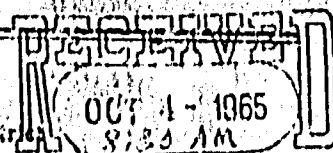


1228-3

1. Considered 11-19, 1965
2. Name of Applicant ROCKET GAS & OIL INC.
3. Post Office Address REDFIELD
4. Amount of water claimed 2.22
5. Source of water supply GROUND WATER
6. Water to be used for IRRIGATION
Acres to be irrigated 156
7. Water to be diverted and used in SPINK County about
5.11 miles of DOLAND
8. Proof of Publication Received  ✓
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 1223-3Water Division No. 3 JAMES RIVER
(Blanks to be Filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

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

(NOTE—Freeland Farms

1. Name of applicant Doland, SD 57436Postoffice address P.O. Box, County Johnson, State Kansas

I. If a corporation

(a) Name of company Rocket Gas & Oil, Inc.(b) Date and place of incorporation Moline, Illinois(c) Amount of capital stock \$24,000.00(d) Amount paid in \$24,000.00(e) Names and addresses of directors M. R. Hudson, Donald Hudson, Irving C.Klinck-Kansas City, Kansas

(NOTE—A certified copy of articles of incorporation must accompany this 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 Paul Farm3. Amount of water claimed 2.28 cubic feet per second4. Source of water supply Wellb. Location of point of diversion 1066.7' on a line at an angle of 45° northeast commencing at the SE corner of the SE 1/4 of 29-117-61, said right angle of 45° from the north-south side baseline of the SE 1/4 of 29-117-61, which point of diversion is in the physical center of said 1/46. Annual period or periods during which water is to be used April 1st to November 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 156 acres.(b) Legal subdivisions to be irrigated SE 1/4 SECTION 29 T117N R61W

(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 N° 344-3

8. Estimated 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, 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	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,
 Redfield, South Dakota

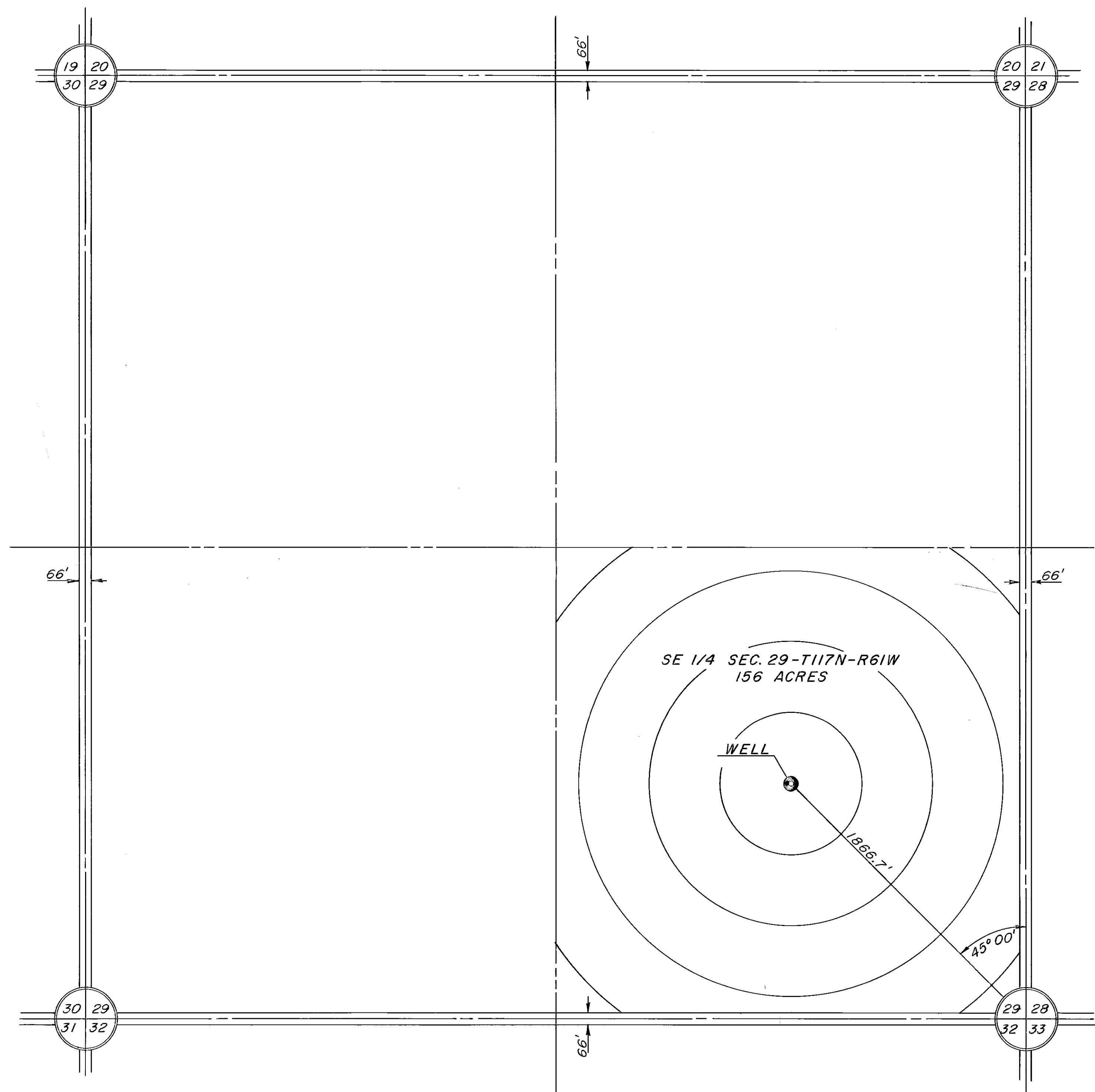
STATE OF ~~SOUTH DAKOTA~~ South Dakota
 County of Spink

I, Rockot Gas & Oil, Inc., 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 [Signature]

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

Notary Public (or other qualified officer.)



