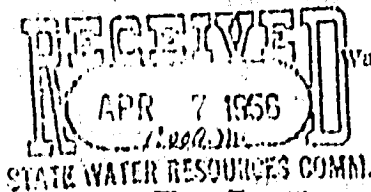
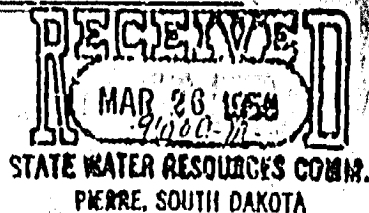


No. 15253Water Division No. 3 Sioix River District  
(Blanks to be Filled by the Engineer for the W. R. C.)

## APPLICATION FOR PERMIT

To Appropriately Water within the State of South Dakota

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

1. Name of applicant Earl J. Clauson  
 Postoffice address Jefferson, County Union, State S. Dak.

## 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, \$ \_\_\_\_\_ (c) Treasury stock, \$ \_\_\_\_\_

(d) Bonds to be issued, \$ \_\_\_\_\_ (e) Other resources, \$ \_\_\_\_\_

2. Name of diversion work Clauson Well3. Amount of water claimed 6.61 cubic feet per second4. Source of water supply Ground Water5. Location of point of diversion N 20° - 0' E 2245 ft from S.W. corner of the NW 1/4 of Section 25 on Union County.6. Annual period or periods during which water is to be used April to October inclusive

## 7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? sprinkling(a) Number of acres to be irrigated 43.3 acres.(b) Legal subdivisions to be irrigated Part of NW 1/2 & lot 2 of Sec. 25 (on map)  
(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.)

incidental domestic use

## II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use Stockwatering & fire protection

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 \_\_\_\_\_

8. Estimated cost of work:

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

(c) Planning, \$.....

(e) Other structures.....

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

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

Rock, \$.....

Total, \$.....

9. Description of diversion works:

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

II. Dimensions of works:

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

material used in construction.....

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

| DEPTH AT<br>OUTLET-Feet | SURFACE AREA AT EACH<br>DEPTH AT OUTLET-ACRES | FEET | ACRE-Feet<br>CAPACITY |
|-------------------------|-----------------------------------------------|------|-----------------------|
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |

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

Material.....

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

| LOCATION BELOW<br>HEADGATE | DEPTH     | BOTTOM<br>WIDTH | WIDTH AT<br>WATER-LINE | GRADE<br>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.....years.

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

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

STATE OF SOUTH DAKOTA

County of.....

I,.....

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

Signed.....

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

Notary Public (or other qualified officer.)

Remarks by State Water Resources Commission:

"Vested Right" claimed

STATE OF SOUTH DAKOTA  
County of Hughes } ss.

Pierre, South Dakota, March 29, 1956

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock  
A.m. upon the 26<sup>th</sup> day of March, 1956

State Water Resources Commission

By:

Jeff Hinner  
Chief Engineer, Executive Officer

Number of permit 152-3

Date of first receipt of application March 26, 1956

Date of return to applicant for correction, amendments or changes required as follows: March 29, 1956

Date of receipt of corrected application April 7, 1956

Date from which applicant may claim right May 1, 1955

Approved April 30, 1956, Recorded in Book 3 Page 114

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

1956, 1956

2nd. The whole of said work <sup>was</sup> ~~is to be~~ completed on or before April 28, 1955

3rd. ~~The limit of time for~~ Proof of beneficial use of water appropriated in accordance herewith <sup>was</sup> ~~is~~ May 1, 1955

4th. The water appropriated shall be used for the purpose of Irrigation, incidental domestic use, stock watering and fire protection

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 0.61 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 May 1, 1955; said water to be used during the following described annual period:

April to October, inclusive

Witness my hand this 30<sup>th</sup> day of April, 1956.

State Water Resources Commission

By:

Jeff Hinner  
Chief Engineer, Executive Officer

Certificate of Construction Issued April 30, 1956

Water License Issued April 30, 1956



2. (continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 8 in.

Depth 105 ft.

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

Size of casing 8 in., Thickness of casing 25 lb. ft.  
Length of casing 96 ft. If collection gallery,  
length, size, and depth of gallery 10 ft. Copper 10 in. dia.

(b) Screens

Type of perforated screen Copper

Size of perforated screen 8 in. 10 ft.  
(diameter) (length)

Thickness of gravel pack 2 in., length of gravel pack no

(c) Water Bearing Materials

Distance to water 10 ft.

Character of water bearing material: natural river bottom gravel

Thickness of water bearing material 30 ft.

(d) Pump and motor

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

Name of pump Marlow, size 4 in.

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

Horsepower 30 horse

Name of motor V3 Ford

(e) Complete well

Capacity 300 gal. per min. at drawdown of 5 ft.

Estimated cost \$1215.17

(f) Owner of land upon which well is located Earl J. Clausen  
Name

Jefferson, So. Dakota  
Address

(g) Distance to nearest existing wells

On same Owner's property 40 rods

On property owned by others 60 rods

Sandpoints for domestic use.

