

Water Right Number 1773-3

1. Considered November 4, 1970
2. Name of Applicant Jerry Adrian
3. Post Office Address 2605 Skyline Dr., Lion's Falls, S.D.
4. Amount of water claimed 2.17
5. Source of water supply Ground Water
6. Water to be used for Irrigation
Acres to be irrigated 153.96
7. Water to be diverted and used in Jurmer County
about 3 Miles S. - 3 E of Parber
8. Proof of Publication
Received ☒ 9-27-70
Not received ☐
9. Application
Approved ☐
Subject to ☐
Not approved ☐
Action deferred ☐
10. Remarks:

No. 1773-3Map No. 1289.3 Water Division No. 3 Big Sioux River District 1
(Blanks to be Filled by the Engineer for the W. H. 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 Jerry Adrian
 Post-office address 2605 Skyline Drive
Sioux Falls, South Dakota, State South Dakota
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & Direct Labor
 3. Name of diversion work Adrian Irrigation Project #1
 4. Amount of water claimed (cubic feet per second) 2.17
 5. Source of water supply Ground Water
 6. Location of point of diversion 1256.6' North & 1802.7' East of the SW Corner, Section 35,
T99N, R53W

- County Turner
 7. Annual period or periods during which water is to be used April thru October
 8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
 9. For irrigation use, Total number of acres to be irrigated 153.96

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
SW $\frac{1}{4}$, Sec. 35, T99N, R53W	153.96		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication New Era, Parker, S.D.
 12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Well, Pump and Motor

B. Works proposed to transport water to place of use.

Mainline

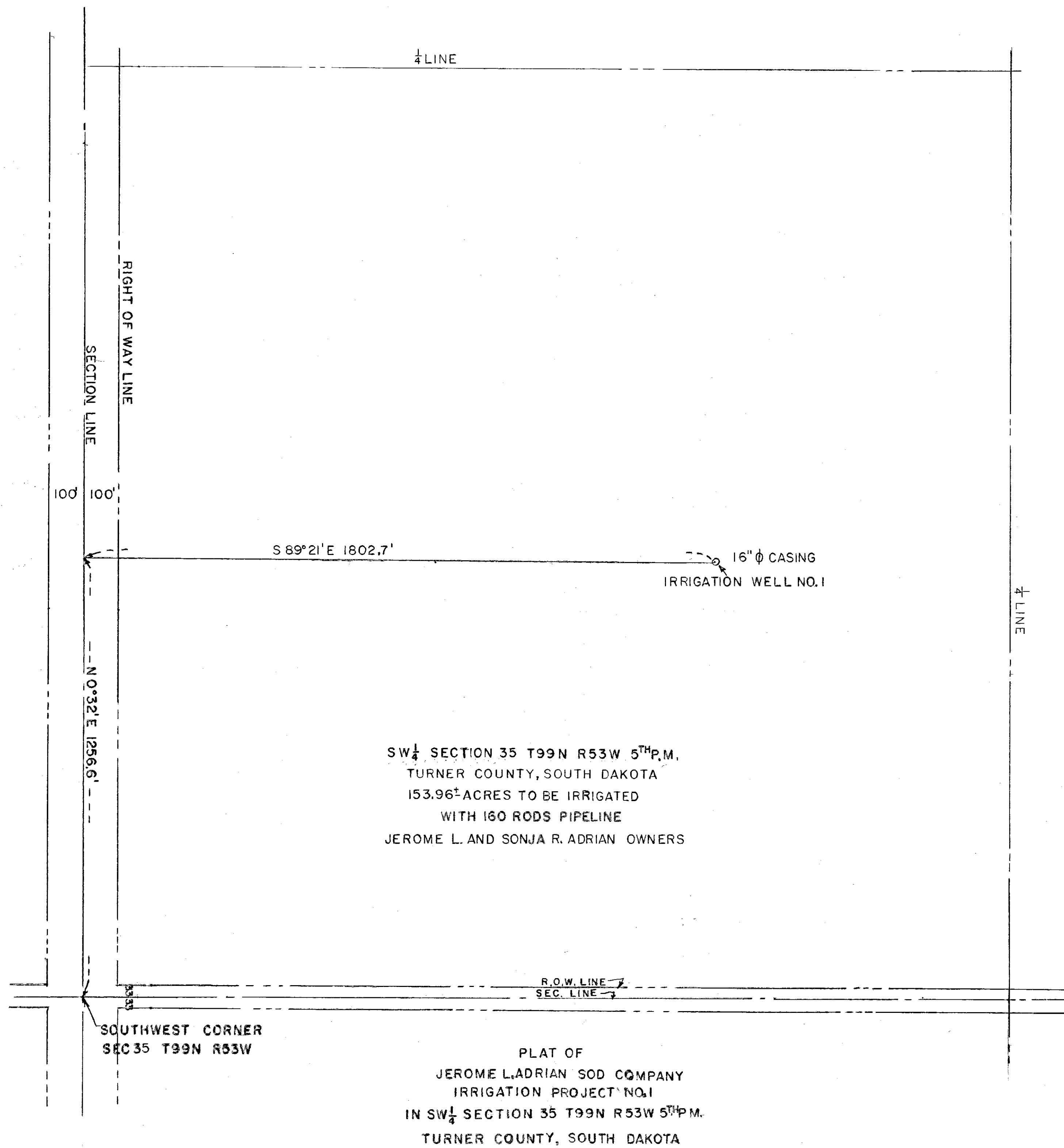
C. Works proposed to apply water to beneficial use.

