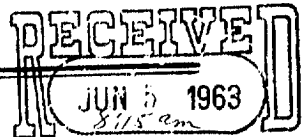


1040-3

1. Considered 7-17, 1962
2. Name of Applicant HUDSON FARMS, INC
3. Post Office Address REDFIELD S.D.
4. Amount of water claimed 2.28
5. Source of water supply 87' WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 160
7. Water to be diverted and used in SPINK County about
25 24 miles of TULARE
8. Proof of Publication Received FIRST ONLY
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 1040-3Water Division No. 3 JAMES RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

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

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

1. Name of applicant Gary Neitzel
Tulare, SD 57476
 Postoffice address _____, _____, State S. Dak.

I. If a corporation _____

(a) Name of same Hudson Farms, Inc.
 (b) Date and place of incorporation 2-23-62 - Redfield, S. Dak.
 (c) Amount of capital stock \$600,000.00
 (d) Amount paid in _____
 (e) Names and addresses of directors _____

M. R. Hudson, A. B. Hudson, Irving C. Klineck, Kansas City, Kansas

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

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

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

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

2. Name of diversion work Neitzel Farm
 3. Amount of water claimed 2.28 cubic feet per second
 4. Source of water supply (1) one well
 5. Location of point of diversion 1890.10 Ft. 52° 30' Southeast of N. W. Corner
4-11-64 on _____ bank _____ County.
 6. Annual period or periods during which water is to be used April 1st to Nov. 1st.
 7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Sprinkling(a) Number of acres to be irrigated 160 acres.(b) Legal subdivisions to be irrigated MA 4-11-64

(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 _____

MAP No 681-3

a. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-----
 (c) Plumbing, \$----- (d) Canal-earth, \$----- Rock, \$-----
 (e) Other structures ----- \$----- Total, \$ 16,000.00

9. Description of diversion works:

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

~~Wells and turbine pumps~~

II. Dimensions of works.

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face ----- material used in construction -----
 (b) Reservoir: Capacity when filled ----- acre feet. Surface area at highwater mark ----- acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width ----- feet; height ----- feet;
 Material -----
 (d) Canal: Total length ----- miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 3 years years.
 11. Time required for complete application of water to the proposed beneficial use 5 years.
 12. Choice of newspaper for publication of notice of intention to appropriate Redfield Press

