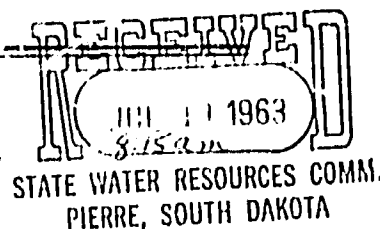


1048-3

1. Considered 9-5, 1962
2. Name of Applicant HUDSON FARMS INC
3. Post Office Address PERDUE
4. Amount of water claimed 2.28
5. Source of water supply Ground water
6. Water to be used for irrigation
7. Water to be diverted and used in 160 Acres to be irrigated Spencer County about
35 miles of Spencer
8. Proof of Publication Received ✓
Not Received ---
9. Application Approved ---
Subject to ---
Not Approved ---
Action deferred ---
10. Remarks:

No. 1048-3
 Water Division No. 3 JAMES RIVER District
 (Blanks to be Filled by the Engineer for the W. R. C.)



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

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

1. Name of applicant Freeland Farms
 Postoffice address Doland, SD 57436 _____, State South Dakota

I. If a corporation XXX

- (a) Name of same Hudson Farms, Inc.
 (b) Date and place of incorporation 2-23-62 Pierre, S. Dak.
 (c) Amount of capital stock \$600,000.00
 (d) Amount paid in _____
 (e) Names and addresses of directors _____
A. B.
M. R. Hudson, XXXXX, Hudson, Irving C. Klinock, 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 Riddle Farm
 3. Amount of water claimed 2.28 cubic feet per second
 4. Source of water supply Well
 5. Location of point of diversion 1300' E to 1300' South of NW corner of Sec. 28-116-71
 _____ on _____ bank Spink 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? _____

- (a) Number of acres to be irrigated 160 acres.

- (b) Legal subdivisions to be irrigated NE 25-116-61

(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 688-3

8. Estimated cost of work:

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

(b) Pumping plant, \$1600.00

(c) Plumbing, \$..... (d) Canal-earth, \$.....

Rock, \$.....

(e) Other structures \$.....

Total, \$.....

9. Description of diversion works:

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

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottom.....feet; length at top.....feet; thickness at bottom.....feet; thickness at top.....feet; slope at front water face.....; slope at back face.....material used in construction.....

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

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

(c)* Head gate: Width.....feet; height.....feet; Material.....

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

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work.....3.....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 S.D.N.E. } ss.

I, M.R. Hudson

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.

Signature M.R. Hudson, INC. President

Subscribed and sworn to before me this 21 day of May 1903

Notary Public (or other qualified office)

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, SEPTEMBER 11, 1963

This is to certify that the foregoing application was received by the Commission at 8:15 o'clock
2 m. upon the 19TH day of JUNE JULY, 1963

State Water Resources Commission

By:

Johnston
Chief Engineer, Executive Officer

Number of permit 1048-3

Date of first receipt of application JULY 19, 1963

Date of return to applicant for correction, amendments or changes required as follows: JULY 22, 1963

Date of receipt of corrected application AUGUST 14, 1963

Date from which applicant may claim JULY 19, 1963

Approved SEPTEMBER 5, 1963, Recorded in Book 8 Page 122

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 MARCH 5, 1965

2nd. The whole of said work is to be completed on or before SEPTEMBER 5, 1966

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 5, 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 SEPTEMBER 5, 1968; said water to be used during the following described annual period:

APRIL 1 TO NOVEMBER 1
Witness my hand this 11TH day of SEPTEMBER, 1963.

State Water Resources Commission

By:

Johnston
Chief Engineer, Executive Officer

Certificate of Construction Issued AUGUST 19, 1968

Water License Issued AUGUST 19, 1968

Field

D. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30", Depth 88'
 Type of casing STEEL
 (wood, concrete, steel, etc.)
 Size of casing 16", Thickness of casing 1/4"
 Length of casing 73' If collection gallery, length, size and depth of
 gallery

(b) Screens

Type of perforated screen JOHNSON IRRIGATOR
 Size of perforated screen 16" (diameter), 15' (length)
 Thickness of gravel pack 7", length of gravel pack 86"

(c) Water Bearing Materials

Distance to water 20' Character of water bearing materials COARSE
SAND + GRAVEL
 Thickness of water bearing material 65'

(d) Pump and Motor

Type of pump TURBINE
 (centrifugal, propeller, mixed flow, etc.)
 Name of pump WESTERN LAND ROVER size 10"
 Kind of motor PROPANE
 (gasoline, electric, diesel, etc.)
 Horsepower 100, Name of Motor INTERNATIONAL

(e) Complete well

Capacity 1000 at drawdown of 50 Estimated cost \$2500

(f) Owner of land upon which well is located HODSON FARMS INC
 Name
800 Hwy 333 Harmon, CO, 3 Mins
 Address

(g) Distance to nearest existing wells

On same owner's property 110 rods. On property owned by others 50 rods

Permit No. 1048-3

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. 1048-3, issued upon Application No. 1048-3 bearing date of priority of July 19, 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 45° E, 1939' from the NW Corner, Section 28, T116N, R61W, 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 28, T116N, R61W

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. . . 104B-3 . .

WHEREAS, On the 19th day of July A. D. 1963
Hudson Farm, Inc.
 of Redfield County of Spink and State of
South Dakota duly made application (No. 104B-3) to us for a permit to use 2.23
 cubic feet per second of the waters of ground water
 County of Spink, State of South Dakota, for irrigation
 purposes; and

WHEREAS, On the 11th day of September A. D. 1963
 Permit No. 104B-3 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 5th day of
September A. D. 1963 and for the application to beneficial use of said
 water on or before the 5th day of September A. D. 1968
 and,

WHEREAS, On the 17th day of October A. D. 1967
 the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.4
 cubic feet per second of said waters, as evidenced by our Certificate No. 104B-3
 dated August 19, 1968 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 2.4 cubic feet per second of water, with date of
 priority of July 19, 1963 and,

WHEREAS, On the 17th day of October A. D. 1967
 proof 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 28, T116N, R61W

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. 1048-3
 a water right, dating from July 19, 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
 necessary for the purposes hereinbelow mentioned, to be diverted at a point S. 45° E., 1939' from
the NW Corner, Section 28, T116N, R61W
 and conducted to and upon the NW 1/4, Section 28, T116N, R61W
 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 12th day of August A. Nineteen
 Hundred and Sixty-eight

State Water Resources Commission

By:

J. V. GRIMES
 Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Acreage _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

on or before
(First Publication August 8, 1963...)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., July 29, 1963

Notice is hereby given that Hudson Farms, Inc. 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 Riddle Farm Diversion, the point of diversion of which is to be located ~~at the~~ in the ~~SW~~ NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 28 Twp. 116N Range 61W. Said water to be used for the purpose of providing irrigation on the following described land:
NW $\frac{1}{4}$ Section 28, T116N, R61W

~~and for~~ and for purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 5th day of September, 1963, 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

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

By:
BURTON F. JONES
Water Right Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Spink } ss.

Harold A. 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:

August 8

August 15

August 22

August 29

In each and every issue of the full number thereof, the first publication being made on the 8th day of August 1963 and the last publication on the 29th day of

August 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 A. Jones

Subscribed and sworn to before me this 29th day of August A. D. 1963

Notary Public Spink County, S. D.

No. 81
APPROPRIATION OF WATER
Office of State Water Resources Commission
Pierre, S. Dak., July 29, 1963
Notice is hereby given that Hudson 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 228 cubic feet of water per second of time from ground water through the Riddle Farm Diversion the point of diversion of which is to be located in the NW 1/4 of the NW 1/4 of Section 28, Twp. 11N, Range 61W, Bald water to be used for the purpose of providing irrigation for the following described land:
NW 1/4, Section 28, T11N, R61W
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 5th day of September, 1963, 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 of all information presented.
State Water Resources Commission
By: Burton P. Jones
Water Right Specialist
(Aug. 8, 15, 22, 29)

RECEIVED
SEP 4 1963

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

1048-3

Driller's Notice Of Intent To Construct Well

Water Resources Commission of South Dakota
State Office Building
Pierre, South Dakota

Gentlemen:

In accordance with Section 61.0406 of the 1960 Supplement to the South Dakota Code of 1939, Notice of Intent is hereby given to drill the following well.

Person for whom the well is to be drilled: Hudson Farms, Inc.
(Name)

Box 333 Kansas City, Kansas
(Address)

Owner of land if other than above: _____
(Name)

(Address)

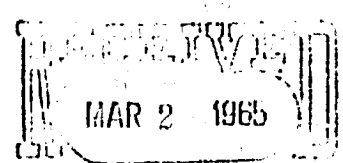
Location of well N.W. 1/4, N.W. 1/4, Section 28, Township 116,

Range 41

Proposed use of water _____
(domestic, irrigation, municipal, industrial, other)

Very truly yours,

Empire Dr + Drlg.
J. B. Hull Co - Owner



STATE WATER RESOURCES COM.

Joe Grines
State Water Commission
Pierre, S. Dak.

