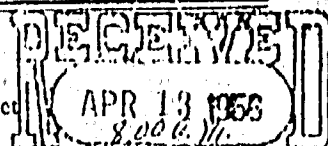


No. 157-5Water Division No. 3 Vermillion River District
(Blanks to be filled by the Engineer for the W. R. C.)

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

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

1. Name of applicant Michael Flyger
 Postoffice address Rt. 1 Box 21
Harvey Park, County Turner, 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)

Private Contract

- (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work: _____
 3. Amount of water claimed 2.25 cubic feet per second
 4. Source of water supply Well in center of E. 1/2 SE 1/4 5-98-53
 5. Location of point of diversion E. 1/2 SE 1/4 5-98-53 and W. 1/2 NE 1/4 8-98-53
 _____ on _____ bank _____ County.
 6. Annual period or periods during which water is to be used April 1 to Sept. 30
 7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? overhead(a) Number of acres to be irrigated 150 acres.(b) Legal subdivisions to be irrigated E. 1/2 SE 1/4 5-98-53 and W. 1/2 NE 1/4 8-98-53
(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) _____

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

- (a) Nature of use _____
 Name any of the above uses claimed
 (b) Amount of power to be generated _____ horse power.
 Amount claimed for engine cooling _____
 (c) Location of plant _____
 (d) Method of developing power _____
 (e) Point where water will be returned to stream _____

8. Estimated cost of work:

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

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

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

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

Rock, \$.....

(e) Other structures Sprinkler system and wall \$6,000

Total, \$9,000

9. Description of diversion works:

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

II. Dimensions of works:

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

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

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

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

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

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 3 1/2 years.

11. Time required for complete application of water to the proposed beneficial use 3 years.

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

STATE OF SOUTH DAKOTA

County of Sumner ss.

I, Ray Flyger, 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 Ray Flyger

Subscribed and sworn to before me this 10 day of April 1956

Donald G. Brown
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,

April 21

1956

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock

A.M. upon the 13 day of April, 1956

State Water Resources Commission

By:

J. C. Brinner

Chief Engineer, Executive Officer

Number of permit 157-3

Date of first receipt of application April 13, 1956

Date of return to applicant for correction, amendments or changes required as follows: April 13, 1956

Date of receipt of corrected application April 21, 1956

Date from which applicant may claim right June 1, 1955

Approved May 7, 1956, Recorded in Book 3 Page 123

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 ^{was} completed on or before

Completed 1955

2nd. The whole of said work ^{was recognized as} completed on or before June 1, 1955

3rd. The ^{was supplied} limit of time for proof of beneficial use of water appropriated, in accordance herewith 1955

June 1, 1955

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 June 1, 1955, said water to be used during the following described annual period:

April 1st to September 30th inclusive

Witness my hand this 24 day of May, 1956

State Water Resources Commission

By:

J. C. Brinner

Chief Engineer, Executive Officer

Certificate of Construction Issued May 24, 1956

Water License Issued May 24, 1956

9. (continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 42"

Depth 14

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

Size of casing 42", Thickness of casing 10 ga.

Length of casing 12. If collection gallery,
length, size, and depth of gallery _____.

(b) Screens

Type of perforated screen Steel

Size of perforated screen 3/16, 6 in. long
(diameter) (length)

Thickness of gravel pack None, length of gravel
pack 12.

(c) Water Bearing Materials

Distance to water 8.

Character of water bearing materials _____
Very sharp white sand

Thickness of water bearing material _____

(d) Pump and Motor

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

Name of pump Gordon Pump, size 6 in. x 6 in.

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

Horsepower 167

Name of motor Chevrolet

(e) Complete well

Capacity 1500 at drawdown of 4

Estimated cost _____

(f) Owner of land upon which well is located _____
Name

Address

(g) Distance to nearest existing wells

On same Owner's property 160 rods

On property owned by others _____ rods

STATE OF SOUTH DAKOTA

WATER LICENSE No... 157-3...

WHEREAS, On the 10th day of April A. D. 1956
 By Michael Flyger per

of Burley Parkes County of Turner and State of
South Dakota duly made application (No. 157-3) to us for a permit to use 2.28
 cubic feet per second of the waters of ground water
 County of Turner, State of South Dakota, for irrigation
 purposes; and

WHEREAS, On the 24th day of May A. D. 1956
Vested Right 157-3 was issued to said applicant B for the diversion of said water, and recognizing
 (Permit No. 157-3) completion of the works of diversion therein described on or before the 1st day of
June A. D. 1955 and for the application to beneficial use of said
was made on the 1st day of June A. D. 1955
XXXXXXXXXX water on or before the 1st day of June A. D. 1955
 and,

WHEREAS, On the 13th day of April A. D. 1956
Vested Right
 the holder B of said permit duly made proof of the completion of adequate works for the diversion of 2.28
157-3
 cubic feet per second of said waters, as evidenced by our Certificate No. 157-3
 dated May 24, 1956, confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 2.28 cubic feet per second of water, with date of
 priority of June 1, 1955 xxx and xxx and,

WHEREAS, On the 13th day of April A. D. 1956
furnished
 proof was duly made of the application to beneficial use of 2.28 cubic feet per second of said water;
 on 160 acres in the E 1/2 SE 1/4 of Sec. 5, and the W 1/2 NE 1/4, Sec. 8,
all in T 98 N, R 53 W.