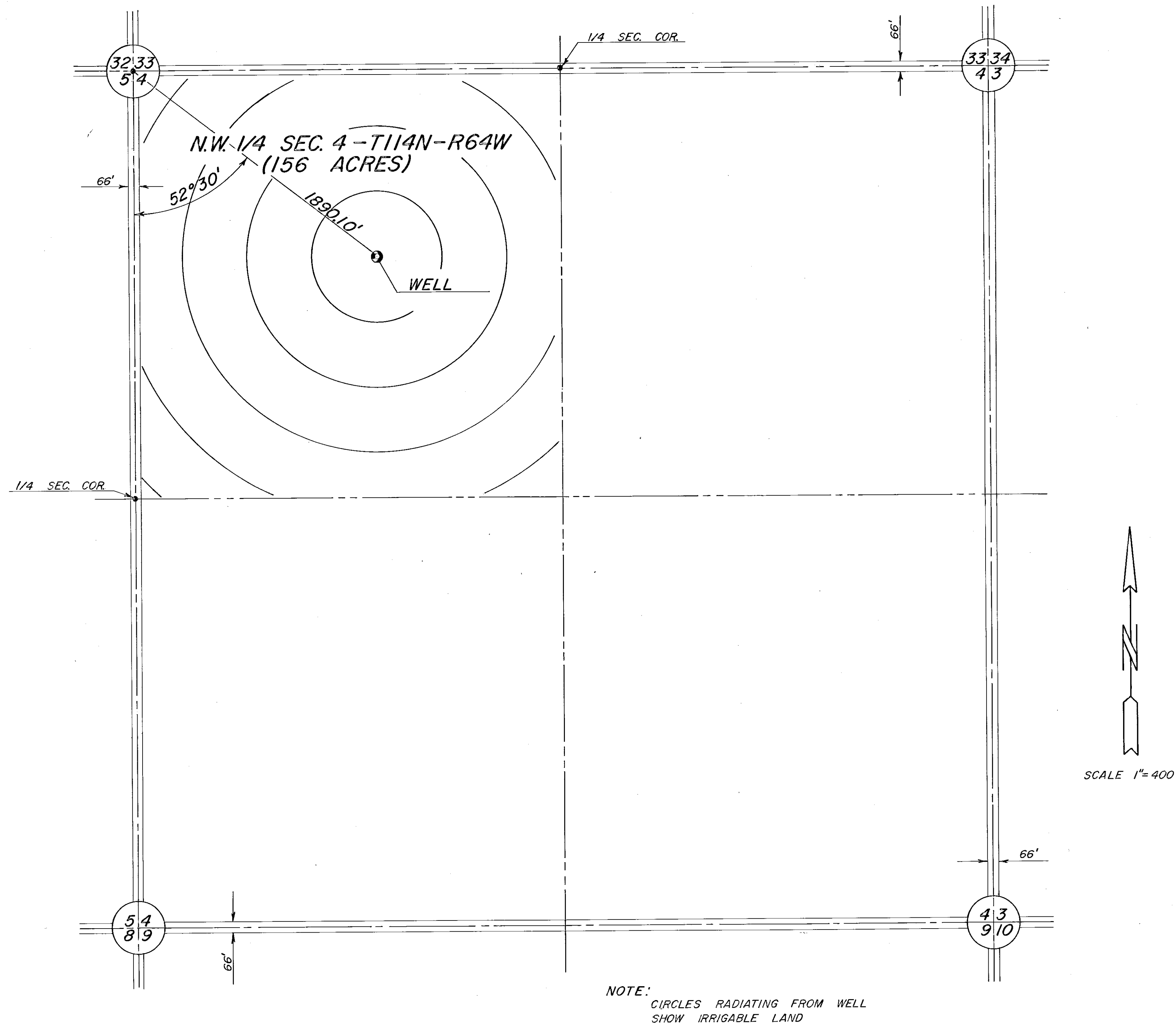
STATE OF SOUTH DAKOTA
 County of SPINK } ss.

I, W. E. Chambers, 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 W. E. Chambers

Subscribed and sworn to before me this 4 day of Sept 1963

Richard W. Beck
 Notary Public (or other qualified officer.)



SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA S.S.
COUNTY OF BROOKINGS

I, CALVIN VAUDREY, A REGISTERED LAND SURVEYOR WITHIN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF Hudson Bros. Inc., I DID SURVEY THE TRACTS OF IRRIGABLE LAND WITHIN THE OWNERSHIP BOUNDARIES FOR WHICH APPLICATION FOR AN APPROPRIATE WATER RIGHTS TO WITHDRAW UNDER-GROUND WATERS FROM UNDER THESE TRACTS FOR IRRIGATION PURPOSES AND THAT THIS MAP IS A TRUE REPRESENTATION THEREOF.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THIS 6TH DAY OF MAY, A.D., 1963.

Calvin Vaudrey
REGISTERED LAND SURVEYOR
SOUTH DAKOTA
EXPIRES 1970

ACKNOWLEDGMENT OF SURVEYOR

STATE OF SOUTH DAKOTA S.S.
COUNTY OF BROOKINGS

ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR THE STATE AND COUNTY AFORESAID, PERSONALLY APPEARED CALVIN VAUDREY, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

WITNESS MY HAND AND SEAL THIS 6TH DAY OF May, 1963.

Gerald V. Wetzel
NOTARY PUBLIC
MY COMMISSION EXPIRES Jan 22, 1971

WATER RIGHTS MAP

SHOWING DIVERSION LOCATION
FOR PERMIT TO APPROPRIATE WATER

J. T. BANNER & ASSOCIATES, INC., ENGINEERS, BROOKINGS, SOUTH DAKOTA

APPROVED _____	FOR _____
DATE _____	
APPROVED _____	FOR J. T. BANNER & ASSOCIATES, INC.
DATE _____	
CHECKED BY <u>CV</u>	DRAWN BY <u>ML</u>
DATE <u>May 1963</u>	SHEET <u>1</u> OF <u>1</u>

MAP N° 681-3 (APPL N° 1040-3)

Remarks by State Water Resources Commission:

The well granted under this Permit is located near domestic wells and other irrigation wells which may obtain water from the same aquifer. If the well covered by this Permit depletes the domestic supplies or interferes with prior water rights, restrictions, to the extent necessary, of the capacity of the well or periods of operation or other arrangements may be required to protect these water supplies.