Dear Mr. Grines:

In regards to my surface well used for livestock and personal use:

I have a surface well 20 feet deep and 4 feet in diameter, the bottom of which is down in quick sand and has, in prior years, maintained a 6 foot reservoir of water. This well has been in constant use for more than twenty years and no one has even been able to pump it dry, or even lower it enough for a thorough cleaning. As a matter of fact, I have pumped this well with a pump as far as much as 60 hours continuously without any sign of slowing up the water supply.

Ten days ago I pumped two barrels of water into my sheep tanks and my water supply became very sluggish to the extent that the jet pump stopped putting out water at times. (As you might know, this is not the best operating condition for a pump of this kind.)

There are, in this immediate vicinity, six irrigation wells. Four of them are two and three miles north of me and one 1/2 mile south and the other 1/2 west and 1/2 south. Five of these wells, which belong to the Hudson Land Co., began pumping operations about two weeks ago. And the cause is that this Land Co. plans to dig two or three more wells just one and one-half miles west of me.

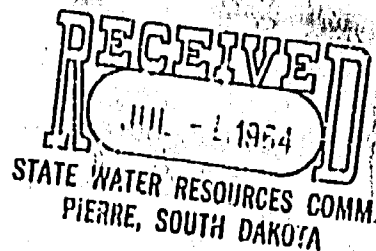
Now I have been privileged to use an inexhaustible supply of water from my surface well for livestock, household, and garden and lawn irrigation for over forty years and I think I should be entitled to the water that I normally use.

Now what I want to know is this: I have to continue to be inconvenienced and maybe lose my water supply entirely so that I am forced to the trouble and expense of digging a new well and buying a new pump or do I just sit here and wait for this company to get done irrigating and hope that after they are done that the water will come back up so I can use it again as before, which is very improbable for some time to come.

My farm is located in Spink County Township 116-Range 61 Section 21. Enclosed is a map of the immediate locality showing my farmstead in relation to these irrigation wells.

Yours truly,

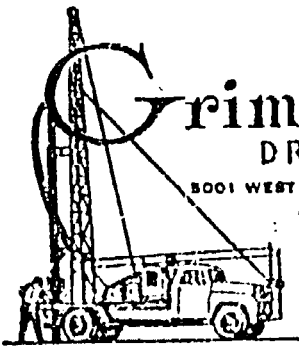
Walter Lindstrom



Belle Plaine Township 116-61
 Spink County

x marks Irrigation Wells
 o marks Noel Lindsker Farmstead

6	5	4	3	2	1
	x x	155			
7	8	9	10	11	12
	x				
18		16	15	14	13
		x			
16 ²	17 ²				
19	20	21	22	23	24
30	29	28	27	26	25
	x	x			
31	32	33	34	35	36



INVOICE

Grimshaw
DRILLING CO.

5001 WEST 30TH STREET, SIOUX FALLS, SOUTH DAKOTA 57108

PHONE 332-8041

DATE 7-21-64

These items are for the Noel Lindskov Farm

CUST. NO.

OUR ORDER NO.

OUR INV. NO.

Hudson Farms P.O. Box 333 Kansas City Kans.

TERMS

F.O.B.

1	LL 33PT 13 Water System			122.65
1	3/4 X 6 galv Iowa Hydrant			14.18
2	1204 - 1 1/4 Con. and all adapters	72	72	1.44
3	1204 - 1" " " "		56	1.68
1	1224 1" " " " with 90° ell			98
1	1224 1 1/4 " " " "			1.17
1	1220 1 Pl. X 3/4 Nip With 90° ell			2.40
100	Ft. 1" Golden Jet Plastic Pipe	18.75	ft	18.75
100	Ft. 1 1/4 " " " "	31.61		31.61
10	24ES -1 1/4 Clamps For Plastic	23.52/c		2.35
1	1 1/4 X 1 Galv Bushing			32
1	3/4 X 3/8 " "			22
Sales Tax				197.75
				201.71
46	Ft. of 16" X 1/4 Black Pipe in place with 7 Ft. slotted at \$15.00 per Ft.			690.00
6	Ft. of 42" Concrete with cover in place at 10.00 per ft			60.00
	Mileage Sioux Falls to Doland and return 350 miles at 30c			105.00
				\$1056.71

930-5

547.53

*Cash payment in lieu
of above pump & tile +*

1048-2

GALLAGHER & BATTEY
ATTORNEYS AT LAW
PACKARD BUILDING
REDFIELD, SOUTH DAKOTA 57-169
May 14, 1965

RAYMOND A. GALLAGHER
RICHARD F. BATTEY

TELEPHONE
-472-2710

RECEIVED
MAY 18 1965
STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Honorable J. W. Grimes
Executive Officer & Chief Engineer
Water Resources Commission
State Office Building
Pierre, South Dakota

Re: Hudson Farms-Noel Lindskov

Dear Mr. Grimes:

Thank you for your letter of May 11 regarding Mr. Lindskov's letter of May 3.

When Mr. Lindskov first wrote the Water Resources Commission it was regarding a claimed reduction of water as a result of the Hudson well. We talked to Burt Jones after this and as a result we talked to the Hudson Farms and our recommendation was that they do not drill Lindskov a new well until we had more proof that the draw-down on the Hudson wells was causing Lindskov a loss of water. It appeared that his well has been in operation for over 40 years. After Hudson over-ruled us and agreed to drill this well, the well-driller found that this indeed was an extremely old well with wood curbing and it would be real questionable whether the well just went defunct or whether there was an actual draw-down which would effect it.

Pursuant to the Hudson people they hired Grimshaw Drilling Company, and for your records I am enclosing a photostat copy of their statement for the Lindskov well. This shows a total of \$1,056.71 invested in this well. The \$247.53 referred to by Mr. Lindskov actually represents the \$201.71 for

Honorable J. W. Grimes

May 14, 1965

Page 2

the pump and fittings less the Iowa hydrant which Lindskov retained and also it represents the \$60.00 for the 42 inch curbing, so that the total investment by Hudson is still \$1,056.71, \$247.53 being a part of this total.

Originally it was contemplated to drill this well to a depth of 90 feet as it was assumed this was where proper sands would be so that a proper household well could be had. The driller determined that 46 feet was a sufficient depth and proper sands to give Lindskov all of the water that he would need and more than he would have gotten out of his old well.

Mr. Lindskov interfered with the drillers substantially and caused considerable trouble with the driller's employees and constantly complained to them about the well. He himself elected to remove the curbings that were put in after our drillers had left and after we had agreed to pay him the \$247.53. He did not want the type of pump that we had and preferred to buy his own pump and wanted a different size curbing than we had provided.

Lindskov's old well was operated by a pump jack and a small electric motor whereas, the well that Hudson proposed was a pressure system well which would give him constant water supply and would be far superior to his old well.

After the well was completed we prepared an agreement before paying over the balance of the money relieving ourselves of any liability for the well in view of the fact that he himself assumed completion of the well. He was not inclined to sign any agreement, and we on the other hand would hardly deliver any further funds to him for he was going to complete the well himself and he had taken it upon himself to be satisfied with the well that was drilled plus the changes that he was going to make. I am enclosing herewith a copy of our proposed agreement, and I am sure that you can well recognize the fact that anyone that is going to pay out around \$1,000.00 ought to be entitled to some proper protection, particularly where there was no admission of liability in the first instance.

It is our opinion that we have given this man a far superior well than the one that he had.

It is our understanding that during the summertime Lindskov uses

Honorable J. W. Grimes
May 14, 1965
Page 3

his old Demster pump and in the wintertime he uses his old pump jack. He did not buy a new pump to our knowledge to replace the one that we had originally contemplated putting in. With the Demster pump he irrigates his lawn and provides water for his cattle. In the wintertime he folds up his Demster pump and relies completely upon the pump jack which is located necessarily at the top of the well. The house has no water system so the Lindskovs pump water into a bucket and carry it to the house. The watering of the cattle in the wintertime is merely pumping the water up into a trough.

It is no wonder that he had the well freeze up in the wintertime. Had he let us complete the well as we wanted to, the pump would have been set down into the well and he would not have been bothered by freezing.

We still have the check for Mr. Lindskov dated August 5, 1964, for the pump, fittings and concrete curb. We are still willing to deliver him this check, but only upon a release from him relieving us of any further liability.

You can see it is quite obvious that the reason that this pump is not working is because Lindskov himself has gone in and in an attempt apparently to retain funds for himself has used his old pumping equipment and naturally he cannot expect to have a first class well using this old and out-dated equipment.

As I stated earlier, Lindskov pulled out the curbing that was placed in the well, this curbing is still located on his premises.

It does not appear that we can satisfy this gentleman as he is completely obstinate to the Hudson people who I think have gone way beyond the necessary requirements of satisfying a person who has claimed to have been injured.