NOTE:
CIRCLES RADIATING FROM
WELL SHOW IRRIGABLE LAND.

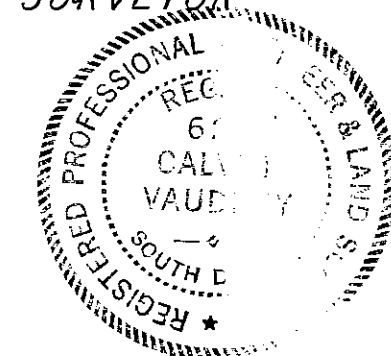
SURVEYORS CERTIFICATE

STATE OF SOUTH DAKOTA SS
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 TRACT OF IRRIGABLE LAND WITHIN THE OWNERSHIP BOUNDARIES FOR WHICH APPLICATION FOR AN APPROPRIATIVE WATER RIGHTS TO WITHDRAW UNDERGROUND WATERS FROM UNDER THIS TRACT FOR IRRIGATION PURPOSES IS MADE AND THAT THIS MAP IS A TRUE REPRESENTATION THEREOF.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THIS 3rd DAY OF SEPT., A.D., 1965.

Calvin Vaudrey
REGISTERED LAND SURVEYOR



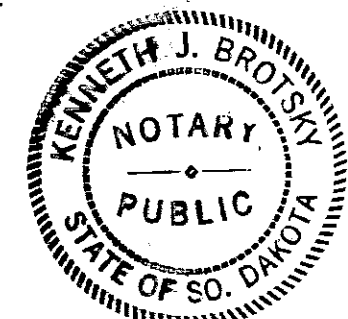
ACKNOWLEDGMENT OF SURVEYOR

STATE OF SOUTH DAKOTA SS
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 SURVEYORS CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

WITNESS MY HAND AND SEAL THIS 3rd DAY OF SEPT., 1965.

Kenneth J. Brotsch
NOTARY PUBLIC



MY COMMISSION EXPIRES
January 4, 1973

REV.	DATE	DESCRIPTION	MADE	APPR.
J. T. BANNER & ASSOCIATES, INC. CONSULTING ENGINEERS BROOKINGS, SOUTH DAKOTA				
WATER RIGHTS MAP				
SHOWING DIVERSION LOCATION FOR PERMIT TO APPROPRIATE WATER				
DRAWN: R.C.C.		APPROVED: _____ DATE _____		
DESIGNED:		APPROVED: _____ DATE _____		
CHECKED: K.J.B.		DATE _____ FOR J. T. BANNER & ASSOC. INC.		
DATE: SEPT. 1965		SCALE: 1" = 400'		DRAWING NUMBER
		SHEET 1 OF 1		

MAP NO 844-3 (APPL NO 1223-3)

Remarks by State Water Resources Commission:

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

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, NOVEMBER 22, 1965

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock
9 a.m. upon the 4TH day of OCTOBER, 1965

State Water Resources Commission

By:

John Jones
for Chief Engineer, Executive Officer

Number of permit 1223-3

Date of first receipt of application OCTOBER 4, 1965

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 OCTOBER 4, 1965

Approved NOVEMBER 17, 1965 Recorded in Book 9 Page 61

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 _____

MAY 19, 1967

2nd. The whole of said work is to be completed on or before NOVEMBER 17, 1970

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 17, 1972 EXTENSION APPROVED 3-18-70

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 2.22 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 NOVEMBER 17, 1970; said water to be used during the following described annual period:

APRIL 1 TO NOVEMBER 1
22ND day of NOVEMBER, 1965

Witness my hand this

State Water Resources Commission

By:

John Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued APRIL 19, 1973

Water License Issued APRIL 17, 1973

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30" , Depth 72'

Type of casing Steel
(wood, concrete, steel, etc.)

Size of casing 16" , Thickness of casing 7 gauge

Length of casing 57' . If collection gallery, length, size and depth of
gallery

(b) Screens

Type of perforated screen Johnson Irrigator

Size of perforated screen 16" 15'
(diameter) (length)

Thickness of gravel pack 7" , length of gravel pack 72'

(c) Water Bearing Materials

Distance to water 27' . Character of water bearing materials

20' silt 52' sand and gravel

Thickness of water bearing material 1/16 to ~~1/8~~ 1/2"

(d) Pump and Motor

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

Name of pump Layne & Bowler , size 8" column, 12" bowls

Kind of motor Electric
(gasoline, electric, diesel, etc.)

