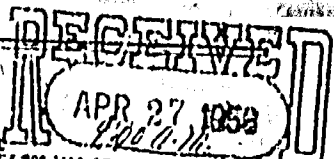


No. 176-3Water Division No. 3 Vermillion River District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

Jerry D. Calvin, Jay Deaber

1. Name of applicant Merle E. Laverne Flyger
Postoffice address Hortley Parker, 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)

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 4.48 cubic feet per second4. Source of water supply well5. Location of point of diversion 3110 Sect N33°40' W from SE corner 16
T98N-53 on _____ bank Turner 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 320.0 acres.(b) Legal subdivisions to be irrigated S 1/2 - 16 - T98N-153W

(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.) NONEII. ~~Stockwatering, mining, 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 _____

Map No. 163-3

8. Estimated cost of work:

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

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

(e) Other structures

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

sprinkler system \$1200.00

(b) Pumping plant, \$*2200.00*

Rock, \$-----

Total, \$*8400.00*

9. Description of diversion works:

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

Pumping Plant

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
-------------------------	--	------	-----------------------

RAIN PIP

DISCHARGES AND DIAMETERS FOR MODEL 40

Nozzle Pressure
Pounds
per Sq. In.

Nozzles
13/64" x 5/32"
Diameter Discharge
Feet G.P.M.

25
30
35
40
45
50
55
60

86
94
98
101
103
105
107
108

9.23
10.10
11.20
11.80
12.60
13.30
14.10
14.70

HEADGATE	WIDTH	WATER-LINE	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			

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ----- *3* 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

New Era

Parker Co. D.K.

STATE OF SOUTH DAKOTA
County of *Turner* } ss.

I, *Mrs. E. 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 *Mrs. E. Flyger*

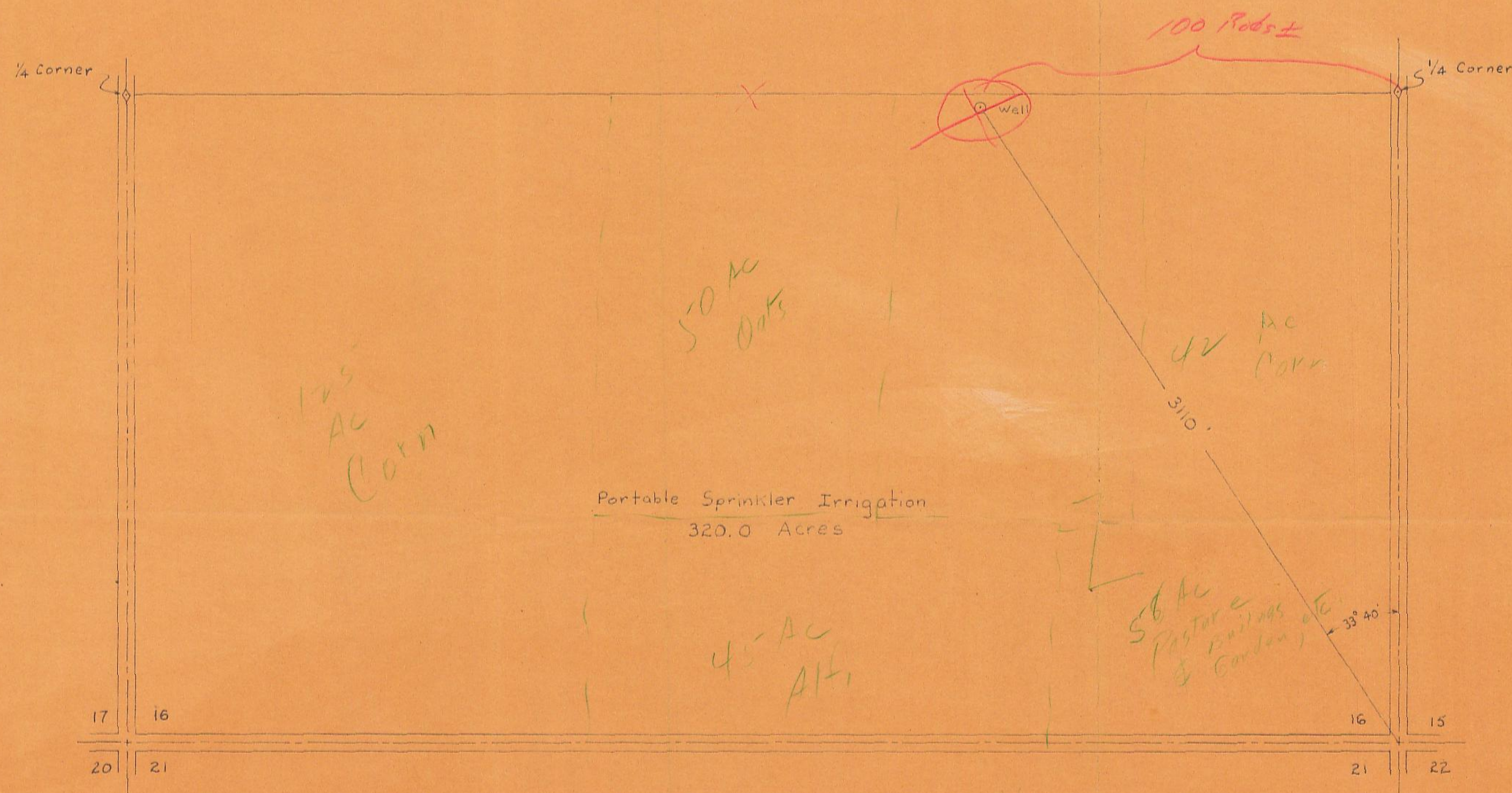
Subscribed and sworn to before me this *17* day of *April* 19*56*

