



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 29 2002

1456A-3

Sam Geyer
522 Hwy 25 S
DeSmet SD 57231

Dear Mr. Geyer:

Enclosed is your Water License No. 1456A-3.

The portion of land you own described in No. 1456-3 has been transferred to your name. The water right has been divided and reissued to reflect separate ownership as follows:

- **Water Right No. 1456A-3, Sam Geyer**, authorizes diversion of 1.33 cfs from one well located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15 to irrigate 124 acres located in the NE $\frac{1}{4}$ Section 15, T110N, R56W.
- **Water Right No. 1456B-3, Ralph Brodersen**, authorizes diversion of 0.67 cfs from one well located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15 to irrigate 62 acres in the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 15, T110N, R56W.

The water allocated to your portion of the acreage is 1.33 cubic feet of water per second (600 gpm). The statutory limit for irrigation of 124 acres is 1.77 cfs (approximately 800 gpm). If your irrigation system diverts more than 600 gallons per minute, you may obtain an additional water permit for up to the 800 gpm. This would require you to submit a water permit application to be processed through our Water Rights Program (forms are enclosed).

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1456A-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. Enclosed is Receipt No. 417281 in the amount of \$2.50 which you paid for filing the ownership change. If you have any questions, please contact our office.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1456A-3
DIVISION OF NO. 1456-3 INTO 1456A-3 & 1456B-3

(1) Leonard Penney was issued Water License No. 1456-3, August 16, 1968 for a water right to divert 2.00 cubic feet of water per second (cfs) from ground water (two wells), Kingsbury County, South Dakota for irrigation purposes. Water License No. 1456-3, carries a priority date of November 9, 1967.

In 1997, the water right was transferred to the Norman Shutler Trust. On August 13, 2002, portions of the land authorized for irrigation under No. 1456-3 were transferred to Sam Geyer. The remaining land is now owned by Ralph Brodersen.

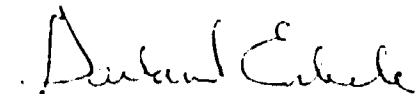
The original water right authorized diversion of 2.00 cfs from two wells to irrigate 186 acres. Water Right No. 1456-3 is being divided and reissued to reflect separate ownership. The water right is being divided as follows:

- **Water Right No. 1456A-3, Sam Geyer**, authorizes diversion of 1.33 cfs from one well located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15 to irrigate 124 acres located in the NE $\frac{1}{4}$ Section 15, T110N, R56W.
- **Water Right No. 1456B-3, Ralph Brodersen**, authorizes diversion of 0.67 cfs from one well located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15 to irrigate 62 acres in the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 15, T110N, R56W.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Sam Geyer, 522 Hwy 25S, DeSmet, SD 57231 the holder and/or owner of Water Right No. 1456A-3 is issued a license, bearing a priority date of November 9, 1967 to appropriate 1.33 cubic feet of water per second from ground water (one well) located as follows: S30°W, 2200' from the NE corner of Section 15, T110N, R56W (SE $\frac{1}{4}$ NE $\frac{1}{4}$). The acres authorized for irrigation are as follows: 124 acres in the NE $\frac{1}{4}$ Section 15, T110N, R56W.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1456-3 including the following qualification:

- 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 will be required to protect the domestic water supply.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 23 2002

date



Permit No. 1456-3VERMILLIONWater Division No. 3 RIVER Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Leonard Penneyof De Smet, County of Kingsbury, and State of South Dakotathe holder of Permit No. 1456-3 issued upon Application No. 1456-3, bearing date of priority of November 9, 1957, authorizing the diversion of2.66 cu. ft. per second of the waters of ground waterCounty of Kingsbury, State of South Dakota, at points S30° W, 2200'from the NE Corner, Section 15, and N. 48° W. 2970' from the SE Corner,Section 15, T110N, R56W, for irrigationpurposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.0 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: All in Section 15, T110N, R56WNE 1/4 124 acresW 1/2 SE 1/4 62 acresTotal 186 AcresWitness my hand this 16th day of August A. D. 1961

State Water Resources Commission

By:

J. V. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 1456-3

WHEREAS, On the 9th day of November A. D. 1967
Leonard Penney
 of De Smet County of Kingsbury and State of
South Dakota duly made application (No. 1456-3) to us for a permit to use 2.66
 cubic feet per second of the waters of ground water
 County of Kingsbury State of South Dakota, for irrigation
 purposes; and

WHEREAS, On the 24th day of January A. D. 1968
 Permit No. 1456-3 was issued to said applicant for the diversion of said water, and providing for the
 completion of the works of diversion therein described on or before the 10th day of
January A. D. 1971 and for the application to beneficial use of said
 water on or before the 10th day of January A. D. 1973
 and,