Horsepower 75 HP , Name of Motor GE

(e) Complete well

Capacity 2000' GPM at drawdown of 48' . Estimated cost \$1900.00

(f) Owner of land upon which well is located Hudson Farms, Inc.
NameAddress ~~XXXXXX~~

(g) Distance to nearest existing wells

On same owner's property 100 rods. On property owned by others 250 rods

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1223-3

(1) WHEREAS, On the 4th day of October A. D. 1965
Rocket Gas and Oil, Inc.

made Water Right Application No. 1223-3 for a permit to use 2.22 cubic feet per second of the waters
of ground water

County of Spink, State of South Dakota, for irrigation

_____ purposes; and

(2) WHEREAS, On the 22nd day of November A. D. 1965

Permit No. 1223-3, with a date of priority of October 4, 1965

was issued to said applicant _____ for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 17th day of November A. D. 1970 and for the
application to beneficial use of said water on or before the 17th day of November A. D. 1972,

**And, whereas, on the 18th day of August, 1971, the Permit was
transferred to A. B. Hudson,**

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 1.87 cubic feet
per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent,

for irrigating a 131 acre circle in the SE $\frac{1}{4}$, Section 29, T117N, R61W

(5) 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 A. L. Hudson

_____ of Topeka, Kansas
the holder _____ and owner _____ of said permit No. 1223-3 a water right, dating from October 4, 1965
_____ to use of 1.87 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 North 45° West, 1866.7 feet from the SE
Corner, Section 29, T117N, R61W

_____ and conduct to and upon a 131 acre circle in the SE¼, Section 29, T117N, R61W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1223 3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 17th day of April A. D.
Nineteen Hundred and Seventy-three

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. GRIMES

Permit No. 1223-3

Water Diversion No. 3 JAMES RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That A. B. Hudson

_____ the holder _____ of
Permit No. 1223-3, issued upon Application No. 1223-3, bearing date of priority of October 4,
1965 authorizing the diversion of 2.22 cu. ft. per second of the waters of _____
ground water County of Spink, State of South Dakota at _____
a point North 45⁰ West, 1866.7 feet from the SE Corner, Section 29, T117N,
R61W
_____, for irrigation

purposes, haa 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 2.0 cu. ft. per second of water.

Date April 17, 1973

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

on or before October 21, 1965
(First Publication _____, 1965)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., October 7, 1965

Notice is hereby given that the Rocket Gas and Oil, Inc. whose postoffice address is Kansas City, Kansas ~~S.D.~~ has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.22

cubic feet of water per second of time from ~~the~~ ground water through the Paul Farm Well, the point of diversion of which is to be located ~~on the~~

~~in the center~~ in the center ~~of the~~ of the SE $\frac{1}{4}$ of Section 29

Twp. 117N Range 61W Said water to be used for the purpose of providing irrigation on the following described land:

SE $\frac{1}{4}$ Section 29, T117N, R61W

~~and for~~ purpose

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of November, 1965, at 2 P. M. All interested persons may appear and be heard.

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

State Water Resources Commission

By:

BURTON F. JONES
Water Right Specialist

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

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 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:

October 14, 21, 28, November 4

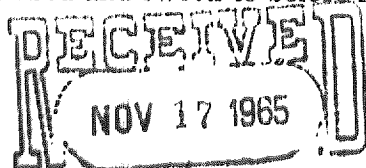
in each and every issue of the full number thereof, the first publication being made on the 14th day of Oct.

1965 and the last publication on the 4th day of

Nov. 1965, 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. Jones

Subscribed and sworn to before me this 4th day of November A. D. 1965



STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

W. J. [Signature]
 Notary Public Spink County, S. D.

No. 65 No. 1223-3
 APPROPRIATION OF WATER
 Office of State
 Water Resources Commission
 Pierre, South Dakota
 October 7, 1965
 NOTICE IS HEREBY GIVEN that the Rocket Gas & Oil, Inc., whose post office address is Kansas City, Kans., had made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use, 2.22 cubic feet of water per second of time from ground water through the Paul Farm Well the point of diversion of which is to be located in the center of the SE $\frac{1}{4}$ of Section 29, Twp. 117N, Range 81W. Said water to be used for the purpose of providing irrigation on the following described land:
 SE $\frac{1}{4}$ Section 29, T117N, R81W.
 This application will be taken up by the State Water Resources Commission, at their office at Pierre, for consideration upon the 17th day of November, 1965, at 2:00 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 F. JONES
 Water Right Specialist
 (October 14, 21 and 28; November 4)

NOTICE OF TRANSFER OF WATER PERMIT

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

Date March 2, 1970

This is to notify you that title to the lands described as follows:
SE 1/4, Section 29, T117N, R61W

formerly owned by Rocket Gas and Oil, Inc.

has been transferred to M.R. Hudson

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 1223-3 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 Resources Commission as evidence of the change of ownership.

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

KANSAS
 STATE OF ~~SOUTH DAKOTA~~)
 County of JOHNSON) ss.

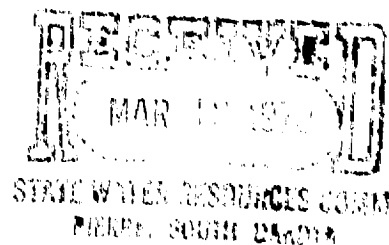
I, IRVING C. KLINOCK being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

ROCKET GAS & OIL, INC:
[Signature] Secy. - Treas.
 (Signed)

Subscribed and sworn to before me this 4th day of March, 19 70

[Signature]
 (Notary Public)

My commission expires June 7th, 1971.



NOTICE OF TRANSFER OF WATER PERMIT

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

Date August 4, 1971

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

SE $\frac{1}{4}$, Section 29, T117N, R61W

formerly owned by M. R. Hudson

has been transferred to A. B. Hudson

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 1223-3 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 Resources Commission as evidence of the change of ownership.

