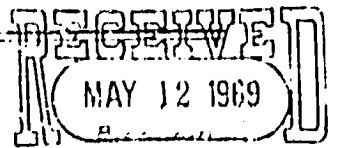


- 1678-3
1. Considered July 16, 1969
2. Name of Applicant Verl F. Cutler
3. Post Office Address Moremont S.D.
4. Amount of water claimed 4.35
5. Source of water supply Ground water - dugouts
6. Water to be used for Irrigation
- Acres to be irrigated 305
7. Water to be diverted and used in Brown county
about 10 to 15 miles of Elk Point
8. Proof of Publication Received June 30, 1969
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

No. 1678-3

Water Division No. 3 JAMES RIVER District _____
(Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COM.
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 VERL H. CUTLER
Postoffice address CAREMONT, County BROWN, 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)

CONTRACT AND DIRECT LABOR BY APPLICANT

(b) Cash on hand, \$ ADEQUATE

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work PUMPING FROM DUGOUTS ADJACENT TO MOCCASIN CREEK

3. Amount of water claimed 3 ACRE FT/YR/ACRE cubic feet per second 4.356 CFS 305 ACRES

4. Source of water supply DUGOUTS ADJACENT TO MOCCASIN CREEK

5. Location of point of diversion SEE MAP SW 1/4 8-123-63 (WEST EDGE OF CREEK)
NW 1/4 17-123-63 (EAST EDGE OF CREEK) on BROWN County

6. Annual period or periods during which water is to be used MAY THROUGH OCTOBER

7. To be used for:

I. Irrigation or domestic use: Gravity overhead sprinkling or combination system?

(a) Number of acres to be irrigated 305 acres SW 1/4 8-123-63 150 ACRES

(b) Legal subdivisions to be irrigated NW 1/4 17-123-63 155 ACRES

(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, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use STOCKWATERING
Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power

-- Amount claimed for engine cooling --

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

MAP NO 1210-3

8. Estimated cost of work:

2 @ 1500.00

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

(b) Pumping plant, \$ 3000.00

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

-Rock, \$-----

(e) Other structures TRANSMISSION LINES & SPRINKLER SYSTEM @ \$110.00/ACRE

Total, \$ 36550.00

6. Description of diversion works:

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

DUGOUTS, PUMPS, TRANSMISSION LINES & SPRINKLER SYSTEM

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 -----THREE-----years.

AS REQUIRED FOR
ANNUAL CROP BASIS

11. Time required for complete application of water to the proposed beneficial use -----years. 6 MTHS/YR

12. Choice of newspaper for publication of notice of intention to appropriate
ABERDEEN AMERICAN NEWS, ABERDEEN, SOUTH DAKOTA

STATE OF SOUTH DAKOTA

County of BROWN } ss.

I, VERL H. CUTLER, 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 or my own personal knowledge that the matters therein stated and shown are true.

