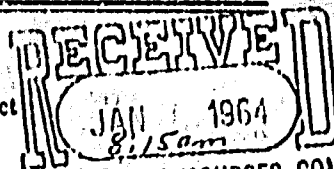


1071-3

1. Considered 3-11, 1964
2. Name of Applicant Hudson Farms Inc
3. Post Office Address Red-Sea
4. Amount of water claimed 2.28
5. Source of water supply Ground Water
6. Water to be used for irrigation
Acres to be irrigated 1600
7. Water to be diverted and used in Spink County about
6E 4S miles of Frankfort
8. Proof of Publication Received 101
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 1071-3
 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.)

I. Name of applicant Geeland Farms
 Post office address Doland, SD 57436, State S. Dak.

1. If a corporation
- (a) Name of same Hudson Farm, Inc.
 - (b) Date and place of incorporation 2-23-62 - Redfield, S. D.
 - (c) Amount of capital stock 2600,000.00
 - (d) Amount paid in
 - (e) Names and addresses of directors

H. R. Hudson, A. R. Hudson, Irving C. Klinck, 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 Johnson Farm

3. Amount of water claimed 2.28 cfs per second

4. Source of water supply Well

5. Location of point of diversion 1320' South & 1320' West of NE Corner Section 29
T-116 N & R 61 W on 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? Sprinkler

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

(b) Legal subdivisions to be irrigated NE 1/4 Section 29-T 116-R 61 W

(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 108-3

8. Estimate cost of work:

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

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

(c) Fluming, \$-----

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

Rock, \$-----

(e) Other structures -----

\$-----

Total, \$-----

9. Description of diversion works:

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

Pumping Plant

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 ----- three ----- years.

