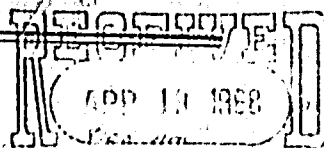


1568-3

1. Considered 5-22, 1968
2. Name of Applicant G. WILBURN TURNER
3. Post Office Address WATERTOWN
4. Amount of water claimed 2.28
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
- Acres to be irrigated 160
7. Water to be diverted and used in WALWORTH county
about 6 miles 5 of GLENHAM
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

No. 1568-3Water Division No. 3 MISSOURI RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COM. L.
PIERRE, SOUTH DAKOTA

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

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

1. Name of applicant GEORGE TURNER, GLENHAM & EDDIE BERENS, SELBYPostoffice address Water town, County Codington, State South Dakota

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)

Direct Labor(b) Cash on hand, \$ Adequate

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work G. Wilbur Turner Irrigation Project No. 13. Amount of water claimed 2.23 cubic feet per second4. Source of water supply Oahe Reservoir MISSOURI RIVER5. Location of point of diversion BETWEEN A POINT 350 N & 600 W OF THE RESERVOIR, AND APOINT 1050 E OF THE NW COR. S. 2, T. 123 N, R. 78 W. on east bank Walworth County.6. Annual period or periods during which water is to be used April 1, to October 15 each year.

7. To be used for:

1. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? overhead sprinklin(a) Number of acres to be irrigated 160 acres.(b) Legal subdivisions to be irrigated SW 1/4 of Section 28, Township 123, Range 78
(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.) None

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

(a) Nature of use None

Name any of the above uses claimed

(b) Amount of power to be generated None horse power.Amount claimed for engine cooling None(c) Location of plant None(d) Method of developing power None(e) Point where water will be returned to stream None

MAP NO 1140-3

8. Estimated cost of work:

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

(b) Pumping plant, \$2,500.00

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

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

Rock, \$-----

(e) Other structures Piping \$13,000.00

Total, \$15,500.00

9. Description of diversion works:

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

Pumping Plant and piping

II. Dimensions of works. Not applicable

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top -----

feet; thickness at bottom ----- feet; thickness at top -----

feet; slope at front water face -----; slope at back face -----

material used in construction -----

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

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-FOOT CAPACITY

(c) Head gate: Width ----- feet; height ----- feet;

Material -----

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

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 2 years.

11. Time required for complete application of water to the proposed beneficial use 2 years.

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

Tribune, Mobridge, S.D.

STATE OF SOUTH DAKOTA

County of Goddard ss.

I, G. Wilbur Turner, 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 G. Wilbur Turner