Signed

Subscribed and sworn to before me this

day of

1962

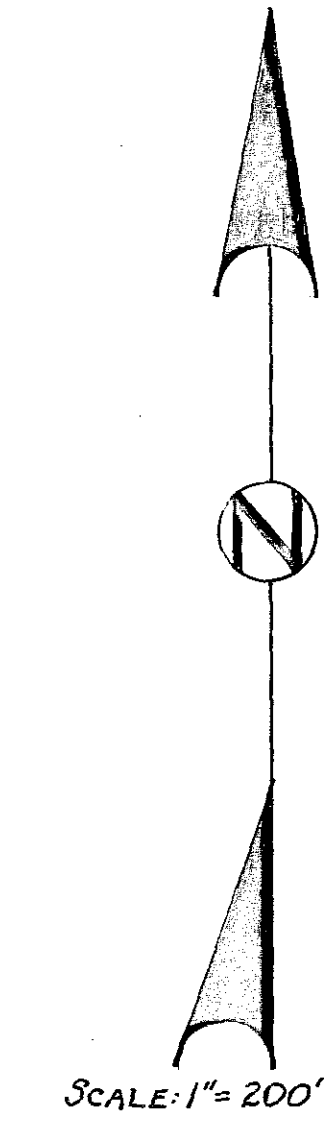
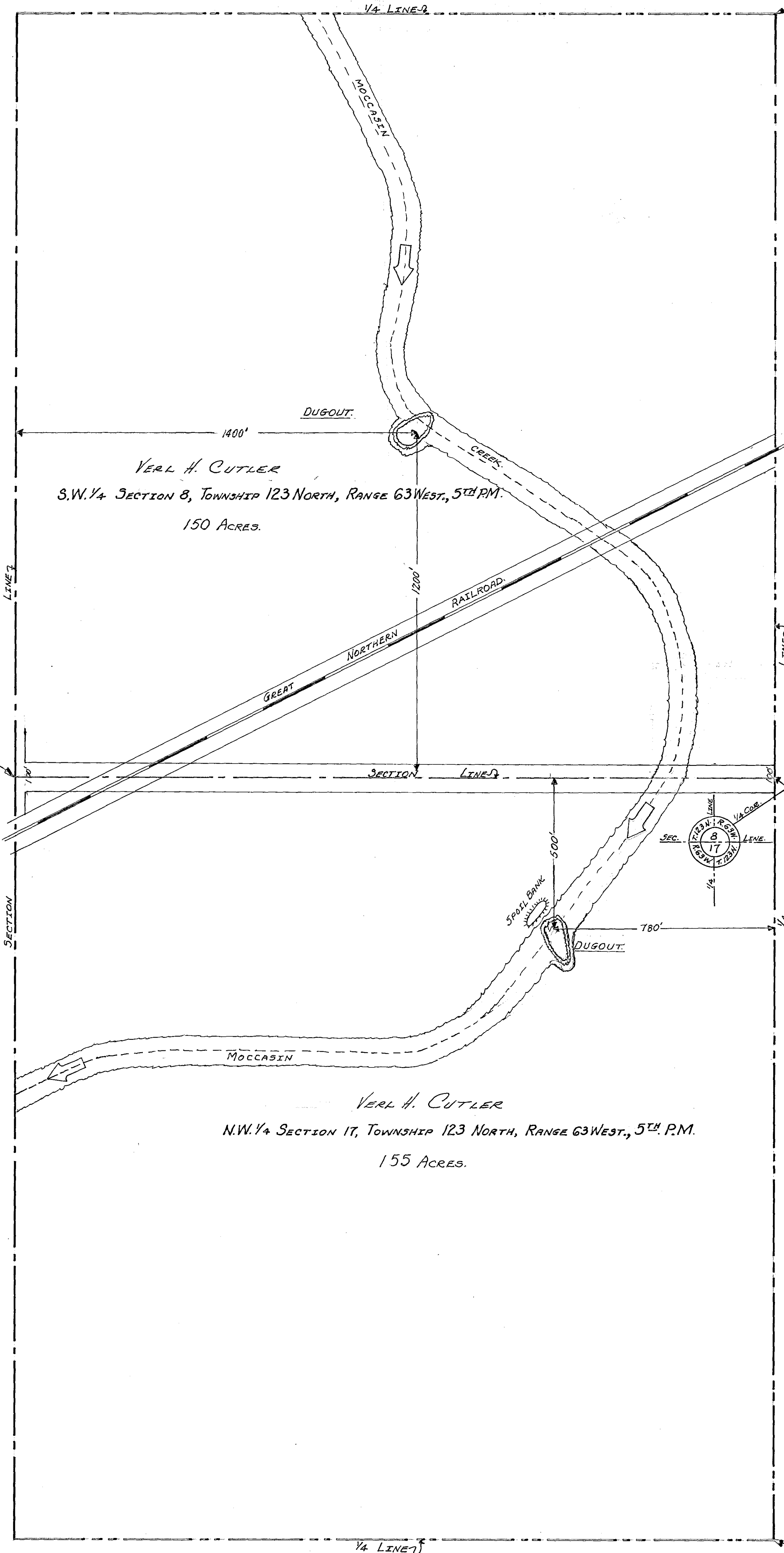
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device

EXPIRES: 25 JUNE 1975

WATER RIGHTS MAP.
PREPARED MARCH 1969

MAP NO 1210-3 (APPL NO 1676-3)



SURVEYOR'S CERTIFICATE.
I, DON A. BOYD, A REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, HEREBY CERTIFY THAT THIS SURVEY AND MAP PREPARATION WAS COMPLETED BY ME OR UNDER MY DIRECT SUPERVISION, AT THE REQUEST OF THE OWNER, AND SAID SURVEY AND MAP ARE TRUE AND ACCURATE IN EVERY RESPECT.