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

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

Redfield Press

STATE OF SOUTH DAKOTA

County of -----

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

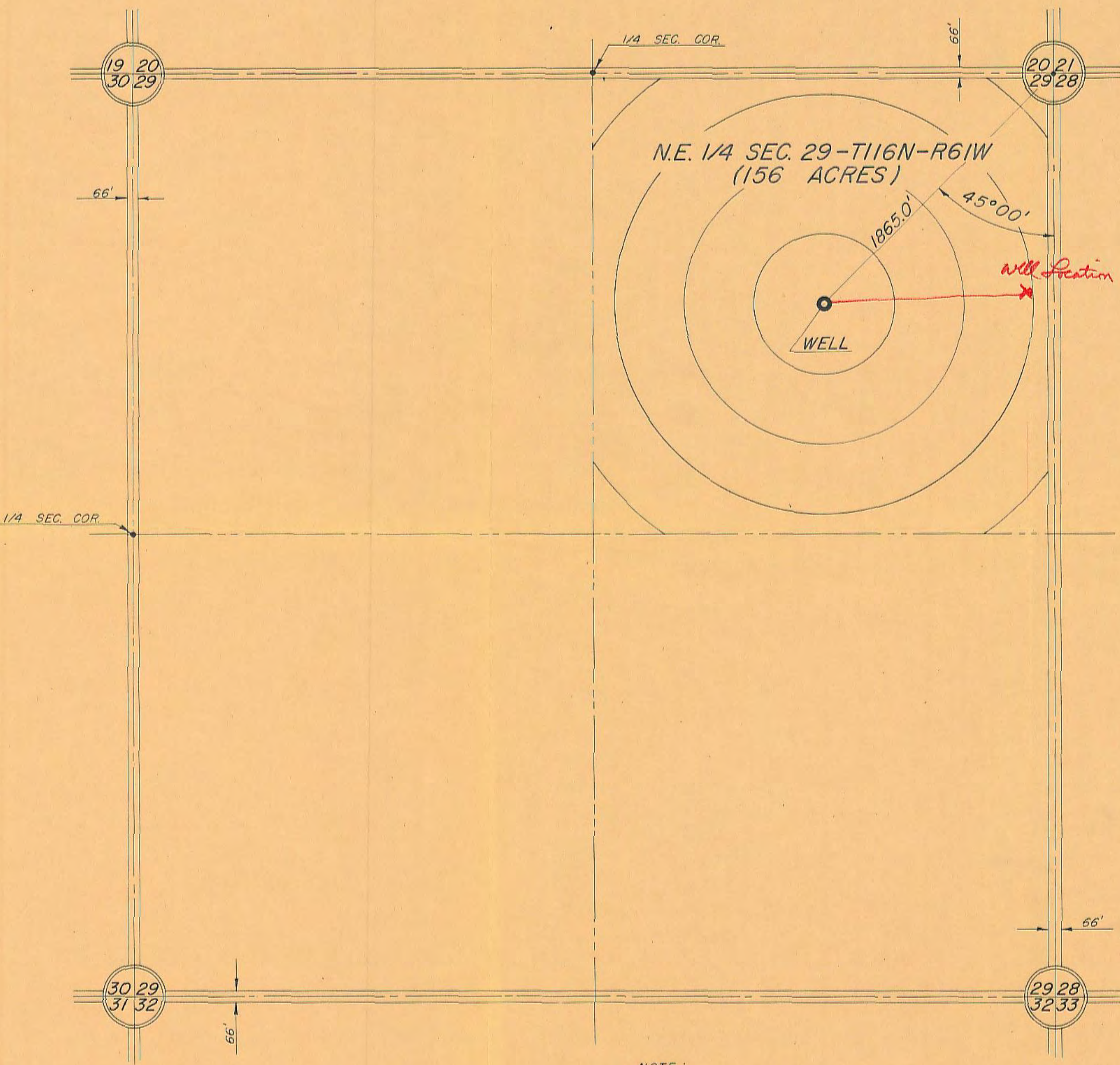
Signed

Subscribed and sworn to before me this -----

day of

1964

Notary Public (or other qualified officer.)



SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA S.S.
COUNTY OF BROOKINGS

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

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THIS _____ DAY OF _____, A.D., 19____.