It is quite interesting to note that Lindskov is claiming that his old well is now dried up and there has been no pumping in the irrigation well since approximately last September. It is also noticeable that in this particular area there was no rainfall last year to recharge the ground waters and that this area was a disaster area due to the drought. Mr. Lindskov indicates in his letter that he has never had this well run dry which would include the 30s, but we do not feel that this is a criterion of establishing

Honorable J. W. Grimes

May 14, 1965

Page 4

the dryness of his well at this time. As a possible suggestion it might be that his new well is drawing down on his old well as it is located approximately 20 feet away, and certainly if he is using both wells his old well would be bound to be effected. There is no showing in his recent letter that there is not sufficient water in the old well, and he could hardly clean out his well pipes of rust by using his Demster pump or pump jack. It is not unusual that a little rust would be in the well when it is first constructed and with sufficient pumping with a pressure type pump the pipes would be cleaned out in no time at all. If, of course, the well would not clean up we would look to the driller to correct this. Under the circumstances, however, we could hardly make a demand on the driller when Mr. Lindskov has used his own equipment and not the equipment that was originally scheduled for the well.

After you have had a chance to digest this letter we would appreciate your remarks as we feel that our clients have done far more than anyone else would do under these circumstances. As you pointed out in your letter that your staff has not made any intensive investigation and this entire matter was commenced based upon Mr. Lindskov's original letter to your office of June of 1964. We did not make any intensive investigation either but merely went ahead and drilled this man a well so there would be no hard feelings. This is the type of business people our clients are and they certainly do not want to argue with their neighbors.

We have been advised by neighbors that it is common knowledge in the area that Mr. Lindskov's well was going dry before this irrigation ever came in. We have never attempted to verify this by taking any statements from neighbors as we have not been interested in determining the validity of any claim of Mr. Lindskov. We do have some names of people that can be contacted to run down this statement if it is necessary. Our people just have not wanted to get involved in anyway with the neighbors and have been willing to make this type of a substantial payment to avoid any conflict. If Mr. Lindskov cannot see fit to go ahead and complete his well as was originally planned, we have no other alternative but to maintain the position that we have furnished him everything that he has agreed upon. We will not however release our check until he signs the enclosed agreement.

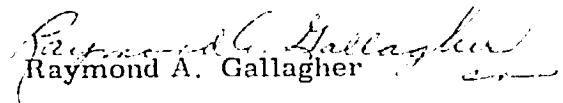
Thank you very much for your consideration in this matter and

Honorable J. W. Grimes
May 14, 1965
Page 5

for your letter.

Sincerely yours,

GALLAGHER & BATTEY

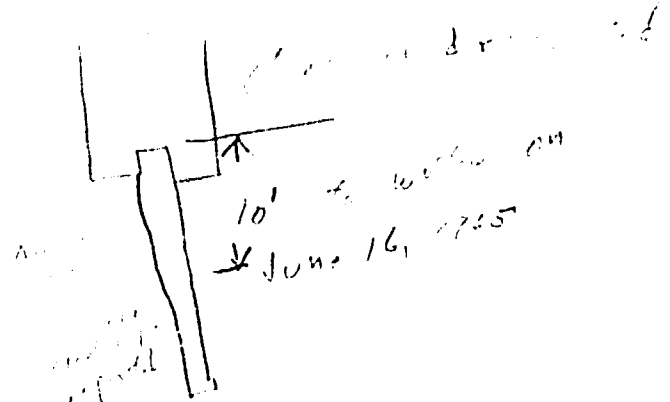

Raymond A. Gallagher

RAG:sn
cc: Hudson Farms, Inc.
Noel Lindskov

1048-3

May 11, 1965

Gallagher and Battey
Attorneys-At-Law
Redfield, South Dakota 57460



Gentlemen:

Enclosed for your information, as the representative of Hudson Farms, Inc., is a copy of a letter received from Mr. Noel Lindskov.

The Staff of the Water Resources Commission is certain that Mr. Hudson's intention was to replace Mr. Lindskov's old well with a new well that would be adequate and which would be completely satisfactory to Mr. Lindskov.

Apparently Mr. Chambers promised a certain type of well and pumping equipment. Following, the well contractors made substitutions that are not now satisfactory to Mr. Lindskov. Later adjustments caused by the substitutions probably resulted in some vexations on both sides.

The Commission Staff has not made any intensive investigation of this matter or reported on it officially to the Water Resources Commission as the matter when we checked on it, was in a state of apparent agreement or negotiation between the parties. However, we wish to make the following comments.

1. To us, there has been no indication that the new well is not capable of supplying an adequate supply of water as needed.
2. The rust reported by Mr. Lindskov is a matter of concern. Our experience has been that this will clear up after intensive pumping and can be kept clear with moderate pumping thereafter, but this is not always the case.

May 11, 1965

3. The pumping equipment is either inadequate, or has been poorly installed.

I would appreciate receiving your comments, and would especially like to know if Mr. Lindskov has received the \$247.53.

I hope you take this up with Mr. Hudson and let us know of his inclination in the matter.

You may be assured that the Commission will aid in anyway possible in an equitable settlement of this matter.

Sincerely,

J.W. GRIMES
Executive Officer and
Chief Engineer

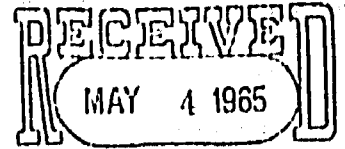
JWG/DD/bw

cc: Mr. Noel Lindskov, Doland, S.D.

Doland, S. Dak.

57436

May 3, 1965



STATE WATER RESOURCES COMM

PIERRE, SOUTH DAKOTA

Joe Grimes
State Water Commission
Pierre, S. Dak.

Dear Mr. Grimes:

I began a letter to you last August 24, 1964 in regards to my water situation. At that time the Hudson Farms Inc. stopped irrigating in my neighborhood and I was told that my water supply would come back. There has been very little improvement.

To go back to the beginning:

I wrote you in regards to the reduction of my water supply the latter part of June 1964. Two days later Mr. Chambers, overseer for Hudson Farms Inc., came to see me and told me he had to deepen my well. He said he was going to put it down 90 feet so that I would have plenty of water forever. Two days later, Friday July 3rd, he was back again and said he had engaged Grinshaw Drilling Co. of Sioux Falls and that they would be here Monday July 6th to start digging. Mr. Chambers said they were going to dig a new well as the drillers did not want to go down in an old well. He said they were going to use concrete curbing strung on cables. At which time my wife asked if this well was going to be safe for drinking and household use. He assured me it would be.

Ed St. Onge, of the Grinshaw Drilling Co., called me Monday evening to say that they had been delayed a day. He asked if I would consent to using a 16 inch steel curbing that was left over from the irrigation wells that they had put down $\frac{1}{4}$ mile south of here late last fall, 1963. I told him it would be alright if it would give me a sanitary water supply, naturally assuming it would make a 90 foot well. He also said he was bringing a 42 inch concrete culvert pit which I told him I could not use because it was not large enough to work in.

This steel curbing which was left over was three pieces. One 21 feet, one 20 feet and one 4 feet. This had lain full of dirt and was badly rusted.

When the drillers came, I again objected as I could not use the pit and the curbing was not as long as I had been lead to expect. However I allowed them to place the pit culvert so that their truck would not cave in the pit when they dug the well. As they only had 45 feet of steel curbing and refused to get any more, they had to use the 6 feet pit depth to reach as far as their curbing would allow them. When I asked how come Mr. Chambers promised me a 90 foot well and contracted the drillers to put down a much shallower well, Mr. Peterson, the rig operator, said he thought that Mr. Chambers was talking out of both sides of his mouth. After listening to Mr. Chambers and talking to the drillers, I have come to the same conclusion.

The well driller, Leroy Peterson, said he had orders to put down the pit culvert and what steel curbing there was left here, cap the well, install a 1/3 horse deep well jet pump and pressure tank, and a frostproof hydrant at least nine feet from the pit.

I had been using a cylinder pump with a pump jack and a 1/3 horse shallow well jet pump for garden and yard irrigation. As this 1/3 horse deep well jet pump that they brought with them would not have put out the water I had been accustomed to using, the well driller said I could take the pump and pressure tank and try to trade it in on a larger system. He also said that when he engaged a backhoe to dig a trench to install the frostproof hydrant he would have then dig a larger hole for the pit.

They finished putting down the steel curbing Saturday and said they would be back Monday to clean up the well. Monday when they came back they did nothing but pull up and leave. The only cover over the well was an old bushel basket that I had put on myself.

A good many neighbors as well as an assistant from your office have been here to see what I have in the way of a new well. The neighbors all say they would demand the well finished in a satisfactory manner. I did not have anything fancy but it was handy and easy to get at and I could walk all around it. I had no climbing nor aggravation to get my water where I wanted it.

Your assistant was here when I was down in this pit trying to get the pit dug down below the well curbing and cleaned up a bit. The drillers had dropped the curbing about 6 inches below the bottom of the pit culvert they had put in. Therefore the pit had to be lowered about 15 inches to bring the curbing above the pit floor so that snakes, toads, slop water, etc. could be kept out of the well proper. I also had to pack around the curbing with approximately 2 yards of pea gravel, sand and clay because none of this work had been finished by the well drillers before they pulled up and left.

When your assistant was here, he told me that as far as he could see all I had was a hole in the ground. I invited him down where I was working to see how well he could work down there and how much room he had down there. He was quick to refuse saying that he had a bad heart. Well, I have a bad heart too. I am also crippled with arthritis and have been hardly able to get around since working in this well pit.