DATE: 2 APRIL 1969

Don A. Boyd
DON A. BOYD
REG. P.E. AND L.S., S.D. 1030

ACKNOWLEDGEMENT.
STATE OF SOUTH DAKOTA.) ss
COUNTY OF BROWN.)
ON THIS THE 2ND DAY OF APRIL, 1969, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED DON A. BOYD, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

MY COMMISSION EXPIRES: 13 NOV. 1976.

Robt. W. Owens
NOTARY PUBLIC.
ROBT. W. OWENS.

Remark by State Water Resources Commission:

DIVERSION OF WATER STORED ON LAND OWNED
BY OTHERS, WITHOUT THEIR AGREEMENT, IS NOT
AUTHORIZED UNDER THIS PERMIT NO 1678-3.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, JULY 22, 1969

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
a.m. upon the 12TH day of MAY, 1969.

State Water Resources Commission

By:

for Chief Engineer, Executive Officer

Number of permit 1678-3

Date of first receipt of application MAY 12, 1969

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 MAY 12, 1969

Approved JULY 16, 1969, Recorded in Book 11 Page 18

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

JANUARY 16, 1971

2nd. The whole of said work is to be completed on or before JULY 16, 1972

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

JULY 16, 1972

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 4.35 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 JULY 16, 1972; said water to be used during the following described annual period:

MAY THRU OCTOBER

Witness my hand this 22ND day of JULY, 1969.

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Certificate of Construction Issued

December 22, 1972

Water License Issued

December 22, 1972

Permit No. 1678-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Verl H. Cutler

the holder of

Permit No. 1678-3, issued upon Application No. 1678-3, bearing date of priority of May 12,
1969 authorizing the diversion of 4.35 cu. ft. per second of the waters of dugouts
adjacent to Moccassin Ck. County of Brown, State of South Dakota xx
880 ft. South & 730 ft. East of NW Corner Section 17-T123N-R63W and
500 ft. South & 780 ft. West of the N $\frac{1}{2}$ Corner, Section 17-T123N-R63W
for irrigation

purposes, has 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 2.2 cu. ft. per second of water.

Date. _____

By

WATER RIGHTS COMMISSION

John Hatch
JOHN HATCH, Chief Engineer

WATER LICENSE NO. 1678-3

(1) WHEREAS, On the 12th day of May A. D. 1969

Verl W. Cutler

made Water Right Application No. 1678-3 for a permit to use 4.35 cubic feet per second of the waters of dugouts adjacent to Moccassin Creek

County of Brown, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 16th day of July A. D. 1969

Permit No. 1678-3, with a date of priority of May 12, 1969

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 16th day of July A. D. 1972 and for the

application to beneficial use of said water on or before the 16th day of July A. D. 1972

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 .36 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,

to irrigate portions of the following land all in Section 17-T123N-R63W

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 18 acres

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 7 acres

total 25 acres

(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: Verl H. Cutler

_____ of Claremont, SD

the holder _____ and owner _____ of said permit No 1678-3 a water right, dating from May 12, 1969

_____ to use of .36 cubic feet per second of the waters

of dugouts adjacent to Moccassin Creek

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

purposes hereinbelow mentioned, to be diverted g 880 ft. South & 730 ft. East of NW Corner

Section 17-T123N-R63W and 500 ft. South & 780 ft. West of the NW Corner,

Section 17-T123N-R63W

and conduct to and upon portions of land all in Section 17-T123N-R63W more

fully describe on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1678-3 and subject to the laws of the State of South Dakota.

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

this 23th day of December A. D.

Nineteen Hundred and Seventy-eight

WATER RIGHTS COMMISSION
WATER RESOURCES COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer **JOHN HATCH**

on or before June 19, 1969
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission

Pierre, S. Dak. June 2, 1969

Notice is hereby given that Verl Cutler whose postoffice address is Claremont, 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 4.35 cubic feet of water per second of time from the ground water (dugouts) through the Cutler #1 the point of diversion of which are to be located on the in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8, and NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17 Twp. 123N Range 63W Said water to be used for the purpose of providing irrigation on the following described land:

SW $\frac{1}{4}$, Section 8; NW $\frac{1}{4}$, Section 17, T123N, R63W

XXXXX

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 16th day of July 1969 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

cc: Verl Cutler, Claremont, S.D.

By

~~XXXXXXXXXXXXXXXXXXXX~~

BURTON F. JONES
Water Rights Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Brown } ss.