Subscribed and sworn to before me this 18 day of April 1968

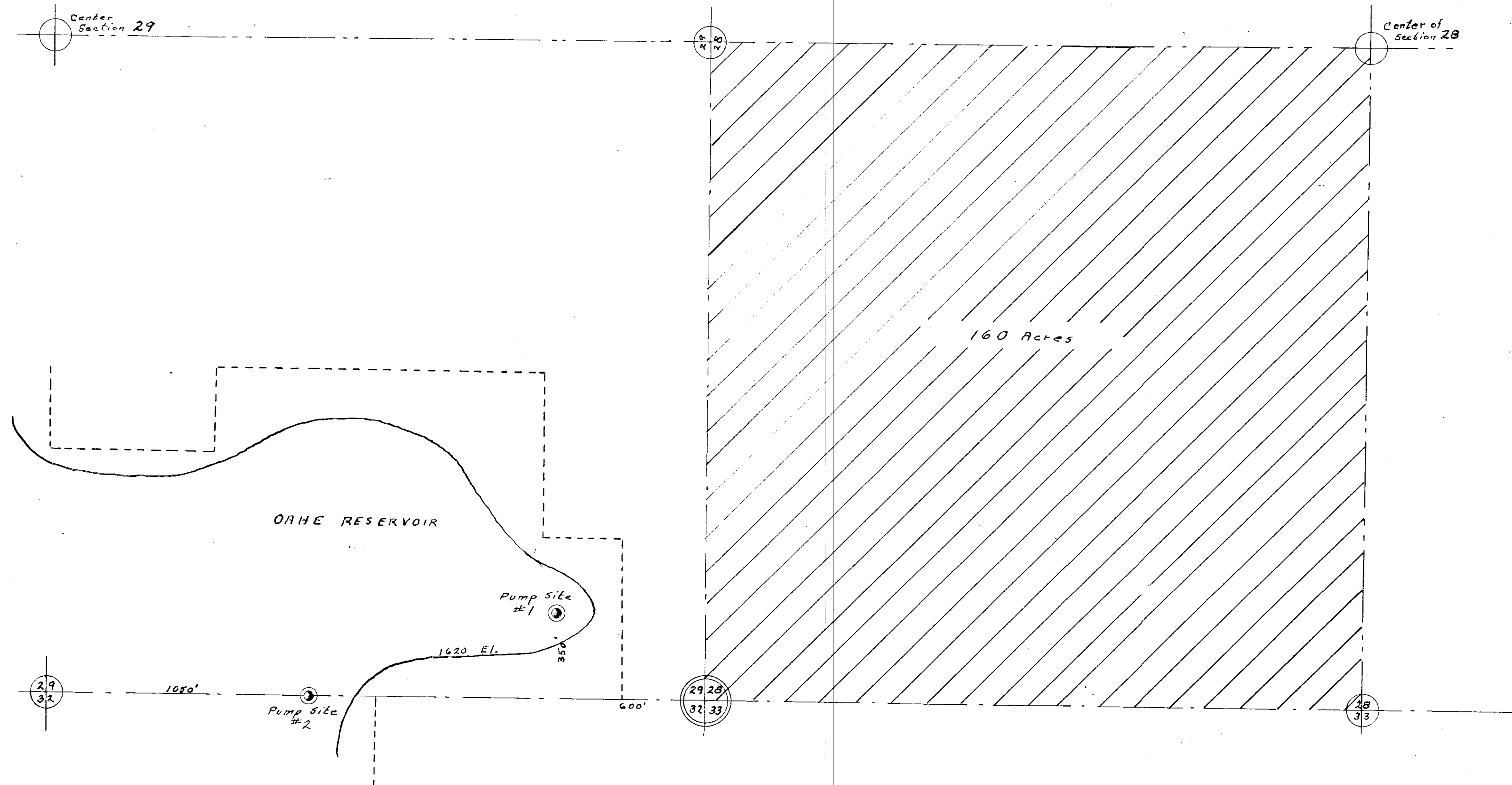
DONALD R. ANDERSON

Notary Public

Notary Public (or other qualified officer.)

My commission expires Nov. 8, 1970

*Each diversion must have a headgate or measuring device.



AREA BY LEGAL SUBDIVISION
160 Acres SW 1/4 Section 28
T123, R78, SPM

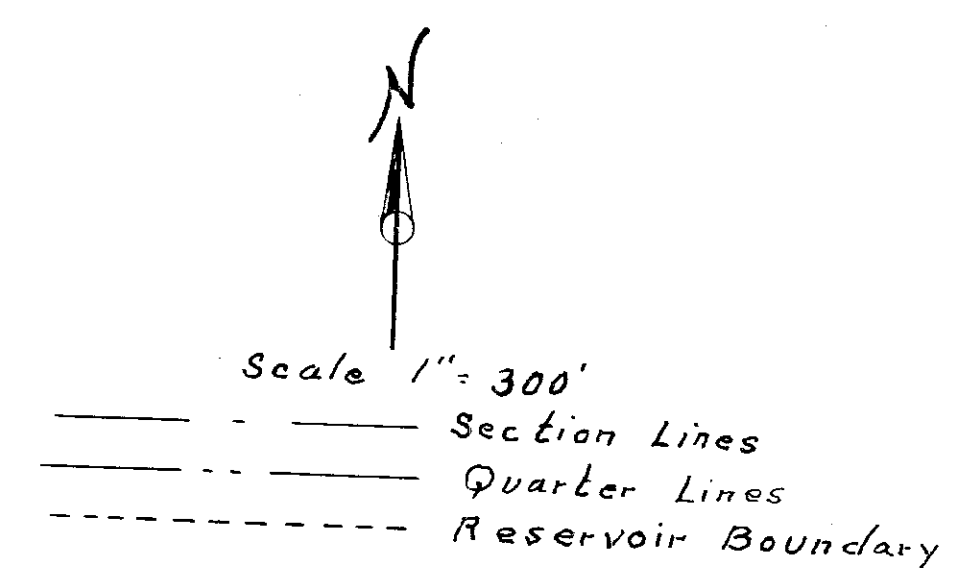
SURVEYOR'S CERTIFICATE

I, JAMES GLADER, A REGISTERED LAND SURVEYOR
IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY
CERTIFY THAT AT THE REQUEST OF G WILBUR TURNER
SOLE OWNER, I HAVE SHOWN THE LANDS PROPOSED TO BE IRRIGATED
WITHIN HIS OWNERSHIP BOUNDARIES ON APRIL 2, 1968 FOR WHICH APPLICATION
FOR APPROPRIATIVE WATER RIGHT IS MADE AND THAT THIS MAP
IS A TRUE REPRESENTATION THERE OF.
WITNESS MY HAND AND SEAL THIS 2nd DAY OF APRIL 1968