Sprinkler SystemEstimated Total Cost \$

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Hughes)
Jerry AdrianI, Jerry Adrian, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Jerry AdrianSubscribed and sworn to before me this 30th day of August, 1970Betty Westlund
Notary Public (or other qualified officer)Exh. A-1 & 2 W.A.C.



SCALE 1"=200'

STATE OF SOUTH DAKOTA)
COUNTY OF MINNEHAHA) SS

SURVEYOR'S CERTIFICATE

I, RICHARD J. KLOSTERMAN, A REGISTERED LAND SURVEYOR DO HEREBY CERTIFY THAT I HAVE SURVED THE SW 1/4 SECTION 35 T99N R53W 5TH P.M. TURNER COUNTY, SOUTH DAKOTA AND LOCATED IRRIGATION WELL NO. 1 AS INDICATED ON THE ABOVE PLAT.

IN WITNESS WHEREOF I HAVE SET MY HAND AND SEAL THIS 23rd DAY OF JULY 1970.

Richard J. Klosterman
REGISTERED LAND SURVEYOR #573

STATE OF SOUTH DAKOTA)
COUNTY OF MINNEHAHA) SS

ACKNOWLEDGEMENT OF SURVEYOR

ON THIS DAY BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR THE STATE AND COUNTY AFORESAID, PERSONALLY APPEARED RICHARD J. KLOSTERMAN KNOWN TO ME THE PERSON WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

WITNESS MY HAND AND SEAL THIS 23rd DAY OF JULY 1970.

5-11-73
MY COMMISSION EXPIRES

Marvin R. Muel
NOTARY PUBLIC SOUTH DAKOTA

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1773-3
JERRY ADRIAN 2605 SKYLINE DR, SIOUX FALLS
 (Applicant) (Post Office Address)
SOUTH DAKOTA With the following modifications:
 (State)

The irrigation well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells.