WHEREAS, On the 27th day of June A. D. 1968
 the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.00
 cubic feet per second of said waters, as evidenced by our Certificate No. 1456-3
 dated August 16, 1968 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 2.00 cubic feet per second of water, with date of
 priority of November 9, 1967 ~~XXXX~~ and,

WHEREAS, On the 27th day of June A. D. 1968
 proof was duly made of the application to beneficial use of 2.00 cubic feet per second of said water;
for irrigating 186 acres in portions of the NE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 15,
T110N, R56W

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 Leonard Penney
of De Smet the holder and owner of said permit No. 1456-3
a water right, dating from November 9, 1967 to the time of 2.00
cubic feet per second of the waters of ground water
in the County of Kingsbury and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at points S 30°W, 2200' from the
NE Corner, Section 15 and N 48°W 2970' from the SE Corner, Section 15,
T110N, R56W
and conducted to and upon portions of the NE 1/4 and W 1/4 SE 1/4, Section 15, T110N, R56W

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

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 16th day of August A. D. Nineteen
Hundred and sixty-eight

State Water Resources Commission

By:

J.W. GRIMES
Chief Engineer, Executive Officer

On or before
(First Publication December 14, 1967.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., December 1, 1967

Notice is hereby given that Leonald Penney whose postoffice address is De Smet 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 6.84 cubic feet of water per second of time from xx ground water through the Schutler - Penney Irrigation Project are the points of diversion of which xx are at points in the center of the NE $\frac{1}{4}$, and xx on the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 15 Twp. 110N Range 56W Said water to be used for the purpose of providing irrigation on portions of the following described land:

S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 2; NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11; E $\frac{1}{2}$ Section 15,
T110N, R56W
xx

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 10th day of January, 1968, 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 or all information presented.

State Water Resources Commission

By:

cc: Mr. Leonard Penney
De Smet, S.D.

~~XXXXXXXXXXXXXXXXXXXX~~
BURTON F. JONES
Water Rights Specialist

Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Kingsbury.

Aubrey H. Steward

of said county being first duly sworn, on oath says that he is the publisher of THE DE SMET NEWS, a weekly newspaper printed and published in De Smet in said County of Kingsbury and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of this notice herein mentioned, and was and is printed wholly or in part in an office maintained at

said place of publication; that the Appropriation of Water

from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each

week for successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

December 7	19 67;	19
December 14	19 67;	19
December 21	19 67;	19
December 28	19 67;	19

that the full amount of the fee charged for the publication of said notice inures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person; and that no part thereof has been agreed to be paid to any person whomsoever, and that the fees

charged for the publication thereof are \$ 14.86

Subscribed and sworn to before me this 28th

day of December A. D., 19 67

Lucas E. Steward

Notary Public
County of Kingsbury, South Dakota.

RECEIVED
JAN 2 1968

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER
Office of State Water Resources
Commission,
Pierre, S. Dak., December 11, 1967

Notice is hereby given that Leonard Penney whose postoffice address is De Smet, 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 6.84 cubic feet of water per second of time from ground water through the Schutler-Penney Irrigation project, the points of diversion of which are to be located at points in the center of the NE 1/4 and in the SW 1/4 of the SE 1/4 of Section 15 T110N Range 56W.

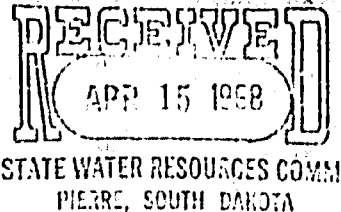
Said water to be used for the purpose of providing irrigation on portions of the following described land: S 1/2 SE 1/4, Section 2; NW 1/4 NE 1/4, Section 11; E 1/2 Section 15, T110N, R56W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 10th day of January, 1968, 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 or all information presented.

State Water Resources Commission

By: BURTON F. JONES
Water Rights Specialist
cc: Mr. Leonard Penney
De Smet, South Dakota
12-7-67-12-28

Permit No. 1456-3Water Division No. 3Vermillion River Water District

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.)

De Smet, S.D.

(Date)

April 13, 1968

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the 13 day of April 1968, at De Smet County of Kingbury State of South Dakota, before _____ proof will be submitted of the application to beneficial use of 6.84 cubic feet per second of the waters of surface and water aguelist - 2 wells in accordance with the terms and conditions of Permit No. 1456-3 heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are _____

Leonard Ramsey De Smet South Dakota2. The use to which said water has been applied is irrigation

3. The amount applied to beneficial use is _____

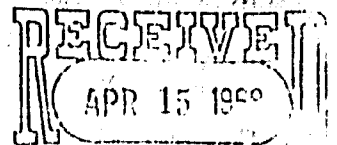
4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) 2015' S46° W of NE corner of Section 15-110-56 1148' W of SE corner of Section 15-110-56 5 1/2 SE 1/4 of Sub 2 (Ere town) 1/2 E 1/4 of NW 1/4 of Sub 11: NE 1/4 of Sub 11 (Ere farmstead): 116.2 acres of SE 1/4 of Sub 15 all in 110-56 Kingbury County, South Dakota