STATE OF SOUTH DAKOTA
COUNTY OF WALWORTH
SUBSCRIBED AND SWORN TO BEFORE ME THIS 2nd DAY
OF APRIL, 1968.

NOTARY PUBLIC

James Glader
REG. LAND SURVEYOR



SW 1/4 28-123-78

G. WILBUR TURNER IRRIGATION PROJECT NO. 1
SHOWING AREA and DIVERSION POINTS WHERE WATERS
WILL BE DIVERTED FOR PERMIT TO APPROPRIATE WATER

OWNER

G. WILBUR TURNER

SURVEYOR

JAMES GLADER

APRIL 1968

APPL NO 1568-3

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, MAY 27, 1968

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
a.m. upon the 19TH day of APRIL, 1968

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Number of permit 1568-3

Date of first receipt of application APRIL 19, 1968

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

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right APRIL 19, 1968

Approved MAY 22, 1968 Recorded in Book 10 Page 197

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____

MAY 22, 1969

2nd. The whole of said work is to be completed on or before MAY 22, 1970

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

MAY 22, 1972 75 Extension approved 7-12-74

4th. The water appropriated shall be used for the purpose of IRRIGATION

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 2.28 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for irrigation on or before MAY 22, 1972; said water to be used during the following described annual period:

APRIL 1 TO OCTOBER 15

Witness my hand this 27TH day of MAY, 1968

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued NOVEMBER 21, 1973

Water License Issued NOVEMBER 21, 1973

Form 5.

Permit No. 1568-3

Water Diversion No. 3 MISSOURI RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That George Turner and Eddie Berens

_____ the holder _____ of
Permit No. 1568-3, issued upon Application No. 1568-3, bearing date of priority of April 19,
1968 authorizing the diversion of 2.28 cu. ft. per second of the waters of _____
the Missouri River County of Walworth, State of South Dakota ~~at~~ _____
between a point 350 ft. North and 600 ft. West of the NE Corner, Section 32, and
a point 1050 ft. East of the NW Corner, Section 32, T123N, R78W
_____, for irrigation

_____ purposes, have complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.28 cu. ft. per second of water

Date November 21, 1972

~~WATER RIGHTS COMMISSION~~
WATER RIGHTS COMMISSION

By:

DONALD DRISCOLL, Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1568-3

(1) WHEREAS, On the 19th day of April A. D. 19 68
G. Wilbur Turner

made Water Right Application No. 1568-3 for a permit to use 2.28 cubic feet per second of the waters
of the Missouri River

County of Valworth, State of South Dakota, for irrigation

purposes; and
 (2) WHEREAS, On the 27th day of May A. D. 19 68
 Permit No. 1568-3 with a date of priority of April 19, 1968

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
 supply system therein described on or before the 22nd day of May A. D. 19 72 and for the
 application to beneficial use of said water on or before the 22nd day of May A. D. 19 75

and, whereas on the 15th day of June, 1972, the Permit
 was transferred to George Turner and Eddie Berens,

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to completion of the construction of the water supply system and is entitled to divert 2.28 cubic feet
 per second of water for beneficial use and.

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

for irrigating 160 acres in the SW $\frac{1}{4}$, Section 32, T123N, R78W

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to George Turner and Eddie Berens

_____ of Glenham, S.D.
the holder _____ and owner _____ of said permit No. 1568-3 a water right, dating from April 19, 1968
_____ to use of 2.28 cubic feet per second of the water
of the Missouri River

in the County of Walworth and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted between a point 350 ft. North and 620 ft. East of
the NE Corner, Section 32, and a point 1050 ft. East of the NW Corner, Section 32,

T123N, R78W

and conduct to and upon the SW $\frac{1}{4}$, Section 32, T123N, R73W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1568-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 21st day of November A. D.
Nineteen Hundred and Seventy-three

WATER RIGHTS COMMISSION

By:

Chief Engineer, Executive Officer DONALD DRISCOLL

on or before
(First Publication April 25, 1968)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., April 19, 1968