Calvin Vaudrey
REGISTERED LAND SURVEYOR

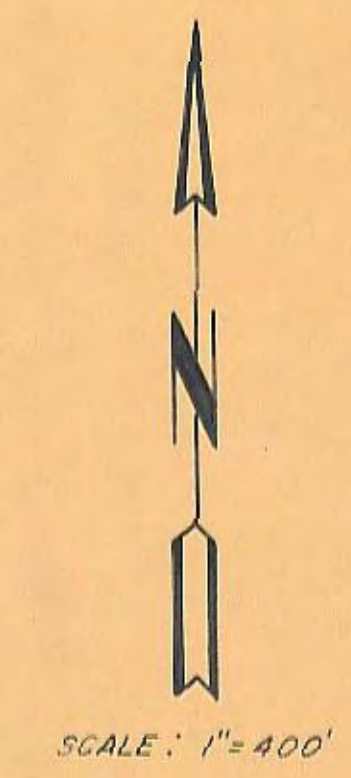
ACKNOWLEDGMENT OF SURVEYOR

STATE OF SOUTH DAKOTA S.S.
COUNTY OF BROOKINGS

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

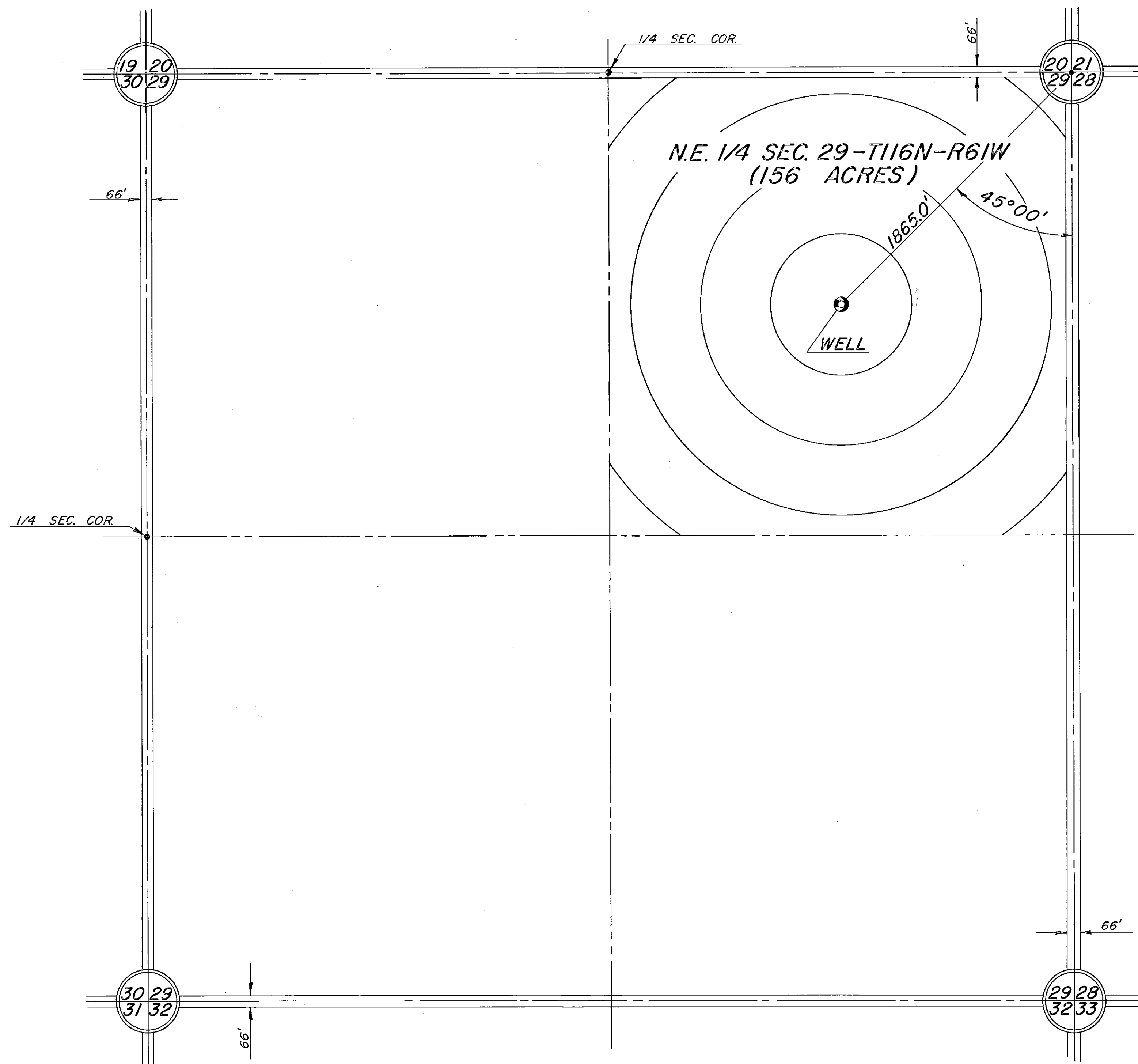
WITNESS MY HAND AND SEAL THIS 4 DAY OF December 1963

[Signature]
NOTARY PUBLIC
MY COMMISSION EXPIRES _____



WATER RIGHTS MAP	
SHOWING DIVERSION LOCATION FOR PERMIT TO APPROPRIATE WATER	
J. T. BANNER & ASSOCIATES, INC., ENGINEERS, BROOKINGS, SOUTH DAKOTA	
APPROVED _____	FOR _____
DATE _____	
APPROVED _____	FOR J. T. BANNER & ASSOCIATES, INC.
DATE _____	
CHECKED BY _____	DRAWN BY <u>L. D. H.</u>
DATE _____	SHEET _____ OF _____

Map No 708-3 (Appl No 1071-3)



SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA S.S.
COUNTY OF BROOKINGS

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

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THIS
DAY OF _____, A. D., 19__.