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, JULY 29, 1963

This is to certify that the foregoing application was received by the Commission at 8:15 o'clock a.m. upon the 5TH day of JUNE, 1963

State Water Resources Commission

By:

Dwight Howe
Chief Engineer, Executive Officer

Number of permit 1040-3

Date of first receipt of application JUNE 5, 1963

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 JUNE 5, 1963

Approved JULY 17, 1963, Recorded in Book 8 Page 96

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 _____

JANUARY 17, 1965

2nd. The whole of said work is to be completed on or before JULY 17, 1966

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

JULY 17, 1968

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

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

6th. The amount of the appropriation herein granted shall not exceed 2.28 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 JULY 17, 1968; said water to be used during the following described annual period:

APRIL 1 TO NOVEMBER 1

Witness my hand this 29TH day of JULY, 1963

State Water Resources Commission

By:

James S. Smith
Chief Engineer, Executive Officer

Certificate of Construction issued AUGUST 19, 1968

Water License issued AUGUST 19, 1968

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30", Depth 27

Type of casing 1/4 steel
(wood, concrete, steel, etc.)

Size of casing 16", Thickness of casing 1/4"

Length of casing 72 If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen Johnson Irrigator #150

Size of perforated screen 16" 27'
(diameter) (length)

Thickness of gravel pack 7", length of gravel pack 37'

(c) Water Bearing Materials

Distance to water 15..... Character of water bearing materials

Sand and gravel with much coal

Thickness of water bearing material 37'

(d) Pump and Motor

Type of pump Turbine
(centrifugal, propeller, mixed flow, etc.)

Name of pump Westernhand Roller, size 8" Column 12" bowls

Kind of motor L. P. Gas
(gasoline, electric, diesel, etc.)

Hor. power 75, Name of Motor International

(e) Complete well

Capacity 1150 at drawdown of 70' . Estimated cost \$2350.00 .

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

Address

(g) Distance to nearest existing wells

On same owner's property none rods. On property owned by others 320 rods

Permit No. 1040-3

Water Division No. 3 JAMES RIVER Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Hudson Farms, Inc.

of Redfield, County of Spink, and State of South Dakota, the holder of Permit No. 1040-3, issued upon Application No. 1040-3 bearing date of priority of June 5, 1963, authorizing the diversion of 2.28 cu. ft. per second of the waters of ground water County of Spink, State of South Dakota, at a point S 52° 30'E, 1890.10 feet from the NW Corner, Section 4, T114N, R64W

for irrigation purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.4 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: for irrigating the NW 1/4, Section 4, T114N, R64W

Witness my hand this 19th day of August A. D. 1968

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 1040-3

WHEREAS, On the 5th day of June A. D. 1963Hudson Farms, Inc.of Redfield County of Spink and State ofSouth Dakota duly made application (No. 1040-3) to us for a permit to use 2.28cubic feet per second of the waters of ground waterCounty of Spink, State of South Dakota, for irrigation purposes; andWHEREAS, On the 29th day of July A. D. 1963Permit No. 1040-3 was issued to said applicant for the diversion of said water, and providing for thecompletion of the works of diversion therein described on or before the 17th day ofJuly A. D. 1966 and for the application to beneficial use of saidwater on or before the 17th day of July A. D. 1968

and,

WHEREAS, On the 17th day of October A. D. 1967the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.4cubic feet per second of said waters, as evidenced by our Certificate No. 1040-3dated August 19, 1968 confirming the completion of works of sufficient capacity fordiverting and conveying to the place of intended use 2.4 cubic feet per second of water, with date ofpriority of June 5, 1963 ~~XXXX~~ and,WHEREAS, On the 17th day of October A. D. 1967proof was duly made of the application to beneficial use of 2.28 cubic feet per second of said water;for irrigating the NW 1/4, Section 4, T114N, R64W

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 Hudson Farms, Inc.
of Redfield the holder and owner of said permit No. 1040-3
a water right, dating from June 5, 1963 to the use of 2.28
cubic feet per second of the waters of ground water
in the County of Spink and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at a point S 52°30' E, 1890.10
feet from the NW Corner, Section 4, T114N, R64W
and conducted to and upon the NW¼, Section 4, T114N, R64W

for the purpose of irrigation, subject to any limitations listed in the
Permit to Appropriate Water, and

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 19th day of August A. D. Nineteen
Hundred and Sixty-eight

State Water Resources Commission

By:

J.W. GRIMES
Chief Engineer, Executive Officer

on or before
(First Publication June 20, 1963)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., June 10, 1963

Hudson Farms, Inc.

