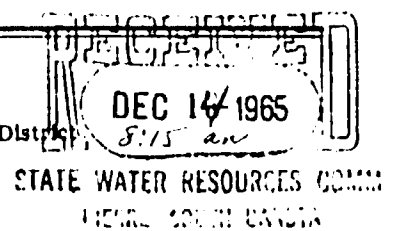


1. Considered 1-19, 1966
2. Name of Applicant Robert Humboldt & Vernon Bowman
3. Post Office Address Exham
4. Amount of water claimed 6100
5. Source of water supply Ground water (2 wells)
6. Water to be used for Irrigation
 Acres to be irrigated 4.25
7. Water to be diverted and used in Bavarian County about
2.5 7 1/2 miles of Exham
8. Proof of Publication Received _____
 Not Received _____
9. Application Approved _____
 Subject to _____
 Not Approved _____
 Action deferred _____
10. Remarks:

No. 1238-3
 Water Division No. 3 JAMES RIVER District 8/15 an
 (Blanks to be filled by the Engineer for the W. R. C.)



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

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

1. Name of applicant Peter Bunzel & Son - E. H. Neugebauer
 Postoffice address Elhan, County Dawson, State S.D.

I. If a corporation

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

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

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

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

Contract

(b) Cash on hand, \$ sufficient

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work HOYT FARM #1

3. Amount of water claimed 6 cubic feet per second

4. Source of water supply Well

5. Location of point of diversion 1/2 mi. W & 1/2 mi. S. of NE corner Sec 34 T10N-R6W
1/2 mi. W. of DE CENTER on SECTION 34 T10N, R6W bank Dawson County.

6. Annual period or periods during which water is to be used April 1st to Nov 1st

7. To be used for:

1. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Combination

(a) Number of acres to be irrigated 420 acres.

(b) Legal subdivisions to be irrigated SW 1/4 & NW 1/4 E N 100 Acres of NE 1/4 Sec 34 T10N-R6W

(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.)

11. 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 858-3

8. Estimated cost of work:

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

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

(c) Fluming, \$.....

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

Rock, \$.....

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

Total, \$44,400

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping 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.....3.....years.