Ernest H. Brown
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

MAP SHOWING POINT OF DIVERSION (WELL) AND LANDS TO BE
IRRIGATED WITH WATER DIVERTED FROM WELL

MERLE E. AND LAVERNA FLYGER, OWNERS



N



LEGAL SUBDIVISION TO BE IRRIGATED:
S. 1/2 Sec. 16 T. 98N. R. 53W. 320.0 Acres

SCALE: 1 INCH = 300 FEET

Certified Correct: Martin M. Logel

Extension Irrigation Specialist
South Dakota State College
Brookings, South Dakota

Subscribed and sworn to before me
this 24th day of April 19 56

Lavera Crall

Notary Public for the State of South Dakota
Residing at Brookings, South Dakota
My Commission expires Oct. 4, 1959

Map No 143-3
(Appl. No 176-3)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, April 30, 1956

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock
11 a.m. upon the 27 day of April, 1956

State Water Resources Commission

By: Joe Brimer
Chief Engineer, Executive Officer

Number of permit 176-3

Date of first receipt of application April 27, 1956

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

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right April 27, 1956

Approved February 4, 1957, Recorded in Book 4 Page 163

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 _____

August 4, 1958

2nd. The whole of said work is to be completed on or before February 4, 1960

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

February 4, 1963

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 4.48 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 February 4, 1963, said water to be used during the following described annual period:

April 1 to September inclusive

Witness my hand this 15 day of October, 1957

State Water Resources Commission

By: Joe Brimer
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

9. (continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 32 inch

Depth 45 feet

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

Size of casing 30 inch, Thickness of casing 1/4 in
Length of casing 24 feet. If collection gallery,
length, size, and depth of gallery _____.

(b) Screens

Type of perforated screen Dempster

Size of perforated screen 20 inch, 21 feet
(diameter) (length)

Thickness of gravel pack 6 inch, length of gravel
pack 45 feet.

(c) Water Bearing Materials

Distance to water 7 feet.