Notice is hereby given that _____ whose postoffice address is **Redfield** _____ S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use **2.28** cubic feet of water per second of time from ~~the~~ **ground water** through the **Neitzel Farm Diversion**, the point of diversion of which is to be located on the ~~the~~ **XXXX**

~~XXXXXXXXXXXX~~ in the **NE** $\frac{1}{4}$ of the **NW** $\frac{1}{4}$ of Section **4**

Twp. **114N** Range **64W** Said water to be used for the purpose of providing irrigation on the following described land:

NW $\frac{1}{4}$, Section 4, T114N, R64W

~~XXXXXX~~ **XXXXXX** purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the **17th** day of **July**, 19**63**, at **2 P.** M. All interested persons may appear and be heard.

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

State Water Resources Commission

By:

BURTON F. JONES
WATER RIGHT SPECIALIST

CC: Harold Jones, Publisher
Redfield Press
Redfield, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Spink } ss.

Harold R. Jones being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Redfield Press a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the City of Redfield County of Spink and State of South Dakota; that the said notice was published in said newspaper on the following dates:

June 20, 27, July 4, 11

in each and every issue of the full number thereof, the first publication being made on the 20th day of June 1963 and the last publication on the 11th day of July 1963, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Editor the printer and publisher of the said newspaper.

Harold R. Jones

Subscribed and sworn to before me this 11th day of July A. D. 1963

Margaret E. Jones
Notary Public Spink County, S. D.

No. 18

No. 1040-3

APPROPRIATION OF WATER
Office of State Water
Resources Commission

Spink Co. Dak. June 20, 1963.
Notice is hereby given that Isaiah Farms, Inc. whose post office address is Redfield, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.33 cfs of water through the Isaiah Farms diversion, the point of diversion is to be located in the NW 1/4 of Section 4 T114N R64W. Said water to be used for the purpose of providing irrigation on the following described land:

NW 1/4, Section 4, T114N, R64W
This application will be taken up by the State Water Resources Commission at their office Spink Co. Dak. for consideration upon the 20th day, at 2 P.M. All interested persons may appear and be heard.
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water
Resources CommissionBy: Barton F. Jones
Water Right Specialist
(June 20, 27; July 4, 11)

Permit No. 1040-3

Water Division No. 3 JAMES RIVER 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 _____

I have this day made a thorough examination of the diversion works constructed by HUDSON FARMS, INC. of REDFIELD SPIRK County, South Dakota, holder of Permit No. 1040-3, issued upon Application No. 1040-3, bearing date of priority or JUNE 5, 1963, authorizing the diversion of 2.28 cu. ft. per second of the waters of GROUND WATER for IRRIGATION purposes. I have to report on the condition of the same as follows:

The diversion works comprise: 87' WELL WITH 8" WESTERN LAND ROLLER PUMP & 128 BOWLS POWERED BY 549 INTER-NATIONAL L.P. MOTOR. 420'-10"; 390'-8" & 1510'-6" MAINLINE. 5-1280' 4" TRACTOR PULL SPRINKLER LINES WITH 3/16 RAINBIRD 230W SPRINKLER HEADS @ 40' SPACING @ 45 PSI. and the system is in the following condition: EXCELLENT

The point of diversion is located S 52° 30' E, 1890.10 FEET FROM THE NW CORNER, SECTION 4, T114N, R64W

The works are capable of diverting and conveying to the place of use 2.4 cu. ft. per second of water, which is to be used for IRRIGATION

The legal sub-divisions to be irrigated are: NW 1/4, SECTION 4, T114N, R64W

comprising a total of 160 acres of land.