Calvin Vaudrey
REGISTERED LAND SURVEYOR

ACKNOWLEDGMENT OF SURVEYOR

STATE OF SOUTH DAKOTA S.S.
COUNTY OF BROOKINGS

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

WITNESS MY HAND AND SEAL THIS 4 DAY OF December 1963

[Signature]
NOTARY PUBLIC
MY COMMISSION EXPIRES _____

WATER RIGHTS MAP

SHOWING DIVERSION LOCATION
FOR PERMIT TO APPROPRIATE WATER

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

APPROVED _____ FOR _____

DATE _____

APPROVED _____ FOR J. T. BANNER & ASSOCIATES, INC.

DATE _____

CHECKED BY _____ DRAWN BY L. D. H.

DATE _____ SHEET _____ OF _____

Map No 708-3 (App No 1071-3)

Remarks by State Water Resources Commission:

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

STATE OF SOUTH DAKOTA } ss.
County of Hughes

Pierre, South Dakota, March 25, 1964

This is to certify that the foregoing application was received by the Commission at 8:15 o'clock
a m. upon the 9th day of January, 1964

State Water Resources Commission

By:

J. D. Hume
Chief Engineer, Executive Officer

Number of permit 1071-3

Date of first receipt of application January 9, 1964

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

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right January 9, 1964

Approved March 11, 1964, Recorded in Book 8 Page 173

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 September 11, 1965
- 2nd. The whole of said work is to be completed on or before March 11, 1967
- 3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is March 11, 1969
- 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 March 11, 1969; said water to be used during the following described annual period:

April 1 to November 1
25th day of March, 1964

Witness my hand this _____ day of _____, 1964

State Water Resources Commission

By:

J. D. Hume
Chief Engineer, Executive Officer

Certificate of Construction issued AUGUST 19, 1968

Water License issued AUGUST 19, 1968

Otto Johnson Farm

9. (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 10 gauge

Length of casing 88' If collection gallery, length, size and depth of
gallery

(b) Screens

Type of perforated screen Johnson Irrigator

Size of perforated screen 3/16 , 20'
(diameter) (length)

Thickness of gravel pack 7" , length of gravel pack 88'

(c) Water Bearing Materials

Distance to water 23' Character of water bearing materials
..... Medium to coarse sand to gravel

Thickness of water bearing material 65'

(d) Pump and Motor

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

Name of pump Westernland Roller , size 8"

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

Horsepower 128 , Name of Motor UV 549 International

(e) Complete well

Capacity 1100 GPM at drawdown of 60' Estimated cost \$ 2200.00

(f) Owner of land upon which well is located Hudson Farm, Inc.
Name..... Kansas City, Kansas
Address

(g) Distance to nearest existing wells

On same owner's property 160 rods. On property owned by others 720 rods

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 Dakotathe holder of Permit No. 1071-3, issued upon Application No. 1071-3 bearing date of priority of January 9, 1964authorizing the diversion of 2.28 cu. ft. per second of the waters of ground waterCounty of Spink, State of South Dakota, at a point 1320' N & 50' W. of the NE Corner, Section 29, T116N, R61Wfor 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 NE 1/4, Section 29, 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. 1071-3

WHEREAS, On the 9th day of January A. D. 1964

Hudson Farms, Inc.

of Redfield County of Spink and State of

South Dakota duly made application (No. 1071-3) to us for a permit to use 2.28

cubic feet per second of the waters of ground water

County of Spink, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 25th day of March A. D. 1964

Permit No. 1071-3 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 11th day of

March A. D. 1967 and for the application to beneficial use of said water on or before the 11th day of March A. D. 1969 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. 1071-3