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

STATE OF ^{KANSAS} ~~SOUTH DAKOTA~~)
 County of JOHNSON) ss.

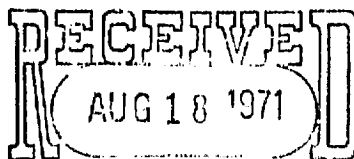
I, A. B. Hudson being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

A. B. Hudson
 (Signed)

Suscribed and sworn to before me this 13 day of August, 1971

Frederic J. Nash
 (Notary Public)

My Commission Expires Aug. 29, 1974



STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

Permit No. 1223-3
Water Division 3 JAMES RIVER Water District

REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by A.B. HUDSON
of PRAIRIE VILLAGE, KANSAS holder
of Permit No. 1223-3, bearing date of priority of OCTOBER 4, 1965
authorizing the diversion of 2.22 cu. ft. per second of the waters of GROUND WATER
for IRRIGATION purposes, in SPINK County.

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

The Water Use System consists of,

A. Works used to divert the water:

72' DEEP WELL WITH 16" STEEL CASING
LAYNE-BOWLER 8" PUMP, POWERED BY INTERNATIONAL
UV-549 DIESEL MOTOR

B. Works used to transport water to place of use,

C. Works used to apply water to beneficial use.

13 TOWER VALLEY SELF PROPELLED SPRINKLER SYSTEM

The system is in the following condition: GOOD

The point of diversion is located IN THE CENTER OF THE SE¹ SECTION 29,
T117N, R61W

The works are capable of diverting and conveying to the place of use 2.0
cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows:

131 ACRE CIRCLE IN THE SE¹ SECTION 29, T117N, R61W

comprising a total of 131 ac. of land.

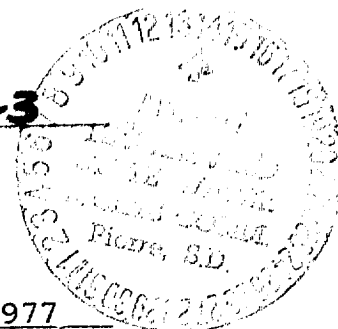
Form 20.

No. 1223-3

NOTICE OF TRANSFER OF WATER PERMIT

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

Date: April 14, 1977



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

S.E. 1/4 29-117-61

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. 1223-3 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 Two Dollars and Fifty Cents (\$2.50) 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 despose 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

Billy Wickard
(Notary Public)

Bill Water 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

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

June 16, 1982

Dettler Farms
RR
Doland SD 57436

SECOND NOTICE

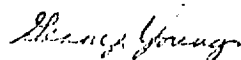
Dear Sirs:

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,



GENKY YOUNG
Water Rights Specialist

GY:ks

enclosures



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 23, 1991

961-3
1050-3
1120-3
1223-3

Kevin Dettler
RR
Doland, SD 57436

Dear Mr. Dettler:

I am contacting you regarding ownership of land covered under Water Right Nos. 961-3, 1050-3, 1120-3 and 1223-3. You indicated in a January 23, 1991 telephone conversation with Regan Fanning, of this office, that you have owned the land described in these water rights for several years.

Enclosed are partially completed "Notice of Transfer" forms for use in filing the ownership changes. The water rights are currently listed in the name of Freeland Farms.

The transfer forms should be checked over for accuracy and signed in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$10.00).

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

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

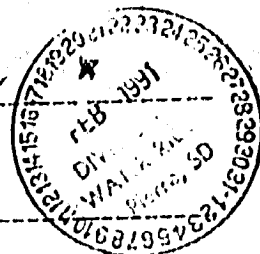
enclosures

NOTICE OF TRANSFER OF OWNERSHIP

No. 1223-3

TO: Chief Engineer
Water Rights Division, DWR
623 East Capitol
Pierre, SD 57501-3181

Date: 2/05/91



I/We request that Water Permit/Right No. 1223-3

formerly owned by: Freeland Farms

be transferred to: (name & address) Kevin Oetle, DBA Oetle Farms

RR1 Box 29, Delmar, SD 57434

(telephone No.) 605-635-6498

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

131 acres - SE 1/4 Section 29, T117N, R61W

I/We understand that the validity of Water Permit/Right No. 1223-3 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 at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of Spink)

I/We Kevin Oetle 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.

Kevin Oetle
(Signed)

Subscribed and sworn to before me this 14th day of February, 1991.

Bernie M. Wagner 2-7-91
(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 water 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

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, February 20, 1921

RECEIVED OF Kevin Dettlor, HCR 1 Box 20, 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. _____		250
Fee for Filing Transfer Form <u>Water Right No. 1223-3</u>		
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	250

By John H. H. [Signature]
Chief Engineer



GREAT FACES. GREAT PLACES.

May 30, 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

No. 961-3

1050-3

1223-3

1223-3

Kevin Dettler
DBA Dettler Farms
RR 1, Box 29
Doland, SD 57436

Dear Mr. Dettler:

Enclosed are 3 receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 961-3, 1050-3 and 1223-3.

Our records now show you as the owner of Water Right Nos 961-3, 1050-3 and 1223-3.

Sincerely,

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

enclosure



1223-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

KEVIN DETTLER
RR #1 BOX 29
DOLAND SD 57436

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 961-3, 1050-3, 1120-3 & 1223-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

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

1. Amend Permit No(s) 961-3, 1050-3, 1120-3 & 1223-3 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 before the March 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,

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

SENDER.