Date of first receipt of application SEPTEMBER 2 19 70
 Date of return to applicant for correction, amendments or changes required _____ 19 ____
 Date of receipt of corrected application _____ 19 ____
 Approved NOVEMBER 4 19 70 Recorded in Book 11 Page 200

WATER RIGHT PERMIT NO. 1773-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1773-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is SEPTEMBER 2 19 70
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 4 19 73
3. The whole of said work is to be completed on or before NOVEMBER 4 19 75
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 4 19 79
5. The water appropriated shall be used for the purpose of IRRIGATION
6. 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.
7. The amount of the appropriation herein granted shall not exceed 2.17 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and 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 NOVEMBER 4 19 79; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 6TH day of NOVEMBER 19 70

WATER RESOURCES COMMISSION

By:

[Signature]
 Chief Engineer, Executive Officer

Certificate of Construction Issued July 9 19 80

Water License Issued July 9 19 80

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter 36", Depth 40'
- (2) Casing, Type Steel (wood, concrete, steel, etc) Diameter 16" Thickness 1/4"
- (3) Perforated Screen, Type Johnson, Diameter 16", Length 10'
- (4) Gravel Pack, Thickness 1/4 inch gravel, Length of gravel pack 30'

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials _____

Depth to top of water bearing material 13'

Depth to bottom of water bearing material 40'

Thickness of water bearing material _____

Depth to water (ground surface to water level) 13'

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property _____ rds. On property owned by others _____ rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Jerry Adrissi
Signature of Applicant

WATER LICENSE NO. 1773-3

(1) WHEREAS, On the 2nd day of September A. D. 19 70

Jerry Adrian

made Water Right Application No. 1773-3 for a permit to use 2.17 cubic feet per second of the waters of groundwater (one well)

County of Turner, State of South Dakota, for Irrigation

purposes; and

(2) WHEREAS, On the 4th day of November A. D. 19 70

Permit No. 1773-3, with a date of priority of September 2, 1970

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 4th day of November A. D. 19 75 and for the

application to beneficial use of said water on or before the 4th day of November A. D. 19 79

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 1.88 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 a 144 acre circle located in the SW1, Section 35 - T99N -

R53W

(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 Jerry Adrian

_____ of Sioux Falls, South Dakota

the holder _____ and owner _____ of said permit No. 1773-3 a water right, dating from September 2, 1970

_____ to use of 1.88 cubic feet per second of the waters of groundwater (one well)

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

purposes hereinbelow mentioned, to be diverted at a point 1240' North & 1800' East of the SW

Corner, Section 35 - T99N-R53W

and conducted to and upon _____
a 144 acre circle, located in the SW $\frac{1}{4}$, Section 35 - T99N-

R53W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1773-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 9th day of July A. D.
Nineteen Hundred and Eighty

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Permit No. 1773-3

Water Diversion No. 3 Vermillion River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Jerry Adrian

_____ the holder _____ of
Permit No. 1773-3, issued upon Application No. 1773-3, bearing date of priority of September 2,
1970 authorizing the diversion of 2.17 cu. ft. per second of the waters of _____
groundwater (one well) County of Turner, State of South Dakota at a
point 1240' North and 1600' East of the SW Corner, Section 35 - T99N -
_____ R53W
_____, 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 1.88 cu. ft. per second of water.

Date July 9, 1980



JOHN HATCH, Chief Engineer
Water Rights, WMD

No. 1773-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Turner) ss.

I, EARL J. BORMANN hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the New Era

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

New Era of Parker, S. D.,

County of Turner and State of South Dakota,
that the said notice was published in said newspaper on the following
four dates:

Thursday, September 24, 1970

Thursday, October 1st, 1970

Thursday, October 8th, 1970

Thursday, October 15th, 1970

(Signature)

Owner--Publisher
(Title)

9-18-70
(Date Signed)