## STATE OF SOUTH DAKOTA

## WATER LICENSE No. 152-3

WHEREAS, On the 26th day of March A. D. 1956  
Earl J. Claussen  
 of Jefferson County of Union and State of  
South Dakota duly made application (No. 152-3) to us for a permit to use Vented Right 0.61  
 cubic feet per second of the waters of ground water  
 County of Union, State of South Dakota, for irrigation, incidental domestic use,  
stockwatering, and fire protection purposes; and

WHEREAS, On the 30th day of April A. D. 1956  
 Permit No. 152-3 was issued to said applicant... for the diversion of said water, and recognizing  
 completion of the works of diversion therein described on ~~XXXXXX~~ the 28th day of  
April A. D. 1955 and for the application to beneficial use of said  
 water on ~~XXXXXX~~ the 1st day of May A. D. 1955  
 and,

WHEREAS, On the 7th day of April A. D. 1956  
 the holder... of said permit duly made proof of the completion of adequate works for the diversion of 0.67  
 cubic feet per second of said waters, as evidenced by our Certificate No. 152-3  
 dated April 30, 1956, confirming the completion of works of sufficient capacity for  
 diverting and conveying to the place of intended use 0.67 cubic feet per second of water, with date of  
 priority of May 1, 1955 and ~~XXX~~ ~~XXX~~

WHEREAS, On the 7th day of April A. D. 1956  
 proof was duly made of the application to beneficial use of 0.61 cubic feet per second of said water;  
on 43.3 acres of land in the W $\frac{1}{2}$  and Lot 2, Sec. 25, T 30N, R 7E

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,  
We hereby grant and confer to Earl J. Clausen  
of Jefferson, South Dakota the holder and owner of said permit No. 15243  
a water right, dating from May 1, 1935 to the use of 0.61  
cubic feet per second of the waters of ground water  
in the County of Union and State of South Dakota, or so much thereof as may be  
necessray for the purposes hereinafter mentioned, to be diverted 32000 ft, 2245 feet of the  
Southwest Corner of the NW 1/4 of Sec. 25, T. 1 N., R. 7 E  
and conducted to and upon the W 1/2 and Lot 2, Sec. 25, T. 30 N., R. 7 E

for the purpose of irrigation, incidental domestic use, stockwatering,  
and fire protection  
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 50th day of April A. D. Nineteen  
Hundred and forty-six

State Water Resources Commission  
By:  
J. W. Grimes, Chief Engineer, Executive Officer

|                                   |  |
|-----------------------------------|--|
| STATE OF SOUTH DAKOTA             |  |
| Water License No. _____           |  |
| To _____                          |  |
| _____                             |  |
| Source of Supply _____            |  |
| _____                             |  |
| County _____                      |  |
| Am't _____ c. f. s.               |  |
| Point of Diversion _____          |  |
| _____                             |  |
| Place of Use _____                |  |
| _____                             |  |
| Purpose _____                     |  |
| _____                             |  |
| Date of Priority _____            |  |
| Recorded _____                    |  |
| In Book _____ of _____ Page _____ |  |

Permit No. 152-3Water Division No. 3 Sioux River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Earl J. Claussenof Jefferson County of Union, and State ofSouth Dakotathe holder of Permit No. 152-3, issued upon Application No. 152-3, bearing date of priority of May 1, 1955, authorizing the diversion of0.61cu. ft. per second of the waters of ground waterCounty of UnionState of South Dakota, at N 20°00'E, 2245 feetof the Southwest Corner of the NW<sup>1</sup> of Sec. 25, T 30, R 7for irrigation, incidental domestic use, stockwatering and fire protectionpurposes, 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 0.67 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: W<sup>1</sup> and Lot 2, Sec. 25, T 30N, R 7E - - - - 43.3 acresWitness my hand this 30th day of April A. D. 1956

State Water Resources Commission

By:

J. W. Grimes, Chief Engineer, Executive Officer

RECEIVED  
MAR 16 1956  
STATE WATER RESOURCES COMM.  
PIERRE, SOUTH DAKOTA

Recd  
3-15-56

Jefferson, S. Dak.

Mar. 15, 1956

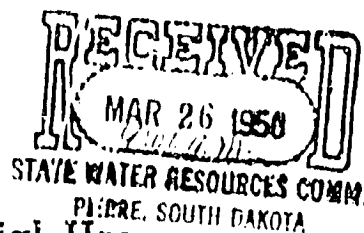
Dear sir;

In a letter to us from  
your office dated Jan. 11, 1955  
we were informed there had  
been no laws passed as to  
applications for water rights.  
Since that date laws have  
been passed and we wish to  
inform you that we sunk  
a deep well (105') on April 28  
1955 and put it to immediate  
use irrigating our truck  
gardens.