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

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:

KEVIN DETTLER
RR #1 BOX 29
DOLAND, SD 57436

4a. Article Number

P906 557 681

4b. Service Type

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

7. Date of Delivery

1-29-92

5. Signature (Addressee)

6. Signature (Agent)

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



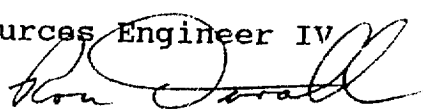
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 1992

NOTICE OF AMENDMENT TO WATER PERMIT(S)

TO: KEVIN DETTLER
RR #1 BOX 29
DOLAND, SD 57436

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

SUBJECT: Amendment to Water Permit No(s). 961-3, 1050-3,
1120-3 & 1223-3

Pursuant to the provisions of the Notice dated January 27, 1992, and following the hearing March 4, 1992, the Water Management Board has amended Water Permit No(s). 961-3, 1050-3, 1120-3 & 1223-3 to add the following qualification:

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

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

1223-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 1993

NOTICE

TO: KEVIN DETTLER
RR 1 BOX 29
DOLAND SD 57436

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

A handwritten signature in dark ink, appearing to read 'Ron Duvall', is placed to the right of the 'FROM:' line.

RE: Violation of Water Permit No(s) 961-3, 1050-3, 1120-3 & 1223-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 961-3, 1050-3, 1120-3 & 1223-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 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 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 961-3, 1050-3, 1120-3 & 1223-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

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

1223-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 2, 1993

961-3
1050-3
1120-3
1223-3

Kevin Dettler
Dettler Farms
HC 71 Box 29
Doland, SD 57436

Dear Mr. Dettler:

I am writing to acknowledge receipt your 1992 irrigation questionnaires. You may disregard the January 29, 1993, **Notice of Violation of Water Permit Nos. 961-3, 1050-3, 1120-3, and 1223-3.**

The questionnaires were received prior to the Water Management Board meeting, and your name was deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352



1223-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-1001

KEVIN DETTLER
HC 71 BOX 29
DOLAND SD 57436

NOTICE

RE: Violation of Water Permit No(s) 961-3, 1050-3, 1120-3 & 1223-3

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 961-3, 1050-3, 1120-3 & 1223-3. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 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 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 961-3, 1050-3, 1120-3 & 1223-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before April 1, 1994, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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



1223-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 1994

NOTICE

TO: KEVIN DETTLER
HC 71 BOX 29
DOLAND, SD 57436

FROM: Ron Duvall, Natural Resources Engineer IV
For John Hatch, Chief Engineer,
Water Rights Division
(605) 773-3352 

SUBJECT: April 6, 1994 Water Management Board Meeting --
Irrigation Questionnaire Violation(s)
RE: 961-3, 1050-3, 1120-3 & 1223-3,

On February 16, 1994, a notice was sent to you concerning submission of the 1993 irrigation questionnaire(s). The time and location of the April 6th hearing have been changed.

The hearing is now scheduled as follows:

**9:30 a.m., April 6, 1994, in the Conference Room of
the Floyd Matthew Training Center, Joe Foss Building,
523 E Capitol, Pierre, SD.**

All other provisions of the February 16th notice still apply. If the questionnaire(s) are received in this office prior to April 1, 1994, your name will be deleted from the agenda.

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

CERTIFICATION

I hereby certify that on March 9, 1994, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 9, 1994, regarding April 6, 1994, Water Management Board Meeting -- Irrigation Questionnaire Violation(s) on the following Water Rights/Permits and addresses as stated below:

- 2709-3: Alex A./Ann L. Falk, 1301 N. 4th St., Aberdeen, SD 57401.
2763-3 & 4281-3: Alfred LaCroix, Jr., RR 1, Box 350, Jefferson, SD 57038.
5233-3 & 2520-3: B. Deloris Jensen, RR 2, Box 107, Beresford, SD 57004-9578.
2534-3: Barry Imsland, RR 2, Box 26, Conde, SD 57434.
1677A-3: Burnett Quam, RR 1, Box 222, Elk Point, SD 57025.
1814-3: Caroline & Garry S. Kerkvliet, RFD 2, Box 145, Castlewood, SD 57223.
4773-3 & 1880-3: City of Brookings, Theodore Kryger, F.O., P.O. Box 270, Brookings, SD 57006-0270.
180-3 & 291-3: Craig Flyger, RR 1, Box 22, Parker, SD 57053.
1076-2, 1236-2 & 2167-2: Dale Heese, HCR 88, Box 36, Millboro, SD 57580-7417.
1488-2: Dan Donelan, HCR 33, Box 23, Mission Ridge, SD 57532.
417-1A & 417-1B: Darrell C. Anderson, 1700 Kings Rd., Rapid City, SD 57702.
540-2: Darrell E. Heldman, Box 402, Edgemont, SD 57735.
1503-2: Dave Hemmingson, HCR 3, Box 11, Philip, SD 57567.
792-1: David L. & Mary Lou Mollman, HC 63, Box 62, Ludlow, SD 57755.
4093-3: Dell Rapids Golf & Rec Assoc, Mike Solem, Box 165, Dell Rapids, SD 57022.
2394-3 & 2395-3: Dennis Jones, RR 1, Box 55, Bath, SD 57427.
1275-2: Donald Kaiser, HCR 89, Box 303, Hermosa, SD 57744.
1556-3: Ed & Dale Fawcett, Inc., Box 3D, Ree Heights, SD 57371.
1555-3: Ed & Dale Fawcett, Inc., HCR 64, Box 155, Miller, SD 57362.
2622-3: Evelyn Bernard, RR 1, Box 35, Jefferson, SD 57038.
526-2: Fred & Dan McFarland, P.O. Box 2110, Rapid City, SD 57709.
1390A-1: Fred W. Carlson, 716 10th Ave., Belle Fourche, SD 57717.
3026-3: G. Waldner, Hillcrest Colony, Box 17, Garden City, SD 57236.
1291-3 & 2474-3: Gary Hanson, Operator, RR 2, Box 224, Elk Point, SD 57025.
407-2, 408-2 & 409-2: Gerrit DeJong, HCR 81, Box 50, Kennebec, SD 57544-9503.
4209-3: Harold Nelson & Son, RR 2, Box 156, Yankton, SD 57078.
5315-3: Hillcrest Golf/Country Club, T. Cihak, President, 2206 Mulberry, Yankton, SD 57078.
2595-3 & 4379-3: James B. Zell, Rt 1, Box 350, Cavour, SD 57324.
4687-3A & 4687-3B: James L. Sutton, Box 33, Onida, SD 57564.
5203-3: Jeffery O. & Sally J. Nelson, RR 2, Box 2080, Brandon, SD 57005-9606.
475-2 & 1114-2: John Pitkin, Rex Ranch, Box 92, Nenzel, SD 57219.
961-3, 1050-3, 1120-3 & 1223-3: Kevin Dettler, HC 71, Box 29, Doland, SD 57436.