11. Time required for complete application of water to the proposed beneficial use.....5.....years.

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

Daily Republic Mitchell SD

STATE OF SOUTH DAKOTA

County of Davison

I, Robert Rumbold, 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

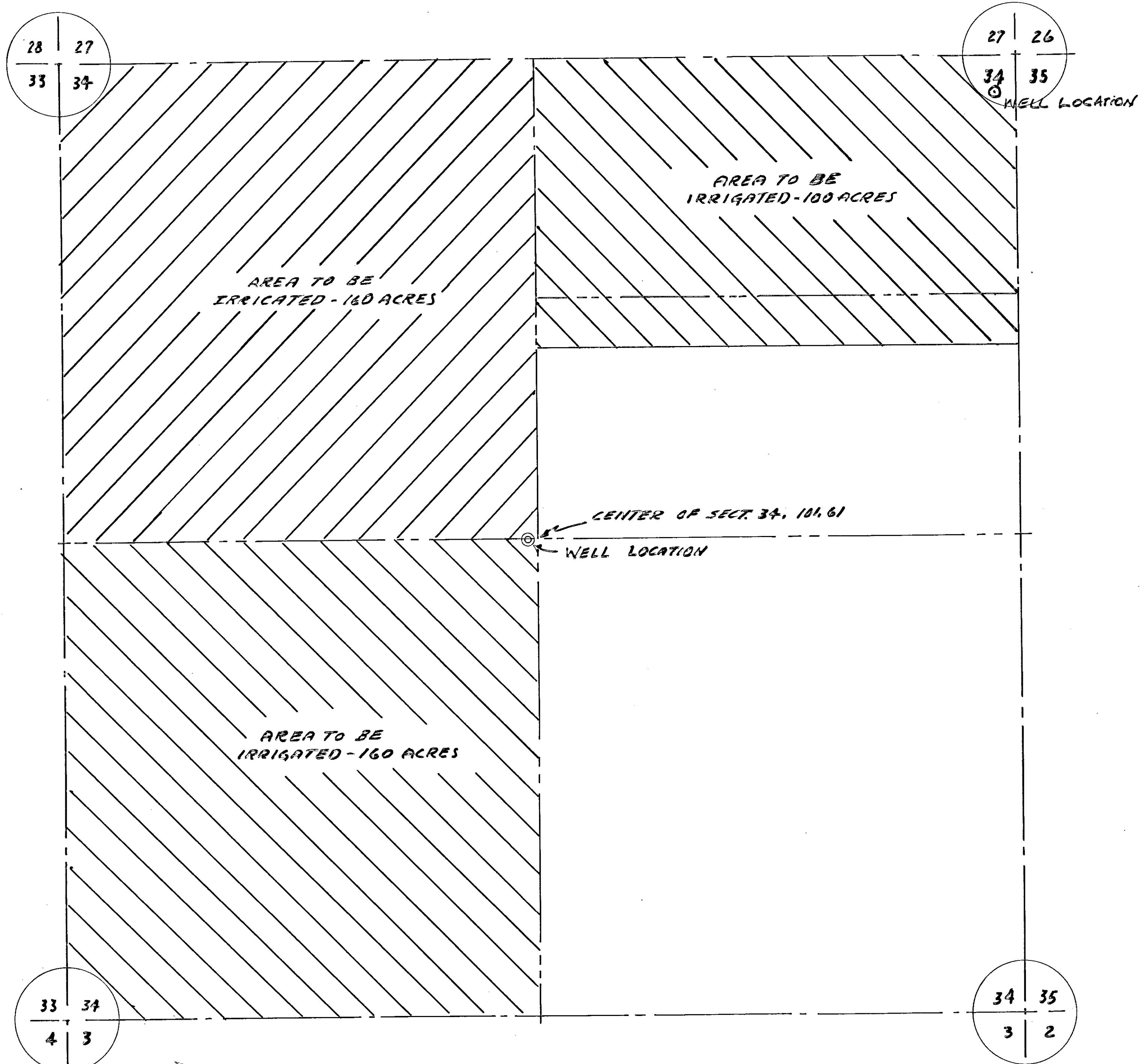
Robert Rumbold

Subscribed and sworn to before me this.....13.....day of.....1905

Edmund J. Ertmanbach
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Com. up. 11-3-08



AREA BY LEGAL SUBDIVISION
 160 ACRE - NW 1/4
 160 ACRE - SE 1/4
 100 ACRE - NE 1/4
 420 ACRE TOTAL

SECTION 34, T.101 N., R.61 W., S.14 N.M.

ENGINEER'S CERTIFICATE

STATE OF SOUTH DAKOTA)
 COUNTY OF BEADLE)

I, HARLAN W. MEYER, A REGISTERED PROFESSIONAL ENGINEER IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT, AT THE REQUEST OF Robert Rumbolz & Vern Borman SOLE OWNERS I HAVE SHOWN THE LANDS PROPPED TO BE IRRIGATED WITHIN THEIR OWNERSHIP BOUNDARIES ON DEC 15, 1965 FOR WHICH APPLICATION FOR APPROPRIATIVE WATER RIGHT IS MADE AND THAT THIS MAP IS A TRUE REPRESENTATION THERE OF.

WITNESS MY HAND AND SEAL THIS 15TH DAY OF DEC. 1965

Harlan W. Meyer
 REG. PROF. ENGR.

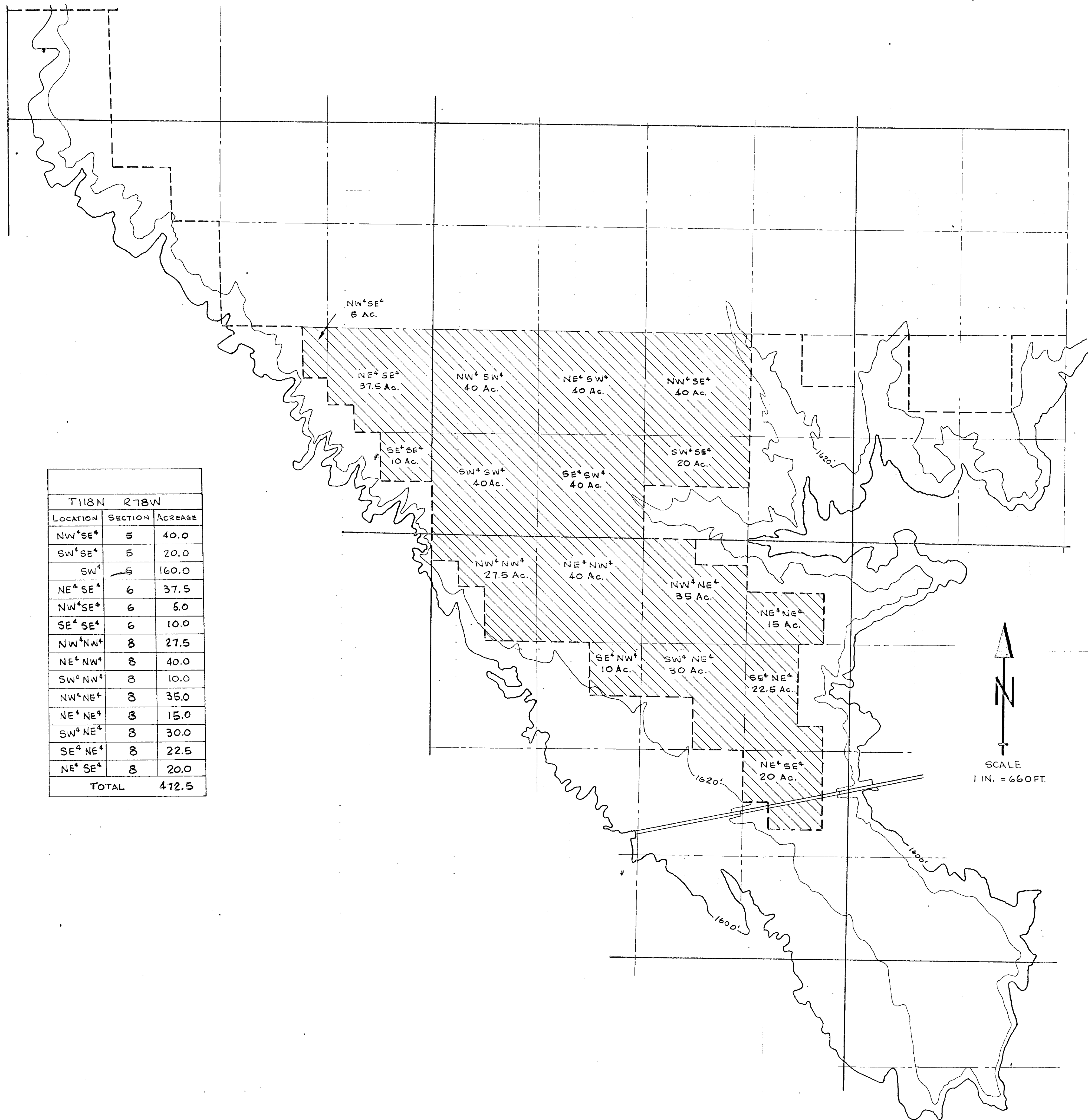
STATE OF SOUTH DAKOTA)
 COUNTY OF BEADLE)

ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED HARLAN W. MEYER, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING ENGINEER'S CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

WITNESS MY HAND AND NOTARY SEAL THIS 15TH DAY OF DEC 1965

Jeff Rumbolz
 MY COMMISSION EXPIRES 2-27-66 NOTARY PUBLIC

RUMBOLZ & BORMAN IRRIGATION PROJECT NO. 1	
SHOWING AREA & WELL LOCATION WHERE WATERS WILL BE DIVERTED FOR PERMIT TO APPROPRIATE WATER	
ROBERT RUMBOLZ & VERN BORMAN	OWNERS
HARLAN W. MEYER	PROF. ENGR.
	DEC. 1966



T118N R78W		
LOCATION	SECTION	ACREAGE
NW ⁴ SE ⁴	5	40.0
SW ⁴ SE ⁴	5	20.0
SW ⁴	5	160.0
NE ⁴ SE ⁴	6	37.5
NW ⁴ SE ⁴	6	5.0
SE ⁴ SE ⁴	6	10.0
NW ⁴ NW ⁴	8	27.5
NE ⁴ NW ⁴	8	40.0
SW ⁴ NW ⁴	8	10.0
NW ⁴ NE ⁴	8	35.0
NE ⁴ NE ⁴	8	15.0
SW ⁴ NE ⁴	8	30.0
SE ⁴ NE ⁴	8	22.5
NE ⁴ SE ⁴	8	20.0
TOTAL		472.5


 SCALE
 1 IN. = 660 FT.

I, J.W.GRIMES DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES
A REASONABLY ACCURATE RECORD OF THE LANDS PROPOSED
FOR IRRIGATION

Jerald Neugebauer

Map # 858-3

APP. # 1238-3

Remarks by State Water Resources Commission

This well is located near domestic wells which may obtain water from the same aquifer. If the well covered by this Permit to Appropriate Water depletes the domestic water supply, restrictions, to the extent necessary, of the capacity of this well or periods of operation or other arrangements may be required to protect the domestic water supply.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, JANUARY 24, 1966

This is to certify that the foregoing application was received by the Commission at 8:15 o'clock
a m. upon the 14TH day of DECEMBER, 1965

State Water Resources Commission

By: Burton Jones

for Chief Engineer, Executive Officer

Number of permit 1238-3

Date of first receipt of application DECEMBER 14, 1965

Date of return to applicant for correction, amendments or changes required as follows DECEMBER 14, 1965

Date of receipt of corrected application DECEMBER 27, 1965

Date from which applicant may claim right DECEMBER 14, 1965

Approved JANUARY 19, 1966, Recorded in Book 9 Page 84

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

JULY 19, 1967

2nd. The whole of said work is to be completed on or before JANUARY 19, 1969

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

JANUARY 19, 1971

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 6.0 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 JANUARY 19, 1971; said water to be used during the following described annual period:

APRIL 1 TO NOVEMBER 1

Witness my hand this 24TH day of JANUARY, 1966

State Water Resources Commission

By: John Jones

Chief Engineer, Executive Officer

Certificate of Construction Issued NOVEMBER 23, 1970

Water License Issued NOVEMBER 23, 1970

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30" Depth 120'
 Type of casing Steel
 (wood, concrete, steel, etc.)
 Size of casing 16" Thickness of casing 7 gauge
 Length of casing 80' If collection gallery, length, size and depth of
 gallery

(b) Screens

Type of perforated screen Exton Slotted
 Size of perforated screen 16 40'
 (diameter) (length)
 Thickness of gravel pack 7" length of gravel pack 120'

(c) Water Bearing Materials

Distance to water 50' Character of water bearing materials
Fractured Chert Rock (Carlyle Formation)

Thickness of water bearing material 40'

(d) Pump and Motor

Type of pump Turbine
 (centrifugal, propeller, mixed flow, etc.)
 Name of pump Lynx & Bowler size 8" Column - 12" Bowls
 Kind of motor LP Gas
 (gasoline, electric, diesel, etc.)
 Horsepower 7.5 Name of Motor Chrysler

(e) Complete well

Capacity 1000' at drawdown of 80' Estimated cost 2400.00

(f) Owner of land upon which well is located Robert Rumbly & Vern Elberman
 Name
Ft. Han SD Address x Robert Rumbly

(g) Distance to nearest existing wells

On same owner's property 240 rods On property owned by others 60 rods

Form 15.

