

635-2

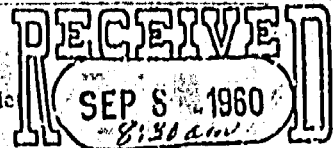
1. Considered 12/21/61, 1961
2. Name of Applicant KORNER FUNK
3. Post Office Address ORAL
4. Amount of water claimed 1.35
5. Source of water supply PLUM CREEK
6. Water to be used for irrigation
Acres to be irrigated 101.98
7. Water to be diverted and used in Full P.M. County about 24 miles W of W.C.
8. Proof of Publication Received 12/21/61
Not Received _____
9. Application Approved 12/21/61
Subject to Prof Pub.
Not approved _____
Action deferred _____
10. Remarks:

Mr. FUNK intends to develop 30 acres in addition to the 72 acres he has under the Angostura project, & will use 4 ac. water under this permit when he is not getting water from the Project.



Subject to qualifications:

Cannot use Plum Creek water on Unit #35 when water is being delivered by Project

No. 635-2Water Division No. 2 SOUTH CHEYENNE District
(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

~~H-R-Klippenstein~~

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

W B & Linda E Klippenstein

1. Name of applicant CORNELIS L. MAASPostoffice address Oral, County Fall River, State S. Dakota

I. If a corporation

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

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

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

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

Work to be done by conservation contractor

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Funk Irrigation No. 13. Amount of water claimed 1.35 maximum allowable 305.9 annual ft. cubic feet per second4. Source of water supply PLUM CREEK5. Location of point of diversion from the Southwest corner of Sec. 24, T7S, 57E,
N 30° 30' East, 128 rods along that bearing E bank Fall River County.6. Annual period or periods during which water is to be used Whenever flow occurs during
annual period.

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? gravity(a) Number of acres to be irrigated 101.98 acres.(b) Legal subdivisions to be irrigated see attached 1/1 Sec. map

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

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

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

(a) Nature of use

Name any of the above uses claimed

(b) Amount of power to be generated

horse power.

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

570
MAP No 552-2

8. Estimated cost of work:

(a) Head Gates, \$-150.00.

(b) Pumping plant, \$-----

(c) Plumbing, \$350.00.

(d) Canal-earth, \$2,000.00

Rock, \$-----

(e) Other Structures ----- \$-----

Total: 200.00

9. Description of diversion works:

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

II. Dimensions of works.

II. Dimensions of works.

(a) Dam: Height 210 feet; length at bottom 130 feet; length at top

_____ feet; thickness at bottom _____ 12.5 _____ feet; thickness at top _____ 2.5 _____

feet; slope at front water face $\frac{3}{1}$; slope at back face $\frac{2}{1}$

material used in construction Rock

(b) Reservoir: Capacity when filled ----- 8000 cubic feet. Surface area at highwater -----

(b) Reservoir: Capacity when filled ----- cubic feet. Surface area at highwater mark ----- acres.

[illegible]

(c)* Head gate: Width 13' 0.44' feet; height 1.5' feet;

Material: 94.74

(d) Canal: Total length -----miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At 0.0 Mile	2.0 feet	5 feet	10 feet	5.3 feet
At .74 Mile	2.0 feet	5 feet	10 feet	5.3 feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work completed within this year / 1 years. to be used upon completion.

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

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

STATE OF SOUTH DAKOTA

County of Fall River 83.

I, Rodger E. Funk, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

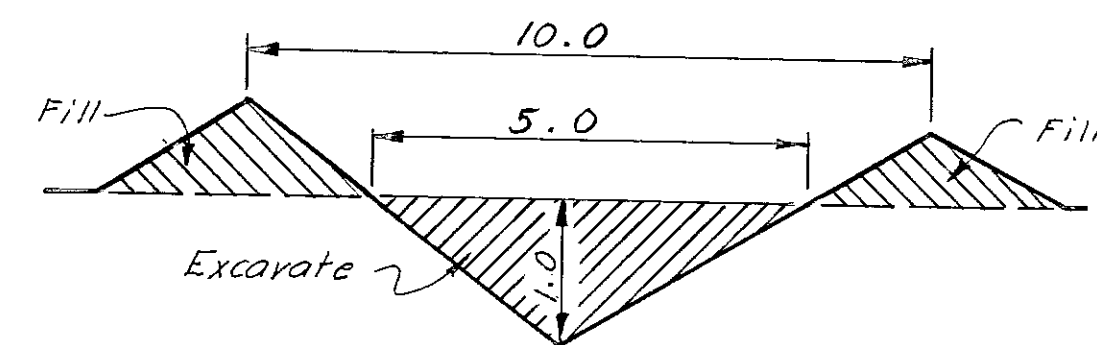
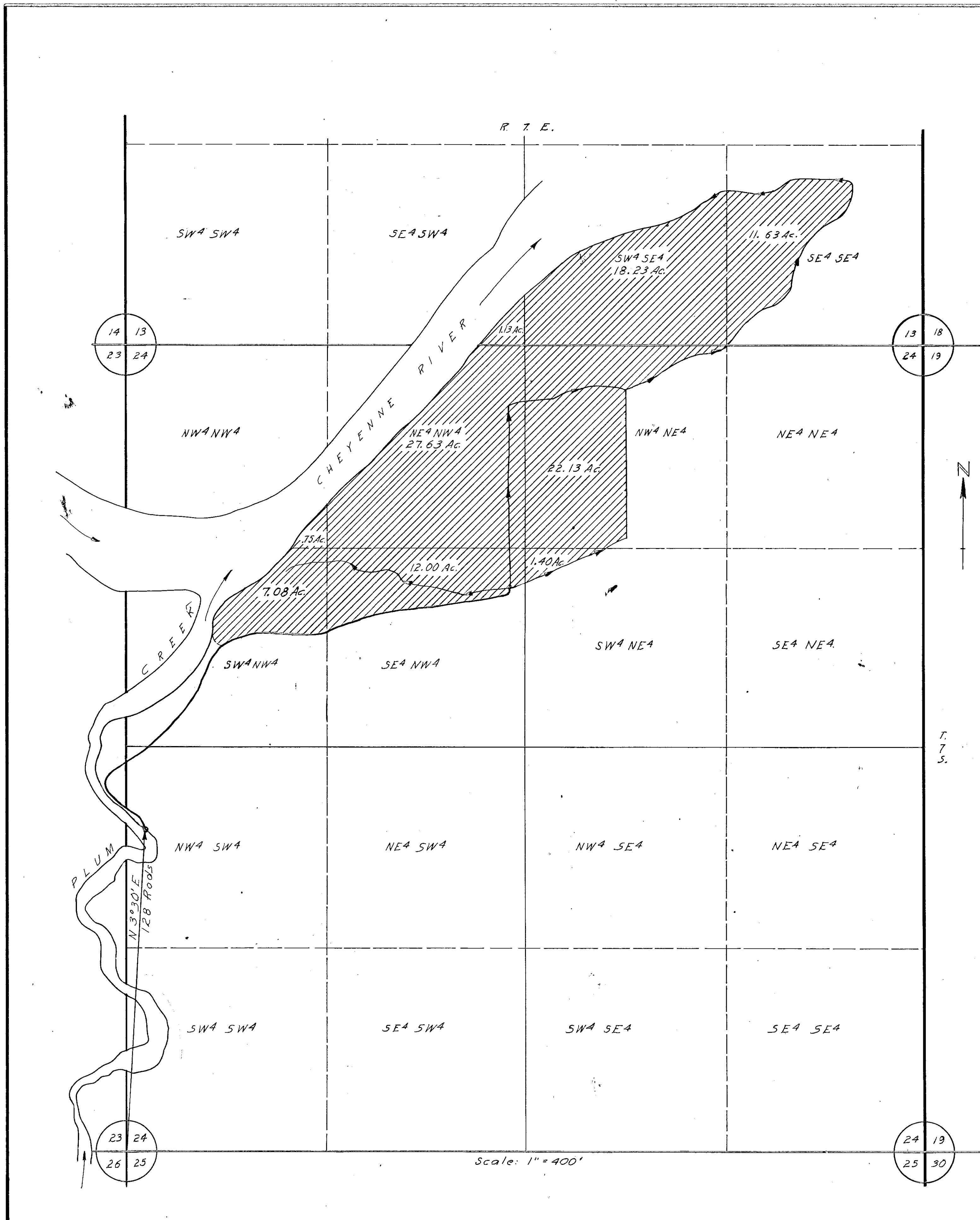
Signed

Subscribed and sworn to before me this 7 day of September 1965

Notary Public (or other qualified officer.)

* Each diversion must have a headgate or measuring device.