Character of water bearing materials _____
SAND

Thickness of water bearing material 38 feet

(d) Pump and Motor

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

Name of pump Fairbanks Morse, size 12 inch

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

Horsepower 60 HP

Name of motor Fairbanks Morse

(e) Complete well

Capacity 1500 GPM at drawdown of 15 feet

Estimated cost 5600

(f) Owner of land upon which well is located, Merle E. +
Name

LAVONA Flyger, Hurley, S.D.
Address

(g) Distance to nearest existing wells

On same Owner's property 1600 rods

On property owned by others 480 rods

Permit No. 176-3
Vermillion
Water Division No. 3 River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This Is to Certify, That Merle E. and Laverna Flyger
of Hurley, County of Turner, and State of South Dakota, the holder S of Permit No. 176-3, issued upon Application No. 176-3, bearing date of priority of April 27, 1956, authorizing the diversion of 4.48 cu. ft. per second of the waters of ground water County of Turner, State of South Dakota, at 3110 feet, N 33° 40' W of the SE Cor., Sec. 16, T 98 N, R 53 W, for irrigation purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 4.48 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: S½, Sec. 16, T 98 N, R 53 W - - - - - 320 acres

Witness my hand this 3rd day of February A. D. 1958

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 176-3

WHEREAS, On the 27th day of April A. D. 1956

Merle E. and Laverna Flyger

of Hurley County of Turner and State of South Dakota duly made application (No. 176-3) to us for a permit to use 4.48 cubic feet per second of the waters of ground water County of Turner, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 15th day of October A. D. 1957 Permit No. 176-3 was issued to said applicant E for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 4th day of February A. D. 1960 and for the application to beneficial use of said water on or before the 4th day of February A. D. 1963 and,

WHEREAS, On the 20th day of November A. D. 1957 the holder E of said permit duly made proof of the completion of adequate works for the diversion of 4.48 cubic feet per second of said waters, as evidenced by our Certificate No. 176-3 dated February 3, 1958 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 4.48 cubic feet per second of water, with date of priority of April 27, 1956 and, and,

WHEREAS, On the 20th day of November A. D. 1957 proof was duly made of the application to beneficial use of 4.48 cubic feet per second of said water; on 320 acres located in the S $\frac{1}{2}$, Sec. 16, T 98 N, R 53 W.

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 Merle C. and Laverna Flyger
of Hurley, South Dakota the holder, s. and owner, of said permit No. 176-3.
a water right, dating from April 27, 1956 to the use of 4.48
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 3110 feet, N 33° 40' W,
of the SE Corner, Sec. 16, T 28 N, R 53 W
and conducted to and upon the S½, Sec. 16, T 28 N, R 53 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 3rd day of February A. D. Nineteen
Hundred and fifty-eight

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

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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County Tucker ss.

Earl J. Bannerman being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

The New Era a newspaper which during the whole itme of publication of said notice herein after stated, has been and is printed and published in the

Town of Parker County of Tucker and State of South Dakota; that the said notice was published in said newspaper on the following dates:

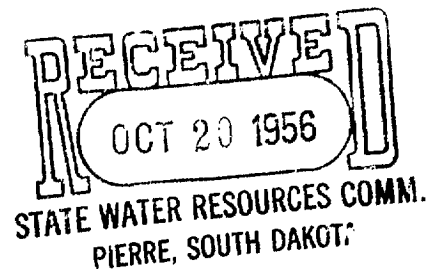
May 10, 17, 24, and 31st, 1956

in each and every issue of the full number thereof, the first publication being made on the 10th day of May 1956 and the last publication on the 31st day of May 1956, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was ✓ the printer ✓ and publisher ✓ of the said newspaper.

Earl J. Bannerman

Subscribed and sworn to before me this 17th day of May A. D. 19 56

Notary Public Tucker County, S. D.



Notice of Intention to Appropriate Water — No. 176-3
APPROPRIATION OF WATER
Office of Water Resources Commission, Pierre, S. Dak., April 30, 1956.

Notice is hereby given that Merle E. Flyger and Laverna Flyger, whose postoffice address is Hurley, S. Dak., have made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 4.48 cubic feet of water per second of time from ground water through a well, the point of diversion of which is to be located in the NW¼ of the SE¼ of Section 16, Twp. 98N, Range 53W. Said water to be used for the purpose of providing irrigation on the following described land:

S½ of Sec. 16, T 98N, R 53W
This application will be taken up by the Water Resources Commission at their office at Pierre for consideration upon the 9th day of July, 1956, 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: J. W. GRIMES, Chief Engineer,
Executive Officer.
(4th May 10, 17, 24 and 31, 1956)