Permit No. 1238-3

Water Diversion No. 3 JAMES RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Robert Rumbolz and Vern E. Borman

_____ the holder _____ of
Permit No. 1238-3, issued upon Application No. 1238-3, bearing date of priority of December 14,
1965 _____ authorizing the diversion of 6.0 cu. ft. per second of the waters of _____
ground water _____ County of Davison _____, State of South Dakota at _____
a point 150' South and 150' West of the NE Corner, Section 34, T101N, R61W
_____, for irrigation

_____ purposes, have complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.88 cu. ft. per second of water.

Date November 23, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1238-3

(1) WHEREAS, On the 14th day of December A. D. 19 65
Robert Rumbolz and Vern E. Borman

made Water Right Application No. 1238-3 for a permit to use 6.0 cubic feet per second of the waters
of ground water

County of Davison, State of South Dakota, for irrigation
purposes and

(2) WHEREAS, On the 24th day of January A. D. 19 66
Permit No. 1238-3 with a date of priority of December 14, 1965

was issued to said applicant S for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 19th day of January A. D. 19 69 and for the
application to beneficial use of said water on or before the 19th day of January A. D. 19 71

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 1.80 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 the following land in Section 34, T101N, R61W

<u>SW$\frac{1}{4}$</u>	<u>143 acres</u>
<u>NW$\frac{1}{4}$</u>	<u>143 acres</u>
<u>NE$\frac{1}{4}$</u>	<u>100 acres</u>
<u>Total</u>	<u>386 acres</u>

(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 Robert Rumbolz and Vern E. Bormen

_____ of Ethan, S.D.

the holder B and owner B of said permit No. 1238-3 a water right, dating from December 14, 1965

_____ to use of 1.88 cubic feet per second of the waters

of ground water

in the County of Divison and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at a point 150' South and 150' West of the

NE Corner, Section 34, T101N, R61W

and conduct to and upon portions of Section 34, T101N, R61W, described on the face

of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1238-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 23rd day of November A. D.

Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer , J.W. GRIMES

on or before December 23, 1965
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., December 17, 1965

Notice is hereby given that Robert Rumbolz and Vera Borman whose postoffice address is Ethan 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 6.0 cubic feet of water per second of time from ~~the~~ ground water through the Hoyt Farm #1, the point of diversion of which is to be located ~~on the~~ at points in the NE¹, NE¹, and NW¹ of the SW¹ of Section 34 on portions of Twp. 101N. Range 61W. Said water to be used for the purpose of providing irrigation for the following described land:
SW¹, NW¹ and NE¹, Section 34, T101N, R61W

~~XXXXXX~~

~~XXXXXX~~ *purpose.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 19th day of January, 1966, 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. E. M. Brady
Executive Editor
Daily Republic
Mitchell, S.D.

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY
THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILERS, LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS. REDUCTION 25:1 ROLL NO. 27 DATE MICROFILMED 4-8-82
Due to...

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Avignon }

E. M. Brady being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the _____
The Daily Republic 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 Mitchell County of Avignon and State of South Dakota; that the said notice was published in said newspaper on the following dates:

December 23, 1965 January 13, 1966
December 30, 1965
January 6, 1966

in each and every issue of the full number thereof, the first publication being made on the 23rd day of December 1965 and the last publication on the 13th day of January 1966, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Manager the printer and publisher of the said newspaper.

E. M. Brady

Subscribed and sworn to before me this 11th day of January A. D. 1966

Notary Public _____ County, S. D.

APPROPRIATION OF WATER

Office of State Water Resources Commission, Pierre, S. Dak., December 17 1965.

Notice is hereby given that Robert Rumbolz and Vern Borman whose postoffice address is Ethan, 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 6.0 cubic feet of water per second of time from ground water through the Hoyt Farm No. 1, the point of diversion of which is to be located at points in the NE¹/₄, NE¹/₄, and in the NW¹/₄ of the SW¹/₄ of Section 34 Twp. 101N Range 61W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW¹/₄, NW¹/₄ and NE¹/₄, Section 34, T101N, R61W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 19th day of January, 1966, 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:

Burtor F. Jones

Water Right Specialist

May 10, 1966

Mr. Robert Rumbolz
Ethan, South Dakota 57334

Dear Mr. Rumbolz:

This office was informed by telephone call from a Mr. Jim Obren on May 9, 1966, that his domestic well, and at least one other domestic well in the area, were out of water due to pumping of an irrigation well located in the NE $\frac{1}{4}$ of Section 34, T 101N, R 61W.

Our records indicate that the Rumbolz-Borman water right permit No. 1238-3 covers a portion of the NE $\frac{1}{4}$ of Section 34, T 101N, R 61W.