Notice is hereby given that G. Wilbur Turner whose postoffice address is Watertown S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.20 cubic feet of water per second of time from the Missouri River through the G. Wilbur Turner #1, the point of diversion of which is to be located on the left bank of said stream in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 29 Twp. 123N Range 78W Said water to be used for the purpose of providing irrigation on the following described land:

SW $\frac{1}{4}$, Section 20, T123N, R78W

~~XXXXX~~ PURPOSES
~~XXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 22nd day of May 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:

~~Chief Engineer, Executive Officer~~

BURTON F. JONES
Water Rights Specialist

cc: G. Wilbur Turner, Watertown, S.D.
Box 93

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County Codington ss.G. Wilbur Turner being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the -----

Mobridge Tribune a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in theCity of Mobridge County of Walworth and State of South Dakota;

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

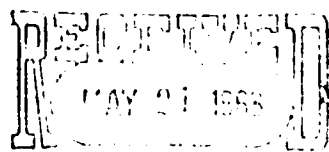
April 25, May 2, May 9
6 May 16, 1968

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

publication being made on the 25th day of April1968 and the last publication on the 16th day ofMay 1968, upon which days or times

of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was ----- the printer and publisher of the said newspaper.

H. Wilbur TurnerSubscribed and sworn to before me this 20 day of May A. D. 1968STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Notary Public

DONALD E. ANDERSON
Notary Public

My commission expires Nov. 5, 1970

APPROPRIATION OF WATER

Office of State Water Resources Commission,
Pierre, S. Dak.,

April 19, 1968

Notice is hereby given that G. Wilbur Turner whose post-office address is Watertown, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.28 cubic feet of water per second of time from the Missouri River through the G. Wilbur Turner No. 1, the point of diversion of which is to be located on the left bank of said stream in the SE $\frac{1}{4}$ of the Section 29 Twp. 123N Range 78W. Said water to be used for the purpose of providing irrigation on the following described land: SW $\frac{1}{4}$, Section 23, T123N, R78W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 22nd day of May, 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

NOTICE OF TRANSFER OF WATER PERMIT

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

Date May 31, 1972

This is to notify you that title to the lands described as follows:
SW $\frac{1}{4}$ of Section 28, T123N, R78W

formerly owned by G. Wilbur Turner, Watertown, S.D.

has been transferred to George Turner, Glenham, S.D. AND CDDIE BERENS
SELBY, S.D.

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 1568-3 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Resources Commission as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
) ss.
 County of Walworth)

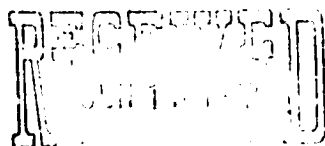
I, G. Wilbur Turner being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

G. Wilbur Turner
 (Signed)

Suscribed and sworn to before me this 17 day of June, 19 72

J. E. Kirk
 (Notary Public)

My Comm. 11174



STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

Form 18.

1568-3

APPLICATION FOR EXTENSION OF TIME

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

Date June 15, 1972

Dear Sirs:

In Water Right Permit No. 1568-3 it is specified that the water diversion system is to be completed by May 22, 1970 and that the water is to be put to the limit of beneficial use by May 22, 1972.

I hereby request that the date for completing the diversion system be extended to May 22, 1973 and that the date for putting the water to the limit of beneficial use be extended to May 22, 1975.

The extension of time for the completion of these works is requested for the following reasons: Land was recently purchased, and we have not had time to complete the
system.

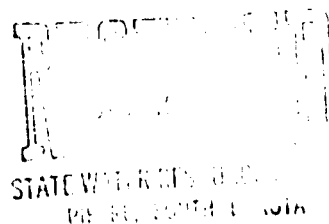
Enclosed herewith is a fee of \$1.00 to pay the cost of filing this request for extension of time.

James E. Turner
(Signed)
Holder of Permit No. 1568-3

APPROVED: 7-12-72

WATER RESOURCES COMMISSION

By: Justin Jones



Permit No. 1568-3Water Division 3 MISSOURI RIVER Water District

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

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

I have this day made a thorough examination of the water use system constructed by George Turner and
Eddie Berens of Selby and Glenham, S.D. holder

of Permit No. 1568-3, bearing date of priority of April 19, 19 68
 authorizing the diversion of 2.28 cu. ft. per second of the waters of Missouri River
 for irrigation purposes, in Valworth County.

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

The Water Use System consists of,

A. Works used to divert the water:

Peerless centrifugal pump 6", No. 2668734
 U.S. Electric motor, 100 H.P. Type R.