Permit No. 176-3Vermillion
Water Division No. 3 River Water District

Certificate of Examination of Works

Report of Examining Engineer

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

Dear Sirs: I hereby certify that in accordance with your ~~letter~~ of authorization dated on November 20, 1957~~XXXX~~, I have ~~recently~~ made a thorough examination of the diversion works constructed by Marle E.
and Laverna Flyger of HurleyTurner County, South Dakota, holder of Permit No. 176-3, issued
upon Application No. 176-3, bearing date of priority of April 27, 1956, authorizing the
diversion of 4.48 cu. ft. per second of the waters of ground water for irrigation
purposes. I have to report on the condition of the same as follows:The diversion works comprise: Western Land Roller Pump Head No's. 10-R-030 and
2-14-H; A. O. Smith Electric Motor, Model #25294, Type #1ZBV; 150
rods of 8 inch mainline; 140 rods of 6 inch lateral and 160 rods of
5 inch lateral pipe; 60 Model S-100 Skinner 5/16 x 7/32 nozzles and
a pressure gauge.and the system is in the following condition: ExcellentThe point of diversion is located 3110 feet, N 33° 40' W from the SE Cor.,
Sec. 16, T 98 N, R 53 WThe works are capable of diverting and conveying to the place of use 4.48 cu. ft. per second of water,
which is to be used for irrigationThe legal sub-divisions to be irrigated are: Sl, Sec. 16, T 98 N, R 53 Wcomprising a total of 320 acres of land.
The domestic use intended comprises -----The utilization for power, mining, or other beneficial uses comprises: -----Witness my hand, this 3rd day of February, A. D. 1958.

—SEAL—

Les Wyborny,
Examining Engineer.

CONTRACT FOR DEED

THIS AGREEMENT, made and entered into this 14th day of March 1979, by and between Merle E. Flyger and LaVerna E. Flyger, husband and wife, of P. O. Hurley, South Dakota, hereinafter described as the Sellers and Jerry D. Graber, Calvin Graber, and Jay Graber, each with an undivided one-third interest, as tenants in common, of P. O. Parker, South Dakota, hereinafter described as Buyers.

WITNESSETH:

If the Buyers shall make the payments and perform the covenants hereinafter mentioned on their part to be made and performed, the Sellers hereby covenant and agree to convey and assure to the Buyers in fee simple, clear of all encumbrances, whatever, by a good and sufficient Warranty Deed, the real property situated in the County of Turner and State of South Dakota described as:

The South Half (S $\frac{1}{2}$) of Section Sixteen (16), Township Ninety-eight (98), Range Fifty-three (53), Turner County, South Dakota

and The Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-one (21), Township Ninety-eight (98), Range Fifty-three (53), Turner County, South Dakota

The foregoing real estate includes the Sellers' residential home, along with a small garage and well, all located on one acre (1 A), the value of which is Fifty-one Thousand and no/100 Dollars (\$51,000.00);

The foregoing real estate also includes building and structures as follows: small house #2, Barn #1 south barn, barn #2 north barn, steel hay and machine shed, 18,000 bushel granary with equipment, machine shed, combination garage and shop, two upright silos, and cement block machine shed.

As consideration therefor the Buyers hereby covenant and agree to pay to the Sellers the sum of Six Hundred Thirty Thousand Nine Hundred and no/100 Dollars (\$630,900.00) payable at the Sellers' address at Hurley, South Dakota, in the following manner:

The sum of Twenty Thousand and no/100 Dollars (\$20,000.00) down, the receipt of which is hereby acknowledged

The sum of One Hundred Thirty-three Thousand Nine Hundred and no/100 Dollars (\$133,900.00) on or before March 1, 1979.

The principal balance remaining in the amount of Four Hundred Seventy-seven Thousand and no/100 Dollars (\$477,000.00) due and payable in principal installments with interest on the dates as set forth in the schedule marked Exhibit "A", attached to this Contract and by reference made a part hereof.

As noted, the unpaid principal amounts carry interest at the rate of seven and one-half percent (7½%) per annum computed as of March 1, 1979.