I was mistakenly informed that a 6 foot by 6 foot concrete block pit would cost me about \$100. Mr. Hudson and Mr. Chambers called on me before paying Grimsaw Drilling Co.. They offered to give me a check for the amount of the cost of the pit and pumping system they wanted to furnish. I asked about the additional expense of which they would have been billed had Grimsaw Drilling Co. finished the job they had been contracted to do--such as capping the well casing with a tight cover, installing the frostproof hydrant, the underground wiring that the REA requires for a well of this kind, and installing the pressure system. Both men ignored my question concerning this expense. However,

expecting to be able to get a pit for \$100, I agreed to take the \$60 they had to pay for the culvert pit plus the cost of the pressure system, fittings and plastic pipe which came to a total of \$247.53. With this check for \$247.50, I was to rebuild a satisfactory pit and put in a larger pumping system.

Ed St. Onge came and got the pump, fittings and pipe on Aug. 12, 1964 leaving with me a receipt stating he had gotten them.

When I went to see Mr. Gallagher, lawyer for the Hudson Farms Inc., about getting my money he said that I would have to sign an agreement stating that I was satisfied and would assume all further responsibility for the completion of the well and relieve the Hudson Farms Inc. of any responsibility of the reduction of the water in said well in the future.

I am surely not going to sign any agreement to the effect that this well situation is in any way satisfactory to me because it is not.

Mr. Gallagher tells me the Hudson Farms Inc. has already spent a lot of money to get me a well. But if they had given me a choice in the matter, I could have had a local drilling company put me down a good clean well including pumping system, pressure tank and wiring for REA that would have been deeper and would have cost less than Hudson Farms Inc. say they have in this highly unsatisfactory mess. I do not feel responsible for the way Hudson Farms Inc. rushed through an affair without adequate knowledge of what they were doing.

This well is not as deep as Mr. Chambers promised it would be and the water is not satisfactory for household use. The water is very rusty unless it is pumped for four or five hours to freshen the water supply. Evidently the rust is coming off the curbing or settling in the water basin. When my wife needs a pail of fresh water in the house, we can not get clear clean water. It would be impossible to wash clothes in this water. Mr. Gallagher tells me his wife would not put up with water like this in her home, and he is very glad it is not his well.

Since December 5, 1964 when my entire make-shift water system from this new hole in the ground froze up completely, I have been pumping water from my original cylinder pump which is in my old well. The water level in this has not come back to anywhere near its old level. Never before in the 45 to 50 years that it has been in operation, has anyone ever been able to pump it dry even with special well cleaning equipment. Now it yields about 24 gallons the first thing in the morning and about 15 gallons at two hour intervals the rest of the day. I had 230 head of sheep and two milk cows. I sold 150 head of sheep and have only 80 head of ewes plus their lambs left. Even so it is an all day proposition satisfying their thirst. And now that we are working in the field and not able to pump every two hours, someone has to get up several times a night to try to get a little supply of water ahead for the following day.

I can not allow this present water situation to continue. Just as soon as the Hudson Farms Inc. start up their irrigation wells again, the water in my old well will be too low to pump at all. How do I go about getting my water situation satisfactorily straightened out?

-4-

I have been quite a tolerant and patient person but this has gone beyond my endurance. And I want my well situation finished to my satisfaction before the Hudson Farms Inc. are allowed to resume their irrigation pumping operations that are diminishing my water supply.

Yours truly,

Noel Lindskov

Noel Lindskov

Doland, S. Dak.
57436
July 1, 1965

1749
RECEIVED
JUL 2 - 1965
STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Joe Grimes
State Water Commission
Pierre, S. Dak.

Dear Mr. Grimes:

I wrote this about a week after receiving the copy of Mr. Gallagher's letter to you but have not got around to sending it.

When Mr. Driscoll was here, we discussed various items but he said he had nothing to do with it and that I should send this letter on to you.

Yours truly,

Hoel Lindskov
Hoel Lindskov

Doland, S. Dak.
57436
May 21, 1965

Joe Grimes
State Water Commission
Pierre, S. Dak.

Dear Mr. Grimes:

Raymond A. Gallagher sent me a copy of his letter dated May 14, 1965 that he sent to you. Mr. Gallagher must have received false information in order to make some of the statements and insinuations that his letter implies. I wish to correct several statements in his letter.

1. "Mr Lindskov interfered with the drillers substantially---"

Mr. Hudson himself said to watch them and make them drill a straight well, which may not have been done had I not been watching. As to the size of pump and pit, I told Mr. Ed St. Onge on the telephone before he sent the drillers from Souix Falls that I could not use them. A person should be entitled to some say so concerning a job done on his own property. Most people, anyway, have plenty to say about what is done on their property.

2. "Lindskov's old well was operated by a pump jack and small electric motor. Whereas, the well that Hudson proposed was a pressure system well which would give him constant water supply and would be far superior to his old well."

My pump jack has a $\frac{1}{2}$ horse motor and had a constant water supply the year around any time I wished to flip the switch. Besides this, I had a $\frac{1}{3}$ horse shallow well jet pressure system to irrigate the yard and garden in the summer months--also a constant water supply any time I wished. All this was out in the open where it was very convenient to work on if necessary. How much more constant or convenient could I have it?

3. "After the well was completed we prepared an agreement before paying over the money---"

The hole in the ground is not even completed so that it could be called a well. I do not consider this well completed.

As Mr. Gallagher says he has sent you a copy of this agreement, you should be able to readily understand that this type of "agreement" would be very undesirable on my part. And why I refuse to sign any such paper. There was no mention of any such agreement in our verbal understanding as to pit and pump and I never had any idea of such a situation arising. I fully expected to have to sign a receipt when I received the check but am not going to sign this. Every person I have shown it to says they would not sign anything like that either.

4. "It is our understanding that during the summertime Lindskov uses his old Denster pump and in the wintertime he used his old pump jack-----"

During the summertime I used both my pump jack and my new Denster shallow well jet. The pump jack supplied water for stock and the jet pumped I used for irrigation and at times for automatic stock watering.

5. "The house has no water system so the Lindskovs pump water into a bucket and carry it to the house."

True, there is no water system in the house nor would this Hudson proposed system have put it there. I have had two jet pressure systems, or pumps, and had I contemplated putting water in the house, I would have done so myself long ago--not now with Mr. Hudson's pumping system. I could have installed either one of these jet pumps inside my old well, below the frost line, had I chosen to do so.

6. "You can see it is quite obvious that the reason that this pump is not working is because Lindskov himself has gone in and in an attempt apparently to retain funds for himself has used his old pumping equipment and naturally he cannot expect to have a first class well using this old and out-dated equipment."

I went in myself with my own pump as a temporary arrangement because I had no choice. I did not have enough water in my old well last summer to water my stock.

I was willing to settle with the Hudson Farms but when they came up with this completely unsatisfactory agreement, I could not see fit to continue with such settlement. I went to Mr. Gallagher with the intention of picking up my check and completing this new well last fall before freeze-up. But after being informed of the advantages the Hudson Farms wanted in said agreement, I feel they are the ones who are trying to take advantage of me by holding back on their part of the bargain. Consequently, they should finish what they started in a satisfactory manner. And my equipment is not old nor out-dated. There is not a more satisfactory way to water stock in the wintertime than with a good old pump jack--unless, of course, you wish to go to the expense of a heated automatic water trough. Mr. Hudson's system did not include this. And my Denster jet pump was bought in the summer of 1963 and had been used less than 6 months. Is that out-dated?

7. "As I stated earlier, Lindskov pulled out the curbing that was placed in the well-----"

Mr. Chambers asked me if I would pull up the pit culvert and place it where the Grimshaw Drilling Co. could pick it up. So of course I pulled it up. I was trying to cooperate as much as possible.

8. "It is quite interesting to note that Lindskov is claiming that his old well is now dried up and there has been no pumping in the irrigation well since approximately last September. It is also noticeable that in this particular area there was no rainfall last year to recharge the ground water-----"

I never said my old well was dried up now, only that the water

level has never come back up to its original level since Hudson's pumps have stopped irrigation. And I do not have now, nor have I had this past winter, enough water to quench the thirst of more than a $\frac{1}{2}$ of my sheep at one pumping. As for the rainfall recharging the ground water-- It would take an awfully lot of rainfall to put back what has been taken out by irrigation pumps in this area.

It is my belief that the summer of 1959 had less rainfall and I had no sign of a depleted water supply that summer. I pumped all that summer with a jet pump for irrigation and the pump jack as usual. Mr. Gallagher also suggests that this new well is drawing down on my old well. I am not using the new well because I have not had a pump in it since the day it froze up last fall. Mr. Gallagher also says "there is no showing in his recent letter that there is not sufficient water in the old well--" This was clearly stated in my first letter and the basis of the whole affair.