We hereby grant and confirm to 1031 U.S. MAIL, INC. Proper

of Thursday, 350th Dakota the holder B and owner B Wanted night 257-3

a water right, dating from June 1, 1955, to the use of 1.25

cubic feet per second of the waters of ground water

In the County of Turner----- and State of South Dakota, or so much thereof as may be

necessray for the purposes hereinbelow mentioned, to be diverted at the center of the E_g, SE₁,

Sec. 5, T 96 N, R 33 W

and conducted to and upon the E₂, SE₂, Sec. 5, and the W₂, NE₁, Sec. 3,

.....
 41° 00' N 98° 00' W.

for the purpose of IRRIGATION

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 27th day of May A. D. Nineteen

Hundred and ~~Fifty-Six~~-----

State Water Resources Commission

By:

Chief Engineer, Executive Officer

J. W. Grimes,

STATE OF SOUTH DAKOTA

Water License No.:

13

Source of Supply

County

5.7.5

Point of Diversion

Place of Use

Purpose

Date of Priority:

Recorded.

in Book _____ of _____ Page _____

Permit No. 157-3Water Division No. 3 Vermillion Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Ray and Anna M. Flyger

of Hurley, County of Turner, and State of South Dakota, the holder^B of Permit No. 157-3, Issued upon Application No. 157-3, bearing date of priority of June 1, 1955, authorizing the diversion of

2.28 cu. ft. per second of the waters of ground water County of Turner, State of South Dakota, at the center of the E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 8, T 98 N R 53 W

for irrigation purposes, have^{ve} fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.28 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: E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 5, and the E $\frac{1}{2}$, E $\frac{1}{4}$, Sec. 8, all in T 98 N R 53 W

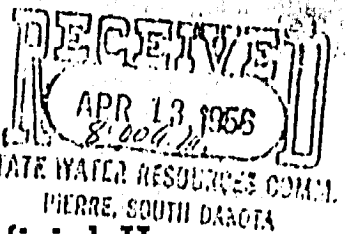
160 acres

Witness my hand this 4th day of May A. D. 1956

State Water Resources Commission

By:

J. W. Grimes, Chief Engineer, Executive Officer

Location No. 157-3Water Division No. 3 Vermillion Water District 8River

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. Ray Elverson, Farmer of Hurley, S. D. Dakota, Turner County

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. March 26, 1956

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

Ans. Well located in center of E 1/4 SE 1/4 S 28 53

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. 1 Chrysler ND52 engine direct connected to Gordon Pump 5" x 5 pump - 160

rods of 3" aluminum main line pipe and two (2) 80 rod 5" aluminum sprinkler laterals

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. 60 acres of E 1/4 SE 1/4 S 28 53 and E 1/4 NE 1/4 S 28 53

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

Ans. _____

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

Ans. 2.25 cubic feet per second

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. _____

Que. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. Three inches of water was applied to the E 1/2 SE 1/4 5 98 53

from the above well in June 1955

(Sign) Roy Flyger

I hereby certify that the foregoing testimony was read to the above subscriber its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Hurley, S. D., County of Turner

State of South Dakota, on this 10th day of April A. D. 1956

W. H. Green }
Rene L. Christensen } Witnesses. Frank H. Brown
Notary Public, South Dakota

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Edith W. J. Jester
Hurley, S. D.

Location No. _____

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

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

160 acres - E 1/2 SE 1/4 Section 5, T98N, R53W

W 1/2 NE 1/4 Section 8, T98N, R53W

formerly owned by Roy and Anna Flyger, Hurley

has been transferred to Michael Flyger, Hurley SD 57036

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 157-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

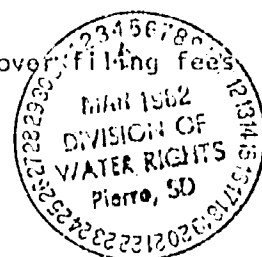
STATE OF SOUTH DAKOTA)
) ss.
County of HURLEY)

I, Michael Flyger 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.

Mike Flyger
(Signed)

Subscribed and sworn to before me this 3 Day of March, 1986.

A. L. [Signature]
(Notary Public)



RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8755

PIERRE, March 7, 1986

RECEIVED OF Mike Flyger, Route #1, Box 21, Parker, SD 57053

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

Fee for Application for Permit to appropriate Water No. _____ (examination, processing, recording and filing) _____	
Fee for inspecting Construction, and issuing Cert. of Construction No. _____	
Fee for inspecting Beneficial Use, and issuing Water License No. _____	
Fee for issuing Location Certificate-Dry Draw, No. _____	
Fee for filing <u>Transfer of WR #11181 #157-3</u>	2 50
Fee for certified copy of _____	
Fee for Print copy of map _____	
Fee for Certifying _____	
Fee for _____ (any other work as provided by law)	
TOTAL	2 50

WATER RIGHTS COMMISSION

By (Signature)
Chief Engineer, Executive Officer
JOHN HATCHER



Department of Water & Natural Resources

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

April 15, 1985

Michael Flyger
RR 1 Box 21
Parker SD 57055

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s). 156-3, 157-3, 164-3, 180-3, 1878-3. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

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

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

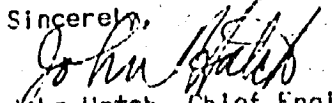
1. Amend Permit No(s). 156-3, 157-3, 164-3, 180-3, 1878-3 to require the Irrigation Water Use Questionnaire to be submitted each year;

2. Postpone any action;

3. Take no action.

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

Sincerely,


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

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



Department of Water & Natural Resources

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

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Michael Flyer
RR #1, Box 21
Parker, SD 57053

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

SUBJECT: Amendment to Water Permit No(s). 180-3, 156-3, 157-3, 164-3 & 1878-3.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 180-3, 156-3, 157-3, 164-3 & 1878-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required Irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

SOUTH DAKOTA



Department of Water & Natural Resources

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

Attachment to Water Permit No(s). 180-3, 156-3, 157-3, 164-3 & 1878-3

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 180-3, 156-3, 157-3, 164-3 & 1878-3 to add the following qualification:

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

SOUTH DAKOTA Department of
Water & Natural Resources

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

156-3
157-3
164-3
180-3
1878-3

September 25, 1987

Marene Flyger
Box 362
Hurley, SD 57036

Dear Ms. Flyger:

Enclosed are partially completed transfer forms for use in filing an ownership change on Water Right Nos. 156-3, 157-3, 164-3, 180-3 and 1878-3. I have also enclosed a copy of each of these water rights for your records.