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is _____

6. The right to take the water from such works is based upon permit No. 1456-37. The source of supply from which such water is diverted is well8. The date of priority which said user is prepared to establish is April 13, 1968

(Sign)

Leonard Ramsey

Permit No. 1456-3Water Division No. 3Vermillion River Water DistrictSTATE WATER RESOURCES
PIERRE, SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) De Smet, S. Dak.(Date) April 13, 1968

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of _____

6.84 cu. ft. per second of the waters of the state from well
through the Shuttle-Penny Irrigation Project
for irrigation purposes

_____ in accordance with the terms and con-
ditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is _____

Leonard Penny2. The postoffice address of such person or the place of business of such corporation is De SmetCounty of Kingsbury State of S. Dak.3. The number of such permit is 1456-3 and the date set for the completion of such work isJanuary 10, 19714. Said water to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of
water which said works are capable of conducting to the place of intended use, in accordance with the plans ac-
companying the application for such permit, is 6.84 cubic feet per second.

6. The amount of land for which said water is available is 4.79 acres,
particularly described as follows: 2815' S 46° W of NE corner of Section 15
and 2970' N 48° W of SE corner of section 15-110-56

I hereby certify that the facts set forth in the above notice are true.

Leonard Penny

(Signature of Owners) _____

Permit No. **1456-3**
VERMILLION
 Water Division No. **3** **RIVER** Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that ~~in accordance with your letter of authorization dated~~ _____
 _____, I have this day made a thorough examination of the diversion works constructed by _____
LEONARD PENNEY, of **DE SMET**
KINGSBURY County, South Dakota, holder of Permit No. **1456-3**, issued
 upon Application No. **1456-3**, bearing date of priority of **NOVEMBER 9, 1967**, authorizing the
 diversion of **2.66** cu. ft. per second of the waters of **GROUND WATER** for **IRRIGATION**
 purposes. I have to report on the condition of the same as follows:

The diversion works comprise: **TWO WELLS - 65' & 80' - W/ LAYNE BOWLER**
8" PUMPS POWERED BY 60HP GENERAL MOTORS PROPANE
ENGINE - 600' 8" & 900' OF 6" MAINLINE W/ 3-1320' 4"
TOWNLINES W/ RAINBIRD #30 7/16 SPRINKLER HEADS
@ 30' SPACINGS

and the system is in the following condition: **NEW**

The point of diversion is located **AS SHOWN ON W/R MAP #1060-3**

The works are capable of diverting and conveying to the place of use **2.00** cu. ft. per second of water,
 which is to be used for _____

The legal subdivisions to be irrigated are: **PORTION OF E² SEC 15, T11N, R56W**

_____ comprising a total of **186** acres of land.

The domestic use intended comprises _____

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

Witness my hand, this

27TH

day of

JUNE

A. D. 19**68**

—SEAL—

Burton Z. [Signature]

 WATER RIGHT SPECIALIST
 WATER RESOURCES COMM.



Department of Water & Natural Resources

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

2037-3A
2086-3
1456-3
1533-3

February 17, 1989

Leonard Penney
Rt. 2, Box 166
De Smet, SD 57231

Dear Mr. Penney:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;



Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

John Hatch
for JOHN HATCH, Chief Engineer
Water Rights Division

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 1456-3

Date: July 28, 1997

I/We request that Water Right No. 1456-3

formerly owned by: Leonard Penney

be transferred to: (name & address) Norman Shutler Trust, P. O. Box 599, Kingfisher, OK 73750

Telephone No. (405)-375-5911

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

186 acres - NE 1/4 and W 1/4 SE 1/4 Section 15, T110N, R56W

I/We understand that the validity of Water Right No. 1456-3 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 attached to cover the filing fees as required under SDCL 46-2-13.

~~STATE OF SOUTH DAKOTA~~
OKLAHOMA
County of Kingfisher

I/We Peggy F. Reheman, Trust Officer 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.

Norman Shutler Trust
Peggy F. Reheman, Trust Officer
(Signed)

Subscribed and sworn to before me this 28th day of July, 19 97.

Judith Ann Schumitz
(Notary Public)

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

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



1456-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 4, 1997

Peggy F Reheman, Trust Officer
Kingfisher National Bank
PO Box 599
Kingfisher, OK 73750-0599

RE: Norman Shutler Trust

Dear Ms. Reheman:

This will acknowledge receipt of the "Notice of Transfer Of Ownership" forms you filed for transferring Water Right Nos. (1456-3), 1533-3 and 2086-3 from Leonard Penney to the Norman Shutler Trust.

I noticed when looking at the cashier's check, that it was not signed. This does not invalidate the transfers in anyway, but I do need to return the check to you for signature. The transfers will be processed as soon as the signed check is returned to our office.