Gladys Gran being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the _____

Aberdeen American-News a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the _____

city of Aberdeen County of _____

Brown and State of South Dakota; that the said notice was published in said newspaper on the following dates:

June 4, 1969, June 11, 1969, June 18, 1969,

June 25, 1969

in each and every issue of the full number thereof, the first publication being made on the 4th day of June

1969 and the last publication on the 25th day of _____

June 1969, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was clerk ~~xxxxxxxxxxxxxxxx~~ of the said newspaper.

Gladys Gran

Subscribed and sworn to before me this 25th day of June A. D. 19 69

Ernest L. Linn

Notary Public Brown County, S. D.

(No. 301 — June 4-11-18-25 — 4th)
 APPROPRIATION OF WATER
 Office of State Water Resources Commission, Pierre, S. Dak., June 2, 1969.
 Notice is hereby given that Veri Cutler whose postoffice address is Claremont, 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 4.35 cubic feet of water per second of time from ground water (dugouts) through the Cutler No. 1, the point of diversion of which are to be located in the SW1/4 SW1/4, Section 3, and in the NE1/4 of the NW1/4 of Section 17, Twp. 123N, Range 43W. Said water to be used for the purpose of providing irrigation on the following described land: SW1/4, Section 8; NW1/4, Section 17, T123N, R43W.
 This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 16th day of July, 1969, at 2:00 P.M. All interested persons may appear and be heard.
 Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.
 State Water Resources Commission
 By: Burton F. Jones
 Water Rights Specialist
 cc: Veri Cutler, Claremont, S.D.

RECEIVED
 JUN 30 1969

STATE WATER RESOURCES COM.
 PIERRE, SOUTH DAKOTA

Blackmont, S. Dak.
June 27, 1969

Sir:

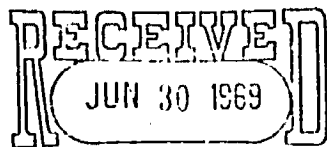
The size of the dugout in Sec. 17-123-63 is approx 30x80. The dugout in Sec. 8-123-63 is not constructed yet but will be approx. same size. The depth to gravel is 16 to 19 ft. down to a vein of fine sand.

The nearest shallow well is at the farm building 120 rods away. There is an artesian well at the farm buildings, one at the Tresselman home, 140 rods away from dugout, and an artesian well at the former County Poor Farm about 60 rods away.

Also enclosed is a proof of publication.

Sincerely,

Zarl Butler



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

16763 VerL H Cutler

8-7-18 Engine

Kurdl. Engine

Pump Jacob's Horse

Size 6-5812, No C12334

GPM 1350, Head 130ft.

1760 RPM

8" Dia alum Pipe - 1100ft #

8" Dia. Plectus, Galb. Pipe 300ft.

Pumping 1200 gpm.

Jan 1919

Permit No. 1678-3

Water Division 3 James 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 Verl H Cutler
of Claremont, South Dakota, holder
of Permit No. 1678-3, bearing date of priority of May 12-, 1967
authorizing the diversion of 4.35 cu. ft. per second of the waters of Peyouts ^{adjacent} Sidney & Moccasin Creek
for Irrigation purposes, in Brown 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:
Engine - Hercules, 6 cyl. Gasoline
Pump - Fairbanks Morse, size 6-5817, No. 6-12334
1500 gpm, 130ft Head, 1760 RPM

B. Works used to transport water to place of use,
1000ft 8" dia. Aluminum pipe
300ft 10" dia Gated Plastic Pipe

C. Works used to apply water to beneficial use.
300ft Plastic Gated Pipe

The system is in the following condition: Fair

The point of diversion is located 850' South & 730ft East of N 1/4 Cor. of Sec. 17, T123N R63W
and 500 ft South and 750ft W of the N 1/4 corner of Sec. 17, T123N R63W

The works are capable of diverting and conveying to the place of use 2.2
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 17, T123N R63W
N 1/4 NW 1/4 - 18 Ac. NE 1/4 NW 1/4 7 Ac.

comprising a total of 25 acres of land.