This letter is written to call to your attention that the water laws of South Dakota and the stipulations contained in your water right permit specify that restriction of your withdrawals may be necessary to protect domestic water supply.

Henceforth therefore you shall regulate withdrawals of water from your irrigation well, as authorized in water right permit No. 1238-3 so that water as was previously available shall be available as needed for domestic use purposes in nearby domestic wells.

Any arrangement you may make that is satisfactory to a domestic well owner to provide water in lieu of water that would otherwise be available in his domestic well will also be satisfactory to the Water Resources Commission.

Sincerely,

J.W. GRIMES

JWG/DD/bw

cc: Mr. Vern Borman, Parkston, S.D.
Mr. James Obren, ~~Ethan~~, S.D.
Mitchell, S.D.

1238-3

July 15, 1966

Mr. Alvin Echlenburg
Dimock, South Dakota

Dear Mr. Echlenburg:

Reference is made to your telephone call of July 14, 1966 pertaining to the Rumbolz-Borman irrigation well.

This office has been informed that hours pumped per day of this irrigation well will be reduced.

Sincerely,

J. W. Grimes

JWG:ls
cc Vern E. Borman
Parkston, South Dakota

1238-3

July 15, 1966

Mr. Alvin Echlenburg
Dimock, South Dakota

Dear Mr. Echlenburg:

Reference is made to your telephone call of July 14, 1966 pertaining to the Rumbolz-Borman irrigation well.

This office has been informed that hours pumped per day of this irrigation well will be reduced.

Sincerely,

J. W. Grimes

JWG:ls
cc. Vern E. Borman
Parkston, South Dakota

1238-3
1280-3

July 15, 1966

Mr. John Wermers
Dimock, South Dakota

Dear Mr. Wermers:

Reference is made to your letter of July 14 pertaining to the Rumbolt-Borman irrigation well and to the Weber water right application.

This office has been informed that hours pumped per day of the Rumbolt-Borman irrigation well will be reduced.

Also your letter will be read when the Delores and Donald Weber application is before the Water Resources Commission on July 20, 1966.

Sincerely,

J. W. Grimes

JWG:DD:ls
cc Vern E. Borman
Parkston, South Dakota

Donald E. Weber
Ethan, South Dakota

1258-3
1280-3

July 15, 1966

Mr. John Wermers
Dimock, South Dakota

Dear Mr. Wermers:

Reference is made to your letter of July 14 pertaining to the Rumbolz-Borman irrigation well and to the Weber water right application.

This office has been informed that hours pumped per day of the Rumbolz-Borman irrigation well will be reduced.

Also your letter will be read when the Delores and Donald Weber application is before the Water Resources Commission on July 20, 1966.

Sincerely,

J. W. Grimes

JWG:DD:ls
cc Vern E. Borman
Parkston, South Dakota

Donald E. Weber
Ethan, South Dakota

Permit No. 1238-3Water Division 3 JAMES RIVER Water DistrictREPORT 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 ROBERT RUMBOLZ & VERN E. BORMAN of ETHAN holder S
 of Permit No. 1238-3, bearing date of priority of DECEMBER 14, 1965
 authorizing the diversion of 6.0 cu. ft. per second of the waters of GROUND WATER
 for IRRIGATION purposes, in DAVISON 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:

120' DEEP WELL W/ 16" STEEL CASING
LAYNE BOWLER 10" PUMP, POWERED BY D330
CATERPILLAR DIESEL MOTOR

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

6400' OF 10" STEEL PIPE (BURIED) 3600' TO 1ST
PIVOT & 2800 TO SECOND PIVOT. HAS TAKEOFFS ON
LINE TO 1ST PIVOT FOR TOWNLINES TO IRRIGATE LAND

C. Works used to apply water to beneficial use. IN NE⁴

13 TOWER VALLEY SELF PROPELLED
3 - 1280' TOWNLINES 4" WITH RAINBIRD #30
SPRINKLER HEADS W/ 7/32 NOZZLES

The system is in the following condition: VERY GOOD

The point of diversion is located 150' S AND 150' W OF THE NE CORNER,
SECTION 34, T101N, R61W

The works are capable of diverting and conveying to the place of use 1.88cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN SECTION 34, T101N, R61W

<u>SW⁴</u>	<u>143</u>	<u>ACRES</u>
<u>NW⁴</u>	<u>143</u>	<u>"</u>
<u>NE⁴</u>	<u>100</u>	<u>"</u>

comprising a total of 386 acres of land.Date OCTOBER 29, 1970

Burt J. Jones
 (Signature)
 WATER RIGHT SPECIALIST
 WATER RESOURCES COMMISSION

Water Rights Division (605) 773-3352

May 21, 1981

Jerald Neugebauer
Ethan, SD 57334

Dear Sir:

This letter is in regard to an Irrigation questionnaire returned to this office by Mrs. Harold Neugebauer. She indicated to us that you now own part of the land covered under Water Right No. 1238-3 and rent the remaining piece.

Since the water right goes with the land, a transfer should be filed with this office to place the water right in your name. This would ensure that all correspondence, notices etc., were mailed to you concerning the water right.