Please complete the transfer forms by signing in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each, total of \$12.50. As soon as we receive the forms and filing fees, the water rights will be transferred to your name.

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

GENNY MCMATH
Natural Resources Analyst

gm

encl



Department of Water & Natural Resources

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

January 29, 1988

MARENE FLYGER
BOX 362
HURLEY, SD 57036

NOTICE

Re: Violation of Water Permit No(s). 156-3, 1878-3, 157-3, 164-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 156-3, 1878-3, 157-3, 164-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 156-3, 1878-3, 157-3, 164-3 qualification:

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

The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

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

1. Suspend Permit No(s). 156-3, 1878-3, 157-3, 164-3 until either the 1987 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

 **Department of
Water & Natural Resources**

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

March 9, 1988

156-3
~~157-3~~
164-3
1878-3

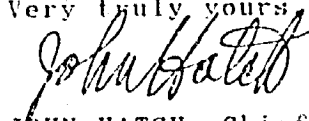
Marene Flyger
Box 362
Hurley SD 57036

Dear Ms. Flyger:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 156-3, 157-3, 164-3, 1878-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name was deleted from the Board Meeting agenda. 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

September 21, 1988

NOTICE

Marene Flyger
Box 362
Hurley SD 57036

Dear Ms. Flyger:

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). 156-3, 157-3 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,

John Hatch
for 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

GREAT FACES. GREAT PLACES

February 12, 1991

156-3, 157-3, 291-3

Craig Flyger
RR 1, Box 22
Parker, SD 57053

Enclosed are the partially completed application forms for obtaining a Water Permit to irrigate the E1/2 NE1/4 Section 8, T98N R53W, Turner County. As I indicated to you over the telephone, a water permit does not exist for these lands. If you wish to continue to irrigate these lands, please fill out the application forms following the instruction sheet and return the application to this office. As required by statute, a \$225 fee must accompany the application.

We also talked about whether the well (Vested Water Right No. 157-3) in the NE1/4 SE1/4 Section 5, T98N R53W has been used to irrigate land in the W1/2 NE1/4 Section 8, T98N R53W. Water Right No. 157-3 does allow irrigation of the E1/2 SE1/4 Section 5 and the W1/2 NE1/4 Section 8, T98N R53W.

Please let me know how long it has been since the W1/2 NE1/4 Section 8 has been irrigated from the well in the NE1/4 SE1/4 Section 5. It is important to know the history of water use because the lands in question may have been forfeited due to nonuse.

Any information you could give me concerning of the irrigation wells located in the SW1/4 Section 4, NE1/4 SE1/4 Section 5, and the W1/2 NE1/4 Section 8, T98N R53W would be appreciated. If you know who drilled the wells, well depth, casing size, screen type and length, or where well logs might be obtained, please forward that information to me. This information would be used while validating your vested water rights and issuing water licenses to you.

If you have any questions, please feel free to give me a call.

Very truly yours,

David S. Brown
Natural Resource Engineer III
DWR, Water Rights Division
(605) 773-3352



157-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: MARENE FLYGER
BOX 362
HURLEY SD 57036

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

RE: Violation of Water Permit No(s) 156-3, 157-3, 164-3 & 1878-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 156-3, 157-3, 164-3 & 1878-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 156-3, 157-3, 164-3 & 1878-3 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 156-3, 157-3, 164-3 & 1878-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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



157-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 1, 1993

Craig Flyger
RR #1 Box 22
Hurley, SD 57036

Dear Mr. Flyger:

I am writing to acknowledge receipt your 1992 irrigation questionnaires. You may disregard the January 29, 1993, Notice of Violation of Water Right Nos. 156-3, 157-3, 164-3, 180-3, 291-3 and 1878-3.

The questionnaires were received 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
Natural Resources Analyst
Water Rights Division
(605) 773-3352



157-3

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

MARENE FLYGER
BOX 362
HURLEY SD 57036

NOTICE

RE: Violation of Water Permit No(s) 156-3, 157-3, 164-3 & 1878-3

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 156-3, 157-3, 164-3 & 1878-3. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 156-3, 157-3, 164-3 & 1878-3 qualification:

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

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 156-3, 157-3, 164-3 & 1878-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

Very truly yours,

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



157-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 1994

NOTICE

TO: MARENE FLYGER
BOX 362
HURLEY, SD 57036

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

SUBJECT: April 6, 1994 Water Management Board Meeting --
Irrigation Questionnaire Violation(s)
RE: 156-3, 157-3, 164-3 & 1878-3,

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

The hearing is now scheduled as follows:

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

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

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

CERTIFICATION

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

- 2709-3: Alex A./Ann L. Falk, 1301 N. 4th St., Aberdeen, SD 57401.
 2763-3 & 4281-3: Alfred LaCroix, Jr., RR 1, Box 350, Jefferson, SD 57038.
 5238-3 & 2520-3: B. Deloris Jensen, PR 2, Box 107, Beresford, SD 57004-9578.
 2534-3: Barry Imsland, RR 2, Box 26, Conde, SD 57434.
 1677A-3: Burnett Quam, RR 1, Box 222, Elk Point, SD 57025.
 1814-3: Caroline & Garry S. Kerkvliet, RFD 2, Box 145, Castlewood, SD 57223.
 4773-3 & 1880-3: City of Brookings, Theodore Kryger, F.O., P.O. Box 270, Brookings, SD 57006-0270.
 180-3 & 291-3: Craig Flyger, RR 1, Box 22, Parker, SD 57053.
 1076-2, 1236-2 & 2167-2: Dale Heese, HCR 88, Box 36, Millboro, SD 57580-7417.
 1488-2: Dan Donelan, HCR 33, Box 23, Mission Ridge, SD 57532.
 417-1A & 417-1B: Darrell C. Anderson, 1700 Kings Rd., Rapid City, SD 57702.
 540-2: Darrell E. Heldman, Box 402, Edgemont, SD 57735.
 1503-2: Dave Hemmingson, HCR 3, Box 11, Philip, SD 57567.
 792-1: David L. & Mary Lou Mollman, HC 63, Box 62, Iwlow, SD 57755.
 4093-3: Dell Rapids Golf & Rec Assoc, Mike Solem, Box 165, Dell Rapids, SD 57022.
 2394-3 & 2395-3: Dennis Jones, RR 1, Box 55, Bath, SD 57427.
 1275-2: Donald Kaiser, HCR 89, Box 303, Hermosa, SD 57744.
 1556-3: Ed & Dale Fawcett, Inc., Box 3D, Ree Heights, SD 57371.
 1555-3: Ed & Dale Fawcett, Inc., HCR 64, Box 155, Miller, SD 57362.
 2622-3: Evelyn Bernard, RR 1, Box 35, Jefferson, SD 57038.
 526-2: Fred & Dan McFarland, P.O. Box 2110, Rapid City, SD 57709.
 1390A-1: Fred W. Carlson, 716 10th Ave., Belle Fourche, SD 57717.
 3026-3: G. Waldner, Hillcrest Colony, Box 17, Garden City, SD 57236.
 1291-3 & 2474-3: Gary Hanson, Operator, RR 2, Box 224, Elk Point, SD 57025.
 407-2, 408-2 & 409-2: Gerrit DeJong, HCR 81, Box 50, Kennebec, SD 57544-9503.
 4209-3: Harold Nelson & Son, RR 2, Box 156, Yankton, SD 57078.
 5315-3: Hillcrest Golf/Country Club, T. Cihak, President, 2206 Mulberry, Yankton, SD 57078.
 2595-3 & 4379-3: James B. Zell, Rt 1, Box 350, Cavour, SD 57324.
 4687-3A & 4687-3B: James L. Sutton, Box 33, Onida, SD 57564.
 5203-3: Jeffery O. & Sally J. Nelson, RR 2, Box 2080, Brandon, SD 57005-9606.
 475-2 & 1114-2: John Pitkin, Rex Ranch, Box 92, Nenzel, SD 69219.
 961-3, 1050-3, 1120-3 & 1223-3: Kevin Dettler, HC 71, Box 29, Doland, SD 57436.

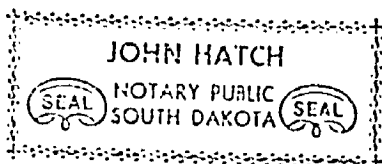
4524-3 & 4524-3A: Leon Lengkeek, 1605 Buffalo TR, Brookings, SD 57006.
 4443-3: Lonnie H. Nelscn, RR 2, Box 156, Yankton, SD 57078.
 5010-3: Loren & Joyce Forrest, RR 1, Box 213, Laverne, MN 56155.
 156-3, 157-3, 164-3 & 1878-3: Marene Flyger, Box 362, Hurley, SD 57036.
 2242-3: Mark Quam, RR 2, Box 456, Elk Point, SD 57025.
 1523-2 & 1525-2: May & Sons, Inc., HC 53, Box 21, Interior, SD 57750.
 3550-3: Melvin A. Schmidt, Rt 2, Box 127, Parker, SD 57053.
 1714-2 & 2063-2, 400-2 & 401-2: Melvin E. Brassfield, Box 24, Caputa, SD 57725.
 5353-3: Michael A. Koslowski, RR 1, Box 44, Waubay, SD 57273.
 4910A-3: Michael L. Kreber, RR 1, Box 89, Tabor, SD 57063.
 2120-2: Mick Zink, HC 88, Box 51, Wewela, SD 57578.
 5205-3: Oahe Shores Golf Association, Dennis Moser, P.O. Box 174, Pollock, SD 57648.
 1684-3 & 2742-3: Paul Daly, P.O. Box 379, Ft. Thompson, SD 57339-0379.
 5736-3: Robert Streeter, 2645 Country VW, Monroe, WI 53566.
 235-3: Russell Doolittle, RR 1, Box 53, Wolsey, SD 57384.
 1264-3A: Steffen Brothers, Inc., HCR 37, Box 132, Pierre, SD 57501-9514.
 424-1: Steve Smeenk, Rt 1, Box 134, Newell, SD 57760.
 399-2: Thomas & Robin Jagow, HC 56, Box 39, Buffalo Gap, SD 57722.
 5225-3: Town of Pollock, Lila Renner, F.O., P.O. Box 57, Pollock, SD 57648-0057.
 925-1: Warren N. Gollither, RR 1, Box 237D, Spearfish, SD 57783.
 897-2: Wilbert & Judith Ohlmann, HCR 69, Box 663, Midland, SD 57552.
 1402A-2: William & James O'Kief, HC 68, Box 32, Wood Lake, NE 69221.
 4646A-3: William A. Stoddard, 821 S. Walts Ave., Sioux Falls, SD 57104.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

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



John Hatch
Notary Public

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



157-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 24, 1994

Craig Flyger
RR #1 Box 23
Parker, SD 57053

RE: Irrigation Questionnaires - Water Right Nos. 156-3, 157-3, 164-3, 180-3, 291-3 & 1878-3

Dear Mr. Flyger:

I am writing to acknowledge receipt of your 1993 irrigation questionnaires. You may disregard the February 16, 1994, Notice of Violation of Water Permits.