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 January 9, 1964 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 NE 1/4, Section 29, 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. 1071-3
a water right, dating from January 9, 1964 to the use of 2.28
cubic feet per second of the waters of ground water
in the County of Spink and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at a point 1320' N and 50'W of the
SE Corner, Section 29, T116N, R61W
and conducted to and upon the NE 1/4, Section 29, 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 19th day of August A. D. Nineteen
Hundred and Sixty-eight

State Water Resources Commission,

By:

J. W. GRIMES
Chief Engineer, Executive Officer

on or before
(First Publication February 13, 1964)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., February 3, 1964

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 Johnson Farm Diversion, the point of diversion of which is to be located in the center of the NE $\frac{1}{4}$ of Section 29 Twp. 116N Range 61W. Said water to be used for the purpose of providing irrigation on the following described land:
NE $\frac{1}{4}$, Section 29, T116N, R61W

~~NE $\frac{1}{4}$~~

~~NE $\frac{1}{4}$~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 11th day of March, 1964, at 2 P. M. All interested persons may appear and be heard.

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

State Water Resources Commission

By:

CC: Harold Jones, Publisher
Redfield Press
Redfield, S.D.

BURTON F. JONES
Water Right Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Spink } ss.Harold D. 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 itme of publication of said notice herein after stated, has been and is printed and published in theCity of Redfield County of Spink and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

Feb. 13, 20, 27; Mar. 5

in each and every issue of the full number thereof, the first

publication being made on the 1st day of February1964 and the last publication on the 5th day ofMarch 1964, 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 D. JonesSubscribed and sworn to before me this 5th day of March A. D. 1964RECEIVED
MAR 9 1964STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTANotary Public Spink County, S. D.No. 93
No. 1071-3
NOTICE OF
INTENTION TO APPROPRIATE WATER
Office of State Water Resources
Commission
Pierre, South Dakota
Feb. 13, 20, 27, 1964

Notice is hereby given that Hudson Farms, Inc. whose postoffice address is Redfield, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.25 cubic feet of water per second of time from ground water through the Johnson Farm Diversion, the point of diversion of which is to be located in the center of the NE 1/4 of Section 29 Twp. 118N Range 81W. Said water to be used for the purpose of providing irrigation on the following described land:

NE 1/4, Section 29, T118N, R81W
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of March, 1964, at 2 p.m. All interested persons may appear and be heard.

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

State Water Resources Commission

By:
BURTON F. JONESWater Right Specialist
(Feb. 13, 20, 27 Mar. 5)RECEIVED
MAR 9 1964STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Permit No. **1071-3**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 the provisions of the Water Conservation Act~~

I have this day made a thorough examination of the diversion works constructed by

HUDSON FARMS, INC. of **REDFIELD****SPINK**County, South Dakota, holder of Permit No. **1071-3**, issuedupon Application No. **1071-3**, bearing date of priority of **JANUARY 9, 1964**, authorizing thediversion 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: **90' WELL 8" WESTERN LAND ROLLER****PUMP 6-10DN BOWLS 75HP U.S. ELECTRIC MOTOR, 1230' OF 10"****1530' OF 8" & 660' OF 6" MAINLINE WITH 5-1280' 4" TRACTOR****PULL LINES WITH 3/16 RAINBIRD R30W SPRINKLER HEADS****@ 40' SPACING @ 45 PSI.**and the system is in the following condition: **EXCELLENT**The point of diversion is located **1320' N & 50' W OF THE E 1/4 CORNER,**
SECTION 29, 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: **NE 1/4, SECTION 29, 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:

*** WELL LOCATION MOVED APPROX 1250' EAST OF**
LOCATION SHOWN ON APPLICATION.Witness my hand, this **17TH** day of **OCTOBER**, 19**67**

—SEAL—

Burton Jones
Examining Engineer
WATER RIGHT SPECIALIST
WATER RESOURCES COMMISSION

No. 1071-3

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:

NE 1/4 29-114-61

formerly owned by A.B. Hudson

has been transferred to Larry, Herb, Keith, Glenn, Freeland or
Freeland Farms
 together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1071-3 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)
) ss.
 County of Hughes)

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.