Mr. Gallagher infers that the rust problem would clear up with sufficient pumping in a new well. The well drillers customarily pump a new well with a large pump to clear it up and make sure there is sufficient water supply. But this was not done--as I stated in my letter of May 3rd. Furthermore, my $\frac{1}{3}$ horse Denster shallow well jet pump which I myself set down in this new well last summer, was capable of pumping a greater volume of water than the pump the Hudsons wanted to furnish. Their pump was a $\frac{1}{3}$ horse Denster deep well jet, and mine was a $\frac{1}{3}$ horse denster shallow well jet. Any specification chart will show that a shallow well jet delivers more water per minute than a deep well jet of the same horse power in the same type pump. And please keep in mind the fact that I had been previously using my jet pump and my pump jack with a $\frac{1}{2}$ horse motor on a cylinder pump--at any time, simultaneously, with no skip in my water supply.

2. "We have been advised by neighbors that it is common knowledge in the area that Mr. Lindskov's well was going dry before this irrigation ever came in-----"

This particular statement is utterly false. Any neighbor who drove past my place during the summer, and cared to look, could varify the fact that sprinklers could be seen in operation some place on the yard or garden day or night. No one who was apt to run out of water would leave his pump running all night long. Furthermore, I had heard that other localities that had irrigation wells in operation had domestic surface well problems. So before the Hudson Farms began to irrigate, I had a committee of neighbors come to my place to varify my water supply in my well.

Mr. Gallagher's informants may have been referring to the winter of 1960-61 when two cedar planks in my well curbing broke and allowed dirt to cave into the well. Rather than ask someone to work during the cold weather, we hauled water from an artisen well $\frac{1}{2}$ mile west for the stock and house. May 2, 1961, I had my well thoroughly cleaned out down to fresh sand and a new curbing put in, making it like new with a solid concrete curb 10 feet 5 inches deep on top, a 12 foot new wood curb below this and there is cypress curbing at the bottom. The well driller who cleaned out this old well and installed the new curbing was handicapped by the fact that the water kept rushing in as fast as he could take it out. He remarked on the abundant water supply it was putting out.

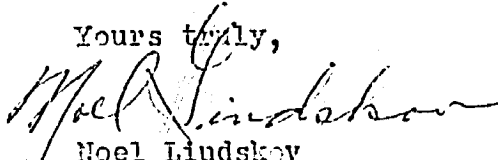
As there seems to be some doubt in your mind about what goes on out here, you are cordially invited to appear personally and investigate the situation.

If Mr. Gallagher thinks pumping water from this new hole in the ground (which is unsatisfactory and inconvenient to us as compared to the past) is the fault of my well going dry last summer, then I am asking you to put a seal on the top of this new well casing before Hudson Farms start pumping this year from the wells south of my home. Last year my well stopped pumping water for the first time in its existence two days after the Hudson's irrigation wells began pumping. At the same time the objections I have against this excuse for a pit can be thoroughly observed and I am sure that they will all be self-explanatory.

Hudsons stopped pumping water south of me on the 27th day of August 1964. And from December 5, 1964 (for the reasons stated to you in my previous letter) this new well, or hole in the ground, has been covered over by two old garage doors and will remain covered over until Hudson Farms has reimbursed me with a pit, water and pumping facilities that are desirable to me.

Therefore in the future, when my old well can not put out enough water to supply us as it did in the past, or it again gets so low from large scale irrigation pumping in the near neighborhood that I do not get sufficient water for my poultry and livestock to keep them from dieing of thirst, then the pump, pumpjack and etc. will continue to stand on this farm as a ghastly monument for the public to see and talk about. And talk and write about it they will for in the past there have been many people from all walks of life and from nearly all the states in this nation and a few outside who have drunk water from this old well. When they come back again what do you suppose we are going to toll them?

Yours truly,

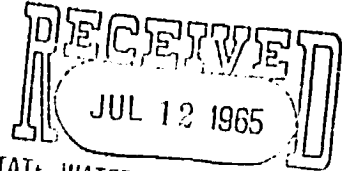

Noel Lindskov

OFFICE OF THE STATES ATTORNEY

SPINK COUNTY, SOUTH DAKOTA

REDFIELD, SOUTH DAKOTA

July 9, 1965



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Mr. Joe Grimes
Commissioner of Water Resources
State Capitol Building
Pierre, South Dakota

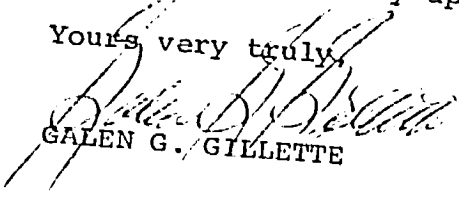
Dear Mr. Grimes:

Mrs. Noel Lindskov, R.F.D., Doland, South Dakota, who lives on a farm four miles south and three and one-half miles west of Doland, South Dakota, has requested that I write to you concerning the water problems which they are currently having on their farm.

She advises that the water situation on their farm has become critical in the past eight days. She also advises that your department is aware of the situation and that Mr. Driscoll has been out to review the situation. At the present time, they are able to obtain only approximately one pail of water every hour for their domestic use. Consequently, they have started hauling water from the neighbors to give to their livestock. They believe that the decline in their water supply started on or about July 1, 1965, at which time Hudson Farms started irrigating in that area. I recognize that you have this matter under review and that there may be other complications involved herein, however, in view of the fact that the situation is now critical, with regard to domestic use, it would be appreciated if you would take whatever action is necessary to restore their water supply.

Your cooperation in this matter is greatly appreciated.

Yours very truly,


GALEN G. GILLETTE

GGG:amh

July 19, 1965

Mr. Galen G. Gillette
States Attorney
Redfield, South Dakota

Dear Mr. Gillette:

In your letter of July 9, 1965, you direct attention to the water supply problems of Mr. and Mrs. Noel Lindskov near Doland, South Dakota.

About a year ago it became evident that water being pumped from irrigation wells owned by Hudson Farms, Inc. had reduced the ability of the Lindskov well to supply sufficient water for domestic purposes. As an alternative to restrictions on irrigation withdrawals as considered necessary by the Water Resources Commission, Hudson Farms, Inc., entered into agreements with the Lindskovs to construct a new domestic use well for the Lindskovs. Such a well was constructed at the expense of Hudson Farms, Inc. and adequate water exists therein for domestic use when the irrigation wells are operating.

Apparently, a part of the agreement between Hudson Farms, Inc. and the Lindskovs provided for purchase and installation of the pump and piping in the new well by Mr. Lindskov for which payment to Mr. Lindskov was to be made by Hudson Farms. Controversy has developed over this item, the result being that the pump and piping have not been installed.

While this office will continue to attempt settlement of this situation, it is our opinion that Hudson Farms, Inc. has made reasonable effort to alleviate the adverse effects upon the Lindskov's domestic water supply, that adequate domestic water supplies are available to the Lindskovs in their new well with reasonable and, apparently, agreed upon effort by the Lindskovs, and that the present critical situation could have been avoided by such reasonable effort by the Lindskovs, although the controversy existing between the parties is a contributing factor.

Galen G. Gillette

2.

July 19, 1965

Mr. Ray Gallagher, Attorney, Redfield, represents Hudson Farms, Inc. in this matter. You may wish to discuss additional details with him.

You are assured that this office will continue its efforts toward resolution of this problem.

Sincerely,

JWG:ls

J. W. Grimes
Executive Officer

DATE: 11/10/65
CNS/PA-OPERATOR

Permit No. 1048-3

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 REEFIELD

SPINK

County, South Dakota, holder of Permit No. 1048-3, issued

upon Application No. 1048-3, bearing date of priority of JULY 19 63, 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: 88' WELL WITH 8" WESTERN LAND ROLLER PUMP 5-100 BOWLS W/ 75HP U.S. ELECTRIC MOTOR. 900' OF 8", 1080' OF 6" MAINLINE 5-1280' 4" TRACTOR PULL SPRINKLER LINES WITH 1 1/16 RAINBOW BOW SPRINKLER HEADS @ 40' SPACINGS @ 45 PSI

and the system is in the following condition: EXCELLENT

The point of diversion is located S39° S45E, 1939' FROM THE NW CORNER, SECTION 28, T116N, R61W

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 28, T116N, R61W

comprising a total of 156 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

A. D. 1967

—SEAL—

Burton Jones
Examining Engineer

WATER RIGHT SPECIALIST
STATE WATER RESOURCES COMMISSION

Form 20.

No. 1048-3

NOTICE OF TRANSFER OF WATER PERMIT

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

Date April 14, 1977

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

N.W. Quarter of S. 28 T 116 R 61

formerly owned by A. B. Hudson

has been transferred to FREE LAND, LARRY- Herb- Keith- Glenn or
FREE LAND FARMS
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1048-3 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 ^{\$2.50} ~~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, Freeland Farms 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.

Larry Freeland
(Signed)

Subscribed and sworn to before me this 14th day of April

19 77.

Betty Westlund
(Notary Public)
Land/Water Clerk.

 **Department of
Water & Natural Resources**

Joe Foss Building
Pierre, South Dakota 57501

January 4, 1982

Dettler Farms
Rural Route
Deland, South Dakota 57436

Dear Sirs:

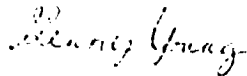
As per our telephone conversation December 30, 1981, enclosed are transfer forms for transferring Water Right Permits in the name of Freeland Farms, Herb Freeland, and Larry Freeland, to your name.