Our farm is located in  
NE 1/4 Sec. 25-30-7, Union Township  
to Yampa, S. Dak.  
Earl J. Clausen

Permit No. \_\_\_\_\_

Water Division No. \_\_\_\_\_ 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.) \_\_\_\_\_

(Date) \_\_\_\_\_

*Jefferson, So. Dak.*  
*Mar. 23, 1956*

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

DEAR SIR: Notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_, at \_\_\_\_\_ County of \_\_\_\_\_ State of South Dakota,  
before \_\_\_\_\_ (Examining Engineer or Officer) proof will be submitted of the application to beneficial use  
of \_\_\_\_\_ cubic feet per second of the waters of \_\_\_\_\_  
\_\_\_\_\_ in accordance with the terms and conditions of Permit No. \_\_\_\_\_  
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 \_\_\_\_\_

*Earl J. Clauson**Jefferson, So. Dakota*2. 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) *to irrigate 43 acres located at NE 1/4 Sec. 25-30-7**Jefferson Township, Union County, So. Dak.*

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. \_\_\_\_\_

7. The source of supply from which such water is diverted is *a well*

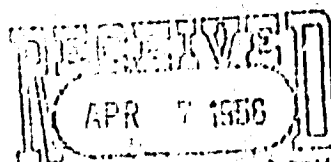
8. The date of priority which said user is prepared to establish is \_\_\_\_\_

(Sign) \_\_\_\_\_

*Earl J. Clauson (mo.)*

Location No. 152-3Water Division No. 3Sioux River

Water District

STATE WATER RESOURCES COMMISSION  
SOUTH DAKOTA

## Proof of Application of Water to Beneficial Use

## PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans.

Earl A. Clauson, Truck Gardening  
Jefferson, South Dakota

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans.

Irrigation System completed April 28, 1955

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans.

Ground water, N 20°-0' E 2245 ft. of S.W. corner  
of the N.W. 1/4 of Section 25, (approx.)

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans.

Water is obtained from a well having a  
capacity of 300 gallons per minute. Water is applied to  
the land through a sprinkler system.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans.

Irrigation Sec. 25-30-7  
Jefferson Township, Union County

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans.

Stock watering & fire protection

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans.

275 gallons per minute

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans.

REPORT OF INVESTIGATION

Unlicensed Water Permits Authorized before January 1, 1964

Water <sup>License</sup> Permit No. 152-3 Approval Date April 1956

This Permit authorized the diversion of 0.61 cubic feet

per second of water from Well to irrigate

43 3 acres in Section 25, Township 50N. Neb Survey,

Range 2E, County Union.

Name and Address shown on Permit Earl J. Clausen  
Tefferson, S.Dak

Name and Address of present owner of land \_\_\_\_\_

WATER PERMITS NOT CONSTRUCTED WITHIN THE FIVE YEAR PERIOD ARE  
SUBJECT TO CANCELLATION BY ACTION OF THE WATER RESOURCES COMMISSION

Indicate the following:

1. The irrigation system was never started nor was not completed.  
The present landowner has been informed that cancellation of  
Water Permit No. \_\_\_\_\_ will be considered by the Water  
Resources Commission and he will be notified of the date, time  
and place of such consideration. \_\_\_\_\_
2. Some questions exists and further consideration is advisable.  
\_\_\_\_\_
- ☒ The irrigation system was completed within the five year period  
and is being used. A final inspection should be scheduled.  
\_\_\_\_\_

REMARKS: This License is used every year for  
Truck Farm

Contact Date 7-21-69

Signature W. M. A. Smith

 **Department of  
Water & Natural Resources**

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

September 21, 1988

NOTICE

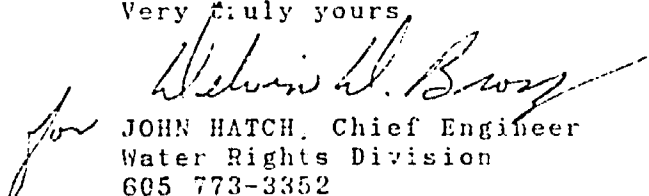
Earl J. Claussen  
Rt 1, Box 172  
Jefferson SD 57038

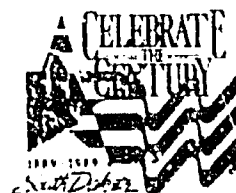
Dear Mr. Claussen:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 152-3 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,

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



Encl. C/...

Permit No. 152-3

152-3

6/21/87  
259A

systems

Section

504.2

|        |            |          |
|--------|------------|----------|
| 42.381 | 50 SHEETS  | 5 SQUARE |
| 42.392 | 100 SHEETS | 5 SQUARE |
| 42.389 | 100 SHEETS | 5 SQUARE |

VESTED RIGHT No. 152-3Missouri River Water District

## Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Earl Claussen of RT. 1 Box 830 Jefferson, SD 57038 holder of Permit No. 152-3, bearing the priority of May 1, 1955 authorizing the diversion of 0.61 cu. ft. per second of the waters of Missouri Aquifer for irrigation purposes, in Union County.

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

## A. Works used to divert the water:

One well - 105' deep with 96' of 8" steel casing and 10' of 8" 100 slot copper screen, Marlow centrifugal pump, Model No. unknown, 4", 500 GPM @ 40 PSI, Reliance Motor, Model No. 3244 Frame Type P, 25 HP

## B. Works used to transport water to place of use:

2000' of 6" PVC

## C. Works used to apply water to beneficial use:

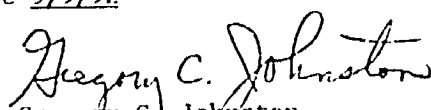
Portable Sprinkler System consisting of 27 Rain Bird Sprinklers, 350 GPM

The system is in the following condition good. The point of diversion is located 2013' E and 231'S of the NW corner of Section 7-T89N-R48W. The works are capable of diverting and conveying to the place of use 0.77 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 6-T89N-R48W:  
SE1/4 SW1/4 = 5 acres  
SW1/4 SE1/4 = 5 acres