Thank you for assistance and if you have any questions, please contact me.

Sincerely,

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

enclosure

RECEIPT

Division of Water Rights
South Dakota Department of Environment and Natural Resources

415434

Pierre, _____

August 11, 19 97

RECEIVED OF Kingfisher National Bank, P.O. Box 599, Kingfisher, OK 73750-0599
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ and to put water to beneficial use _____	to Appropriate Water, to construct _____
Fee for Application for Permit No. _____ Use _____	to Appropriate Water, for Future _____
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. 1456-3</u>	_____
Fee for Filing Extension Request _____	_____
Fee for _____	_____
_____	_____
_____	_____
_____	_____
(Any Other Work Provided by Law)	_____

Total

2 50

2 50

By

[Signature]
Chief Engineer

1456-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 11, 1997

No. (1456-3)
1533-3
2086-3

Peggy F. Reheman, Trust Officer
Kingfisher National Bank
P O Box 599
Kingfisher, OK 73750-0599

Dear Ms. Reheman

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 1456-3, 1533-3 and 2086-3.

Our records now show Norman Shutler Trust as the owner of Water Right Nos. 1456-3, 1533-3 and 2086-3.

Sincerely,

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

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

enclosure

1452-3

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

NORMAN SHUTLER TRUST
TRUST COMPANY OF OKLAHOMA
PO BOX 3627
KINGFISHER OK 74101

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

1-24-01

C. Signature

* *N. Shutler*
☐ Agent
☐ Addressee

 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

7000 0600 0026 9814 2980

PS Form 3811, July 1957

Domestic Return Receipt

102595 00-4 0952



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2001

NOTICE

TO: NORMAN SHUTLER TRUST, TRUST COMPANY OF OKLAHOMA, PO BOX 3627,
KINGFISHER, OK 74101

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire has not been submitted for Permit No(s) 1456-3, 1533-3 & 2086-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 7, 2001, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1456-3, 1533-3 & 2086-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 2, 2001, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(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.

DENR - Water Rights Program
523 E Capitol
Pierre, SD 57501
Phone: 605 773-3352
Fax: 605 773-4068

State of South Dakota

Fax

To: Sandy Crowley

From: Genny McMath

Fax: (405) 840-9450

Date: March 6, 2001

Phone: (405) 840-8401

Pages: 8

Re: Norman Shuller Trust

CC:

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

•Comments:

Sandy - I am sending copies of the "2000" irrigation questionnaire for Water Right Nos. 1456-3, 1533-3 and 2086-3 (Norman Shuller Trust). These are the forms that need to be filed with our office each year. Typically, they are mailed out in October with a due date of December 1st. Those we do not receive are scheduled for Board hearing

I am also sending along a copy of the notice sent out in January. You will note that the address I used was incorrect. For this reason, I am taking the matter off the agenda for tomorrow's hearing. We will work with you and/or the operator of the land to complete the forms. On the top of the irrigation questionnaires, there is an area for any address changes - feel free to edit as needed! Thanks!

My phone number, mailing address and fax number are listed at the top of this page. Thank you again for your help.

Genny

File No. 1456-3
1533-3
2086-3

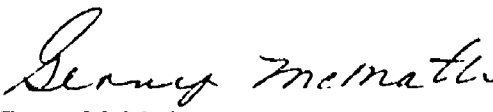
WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

DATE: March 26, 2001

RE: irrigation questionnaires

COMMENTS:

The 2000 irrigation questionnaires for Water Right Nos. 1456-3, 1533-3 and 2086-3 (Norman Shutler Trust) were received March 26, 2001. They were received from the tenant/renter of the property (Alan Hojer. 43469 209th St. DeSmet, SD 57231-6417)


Genny McMath
Environmental Scientist



United States Department of Agriculture
Farm & Foreign Agricultural Services
Risk Management Agency
Northern Regional Compliance Office

3440 Federal Drive, Suite 300
Eagan, MN 55122-1301
612/725-3730
612/725-3735 (FAX)

To: Henny Mc Math
Organization: Water Rights Division
Fax Number: 605 - 773 - 4068
From: Elaine Mayer
Subject: Irrigated Land, Kingsbury County, SD
Comments: _____

Per our telephone conversation on Thur. May 31,
attached is land location & years that
Alan Hoyer indicated he had irrigated land.
You said they report each year what they have
done. This information would be very helpful
in my review or additional info you can give me.

Any questions, please call (Ext 38)
Thank You

Date: 6-4-01 Time: 10:30 AM

This Transmission Contains 3 Pages Including The Cover Page.

If There Are Problems With This Transmission, Please Notify Us Immediately.