HELEN MAGEE



TYPICAL DITCH SECTION

- MAIN CANAL
- DIVERSION DITCH
- LAND TO BE IRRIGATED

All lands described are owned by Roger Funk

Locations of lands to be irrigated				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
SE ¹ / ₄ NW ¹ / ₄	24	7S	7E	12.00
NE ¹ / ₄ NW ¹ / ₄	24	7S	7E	27.63
NW ¹ / ₄ NE ¹ / ₄	24	7S	7E	22.13
SW ¹ / ₄ NE ¹ / ₄	24	7S	7E	1.40
SW ¹ / ₄ SE ¹ / ₄	13	7S	7E	18.23
SE ¹ / ₄ SE ¹ / ₄	13	7S	7E	11.63
SE ¹ / ₄ SW ¹ / ₄	13	7S	7E	1.13
NW ¹ / ₄ NW ¹ / ₄	24	7S	7E	0.75
SW ¹ / ₄ NW ¹ / ₄	24	7S	7E	7.08
TOTAL				101.98

SURVEYOR'S CERTIFICATE

I, Harlan G. Collins DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE Roger Funk Irrig. Project No 1 AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE Fall River SOIL CONSERVATION DISTRICT.

SIGNATURE: Harlan G. Collins

TITLE: Civil Engineer

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 4th DAY OF Nov., 1962, A.D.

Leona Tomassi
NOTARY PUBLIC

MY COMMISSION EXPIRES Nov. 25, 1965.

ROGER FUNK IRRIGATION PROJECT NUMBER 1

Fall River County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Date	Approved by
Designed	Title
Drawn	Title
Traced	Sheet
Checked	Drawing No.
	No. 1
	of 1

Remarks by State Water Resources Commission:

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

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

STATE OF SOUTH DAKOTA

County of Hughes } ss.

Pierre, South Dakota, February 15, 1961

This is to certify that the foregoing application was received by the Commission at 8:30 a o'clock a m. upon the 8th day of September, 1960

State Water Resources Commission

By:

for William J. Jones
Chief Engineer, Executive Officer

Number of permit 635-2

Date of first receipt of application September 8, 1960

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

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right December 21, 1960

Approved December 21, 1960, Recorded in Book 6 Page 179

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

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before JUNE 21, 1961

2nd. The whole of said work is to be completed on or before December 21, 1961

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is December 21, 1961

4th. The water appropriated shall be used for the purpose of irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 1.35 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for irrigation on or before December 21, 1961; said water to be used during the following described annual period:

whenever flow occurs during irrigation season

Witness my hand this 15th day of February, 1961

State Water Resources Commission

By:

William J. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued AUGUST 24, 1962

Water License Issued AUGUST 24, 1962

STATE OF SOUTH DAKOTA

WATER LICENSE No. 635-2

WHEREAS, On the 8th day of September A. D. 1960
Rodger E. Funk

of Oral County of Fall River and State of
South Dakota duly made application (No. 635-2) to us for a permit to use 1.35
cubic feet per second of the waters of Plum Creek
County of Fall River, State of South Dakota, for Irrigation
purposes; and

WHEREAS, On the 15th day of February A. D. 1961
Permit No. 635-2 was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 21st day of
December A. D. 1961 and for the application to beneficial use of said
water on or before the 21st day of December A. D. 1961
and,

WHEREAS, On the 6th day of August A. D. 1962
the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.35
cubic feet per second of said waters, as evidenced by our Certificate No. 635-2
dated August 24, 1962 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 1.35 cubic feet per second of water, with date of
priority of September 8, 1960 and,

WHEREAS, On the 6th day of August A. D. 1962
proof was duly made of the application to beneficial use of 1.35 cubic feet per second of said water;
for irrigation of 101.98 acres in Sections 13 and 24, T7S 27E

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to Rodger E. Funk

of Oral the holder and owner of said permit No. 635-2
a water right, dating from September 8, 1962 to the use of 1.35

cubic feet per second of the waters of Plum Creek

In the County of Fall River and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned to be diverted at a point N30° E 128 rods from
the SW corner, Section 24, T7N, R7E

and conducted to and upon portions of Sections 13 and 24, T7S, R7E, more specifically
described in the Certificate of Completion of Works

for the purpose of irrigation

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 24th day of August A. D. Nineteen
Hundred and Sixty-Two

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. ORRIS

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Expiry _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 635-2Water Division No. 2 So. Cheyenne River District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Rodger E. Funkof Oral, County of Fall River, and State of South Dakota, the holder of Permit No. 635-2, issued upon ApplicationNo. 635-2, bearing date of priority of September 3, 1960, authorizing the diversion of1.35 cu. ft. per second of the waters of Plum CreekCounty of Fall River, State of South Dakota, at a point N3°30' E128 rods from the SW corner, Section 24, T7S, R7Efor irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 1.35 cu. ft.

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

to-wit: all in T7S, R7E

Section 13	SW $\frac{1}{4}$ SE $\frac{1}{4}$	18.23 acres
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	11.63 "
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1.13 "
Section 24	SE $\frac{1}{4}$ NW $\frac{1}{4}$	12.00 "
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	27.63 "
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	22.13 "
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	1.40 "
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	0.75 "
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	7.08 "
	Total..	101.98 "

Witness my hand this 24th day of August A. D. 1962

State Water Resources Commission

by:

Chief Engineer, Executive Officer
J. W. GRIMES

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Hell River } ss.

Charles E. Leonard being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the _____

Hell Springs a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the Hell Springs County of Hell River and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Nov. 24, Dec. 1-3-15

in each and every issue of the full number thereof, the first publication being made on the 24th day of NOV.

1940 and the last publication on the 15th day of Dec.

1940 upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was publisher the printer and publisher of the said newspaper.

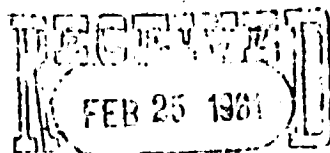
Charles E. Leonard

Subscribed and sworn to before me this 15th day of December A. D. 1940

Joyce Wilson

Notary Public Hell River, Grant County, S. D.

271
 (First Publication on or before Nov. 24, 1940)
APPROPRIATION OF WATER
 Office of State Water Resources Commission
 Pierre, S. Dak., November 18, 1940
 Notice is hereby given that Rodger Funk whose postoffice address is Oral, S. Dak., has made application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.35 cubic feet of water per second of time from Plum Creek through the Funk Diversion, No. 1, the point of diversion of which is to be located on the bank of said stream in the NW1 of the SW1 of Section 24 Twp. 7E. Said water to be used for the purpose of providing irrigation on portions of the following described land:
 SE18W1 and SE48W1 Sec. 13; NW1 and W1N21, Sec. 24, T. 7S R. 7E.
 This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 21st day of December, 1940, at 3 P.M. All interested persons may appear and be heard.
 Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.
 State Water Resources Commission
 By: Burton F. Jones
Water Rights Specialist
Nov. 21, Dec. 1-3-15



STATE WATER RESOURCES COMMISSION
 PIERRE, SOUTH DAKOTA

(First Publication on or before Nov. 24, 1960)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., November 18, 19 60

Notice is hereby given that Rodger Funk whose postoffice address is Oral S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.35 cubic feet of water per second of time from ~~xxx~~ Plum Creek through the Funk Diversion #1, the point of diversion of which is to be located on the bank of said stream in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 24 Twp. 7S Range 7E. Said water to be used for the purpose of providing irrigation on ^{portions of} the following described land:

S $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 13; NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec 24, T 7S R 7E

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 21st day of December, 19 60, at 2 P.M. All interested persons may appear and be heard.

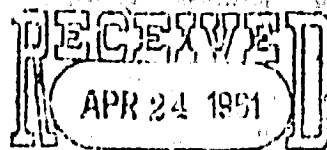
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

cc: **Charles T. Leonard-Publisher**
Hot Springs Star
Hot Springs, South Dakota

State Water Resources Commission

By:

Burton F. Jones
Water Right Specialist

Permit No. 635-2Water Division No. 2South Cheyenne River

Water District

NOTICE OF COMPLETION OF WORKS

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

(P. O.)

ORAL, S. DAKOTA

(Date)

APRIL 21, 1961

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

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

1.35cu. ft. per second of the waters of the state from Plum Creek

through the

FUNK DIVERSION NO. 1

for

IRRIGATION

purposes

In accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota,

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

2. The post-office address of such person or the place of business of such corporation is FALL RIVER
County of ORAL State of SOUTH DAKOTA

3. The number of such permit is 635-2 and the date set for the completion of such work is

DEC 21, 1961

4. Said water to be used for IRRIGATION purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1.35 cubic feet per second.

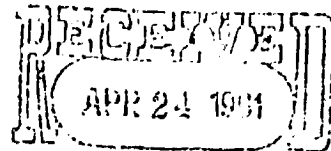
6. The amount of land for which said water is available is 101.98 acres,
particularly described as follows: attached to Sec. map in your office.