Section 7-T89N-R48W:  
NW1/4 NW1/4 = 6 acres  
NE1/4 NW1/4 = 20 acres  
NW1/4 NE1/4 = 3 acres

comprising a total of 39 acres of land and the license should be issued for 0.56 cfs.Applicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: NoneDate 9/9/92

  
Gregory C. Johnston  
Natural Resources Engineer  
DENR, Water Rights Division

152-3

REPORT ON INSPECTION OF VESTED RIGHT 152-3

DATE 9/9/92

Other permit(s) associated with the project

DIVERSION POINT LEGAL LOCATION: Well-2013'E and 231'S of the NW corner of Section 7-T89N-R48W

WELL INFORMATION: Well Drilling Firm unknown

No. of Wells 1 Depth(s) 105

- a) Casing: 1) diameter 8 inches b) Screen: 1) type 100 slot Copper  
2) length 96' feet 2) length 10 feet  
3) type steel c) Pump 1) make Marlow  
d) Static Water Level 10 feet 2) model unknown  
e) Motor: 3) size 4 inches  
1) make Reliance 4) capacity 500 GPM  
2) model No. 3244 Frame type P 5) turbine pump - No. of stages N/A  
3) horsepower rating 25 hp 6) operating pressure 40 PSI

DISTRIBUTION LINES OR CANALS:

- a) type PVC b) size 6 inches c) length 2000 feet

System Type:

Portable sprinkler system - consists of 27 Rainbird Sprinklers - uses 350 GPM

CHEMIGATION EQUIPMENT:

- a) does chemigate N (Y/N)

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A (Y/N)  
b) Special qualifications to permit being abided by Y (Y/N)  
c) All structures, wells and lands on map Y (Y/N)  
d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A (Y/N)

152-3

File No. VR 152-3

Water Rights Division -DENR

Conversation or File Documentation

NAME OF PERSON OR FILE: Earl Claussen

ADDRESS: RT.1 Box 830 Jefferson, SD 57038

COUNTY: Union

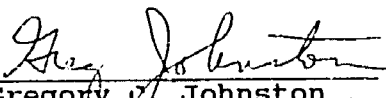
DATE: 9/9/92

TELEPHONE: 232-4376

RE: Legal Description of lands under Vested Right NO. 152-3

COMMENTS:

Lands covered under Vested Right No. 152-3 were described under the Nebraska Survey as being Part of the W1/2 and Lot 2 of Section 25-T30N-R7E. The legal description of the well is N20° E, 2245' from the SW corner of the NW1/4 of Section 25-T30N-R7E. I have drawn up the License map using the South Dakota survey legal description as the following: The well is located 2013'E and 231'S of the NW corner of Section 7-T89N-R48W and the lands irrigated under Vested Right No. 152-3 are located in the SE1/4 SW1/4 and the SW1/4 SE1/4 of Section 6-T89N-R48W and the NW1/4 NW1/4, NE1/4 NW1/4 and the NW1/4 NE1/4 of Section 7-T89N-R48W.

  
Gregory C. Johnston  
Natural Resources Engineer  
DENR, Water Rights Division

152-3



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

March 24, 1993

NOTICE

TO: Earl Claussen  
Rt 1, Box 830  
Jefferson SD 57008

FROM: John Hatch, Chief Engineer  
Water Rights Division  
605 773-3352

SUBJECT: Hearing to Consider Validation of Recognized Vested Right Claim No. 152-3

A Notice of Intent to validate Claim No. 152-3 was published on June 9 and 16, 1988 in the Elk Point Leader-Courier. The Water Rights Division opposed validation of No. 152-3 for purposes of completing an on-site inspection of the claim. The inspection of Claim No. 152-3 was completed on September 9, 1992, by Greg Johnston, staff engineer. The inspection found that the number of acres being irrigated has been reduced from 43.3 acres to ~~28~~ <sup>39</sup> acres. The diversion rate is to be reduced, accordingly, from 0.61 cubic feet of water per second (cfs) to ~~0.4~~ <sup>0.56</sup>. This reduced diversion rate is based on the statutory application rate of 1 cfs per 70 acres ( $39 \text{ acres} / 70 = 0.56 \text{ cfs}$ ).

The Water Management Board will consider validation of Claim No. 152-3 at 10:00 am, May 5, 1993, in the Floyd Matthews Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of the hearing may be later than 10:00 am due to prior agenda items. Prior to April 23, 1993 contact the Water Right 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.

Pursuant to the findings of the on-site inspection, validation of Claim No. 152-3 is recommended for a diversion rate of ~~0.4~~ <sup>0.56</sup> cfs from groundwater to irrigate ~~28~~ <sup>39</sup> acres. Following the hearing, the Board is authorized to 1) validate the claim as ~~28~~ <sup>39</sup> recommended for ~~28~~ <sup>39</sup> acres and ~~0.4~~ <sup>0.56</sup> cfs, 2) validate the claim as licensed prior to the on-site inspection, 3) validate the claim based on evidence presented at the public hearing, or 4) defer validation of the claim. Applicable provisions of the published notice of intent to validate Claim No. 152-3 will still apply at this hearing. A copy of the June 9 and 16, 1988, publication is available upon request.

