuse exists for not irrigating. Enclosed are excerpts of the water laws and Water Management Board rules dealing with these issues.

Mr. Smith indicated that the land has not been irrigated in several years because when they needed the water, no water was available in West Plum Creek. This would be legal excuse for not irrigating, however I got the impression that there may no longer be any intent to irrigate even if water were available.

My question to all of you would be whether or not you wish to maintain the water right. If there is no longer an intent to irrigate even if water were available, the water right should be scheduled for cancellation. However, if the system is operational and you would use it if water became available, then the only thing necessary to do would be to transfer ownership of the water right to Mrs. Boerwinkle. The annual irrigation questionnaires could be sent directly to Mr. Smith since he lives on the place.

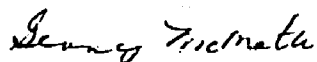
Mr. Ferguson also holds Vested Water Right No. 903-2 for diversion of water from a dry draw with impoundment of 75 acre feet annually (copy enclosed). My understanding is that the system described in 903-2 is still in use. If Mrs. Boerwinkle now owns the land under Vested Water Right No. 903-2, this should also be transferred.

Page 2
November 19, 2002
Boerwinkle & Smith

I am enclosing the necessary transfer forms in the event you wish to file ownership changes (*with letter to Boerwinkles*). Please review and complete as needed. Upon completion, please sign and return them to us with a required filing fee of \$2.50 each. The check or money order for the fee can be made payable to the Water Rights Program.

Please review the enclosed information and contact me concerning both water rights. Thank you in advance for your help.

Sincerely,



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

enclosures



8524 Walredon Avenue • Burr Ridge, Illinois 60527

Office 630-323-9880 • Fax 630-323-6316

December 3, 2002

Ms. Genny McMath
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

Dear Ms. McMath:

Thank you for your correspondence dated November 19th, both the letter and attached information were very helpful in better understanding the program.

We have spoken with Mr. Ferguson and Mr. Smith and have decided to retain both water rights. As instructed, we have enclosed the completed Notice of Transfer of Ownership forms along with a check for the appropriate amount.

Thank you again for your assistance. Should you have any questions or need additional information please do not hesitate to give us a call at (630) 323-9880.

Best regards,

A handwritten signature in cursive script, appearing to read "Linda & Tom Boerwinkle", is written over a horizontal line. Below the signature, the names "Linda & Tom Boerwinkle" are printed in a standard font.

Linda & Tom Boerwinkle

Enclosure

Cc Mr. Larry Smith
CR, Box # 11
Philip, SD 57567

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 9, 2002

RECEIVED OF Linda Boerwinkle, 8524 Walredon Ave., Burr Ridge IL 60527

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1306-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)		
TOTAL	2	50

No.

000000

By

J. D. Boerwinkle

Chief Engineer

gms

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1306-2

Date: _____

I/We request that Water Right No. 1306-2

formerly owned by: C L Ferguson

be transferred to: (name & address) Linda F. Boerwinkle Revocable Trust, C 8/02,
Linda Boerwinkle, Trustee 8524 Walredon Ave. Burr Ridge, IL 60527
Telephone No. (630) 323-9880

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

65.8 acres – E ½ SE ¼ Section 11, W ½ SW ¼ Section 12, NW ¼ NW ¼ Section 13 and

E ½ NE ¼, SW ¼ NE ¼, SE ¼ NW ¼, E ½ SW ¼ Section 14, T5N, R21E

I/We understand that the validity of Water Right No. 1306-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

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


(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.

RECEIVED
DEC 09 2002
WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 11, 2002

903-2
1306-2

Linda & Tom Boerwinkle
8524 Walredon Ave
Burr Ridge ILL 60527

Dear Mr. & Mrs. Boerwinkle:

I am writing to acknowledge receipt of the Notice of Transfer of Ownership forms and filing fees you submitted for transferring Vested Water Right No. 903-2 and Water Right No. 1306-2.