Map No 570-2

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

Rodger Funk

(Signature of Owners)

Permit No. 635-2

STATE WATER RESOURCES COMMISSION

South Cheyenne

Water Division No. 2

Water District

Notice of Application of Water to Beneficial Use

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

(P. O.) ORAL, S. DAKOTA(Date) APRIL 21, 1961

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

DEAR SIR: Notice is hereby given that on the 21st day of APRIL (or later) 1961, at ORAL County of FALL RIVER State of South Dakota, before _____ proof will be submitted of the application to beneficial use of 1.35 cubic feet per second of the waters of PLUM CREEK in accordance with the terms and conditions of Permit No. 635-2 heretofore issued by the Water Resources Commission of South Dakota.

- The name and postoffice address of the person or corporation holding said permit are RODGER EVANS
- The use to which said water has been applied is IRRIGATION
- The amount applied to beneficial use is 305.9 acre ft. annually
- The place where said water is used is (If for irrigation, give full and accurate description of the lands irrigated) Placed in Sec map in your office Map No 570-2
- The name of the canal or ditch or other works by which said water is conducted to such place of use is EVANS DIVERSION #1
- The right to take the water from such works is based upon permit No. 635-2
- The source of supply from which such water is diverted is PLUM CREEK
- The date of priority which said user is prepared to establish is Sept 8, 1960

(Sign)

Permit No. 635-2

Water Division No. 2 S. Cheyenne R. Water District

Certificate of Examination of Works

Report of Examining Engineer

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

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____
19____, I have this day made a thorough examination of the diversion works constructed by Bodger
Frank of Fall River

_____ County, South Dakota, holder of Permit No. 635-2, issued
upon Application No. 635-2, bearing date of priority of Sept. 8, 1960, authorizing the
diversion of 1.35 cu. ft. per second of the waters of Plum Creek for Irrigation
purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Dam 2' high, 30' E bot. 45' E top
No Storage

and the system is in the following condition: Good

The point of diversion is located SW 1/4 Sec. 24 T. 7 E. R. 7 S. 20' E 128 rods
along that bearing E. bank of Cheyenne

The works are capable of diverting and conveying to the place of use 1.35 cu. ft. per second of water,
which is to be used for Irrigation

The legal sub-divisions to be irrigated are:

	SEC.	TNS	RSE	Acres.
SE 1/4 NW 1/4	24	7 S	7 E	12.00
NE 1/4 NW 1/4	24	"	"	21.63
NW 1/4 NE 1/4	24	"	"	22.13
SW 1/4 NE 1/4	24	"	"	1.40
SE 1/4 SE 1/4	13	"	"	18.23
SW 1/4 SE 1/4	13	"	"	11.63
SE 1/4 SW 1/4	13	"	"	1.13
NW 1/4 NW 1/4	24	"	"	0.75
SW 1/4 NW 1/4	24	"	"	7.08

_____ comprising a total of 101.98 acres of land.

The domestic use intended comprises _____

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

Witness my hand, this 6th day of August, A. D. 1962

- SEAL -

William H. Miller
Examining Engineer.

NOTICE OF TRANSFER OF WATER PERMIT

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

Date January 7, 1970

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

Portions of Sections 13 and 24, T7S, R7E, described in Water Right 635-2.

formerly owned by Rodger Funk, Oral, S.D.

has been transferred to CORNELIS L. Maas, Oral, S.D.

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 635-2 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

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

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

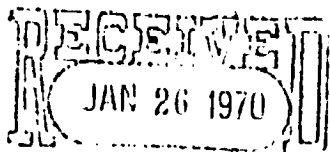
STATE OF SOUTH DAKOTA)
County of Fall River) ss.

I, CORNELIS L. MAAS being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Cornelis L. Maas
(Signed)

Subscribed and sworn to before me this 22 day of January, 19 70

Mary K. Froelich
(Notary Public)



STATE OF SOUTH DAKOTA
WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Form 20.

No. _____

JUL 10 1973

NOTICE OF TRANSFER OF WATER PERMIT

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

Date July 12, 1973

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

Farm Unit 35 of Angostura Project, according to Plat thereof recorded in office of Register of Deeds of Fall River County, SD, in Platbook VI, pg. 41, being a part of Sections 13, 24 & 25, Township 7 South, Range 7, and Sections 18 & 19, Township 7 South, Range 8 East, Black Hills Meridian, Fall River County, SD, containing 532.43 acres, more or less.

formerly owned by Cornelis L. Maas and Keva R. Maas, husband and wife,

has been transferred to W. B. Klippenstein and Linda E. Klippenstein, husband and wife as joint tenants with right of survivorship,

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 625-2 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

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

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
County of Fall River) ss.

W. B. Klippenstein and Linda E. Klippenstein, husband and wife, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

W. B. Klippenstein

Linda E. Klippenstein
(Signed)

Subscribed and sworn to before me this 7th day of July, 19 73

M. P. Farrell
(Notary Public)
M. P. Farrell
Fall River County, SD

My commission expires April 1, 1974.

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7489

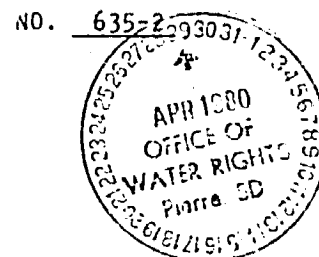
PIERRE, April 30, 1930

RECEIVED OF MD - Klio Herefords; Oral, SD 57766
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for Inspecting Construction, and issuing Cert. of Construction No. _____		
Fee for Inspecting Beneficial Use, and issuing Water License No. _____		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filling _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ transfer - 685-2		2.50
(any other work as provided by law)		
TOTAL	2.	50

WATER RIGHTS COMMISSION

By (John Hatch) / bt
Chief Engineer, Executive Officer
JOHN HATCH / bt



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: X April 28 '80

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

101.98 acres in S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13 and NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 24, T7S, R7E

formerly owned by W.B. & Linda E Klippenstein, Oral, SD

has been transferred to X M R Klippenstein

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

Water Right Permit No. 635-2 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

X
STATE OF SOUTH DAKOTA)
County of Fall River) ss.

I, W.B. Klippenstein and Linda Klippenstein being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

W.B. Klippenstein and Linda Klippenstein
(Signed)

Subscribed and sworn to before me this 28th Day of April, 19 80.

Myrtle M. Gleason
(Notary Public)

My Commission expires 5-6-82

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8466

September 17, 1981

PIERRE,

W.B. & Linda E. Klippenstein, Oral, SD 57766

RECEIVED OF

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)	
Fee for inspecting Construction, and Issuing Cert. of Construction No.	
Fee for inspecting Beneficial Use, and Issuing Water License No.	
Fee for Issuing Location Certificate-Dry Draw, No.	
Fee for filing transfer of WR# 635-2	2.50
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for (any other work as provided by law)	
TOTAL	2.50

WATER RIGHTS COMMISSION

By (John H. Hottel)
Chief Engineer, Executive Officer
JOHN H. HOTTEL

SEP 1981
AT RICHMOND, SD
WATER RIGHTS
Pierre, SD

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: Aug 3 1981

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

101.98 acres in S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, and NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 24,

T7S, R7E

formerly owned by M R, Klip Inc.

has been transferred to W.B. & Linda E Klippenstein, Oral, SD

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

Water Right Permit No. 635-2 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA

County of Fall River

County of Full (Kaiser)
W.B. Kleppensteiner & Linda Kleppensteiner

1. Clarence Clayman being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read
the above foregoing statement, and I know of my own personal knowledge that the infor-
mation herein stated is true.

W.S. Kufnerstein and
Linda Kufnerstein
(Signed)

Subscribed and sworn to before me this 3rd Day of August, 1981.

Clara M. Day
(Notary Public)

No. 635-2

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

September 17, 1981

W B & Linda Klippenstein
Oral, South Dakota 57766

Dear Mr. & Mrs. Klippenstein:

Enclosed is receipt No. 4 8466 In the amount of \$ 2.50 which you
paid for transfer of Water Right No. 635-2.

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

Sincerely,

GENNY YOUNG
Staff Assistant

gy

encl

Water Rights Division
605 773-3352

October 8, 1985

Pat Ginsbach
441 N River St.
Hot Springs SD 57747

Dear Mr. Ginsbach:

Enclosed is a copy of Water Right No. 635-2 for W.B. & Linda Klippenstein and a partially completed Notice of Transfer. In checking our files, Water Right No. 635-2 is all I found listed under the name of Klippenstein.

During our phone conversation you inquired about water rights for them under the Angostura Irrigation District. The District handles transfers within the District's boundaries. You may want to check with them concerning this matter.

The enclosed transfer form will need to be completed by the new owner and forwarded to our office upon completion of the sale.

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 advise.

Sincerely,

GEMMY MCMATH
Natural Resources Analyst

GM:ks

enclosure

No. 635-2



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: March 14, 1986

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

S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 13, NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 24,
all in T7S, R7E-- 101.98 acres

formerly owned by W. B. and Linda E. Klippenstein, Oral, SD 57766
has been transferred to Donald O. Kistner, Box 466, Bryn Athyn,
Penn. 19009

together with any rights to the beneficial use of water thereon as
evidence by Water Right Permit No. 635-2 as provided for in SDCL
46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
)
COUNTY OF FALL RIVER)

I, Michael P. Ortner, being first duly sworn on my oath
depose and say that my relation to the above described under-
taking is that of Attorney for the Owner, Donald O. Kistner,
that I have read the above and foregoing statement and I know
of my own personal knowledge that the information herein stated
is true.