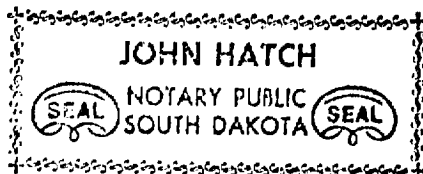
4524-3 & 4524-3A: Leon Lengkeek, 1605 Buffalo TR, Brookings, SD 57006.
 4443-3: Lonnie H. Nelson, RR 2, Box 156, Yankton, SD 57078.
 5010-3: Loren & Joyce Forrest, RR 1, Box 213, Laverne, MN 56156.
 156-3, 157-3, 164-3 & 1878-3: Marene Flyger, Box 362, Hurley, SD 57036.
 2242-3: Mark Quam, RR 2, Box 456, Elk Point, SD 57025.
 1523-2 & 1525-2: May & Sons, Inc., HC 53, Box 21, Interior, SD 57750.
 3550-3: Melvin A. Schmidt, Rt 2, Box 127, Parker, SD 57053.
 1714-2 & 2063-2, 400-2 & 401-2: Melvin E. Brassfield, Box 24, Caputa, SD 57725.
 5353-3: Michael A. Koslowski, RR 1, Box 44, Waubay, SD 57273.
 4910A-3: Michael L. Kreber, RR 1, Box 89, Tabor, SD 57063.
 2120-2: Mick Zink, HC 88, Box 51, Wewela, SD 57578.
 5205-3: Oahe Shores Golf Association, Dennis Moser, P.O. Box 174, Pollock, SD 57648.
 1684-3 & 2742-3: Paul Daly, P.O. Box 379, Ft. Thompson, SD 57339-0379.
 5736-3: Robert Streeter, 2645 Country VW, Monroe, WI 53566.
 235-3: Russell Doolittle, RR 1, Box 53, Wolsey, SD 57384.
 1264-3A: Steffen Brothers, Inc., HCR 37, Box 132, Pierre, SD 57501-9514.
 424-1: Steve Smeenk, Rt 1, Box 134, Newell, SD 57760.
 399-2: Thomas & Robin Jagow, HC 56, Box 39, Buffalo Gap, SD 57722.
 5225-3: Town of Pollock, Lila Renner, F.O., P.O. Box 57, Pollock, SD 57648-0057.
 925-1: Warren N. Golliher, RR 1, Box 237D, Spearfish, SD 57783.
 897-2: Wilbert & Judith Ohlmann, HCR 69, Box 663, Midland, SD 57552.
 1402A-2: William & James O'Kief, HC 68, Box 32, Wood Lake, NE 69221.
 4646A-3: William A. Stoddard, 821 S. Walts Ave., Sioux Falls, SD 57104.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

Sworn to, before me, this 10th day of March, 1994.



John Hatch
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 18, 1994

961-3
1050-3
1120-3
1223-3

Kevin Dettler
HC 71 Box 29
Doland, SD 57436

Dear Mr. Dettler:

I am writing to acknowledge receipt of your 1993 irrigation questionnaires. You may disregard the February 16, 1994, **Notice of Violation of Water Permit Nos. 961-3, 1050-3, 1120-3 and 1223-3.**

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

If you have any questions, please contact me.

Sincerely,

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

1223-3



February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: KEVIN DETTLER, HC 71 BOX 29, DOLAND, SD 57436

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

SUBJECT: Violation of Water Permit No(s) 961-3, 1050-3, 1120-3 & 1223-3, 3189-3 and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 961-3, 1050-3, 1120-3 & 1223-3, 3189-3. The request for the Questionnaires was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 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."