The transfer for each has been completed. Nos. 903-2 and 1306-2 are now listed in the name of "Linda F Boerwinkle Revocable Trust" with Linda listed as the trustee. Enclosed are your Receipt Nos. 000419 and 000420 in the amount of \$2.50 each. You may keep them for your records.

Each year, we mail out an irrigation questionnaire to find out how much water was used from a particular source. A questionnaire is not required for 903-2 because our records show the system to be a water-spreading type system. A questionnaire will be required each year for No. 1306-2 (diversion from Plum Creek).

The questionnaire, reflecting no irrigation took place in 2002 for No. 1306-2 is already on file in our office. Next year, we will mail the form directly to Larry Smith for completion.

Thank you again for following up on the ownership changes. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures

Map # 1305-1

Appl. # 1306-2



1670000 FEET

294 35'

295

296

297

32' 30"

298

299

300000 E

107

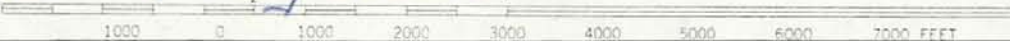
C.L. Furguson

SCALE 1:24 000

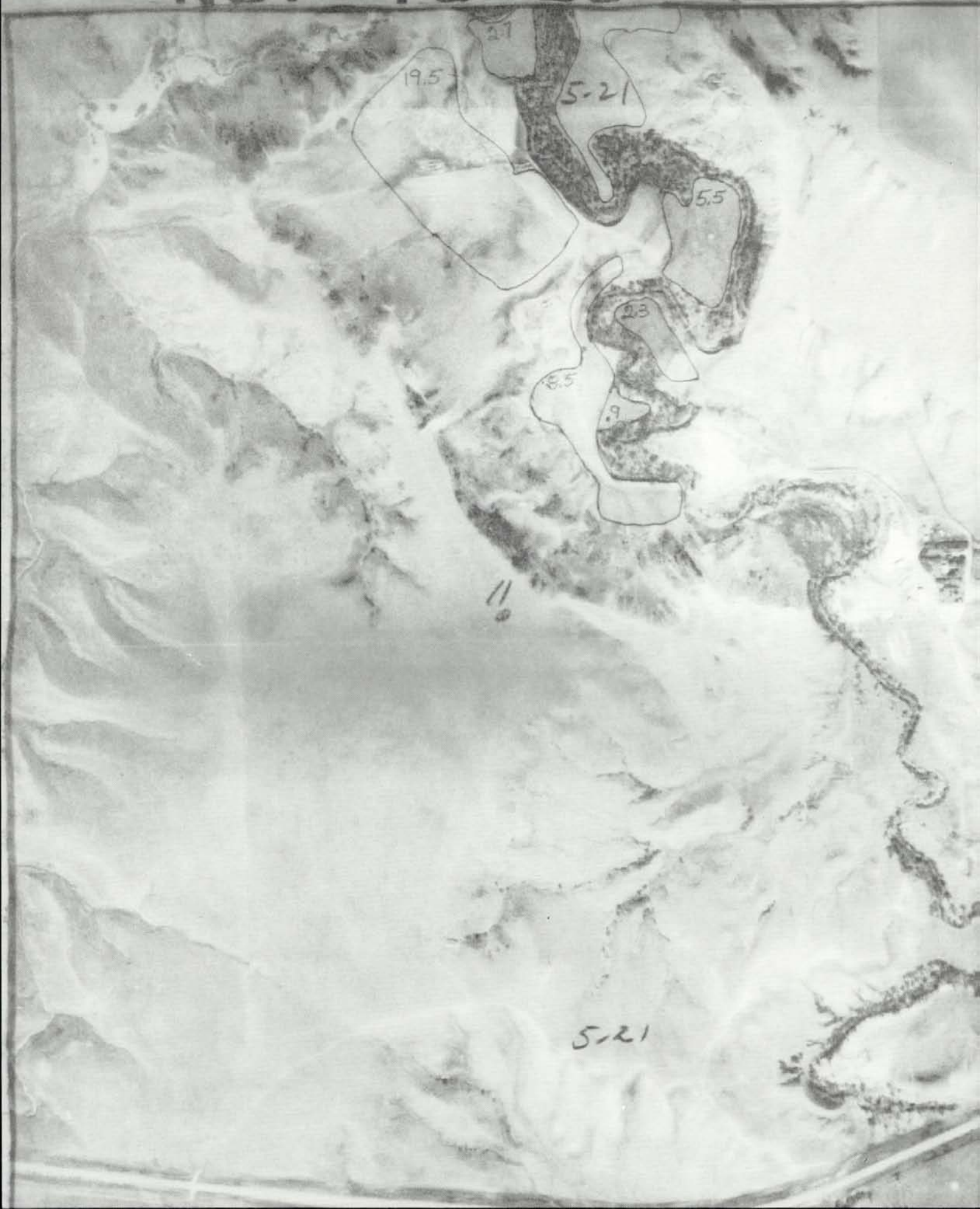
Appl. #

1306-2

1 MILE



NOT TO SCALE



1306-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 25, 2013

903-2
1306-2

Gale Miller
907 N Madison
Pierre SD 57501

Dear Mr. Miller:

I am writing in regard to ownership of land described in Vested Water Right No. 903-2 and Water Right No. 1306-2. They are currently held by the Linda Boerwinkle Revocable Trust. Recently I visited with Ms. Boerwinkle concerning these rights. She indicated she had sold all of the land to you.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Upon completion, please sign and return the forms 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.

I have included copies of both water rights for your records. If you have any questions concerning the water rights or completion of the transfer forms, 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

RECEIVED

MAY - 1 2013

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1306-2

Date: _____

I/We request that Water Right No. 1306-2

formerly owned by: Linda F Boerwinkle Revocable Trust

be transferred to: (name & address) Gail V Miller, 907 N Madison, Pierre SD 57501

Telephone No.

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

65.8 acres – E ½ SE ¼ Section 11; W ½ SW ¼ Section 12; NW ¼ NW ¼ Section 13;