In regard to prepayment of principal, there shall be no prepayment of principal prior to March 1, 1980. Thereafter, Buyers are restricted to making prepayments of principal in multiples of One Thousand and no/100 Dollars (\$1,000.00) or any of the principal and interest payment dates, provided that in no year in question can the total principal payment under this Contract exceed Sixty Thousand and no/100 Dollars (\$60,000.00). For any prepayments of principal, the payment schedule shall be adjusted accordingly.

It is further agreed between the parties hereto that the premises are presently subject to a Federal Land Bank Association loan and mortgage. The Sellers covenant to continue to make such payments as are required by the loan and mortgage and they further agree that in the event that they fail to do so, they authorize the Buyers to make such payments to the Federal Land Bank Association and credit the same against any sums due the Sellers and the payment schedule shall be adjusted accordingly.

It is further agreed that the Buyers cannot sell, assign or pledge their interest in this Contract for Deed or any part of the premises without the Sellers' prior written

approval and consent, which consent will not be unreasonably withheld, so long as the premises remain as a unit and no change or amendment to the payment schedule and prepayment restrictions are made which vary from the terms as set forth in this Contract. Notwithstanding the foregoing, the Sellers agree that the Buyers may sell, assign or transfer their interest therein to or among themselves or members of their immediate families or any corporation or partnership owned or substantially controlled by the Buyers without prior written approval or consent of the Sellers, again so long as the schedule of payments and prepayment privileges are not altered.

The Sellers shall pay the 1978 real estate taxes due and payable in 1979; Buyers shall pay all real estate taxes thereafter.

The Buyers shall have possession of said premises and the rents, issues and profits therefrom as of March 1, 1979.

After receiving possession and prior to payment of the full purchase price as provided herein, Buyers shall maintain said property in substantially as good condition as at the time of acquiring possession, reasonable wear and tear excepted, and shall commit no damage or waste thereon nor permit any to be done.

Buyers shall make no structural alterations or changes or removal to or from any of the buildings or structures or facilities located on the premises which would substantially reduce the value of the premises.

Buyers shall keep the buildings and structures on the premises insured against fire, wind and extended coverage in a company and in a sum satisfactory to the Sellers with loss payable as the interest of the parties shall appear. In addition to the above insurance, standard farm premises liability insurance shall

be secured and maintained by the Buyers in a company and in a sum satisfactory to the Sellers, covering and protecting both Sellers and Buyers.

In case of the failure of the Buyers to make any of the payments of principal or interest or any part thereof as provided herein or perform any of the covenants hereby made and entered into by the Buyers, the whole of said payments and interest shall, at the election of the Sellers and upon Sellers giving written notice to Buyers, become immediately due and payable and this Contract shall be forfeited and determined. Said notice must be given 45 days prior to the whole of said payments and interest becoming due and shall set forth the amounts due upon said Contract, and the place where payment thereof can be made by Buyers within said number of days so as to retain their right to make installment payments according to the terms of this Contract.

It is mutually understood and agreed by and between the parties to this Contract that the provisions herein constitute a reasonable and sufficient notice to be given to Buyers in case of failure to perform any of the covenants on Buyers' part hereby made and entered into, and shall be sufficient to cancel all obligations hereunto on the part of Sellers and fully reinvest Sellers with all right, title and interest hereby agreed to be conveyed, and Buyers shall, as liquidated damages which it is hereby agreed cannot be otherwise ascertained, forfeit all payments made on this Contract, together with all right, title and interest in all buildings and other improvements whatsoever, and such payments and improvements shall be retained by Sellers in full satisfaction and in liquidation of all damages sustained by Sellers who shall have the right to re-enter and take possession of the premises aforesaid and to forthwith foreclose this Contract according to law.

Sellers will deliver to Buyers on demand duly certified abstracts of title to said property (such abstracts to include this Contract, if recorded) for examination and will promptly take proper steps within a reasonable time prior to full payment of the purchase price as provided herein to overcome any legal and valid objections to the title, and upon payment of the full balance of the purchase price will deliver to Buyers a Warranty Deed as above provided together with said abstracts of title to said property duly certified showing marketable title in Sellers free and clear of all encumbrances, except those which might have been created by Buyers, and except easements of record and building restrictions and subject to applicable zoning ordinances. Sellers shall not be required to certify said abstract more than once unless it should be necessary to re-certify it so as to show marketable title in Sellers after steps have been taken as set forth above to overcome any legal and valid objections to title.