Enclosed please find our Notice of Transfer form, this should be checked over, dated, signed and notarized before returning it to this office with a required filing fee of \$2.50. The Water Right would then be transferred to your name.

If you have any questions, please contact this office.

Sincerely,

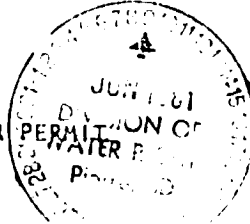
GENNY YOUNG
Staff Assistant

gy

encl

cc: Mrs. Harold Neugebauer

NO. 1238-3



NOTICE OF TRANSFER OF WATER

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 6-2-61

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

386 acres SW $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 34, T101N, R61W

formerly owned by Harold Neugebauer

has been transferred to Jerald Neugebauer, Ethan, SD 57334

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 1238-3 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 Office of Water Rights, Water Management Board as
evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of Dakota) ss.

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

Jerald Neugebauer
(Signed)

Subscribed and sworn to before me this 2nd Day of June, 1961.

William C. Neugebauer
(Notary Public)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8251

June 9 31

PIERRE, _____, 19____

Jerald Neugebauer, Ethan, Su 5/534

RECEIVED OF _____

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

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for Inspecting Construction, and issuing Cert. of Construction No. _____		
Fee for inspecting Beneficial Use, and issuing Water License No. _____		
Fee for issuing Location Certificate-Dry Draw. No. _____ transfer of WR# 1238-3		2 50
Fee for filing _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL		2.50

WATER RIGHTS COMMISSION

By Walter H. Hatcher
Chief Engineer, Executive Officer
June 10, 1934

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

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

April 15, 1985

Jerald Neugebauer
RR 1 Box 31
Ethan SD 57334

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s) 1238-3. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

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

1. Amend Permit No(s) 1238-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

Sincerely,

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

NOTE: If the questionnaire(s) is received in this office before the May 15th hearing date, your name will be deleted from the agenda for the hearings.



Department of Water & Natural Resources

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

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Jerauld Neugebauer
RR #1, Box 31
Erhan, SD 57334

FROM: John Hatch, Chief Engineer
Water Rights Division 773-3352 *John Hatch*

SUBJECT: Amendment to Water Permit No(s). 1238-3.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 1238-3 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 the required Irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.



Department of **Water & Natural Resources**

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

Attachment to Water Permit No(s). 1238-3

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 1238-3 to add the following qualification:

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



Department of Water & Natural Resources

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

March 26, 1986

NOTICE

Jerald Neugebauer
RR 1, Box 31
Ethan, SD 57334

Re: Violation of Water Permit No(s). 1238-3

Our records indicate that the 1985 Irrigation Questionnaire has not been received for Water Permit No(s). 1238-3. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1238-3 qualification:

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

The hearing(s) will be at 2:00 p.m., May 14, 1986, Joe Foss Building, Room 216, Pierre, South Dakota. The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 1238-3 until either the 1985 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

Sincerely,

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

Note: If the questionnaire(s) is received in this office before the May 14 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

May 16, 1986

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: Jerald Neugebauer
RR 1 Box 31
Ethan SD 57334

FROM: John Hatch, Chief Engineer *John Hatch*
Water Rights Division *By Del Broy*
605 773-3352

SUBJECT: One Year Suspension of Water Permit No(s). 1238-3
If the 1985 Irrigation Questionnaire Is Not Received By
June 1, 1986

Pursuant to the provisions of the notice dated March 26, 1986 and following the Hearing May 14, 1986, the Water Management Board ordered:

That Water Permit No(s). 1238-3 be suspended until December 31, 1986, unless the required 1985 Irrigation Water Use Questionnaire is received by June 1, 1986.

Suspension of a permit means water may not be pumped during the 1986 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

Equal Opportunity Employer

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
May 29, 1986

Permit No. 1238-3

Jerald Neugebauer
RR 1 Box 31
Ethan SD 57334

Dear Mr. Neugebauer:

I am writing to acknowledge receipt of your 1985 Irrigation Questionnaire. A notice was sent to you May 16, 1986 regarding the Board action taken May 14, 1986 to suspend your permit(s) if the 1985 irrigation questionnaire was not received before June 1, 1986.

You may disregard the May 16 notice. With receipt of your 1985 questionnaire(s), your permit(s) will not be suspended.

If you have any questions, please contact us.

Very truly yours,



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

Equal Opportunity Employer



Department of Water & Natural Resources

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

March 23, 1987

JERALD NEUGEBAUER
RR #1 BOX 31
ETHAN, SD 57334

NOTICE

Re: Violation of Water Permit No(s). 1238-3

Our records indicate that the 1986 Irrigation Questionnaire has not been received for Permit No(s). 1238-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1238-3 qualification:

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

The hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 1238-3 until either the 1986 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

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

NOTE: If the questionnaire(s) is received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

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

April 3, 1987

1238-3

Jerald Neugebauer
Box 584
Armour, SD 57313

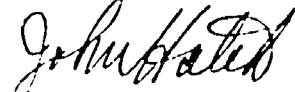
Dear Mr. Neugebauer:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit No. 1238-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

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

If you have any questions, please contact us.