Michael P. Ortner
Michael P. Ortner
Attorney for Donald O. Kistner, Owner

SUBSCRIBED AND SWORN to before me this 14th day of March, 1986.

Glenda Feder
Glenda Feder
NOTARY PUBLIC - SOUTH DAKOTA (SEAL)

My Commission Expires:
5-5-89

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410870

Pierre, March 20, 1986

RECEIVED OF Michael Gerner 505 S. 6th St., Hot Springs, SD 57747

the following amount in fees for services rendered as provided for by law: (for Donald U. Kistner)
Box 480 Bryn Athyn, PA 19009

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>635-2</u>		2 50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)	Total	2 50

By D. G. Hatch
Chief Engineer JOHN HATCH (S)

 **Department of
Water & Natural Resources**

Joe Foss Building

Water Rights Division

Pierre, South Dakota 57501

Phone (605) 773-3352

March 24, 1986

Michael Ortner, Attorney
505 S. 6th Street
Hot Springs, South Dakota 57747

Dear Mr. Ortner:

Enclosed is receipt No. 410370 in the amount of \$2.50 which you
paid for transfer of Water Right No. 635-2.

Our records now show ~~you~~ Donald O. Kistner, Bryn Athyn, PA as the owner of this Water Right.

Sincerely,

Maxine Stirling
Staff Assistant

MS/
Enc.

WNR-821-7/79

Receipt & Notice of filing of Transfer of Water Right

SOUTH DAKOTA Department of
Water & Natural Resources

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

March 23, 1987

DONALD O KISTNER
BOX 486
BRYN ATHYN, PA 19009

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 635-2. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 635-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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



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

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

SOUTH DAKOTA
Department of
Water & Natural Resources

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

April 24, 1987

635-2

Donald O Kistner
Box 486
Bryn Athyn, PA 19009

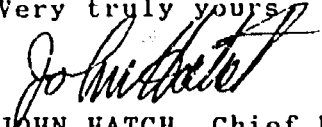
Dear Mr. Kistner:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Right No. 635-2 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,


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

cc: Darryl Klippenstein, RR #1 Box 90, Oral, SD 57766

 **Department of
Water & Natural Resources**

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

January 29, 1988

DONALD O KISTNER
BOX 186
PRYN ATHYN, PA 19009

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

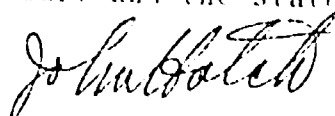
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 635-2. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 635-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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


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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.



Department of Water & Natural Resources

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

February 23, 1988

635-2

Donald O Kistner
Box 486
Bryn Athyn PA 19009

Dear Mr. Kistner:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 635-2 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

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

 **Department of
Water & Natural Resources**

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

635-2

September 9, 1988

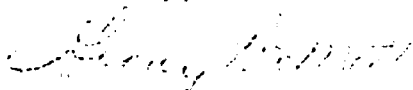
Jim Hollenbeck
Farm Credit Services
PO Box 3130
Rapid City, SD 57701

Dear Mr. Hollenbeck:

In response to our telephone conversation of September 8,
enclosed is a copy of Water Right No. 635-2 listed in the name of
Donald Kistner. Also enclosed is a zerox copy of the map showing
the lands irrigated. The map is a reduced copy of the original
and is not to scale.

If you have any questions or need further information, please
contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosure



 **Department of
Water & Natural Resources**

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

February 8, 1989

DONALD O KISTNER
POx 486
BRYN ATHYN, PA 19009

NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 635-2. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, 1-90 & LaCrosse, Rapid City SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s). 635-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,



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



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

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

February 24, 1989

635-2

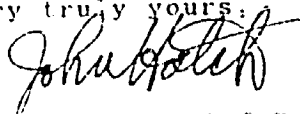
Donald O Kistner
Box 486
Bryn Athyn, PA 19009

Dear Mr. Kistner:

I am writing to acknowledge receipt of your 1988 irrigation questionnaire for Water Permit No. 635-2. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaire your name has been deleted from the March Water Management Board meeting agenda.

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

Very truly yours:



JOHN HATCH, Chief Engineer
Water Rights Division

cc: Darrel Klippenstein, RR #1 Box 90, Oral, SD 57766

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

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

#635-3

February 21, 1989

Darrel Klippenstein
RR 1, Box 90
Oral, SD 57766

Dear Mr. Klippenstein:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;



February 21, 1959
Klippenstein
page 2

Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified.

If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

John Hatch

JOHN HATCH, Chief Engineer
Water Rights Division

SOUTH DAKOTA Department of
Water & Natural Resources

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

February 9, 1990

DARREL KLIPPENSTEIN, MGR
RR 1 BOX 90
ORAL, SD 57766

NOTICE

RE: Violation of Requirement to Submit 1989 Irrigation Questionnaire

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 635-2. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted 1989 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Jefferson-Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 635-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire(s) is received in this office before the March 7th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,


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

SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 23, 1990

635-2

Darrell Klippenstein, Mgr.
RR 1, Box 90
Oral SD 57766

Dear Mr. Klippenstein:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit No. 635-2. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

If you have any questions, please contact Genny McMath, at (605) 772-3352.

Sincerely,

Bon Duvall/ks

RON DUVALL
Natural Resources Engineer
Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

DARREL KLIPPENSTEIN, MGR
RR 1 BOX 90
ORAL SD 57766

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 635-2. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 635-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

cc: Donald O Kistner, Box 486, Bryn Athyn, PA 19009

SENDER:

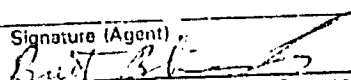
- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested"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

3. Article Addressed to:

DARRELL KLIPPENSTEIN, MGR
RR 1 BOX 90
ORAL, SD 57766

5. Signature (Addressee)

6. Signature (Agent)



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

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

Consult postmaster for fee.

4a. Article Number

P 157 566 236

4b. Service Type

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

7. Date of Delivery

1-29-92

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

DARREL KLIPPENSTEIN, MANAGER
RR 1, BOX 90
ORAL, SD 57766

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s) 635-2

The first notice to file chemigation report(s) for Permit No(s) 635-2 was dated October 18, 1991. Our records indicate that we have not received the 1991 chemigation report for Permits No(s) 635-2. The Water Management Board has directed that owners of water permits who have not submitted the 1991 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearings will be held at 9:15 am, on March 4, 1992, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD, and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 635-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

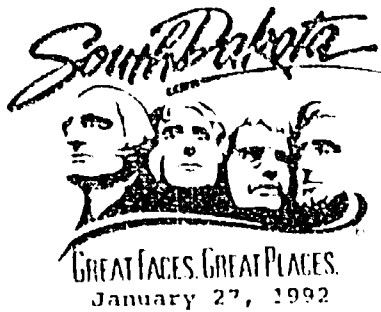
The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by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

Very truly yours,

RON DUVAL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 4, 1992 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.

cc: Game, Fish & Parks, 523 E Capitol, Pierre, SD 57501



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

DARREL KLIPPENSTEIN, MANAGER
PR 1, BOX 90
ORAL, SD 57766

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s) 635-2

The first notice to file chemigation report(s) for Permit No(s) 635-2 was dated October 18, 1991. Our records indicate that we have not received the 1991 chemigation report for Permits No(s) 635-2. The Water Management Board has directed that owners of water permits who have not submitted the 1991 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearings will be held at 9:15 am, on March 4, 1992, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD, and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 635-2 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.

Very truly yours,

RON DUVAL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 4, 1992 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.

cc: Donald O Kistner, box 486, Bryn Athyn, PA 19009



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 1992

DARREL KLIPPENSTEIN, MANAGER
RR 1, BOX 90
ORAL, SD 57766

Dear Mr. KLIPPENSTEIN, MANAGER:

I am writing to acknowledge receipt of your 1991 chemigation report for Water Right No(s). 635-2. You may disregard the January 27, 1992 Notice of Failure to Report Chemical Use for 1991. With receipt of the chemigation report, your name has been deleted from the March 4, 1992 Water Management Board meeting agenda.

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

Sincerely,

DON FRYE, Natural Resources Analyst
Water Rights Division

cc: Donald O. Kistner, Box 486, Bryn Athyn, PA 19009



628-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 13, 1992

DARREL KLIPPENSTEIN, MANAGER
RR 1, BOX 90
ORAL, SD 57766

Dear Mr. KLIPPENSTEIN, MANAGER:

I am writing to acknowledge receipt of your 1991 chemigation report for Water Right No(s). 635-2. You may disregard the January 27, 1992 Notice of Failure to Report Chemical Use for 1991. With receipt of the chemigation report, your name has been deleted from the March 4, 1992 Water Management Board meeting agenda.