The domestic use intended comprises _____

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

Witness my hand, this 17TH day of _____

OCTOBER

1967

—SEAL—

Burton J. Jones
WATER RIGHT SPECIALIST
WATER RESOURCES COMMISSION

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Date MARCH 17, 1977

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

A.B. HUDSON NW 1/4, SECTION 4, T114N, R64W

formerly owned by A.B. HUDSON

has been transferred to GARY NEIBELTULARE

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 1040-3 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 Rights 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 Hughes) ss.

I, Gary Nebel 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.

Gary Nebel
(Signed)

Subscribed and sworn to before me this 17th day of March,
19 77.

Darry Wassenaar
(Notary Public)
South Dakota



Department of Water & Natural Resources

Joe Foss Building

523 East Capitol

Pierre, South Dakota 57501-3181

Water Rights Division
605 773-3352

December 11, 1985

398-3

962-3

1040-3

1119-3

1203-3

1923-3

Jim Laird
Norwest Capitol Management
PO Box 849
Aberdeen SD 57401-0849

Dear Mr. Laird:

In response to our recent telephone conversation, enclosed are the 1985 Irrigation Questionnaires for Water Rights listed under the name of Gary Neitzel. Upon completion of the forms, return them to our office. December 20, 1985 is the deadline for returning the questionnaires; however, since you did not receive them earlier, please try to have them to us by January 10, 1986.

All of Mr. Neitzel's water rights will be listed as "Gary Neitzel's Estate" as we discussed and, if acceptable to you, the yearly questionnaires will be sent directly to Norwest Capitol Management for completion. If the status of these water rights should change, please contact us.

A postage paid envelope is enclosed for your convenience in returning the questionnaire. If you have any questions, please advise.

Sincerely,

GENNY MCMATH
Natural Resources Analyst

GM:ks

enclosures

Equal Opportunity Employer

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

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

January 29, 1988

NEITZEL- NORWEST CAPITOL MGMT
PO BOX 849
ABERDEEN, SD 57401

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

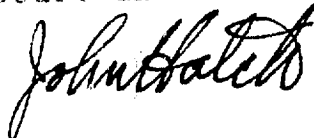
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 1119-3, 1040-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires 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). 1119-3, 1040-3 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 29, 1988

1040-3

Richard Woodward, Op
Tulare SD 57476

Dear Mr. Woodward:

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. 1040-3 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 that reads "John Hatch".

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

cc: Norwest Capitol Management
PO Box 849
Aberdeen SD 57401



Department of Water & Natural Resources

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

#1040-3
962-3
1923-3
398-3
1203-3

February 17, 1989

Neitzel Norwest Capitol Mgmt
PO Box 849
Aberdeen, SD 57401

Dear Sir:

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;

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 H. Hatch
for JOHN HATCH, Chief Engineer
Water Rights Division



1040-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NEITZEL-NORWEST CAPITOL MGMT
PO BOX 1238
HURON SD 57350-1238

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s) 1040-3; 398-3; 962-3; 1923-3

The first notice to file chemigation report(s) for Permit No(s) 1040-3; 398-3; 962-3; 1923-3 was dated November 27, 1991. Our records indicate that we have not received the 1991 chemigation report for Permits No(s) 1040-3; 398-3; 962-3; 1923-3. 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). 1040-3; 398-3; 962-3; 1923-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

Very truly yours,

RON DUVALL, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1992

NEITZEL-NORWEST CAPITOL MGMT
PO BOX 1238
HURON SD 57350-1238

Dear Sir:

I am writing to acknowledge receipt of your 1991 chemigation report for Water Right No(s). 1040-3; 398-3; 962-3 & 1923-3. 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



January 9, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

 JOE FOSS BUILDING
 523 EAST CAPITOL
 PIERRE, SOUTH DAKOTA 57501-3181
NOTICE
TO: NEITZEL- NORWEST CAPITOL MGMT, PO BOX 1238, HURON, SD 57350 1238

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire has not been submitted for Permit No(s) 398-3, 962-3, 1040-3, 1203-3 & 1923-3. 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 be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 398-3, 962-3, 1040-3, 1203-3 & 1923-3 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 on/or before February 20, 1998, your name will be deleted from the Board agenda. If you have any questions or need assistance with 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.