25 x 70 = 1,750 ac-ft
1750 x 36 = 63,000 cu-ft

Date December 11, 1978
Leroy J McLaughlin
(Signature)

RECEIPT

WATER RIGHTS COMMISSION

NO 4 6625

State of South Dakota

December 16, 1978

PIERRE, _____, 19____

RECEIVED OF Ward H. Butler, Claremont SD

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. <u>1676-3</u>	12	00
Fee for inspecting Beneficial Use, and issuing Water License No. <u>1676-3</u>		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	12	00

WATER RIGHTS COMMISSION

John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

kjw

 **Department of
Water & Natural Resources**

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

May 26, 1988

Verl Cutler
RR 1, Box 140
Claremont, SD 57432

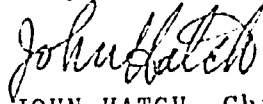
Dear Mr. Cutler:

I am writing in regard of our review of irrigation questionnaire records. No irrigation has been reported for the last five irrigation seasons under Permit No(s). 1678-3.

South Dakota Codified Laws state that when any person fails to use water for the purpose for which it was appropriated for a period of three years, or abandons the use of the water, such unused water shall revert to the public. An exception to the law is when there is legal excuse for nonuse of water. Examples of legal excuse for nonuse of water are when water is not available or legal proceedings which prevent the use of water.

Since your permit(s) has (have) not been used for five years, the permit(s) may be subject to cancellation by the Water Management Board unless there is a legal reason for not using water. Please advise by June 17, 1988 if you still want to keep your water right and if there is a reason why water has not been used. Let us know, if you have any questions.

Very truly yours,



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



~~COTEAU HILLS RANCH~~

VERL H. CUTLER
CLAREMONT, SOUTH DAKOTA 57432

June 13 - 1988



Dear Sir:

In regard to my water permit No. 1674-3 the reason I haven't used water recently is for the following reasons. Last year the creek was dry as it is this year so no water is available.

In the past I pumped water on a truck gardening operation and I didn't have to use it two years ago. The other two or three years I didn't garden.

I would like to keep the permit because I am trying to sell or lease the spot for someone else to use the water. It makes the available land more attractive with a permit in use.

I will probably do something within a year or two.

Sincerely,

Verl Cutler



Department of Water & Natural Resources

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

February 9, 1990

VERL CUTLER
RR #1 BOX 140
CLARKMONT, SD 57432

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) 1678-3. 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). 1678-3 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



Department of Water & Natural Resources

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

February 16, 1990

1678-3

Verl Cutler
RR 1, Box 140
Claremont SD 57432

Dear Mr. Cutler:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit No. 1678-3. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was 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 /ks

RON DUVAL
Natural Resources Engineer
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

www.state.sd.us/denr

November 10, 1998

1678-3

Verl H Cutler
11852 409th Ave
Claremont, SD 57432-7319

Dear Mr. Cutler:

Thank you for the prompt return of your 1998 irrigation questionnaire.

The purpose of this letter is for informational purposes only and concerns your Water Right No. 1678-3. The water right authorizes diversion of 0.36 cubic feet of water per second from dugouts adjacent to Moccasin Creek to irrigate 25 acres in the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 17, T123N, R63W.

On your irrigation questionnaire you stated that the land is rented out and the renter chooses not to irrigate at this time. Please keep in mind that water must be placed to beneficial use at least once every three years in order to maintain your water right. This three year period may be waived if legal excuse exists for not irrigating. Legal excuse as defined in Water Management Board Rules includes, but is not limited to, the following: 1) unavailability of water to satisfy a permit or right; 2) legal proceedings which prevent the use of water; or 3) water use under existing climatic conditions would result in a waste of water.

If you no longer wish to irrigate and retaining the water right is not critical to your farming operation, the above information may not be of interest to you. However, I wanted to let you know ahead of time what the criteria is for maintaining your water right.

If you have any questions, please contact me.

Sincerely,

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

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Verl H Cutler, 11852 409th Ave., Claremont SD 57432-7319

DATE: August 16, 2007

TELEPHONE: 294-5858

RE: status of irrigation

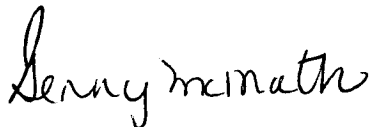
COMMENTS:

I contacted Mr. Cutler to find out if he had abandoned irrigation on the land described in the water right. Our records show the land has not been irrigated since 1988.

During my conversation with Mr. Cutler I explained how water rights are maintained and that he needed to use it or it would be considered abandoned and forfeited. I also explained legal excuse for non-use of water. He indicated he fit "all" of those reasons. He said in his area he had been either to wet or to dry about every year.

He went on to say that the land was up for sale. I cautioned him that the new buyer may want to check into the status because it appeared as very suspect due to the years of non-use. He seemed to understand but went on to say he told the prospective buyers that the land had an irrigation permit on it.