United States
Department of
Agriculture

Risk
Management
Agency

Northern
Regional
Compliance
Office

3440 Federal Drive, Suite 300
Eagan, MN 55122-1301
(612) 725-3730
FAX: (612) 725-3735

Crop Year 1996:

Producer: Alan Hojer

Irrig Land Location: 11-110-56 (145.0 acres)

Water Source/Location:

Comments By Producer:

*No irrigation
Reported*

Crop Year 1997:

Producer: Alan Hojer

Irrig Land Location: 15-110-56 (98.5 acres)

Water Source/Location:

Comments By Producer:

Crop Year 1998:

Producer: Alan Hojer

Irrig Land Location: 15-110-56 (100.0 acres)

11-110-56 (78.0 acres)

Water Source/Location:

Comments By Producer:

*no irrigation
Reported*

Crop Year 1999:

Producer: Alan Hojer

Irrig. Land Location: 15-110-56 (100.0 acres)

11-110-56 (90.0 acres)

Water Source/Location:

Comments By Producer:

Crop Year 2000:

Producer: Alan Hojer

Irrig. Land Location: 15-110-56 (99.0 acres)
11-110-56 (85.0 acres)

Water Source/Location:

Comments By Producer:

did not irrigate



1456-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 5, 2001

Elaine Mayer
USDA – Farm & Foreign Agricultural Services
Risk Management Agency
3440 Federal Drive – Suite 200
Eagan, MN 55122-1301

RE: Alan Hojer

Dear Ms. Mayer:

Enclosed, as we discussed, are copies of Water Right Nos. 1456-3, 1533-3 and 2086-3. The water rights are listed in the name of Norman Shutler Trust. The land is farmed by Alan Hojer of DeSmet, SD.

I have included copies of the irrigation questionnaires for the 1996, 1997, 1998, 1999 and 2000 crop years. The forms are light and not the best quality so I am hoping you are able to read them.

If you have any questions concerning the enclosed materials, please get in touch with me.

Sincerely,

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

enclosures

Water Rights held by the Norman Shutler Trust – land leased by Alan Hojor

Water Right No.	Well Location(s) (all in T110N, R56W)	Description of Acreage (all in T110N, R56W)
No. 1456-3	2 wells: E ½ Section 15	NE ¼ Section 15 (124 acres) W ½ SE ¼ Section 15 (62 acres)
No. 1533-3	2 wells: E ½ NW ¼ Sec 11	S ½ SE ¼ Section 2 (75 acres) NE ¼ Section 11 (139 acres) E ½ NW ¼ Section 11 (79 acres)
No. 2086-3	1 well: SE ¼ Section 15	W ½ SE ¼ Section 15 (62 acres)

Irrigation Questionnaires for 1996, 1997, 1998, 1999 and 2000 crop years

1996: Did not irrigate (note that the forms were sent to Leonard Penney, DeSmet)

1997: Irrigated 85 acres under Water Right No. 1533-3 (no mention of which acreage was irrigated).

1998: Did not irrigate

1999: Irrigated 105 acres under Water Right No. 1456-3; irrigated 50 acres under Water Right No. 1533-3; did not irrigate under Water Right No. 2086-3

2000: Did not irrigate



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

www.state.sd.us/denr

1456-3

1533-3

2086-3

March 19, 2002

Darwin Fox
Fox Auction Service
515 Hwy 25 South
DeSmet, SD 57231

Dear Mr. Fox:

Enclosed, as you requested, are copies of the 1996-2001 irrigation questionnaires for Water Rights held by the Norman Shutler Trust. I included a summary sheet of past irrigation questionnaire records from 1983 through the present and a summary of what each water right authorizes.

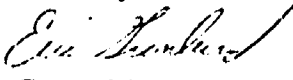
In South Dakota, in order for a water permit or right to be maintained, water must be placed to beneficial use for the purpose it was appropriated, at least once every three years unless legal excuse exists for the non-use of water. Enclosed is a summary sheet of the South Dakota Water Laws and Water Management Board Rules dealing with the issue of abandonment and/or forfeiture and legal excuse for non-use of water.

A review of past irrigation questionnaire records for Water Right Nos. 1456-3, 1533-3 & 2086-3 show several years of non-use of water. The past owners may have information with regard to the reasons no irrigation took place that may be of use in determining whether legal excuse exists.

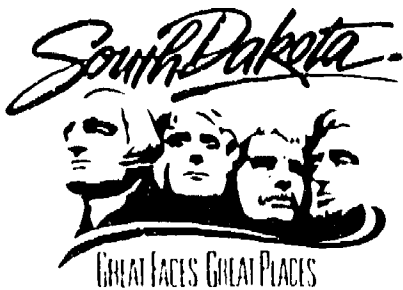
The Water Management Board is the entity for determining the validity of a water right. If, after reviewing the past irrigation history, there is uncertainty of whether legal excuse exists, they can petition the Board to make a declaratory ruling on the validity of the water right. We can provide you or the new owner of the land with information on the procedure to follow for a declaratory ruling. Also, please be aware that even if the permit is subject to forfeiture for nonuse, a new owner may file a new water right permit application.