Very truly yours,



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



Department of Water & Natural Resources

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

August 4, 1989

1238-3

Ordean Eddy
Farm Credit Services
PO Box 1248
Mitchell, SD 57301

Dear Mr. Eddy:

As you requested, enclosed is a copy of Water Right No. 1238-3 for Jerald Neugebauer. The water license reflects the acreage actually developed under his permit.

Since we do not have a well log, I enclosed a copy of the examination of works from which the water license was prepared from. This will give some well and system information. Soil/water compatibility was not required when the permit application was filed, so we do not have a water analysis on file.

I hope the enclosed information will be of assistance to you. If you have any questions, please contact me.

Sincerely,

GEARY MCMATH
Natural Resources Analyst
(605) 773-3352



L



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3151

GREAT FACES. GREAT PLACES
February 1, 1991

JERALD L. NEUGEBAUER
RR 1
ETHAN SD 57334

NOTICE

RE: Violation of Water Permit No(s) 1238-3

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 1238-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 1238-3 qualification:

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

The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

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

1. Suspend Permit No(s) 1238-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

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

SENDER: Complete items 1 and 2 when additional services are desired and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes (for additional services) requested.

1. ☒ Show to whom delivered date, and addressee's address.
(Extra charge)

2. ☐ Restricted Delivery
(Extra charge)

3. Article Addressed to:

JERALD L NEUGEBAUER
RR 1
ETHAN SD 57334

4. Article Number

P 694 057 484

Type of Service:

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt
for Merchandise

Always obtain signature of addressee
or agent and **DATE DELIVERED**.

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

5. Signature - Addressee

X *Jerald L Neugebauer*

6. Signature - Agent

X

7. Date of Delivery

2-2-71

PS Form 3811, Apr 1969

• U.S.G.P.O. 1969-235 R15

DOMESTIC RETURN RECEIPT



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 6, 1991

1238-3

Jerald L. Neugebauer
RR 1
Ethan, SD 57334

Dear Mr. Neugebauer:

I am writing to acknowledge receipt of your 1990 irrigation questionnaire for Water Right No. 1238-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaire, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



1238-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: JERALD L NEUGEBAUER
RR 1 BOX 31
ETHAN SD 57334

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

RE: Violation of Water Permit No(s) 1238-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 1238-3. 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) 1238-3 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) 1238-3 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.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

3. Article Addressed to:

JERALD L NEUGEBAUER
RR 1 BOX 31
ETHAN SD 57334

5. Signature (Addressee)
Jerald Neugebauer

6. Signature (Agent)

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

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

Consult postmaster for fee.

Article Number

P906560139

4b. Service Type

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

7. Date of Delivery

1-30-93

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

Thank you for using Return Receipt Service.



1238-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 18, 1993

1238-3

Jerald L Neugebauer
RR #1 Box 31
Ethan, SD 57334

Dear Mr. Neugebauer:

I am writing to acknowledge receipt of your 1992 irrigation questionnaire for Water Right No. 1238-3. You may disregard the January 29, 1993, Notice of Violation of Water Right No. 1238-3.

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

If you have any questions, please contact me.

Sincerely,

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



1238-3

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

February 4, 1994

1238-3

Lincoln Neugebauer
RR #1 Box 89
Dimock, SD 57331

Dear Mr. Neugebauer:

Enclosed is a partially completed "Notice of Transfer of Ownership" for use in filing an ownership change on Water Right No. 1238-3. The water right is currently listed in the name of Jerald Neugebauer.

Please review the form and complete where necessary. Upon completion, sign the form in the presence of a notary public and return it to our office with the required filing fee of \$2.50.

Also enclosed is the 1993 irrigation questionnaire. Please complete and return the form to our office as soon as possible.

If I can answer any questions for you, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division

enclosures



1238-3

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

February 23, 1994

1238-3

Ordean Eddy
Farm Credit Services
PO Box 1248
Mitchell, SD 57301-1248

Dear Mr. Eddy:

Enclosed, as you requested, is a copy of Water Right No. 1238-3. The copy reflects ownership as being in the names of Robert Rumbolz and Vern Borman, however the water right is currently listed in the name of Jerald Neugebauer.

If you have any questions, please contact me.

Sincerely,

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

encl

1238-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

JERALD L NEUGEBAUER
RR 1 BOX 31
ETHAN SD 57334

NOTICE

RE: Violation of Water Permit No 1238-3.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 1238-3. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No 1238-3 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 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No 1238-3 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 is received in this office on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

1238-3

JERALD L NEUGEBAUER
RR 1 BOX 31
ETHAN, SD 57334

4a. Article Number

P757 566 400

4b. Service Type

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

7. Date of Delivery

2-10-85

5. Signature (Addressee)

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

6. Signature (Agent)

X Minsky-Neugebauer

PS Form 3811, December 1991

U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3111

March 3, 1995

1238-3

Lincoln Neugebauer
RR #1 Box 89
Dimock, SD 57331

Dear Mr. Neugebauer:

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change on Water Right No. 1238-3. I had mailed you a transfer form in February of 1994, but have not yet heard from you on this matter. Please complete the questionnaire and sign it in the presence of a notary public. A \$2.50 filing fee is required for filing an ownership change.