This hearing is an adversary proceeding. You have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

cc: Diane Best, Assistant Attorney General

## CERTIFICATION

I hereby certify that on March 24, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing Notices dated March 24, 1993, regarding Hearing to Consider Validation of Recognized Vested Right Claims addressed as stated below:

Vested Right Claim No. 439-3:

Gene Weeg  
4501 W. 12th St.  
Sioux Falls, SD 57106

Vested Right Claim No. 152-3:

Earl Claussen  
Rt 1, Box 830  
Jefferson, SD 57038

Vested Right Claim No. 54-3:

Dale Bosse  
RR 1, Box 99  
Elk Point, SD 57625

Vested Right Claim Nos. 166-3 & 187-3:

Russell and Barb Schneiderman  
Rt 2, Box 48  
Lennox, SD 57039

Hand delivered to:

Vested Right Claim No. 857-3:

Tim Olson  
Dept. of Game, Fish & Parks  
623 E. Capitol  
Joe Foss Building  
Pierre, SD 57501

Copies of the above mentioned NOTICES were sent inter-office to:

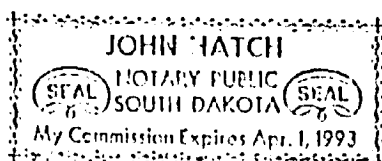
Diane Best, Assistant Attorney General, Capitol Building.

Cheryl A. Frost

Cheryl F. Frost  
Secretary

STATE OF SOUTH DAKOTA )  
 ) SS  
COUNTY OF HUGHES )

Sworn to, before me, this 25<sup>th</sup> day of March, 1993.



John H. T. D.  
Notary Public

152-3

File No. VR 152-3

Water Rights Division -DENR

Conversation or File Documentation

NAME OF PERSON OR FILE: Earl Claussen

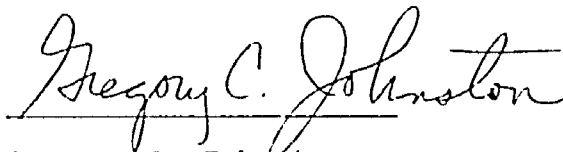
ADDRESS: Rt. 1 Box 830 Jefferson, SD 57038 COUNTY: Union

DATE: 4/20/93 TELEPHONE: 232-4376

RE: Acreages on VR 152-3

COMMENTS:

Mr. Claussen called and inquired about the number of acres I included under Vested Right No. 152-3 based on my inspection in September of 1992. I had arrived at a figure of 28 acres (located in Sections 6 and 7 -T89N-R48W) based on information Mr. Claussen had given me as well as a recent aerial photo of the land in question. Mr. Claussen explained that I had excluded acreage that he was irrigating and had irrigated in the past. I will correct the license to read 39 acres instead of 28 acres being irrigated under Vested Right No. 152-3.



Gregory C. Johnston

Natural Resources Engineer II

DENR, Water Rights Division

152-3



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

April 23, 1993

NOTICE

TO: Earl Claussen  
Rt 1, Box 830  
Jefferson SD 57038

FROM: John Hatch, Chief Engineer  
Water Rights Division  
605 773-3352

SUBJECT: Hearing to Consider Validation of Recognized Vested Right Claim No. 152-3

A Notice of Intent to validate Claim No. 152-3 was published on June 9 and 16, 1988 in the Elk Point Leader-Courier. The Water Rights Division opposed validation of No. 152-3 for purposes of completing an on-site inspection of the claim. The inspection of Claim No. 152-3 was completed on September 9, 1992, by Greg Johnston, staff engineer. The inspection found that the number of acres being irrigated has been reduced from 43.3 acres to 39 acres. The diversion rate is to be reduced, accordingly, from 0.61 cubic feet of water per second (cfs) to 0.56 cfs. This reduced diversion rate is based on the statutory application rate of 1 cfs per 70 acres (39 acres/70 = 0.56 cfs).

The Water Management Board will consider validation of Claim No. 152-3 at 10:00 am, May 5, 1993, in the Floyd Matthews Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of the hearing may be later than 10:00 am due to prior agenda items. Prior to April 23, 1993 contact the Water Right 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.

Pursuant to the findings of the on-site inspection, validation of Claim No. 152-3 is recommended for a diversion rate of 0.56 cfs from groundwater to irrigate 39 acres. Following the hearing, the Board is authorized to 1) validate the claim as recommended for 39 acres and 0.56 cfs, 2) validate the claim as licensed prior to the on-site inspection, 3) validate the claim based on evidence presented at the public hearing, or 4) defer validation of the claim. Applicable provisions of the published notice of intent to validate Claim No. 152-3 will still apply at this hearing. A copy of the June 9 and 16, 1988, publication is available upon request.

This hearing is an adversary proceeding. You have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

cc: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on April 23, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 23, 1993, regarding Hearing to Consider Validation of Recognized Vested Right Claim No. 152-3 addressed as stated below:

Earl Claussen, Rt 1, Box 830, Jefferson, SD 57038.