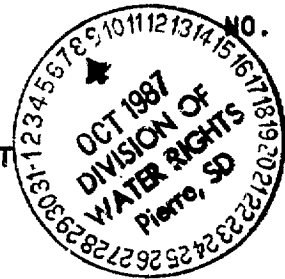
The questionnaires were received in our office prior to the Water Management Board meeting and your name and Marene Flyger have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

NOTICE OF TRANSFER OF WATER PERMIT



NO. 157-3

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

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

E 1/2 SE 1/4 Section 5 and W 1/2 NE 1/4 Section 8, T9N, R52N

formerly owned by Michael Flyger

has been transferred to Marene Flyger, Box 362, Hurley, SD 57036

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 157-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of Turner) ss.

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

Marene Flyger
(Signed)

Subscribed and sworn to before me this 5th Day of October, 19 87.

Spencer A. Christensen
(Notary Public)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____, 19____

RECEIVED OF _____

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____

Fee for Filing Transfer Form 157-S _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By John Hatch

Chief Engineer

JOHN HATCH

VESTED RIGHT No. 157-3

Vermillion 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 Michael Flyger of Rt. 1 Box 21 Parker, SD 57053 holder of Permit No. 157-3, bearing the priority of June 1, 1955 authorizing the diversion of 2.28 cu. ft. per second of the waters of Parker Centerville Aquifer for irrigation purposes, in Turner County.

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

A. Works used to divert the water:

One well - replacement well, completion report not available, Western Land Roller pump, Model No. 6M 710M, 1000 GPM @ 110 PSI, Motor make unknown, Model No. 404 12HW13606 S9227, 40 HP

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

5' of 6" aluminum, 15' of 5" rubber hose, and 1380' of buried 6" PVC

C. Works used to apply water to beneficial use:

Towable, Water-driven Valley 6 tower center pivot, towed to two pads, 680' long with 110 PSI end gun, 1000 GPM

The system is in the following condition fair. The point of diversion is located 2070' east and 980'S of the center of Section 5-T98N-R53W. The works are capable of divercing and conveying to the place of use 2.22 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:

All in Section 5 T98N-R53W:

NE1/4 SE1/4 - 19 acres

SE1/4 SE1/4 - 35 acres

comprising a total of 54 acres of land and the license should be issued for 0.77

cfs. Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: None Date 9/9/92


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

REPORT ON INSPECTION OF VESTED RIGHT 157-3
Other permit(s) associated with the project

DATE 9/9/92

DIVERSION POINT LEGAL LOCATION: Well - 2070' east and 980 feet south of the center of Section 5-T98N-R53W

WELL INFORMATION: Well Drilling Firm Unknown (No completion report available)

No. of Wells 1 Depth(s) Unknown

- a) Casing: 1) diameter inches b) Screen: 1) type steel
2) length feet 2) length feet
3) type steel c) Pump 1) make Western Land Roller
d) Static Water Level unknown feet 2) model 6M 710M
e) Motor: 3) size 6 inches
1) make Unknown 4) capacity 1000 GPM
2) model No. 404 12MM13606 89227 5) turbine pump - No. of stages 3
3) horsepower rating 40 hp 6) operating pressure 110 PSI

DISTRIBUTION LINES OR CANALS:

- a) type Aluminum/rubber/PVC b) size 6/5/6 inches c) length 5/15/1380 feet

System Type:

- a) Center pivot:
1) make Valley Water-Drive towable, 2 pads
2) overall length 680 feet
3) number of towers 6
4) distance between towers 105 feet
5) end gun Y (Y/N)
6) high or low pressure 110 PSI
7) capacity 1000 GPM

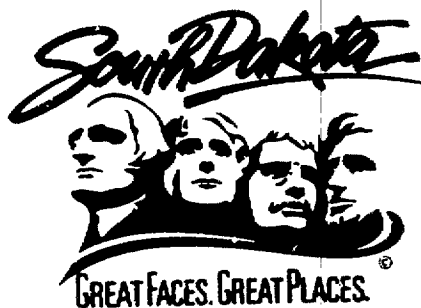
CHEMIGATION EQUIPMENT:

- 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)

157-3



October 24, 1995

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Craig Flyger
27964 454th Avenue
Parker, SD 57053

Dear Mr. Flyger:

Enclosed are 1995 irrigation questionnaires pertaining to Water Permits/Rights held under the name of Marene Flyger, Michael Flyger, Merle Flyger and Craig Flyger. You indicated on last year's irrigation questionnaires that you owned the land covered under these water permits or rights. Below is a listing of the water rights and the name we currently have them listed under. If you now own the land, please mark the list accordingly and I will mail you transfer forms to file the ownership changes.