IT IS MUTUALLY AGREED by and between the parties hereto that the time of payment shall be an essential part of this Contract and that all the covenants and agreements herein contained shall extend to and be obligatory upon the heirs, executors, administrators and assigns of the respective parties.

IN TESTIMONY WHEREOF, the parties have hereunto set their hands and seals the date and year hereinbefore written.

<u>Lorle E. Flyger</u>	<u>SELLER</u>
<u>LaVerna E. Flyger</u>	<u>SELLER</u>
<u>Jerry J. Graber</u>	<u>BUYER</u>
<u>Calvin Graber</u>	<u>BUYER</u>
<u>Jay Graber</u>	<u>BUYER</u>

STATE OF SOUTH DAKOTA SS
COUNTY OF TURNER

On this the 14th day of March, 1979, before me, Robert J. Haar, the undersigned officer, personally appeared Merle E. Flyger and LaVerna E. Flyger, husband and wife as Sellers, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF I have hereunto set my hand and official seal.

Robert J. Haar
Notary Public - South Dakota

(SEAL)

My commission expires September 30, 1981.

.....

STATE OF SOUTH DAKOTA SS
COUNTY OF TURNER

On this the 14th day of March, 1979, before me,
Robert J. Haar, the undersigned officer, personally appeared Jerry D. Graber, Calvin Graber and Jay Graber, as Buyers, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.,

IN WITNESS WHEREOF I have hereunto set my hand and official seal.

Robert J. Haar
Notary Public - South Dakota

(SEAL)

My commission expires September 30, 1981.

EXHIBIT "A"

Total Purchase Price of Property: \$672,000.00
Less Amount for Personal Property 41,100.00
Contract for Deed: \$630,900.00
Less Downpayment: 20,000.00
Less Payment of 3-1-79 133,900.00
Contract amount to be made in installments: \$477,000.00

<u>Payment Date</u>	<u>Principal</u>	<u>Interest @7½%</u>
March 1, 1980	\$10,000.00	\$ 35,775.00
March 1, 1981	10,000.00	35,025.00
March 1, 1982	10,000.00	34,275.00
March 1, 1983	10,000.00	33,525.00
March 1, 1984	10,000.00	32,775.00
March 1, 1985	10,000.00	32,025.00
March 1, 1986	10,000.00	31,275.00
March 1, 1987	10,000.00	30,525.00
March 1, 1988	10,000.00	29,775.00
March 1, 1989	387,000.00	29,025.00

*Filed for record.
14th day of March 1979
at 2:15 o'clock p.m.
and recorded in
Book 91 and page 167.*

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, SD 57501

Date: March 14, 1979

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

S1, Section 16-T98N-R53W NE1, Section 21-T98N-R53W

~~formerly~~ owned by Merle E. and LaVerna Flyger, Hurley, SD
contracted to be sold
has been transferred to X Jerry D. Graber, Calvin Graber and Jay Graber

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

Water Right Permit No. 176-3 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 Commission as evidence of the ~~change of ownership~~ Contract for Deed of 3/14/79 which is attached hereto for reference.

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.

LaVerna E. Flyger

I, Merle E. Flyger and/ 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.

LaVerna E. Flyger

(Signed) Merle E. Flyger

Subscribed and sworn to before me this 14th Day of March 19 79.

Robert J. Haar
(Notary Public) Robert J. Haar

(Seal)

My commission expires September 30, 1981.

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6868

PIERRE, March 16 19 79

RECEIVED OF Merle E. Flyger, Hurley, SD 57036

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 water permit No. 176-3</u>	2	0
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	0

WATER RIGHTS COMMISSION

Observations during the Field Inspection on November 20, 1957 of the Merle E. and Laverne Flyger project relative to application #176-3.

Merle Flyger accompanied me on this inspection and was very cooperative in assisting me so that I could complete my work.