Copy Sent Inter-office To:

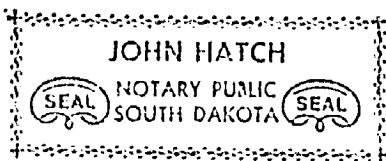
Diane Best, Assistant Attorney General, Capitol Building.

*Cheryl F. Frost*

Cheryl F. Frost  
Secretary

STATE OF SOUTH DAKOTA )  
                                  ) SS  
COUNTY OF HUGHES        )

Sworn to, before me, this 26<sup>th</sup> day of April, 1993.



*John Hatch*  
Notary Public  
JOHN HATCH, Notary Public  
My Commission Expires  
April 1, 2001

152-3



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

SEP 20 1993

Earl Claussen  
Rt 1, Box 830  
Jefferson SD 57038

Dear Mr. Claussen:

The Water Management Board has validated the enclosed Vested Water Right No. 152-3. This validation gives legal status to the claim and is the final document for your vested right. Enclosed is the reissued water license which reflects the acreage and diversion rate as validated by the Board.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch", is written over a horizontal line.

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

enclosure

SOUTH DAKOTA

VESTED WATER RIGHT NO. 152-3 FOR IRRIGATION

Date of Receipt of Claim March 26, 1956.

Date of Validation May 5, 1993.

The Water Management Board validated Vested Water Right Claim No. 152-3 for irrigation purposes for Earl Claussen, Rt. 1, Box 830, Jefferson SD 57038 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 152-3 appropriates 0.56 cubic feet of water per second from groundwater located in the NE 1/4 NW 1/4 Section 7 to irrigate 39 acres located in the SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 6 and the N 1/2 NW 1/4, NW 1/4 NE 1/4 Section 7; all in T89N-R46W (formerly located in the Nebraska survey).
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: April 1 - October 31.
3. The priority date of the Vested Water Right is May 1, 1955.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By:   
Chief Engineer

SEP 20 1993

date

Division of Water Rights  
Dept. of Environment and Natural Resources

## STATE OF SOUTH DAKOTA

### REISSUED VESTED RIGHT WATER LICENSE NO. 152-3 FOR IRRIGATION

(1) Earl J Claussen, of Rt 1, Box 830, Jefferson SD 57038 made Application No. 152-3, March 26, 1956 for validation of vested right claim to appropriate 0.61 cubic feet of water per second from groundwater, Union County, South Dakota for irrigation purposes. Vested Water Right No. 152-3, was validated May 5, 1993 with a priority date of May 1, 1955. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

The original water license issued on April 30, 1956 described irrigation of 43.3 acres in the W 1/2 and Lot 2 Section 25-T30N-R7E (Nebraska Survey). A field inspection conducted of the water use system found a total of 39 acres still being irrigated. Based upon the inspection and subsequent validation of the vested right claim, the license is being reissued to the extent of what is actually being irrigated.

(2) The vested right owner is entitled to divert 0.56 cubic feet of water per second for beneficial use. The location of the diversion point is the NE 1/4 NW 1/4 Section 7-T89N-R48W (formerly located in the Nebraska survey) 2013'E and 231'S of the NW corner Section 7-T89N-R48W.

The location of the irrigated acreage is:

|           |           |               |          |
|-----------|-----------|---------------|----------|
| T89N-R48W | Section 6 | SE 1/4 SW 1/4 | 5 acres  |
|           |           | SW 1/4 SE 1/4 | 5 acres  |
|           | Section 7 | NW 1/4 NW 1/4 | 6 acres  |
|           |           | NE 1/4 NW 1/4 | 20 acres |
|           |           | NW 1/4 NE 1/4 | 3 acres  |
|           |           | Total         | 39 acres |

(3) Pursuant to South Dakota Water Law 46-5-30.1 Earl J. Claussen of Rt 1, Box 830, Jefferson SD 57038 the holder and/or owner of Vested Water Right No. 152-3 is issued a license to appropriate water, the right to use 0.56 cubic feet of water per second from groundwater (one well) with a priority date of May 1, 1955 from the location specified in (2) of this license. The water to be used for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Vested Water Right No. 152-3 and subject to South Dakota State Law.



SEP 20 1993

JOHN HATCH, Chief Engineer

Water Rights Division

Department of Environment and Natural Resources

152-3



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 26, 1995

152-3

Earl J Claussen  
RR #1 Box 830  
Jefferson, SD 57038

Dear Mr. Claussen:

Enclosed is your 1994 irrigation questionnaire. When reviewing the form I noticed that you marked "yes" (that you did irrigate), but did not fill out the back side of the form.

In order for me to calculate how much water was used in 1994 under your specific water source, you will need to complete the back part of the form dealing with crop type, acres irrigated, pump rate, days per month and average hours per day. The data does not have to be exact, but as close as possible.

Please complete the form and return it to our office by February 10, 1995. If you have any questions, please call me and I will attempt to work through the form with you over the phone. Thank you for your help in this matter.

Sincerely,

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

enclosure



152-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 14, 2000

NOTICE

TO: EARL J CLAUSSEN, 48255 334TH ST, JEFFERSON, SD 57038 6838

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire has not been submitted for Permit No(s) 152-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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 1:30 pm, March 1, 2000, 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) 152-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, 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.