<i>Down</i>	No. 156-3	Marene Flyger	SW 1/4 Section 4, T98N, R53W
<i>156-3</i>	No. 157-3	Marene Flyger	E 1/2 SE 1/4 Section 5, T98N, R53W
<i>157-3</i>	No. 164-3	Michael Flyger	N 1/2 NW 1/4 Section 9, T98N, R53W
<i>180-3</i>	No. 165-3	Merle Flyger	NE 1/4 Section 12, T98N, R53W
<i>291-3</i>	No. 180-3	Flyger Life Estate ***	NW 1/4 Section 4, T98N, R53W
<i>1878-3</i>	No. 291-3	Craig Flyger	W 1/2 NE 1/4 Section 8, T98N, R53W
	No. 1584-3	Merle Flyger	NE 1/4 Section 12, T98N, R53W
	No. 1878-3	Marene Flyger	S 1/2 Section 4, T98N, R53W

*Oebra Flyger
Hansen*

*** No. 180-3 - Flyger Life Estate: Merle notified us this should be transferred to you

If there are water rights listed above that you do not own and should not be receiving an irrigation questionnaire for, please let me know so I can direct the questionnaire accordingly.

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

Sincerely,

Genny McMath

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 16, 1996

156-3

157-3

180-3

1878-3

Craig Flyger
27964 454th Ave
Parker, SD 57053

Dear Mr. Flyger:

I am writing in response to your recent letter regarding ownership of various water rights/permits listed in Marene Flyger and Flyger Life Estate. Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing transfers on Vested Right Claim Nos. 156-3 and 157-3, Water Right No. 180-3 and Water Permit No. 1878-3.

Please review the forms for accuracy and make any necessary corrections. Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$10.00).

You indicated on your questionnaires that No. 165-3 and 1584-3 should be left as "Curt Adrian, Mgr". Mr. Adrian receives the questionnaires as "manager" and not that of owner. On the "1994" questionnaires, Mr. Adrian stated he no longer farmed the land. Water Right Nos. 165-3 and 1584-3, both listed in the name of Merle Flyger, cover irrigation of land in the NE¼ Section 12, T98N, R53W. I will contact Merle Flyger concerning the status of these.

If you have any questions concerning completion of the transfer forms, please contact me.

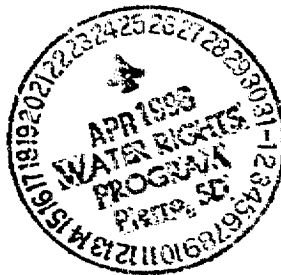
Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 157-3

Date: April 23, 1996

I/We request that Vested Water Right Claim No. 157-3

formerly owned by: Marene Flyger

be transferred to: (name & address) Craig Flyger, 27964 454th Ave., Parker, SD 57053

Telephone No. (605) 238-5287

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

E 1/2 SE 1/4 Section 5, T98N, R53W

I/We understand that the validity of Vested Water Right Claim No. 157-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Turner)

I/We Craig Flyger being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Craig Flyger
(Signed)

Subscribed and sworn to before me this 23 day of April, 19 96.

Mary J. Jorgensen
(Notary Public)

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

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

RECEIPT

414926

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 24, 19 96

RECEIVED OF Craig Flyger, 27964 454th Ave., Parker, SD 57053

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>Vested Water Right Claim No. 157-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 25, 1996

Craig Flyger
27964 454th Ave
Parker, SD 57053

Dear Mr. Flyger:

This will acknowledge receipt of the "Notice of Transfer of Ownership" forms you submitted for filing an ownership change on Vested Water Right Claim Nos. 156-3 and 157-3, Water Right No. 180-3 and Water Permit No. 1878-3.

The transfers have been completed and you are now listed as owner of Nos. 156-3, 157-3, 180-3 and 1878-3. Enclosed are receipts in the amount of \$2.50 each which you paid for filing the transfers.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 25, 1999

Craig Flyger
27964 454th Avenue
Parker SD 57053

Dear Mr. Flyger:

A review of your water rights indicates that Vested Right Claim Nos. 156-3 and 157-3 have not been validated by the Water Management Board. It appears that these claims were investigated in September, 1992 by Greg Johnston, staff engineer. Due to an error on our part, the validation of the claims did not occur at that time. Therefore, we are scheduling the validation for the September, 1999 Water Management Board meeting. As stated in the Notice, the Water Rights staff is recommending that the claims be validated based on the results of the staff investigation.

Claim No. 156-3 is for irrigation of the SW ¼ Section 4-T98N-R53W. Claim No. 157-3 is for irrigation of the E ½ SE ¼ Section 5-T98N-R53W. After the claims have been validated, the water licenses will be reissued. The water license for Water Right No. 291-3 for irrigation of the W ½ NE ¼ Section 8-T98N-R53W will also be reissued (this right does not need to be validated).

Mr. Flyger, I realize the validation process may be confusing. If you have any questions, please contact Karen Schlaak (605) 773-3352.

Very truly yours,

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

ks

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 25, 1999

NOTICE

TO: Craig Flyger
27964 454th Ave
Parker SD 57053

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

SUBJECT: Hearing to Consider Validation of Recognized Vested Right Claim Nos. 156-3 & 157-3

A Notice of Intent to validate Claim Nos. 156-3 & 157-3 was published on June 23 & 30, 1988 in the New Era. The Water Rights Program opposed the validations for purposes of completing an on-site investigation of the claims. The investigation of Claim No. 156-3 & 157-3 was completed on September 9, 1992, by Greg Johnston, staff engineer.

The investigation of No. 156-3 found that the number of acres being irrigated has been reduced from 160 acres to 115 acres. The diversion rate is to be reduced, accordingly, from 2.28 cubic feet of water per second (cfs) to 1.64 cfs. This reduced diversion rate is based on the statutory application rate of 1 cfs per 70 acres ($115 \text{ acres}/70 = 1.64 \text{ cfs}$).