This project consisted of 320 acres + located in the S $\frac{1}{2}$ Sec 16, T 98N, R 53W, and divided into 42 to 125 acre fields of corn, pasture, oats, and alfalfa. The well was located about 100 rods west and 2 - 3 rods south of the east $\frac{1}{2}$ cor., of Sec 16. The locations of the lands and well compared closely to those shown on Map # 143-3.

The well was 45 feet deep w/ the static water level @ 3-4 feet. I was told that it was test pumped @ 1500 gpm w/a 12 foot drawdown, but that this was the capacity of the pump. This well could easily have a maximum capacity of 3000 gpm.

The equipment consisted of a Western Land Roller pump Serial # 456230 and head No's. 10-B-030 and 2-14-R with an estimated capacity of 1900-2100 gpm. Power was furnished by an A. O. Smith Electric Motor, Model #25294, type #1ZBV, Serial #55369 w/a direct drive, rated @ 60 Hp and 1760 rpm's. There was a pressure gauge on the pump. He also had 150 rods of 8 inch mainline pipe, 140 rods of 6 inch mainline, and 160 rods of 5 inch lateral pipe, and about 60 - 65 model s-100 Skinner 5/16 x 7/32 nozzles w/a capacity varying between 1400 and 2300 gpm depending on the pumping pressure.

The system was not in operation during the inspection but there was ample evidence that the project had been irrigated this year.

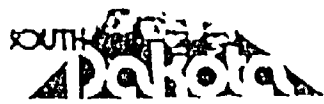
All of the equipment was either new or in very good condition.

The acreage and the capacity of the works to divert and convey water to the place of use met the conditions as set forth in the application and permit.

Les Wyborny
Les Wyborny

January 2, 1958

(#176-3)
#1967-3



Department of Water & Natural Resources

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

February 17, 1989

Jerry, Jay, & Calvin Graber
RR 2, Box 110
Parker, SD 57053

Dear Sirs:

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

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

The new standards include:

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

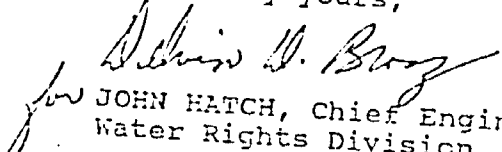


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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

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

Very truly yours,


for JOHN HATCH, Chief Engineer
Water Rights Division



176-3

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

January 30, 1996

NOTICE**TO:** JERRY, JAY & CALVIN GRABER, RR 2 BOX 110, PARKER, SD 57053**FROM:** Rori Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program**SUBJECT:** Violation of Requirement to Submit 1995 Irrigation Questionnaire

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 1967-3, 176-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:45 am, March 6, 1996, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1967-3, 176-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1996 your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

Is your RETURN/DOX ed on the reverse side?

SENDER:

- Complete Items 1 and/or 2 for additional services.
- Complete Items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

JERRY, JAY & CALVIN GRABER
RR 2 BOX 110
PARKER SD 57053

4a. Article Number

2348318 854

4b. Service Type(s)

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

Date of Delivery

1-31-96

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *Jay Graber*

8. Addressee's Address (Only if requested and fee is paid)



176-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 14, 1996

176-3

1967-3

5448-3

Calvin & Linda Graber
44797 281st St
Parker, SD 57053

Dear Mr. & Mrs. Graber:

I am writing to acknowledge receipt of your 1995 irrigation questionnaires. You may disregard the January 30, 1996, Notice of Violation of Water Permit No. 5448-3 and Violation of the Requirement to Submit the 1995 irrigation questionnaires for Nos. 176-3 and 1967-3.

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

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



January 9, 1998

176-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: JERRY, JAY & CALVIN GRABER, 44797 281ST ST, PARKER, SD 57053

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire has not been submitted for Permit No(s) 176-3 & 1967-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, February 25, 1998, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 176-3 & 1967-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

176-3

JERRY, JAY & CALVIN GRABER
44797 281ST ST
PARKER SD 57053

4a. Article Number

2179 157 212

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

1-10-98

5. Received By: (Print Name)

Jay Graber

6. Signature: (Addressee or Agent)

XI *Jay Graber*

1. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.