WATER RIGHTS PROGRAM FILE DOCUMENTATION

NAME OF PERSON: Norwest Bank Capitol Mgmt (on behalf of Neitzel Estate)

ADDRESS: PO Box 1238, Huron, SD

DATE: January - 1998

RE: questionnaires for Neitzel Estate (Water Right Nos. 398-3, 962-3, 1040-3, 1203-3 and 1923-3)

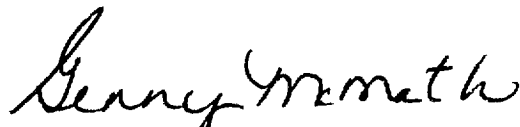
COMMENTS:

A lady from Norwest Capitol Mgmt called in regard to the "Notice" they received concerning reporting requirements for the 1997 irrigation questionnaires. She indicated the Estate was settled and the land dispersed to the heirs. She indicated the land has been divided as follows:

- 1) Allan Neitzel, 1616 N Harrison St, Aberdeen, SD: NE $\frac{1}{4}$ Section 2, NE $\frac{1}{4}$ Section 9 and NW $\frac{1}{4}$ Section 14, T114N, R64W
- 2) Monte Neitzel, 1102 S Main, Redfield, SD and Lisa Zens, RR 3, Zell, SD: W $\frac{1}{2}$ Section 2, NW $\frac{1}{4}$ Section 27, T114N, R64W and NW $\frac{1}{4}$ Section 33, T115N, R64W

On February 17, 1998, I spoke with Monte Neitzel (472-4127) concerning the water rights. It would seem from reviewing the files that he has the majority of the water rights under the water rights. He said the land was not irrigated in 1997 due to excessive moisture. We discussed ownership of the water rights and he indicated he would review copies of the rights and complete the transfer forms accordingly.

Concerning the irrigation questionnaires for 1997 - The matter has been withdrawn from the February Board meeting agenda because 1) improper notice was given (the questionnaires and following notice were mailed to the bank instead of Monte Neitzel) and 2) the information was received from Monte Neitzel February 17, 1998.



Genny McMath
Environmental Scientist

1040-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 18, 1998

Monte Neitzel
1102 S Main
Redfield, SD 57469

Dear Mr. Neitzel:

Thank you for taking the time to visit with me yesterday about water rights held by Gary Neitzel. Enclosed are copies of Water Right Nos. 398-3, 962-3, 1040-3, 1203-3 and 1923-3.

I noticed when reviewing Water Right No. 1923-3 that it contained an error in the legal description of the irrigated acres. The description should be the NW $\frac{1}{4}$ Section 27 instead of Section 17. The water license will be reissued to correct the error.

I am enclosing partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with the water rights. Please review the forms for accuracy and make any necessary corrections. You will need to fill in the portion titled "to be transferred to: (name & address)". Upon completion, please sign them in the presence of a notary and return them to our office with a required filing fee of \$2.50 each (total of \$12.50).

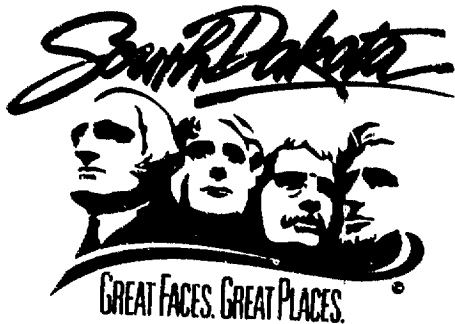
It is my understanding that Allan Neitzel may own some of the acreage involved. If any of the water rights or a portion of a specific one should be transferred to Allan instead of to you, please include this information when returning the transfer forms. I can forward forms to Allan if necessary.

Thank you in advance for your help with reviewing the water rights and filing the ownership changes. If I can answer any questions for you, please contact me.

Sincerely,

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

encl



1046-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 19, 1998

Monte Neitzel
1102 S Main
Redfield, SD 57469

Dear Mr. Neitzel:

This letter serves as a reminder that we have not yet heard from you regarding the ownership changes for Water Right Nos. 398-3, 962-3, 1040-3, 1203-3 and 1923-3, currently listed in the name of Gary Neitzel.

In February, I forwarded transfer forms to you for filing ownership changes with the water rights. Please review the forms for accuracy and make any necessary corrections. You will need to fill in the portion titled "to be transferred to: (name & address)". Upon completion, please sign them in the presence of a notary and return them to our office with a required filing fee of \$2.50 each (total of \$12.50).