The investigation of No. 157-3 found that the number of acres being irrigated has been reduced from 160 acres to 54 acres. The diversion rate is to be reduced, accordingly, from 2.28 cubic feet of water per second (cfs) to 0.77 cfs. This reduced diversion rate is based on the statutory application rate of 1 cfs per 70 acres ($54 \text{ acres}/70 = 0.77 \text{ cfs}$).

The Water Management Board will consider validation of Claim Nos. 156-1 & 157-3 at 1:30 pm, September 29, 1999, 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 1:30 pm due to prior agenda items.

Pursuant to the findings of the on-site investigation, validation of No. 156-3 is recommended for a diversion rate of 1.64 cfs from groundwater to irrigate 115 acres with a priority date of June 1, 1955. Validation of No. 157-3 is recommended for a diversion rate of 0.77 cfs from groundwater to irrigate 54 acres with a priority date of June 1, 1955. Following the hearing, the Board is authorized to 1) validate the claims as recommended, 2) validate the claims as licensed prior to the on-site investigation, 3) validate the claims based on evidence presented at the public hearing, or 4) defer validation of the claims. Applicable provisions of the published notice of intent to validate Claim Nos. 156-3 & 157-3 will still apply at this hearing. A copy of the June 23 & 30, 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. Contact Karen Schlaak by September 17, 1999 at the above Water Rights Program address to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

c: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on August 25, 1999, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated August 25, 1999, regarding Hearing to Consider Validation of Recognized Vested Right Claim Nos. 156-3 & 157-3, addressed as stated below:

Craig Flyger, 27964 454th Ave., Parker, SD 57053.

A copy of the above described Notice was sent Inter-office to:

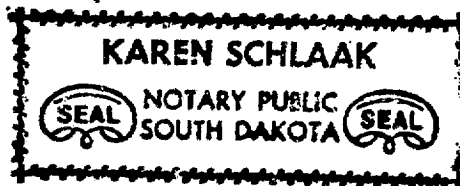
Diane Best, Assistant Attorney General, Capitol Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 26th day of August, 1999


Notary Public



KAREN SCHLAAK, Notary Public
My Commission Expires
April 1, 2001

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Vested Water Right No. 156-3 and 157-3, Craig Flyger

ADDRESS: COUNTY: Turner

DATE: September 15, 1999 TELEPHONE:

RE: Validation of Recognized Vested Water Right Nos. 156-3 and 157-3

COMMENTS:

These two recognized vested water rights are scheduled for validation before the Water Management Board on September 29, 1999. These rights have a priority date of June 1, 1955 for irrigation. The applications were filed on April 13, 1956.

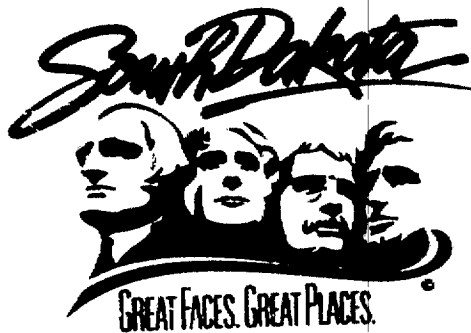
It appears that in 1956 these two claims were accepted as recognized vested water rights filings with the Water Rights. Upon review of SDCL 46-1-9 the water would have needed to be engaged in construction of works on or before March 2, 1955 to be eligible for vested status. It should not be possible for a vested water right to have a June 1, 1955 priority. In fact, the applications when filed should have been treated as new applications and public noticed. This was not done.

We surmise that the reason the applications were filed as recognized vested rights is due to the fact that SDCL 46-1-9 was enacted by the Legislature in the 1955 winter session of the Legislature. Often laws then do not become effective until July 1 of that year. Since this system was developed in the interim between the end of the legislative session and July 1st of that year, the applications were treated as recognized vested water rights and ultimately licensed. When in reality the riparian owner would have to have been engaged in the construction of works on March 2, 1955 for them to have been eligible for vested status. It is possible that the riparian owner was engaged in construction of works prior to March 2, 1955 but there is nothing in the file that reflects construction had begun by then.

However, the fact remains that Nos. 156-3 and 157-3 were filed as recognized vested water rights and the Chief Engineer J. W. Grimes issued a water license on May 24, 1956. SDCL 46-5-4.1 stated that any license issued prior to January 1, 1983, by the chief engineer of the water management board is hereby cured, legalized and validated as fully as if the license had been issued in full compliance with all existing provisions of this title. For this reason, Nos. 156-3 and 157-3 were treated as recognized vested water rights and in accordance with SDCL 46-2A-16 thru 17 were advertised and brought before the Board for validation.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Hunsford



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 3 1999

Craig Flyger
27964 454th Avenue
Parker SD 57053

Dear Mr. Flyger:

The Water Management Board has validated the enclosed Vested Water Right Nos. 156-3 and 157-3. These validations give legal status to the claims and are the final documents for your vested rights. Also, enclosed is reissued Water License No. 291-3.

As long as you use the water beneficially, as stated in the water licenses, 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

enclosure

SOUTH DAKOTA

VESTED WATER RIGHT NO. 157-3 FOR IRRIGATION

Date of Receipt of Claim April 10, 1956.

Date of Validation September 29, 1999.