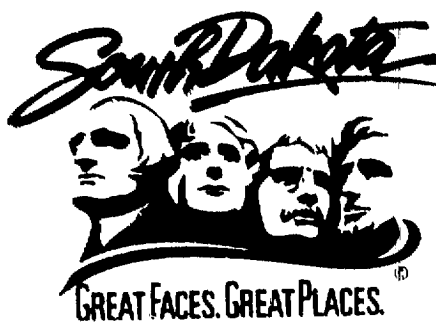
The hearing will be held at 2:30 pm, March 5, 1997 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 961-3, 1050-3, 1120-3 & 1223-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 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 28, 1997, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 575C1-3181

February 21, 1997

Kevin Dettler
HC 71 Box 29
Doland, SD 57436

Dear Mr. Dettler:

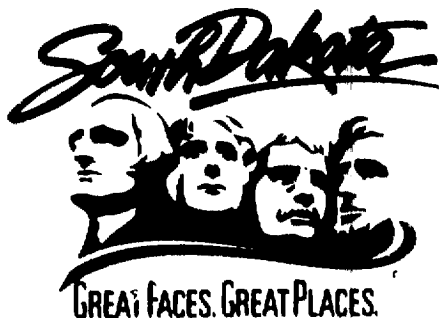
I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, **Notice of Violation of Water Permits and 1996 Irrigation Questionnaire requirements.**

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

If you have any questions, please contact me.

Sincerely,

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



January 9, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

 JOE FOSS BUILDING
 523 EAST CAPITOL
 PIERRE, SOUTH DAKOTA 57501-3181
NOTICE
TO: KEVIN DETTLER, HC 71 BOX 29, DOLAND, SD 57436

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

Our records indicate that the 1997 Irrigation Questionnaires have not been submitted for Permit Nos. 961-3, 1050-3, 1120-3 & 1223-3, 3189-3. The request for the Questionnaires was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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) 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."

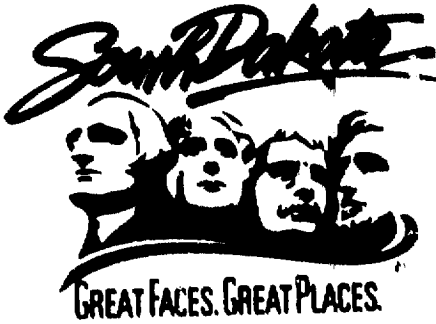
The hearing will be held at 9:45 am, February 25, 1998 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12,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

1. Suspend or cancel Permit No(s) 961-3, 1050-3, 1120-3 & 1223-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 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 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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.



1223-3

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

January 28, 1998

961-3
1050-3
1120-3
1223-3
3189-3

Kevin Dettler
HC 71 Box 29
Doland SD 57436

Dear Mr. Dettler:

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 Nos. 961-3, 1050-3, 1120-3, 1223-3 and 3189-3.

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

If you have any questions, please contact me.

Sincerely,

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

1223-3



**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: KEVIN DETTLER, HC 71 BOX 29, DOLAND, SD 57436
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaires

Our records indicate that the 1998 Irrigation Questionnaires have not been submitted for Permit Nos. 961-3, 1050-3, 1120-3 & 1223-3, 3189-3. The request for the Questionnaires was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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) 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 9:45 am, March 3, 1999 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 961-3, 1050-3, 1120-3 & 1223-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 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 March 1, 1999, 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.



1225-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 2, 1999

Kevin Dettler
HC 71 Box 29
Doland, SD 57436

RE: Water Right/Permit Nos. 961-3, 1050-3, 1120-3, 1223-3 & 3189-3

Dear Mr. Dettler:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right/Permit Nos. 961-3, 1050-3, 1120-3, 1223-3 & 3189-3.

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

If you have any questions, please contact me.

Sincerely,

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



1225-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2000

NOTICE

TO: KEVIN DETTLER, HC 71 BOX 29, DOLAND, SD 57436
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaires

Our records indicate that the 1999 Irrigation Questionnaires have not been submitted for Permit Nos. 961-3, 1050-3, 1120-3 & 1223-3, 3189-3. The request for the Questionnaires was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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) 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."

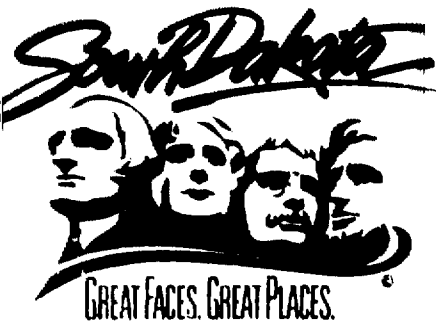
The hearing will be held at 1:30 pm, March 1, 2000 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 961-3, 1050-3, 1120-3 & 1223-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 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 28, 2000, 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.



1223-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 23, 2000

Kevin Dettler
HC 71 Box 29
Doland, SD 57436

RE: Water Permit/Right Nos. 961-3, 1050-3, 1120-3, 1223-3 and 3189-3

Dear Mr. Dettler:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit/Right Nos. 961-3, 1050-3, 1120-3, 1223-3 and 3189-3.

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

If you have any questions, please contact me.

Sincerely,

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



January 16, 2002

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: KEVIN DETTLER, HC 71 BOX 29, DOLAND, SD 57436
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaires

Our records indicate that the 2001 Irrigation Questionnaires have not been submitted for Permit Nos. 961-3, 1050-3, 1120-3 & 1223-3, 3114-3 & 3189-3. The request for the Questionnaires was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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) 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 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 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) 3114-3 & 3189-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

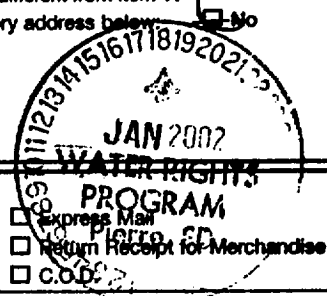
The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by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

If the questionnaires are received in this office on/or before March 8, 2002, 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.