I hope that the enclosed information is helpful to you. If you have additional questions, please give me a call.

Sincerely,


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

enclosures



July 29, 2002

1456-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Sam Geyer
522 Hwy 25 South
DeSmet SD 57231

Dear Mr. Geyer:

Based on our telephone conversation I am sending you the following information on Water Right Nos. 1456-3 and 2086-3 held by Norman Shutler Trust and Water Right No. 60-3 held by Arthur Geyer:

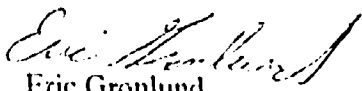
- Copy of Water Right Nos. 1456-3 and 2086-3
- Partially completed transfer of ownership forms for these two water rights
- File documents that may be relevant to the status of the water rights and your transfer of the water rights into your name.
- Sample Irrigation Questionnaire that water right holders are required to complete each fall (the questionnaire is generally sent in mid-October).
- Irrigation Questionnaire history for Water Right Nos. 60-3, 1456-3 and 2086-3
- Summary sheet of SD water laws and rules dealing with the nonuse of water.

Please review this information carefully. From a review of the records it appears that there have been many years in which irrigation has not taken place on this property. A letter dated March 19, 2002, was sent to Fox Auction Service when they inquired about the Shutler water rights rights.

Finally, review the partially completed transfer of ownership forms and if they appear correct, please complete them and submit with the \$2.50 filing fee. The check or money order can be made payable to the "Water Rights Program".

If you have any questions about these water rights, please feel free to contact me at (605) 773-3352.

Sincerely,


Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3122
www.state.sd.us/denr

August 20, 2002

1456-3
2086-3

Ralph Broderson
314 Front St NE
DeSmet SD 57231

Dear Mr. Broderson:

I am contacting you in regard to ownership of land as described in Water Right Nos. 1456-3 and 2086-3 (Norman Shutler Trust). We have been advised that you purchased a portion of the land described in the water rights. Enclosed is a copy of the water rights and a map outlining the area described in each.

- No. 1456-3: 136 acres: NE $\frac{1}{4}$, Section 15, T110N, R56W (**Sam Geyer**)
*W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 15, T110N, R56W (**Broderson**)
well located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 15, T110N, R56W (labeled Well #1)
- No. 2086-3 62 acres: *W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 15, T110N, R56W (**Broderson**)
well located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15 (labeled Well #2)

* The W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 15 is authorized for irrigation from both water rights. The difference between the two water rights is the well location.

Currently, we are trying to determine the extent of use of these water rights. If our information is correct and you do own the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 15, T110N, R56W and intend to irrigate, the water rights should be transferred to your. No. 1456-3 would be divided and reissued to reflect separate ownership between you and Mr. Geyer and No. 2086-3 could be transferred in its entirety.

In South Dakota, water must be placed to beneficial use for the purpose it was appropriated at least once every three years unless legal excuse exists. I am enclosing excerpts of our water laws and Board rules pertaining to these issues.

Please get in touch with me about your intentions towards the water rights. I have included a postage paid envelope for your reply. Thank you in advance for your help.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 28, 2002

1456-3
2086-3

Ralph Brodersen
314 Front St NE
DeSmet SD 57231

Dear Mr. Brodersen:

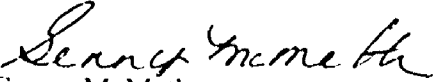
Thank you for calling to discuss ownership of Water Right Nos. 1456-3 and 2086-3 (Norman Shutler Trust).

You indicated that although the land is not currently irrigated, the land and well are under water (slough area) and can not be used. My understanding from our conversation is that you would like to maintain the water rights and have them transferred to your name.

Enclosed are two partially completed Notice of Transfer of Ownership forms. Please review the forms and complete as needed. Upon completion, please return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions concerning the water rights or completion of the transfer forms, please get in touch with me.

Sincerely,


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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 29 2002

1456A-3

Sam Geyer
522 Hwy 25 S
DeSmet SD 57231

Dear Mr. Geyer:

Enclosed is your Water License No. 1456A-3.

The portion of land you own described in No. 1456-3 has been transferred to your name. The water right has been divided and reissued to reflect separate ownership as follows:

- **Water Right No. 1456A-3, Sam Geyer**, authorizes diversion of 1.33 cfs from one well located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15 to irrigate 124 acres located in the NE $\frac{1}{4}$ Section 15, T110N, R56W.
- **Water Right No. 1456B-3, Ralph Brodersen**, authorizes diversion of 0.67 cfs from one well located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15 to irrigate 62 acres in the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 15, T110N, R56W.

The water allocated to your portion of the acreage is 1.33 cubic feet of water per second (600 gpm). The statutory limit for irrigation of 124 acres is 1.77 cfs (approximately 800 gpm). If your irrigation system diverts more than 600 gallons per minute, you may obtain an additional water permit for up to the 800 gpm. This would require you to submit a water permit application to be processed through our Water Rights Program (forms are enclosed).