I told him the annual questionnaire would be mailed to him in October so he could keep us posted as to whether or not the land was sold.



Genny McMath
Water Rights Program

1678-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 15, 2012

1678-3

Verl H Cutler
824 Cutler Rd N
Aberdeen SD 57401 2116

Dear Mr. Cutler:

Enclosed is a "Notice" dated October 12, 2012 concerning the 2012 irrigation questionnaire.

The notice was originally mailed to 11852 409th Ave., Claremont SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 31, 2022

1678-3

Stacy Gossman
PO Box 939
Aberdeen SD 57402-0939

~~Mr.~~

Dear ~~Ms.~~ Gossman:

I am writing regarding a water right listed in the name of Verl Cutler (copy enclosed). Our records show the land authorized for irrigation under Water Right No. 1678-3 was in CRP through 2021.

When reviewing the water right and checking ownership of the land with the Brown County Assessor's office, I found that you now own the land. If the land was re-enrolled in CRP and/or if you intend to irrigate, the water right should be transferred to you to reflect current ownership.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

If you do not wish to maintain the water right, an ownership change is not required. Please let me know your intent. Thank you in advance.

Sincerely,

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

enclosures

File No. 1678-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Stacy Gossman, PO Box 939, Aberdeen SD 57402-0939

DATE: June 27, 2022

TELEPHONE:

RE: Status of 1678-3

COMMENTS:

In response to my letter of May 31st, Mr. Gossman called and indicated the land is actually owned by him and another guy now. He doesn't irrigate and the other owner is haying the ground. Neither were aware the land could be irrigated. It has been in CRP thru 2021. The source of water described on the water right is from dugouts.

Mr. Gossman is going to check with the other owner and let me know if they intend on beginning to irrigate or not and then let me know.



Genny McMath
Water Rights Program

PAID

JUL 5 2022

Ck# 1020

Rec't# _____

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

JUL 05 2022

OFFICE OF
WATER

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

No. 1678-3

Date: _____

I/We request that Water Right No. 1678-3

formerly owned by: Verl Cutler

be transferred to: (name & address) STACY Gossman & Tom Hinz
STACY 380-2203

Tom Hinz 38895 137TH ST ABERDEEN SD Telephone No. 380-9157 Tom Hinz
57401

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

25 acres - N 1/2 NW 1/4 Section 17, T123N, R63W

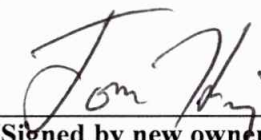
I/We understand that the validity of Water Right No. 1678-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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 Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Stacy Gossman and Tom Hinz, the new owner, certify that the above information is true and correct.


Stacy Gossman


(Signed by new owner)

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 6, 2022

1678-3

Tom Hinz
38895 137th St
Aberdeen SD 57401

Dear Mr. Hinz:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 1678-3.

The ownership change has been completed. Water Right No. 1678-3 formerly held by Verl Cutler is now listed under **"Stacy Gossman & Tom Hinz"**.

I am returning the copy of the water right to you to keep for your records. It describes the land associated with the water right and how many acres can be irrigated. Each year we mail irrigators in South Dakota an irrigation questionnaire for reporting how much water they pumped during that specific crop season. I am enclosing a sample copy of the form to give you an idea of what type of information to keep track of during the growing season. The actual form that will need to be completed and returned to us will be mailed to you in October.

Enclosed is a receipt for the filing fee you paid. If you have any questions concerning the water right, please give me a call.

Sincerely,

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

enclosures

1678-5

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date July 5, 2022

RECEIVED OF Thomas/Joyce Hinz 38895 137th St Aberdeen SD 57401

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>1678-3</u>	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>50.00</u>

By *Eric Gronlund*
Chief Engineer
um



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 14, 2025

NOTICE

TO: TOM HINZ, 38895 137TH ST, ABERDEEN, SD 57401

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire has not been submitted for Permit No(s) 1678-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held on **Wednesday, March 5, 2025, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1678-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: TGMLWJ**

cc: STACY GOSSMAN, PO BOX 939, ABERDEEN SD 57402

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 24, 2025

1678-3

Tom Hinz
38895 137th St
Aberdeen SD 57401

Dear Mr. Hinz:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 1678-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

cc: STACY GOSSMAN, PO BOX 939, ABERDEEN SD 57402