Bob Westlund
 (Notary Public)
Gene Webster, Clerk

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

Joe Foss Building
Pierre, South Dakota 57501

January 4, 1982

Dettler Farms
Rural Route
Doland, 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

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

BD3103GY.wr

~~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

SOUTH DAKOTA
Department of
Water & Natural Resources

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

1048-3
1071-3
1070-3
1073-3
1458-3
1891-2
2613-3

August 15, 1986

DeWayne Hofer
Box 406
Doland 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

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. 1071-3

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:

NE 1/4 Section 29-T-116 N Range 61 W

formerly owned by Hestland Farms

has been transferred to DeWynn & Karen Hoffer Bernick, Daland, S.D.

(please include complete mailing address)

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

Water Right Permit No. 1071-3 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, DeWynn Hoffer 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.

DeWynn Hoffer
(Signed)

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

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



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410037

Pierre, April 17, 1987

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 1071-3 _____	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)

SOUTH DAKOTA 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.



1071-3

**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.



1071-3

**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,

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



1071-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 1999

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.

WATER RIGHTS PROGRAM – FILE DOCUMENTATION

NAME: DeWayne & Karen Hofer

ADDRESS: Box 406, 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

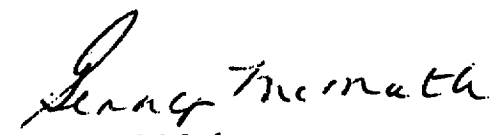
COMMENTS:

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



1071-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 WEST 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. 1071-3

Date: 5-2-00

I/We request that Water Right No. 1071-3

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:

NE 1/4 Section 29, T116N, R61W

I/We understand that the validity of Water Right No. 1071-3 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.

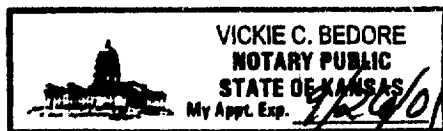
STATE OF Kansas SOUTH DAKOTA)

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

ND 416499

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. 1071-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By Harold Ebele
Chief Engineer



1071-3

**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



1071-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: 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.



10 71-3

**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
Environmental Scientist
Water Rights Program
(605) 773-3352

c: DeWayne Hofer
Michael J Silver



1071-3
**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.



1071-3
**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



1071-3

**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



1071-3

**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:

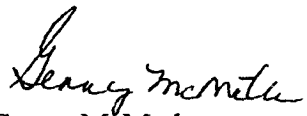
I am contacting you in regard to Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3 for Michael J Silver.

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



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



1071-3
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



1071-3

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

1071-3



**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. 1071-3

Date: _____

I/We request that Water Right No. 1071-3

formerly owned by: Michael J Silver

be transferred to: (name & address) 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:

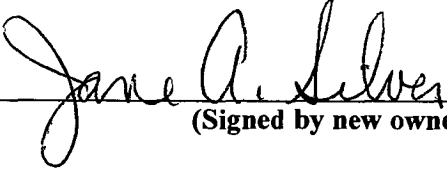
NE ¼ Section 29, T116N, R61W

I/We understand that the validity of Water Right No. 1071-3 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 Silver, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

RECEIVED

SEP 12 2005

WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 12, 2005

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	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>1071-3</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.

001953

By

David and Elsie

Chief Engineer

gm



**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

1071-3
**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

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

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

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

RECEIVED OF Morgan, Theeler, Wheeler, Cogley & Petersen, PO Box 4363, 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		
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>1073-- 1071-3</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.

02459

By

David E. Eide

Chief Engineer

gmr

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1071-3

Date: 4/3/2006

I/We request that Water Right No. 1071-3

formerly owned by: Jane A Silver

be transferred to: (name & address) John E. & Beth D. Welch, 101 Old South Road,
Southport, CT 06890-1412

Telephone No. 203-255-9989

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

NE ¼ Section 29, T116N, R61W

I/We understand that the validity of Water Right No. 1071-3 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).