152-3

**SENDER'S MAILING LABEL 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:

EARL J CLAUSSEN  
 48255 334TH ST  
 JEFFERSON SD 57038 6838

2. Article Number (Copy from service label)

2227 670 322

PS Form 3811, July 1999

**COMPLETE THIS SECTION CAREFULLY**

A. Received by (Please Print Clearly) B. Date of Delivery  
 C. Signature ☐ Agent ☐ Addressee  
 X ☐ 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

Domestic Return Receipt

102595-99 M-1763



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 18, 2000

152-3

Earl Claussen  
48255 334<sup>th</sup> St  
Jefferson, SD 57038-6838

Dear Mr. Claussen:

I am writing to acknowledge receipt of your 1999 irrigation questionnaire. I completed a questionnaire for you based on my January 18<sup>th</sup> telephone conversation with Mrs. Claussen.

You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Right No. 152-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Enclosed is a copy of the questionnaire I completed. You may keep this for your records. Thank you for calling and if you have any questions, please contact me.

Sincerely,

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

VR 152-3

T-1374

Earl Claussen

Drawn by:

Gregory C. Johnston

Irrigated

Gregory C. Johnston

Natural Resources Engineer

Water Rights Division

4/23/93

89-118  
SE 1/4 SW 1/4  
Sacres

= 660'

312

Section 6  
T98N-R48W

SW 1/4 SE 1/4 =  
5 acres

1231.3

1282  
234  
NHEL

NW 1/4 NW 1/4 =  
6 acres

IRR  
NHEL

NHEL

1381

NE 1/4 NW 1/4 =  
20 acres

CRP

NW 1/4 NE 1/4 =  
3 acres

Section 7  
T98N-R48W

1334

1536

2495

CRP  
NHEL

T-2444

1200

NHEL

7

385

Section 6 - T89N-R48W:

SW 1/4 SE 1/4 = 5 acres

SE 1/4 SW 1/4 = 5 acres

10 acres

Section 7 - T89N-R48W:

NW 1/4 NW 1/4 = 6 acres

NE 1/4 NW 1/4 = 20 acres

NW 1/4 NE 1/4 = 3 acres

29 acres

IRRIGATED  
NHEL  
Total = 39 acres



152-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 26, 2007

**NOTICE**

TO: EARL J CLAUSSEN, 48255 334TH ST, JEFFERSON, SD 57038 6838

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire has not been submitted for Permit No(s) 152-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 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 10:30 am, March 7, 2007, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 152-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

**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.



152-3

[Home](#) | [Help](#)[Track & Confirm](#)

## Track & Confirm

### Search Results

Label/Receipt Number: 2303 2160 0000 0799 6507

Status: **Delivered**

Your item was delivered at 1:17 PM on January 27, 2007 in  
JEFFERSON, SD 57038. The item was signed for by D CLAUSSEN.

[Additional Details >](#)[Return to USPS.com Home >](#)

### Track & Confirm

Enter Label/Receipt Number.

### Notification Options

#### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

#### Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)

POSTAL INSPECTORS  
Preserving the Trust

[site map](#)[contact us](#)[government services](#)[jobs](#)[National & Premier Accounts](#)Copyright © 1999-2004 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:  
2303 2160 0000 0799 6507

EARL J CLAUSSEN  
48255 334TH ST  
JEFFERSON SD 57038 6838

Waiver of Signature ☐ YES ☐ NO

Postmark  
Here

**POSTAL CUSTOMER:**  
Keep this receipt. For Inquiries:  
Access internet web site at  
[www.usps.com](http://www.usps.com)®  
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

☐ Priority Mail™ Service  
☐ First-Class Mail® parcel  
☐ Package Services parcel

1-21-01 (Rev. 1-03, May 2002) (SEE REVERSE)



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 2, 2007

152-3

Earl J Claussen  
48255 334<sup>th</sup> St  
Jefferson SD 57038-6838

Dear Mr. Claussen:

I am writing to acknowledge receipt of your 2006 irrigation questionnaire. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right No. 152-3.

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

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 18, 2008

**NOTICE**

TO: EARL J CLAUSSEN, 48255 334TH ST, JEFFERSON, SD 57038 6838

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire has not been submitted for Permit No(s) 152-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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 11, 2008**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 152-3 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 3, 2008**, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

**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.

152-3

[Home](#) | [Help](#)[Track & Confirm](#)

## Track & Confirm

### Search Results

Label/Receipt Number: 2303 2160 0000 0802 3899

Detailed Results:

- Delivered, February 06, 2008, 6:16 am, PIERRE, SD 57501
- Processed, February 05, 2008, 9:25 pm, SIOUX FALLS, SD 57104
- Unclaimed, February 05, 2008, 3:43 pm, JEFFERSON, SD
- Notice Left, January 19, 2008, 9:04 am, JEFFERSON, SD 57038

[< Back](#)[Return to USPS.com Home >](#)

### Track & Confirm

Enter Label/Receipt Number.