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

4200 feet 8 inch aluminum pipe

C. Works used to apply water to beneficial use.

Zimmantic center pivot circular system

The system is in the following condition: Excellent

The point of diversion is located between a point 350 ft. N. and 600 ft. West of the NE Corner of
Section 32 and a point 1050 ft. East of the NW Corner of Sec. 32, all in T123N, R78W

The works are capable of diverting and conveying to the place of use 2.28
 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: _____
irrigation of SW $\frac{1}{4}$ of Section 28, T123N, R78W

comprising a total of 160 acres of land.

Mr. Berens reports they are experimenting with irrigating the corners with
 gun type of irrigation equipment.

Send Notice to: Mr. Eddie Berens, Selby, S.D. 57472

Date October 30, 1972

Donald D. Driscoll
 (Signature)

DONALD DRISCOLL, Chief Engineer, W.R.C.

 **Department of
Water & Natural Resources**

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

March 23, 1987

ED BERENS
RR #1 BOX 61
SELBY, SD 57472

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

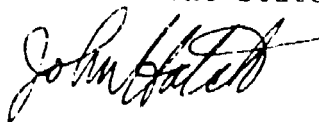
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 3568-3, 1986-3, 2187-3, 1653-3A, 1568-3, 2459-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-25. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 3568-3, 1986-3, 2187-3, 1653-3A, 1568-3, 2459-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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



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

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

South Dakota Department of
Water & Natural Resources

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

April 24, 1987

1568-3 1653-3A
1986-3 2187-3
2459-3 3568-3

Eddie Berens
RR #1 Box 61
Selby, SD 57472

Dear Mr. Berens:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 1568-3, 1653-3A, 1986-3, 2187-3, 2459-3, and 3568-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

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

If you have any questions, please contact us.

Very truly yours,


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

 **Department of
Water & Natural Resources**

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

February 9, 1989

ED BERENS
RR #1 BOX 61
SELBY, SD 57472

NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 3568-3, 1986-3, 2187-3, 1653-3A, 1568-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

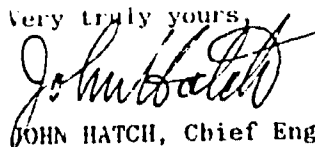
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-2, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s). 3568-3, 1986-3, 2187-3, 1653-3A, 1568-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,



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



SOUTH DAKOTA Department of
Water & Natural Resources

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

February 23, 1989

1568-3
1653-3A
1986-3
2187-3
2459-3
3568-3

Ed Berens
RR #1 Box 61
Selby, SD 57472

Dear Mr. Berens:

I am writing to acknowledge receipt of your 1988 irrigation questionnaires for Water Permit Nos. 1568-3, 1653-3A, 1986-3, 2187-3, 2459-3 and 3568-3. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaires your name has been deleted from the March Water Management Board meeting agenda.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

cc: George Turner, Glenham, SD 57531

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

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

February 9, 1990

ED BERENS
RR #1 BOX 61
SELBY, SD 57472

NOTICE

RE: Violation of Requirement to Submit 1989 Irrigation Questionnaire

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 2187-3, 3568-3, 1653-3A, 1986-3, 1568-3, 2459-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted 1989 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Jefferson-Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

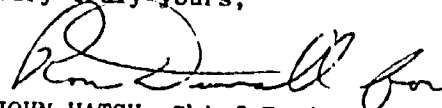
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 2187-3, 3568-3, 1653-3A, 1986-3, 1568-3, 2459-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire(s) is received in this office before the March 7th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,


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

CC: George Turner, SR 1 Box 77, Glenham SD 57631

SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 16, 1990

1568-3
1653-3A
1986-3
2187-3
2459-3
3568-3

Ed Berens
RR 1, Box 61
Selby SD 57472

Dear Mr. Berens:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit Nos. 1568-3, 1653-3A, 1986-3, 2187-3, 2459-3, and 3568-3. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaires were received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

Ron Duvall
RON DUVAL
Natural Resources Engineer
Water Rights Division

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

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

March 5, 1990

1568-3

Ed Berens
RR #1 Box 61
Selby, SD 57472

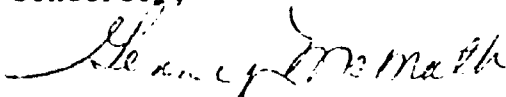
Dear Mr. Berens:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 1568-3. The form will need to be signed by the owner in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50.