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1456A-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

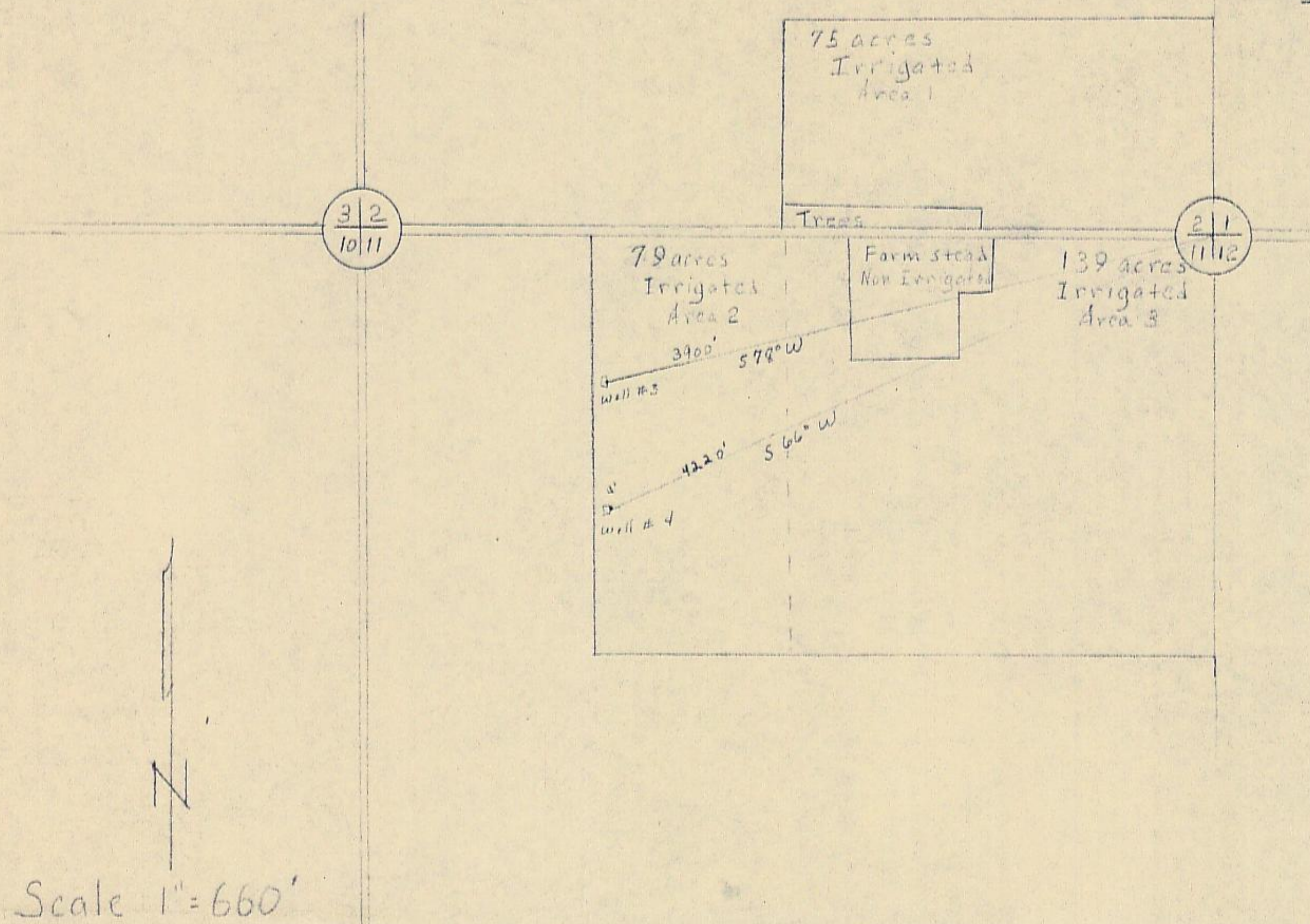
As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. Enclosed is Receipt No. 417281 in the amount of \$2.50 which you paid for filing the ownership change. If you have any questions, please contact our office.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