### Notification Options

#### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

#### Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)[Site Map](#)[Contact Us](#)[Forms](#)[Gov't Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

Copyright© 1999-2007 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA



United States Postal Service



United States Postal Service

Unclaimed.

|                                                                              |  |                                                                                                                                                                                   |  |
|------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| SIGNATURE CONFIRMATION NUMBER:<br>2303 2160 0000 0802 3899                   |  | EARL J CLAUSSEN<br>48255 334TH ST<br>JEFFERSON SD 57038 6838                                                                                                                      |  |
| Waiver of Signature <input type="checkbox"/> YES <input type="checkbox"/> NO |  | POSTAL CUSTOMER:<br>Keep this receipt. For Inquiries:<br>Access internet web site at<br><a href="http://www.usps.com">www.usps.com</a><br>or call 1-800-222-1811                  |  |
| Postmark<br>Here                                                             |  | <input type="checkbox"/> Priority Mail <sup>TM</sup> Service<br><input type="checkbox"/> First-Class Mail <sup>®</sup> parcel<br><input type="checkbox"/> Package Services parcel |  |

**McMath, Genny**

---

**From:** Jana Foltz [ucrod@iw.net]  
**Sent:** Thursday, February 21, 2008 9:40 AM  
**To:** McMath, Genny  
**Subject:** Re: Land ownership in Union County

I believe the new owner is a Stephen Jones, his address is #9 Evergreen Lane, McCook Lake, South Dakota 57049.

The legal you gave we don't have, this is actually Nebraska Survey Ground Lega.  
Claussen Tr 1 25-30-7

Jana Foltz, Union County Register of Deeds

----- Original Message -----

**From:** [Genny.McMath@state.sd.us](mailto:Genny.McMath@state.sd.us)  
**To:** [ucrod@iw.net](mailto:ucrod@iw.net)  
**Sent:** Thursday, February 21, 2008 9:15 AM  
**Subject:** Land ownership in Union County

Ms. Foltz,

I am in the process of reviewing a water right listed in the name of Earl J Claussen, Jefferson SD. We attempted to mail correspondence to Mr. Claussen in January and it was returned by the post office.

The legal description of the land in question is:

39 acres in the following area

SE ¼ SW ¼ and SW ¼ SE ¼ Section 6, T89N, R48W

N ½ NW ¼ and NW ¼ NE ¼ Section 7, T89N, R48W

Could you tell me who the current land owner is and their mailing address?

Hopefully the following image comes thru....its a "cut and paste" attempt at including the map.

Thank you in advance for your help

Genny McMath

773-5455



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

March 4, 2008

152-3

Stephen Jones  
PO Box 915  
N Sioux City SD 57049-0915

Dear Mr. Jones:

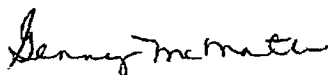
I am contacting you in regard to land described in Vested Water Right No. 152-3, currently listed in the name of Earl Claussen. Enclosed is a copy for your review. I obtained your name from the Union County Register of Deeds who indicated you now owned the land.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

Would you happen to have any information on irrigation that may or may not have taken place during 2007? I am not sure when ownership changed on the property so unfortunately I do not know who to contact for that information.

If you do not intend to irrigate or maintain the water right, please contact me. Thank you in advance for your help.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

June 2, 2008

152-3

Stephen F Jones  
48255 334<sup>th</sup> St  
Jefferson SD 57038

Dear Mr. Jones:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for Vested Water Right No. 152-3. The ownership change has been completed. The vested right formerly held by Earl Claussen is now listed in your name.

Enclosed is your Receipt No. 03671 in the amount of \$2.50 which you paid for filing the ownership change.

I have also including a sample irrigation questionnaire. These forms are sent out each year to irrigators in South Dakota to report annual water use. The sample copy will give you an idea of what type of records you need to keep track of during the irrigation season.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosures

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/30, 2008

RECEIVED OF Claussen Greenhouse & Nursery 48245 334th St Jefferson SD 57038

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

|                                                                                                                |       |      |
|----------------------------------------------------------------------------------------------------------------|-------|------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use | 2     | 50   |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                   |       |      |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                         |       |      |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____            |       |      |
| Fee for Filing Transfer Form <u>152-3</u>                                                                      |       |      |
| Fee for _____                                                                                                  |       |      |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                            |       |      |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                             |       |      |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                         |       |      |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |      |
| (Any Other Work Provided by Law)                                                                               | TOTAL | 2 50 |

No.

63071

By

Richard Erbe  
Chief Engineer

RECEIVED

MAY 30 2008

WATER RIGHTS  
PROGRAM

## NOTICE OF TRANSFER OF OWNERSHIP

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

No. 152-3

Date: May 19-08

I/We request that Vested Water Right No. 152-3

formerly owned by: Earl Claussen

be transferred to: (name & address) Stephen F. Jones  
48255 334th St  
Jefferson, SD 57038 Telephone No. 605-232-4376

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

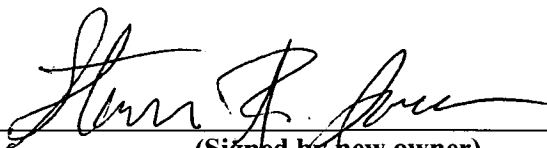
39 acres – SE ¼ SW ¼, SW ¼ SE ¼ Section 6 and N ½ NW ¼, NW ¼ NE ¼ Section 7, T89N, R48W

I/We understand that the validity of Vested Water Right No. 152-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

**A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.**

I/We Stephen F. Jones, the new owner, certify that the above information is true and correct.

  
(Signed by new owner)

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

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