E ½ NE ¼, SW ¼ NE ¼, SE ¼ NW ¼, E ½ SW ¼ Section 14, T5N, R21E

I/We understand that the validity of Water Right No. 1306-2 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 Gail Miller, the new owner, certify that the above information is true and correct.

Gail V. Miller
(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 5/1, 20 13

RECEIVED OF Gail V Miller 907 N Madison Pierre SD 57501

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>1306-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06320**

By Jaime Goodman
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 2, 2013

903-2
1306-2

Gale Miller
907 N Madison
Pierre SD 57501

Dear Mr. Miller:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Vested Water Right No. 903-2 and Water Right No. 1306-2.

The ownership changes have been completed. Vested Water Right No. 903-2 and Water Right No. 1306-2 formerly held by the Linda Boerwinkle Revocable Trust are now listed in your name.

Enclosed for your records are Receipt Nos. 06319 and 06320 in the amount of \$50 each which you paid for filing the ownership changes.

If you have any questions, please contact me.

Sincerely,

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

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2014

NOTICE

TO: GAIL V MILLER, 907 N MADISON AVE, PIERRE, SD 57501

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaires

Our records indicate that the 2013 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 12, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1306-2 & 3349-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 6502-3 qualification:

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

The hearing will be held at **9:00 am, March 6, 2014** 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) 6502-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1306-2 & 3349-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



March 7, 2014

NOTICE

TO: Gail V Miller, 907 N Madison Ave., Pierre SD 57501
FROM: Jeanne Goodman, Chief Engineer
Water Rights Program
SUBJECT: One Year Suspension of Water Permit No. 6502-3; and
Amendment of Water Right Nos. 1306-2 and 3349-3

On March 6, 2014, the Water Management Board ordered:

- **Water Right Nos. 1306-2 and 3349-3 are amended to add the following qualification:**
"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."