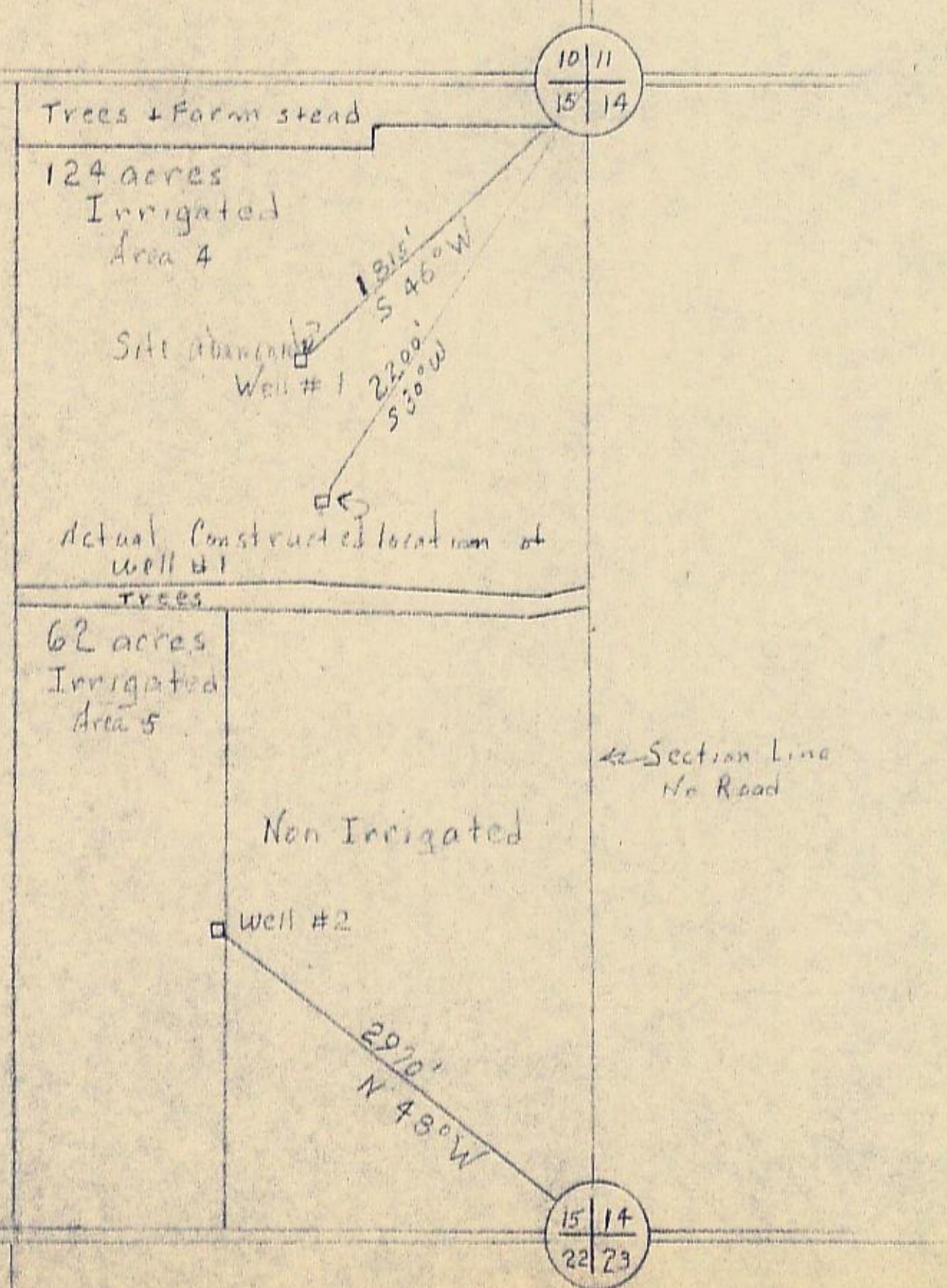
enclosures

Schutler - Penney Irrigation Project



Area to be Irrigated
 Area 1 - 75.0 acres
 Area 2 - 79.0 acres
 Area 3 - 139.0 acres
 Area 4 - 124.0 acres
 Area 5 - 62.0 acres
 Total 479.0 acres

Note: Water to be transported by buried conduit from Section 15 to Section 2 and 11



Location of Land to be Irrigated
 S 1/2 of SE 1/4 of Sec 2 (except trees)
 E 1/2 of NW 1/4 of Sec 11
 NE 1/4 of Sec 11 (except farmstead)
 NE 1/4 of Sec 15 (except trees + farmstead)
 W 62 acres of SE 1/4 of Sec 15
 All in T10N - R5E
 Kingsbury County

Owner - Norman Shutler
 408 South Main
 Kingfisher Oklahoma

<u>Surveyor's Certificate</u> I, John L. Wiersma do hereby certify that this map identifies a reasonably accurate record of the land of: Schutler - Penney Irrigation Project <u>John L. Wiersma</u> Director Water Resources Institute SDSU	
Subscribed and sworn to before me this <u>8th</u> day of <u>November</u> 19<u>67</u> A.D. <u>Geneva Crace</u> Notary Public My Commission expires <u>10/9</u> 19<u>75</u>	Schutler - Penney Irrigation Project Desmet SD Kingsbury Co 11-7-67 Drawn by J.L.W. Chkd by L.L.L.

MAP N° 10603 (APPL N° 1456-3 1533-3)