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Don Frye', is written over the typed name.

DON FRYE, Natural Resources Analyst
Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 1992

NOTICE OF AMENDMENT TO WATER PERMIT(S)

TO: DARREL KLIPPENSTEIN, MGR
RR 1 BOX 90
ORAL, SD 57766

FROM: Ron Duvall, Natural Resources Engineer IV
Water Rights Division
(605) 773-3352 *Ron Duvall*

SUBJECT: Amendment to Water Permit No(s). 635-2

Pursuant to the provisions of the Notice dated January 27, 1992, and following the hearing March 4, 1992, the Water Management Board has amended Water Permit No(s). 635-2 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit future irrigation questionnaires could result in suspension of the water permit and no use of water for up to one year for the first violation.



635-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: DARREL KLIPPENSTEIN, MANAGER
RR 1, BOX 90
ORAL, SD 57766

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

RE: Failure to Report Chemical Use under Water Permit No(s) 635-2

The first notice to file chemigation report(s) for Permit No(s) 635-2 was dated October 16, 1992. Our records indicate that we have not received the 1992 chemigation report for Permits No(s) 635-2. The Water Management Board has directed that owners of water permits who have not submitted the 1992 chemigation report(s) be given notice of violation, and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:30 A.M. on March 3, 1993, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 635-2 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

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

cc: Donald O Kistner, Box 486, Bryn Athyn, PA 19009



635-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3131

January 29, 1993

NOTICE

TO: DARREL KLIPPENSTEIN, MGR
RR 1 BOX 90
ORAL SD 57766

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

RE: Violation of Water Permit No(s) 635-2

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 635-2. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 635-2 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation 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) 635-2 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

cc: Donald O Kistner, Box 486, Bryn Athyn, PA 19009

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

DARREL KLIPPENSTEIN, MGR
RR 1 BOX 90
ORAL SD 57766

635-2

4a. Article Number

P906 560 190

4b. Service Type

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

7. Date of Delivery

2/2/93

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

5. Signature (Addressee)
6. Signature (Agent)

PS Form 3811, December 1991 U.S. GPO: 1992-373-402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: Donald O Kister Box 48 Bryantown, PA 19009		4a. Article Number 6352 P906 560 208	
5. Signature (Addressee)		4b. Service Type ☐ Registered ☒ Insured ☒ Certified ☐ Signature Required ☐ Express Mail ☐ Return Receipt for Merchandise	
6. Signature (Agent)		7. Date of Delivery FEB 19 1993	
		8. Addressee's Address (Only if requested and fee is paid)	

Thank you for using Return Receipt Service.



635-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 11, 1993

635-2

Darrel Klippenstein, Mgr
RR #1 Box 90
Oral, SD 57766

Dear Mr. Klippenstein:

I am writing to acknowledge receipt of the 1992 irrigation questionnaire for Water Right No. 635-2. You indicated during our telephone conversation that you did not put chemicals through your irrigation system in 1992. You may disregard the January 29, 1993 Notice of Violation of Water Permit and Failure to Report Chemical Use.

The questionnaire and chemical form information were received prior to the Water Management Board Meeting and your name has been deleted from the agenda. If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division

cc: Donald O Kistner, Box 486, Bryn Athyn, PA 19009



635-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

DARREL KLIPPENSTEIN, MGR
Box 1 BOX 90
ORAL SD 57766

NOTICE

RE: Violation of Water Permit No 635-2.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 635-2. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No 635-2 qualification:

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

The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S 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 SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation 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 635-2 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 is received in this office on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

CC: DONALD O KISTNER, BOX 486, BRYN ATHYN, PA 19009

L

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

- 1. ☐ Addressee's Address
 - 2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

DARREL KLIPPENSTEIN, MGR
RR 1 BOX 80
ORAL, SD 57766

635-2

4a. Article Number

757566385

4b. Service Type

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

7. Date of Delivery

2-8-95

5. Signature (Addressee)

Darrel Klippenstein

6. Signature (Agent)

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

PS Form 3811, December 1991

U.S. GPO: 1993-352-713

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

635-2

**Water Rights Division -DENR
Conversation or File Documentation**

NAME OF PERSON OR FILE: Tom Lauing

ADDRESS: HC 56 Box 90, Oral, SD 57766 **COUNTY:** Fall River

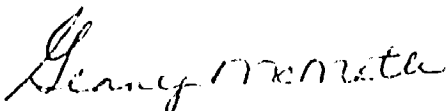
DATE: February 8, 1995 **TELEPHONE:**

RE: contact person for Water Right No. 635-2

COMMENTS:

Mr. Lauing received the "Notice of Violation of Water Permit No. 635-2" concerning failure to submit the 1994 irrigation questionnaire (the letter was addressed to Darrel Klippenstein, Mgr). Mr. Lauing stated future irrigation questionnaires concerning No. 635-2 should be mailed directly to him because Mr. Klippenstein no longer manages the property.

I told Mr. Lauing that he could disregard the "Notice of Violation" because it was not mailed to the correct person. Send a new questionnaire to Mr. Lauing at HC 56 Box 90, Oral, SD.



Genny McMath
Environmental Scientist

Is your RETURN ADDRESS completed on the reverse side?

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

I also wish to receive the following services (for an extra fee):
1. ☐ Addressee's Address
2. ☐ Restricted Delivery
Consult postmaster for fee.

3. Article Addressed to: **635-2**

DONALD O KISTNER
BOX 488
BRYN ATHYN, PA 19009

4a. Article Number
P 757 564 386
4b. Service Type
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise
7. Date of Delivery

5. Signature (Addressee)
Donald O Kistner
6. Signature (Agent)

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

Thank you for using Return Receipt Service.



635-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

January 9, 1998

NOTICE**TO:** TOM LAUING, MGR, HC 56 BOX 90, ORAL, SD 57766**FROM:** Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program**SUBJECT:** Report requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 635-2. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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) 635-2 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 635-2 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 on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

cc: Donald O Kistner, Box 486, Bryn Athyn, PA 19009

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

635-2
TOM LAUING, MGR
HC 56 BOX 90
ORAL SD 57766

4a. Article Number

119 141 248

4b. Service Type

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

7. Date of Delivery

1-10-78

5. Received By: (Print Name)

Laune Lauing

6. Signature: (Addressee or Agent)

Laune Lauing

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

PS Form 3811, December 1974

102385-97-3-0178

Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

635-2
Donald O Kistner
Box 486
Bryn Athyn PA 19009

4a. Article Number

119 141 249

4b. Service Type

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

7. Date of Delivery

1-13-78

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X (Signature)

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

PS Form 3811, December 1974

102385-97-3-0178

Domestic Return Receipt

Thank you for using Return Receipt Service.

635-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 21, 1998

635-2

Tom Lauing
HC 56 Box 90
Oral, SD 57766

Dear Mr. Lauing:

I am writing to acknowledge receipt of your 1997 irrigation questionnaire. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit No. 635-2.

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
Environmental Scientist
Water Rights Program
(605) 773-3352

c: Donald O Kistner, Box 486, Bryn Athyn, PA 19009

635-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: TOM LAUING, MGR, HC 56 BOX 90, ORAL, SD 57766
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire(s)

Our records indicate that the 2002 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 635-2. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 635-2 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 635-2 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 on/or before February 28, 2003, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

cc: Donald O Kistner, Box 486, Bryn Athyn, PA 19009

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.



635-2

Track & Confirm

Delivery Status

You entered 2301 0370 0000 7541 3848

Your item was delivered at 12:34 pm on January 22, 2003 in ORAL, SD 57766. The item was signed for by T LAUING.

[Shipment History >](#)[Request Delivery Record >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

POSTAL INSPECTORS
Preserving the Trust

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

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7541 3848

TOM LAUING, MGR
HC 56 BOX 90
ORAL SD 57766

ailing

Postmark
Here

POSTAL CUSTOMER:

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

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail
☐ Package Services

PS Form 153, February 2001

(See Reverse)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 2003

635-2

Tom Lauing
IIC 56 Box 90
Oral SD 57766

Dear Mr. Lauing:

I am writing to acknowledge receipt of your 2002 irrigation questionnaire. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right No. 635-2.

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
Environmental Scientist
Water Rights Program
(605) 773-3352

c: Donald O Kistner, Box 486, Bryn Athyn, PA 19009



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 4, 2003

635-2

Tom Lauing
HC 56 Box 90
Oral SD 57766

Dear Mr. Lauing:

Thank you for getting in touch with me regarding ownership of land described in Water Right No. 635-2.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please get in touch with me.

Sincerely,

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

enclosure

035-2

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 14, 2013

RECEIVED OF WATER RIGHTS PROGRAM PC 56 00 57766

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>625-2</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

William C. Eide

Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 635-2

Date: 2-10-03

I/We request that Water Right No. 635-2

formerly owned by: Donald O Kistner

be transferred to: (name & address) Dakota Hills Inc.