NOTICE OF INTENT TO APPROPRIATE WATER
Pierre, South Dakota 57501
September 17, 1970
Notice is hereby given that Jerry Adrain whose post office address is Sioux Falls, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.17 cubic feet of water per second of time from ground water through the Adrain Irrigation Project No. 1 the point of diversion of which is to be located in the SE 1/4 SW 1/4 of Section 35, Twp. 99 North, Range 54 W. Said water to be used for the purpose of providing irrigation on the following described land:
SW 1/4, Section 35, T99N, R54W.
This application No. 1773-3 will be considered by the Water Resources Commission at their office at Pierre, upon the 4th day of November, 1970, at 2:00 P.M. All interested persons may appear and be heard.
WATER RESOURCES COMMISSION
BY: Burton F. Jones, Water Rights Specialist
cc: Jerry Adrain
2605 Skyline Drive
Sioux Falls, S. D. 57101
Sept. 27, October 1, 8, 15, 22, 29, '70

RECEIVED
SEP 24 1970

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Form 6 - Notice of Intent to Appropriate Water

D. 1773-3

Publish first publication, on or before October 8, 1970

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 17, 1970

Notice is hereby given that Jerry Adrian

whose post office address is Sioux Falls, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

2.17 cubic feet of water per second of time from the ground water through the

Adrian Irrigation Project #1, the point of diversion of which is to be located in the

SE 1/4 SW 1/4

of Section 35, Twp. 99N, Range 53W .. Said water to be used for the purpose

of providing irrigation on the following described land:

SW 1/4, Section 35, 199N, R53W

This application No. 1773-3 will be considered by the Water Resources Commission at their office at Pierre upon the 4th day of November, 1970, at 2:00 P. M. All interested

persons may appear and be heard.

WATER RESOURCES COMMISSION

cc: Jerry Adrian

2605 Skyline Drive
Sioux Falls, S.D. 57101

By:

BURTON F. JONES, Water Rights Specialist

12-13-73

Terry Adams

7-16-78

My father has called me and
said he would be installing a new
the 160 AC very soon.

Chad 1977-78



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights, Water Management Division
(605) 773-3352

133-3, 1773-3, 2062-3, 2063-3, 4122-3

June 24, 1980

Jerry Adrian
RR #3, Box 39B
Sioux Falls, SD 57101

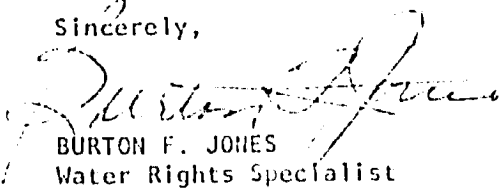
Dear Mr. Adrian:

On June 5, 1980, accompanied by Curt Adrian, I made an inspection of the irrigation developed under Permits 1773-2, 2062-3, 2063-3 & 4122-3 so licensing of these Permits can take place.

The N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 34, T99N, R53W included in your Permit No. 4122-3 had a previous Permit No. 133-3 issued to Ernest Larson. In licensing Permit No. 4122-3 we propose to incorporate the applicable portions of Permit No. 133-3 including the earlier priority for the 80 acres, and cancel out Permit No. 133-3. To include Permit No. 133-3, we should have it transferred to your name. Please sign and have the enclosed Form 20 notarized, and return it to this office with the required fee of \$2.50 for the transfer.

Statutes require that we charge \$50.00 for each inspection and issuance of the Water Licenses. Please submit \$200.00 to cover the four Permits and the Water Licenses will be sent to you.

Sincerely,


BURTON F. JONES
Water Rights Specialist

BFJ/gy

encl: Form 20

Equal Opportunity Employer

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7573

RECEIVED OF Jerry L. Adrian, Rt. 3, Box 39B, Sioux Falls, SD 57101 PIERRE, JULY 19 80
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>1773-2</u>		
Fee for inspecting Beneficial Use, and issuing Water License No. <u>1773-2</u>		50 00
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		50 00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH / (bt)

Permit No. 1773-3Water Division 3 VERMILLION RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG. PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by JERRY
ADRIAN of SIOUX FALLS holder
of Permit No. 1773-3, bearing date of priority of SEPTEMBER 2, 1970
authorizing the diversion of 2.17 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in TURNER 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:

40' DEEP WELL WITH 16" PLASTIC CASING - 15' SLOTTED
WESTERN LAND ROVER 8" PUMP
POWERED BY 60 HP NEWMAN ELECTRIC MOTOR

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

430' OF 10" BURIED PLASTIC LINE TO CENTER OF PLOT

C. Works used to apply water to beneficial use.

7 TOWER VALLEY CORNER SYSTEM

The system is in the following condition: _____

The point of diversion is located 1240' N & 1800' E OF THE SW CORNER,
SECTION 35, T99N, R53W

The works are capable of diverting and conveying to the place of use 1.88 (850 GPM)
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: _____

A 144 ACRE "CIRCLE" IN THE SW⁴ SECTION 35,
T99N, R53W

comprising a total of 144 acres of land.Date JUNE 5, 1980

Burton Jones
(Signature)


**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 30, 1996

NOTICE
TO: JERRY L ADRIAN, RT 3 BOX 106, SIOUX FALLS, SD 57101 9620

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

SUBJECT: Violation of Water Permit No(s) 4694-3, 1773-3, 2062-3, 2063-3 & 4122-3 and 1995 Irrigation Questionnaire Requirements

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 4694-3, 1773-3, 2062-3, 2063-3 & 4122-3. The request for the Questionnaires 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 permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 1773-3, 2062-3, 2063-3 & 4122-3 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) 4694-3 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 in 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. 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) 4694-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1773-3, 2062-3, 2063-3 & 4122-3 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 questionnaires are received in this office on/or before March 1, 1996, 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 (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.

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 L ADRIAN
RT 3 BOX 106
SIOUX FALLS SD 57101-9620

4a. Article Number

2161 984 112

4b. Service Type

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

7. Date of Delivery

2-2-96

5. Received By: (Print Name)**8. Addressee's Address (Only if requested and fee is paid)****6. Signature: (Addressee or Agent)**

X 



1773-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 1996

Jerry Adrian
27217 473rd Ave
Sioux Falls, SD 57106

RE: Water Permit Nos. 1773-3, 2062-3, 2063-3, 4122-3 and 4694-3

Dear Mr. Adrian:

I am writing to acknowledge receipt of your 1995 irrigation questionnaires. You may disregard the January 30, 1996, Notice of Violation of Water Permit and Violation of the Requirement to Submit the 1995 Irrigation Questionnaires.

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



1773-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 15, 1997

1773-3

Curt Adrian
45572 279th St.
Parker, SD 57053

Dear Mr. Adrian:

Thank you for submission of your 1997 irrigation questionnaires. I am returning one of the forms to you for completion. The remainder of the forms were completed properly, this one was probably just an oversight.

The back side of the questionnaire pertaining to Water Right No. 1773-3 needs to be filled in. Water Right No. 1773-3 authorizes irrigation of 144 acres in Section 35, T99N, R53W.

I am enclosing a postage paid envelope for your convenience in returning the form. Thank you and if you have any questions, please get in touch with me.