The Water Management Board validated Vested Water Right Claim No. 157-3 for irrigation purposes for Craig Flyger, 27964 454th Ave, Parker SD 57053 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 157-3 appropriates 0.77 cubic feet of water per second from one well located in the NE ¼ SE ¼ Section 5 to irrigate 54 acres located in the E ½ SE ¼ Section 5; all in T98N-R53W.
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. The water is to be used during the following annual period: April 1 – September 30.
3. The priority date of the Vested Water Right is June 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 must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 3 1999

date



REISSUED STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 157-3 FOR IRRIGATION

(1) Roy and Anna Flyger, Hurley SD were issued Vested Water Right License No. 157-3, for validation of a vested right claim to appropriate 2.28 cubic feet of water per second from groundwater, Turner County, South Dakota, for irrigation purposes. Vested Water Right No. 157-3 with a priority date of June 1, 1955 was issued for diversion of water with construction of the described water supply system and application of water to beneficial use completed and complies with applicable provisions of South Dakota State Law.

On April 24, 1996, No. 157-3 was transferred to Craig Flyger.

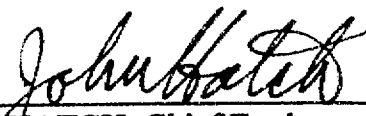
On September 29, 1999, the Water Management Board validated Vested Right Claim No. 157-3. Vested Right No. 157-3 is being reissued to reduce the amount of water claimed and the number of acres irrigated to the actual amounts applied to beneficial use, based on a September 9, 1992 investigation of the system.

(2) It is certified that the vested right owner is entitled to divert 0.77 cubic feet of water per second for beneficial use. The location of the diversion point is: 2,070 feet east and 980 feet south of the center of Section 5-T98N-R53W (NE ¼ SE ¼).

The location of the irrigated acreage is

Section 5-T98N-R53W	NE ¼ SE ¼	19 acres
	SE ¼ SE ¼	35 acres
Total 54 acres		

(3) Pursuant to Section 46-5-30.1 Craig Flyger, 27964, 454th Ave, Parker SD 57053 the holder and/or owner of Vested Water Right No. 157-3 is issued a license to appropriate 0.77 cubic feet of water per second from groundwater (one well) with a priority date of June 1, 1955 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 157-3 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 3 1999
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 17, 2003

NOTICE

TO: CRAIG FLYGER, 27964 454TH AVENUE, PARKER, SD 57053
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire(s)

Our records indicate that the 2002 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 156-3, 157-3, 164-3, 180-3 & 291-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 156-3, 157-3, 164-3, 180-3 & 291-3 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 156-3, 157-3, 164-3, 180-3 & 291-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **February 28, 2003**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath 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.

Sir:

My Name is Paul Petersen of Hurley
SD at 45610 282 St - 57036 - I have
rented this ground from Craig Flyger 2002 and
beyond - He has been gone this winter a recently
sent me these to fill out - Could you please
change the mailing so I get them - Thanks
Paul

RECEIVED

FEB 12 2003

WATER RIGHTS
PROGRAM



157-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 13, 2003

Craig Flyger
27964 454th Ave
Parker SD 57053

RE: Water Right Nos. 156-3, 157-3, 164-3, 180-3 and 291-3

Dear Mr. Flyger:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right Nos. 156-3, 157-3, 164-3, 180-3 and 291-3.

The information was received (from Paul Petersen) prior to the Water Management Board meeting and your name has been deleted from the agenda.

It is our understanding that Paul has rented the land described in your water rights. Future irrigation questionnaires will be directed to his attention until we are told otherwise. This does not alter ownership of the water rights; it merely allows us to send the forms to the person responsible for the irrigation of the land.

If you have any questions, please contact me.

Sincerely,

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

c: Paul Petersen

NOT TO SCALE





157-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

March 25, 2019

Alan Flyger
27964 454th Ave
Parker SD 57043

RE: Water Right Nos. 156-3, 157-3, 180-3 and 291-3

Dear Mr. Flyger:

I am writing in regard to the above listed water rights held by Craig Flyger. Craig indicated that Paul Petersen no longer rents his land and that I should be sending correspondence to you.

For informational purposes, I have included a copy of Water Right Nos. 156-3, 157-3, 180-3 & 291-3 for your records to show you what is covered under each one. Also included are the 2018 irrigation questionnaires for Nos. 180-3 and 291-3 submitted by Mr. Petersen. This will give you an idea of how to fill out the forms and what type of information to keep track of during the irrigation season.

The irrigation questionnaires are typically mailed out in mid to late October and are due back the first week in December. The forms for 2019 will be sent directly to you. If you have any questions when completing them, please do not hesitate to call me.

Sincerely,

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

enclosures



157-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: ALAN FLYGER, RENTER, 27964 454TH AVE, PARKER, SD 57053

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 156-3, 157-3, 180-3 & 291-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 156-3, 157-3, 180-3 & 291-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 156-3, 157-3, 180-3 & 291-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: UZLDPN**

c: CRAIG FLYGER, 45357 280TH ST, PARKER, SD 57053

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.



157-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 13, 2020

Nos. 156-3, 157-3, 180-3 & 291-3

ALAN FLYGER, RENTER
27964 454TH AVE
PARKER SD 57053

Dear Mr. Flyger:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Permit Nos. 156-3, 157-3, 180-3 & 291-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: ALAN FLYGER, RENTER, 27964 454TH AVE, PARKER, SD 57053

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 156-3, 157-3, 180-3 & 291-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 156-3, 157-3, 180-3 & 291-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 156-3, 157-3, 180-3 & 291-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: EEWYIJ**

c: CRAIG FLYGER, 45357 280TH ST, PARKER, SD 57053

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.

157-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 16, 2022

156-3
157-3
180-3
291-3

Alan Flyger
27964 454th Ave
Parker SD 57053

Dear Mr. Flyger:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 156-3, 157-3, 180-3 and 291-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

c: Craig Flyger, 45357 280th St, Parker SD 57053