HC 56 Box 90

Coral SD 57766

Telephone No. 605-424-2500

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

S 1/2 SE 1/4, SE 1/4 SW 1/4 Section 13; NW 1/4, W 1/2 NE 1/4 Section 24, T7S, R7E

I/We understand that the validity of Water Right No. 635-2 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 Dakota Hills Inc., the new owner, certify that the above information is true and correct.

Dakota Hills Inc. Tom Lanning
(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

FEB 14 2003

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

February 18, 2003

635-2

Tom Lauing
Dakota Hills Inc
HC 56 Box 90
Oral SD 57766

Dear Mr. Lauing:

I am writing to acknowledge receipt of the transfer form and filing fee for filing an ownership change with Water Right No. 635-2. The transfer has been completed. The water right, formerly held by Donald O Kistner is now listed in the name of "Dakota Hills Inc."

Enclosed is your Receipt No. 000660 in the amount of \$2.50. You may keep this for your records

If you have any questions, please get in touch with me.

Sincerely,

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

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

enclosure



635-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2004

NOTICE

TO: DAKOTA HILLS INC, TOM LAUING, HC 56 BOX 90, ORAL, SD 57766
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 635-2. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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) 635-2 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 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) 635-2 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 on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



635-2

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 7674

Your item was delivered at 11:34 am on January 21, 2004 in ORAL, SD 57766. The item was signed for by L LAUING.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email [What is this?](#) [Go >](#)

▶ Request Proof of Delivery [What is this?](#) [Go >](#)



POSTAL INSPECTORS
Preserving the Trust

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

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 7674

DAKOTA HILLS INC
TOM LAUING
HC 56 BOX 90
ORAL SD 57766

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

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

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail®
☐ Package Services

PS Form 153, July 2001

(See Reverse)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 26, 2004

635-2

Tom Lauing
Dakota Hills Inc
HC 56 Box 90
Oral SD 57766

Dear Mr. Lauing:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right No. 635-2.

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
Environmental Scientist
Water Rights Program
(605) 773-3352



635-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 2005

NOTICE

TO: DAKOTA HILLS INC, TOM LAUING, HC 56 BOX 90, ORAL, SD 57766

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 635-2. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 635-2 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 635-2 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 on/or before February 25, 2005, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



635-2

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 0278

Your item was delivered at 12:00 pm on January 21, 2005 in ORAL, SD 57766. The item was signed for by T T LAUING.

[Shipment Details >](#)

Notification Options

► Track & Confirm by email [What is this?](#) [Go >](#)

► Request Proof of Delivery [What is this?](#) [Go >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

POSTAL INSPECTORS
Preserving the Trust

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

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 0278

DAKOTA HILLS INC
TOM LAUING
HC 56 BOX 90
ORAL SD 57766

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

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

CHECK ONE (POSTAL USE ONLY)

☐ Priority Mail®
☐ Package Services

PS Form 153, July 2001

(See Reverse)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 9, 2005

635-2

Tom Lauing
Dakota Hills Inc
HC 56 Box 90
Oral SD 57766

Dear Mr. Lauing:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 635-2.

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
Environmental Scientist
Water Rights Program
(605) 773-3352



635-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2006

NOTICE

TO: DAKOTA HILLS INC, TOM LAUING, HC 56 BOX 90, ORAL, SD 57766
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 635-2. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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) 635-2 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 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) 635-2 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 on/or before **February 24, 2006**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



635-2

Track & Confirm

Current Status

You entered 2303 2160 0000 0799 4794

Your item was delivered at 12:17 pm on January 25, 2006 in ORAL, SD 57766. The item was signed for by T TLAUING.

[Shipment Details >](#)

Notification Options

► Track & Confirm by email

[What is this?](#)

[Go >](#)

► Request Proof of Delivery

[What is this?](#)

[Go >](#)

POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)

Copyright © 1999-2002 USPS. All Rights Reserved. Terms of Use Privacy Policy

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 4794

DAKOTA HILLS INC
TOM LAUING
HC 56 BOX 90
ORAL SD 57766

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

before mailing.

POSTAL CUSTOMER:

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

CHECK ONE (POSTAL USE ONLY)

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

PS Form 153, May 2002

(See Reverse)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 27, 2006

635-2

Tom Lauing
Dakota Hills Inc
HC 56 Box 90
Oral SD 57766

Dear Mr. Lauing:

I am writing to acknowledge receipt of your 2005 irrigation questionnaire. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right No. 635-2.

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
Environmental Scientist
Water Rights Program
(605) 773-3352



635-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2007

NOTICE

TO: DAKOTA HILLS INC, TOM LAUING, HC 56 BOX 90, ORAL, SD 57766

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 635-2. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 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) 635-2 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 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) 635-2 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 on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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

635-2

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

Track & Confirm

Search Results

Label/Receipt Number: **2301 3460 0000 8516 2425**Status: **Delivered**

Your item was delivered at 12:34 PM on January 27, 2007 in ORAL, SD 57766. The item was signed for by T 444.

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

Track & Confirm

Enter Label/Receipt Number.

Notification Options

Track & Confirm by email

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

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)**POSTAL INSPECTORS**
Preserving the Trust[site map](#)[contact us](#)[government services](#)[jobs](#)[National & Premier Accounts](#)Copyright © 1999-2004 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

Signature Confirmation	
SIGNATURE CONFIRMATION NUMBER: 2301 3460 0000 8516 2425	DAKOTA HILLS INC TOM LAUING HC 56 BOX 90 ORAL SD 57766
	Waiver of Signature ☐ YES ☐ NO
	Postmark Here
	POSTAL CUSTOMER: Keep this receipt. For inquiries: Access internet web site at www.usps.com or call 1-800-222-1811
☐ Priority Mail® ☐ Package Services	



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 2007

635-2

Tom Lauing
Dakota Hills Inc
HC 56 Box 90
Oral SD 57766

Dear Mr. Lauing:

I am writing to acknowledge receipt of your 2006 irrigation questionnaire. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right No. 635-2.

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
Environmental Scientist
Water Rights Program
(605) 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE OF SHUTOFF ORDER

July 10, 2007

TO: DAKOTA HILLS INC
TOM LAUING
HC 56 BOX 90
ORAL SD 57766

FROM: GARLAND ERBELE, Chief Engineer
SD DENR Water Rights Program

SUBJECT: Cheyenne River Shutoff Order for Junior Priority Date Water Rights

Shutoff Order for Water Right Nos. 635-2

To protect the senior priority water rights, the department is issuing shutoff orders to junior water right holders with priority dates between January 1, 1955 and December 31, 1969 for the river reach between the Angostura Dam to Belle Fourche River confluence. Effective immediately, diversions of water from the Cheyenne River and tributaries will not be allowed for those permits with a priority dates after January 1, 1955.

Flow in the Cheyenne River continues to decline to the point where domestic use of water, which includes livestock watering from the river, has become a concern. This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until the end of the calendar year.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

If you have any questions, please contact Mark Rath or Lynn Beck with the Water Rights Program at (605) 773-3352. Thank you.



6235 Q
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: DAKOTA HILLS INC, TOM LAUING, 14129 RINGNECK RD, ORAL, SD 57766
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 635-2. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 635-2 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 635-2 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 on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

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

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

635-2

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

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 6579
Status: **Delivered**

Your item was delivered at 11:52 AM on January 24, 2009 in ORAL, SD 57766. The item was signed for by L LAUING.

Track & Confirm

Enter Label/Receipt Number.

Notification Options

Track & Confirm by email

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

Proof of Delivery

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

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

Copyright© 1999-2007 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA



USPS



USPS

Postal Service Signature Confirmation

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 6579

DAKOTA HILLS INC
TOM LAUING
14129 RINGNECK RD
ORAL SD 57766

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 27, 2009

635-2

Tom Lauing
Dakota Hills Inc
14129 Ringneck Rd
Oral SD 57766

Dear Mr. Lauing:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 635-2.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: DAKOTA HILLS INC, TOM LAUING, 14129 RINGNECK RD, ORAL, SD 57766

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 635-2. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 635-2 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** 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) 635-2 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 on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://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.

635-2

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

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 8665

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

Your item was delivered at 12:28 PM on February 2, 2010 in ORAL, SD 57766. The item was signed for by T LAUING.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, February 02, 2010, 12:28 pm, ORAL, SD 57766
- Notice Left, January 23, 2010, 12:32 pm, ORAL, SD 57766
- Out for Delivery or Available at PO Box, January 23, 2010, 9:15 am, BUFFALO GAP, SD 57722
- Sorting Complete, January 23, 2010, 8:45 am, BUFFALO GAP, SD 57722
- Arrival at Post Office, January 23, 2010, 8:23 am, BUFFALO GAP, SD 57722

Notification Options

Track & Confirm by email

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

Proof of Delivery

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

Copyright© 2010 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA

U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER: 57766 0802 0000 2160 3032

DAKOTA HILLS INC
TOM LAUING
14129 RINGNECK RD
ORAL SD 57766

Waiver of Signature ☐ YES ☐ NOPostmark
Here

before mailing.