As I indicated in my February correspondence to you, if any of the water rights or a portion of a specific one should be transferred to Allan instead of to you, please include this information when returning the transfer forms. I can forward forms to Allan if necessary.

Thank you in advance for your help with reviewing the water rights and filing the ownership changes. If I can answer any questions for you, please contact me.

Sincerely,

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

encl



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 17, 1998

Monte Neitzel
1102 S Main
Redfield, SD 57469

Dear Mr. Neitzel:

I am contacting you once again regarding the ownership changes for Water Right Nos. 398-3, 962-3, 1040-3, 1203-3 and 1923-3, currently listed in the name of Gary Neitzel. I forwarded transfer of ownership forms to you in February and also sent a reminder notice to you May 19th. To date, I have not heard from you.

The reason I am continuing to try and resolve the ownership issue is because we will be mailing out irrigation questionnaires in October and need to be able to get them to the correct owner/address. Failure to keep records current can mean a delay in receiving a notice or even no receipt of a notice that pertains to the water right. In some cases, as with the case of the irrigation questionnaires, a notice from our office may include an order which could result in up to one year suspension of a water right or other penalty if not complied with.

I am enclosing a additional set of forms in the event the first set of forms were mislaid. Please review the forms and make any necessary corrections. You will need to complete the portion titled "to be transferred to, (name and address)....". Once completed, they should be signed in the presence of a notary public and the returned to our office with a required filing fee of \$2.50 each (total of \$12.50).

If you have any questions or if I should be contacting someone else concerning the transfer of the above water rights, please get in touch with me.

Sincerely,

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

encl

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 1040-3

Date: 9-28-98

I/We request that Water Right No. 1040-3

formerly owned by: Gary Neitzel

be transferred to: (name & address) Alan Neitzel 1616 N. Harrison St
Aberdeen S.D. 57401 Telephone No. 605-226-2422

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

NW¼ Section 4, T114N, R64W

I/We understand that the validity of Water Right No. 1040-3 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.

STATE OF SOUTH DAKOTA)

County of Brown)

I/We Alan Neitzel 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 that I know of my own personal knowledge that the information herein stated is true.

Alan Neitzel
(Signed)

Subscribed and sworn to before me this 28th day of September, 19 98.

MY COMMISSION EXPIRES 9/1/2004

[Signature]
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 415881

Pierre, September 29, 1998

RECEIVED OF Alan Neitzel, 1616 N. Harrison, Aberdeen, SD 57401
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 Water Right No. 1040-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Chief Engineer

John Hatch (P)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 30, 1998

1040-3

Alan Neitzel
1616 N Harrison St
Aberdeen, SD 57401

Dear Mr. Neitzel:

Thank you for submitting the "Notice of Transfer of Ownership" form for Water Right No. 1040-3. The transfer has been completed and the water right is now listed in your name.

In October, the annual irrigation questionnaires are mailed to irrigators in the state requesting information on the amount of water pumped during the irrigation season. The questionnaire for Water Right No. 1040-3 will be directed to your attention. If you have an operator for the system that you would prefer this type of correspondence to be sent to, please let me know.

Enclosed is Receipt No. 415881 in the amount of \$2.50 which you paid for filing the ownership change. Also enclosed are the receipts for filing fees you paid for transferring Water Right Nos. 398-3, 962-3, 1203-3 and 1923-3 from Gary Neitzel to Monte Neitzel. I will be sending Monte a letter letting him know the transfers to his name have also been completed.

Thank you and if you have any questions, please let me know.

Sincerely,

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

encl

1040-3

SENDER - COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Monte Neitzel
1 County Rd 24
Tulare SD 57476-2101

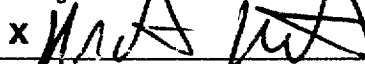
A. Received by (Please Print Clearly)

Monte Neitzel

B. Date of Delivery

1-20-01

C. Signature

X ☐ Agent☐ AddresseeD. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☒ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7000 0600 0026 9814 3147



1040-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2001

NOTICE

TO: ALAN NEITZEL, 3060 N DAKOTA ST, ABERDEEN, SD 57401 8176

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire

Our records indicate that the 2000 Irrigation Questionnaire has not been submitted for Permit No. 1040-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 7, 2001, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1040-3 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 is received in this office on/or before March 2, 2001, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, please contact Genny McMath at (605) 773-3352.

c: MONTE NEITZEL, 1 COUNTY RD 24, TULARE, SD 57476-2101

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2001

1040-3

Alan Neitzel
3060 N Dakota St
Aberdeen, SD 57401-8176

Dear Mr. Neitzel:

I am writing to acknowledge receipt of your 2000 irrigation questionnaire. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right No. 1040-3.