Each transfer form is partially filled out including the permit number, number of acres, and land covered under the permit. Check over each form, date, sign and have notarized before returning them to this office with a \$2.50 filing fee for each permit. Only complete the forms pertaining to the land you now own. Please return the remaining forms with, if possible, the name of the person(s) now owning the land.

Also enclosed are the 1981 Irrigation Questionnaires, please complete the forms pertaining to the Water Rights covering land you now own, and return them to our office.

Please note that Permit No. 3890-3 is still in deferred status. If you have any questions or need further information, please contact our office. We would appreciate your prompt attention in this matter.

Sincerely,



Genny Young
Water Rights Specialist
Water Rights Division
Phone: (605) 773-3352

BD3103GY.vr

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

June 16, 1982

Dettler Farms
RR
Doland SD 57436

SECOND NOTICE

Dear Sirs:

On January 4, 1982 notice was sent to you concerning the transfer of water rights listed in the name of Freeland Farms, Herb Freeland and Larry Freeland. To date, nothing has been heard from you on this matter.

Enclosed is a list of their water rights and a number of transfer forms. Check over the list and complete the forms pertaining to the land you now own. Each transfer form should be dated, signed, notarized and returned to this office with a \$2.50 filing fee (\$2.50 each). Return the remaining forms with, if possible, the name of the person(s) now owning the land.

It is very important that our water right files remain up to date concerning proper ownership. Your assistance in this matter would be appreciated. If you have any questions, please contact this office.

Sincerely,

Genny Young

GENNY YOUNG
Water Rights Specialist

GY:ks

enclosures



Department of Water & Natural Resources

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

1048-3
1071-3
1072-3
1073-3
145-3
1891-3
2013-3

August 15, 1986

DeWayne Hofer
Box 406
Poland SD 57436

Dear Mr. Hofer:

In follow-up to our telephone conversation of August 14, 1986, enclosed is the list of water permits we have on file under the name of Freeland Farms. Also enclosed are blank transfer forms for use in transferring some of these permits to your name.

Please check over the legal descriptions of the permits and complete the transfer forms accordingly. Each form needs to be signed and notarized. A \$2.50 filing fee is required for each transfer.

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 would happen to know who owns the land covered under the remaining permits, this information would be very helpful to me. Any information you would have as far as ownership of these would be appreciated.

If I can answer any questions for you, please advise.

Sincerely,

GENNY MCMATH
Natural Resources Analyst

GM:ks

enclosure

 **Department of
Water & Natural Resources**

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

March 17, 1987

Second Notice
Permit Nos. 1048-3
1071-3, 1072-3,
1073-3, 1458-3,
1891-3, 2613-3,

DeWayne Hofer
Box 406
Doland, SD 57436

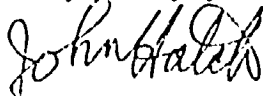
Dear Mr. Hofer:

On August 15, 1986, notice was sent to you concerning the transfer of Water Permit Nos. 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3, and 2613-3 in the name of Freeland Farms. To date, we have not heard from you on this matter.

Transfer forms were previously sent to you, enclosed please find additional forms. Please sign, have notarized and return the forms to this office with the required filing fee of \$2.50 each, for a total of \$17.50. The permits can then be transferred to your name. If you are not the present owner of the land covered under these Permits, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 required Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact us.

Very truly yours,



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

enclosures

NO. 1048-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 3-1-87

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

NW 1/4 Section 16 T-116-N-R-6.1-West

formerly owned by Frederick Farms

has been transferred to Delwyn H. Huber, Box 406, No. 10, S.D. 57436
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1048-3 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 Div. 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 Spink) ss.

I, Delwyn H. Huber 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.

Delwyn H. Huber
(Signed)

Subscribed and sworn to before me this 11th Day of April, 1987.

My Comm. Expires 4-15-91. George W. Clute
(Notary Public)





Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

2613-3
1048-3
1071-3
1891-3

April 29, 1987

DeWayne & Karen Hofer
Box 406
Doland, South Dakota 57436

Dear Mr. & Mrs. Hofer:

Enclosed are receipt Nos. 410835, 410836, 410837 and 410838 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 2613-3, 1048-3, 1071-3 and 1891-3. Our records now show DeWayne & Karen Hofer as owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____ April 17, 19 37

RECEIVED OF DeWayne & Karen Hofer, Box 406, Doland, SD 57436

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1048-3</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 John Hatch
Chief Engineer JOHN HATCH (MS)



1048-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: DEWAYNE & KAREN HOFER, BOX 406, DOLAND, SD 57436

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) 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3 & 2613-3. 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) 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3 & 2613-3 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.

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):

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

Consult postmaster for fee.

3. Article Addressed to:

1048-3

DEWAYNE & KAREN HOFER
BOX 406
DOLAND SD 57436

4a. Article Number

2179 157 225

4b. Service Type

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

7. Date of Delivery

5. Received By: (Print Name)

Karen Hofer

6. Signature: (Addressee or Agent)

X Karen Hofer

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

PS Form 3811, December 1984

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 1998

DeWayne & Karen Hofer
Box 406
Doland, SD 57436

RE: Water Permit/Right Nos. 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3 and 2613-3

Dear Mr. & Mrs. Hofer:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit/Right Nos. 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3 and 2613-3.

The information was received in our office prior to the Water Management Board meeting and your names have 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
Environmental Scientist
Water Rights Program
(605) 773-3352



January 22, 1999

1048-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: DEWAYNE & KAREN HOFER, BOX 406, DOLAND, SD 57436

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire has not been submitted for Permit No(s) 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3 & 2613-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire 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, March 3, 1999, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3 & 2613-3 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 March 1, 1999, 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.

1048-5

Is your RETURN ADDRESS completed on the reverse side?

GENDER: ■ 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 in 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: DEWAYNE & KAREN HOFER BOX 406 DOLAND SD 57436		4a. Article Number 2119 141 677	
		4b. Service Type ☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD	
		7. Date of Delivery 1-25-99	
5. Received By: (Print Name)		8. Addressee's Address (Only if requested and fee is paid)	
6. Signature: (Addressee or Agent) X <i>[Signature]</i>			

PS Form 3914, December 1994

102595-97-B-017J Domestic Return Receipt

Thank you for using Return Receipt Service.

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: DeWayne & Karen Hofer

ADDRESS: Box 466, Doland, SD

DATE: March 24, 1999

RE: irrigation questionnaires for Water Right/Permit Nos. 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3 & 2613-3

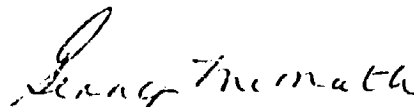
COMMENTS:

On January 22nd a notice was mailed to DeWayne & Karen Hofer concerning their 1998 irrigation questionnaires. Mr. Hofer called shortly after that time and requested a new set of forms. It seems the forms did not get mailed to the correct address and I remailed forms to him again. On March 2nd I contacted Mr. Hofer to let him know I still had not received forms. He was going to try and over-night them to me.

I spoke with him prior to the hearing and he indicated they were on their way. I deleted the matter from the agenda -- however by March 8th I still did not have the forms and called him back. He said the forms were mailed the 2nd and said he would make copies of the forms and remail them that day.

On March 24th I contacted him again and he confirmed he had mailed the second set out and that we should have received them by now. Instead of mailing another set -- Mr. Hofer faxed the information to me.

Due to the lightness of the copies, I retyped the information he faxed. Since the forms are now on file, no further action is necessary and a Board hearing will not be scheduled.


Genny McMath
Environmental Scientist



1048-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 28, 2000

1048-3
1071-3
1891-3
2613-3

Galen Gillette
PO Box 60
Redfield, SD 57469

Dear Mr. Gillette:

Enclosed, as requested, are copies of Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3. The water rights are currently listed in the name of DeWayne and Karen Hofer. It is my understanding that the land described within the water rights is being sold and your office will be following up on the ownership changes.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the changes. The forms will need to be completed and then signed in the presence of a notary public by the new owner(s).

Upon completion, please return the forms to our office with a required filing fee of \$2.50 each (total of \$10.00). The check or money order for the fees can be made payable to the "Water Rights Program".

The enclosed copies of the water rights are yours to keep or can be passed on to the new owner(s). If you have any questions, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1048-3

Date: 5-2-00



I/We request that Water Right No. 1048-3

formerly owned by: DeWayne & Karen Hofer

be transferred to: (name & address) Michael J. Silver, 7984 SW River Valley Road,
Augusta, KS 67010 Telephone No. 316-775-1334

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

NW 1/4 Section 28, T116N, R61W

I/We understand that the validity of Water Right No. 1048-3 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.

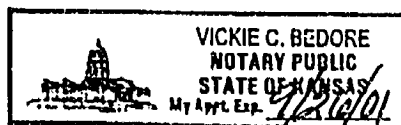
STATE OF Kansas)
~~SOUTH DAKOTA~~)

County of Sedgewick)

I/We Michael J. Silver 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.

Michael J. Silver
(Signed)

Subscribed and sworn to before me this 2nd day of May, 2000.