POSTAL CUSTOMER:

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

CHECK ONE (POSTAL USE ONLY)

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

(See Reverse)

PS Form 153, May 2002



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 2, 2010

635-2

Tom Lauing
Dakota Hills Inc
14129 Ringneck Rd
Oral SD 57766

Dear Mr. Lauing:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 635-2.

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,

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

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



635-2
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 24, 2013

NOTICE

TO: DAKOTA HILLS INC, TOM LAUING, 14129 RINGNECK RD, ORAL, SD 57766

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 635-2. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 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) 635-2 qualification:

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

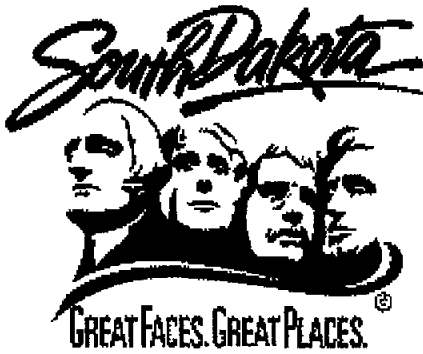
The hearing will be held at **8:30 am, March 7, 2013** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According 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) 635-2 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 on/or before **March 4, 2013**, 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
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 13, 2013

635-2

Tom Lauing
Dakota Hills Inc
14129 Ringneck Rd
Oral SD 57766

Dear Mr. Lauing:

I am writing to acknowledge receipt of your 2012 irrigation questionnaire.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right No. 635-2. 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,

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

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



635-2
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 16, 2015

NOTICE

TO: DAKOTA HILLS INC, TOM LAUING, 14129 RINGNECK RD, ORAL, SD 57766
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 635-2. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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) 635-2 qualification:

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

The hearing will be held at **10:00 am, March 4, 2015** 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) 635-2 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 4, 2015** 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.

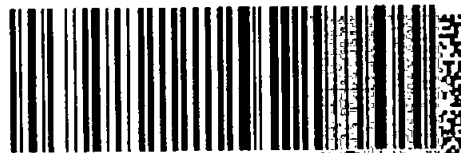


DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

RETURN SERVICE REQUESTED

CERTIFIED MAIL™



7013 0600 0001 9748 2235



02 1R

\$ 03.78⁰⁰

0002007087 JAN 16 2015

MAILED FROM ZIP CODE 57501

1st 1/20
2nd 1/24
Retn 2/3
Sent to the Lab 2/12

DAKOTA HILLS INC
TOM LAUING
14129 RINGNECK RD
ORA

NIXIE 571 DE 1009 0002/07/15

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 57501318299 *0935-06638-16-43

5776547298 05182



CERTIFICATION

I hereby certify that on February 17, 2015, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated February 17, 2015 regarding unclaimed mail –irrigation questionnaires addressed as stated below:

Water Right No. 635-2 Tom Lauing, Dakota Hills Inc., 1429 Ringneck Rd., Oral SD 57766



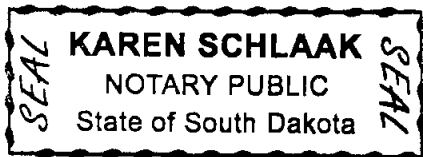
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 17th day of February, 2015.



Karen Schlaak
Notary Public
My Commission expires April 1, 2019





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 17, 2015

NOTICE

TO: Tom Lauing, Dakota Hills Inc., 14129 Ringneck Rd, Oral SD 57766

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

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Right 635-2

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

March 2, 2015

635-2

Tom Lauing
Dakota Hills Inc
14129 Ringneck Rd
Oral SD 57766

Dear Mr. Lauing:

I am writing to acknowledge receipt of your 2014 irrigation questionnaire.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right No. 635-2. 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
email: genny.mcmath@state.sd.us



635-2
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 15, 2016

NOTICE

TO: DAKOTA HILLS INC, TOM LAUING, 14129 RINGNECK RD, ORAL, SD 57766
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 635-2. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 635-2 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 635-2 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 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



635-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 2, 2016

635-2

Tom Lauing
Dakota Hills Inc
14129 Ringneck Rd
Oral SD 57766

Dear Mr. Lauing:

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

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right No. 635-2. 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
email: genny.mcmath@state.sd.us



635-2
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 26, 2018

NOTICE

TO: DAKOTA HILLS INC, TOM LAUING, 14129 RINGNECK RD, ORAL, SD 57766
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 635-2. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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) 635-2 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 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) 635-2 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 7, 2018** 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.

USPS Tracking®

FAQs > (<http://faq.usps.com/?articleId=220900>)

Track Another Package +

Tracking Number: 70171000000032518418

Remove X

Expected Delivery on

MONDAY

29

JANUARY
2018 ⓘ

by

8:00pm ⓘ

✓ Delivered

January 29, 2018 at 1:44 pm
Delivered, Left with Individual
ORAL, SD 57766

Get Updates ▼

Text & Email Updates

Tracking History

Product Information

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$	1-29-18 Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage	
DAKOTA HILLS INC TOM LAUING 14129 RINGNECK RD ORAL SD 57766	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

See Less ^

How can I help you?



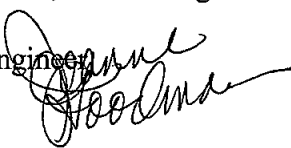
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 8, 2018

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER RIGHT

TO: Tom Lauing, Dakota Hills Inc., 14129 Ringneck Rd, Oral SD 57766

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Right No. Right No. 635-2

On March 7, 2018, the Water Management Board ordered:

Effective April 7, 2018, Water Right No. 635-2 be suspended for the 2018 irrigation season for failure to submit the 2017 irrigation questionnaire.

If the 2017 irrigation questionnaire is received prior to April 7, 2018, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2018 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2018 unless the 2017 irrigation questionnaire is submitted by April 7th.

After April 7th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2017 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 2-3, 2018, in Pierre, SD. The letter should include your reasons for not completing the 2017 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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

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

CERTIFICATION

635-2

I hereby certify that on March 8, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 8, 2018 regarding Water Management Board action taken March 7, 2018 for Irrigation Questionnaire violations addressed as stated below:

Amendments:

Water Right No. 410-2: John Anthony DeRungs, 11684 Indian Canyon Rd, Edgemont SD 57735

Water Right No. 4309B-3: Ronald J Gorder, PO Box 185, Estelline SD 57234-0185

Water Right No. 394-1: Larry B Reinhold, Lonetree Ranch, 14666 Lonetree, Sturgis SD 57785

Water Right No. 2350-3: Bill Boyer, River Valley Farms, PO Box 486, Alcester SD 57001

One Year Suspensions:

Water Right No. 4472-3, Darrell Biddle, 37461 287th St, Geddes SD 57342

Water Right No. 635-2: Tom Lauing, Dakota Hills Inc., 14129 Ringneck Rd, Oral SD 57766

Water Permit No. 8019-3: Mark Hohn 40455 266th St, Ethan SD 57334

Water Right No. 1213B-1: Charles & Cathy Kimbril, 19027 137th Ave, Vale SD 57788

Water Right No. 1233-1: Ed & Kathy Kling, 12345 Vallery Rd, Nisland SD 57762-9717

Water Permit Nos. 6961-3, 6962-3, 6963-3 & 7233-3, Norman Kramer, 31105 436th Ave., Yankton SD 57078

Water Permit Nos. 7265-3 & 7265A-3: Leigh Leesman, Leesman Ranch, 30729 206th St, Pierre SD 57501

Water Right No. 5441-3, Water Permit Nos. 6408A-3 & 7118-3: Barry Little, 45696 SD Hwy 22, Castlewood SD 57223-5220

Water Right No. 5735-3: Mark McCloud, 33670 183rd St, Highmore SD 57345

Water Permit No. 1923-1: Jim Montieth, PO Box 1238, Spearfish SD 57783 8502

Water Right No. 962B-1: Steve Olinger, 12241 Vallery Rd, Nisland SD 57762-7600

Water Right No. 2074-2: Tamara Rogers, Prairie Gardens Inc., 13979 Cobb Rd, Hermosa SD 57744-5415

Water Right Nos. 1612-3 & 1997-3: Brandon Vostad, Prairie Winds Golf Club, 555 S Lake Dr, Watertown SD 57201

Water Right No. 2106-2: Stuart Rice, 2300 Skyline Ranch Rd., Rapid City SD 57701

Water Right No. 2696-3A: Danny Schmidt, 18684 421st Ave., Willow Lake SD 57278

Helen M Schmidt, 19053 427th Ave., Willow Lake SD 57278

Water Right No. 4292-3: Stanley S Schulz, 41300 SD Hwy 20, Conde SD 57434

Water Right No. 1554A-1/Water Permit No. 1935-1: Donald J Stange, 2807 Gamble Ct, Mitchell SD 57301-6411

Water Permit Nos. 8164-3, 8165-3 & 8166-3: Todd Swenson, 38770 235th St., Wessington Springs SD 57382

Water Right No. 2954-3: Lane Tekrony, 47840 180th St, Clear Lake SD 57226-5405

Second violation - Three year suspensions:

Water Right No. 495-2: Harlan Eisenbraun, 21362 Creighton Rd, Wall SD 57790

Water Right No. 1530-2, Viola Keszler, 30317 289th St, Clearfield SD 57580

Third violation - Cancellation:

Water Right No. 3937-3: Wendell Schubloom, 20608 Hwy 25, DeSmet SD 57231

Vickie Maberry

Vickie Maberry

Secretary

Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

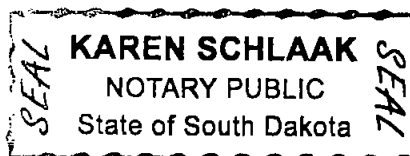
Sworn to, before me, this 8th day of March, 20 18.