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: Monte Neitzel

1040-3



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: ALAN NEITZEL, 3060 N DAKOTA ST, ABERDEEN, SD 57401 8176

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire

Our records indicate that the 2002 Irrigation Questionnaire has not been submitted for Permit No(s) 1040-3. 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 be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1040-3 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 on/or before **February 28, 2003**, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

CC: MONTE NEITZEL, 1 COUNTY RD 24, TULARE, SD 57476-2101

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



Track & Confirm

Delivery Status

You entered 2301 0370 0000 7540 6154

There is no record of that item. If it was mailed recently, information may not yet be available. Please try again later.

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)



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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7540 6154

ALAN NEITZEL
3060 N DAKOTA ST
ABERDEEN SD 57401 8176

mailing.

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

(See Reverse)

PS Form 153, February 2001

No Confirmation on delivery, however the irrigation questionnaire was submitted and no further follow up is required.

Seamus



Track & Confirm

Delivery Status

You entered 2301 0370 0000 7540 6161

Your item was delivered at 10:30 am on January 18, 2003 in TULARE, SD 57476. The item was signed for by M LINDBERY.

[Request Delivery Record >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)



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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7540 6161

MONTE NEITZEL
1 COUNTY RD 24
TULARE SD 57476-2101

before mailing.

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

(See Reverse)

PS Form 153, February 2001



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 28, 2003

1040-3

Alan Neitzel
3060 N Dakota St
Aberdeen SD 57401-8176

Dear Mr. Neitzel:

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. 1040-3.

I completed a questionnaire for you based on our January 28th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

As you requested, future irrigation questionnaires mailed to Richard Woodward, 37649 184th St, Tulare, SD. Thank you for calling and if you have any questions, please contact me.

Sincerely,

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

1040-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 2014

Alan Neitzel
3060 N Dakota St
Aberdeen SD 57401 8176

RE: Water Right Nos. 962-3 & 1040-3 (Alan Neitzel) and
Water Right Nos. 398-3, 1203-3 & 1923-3 (Monte Neitzel)

Dear Mr. Neitzel:

I am writing in follow-up to your March 3rd visit with Eric Gronlund in our program. Enclosed are copies of all five water rights listed above.

Also enclosed are partially completed Notice of Transfer of Ownership forms for filing ownership changes with Water Right Nos. 398-3, 1203-3 and 1923-3. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$150). The check or money order for the fee can be made payable to the Water Rights Program.

As requested, the annual irrigation questionnaires for Water Right Nos. 398-3, 962-3, 1040-3, 1203-3 & 1923-3 will be sent to you. If you have any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

No. 1040-3

July 29, 2021

Mark Steinheuser, Manager
407 Country Rd 24
Tulare SD 57476

Dear Mr. Steinheuser:

On July 21, 2021, a staff member from the Department of Agriculture and Natural Resources (DANR) observed overspray from the irrigation system located in the NW 1/4 Section 4-T114N-64W onto the adjacent east/west road (see attached). This irrigation system is covered by Water Right No. 1040-3 with you listed as operator.

It is common for center pivots to have stops which are used to shut off the end gun when the pivot nears a road. Please take steps to ensure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to waste water or operate an irrigation system in violation of state water law, which includes end gun overspray upon lands, including roadways, not covered by the water right. Application of water to a roadway or unauthorized lands is a waste and unreasonable use of water pursuant to SDCL 46-1-4.

If you don't believe this irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at ron.duvall@state.sd.us.

Thank you for your cooperation,

Ron Duvall
Water Rights Program, DANR

enclosure

c: Alan Neitzel

On July 21, 2021 at 5:30 PM, DANR Water Rights Staff observed overspray occurring from the center pivot authorized by Water Right No. 1040-3. Attached is a photograph that was taken while facing west on 184th Street. On the next page is a map showing the location of the photograph and active water rights in the immediate vicinity.