Vickie C. Bedore
(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

№ 416498

Pierre, _____ May 8, 2000

RECEIVED OF Michael J. Silver, 7984 SW River Valley Rd., Augusta, KS 67010
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. 1048-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By Sharon L. Paine 
Chief Engineer



1048-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 9, 2000

1048-3

1071-3

1891-3

2613-3

Michael J Silver
7984 SW River Valley Rd
Augusta, KS 67010

Dear Mr. Silver:

Thank you for following up on the ownership changes for Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3 formerly owned by DeWayne & Karen Hofer. The transfers have been completed and the water rights are now listed in your name.

Enclosed are your Receipt Nos. 416498, 416499, 416500 and 416501. The receipts, in the amounts of \$2.50 each, are for the filing fees that you paid to cover the cost of the transfers.

Also enclosed is a sample copy of the yearly irrigation questionnaire. The form will give you an idea of what type of information you need to keep track of during the irrigation season. The actual forms that need to be completed and returned will be mailed to you in October. If you have a renter or operator that you would rather we send the yearly forms to, please get in touch with me.

If I can answer any questions for you regarding the water rights or the annual irrigation questionnaire requirements, please give me a call.

Sincerely,

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

enclosures



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: MICHAEL J SILVER, 7984 SW RIVER VALLEY RD, AUGUSTA, KS 67010

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 has not been submitted for Permit No(s) 1048-3, 1071-3, 1891-3 & 2613-3. 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) 1048-3, 1071-3, 1891-3 & 2613-3 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.

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.



1048-3

Track & Confirm

Delivery Status

You entered 2301 0370 0000 7540 6369

Your item was delivered at 10:57 am on January 30, 2003 in AUGUSTA, KS 67010. The item was signed for by J SILVER.

[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 7540 6369	MICHAEL J SILVER 7984 SW RIVER VALLEY RD AUGUSTA KS 67010
	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 (See Reverse)	
PB Form 183, February 2001	



**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

Kevin Dettler
40168 173RD St
Doland SD 57436

Dear Mr. Dettler:

I am writing to acknowledge receipt of the 2002 irrigation questionnaires for the following Water Rights:

- Kevin & Becky Dettler: 961-3, 1050-3, 1120-3, 1223-3, 3114-3 (Robert Freeburg) and 3189-3 (Russ Hansen Estate)
- DeWayne Hofer & K-D Trust: 1072-3, 1073-3 and 1458-3
- Michael J Silver: 1048-3, 1071-3, 1891-3 and 2613-3

You may disregard the January 17, 2003, "Notice" concerning reporting requirements. The information was received in our office prior to the Water Management Board meeting and the issue has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

c: DeWayne Hofer
Michael J Silver



1048-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 4, 2004

1048-3
1071-3
1891-3
2613-3

DeWayne Hofer
PO Box 406
Doland SD 57436

Dear Mr. Hofer:

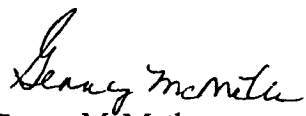
I am contacting you in regard to Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3 for Michael J Silver.

Kevin Dettler notified our office that he no longer farms the land. Mrs. Silver called our office on May 3rd and indicated we should be mailing the annual irrigation questionnaires to you for these water rights.

We have placed your name on the mailing list to receive the questionnaires for 2004 (normally mailed to irrigators in mid-October). The legal descriptions of the land they cover will be included on the forms.

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

c: Michael J Silver, 7984 SW River Valley RD, Augusta, KS 67010



1048-3

**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: KEVIN DETTLER, 40168 173RD ST, DOLAND, SD 57436

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 961-3, 1050-3, 1120-3 & 1223-3, 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3, 2613-3, 3114-3 & 3189-3. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3, 2613-3, 3114-3 & 3189-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 961-3, 1050-3, 1120-3 & 1223-3 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) 961-3, 1050-3, 1120-3 & 1223-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3, 2613-3, 3114-3 & 3189-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires 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 (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.



1048-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 2004

Kevin Dettler
40618 173rd St
Doland SD 57436

Dear Mr. Dettler:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Permit/Right Nos. 961-3, 1048-3, 1050-3, 1071-3, 1072-3, 1073-3, 1120-3, 1223-3, 1458-3, 1891-3, 2613-3 and 3114-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for letting me know that you will be farming only Robert Freeburg's land next year. I will make the changes to the files and get in contact with the owners of the other property to find out what they want to do with next years questionnaires.

If you have any questions, please contact me.

Sincerely,

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



1048-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 2004

Michael J Silver
7984 SW River Valley Rd
Augusta KS 67010

Dear Mr. Silver:

I am contacting you in regard to Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3, currently listed in your name. The water rights authorize irrigation of the following land:

- NW ¼ Section 28, T116N, R61W
- E ½ Section 28, T116N, R61W
- NE ¼ Section 29, T116N, R61W
- SE ¼ Section 21, T116N, R61W

On the 2003 irrigation questionnaires, Kevin Dettler indicated he is no longer farming the land. I have changed the water right files to remove Mr. Dettler's name and send all future correspondence directly to you.

If you have a new renter you would like the annual irrigation questionnaires mailed to; or if the land will be sold, please get in touch with me.

Sincerely,

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



1048-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 2, 2004

Michael J Silver
2614 Executive Way Apt 101
Wichita KS 67226-1821

Dear Mr. Silver:

I am contacting you in regard to Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3 listed in your name.

On May 3rd, Mrs. Silver called our office and requested that the annual irrigation questionnaires be directed to DeWayne Hofer as the new leaser of the property. I sent a letter to Mr. Hofer indicating I was placing his name on the list to receive the annual forms. The post office returned the letter to us and did not include a forwarding address. I called the assessors office in Spink County and they did not have a new address on file either.

Do you happen to have a forwarding address for Mr. Hofer? Our correspondence was directed to him at PO Box 406 in Doland, SD.

Please write or call me with any information you may have for Mr. Hofer. Thank you in advance for your help.

Sincerely,

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



1048-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 13, 2004

1048-3
1071-3
1891-3
2613-3

Jane Silver
8932 Boxthorn Ct
Wichita KS 67226

Dear Ms. Silver:

Thank you for calling about your water rights and the renter status. I will keep trying on this end to find an updated address for DeWayne Hofer and if you are able to track one down, please let me know.

With respect to ownership of the water rights, they are still listed in the name of Michael J Silver. Enclosed, as we discussed, are partially completed "Notice of Transfer of Ownership" forms. Please review them and make any necessary corrections. Upon completion, please sign the forms and return them to our office with a required filing fee of \$2.50 each (total of \$10.00). The check or money order for the fee can be made payable to the Water Rights Program.

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

Sincerely,

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

enclosures



1048-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 29, 2004

1048-3
1071-3
1891-3
2613-3

Jane Silver
8932 Boxthorn Ct
Wichita KS 67226

Dear Ms. Silver:

I am writing to you again about Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3. Have you been able to track down an address for DeWayne Hofer and is he still renting the land from you? We are getting ready to mail out the annual irrigation questionnaires so I thought I would check with you.

Also, the water rights still need to be transferred to your name. In the event you do not have the forms I mailed last summer, enclosed is an additional set. Please review them and make any necessary corrections. Upon completion, please sign the forms and return them to our office with a required filing fee of \$2.50 each (total of \$10.00) The check or money order for the fee can be made payable to the Water Rights Program.

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

Sincerely,

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

enclosures



1048-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 20, 2005

1048-3
1071-3
1891-3
2613-3

Jane Silver
8932 Boxthorn Ct
Wichita KS 67226

Dear Ms. Silver:

I am writing as a reminder to you that Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3 still need to be transferred to your name. Currently, they are listed in the name of Michael Silver.

It is important to keep ownership records current. The reason for this is that if correspondence was mailed out that affected the water rights, you may not receive proper notification due to incorrect ownership records.

In the event you no longer have the original transfer of ownership forms I sent to you, I am sending along an additional set. Please review them and make any necessary corrections. Upon completion, please sign the forms and return them to our office with a required filing fee of \$2.50 each (total of \$10.00). The check or money order for the fee can be made payable to the Water Rights Program.

If you have sold the land and I need to be contacting someone else, let me know. Thanks in advance for your help.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1048-3

Date: _____

I/We request that Water Right No. 1048-3

formerly owned by: Michael J Silver

be transferred to: (name & address) St. Jane Silver, 8932 Boxthorn ~~St.~~, Wichita KS 67226

Telephone No. 316 631-3806

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

NW ¼ Section 28, T116N, R61W

I/We understand that the validity of Water Right No. 1048-3 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.

I/We Jane A. Silver, the new owner, certify that the above information is true and correct.

Jane A. Silver
(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
SEP 12 2005
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 12, 20 05

RECEIVED OF Jane Silver, 8932 Boxthorn St., Wichita KS 67226

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>104E-3</u>	2	50
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.

001942

By

[Signature]
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 12, 2005

1048-3
1071-3
1891-3
2613-3

Jane A Silver
8932 Boxthorn St
Wichita KS 67226

Dear Ms. Silver:

I am writing to acknowledge receipt of the ownership changes and filing fees you submitted for transferring Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3. The transfers have been completed. The water rights formerly listed in the name of Michael J Silver are now listed in your name.