The addition of this qualification to your water rights is effective March 6, 2014 and means failure to submit the required irrigation questionnaire in the future could result in suspension of the water rights with no use of water for up to one year for the first violation.

- **Effective April 6, 2014, Water Permit No. 6502-3, be suspended for the 2014 irrigation season for failure to submit the 2013 irrigation questionnaire. If the 2013 irrigation questionnaire is received prior to April 6, 2014 the suspension will not take effect.**

Suspension of Water Permit No. 6502-3 means water may not be pumped during the 2014 irrigation season. Consistent with the Board's order, you are not permitted to irrigate under No. 6502-3 in 2014 unless the irrigation questionnaire is submitted by April 6th.

After April 6th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2013 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 7-8, 2014 in Pierre, SD. The letter should include your reasons for not completing the 2013 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Carl Mathews, dba Miller Mathews Partnership, 25620 Capa Rd, Midland SD 57552

DATE: March 18, 2014

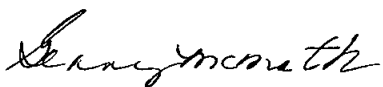
TELEPHONE: 605 843-2285

RE: Water Right or Permit Nos. 310A-1, 311A-1 (Mooney Ranch); 1306-2, 3349-3 & 6502-3 (Gail Miller)

The 2013 irrigation questionnaires were hand delivered to the office on March 17, 2014. A notation was placed on all of them that indicated they should be changed to Miller Mathews Partnership.

I contacted Carl Mathews concerning ownership of the land and he indicated that part of the land was now under the partnership and the rest he farmed for Gail Miller. He requested that for the time being, just list them all in care of the partnership as "manager" and leave ownership of everything the same as it is. Listing the partnership as manager would allow the annual irrigation questionnaires to be sent directly to Mr. Mathews in Midland. He said he was the one responsible for completing them anyway.

- He indicated he had not received anything from Mr. Miller for 2013 until a week after the Board meeting. I explained that since the forms were received prior to April 7th, no violations occurred and the suspensions did not take effect.



Genny McMath
Water Rights Program



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



March 19, 2014

Carl Mathews
Miller Mathews Partnership
25620 Capa Rd
Midland SD 57552

RE: Water Right Nos. 310A-1, 311A-1, 1306-2, 3349-3 and 6502-3

Dear Mr. Mathews:

On March 6th, the Water Management Board ordered a one year suspension of Water Right Nos. 310A-1, 311A-1 and Water Permit No. 6502-3 if the 2013 irrigation questionnaires were not received prior to April 6, 2014. The irrigation questionnaires were hand delivered to our office March 17th.

The irrigation questionnaires are now on file, no violations have occurred and no suspensions will take place. You are hereby authorized to irrigate in 2014.

Questionnaires were also received for Water Right Nos. 1306-2 and 3349-3. The Board took action on March 6th to amend these two water rights to include the mandatory irrigation questionnaire qualification. The action to amend the water rights was effective the day of the hearing. The addition of the qualification means that future violations could result in suspension of the water rights.

As referenced on the irrigation questionnaires, future forms will be directed to "Miller Mathews Partnership" as manager. If you have any questions, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Eric Gronlund, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program



1306-2
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 25, 2019

NOTICE

TO: MILLER MATHEWS PARTNERSHIP, MGR, CARL MATHEWS, 25620 CAPA RD,
MIDLAND, SD 57552

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 310A-1, 311A-1, 1306-2, 3349-3 & 6502-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 310A-1, 311A-1, 1306-2, 3349-3 & 6502-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 310A-1, 311A-1, 1306-2, 3349-3 & 6502-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 8, 2019

Carl Mathews
Miller Mathews Partnership, Mgr
25620 Capa Rd
Midland SD 57552

RE: Water Right Nos. 310A-1, 311A-1, 1306-2, 3349-3 & 6502-3.