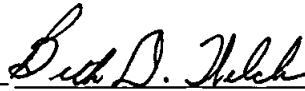
You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

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



1071-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 2, 2006

Glendale Colony
17866 Glendale Dr
Frankfort SD 57440

Dear Sir:

A well driller's report filed by Pullman Well Drilling shows that they completed a new irrigation well for you located in the SE ¼ NE ¼ Section 29-T116N-R61W (copy enclosed). A review of our files indicates that Glendale Colony has several permits, but I could locate a water permit for this legal description.

Is this well for a new irrigation system? If so, enclosed are application forms to apply for a permit. It is possible that the report has an incorrect legal description. If this is the case, what is the correct location of the irrigation well?

Please let us know the status of this new well. If you have any questions, please contact Eric Gronlund or me at (605) 773-3352. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
karen.schlaak@state.sd.us

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

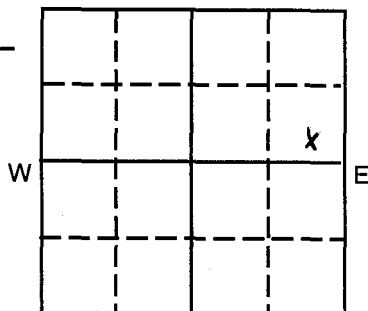
Location SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 29 Twp 116 Rg 61

County

Spink

North

Please mark well location with an "X"



Well Completion Date

7/19/2006

1 Mile

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? _____ ft. from _____ (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Reverse

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT LB/FT	DIAMETER IN	FROM FT	TO FT	HOLE DIAMETER IN
	16.00	0.0	65.0	24.00

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight Lb/gal	From Ft	To Ft
Cement	50		0.0	40.0

Describe grouting procedure line

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 20.0 FeetMaterial PVCSlot Size .057 Set From 65.0 Feet to 85.0 Feet

Other information _____

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No
If so, what material? PeaRock

Describe packer(s) and location

@65

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Pellets
☐ No, Why Not? _____

Lab sample sent to for water quality analysis

Well Owner: Glendale ColonyBusiness Name: Glendale ColonyAddress: 17866 Glendale DrCity, State, Zip: Frankfort SD 57440

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Yellow clay	0	10
Blue Clay	10	20
Coarse Sand	20	85
Blue Clay	85	

STATIC WATER LEVEL

24

FEET

If flowing: closed in pressure _____

PSI

GPM flow _____

through _____

Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____

GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: Test Pumped By Colony
☐ Bailed

☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____

GPM

REMARKS

This well was drilled under license # _____

440

And this report is true and accurate.

Drilling firm: Pullman Well Drilling

Signature of License Representative: _____

Ken Palmer

RECEIVED

OCT 13 2006

Signature of Well Owner or Equitable Property Holder: _____

WATER RIGHTS PROGRAM

Date: _____

10-24-06

Water Rights Program - File Documentation

NAME: Jerry Kleinsasser

ADDRESS: Glendale Colony

DATE: 11-13-06 **COUNTY:** **TELEPHONE:**

RE: Well Completion Report

COMMENTS:

Jerry Kleinsasser called regarding my letter dated November 2, 2006. Mr. Kleinsasser indicated the well is a replacement well authorized by Water Right No. 1071-3, owned by John Welch. They rent the land. The well is located in the NE ¼ Sec 29-T116N-R61W. They actually use less water than permitted because of a more efficient system.


Karen Schlaak
Environmental Scientist

11-15-86

To Whom this may Concern

The Well drillers report filed by Pullman Drilling
is not a well for a new permit & Sect 29-116-61
NE $\frac{1}{4}$ = Permit # 1078-3 but for a replacement well.
Land & Irrigation Equipment is own by John Welch
But operated by Belmont. If any questions
please call me at 605-472-0772

Thank You.

Jerry Kleinsasser

RECEIVED
NOV 17 2006
WATER RIGHTS
PROGRAM