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

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosures

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 1568-3

(1) George Turner and Eddie Berens of RR 1, Box 61, Selby, SD 57472 were issued Water License No. 1568-3, November 21, 1973 for a water right to appropriate 2.28 cubic feet of water per second from the Missouri River, Walworth County, South Dakota for irrigation purposes. Water License No. 1568-3 with a priority date of April 19, 1968 was issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

A review of the original water license issued November 21, 1973 found an error in the legal description of the irrigated acreage. The land being irrigated was described as being in the SW 1/4 Section 32, T123N, R78W. The acres actually being irrigated (based upon the water permit and subsequent field inspection) are in the SW 1/4 Section 28, T123N, R78W.

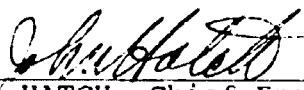
The license is being reissued to correct the error. Reissuance of this license does not alter the remaining portions of the original license.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.28 cubic feet of water per second for beneficial use. The location of the diversion point is: between a point 350'N and 600'W of the NE corner of Section 32 and a point 1050'E of the NW corner of Section 32, T123N, R78W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T123N, R78W Section 28 SW 1/4 160 Acres

(4) Pursuant to Section 46-5-30.1 George Turner and Eddie Berens of RR 1, Box 61, Selby, SD 57472 the holder(s) and/or owner(s) of Water Right No. 1568-3 is issued a license to appropriate water, the right to use 2.28 cubic feet of water per second from the Missouri River with a priority date of April 19, 1968 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 1568-3 and subject to South Dakota State Law.

 NOV 23 1992
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources



1568-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOV 23 1992

1568-3

George Turner and Eddie Berens
RR 1, Box 61
Selby, SD 57472

Dear Mr. Turner and Mr. Berens:

Enclosed is your reissued Water License No. 1568-3. The license has been reissued to correct an error in the legal description of the acres irrigated. Reissuance of this license does not alter the remaining portions of the original License.

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

Very truly yours,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

1568-3

No. _____

TO: Chief Engineer
Water Rights Division, DWNH
523 East Capitol
Pierre, SD 57501-3181

Date: 11-23-93

I/We request that Water ~~Permit~~/Right No. 1568-3

formerly owned by: George Turner and Eddie Berens

be transferred to: (name & address) Eddie Berens

RR 1 Box 61 Sully S.D. 572472-9416 (telephone No.) 605-689-1270

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

SW 1/4 Section 28, T123N, R78W

I/We understand that the validity of Water ~~Permit~~/Right No. 1568-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

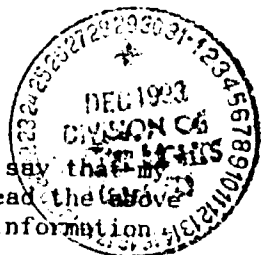
You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of Walworth)

I/We Eddie Berens 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 foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.



Eddie Berens
(Signed)

Subscribed and sworn to before me this 23rd day of November, 1993.

[Signature]
Commission Expires (Notary Public) 20 July 97

- NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water right. A water right may be lost for three reasons:
1. Abandonment - no intent to use water and use is abandoned.
 2. Forfeiture - no use of water for three year period without legal excuse.
 3. For a third violation of a condition of a water permit/right.

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

1568-3
413972

Pierre, _____ December 29, 19 93

RECEIVED OF Eddie Berens, RR 1, Box 61, Selby, SD 57472-9616

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 1568-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By *[Signature]*
Chief Engineer



1568-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 15, 1994

No. (1568-3)
1653-3A

Eddie Berens
RR 1, Box 61
Selby, SD 57472-9616

Dear Mr. Berens:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 1568-3 and 1653-3A.

Our records now show you as the owner of Water Right No. 1568-3 and Ron Berens as the owner of Water Right No. 1653-3A.

Sincerely,

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

enclosure

c: Ron Berens, RR 1, Box 61A, Selby, SD 57472



1568-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 23 1998

Eddie Berens
30044 133rd St
Selby SD 57472

Dear Mr. Berens:

Enclosed are Water Permit and License No. 5802-3. The receipt for payment of the \$50.00 fee submitted in May, 1993 is also enclosed. Water License No. 5807-3 is the final document which completes the process of obtaining a water right.

The applicable portions of Water Right Nos. 1568-3, 2060-3 (diversion authority) and Water Permit Nos. 2459-3, 3568-3 have been incorporated into this Water License No. 5802-3.

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

Very truly yours,

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

ks

enclosures