Karen Schlaak

Karen Schlaak

Notary Public

My Commission expires April 1, 2019



2020-BR

RAPID CITY SD 577

17 APR 2018 PM 1 T

BUSINESS REPLY MAIL

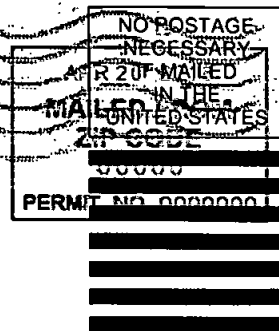
FIRST-CLASS MAIL

PERMIT NO. 1

PIERRE SD

POSTAGE WILL BE PAID BY ADDRESSEE

STATE OF SOUTH DAKOTA
WATER RIGHTS PROGRAM
JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-9970



RECEIVED

APR 20 2018

**WATER RIGHTS
PROGRAM**



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 23, 2018

635-2

Tom Lauing
Dakota Hills Inc
14129 Ringneck Rd
Oral SD 57766

Dear Mr. Lauing:

The 2017 irrigation questionnaire for Water Right No. 635-2 was received on April 20, 2018.

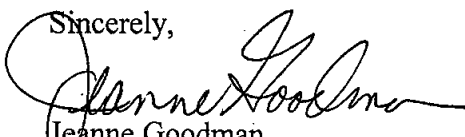
On March 7, 2018, the Water Management Board ordered the water right suspended for the 2018 irrigation season if the questionnaire was not received by **April 7, 2018**. Since the questionnaire was not received by the April 7th deadline, the Board action to suspend Water Right No. 635-2 for the 2018 irrigation season stands. Suspension of the water right means water may not be pumped during the 2018 irrigation season.

The Water Rights Staff cannot reverse a Board action once it takes place. If you would like to irrigate this season, you will need to petition the Water Management Board to rescind the suspension. In order to petition the Board, submit a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 2-3, 2018, in Pierre, SD.

The letter should include your reasons for not completing the 2017 irrigation questionnaire in a timely manner. **With the May 2-3, 2018 Board meeting one week away, your letter will need to be submitted yet this week. At this late date, there is no guarantee the issue could get on the agenda. The next Water Management Board meeting is tentatively scheduled for July 11 & 12, 2018.**

If you have any questions, please contact Genny McMath with our program at 605 773-3352.

Sincerely,


Jeanne Goodman
Chief Engineer
Water Rights Program



635-2
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 23, 2020

NOTICE

TO: DAKOTA HILLS INC, TOM LAUING, 14129 RINGNECK RD, ORAL, SD 57766
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 635-2. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 635-2 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 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) 635-2 in accordance with applicable provisions of SDCL 46-1-12; **Based on a previous violation, the Board may consider a three-year suspension of the water right;**
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 **February 26, 2020** 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://denr.sd.gov/iq> using this password: BZKCGL**

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.

635-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 30, 2020

635-2

Tom Lauing
Dakota Hills Inc
14129 Ringneck Rd
Oral SD 57766

Dear Mr. Lauing:

I am writing to acknowledge receipt of your 2019 irrigation questionnaire.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right No. 635-2. 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,

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

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



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: DAKOTA HILLS INC, TOM LAUING, 14129 RINGNECK RD, ORAL, SD 57766
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 635-2. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 635-2 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 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) 635-2 in accordance with applicable provisions of SDCL 46-1-12; (**Due to a previous suspension, the recommendation to the Board will be for a three-year suspension**)
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2021** 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://denr.sd.gov/iq> using this password: ACVYDJ**

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.

635-2



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2021

635-2

Tom Lauing
Dakota Hills Inc
14129 Ringneck Rd
Oral SD 57766

Dear Mr. Lauing:

I am writing to acknowledge receipt of your 2020 irrigation questionnaire.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right No. 635-2. 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,

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

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

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date January 14, 2022RECEIVED OF Southern Hills Title Inc. 27750 U S Highway 385 Hot Springs SD 57747

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>635-2</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 Gronlund
 Chief Engineer *vm*

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

JAN 14 2022

Ck#

Rec't#

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

JAN 14 2022

Water Right/Permit No. 635-2

WATER RIGHTS
PROGRAM

Date: 1-12-2022

I/We request that Water Right/Permit No. 635-2 formerly owned by:

Dakota Hills, Inc

be transferred to:

New Owner Name: Down South, LLC, Bart Krautschun

Address: 27750 US Highway 385, Hot Springs, SD 57747

City, State, Zip Hot Springs SD 57747 Telephone No. 605-641-3092

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

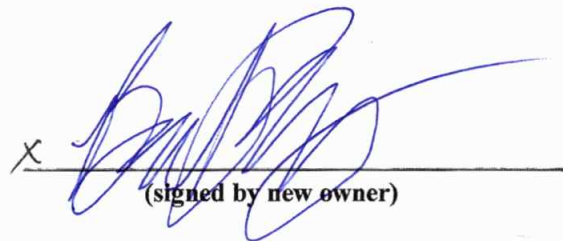
See copy of deed that includes part of Section 24 T7S, R 7E of BHM, Fall River County, SD, and this land has been transferred or sold to Down, South, LLC

☒ I understand that the validity of Water Right/Permit No. 635-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Bart Krautschun, Down South, LLC, the new owner, certify that the above information is true and correct.

X 
(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.

1/19/2022

To: DANR-Water Rights Program

From: Down South, LLC

Re: Water Right #635-2

Dear Ms. McMath,

You brought to my attention the water permit transfer papers were not filled out in their entirety. I apologize for this oversight and will correct it with this letter.

My name is Bart Krautschun, I am the sole owner of Down South, LLC. I recently purchased all of the property near Oral, SD that was owned by Dakota Hills Inc. There are approximately 1252 total acres on this property.

The water right in question is 635-2. The realtor accidentally omitted one section of the water permit on the transfer papers. I want to keep the full water right and use it on all of the acres it was intended for. The acreage on the transfer should read as follows: S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13 and NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 24, T7S, R7E. Please include all of these acres in the water right transfer from Dakota Hills Inc, to Down South, LLC.

Again, I apologize for any inconvenience and appreciate your help in transferring the whole water right properly. Please feel free to contact me any time at 605-641-3092 if you need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bart Krautschun', with a stylized, cursive script.

Bart Krautschun-Owner

Down South, LLC



OFFICE OF THE SECRETARY OF STATE

STEVEN J. BARNETT, SECRETARY OF STATE

JASON LUTZ, DEPUTY SECRETARY OF STATE

Filing Information

Name: **Down South, LLC**

General Information

SOS Business ID **DL201446**
 Filing Type: Limited Liability Company - Domestic
 04/22/2021
 Status: Good Standing
 Duration Term: Perpetual
 Managed By: Member-Managed

Registered Agent Address

Bart Krautschun
 27750 US HWY 385
 HOT SPRINGS, SD 57747

Principal Address

27750 US HWY 385
 HOT SPRINGS, SD 57747

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
04/22/2021	Initial Filing	B0178-1786



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

635-2

Bart Krautschun
Down South LLC
27750 US Hwy 385
Hot Springs SD 57747

Dear Mr. Krautschun:

Thank you for sending in the transfer of ownership form, fee, and follow-up letter with the legal description confirmation.

The ownership change has been completed. Water Right No. 635-2 formerly held by Dakota Hills Inc., is now listed under Down South LLC – Bart Krautschun.

Enclosed for your records is a receipt for the filing fee you paid. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosure

635-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2023

NOTICE

TO: DOWN SOUTH LLC, BART KRAUTSCHUN, 27750 US HWY 385, HOT SPRINGS, SD 57747

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 635-2. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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) 635-2 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 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) 635-2 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 8, 2023** 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: HMZYL**

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 6, 2023

635-2

Bart Krautschun
Down South LLC
27750 US Hwy 385
Hot Spring Sd 57747

Dear Mr. Krautschun:

I am writing to acknowledge receipt of your 2022 irrigation questionnaire.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right No. 635-2. 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