176-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 1998

176-3
1967-3
5448-3

Jerry, Jay, Calvin & Linda Graber
44797 281st St
Parker, SD 57053

Dear Sirs:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notices" concerning reporting requirements for Water Permit Nos. 176-3, 1967-3 (Jerry, Jay & Calvin Graber) and 5448-3 (Linda Graber).

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

If you have any questions, please contact me.

Sincerely,

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



176-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 21, 2004

176-3
1967-3

Jay and Calvin Graber
44797 281st St
Parker SD 57053

Dear Sirs:

Thank you for sending in the 2004 irrigation questionnaires. I noticed on the forms for Water Right Nos. 176-3 and 1967-3 that you crossed off Jerry's name from the address label. If your intent was to have the water right listed in only your names and omit Jerry, you will need to file an ownership change with our office. Anytime a name is changed, added or deleted from a water right, the transfer needs to be filed.

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

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

DEC 27 2004

WATER RIGHTS
PROGRAM

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

No. 176-3

Date: 12-23-04

I/We request that Water Right No. 176-3

formerly owned by: Jerry, Jay and Calvin Graber

be transferred to: (name & address) Jay and Calvin Graber, 44797 281st St, Parker SD 57053

Telephone No. 605 925-4688

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

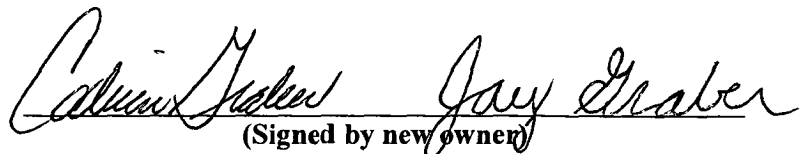
320 acres – Section 16, T98N, R53W

I/We understand that the validity of Water Right No. 176-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We, Calvin + Jay Graber, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 27, 20 04

RECEIVED OF Graber Jerseys Inc., 44797 281st St, 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	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>176-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

CC-1111

By

Darland Ebele
Chief Engineer *gm*



176-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 28, 2004

176-3
1967-3

Jay and Calvin Graber
44797 281st St
Parker SD 57053

Dear Sirs:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fees you submitted for transferring Water Right Nos. 176-3 and 1967-3. The transfers have been completed. Jerry's name was removed and the water rights are now listed in your names only.

Enclosed are your Receipt Nos. 001557 and 001558 in the amounts of \$2.50 each. You may keep these for your records.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures



176-3
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 24, 2012

NOTICE

TO: JAY & CALVIN GRABER, 44797 281ST ST, PARKER, SD 57053
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaires

Our records indicate that the 2011 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 176-3, 1967-3 & 4152-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5448-3 qualification:

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

The hearing will be held at **10:00 am, March 7, 2012** 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) 5448-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 176-3, 1967-3 & 4152-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, 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: <http://denr.sd.gov/iq.aspx>

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 ENVIRONMENT
and NATURAL RESOURCES

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

February 1, 2012

Jay & Calvin Graber
44797 281st St
Parker SD 57053

RE: Water Right Nos. 176-3, 1967-3, 4152-3 and 5448-3

Dear Sirs:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right Nos. 176-3, 1967-3, 4152-3 and 5448-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

176-3

McMath, Genny

From: Calvin Graber <calgraber@yahoo.com>
Sent: Monday, November 29, 2021 9:02 PM
To: McMath, Genny
Subject: Re: [EXT] Water Rights

You may just include my name on the address. Thanks.

Calvin Graber

On Monday, November 29, 2021, 4:37:28 PM CST, McMath, Genny <genny.mcmath@state.sd.us> wrote:

Calvin,

I noticed when you submitted your irrigation questionnaires that you crossed Jay's name off the labels.

In order to remove Jay's name from the water right, you will need to file an ownership change for both Water Right Nos. 176-3 and 1967-3.

If you were just making a notation with respect to the irrigation questionnaire mailing each year, I can remove his name. That does not change ownership on the water right, just changes the address to which questionnaires are mailed.

Let me know how you want to handle it. Thanks in advance,

Genny McMath

DANR – Water Rights Program

773-3352 (main phone)

773-5455 (desk phone)

Website: danr.sd.gov