Dear Mr. Mathews:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right Nos. 310A-1, 311A-1, 1306-2, 3349-3 & 6502-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

All of the above listed water rights are listed in either Mooney Ranch or Gail Miller. Something to keep in mind, at some point in time when the estate is settled, the water rights will need to be transferred to reflect current ownership.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is written in a cursive, flowing style.

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

1306-2



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: MILLER MATHEWS PARTNERSHIP, MGR, CARL MATHEWS, 25620 CAPA RD,
MIDLAND, SD 57552

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1306-2. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1306-2 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1306-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: YAHPIH**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 15, 2022

1306-2

Carl Mathews
25620 Capa Rd
Midland SD 57552

Dear Carl:

Thank you for visiting with me about the irrigation questionnaire and water right listed under Gail Miller's name. I completed a 2021 irrigation questionnaire for you based on our phone conversation.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 1306-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 19, 2024

NOTICE

TO: MILLER MATHEWS PARTNERSHIP, MGR, CARL MATHEWS, 25620 CAPA RD,
MIDLAND, SD 57552

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1306-2. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 1306-2 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1306-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: TQRJBE**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 12, 2024

1306-2

Murphy Farms
c/o Chad Murphy
45161 211th St
Arlington SD 57212

Dear Mr. Murphy

Each year, the State of South Dakota sends out Water Management Irrigation Questionnaires to collect information based on annual water use from our state's waters.

This year we received word from one of the irrigators that the property they had previously reported on had been sold to you. For your convenience I have enclosed a partially completed "Transfer of Ownership" form for you to complete and return in the pre-paid envelope, along with a copy of the Water Right.

Please return the form with a check for \$50.00 made payable to "SD Water Rights Program" to cover the transfer fee. If you would prefer to pay by card you may call our Fiscal Office at 605.773.4216. This form will still need to be returned even if you are submitting payment over the phone.

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

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

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 12, 2024

1306-2

Miller Mathews Partnership
Carl Mathews, Mgr
25620 Capa Rd
Midland SD 57552

Dear Mr. Mathews:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 1306-2. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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

Cc: Murphy Farms, c/o Chad Murphy, 45161 211th St, Arlington SD 57212

1306-2

RECEIVED

SEP 03 2024

OFFICE OF
WATER

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1306-2

Date: 6-1-24

I/We request that Water Right No. 1306-2

formerly owned by: GAIL V MILLER (MILLER MATHEWS PARTNERSHIP)

be transferred to: (name & address) Chad Murphy
45161 211th St.
Arlington, SD 57212

Telephone No. 605-203-1387

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

65.8 acres within Sections 11, 12, 13, & 14 T5N-R21E (see license for fill details)

* I/We understand that the validity of Water Right No. 1306-2 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 Chad Murphy, the new owner, certify that the above information is true and correct.

(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.

PAID

SEP 03 2024

Ck# 3860

Rec't# _____

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date September 3rd 2024

RECEIVED OF Murphy Farms C/O Chad Murphy 45151 211th St Arlington SD 57212

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>1306-2</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	<u>\$50.00</u>

By Eric Groshund
Chief Engineer

SK



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 4, 2024

1306-2

Chad Murphy
45161 211th St
Arlington SD 57121

Dear Mr. Murphy:

I have received your "Notice of Transfer of Ownership" form and the required fees. Enclosed is a receipt of payment and copy of the original license for your records.

Water Right No. 1306-2 previously owned by Gail V Miller, is now listed under yourself. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the water right, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the water right will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: CHAD MURPHY, 45161 211TH ST, ARLINGTON, SD 57212

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1306-2. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1306-2 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1306-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: TIIVVH**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 4, 2025

1306-2

Chad Murphy
45161 211th St
Arlington SD 57212

Dear Mr. Murphy:

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

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 1306-2. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

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

Sincerely,

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