1223-3

SENDER- COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) <u>Becky Dettler</u> B. Date of Delivery <u>1-17-02</u>	
1. Article Addressed to: KEVIN DETTLER HC 71 BOX 29 DOLAND SD 57436		C. Signature <u>X Becky Dettler</u> ☐ Agent ☐ Addressee	
		D. Is delivery address different from item 1? ☒ Yes ☐ No If YES, enter delivery address below	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	



7001 2510 0004 4797 5811



1223-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 8, 2002

Kevin Dettler
HC 71 Box 29
Doland, SD 57436

RE: Water Permit or Right Nos. 961-3, 1050-3, 1120-3, 1223-3, 3114-3 and 3189-3

Dear Mr. Dettler:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Permit or Right Nos. 961-3, 1050-3, 1120-3, 1223-3, 3114-3 and 3189-3.

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

If you have any questions, please contact me.

Sincerely,

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



1223-3

**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: 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 2002 Irrigation Questionnaires

Our records indicate that the 2002 Irrigation Questionnaires have not been submitted for Permit Nos. 961-3, 1050-3, 1120-3 & 1223-3, 3114-3 & 3189-3. The request for the Questionnaires was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 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) 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 5, 2003 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 961-3, 1050-3, 1120-3 & 1223-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 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 28, 2003**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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.



1223-3

**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



1223-3
**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 14, 2003

961-3
1050-3
1120-3
1223-3

Becky Dettler
40168 173rd St
Doland SD 57436

Dear Ms. Dettler:

Enclosed, as you requested, are copies of irrigation questionnaires for Water Right Nos. 961-3, 1050-3, 1120-3 and 1223-3. The forms included are for the years 1992 through the present.

No forms were received for the years 1990 and 1991. The water rights were transferred to Dettler Farms in February, 1991. The 1991 forms would have been the first year you would have received forms to complete.

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

Sincerely,

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

enclosures



January 14, 2004

1223-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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.



1223-3

**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



1223-3

**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

Jerry Kleinsasser
Glendale Colony
17866 Glendale Dr
Frankfort SD 57440

Dear Mr. Kleinsasser:

I am contacting you in regard to ownership of land described in Water Right Nos. 961-3, 1050-3, 1120-3 and 1223-3. These water rights are currently listed in the name of Kevin Dettler, dba Dettler Farms. Enclosed are copies of the water rights for your review.

It is our understanding that the colony purchased the land from Mr. Dettler. Enclosed are partially completed "Notice of Transfer of Ownership" forms for filing ownership changes. Please review the forms and complete as needed. Upon completion, please sign 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 the colony did not purchase all of the land and I should be contacting someone else concerning the transfers, please let me know. Thank you in advance for your help. You may keep the copies of the water rights. The only documents we need to have back are the transfer forms (and filing fees).

Sincerely,

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

enclosures



1223-3

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 10, 2004

Jerry Kleinsasser
Camrose Hutterian Brethren Inc
17870 Glendale Dr
Frankfort SD 57440

RE: Water Right Nos. 961-3, 1050-3, 1120-3 and 1223-3

Dear Mr. Kleinsasser:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms you submitted for transferring the water rights held by Dettler Farms.

Prior to transferring the water rights, a \$2.50 fee is required for each water right being transferred. My first letter may not have been clear with respect to the fee. The total amount due would be \$10.00. You may make the check or money order payable to the "Water Rights Program".

Thank you in advance for your help.

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

MAR 09 2004

WATER RIGHTS
PROGRAM

No. 1223-3

Date: 3-6-04

I/We request that Water Right No. 1223-3

formerly owned by: Kevin Dettler, dba Dettler Farms

be transferred to: (name & address) Camrose Hutterian Brothers Inc.
17870 Glendale Dr. Frankfort S.D. 57440

Telephone No. 605-472-8772

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

131 acres - SE ¼ Section 29, T117N, R61W

I/We understand that the validity of Water Right No. 1223-3 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 Camrose Hutterian, the new owner, certify that the above information is true and correct.

Jerry Kleinman
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 18, 20 04

RECEIVED OF Glendale Hutterian Brethren Inc., 17866 Glendale dr., Frankford SD 57440-7201

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>1223-3</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.

001241

By

Darland Erbe

Chief Engineer

gm



1223-3

**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 10, 2004

Jerry Kleinsasser
Camrose Hutterian Brethren Inc
17870 Glendale Dr
Frankfort SD 57440

RE: Water Right Nos. 961-3, 1050-3, 1120-3 and 1223-3

Dear Mr. Kleinsasser:

The ownership changes for Water Right Nos. 961-3, 1050-3, 1120-3 and 1223-3 have been completed. The water rights, formerly held by Dettler Farms are now listed in the name of "Camrose Hutterian Brethren Inc."

Enclosed are your receipt Nos. 001238, 001239, 001240 and 001241 in the amounts of \$2.50 each. You may keep these for your records.

I am assuming since you signed the transfer forms for Camrose Hutterian Brethren, that you are the contact person. If I should be directing future correspondence to someone other than you, please let me know.

Sincerely,

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