Sincerely,

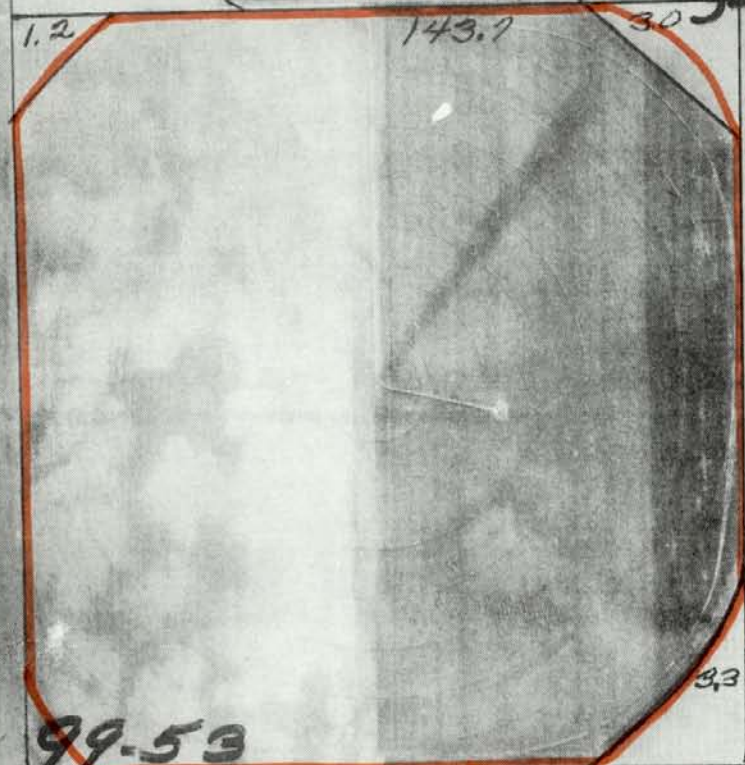
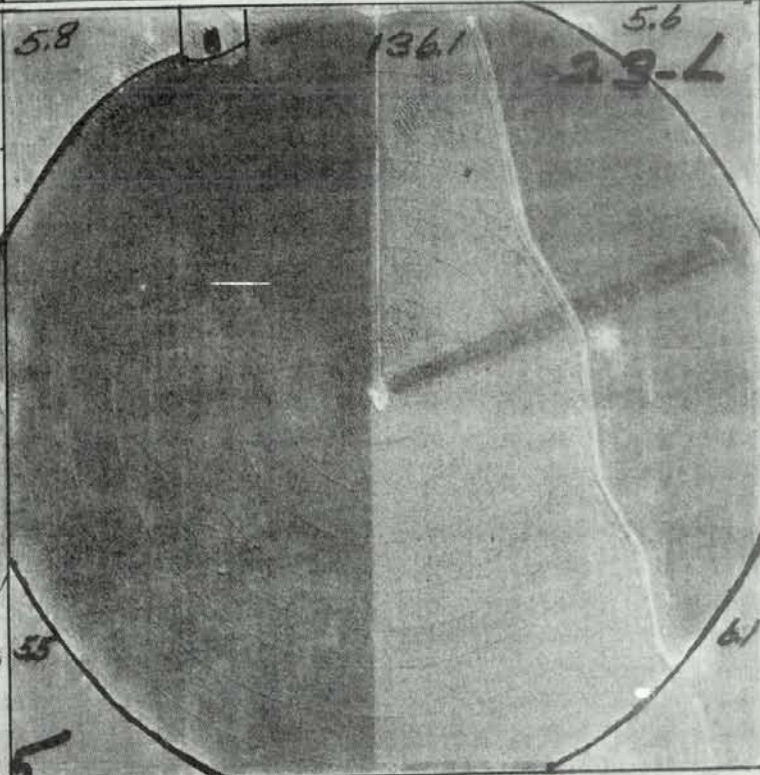
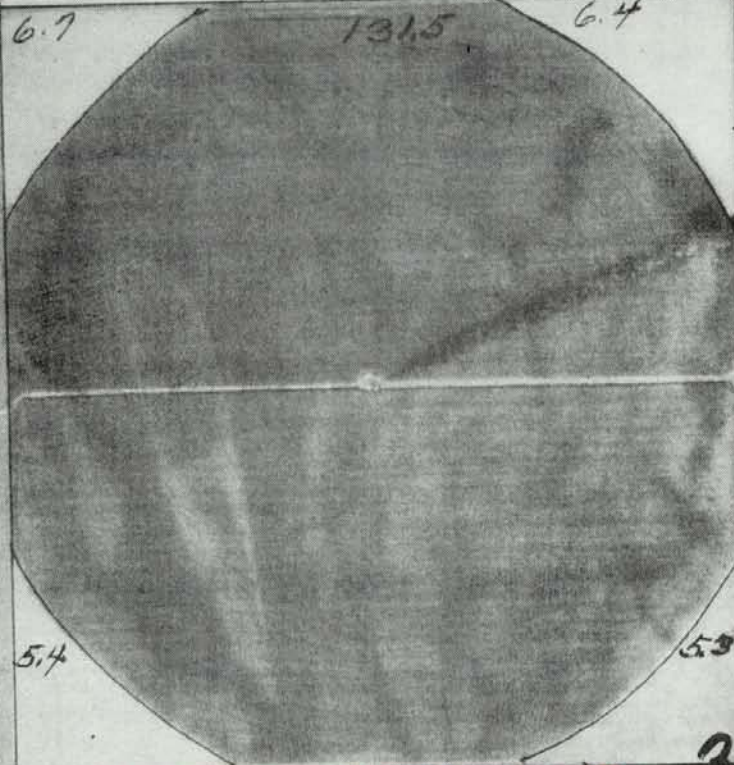
Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

encl.

Appl. # 1773-3

NOT TO SCALE

99-53



155.2

PERMIT 1773-3

~~map # 1289-3~~

w/r 1773-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 5, 2016

No. 1773-3
6221-3

Rueben Nicolai
4800 S 3rd St
LaCrosse WI 54601

Dear Mr. Nicolai:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 1773-3 and 6221-3. The water rights are currently listed in the name of Jerry Adrian.

The transfer forms should be checked over for accuracy and **signed by the new owner**. Upon completion, return the forms to our office with a required filing fee of \$50.00 each (\$100 total).

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 Genny McMath.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
email: karen.schlaak@state.sd.us

enclosures

RECEIVED

FEB 11 2016

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1773-3

Date: _____

I/We request that Water Right/Permit No. 1773-3

formerly owned by: Jerry Adrian

be transferred to: (name & address) Rueben Nicolai, 4800 S 33rd St, LaCrosse WI 54601

Telephone No.

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

SW 1/4 Section 35-T99N-R53W

I/We understand that the validity of Water Right/Permit No. 1773-3 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 Rueben Nicolai, 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

RECEIVED OF Reuben Nicolai 4800 S 33rd St Date 2/11, 20 16
La Crosse WI 54601

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	50	00
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>1773-3</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	50 00

No. 07754

By J. Ram Goodman
Chief Engineer



1773-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 23, 2016

1773-3
6221-3

Rueben Nicolai
4800 S 33rd St
LaCrosse WI 54601

Dear Mr. Nicolai:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for Water Right Nos. 1773-3 and 6221-3.

The ownership changes have been completed. Water Right Nos. 1773-3 and 6221-3 formerly held by Jerry Adrian, Adrian Sod Service are now listed in your name.

Enclosed for your records are Receipt Nos. 07754 and 07755 in the amount of \$50 each. If you have any questions, please contact me.

Sincerely,

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

enclosures



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: PAUL PETERSEN, 45610 282ND ST, HURLEY, SD 57036

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaires

Our records indicate your 2020 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 121-3A, 199-3, 289-3, 3411-3, 1773-3, 3632-3, 3633-3 & 3648-3 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) 164-3, 2053-3, 2852-3, 3906A-3, 5261-3, 5373-3, 5555-3, 6221-3 & 7588-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 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) 164-3, 2053-3, 2852-3, 3906A-3, 5261-3, 5373-3, 5555-3, 6221-3 & 7588-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 121-3A, 199-3, 289-3, 3411-3, 1773-3, 3632-3, 3633-3 & 3648-3 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 questionnaires are received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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: XTHTSS**

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.



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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2021

Paul Petersen Farms
45610 282nd St
Hurley SD 57036

RE: Water Permit or Right Nos. 121-3A, 164-3, 199-3, 289-3, 1773-3, 2053-3, 2852-3, 3411-3, 3632-3, 3633-3, 3648-3, 3906A-3, 5261-3, 5373-3, 5555-3, 6221-3 & 7588-3

Dear Mr. Petersen:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for the above listed water permits and rights. 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