The 1994 irrigation questionnaire was mailed to Jerald Neugebauer in November, 1994. As a result, when the questionnaire was not received, the water right was scheduled for hearing before the Water Management Board to consider possible suspension. It came to my attention after the water right was scheduled for hearing, that I had mailed the questionnaire and followup notice to Jerald rather than to you.

I have deleted the water right from the list of those scheduled for hearing. Improper notice was given since we failed to notify the proper owner of the requirement to submit the questionnaire and of the violation which could occur if the questionnaire was not submitted.

I have included a 1994 irrigation questionnaire pertaining to Water Right No. 1238-3 and any irrigation which may have taken place during last irrigation season. Please complete the form and return it along with the Notice of Transfer and filing fee.

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

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1238-3

Date: _____

I\We request that Water Right No. 1238-3.

formerly owned by: Jerald Neugebauer, RR #1 Box 31, Ethan, SD 57334

be transferred to: (name & address) Lincoln Neugebauer RR 1 Box 89
Dinoek S.D. 57331 (Telephone No) 605 924-3257

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

386 acres - W½ and NE¼ Section 34, T101N, R61W

I\We understand that the validity of Water Right No. 1238-3 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 Hutchinson)

I\We Jerald Neugebauer 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.

Jerald Neugebauer
(Signed)

Subscribed and sworn to before me this 9th day of March, 19 95.

Velda K. Pinner
(Notary Public)
My Comm Exp. 2.3.97

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

414430

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 14, 19 95

RECEIVED OF Lincoln Neugebauer, RR 1, Box 89, Dimock, SD 57531

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>Water Right No. 1258-5</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By *John Mitchell*
Chief Engineer



1238-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3101

April 6, 1995

No. 1238-3

Lincoln Neugebauer
RR 1, Box 89
Dimock, SD 57331

Dear Mr. Neugebauer:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1238-3.

Our records now show you as the owner of Water Right No. 1238-3.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl F. Frost".

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

enclosure



January 30, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: LINCOLN NEUGEBAUER, RR 1 BOX 89, DIMOCK, SD 57331

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

SUBJECT: Violation of Water Permit No(s) 1238-3

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 1238-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 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) 1238-3 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 6, 1996 in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1238-3 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 March 1, 1996, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

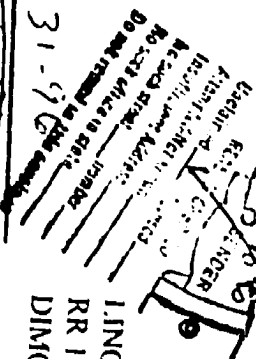
NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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

ADDRESS CORRECTION REQUESTED



L. LINCOLN NEUGEBAUER
RR 1 BOX 89
DIMOCK SD 57331

CERTIFIED

2 161 984 053

MAIL

2 5 2



SENDER:

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

3. Article Addressed to:

LINCOLN NEUGEBAUER
RR 1 BOX 89
DIMOCK SD 57331

4a. Article Number

Z161 984 069

4b. Service Type

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

5. Received By: (Print Name)**6. Signature: (Addressee or Agent)**

X

PS Form 3811, December 1984

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

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

Consult postmaster for fee.

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

Thank you for using Return Receipt Service.

Domestic Return Receipt

1238-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 1996

1238-3

Lincoln Neugebauer
26814 404th St
Dimock, SD 57331

Dear Mr. Neugebauer:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire. You may disregard the January 30, 1996, **Notice of Violation of Water Permit No 1238-3.**

I completed a questionnaire for you based on our February 1st telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Enclosed, as we discussed, is a sample copy of an irrigation questionnaire. This will help you during the irrigation season to keep track of the days irrigated. Thank you for calling and if you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 17, 2011

1238-3

Lincoln Neugebauer
1203 N Sanborn Blvd
Mitchell SD 57301 1242

Dear Mr. Neugebauer:

Enclosed is a "Notice" dated October 14, 2011 concerning the 2011 irrigation questionnaire.

The notice was originally mailed to 26814 404th St, Dimock SD. The post office notified us that your address has changed and I will update our records accordingly.

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



1238-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 16, 2015

NOTICE

TO: LINCOLN NEUGEBAUER, 1203 N SANBORN BLVD, MITCHELL, SD 57301

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1238-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1238-3 qualification:

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

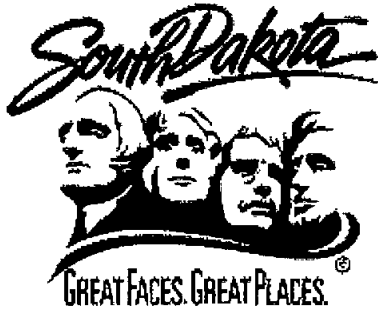
The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1238-3 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 before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2015

1238-3

Lincoln Neugebauer
1203 N Sanborn Blvd
Mitchell SD 57301

Dear Mr. Neugebauer:

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

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right No. 1238-3. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us