Enclosed are your Receipt Nos. 001952 through 001955 in the amounts of \$2.50 each. You may keep them for your records.

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

enclosures



March 21, 2006

1048-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

1048-3
1071-3
1891-3
2613-3

George W Cluts
17324 394th Ave
Frankfort SD 57440-6716

Dear Mr. Cluts:

Thank you for contacting us regarding the pending ownership changes for Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3. The water rights are currently listed in the name of Jane A Silver.

Enclosed are copies of the water rights and partially completed "Notice of Transfer of Ownership" forms. The transfer forms should be completed and then signed by the new owner(s). Upon completion, please return them to our office with a required filing fee of \$2.50 each (total of \$10.00).

As soon as we receive the signed forms and the filing fees, the water rights will be transferred to reflect the new ownership.

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

enclosures

MORGAN, THEELER, WHEELER, COGLEY & PETERSEN, L.L.P.
LAWYERS
OFFICES IN MITCHELL AND HURON, SOUTH DAKOTA

MITCHELL OFFICE

221 EAST THIRD AVE., PO BOX 1025
 MITCHELL, SD 57301-7025
 TEL: (605) 996-5588
 FAX: (605) 996-6129

JACK THEELER
 RONALD J. WHEELER
 JOHN F. COGLEY
 DON E. PETERSEN
 TRUDY A. MORGAN
 PATRICIA B. ERICKSON
 DOUGLAS M. DAILEY
 TIM G. BOTTUM

MEMBER OF MERITAS
 LAW FIRMS WORLDWIDE

Reply to:
 Huron Office

HURON OFFICE

1507 DAKOTA AVE. S., PO BOX 1363
 HURON, SD 57350-1363
 TEL: (605) 352-7154
 FAX: (605) 352-7157

CHESTER L. MORGAN (1891-1963)
 HARRY T. FULLER (1914-1970)
GLENN A. FINGERSON (1934-2001)
 JOHN L. MORGAN (retired)

May 18, 2006

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

Re: Notice of Transfer of Ownership
 Owner: John E. Welch and Beth D. Welch

RECEIVED
MAY 19 2006
WATER RIGHTS
PROGRAM

Dear Ladies/Gentlemen:

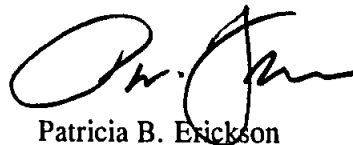
On behalf of John E. Welch and Beth D. Welch, I am enclosing a Notice of Transfer of Ownership for the following water rights which I understand are irrigation permits:

1. No. 1048-3
2. No. 1071-3
3. No. 1891-3
4. No. 2613-3

I am also enclosing a check in the amount of \$10.00 in payment of the filing fee of \$2.50 per transfer.

Could you please confirm that the Transfers of Ownership have been received and filed. Thank you very much.

Sincerely,
 MORGAN, THEELER, WHEELER,
 COGLEY & PETERSEN, L.L.P.



Patricia B. Erickson
 Huron Office

PBE/pjt

Enclosures

cc: John E. Welch w/o enclosures

ec06-905.13a

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 19, 2006, 20__

RECEIVED OF Morgan Theeler, Wheeler, Copley & Petersen, PO Box 1363, Huron SD 57350

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1048-3</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.

020005

By

Donald Schick
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1048-3

Date: 4/3/2006

I/We request that Water Right No. 1048-3

formerly owned by: Jane A Silver

be transferred to: (name & address) John E. & Beth D. Welch, 101 Old South Road,
Southport, CT 06490-1412

Telephone No. 203-255-9989

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

NW ¼ Section 28, T116N, R61W

I/We understand that the validity of Water Right No. 1048-3 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.

I/We John E. & Beth D. Welch, the new owner, certify that the above information is true and correct.



JOHN E. WELCH



BETH D. WELCH (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
MAY 19 2006
WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 22, 2006

John E & Beth D Welch
101 Old South Rd
Southport CT 06890-1412

RE: Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3

Dear Mr. & Mrs. Welch:

I am writing to acknowledge receipt of the ownership changes you filed for Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3. The water rights, formerly held by Jane A Silver are now listed in your names.

The receipts for the fees that were paid for filing the ownership changes are being forwarded to Morgan, Theeler, Wheeler, Cogley & Petersen, LLP in Huron, SD with a copy of this letter.

Each year in October, irrigation questionnaires are sent out to irrigators in South Dakota for their use in reporting how much water was used during that specific crop season. The information reported to us each year by the irrigators is very valuable. We use it as a management tool to assess how much water is being used and whether additional water is available for new water permits. State law requires us to protect water availability for existing water users before we issue new water permits. It is our understanding that the Colony in Frankfort leases the land from you. The annual irrigation questionnaires concerning your water rights will be directed to them for completion.

If you have any questions concerning the water rights, please contact our office.

Sincerely,

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

cc: Morgan, Theeler, Wheeler, Cogley & Petersen, LLP
w/Receipt Nos. 02449, 02450, 02451, 02452



1048-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

December 20, 2016

Jerry Kleinsasser
Camrose Hutterian Brethren Inc
16950 400th Ave
Frankfort SD 57440

Dear Mr. Kleinsasser:

I am writing in follow-up to our phone conversation regarding the irrigation questionnaires for land owned by John Welch.

I have enclosed the three yellow questionnaires that still need to be submitted for Water Right Nos. 1048-3, 1891-3 and 2613-3. I included a copy of the completed questionnaire for Water Right No. 1071-3. The legal descriptions for each are listed on the forms.

Please complete and return the questionnaires as soon as possible. If you would, please edit the name and mailing address for each one so I can ensure next year's forms get mailed correctly.

I have included a postage paid envelope for your reply. Thank you in advance for your help.

Sincerely,

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

enclosures

1048-3

Duvall, Ron

From: Duvall, Ron
Sent: Friday, September 20, 2024 1:03 PM
To: camrosehb@icloud.com
Cc: Rodriguez, Rachel; Dewell, Amanda
Subject: Well Plugging Standards
Attachments: PLUGGING REPORT.pdf

Mr. Kleinsasser,

The well to be abandoned should be treated as confined (under head pressure) based on the well completion report we received for the new well which is located approximately 25 feet west of the well to be plugged. The rule regarding the proper plugging method is ARSD 74:02:04:67 (<https://sdlegislature.gov/Rules/Administrative/74:02:04:67>). The well is to be backfilled with clean sand and gravel to the top of the aquifer, 20 feet below ground surface in this case. The a tremie pipe should be lowered into the well and cement grout, at a ratio of 6 gallons of water per 94 lb bag of Portland cement, should be pumped into the casing **from the bottom to the top**. The grout must fill the well casing to at least 3 feet below ground surface. Native backfill can be placed in the upper three feet. A plugging report, see attached, must be filed as well including all of the listed information on the form whether you plug the well yourself or have a licensed well driller do the plugging. I would expect this to take between 10 and 20 sacks of cement (12 inch or 16 inch well casing diameter). That is the equivalent of 13-26 yards of cement.

Our recommendation is using a [licensed well driller](#) to do the work. I will place a copy of this email in the file for Water Right No. 1048-3 to document that the new well is a replacement well for the well covered by that water right. We will also file the plugging report once it is returned.

Please let me know if you have any questions.

Thank you,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA

Rachel,
FYI this
email is result
of Mr K getting
a letter about the
new well. Rm



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 23, 2024

1891-3

1048-3

Camrose Hutt Breth Inc.
c/o Joel Kleinsasser
16950 400th Ave
Frankfort SD 57440

Dear Mr. Kleinsasser:

In August 2024 a well completion report (copy enclosed) was submitted for an irrigation well drilled in the approximate center of Section 28, T116N, R61W, drilled by Pullman Well Drilling Inc., for yourself.

Water Right No. 1048-3, held by John & Beth Welch, authorizes the appropriation of 2.28 cfs (approximately 1,025 GPM) from one well (Tulare: East James Aquifer), located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28, for the irrigation of 160 acres located within the NW $\frac{1}{4}$ Section 28; all in T116N, R61W.

Water Right No. 1891-3, also held by John & Beth Welch, authorizes the appropriation of 3.74 cfs (approximately 1,675 GPM) from two wells (Tulare: East James Aquifer), located in the approximate centers of both the NE $\frac{1}{4}$ & SE $\frac{1}{4}$ Section 28, for irrigation of 262 acres within the E $\frac{1}{2}$ Section 28; all in T116N, R61W.

With this letter I hope to confirm which water right the well was intended for, whether the well was drilled with the intention of being used as an additional diversion point, a backup well, a replacement well, or an entirely new permit. I would also like to confirm that the addition of this well does not increase the diversion rate of either Water Right beyond what is permitted.

Please review the provided information and respond at your earliest convenience as a review will need to be conducted to rule out the potential for interference with existing permits/rights in the area, as well as any adequate domestic wells.

Sincerely,

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

enclosure

cc: John & Beth Welch, 101 Old South Rd, Southport CT 06890

Date: