

W. r Right Number 1784-3

1. Considered January 20, 1971

2. Name of Applicant Walter A. Hansen

3. Post Office Address Hurley, S.D.

4. Amount of water claimed 3.00

5. Source of water supply ground water well

6. Water to be used for irrigation

Acres to be irrigated 160.00

7. Water to be diverted and used in Turner County

about 3N 1E Miles 1ST of HURLEY

8. Proof of Publication

Received 1ST

Not received _____

9. Application

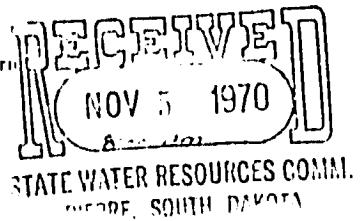
Approved _____

Subject to _____

Not approved _____

Action deferred _____

10. Remarks:

No. 1784-3
 Map No. 350-3 Water Division No. 3 VERMILION RIVER District
 (Blanks to be filled by the Engineer for the W. R. C.)


APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Walter A. Hansen
- Postoffice address Hurley 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) Direct Labor & Contract
Water Hansen No. 1
3. Name of diversion work _____
4. Amount of water claimed (cubic feet per second) 3.00 - 2.28 MAXIMUM AVAILABLE
5. Source of water supply shallow well
6. Location of point of diversion 1951 feet South 45° 15' East of NW Corner of Section 12,
T98N, R53W
- County Turner
7. Annual period or periods during which water is to be used April through 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 160

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.
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 12, T98N, R53W	40		
NW $\frac{1}{4}$ NW $\frac{1}{4}$ " " " "	40		
SW $\frac{1}{4}$ NW $\frac{1}{4}$ " " " "	40		
SE $\frac{1}{4}$ NW $\frac{1}{4}$ " " " "	40		

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 Hurley Leader, Hurley, S.D.
12. Principal Features of the Proposed Water Supply System.

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

Shallow Well
Turbine pump
Electric motor

B. Works proposed to transport water to place of use.
Aluminum pipe or buried pipe

C. Works proposed to apply water to beneficial use.

Sprinkler systemEstimated Total Cost \$ 20,000

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 Turner

I, Walter A. Hansen, 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 Walter A. HansenSubscribed and sworn to before me this 11th day of December, 1970
Charles L. Humphrey
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1784-3
WALTER A. HANSEN HURLEY
 (Applicant) (Post Office Address)
SOUTH DAKOTA With the following modifications:
 (State)

The irrigation well approved under this Permit will be located near domestic wells and other irrigation 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 or in irrigation wells having prior water rights.

Date of first receipt of application NOVEMBER 5 19 70
 Date of return to applicant for correction, amendments or changes required --- 19 ---
 Date of receipt of corrected application --- 19 ---
 Approved JANUARY 20 19 71 Recorded in Book 11 Page 236

WATER RIGHT PERMIT NO. 1784-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1784-3 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 NOVEMBER 5 19 70
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 20 19 73
3. The whole of said work is to be completed on or before JANUARY 20 19 76
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 20 19 80
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 2.28 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 JANUARY 20 19 80; said water to be used during the following described annual period: APRIL THEN OCTOBER

Witness my hand this 8TH day of FEBRUARY 19 71

WATER RESOURCES COMMISSION

By: [Signature]
 Chief Engineer, Executive Officer

Certificate of Construction Issued --- 19 ---

Water License Issued --- 19 ---

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 32", Depth 50'
- (2) Casing, Type steel, Diameter 20" Thickness 14 gauge
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type Mill type, Diameter 20, Length 21
- (4) Gravel Pack. Thickness _____, Length of gravel pack _____

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 coarse gray sand

Depth to top of water bearing material 17

Depth to bottom of water bearing material 50

Thickness of water bearing material 33

Depth to water (ground surface to water level) 14

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

On same owner's property none rds. On property owned by others 160 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.

Walter A. Hansen
Signature of Applicant

Permit No. 1784-3

Water Diversion No. 3 Vermillion River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Walter A. Hansen

_____ the holder _____ of
Permit No. 1784-3, issued upon Application No. 1784-3, bearing date of priority of November 5,
1970 authorizing the diversion of 2.28 cu. ft. per second of the waters of _____
groundwater County of Turner, State of South Dakota at _____
1120 ft. South and 1290 ft. East of the NW Corner of Section 12-T93N-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 1.89 cu. ft. per second of water.

Date May 2, 1978

By:

WATER RIGHTS COMMISSION

John Hatch
JOHN HATCH, Chief Engineer

WATER LICENSE NO. 1784-3

(1) WHEREAS, On the 5th day of November A. D. 1970
Walter A. Hansen

made Water Right Application No. 1784-3 for a permit to use 2.25 cubic feet per second of the waters of groundwater

County of Turner, State of South Dakota, for Irrigation purposes; and

(2) WHEREAS, On the 20th day of January A. D. 1971
Permit No. 1784-3, with a date of priority of November 5, 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 20th day of January A. D. 1976 and for the application to beneficial use of said water on or before the 20th day of January A. D. 1980

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 1.39 cubic feet per second of water for beneficial use and,

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

for irrigating the following acres, all in Section 12-T98N-R53W:	
	acres
NW 1/4 NW 1/4	33
NE 1/4 NW 1/4	33
SW 1/4 NW 1/4	33
S 1/2 NW 1/4	33
SE 1/4 NW 1/4	33
Total	132 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 Walter A. Hansen

_____ of Hurley, SD

the holder _____ and owner _____ of said permit No. 1734-3 a water right, dating from November 5, 1970

_____ to use of 1.80 cubic feet per second of the waters of groundwater

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 2120 ft. South and 1250 ft. East of the NW corner of Section 12-T98N-R53W

and conduct to and upon portions of land in Section 12-T98N-R53W more fully described on the face of this License

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 1734-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 5th day of May A. D.

Nineteen Hundred and Seventy-eight

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Form 6 - Notice of Intent to Appropriate Water

J. 1784-3

Publish first publication, on or before December 24, 1970

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

November 13, 1970

Notice is hereby given that Walter A. Hansen
whose post office address is Hurley, 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
2.28 cubic feet of water per second of time from the ground water through the
Walter Hansen #1, the point of diversion of which is to be located in the _____

NE 1/4 NW 1/4
of Section 12, Twp. 98N, Range 53W. Said water to be used for the purpose
of providing irrigation on the following described land:

NW 1/4, Section 12, T98N, R53W

This application No. 1784-3 will be considered by the Water Resources Commission at their office at
Pierre upon the 20th day of January, 1971, at 2:00 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

cc: Walter A. Hansen, Hurley, S.D.

By:

DURTON F. JONES, Water Rights Specialist

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

1883

COUNTY OF TURNER)

K. R. HOFMEISTER, being first duly sworn, on oath says that THE HURLEY LEADER is a WEEKLY newspaper printed and published in HURLEY in said county of TURNER by K. R. HOFMEISTER, (an individual), and that affiant is SOLE OWNER of said HURLEY LEADER and is authorized to and does make this affidavit on behalf of said HURLEY LEADER; that affiant has personal knowledge of all the facts stated in this affidavit; that said newspaper is a legal newspaper as defined by SDC 65.0508 as amended, has a bona fide circulation of at least two hundred copies WEEKLY, has been published in the English language within said county and has been admitted to the United States mail under the second class mailing privilege, for at least one year continuously next prior to the publication of the notice herein mentioned and was and is printed wholly or in part in an office maintained at said place of publication; that said notice, a printed copy of which taken from the paper in which the same was published is hereto attached and is made a part of this affidavit, was published in said newspaper

4 times as follows: that the first publication of said

notice in said newspaper aforesaid was on 26th the

19th day of November, 1970, and that the succeeding publications were severally

on 26th, the 26th day of Dec, 1970;

on 26th, the 3rd day of Dec, 1970;

on 26th, the 10th day of Dec, 1970;

on , the day of , 19 ;

on , the day of , 19 ;

on , the day of , 19 ;

Affiant further says that the full amount of the fees charged for the publication of said notice inures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, that no part thereof has been agreed to be paid to any person whomsoever; and that the fees charged for the publication thereof are

20.00 DOLLARS (\$ 20.00)

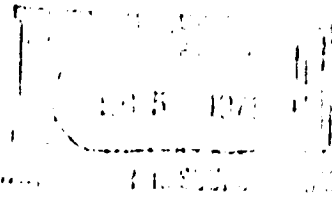
K. R. Hofmeister

Subscribed and sworn to before me this

day 26, 1971

Notary Public

Turner County, South Dakota



he can
at book
for re
service m
bat Cen
he is s
The
Christ
to ge
brin
the
ho
ed
w
t

For recreation w
ms of football. Lun
by the hostess.
The next meeting will be on
emb - 12 at the home of
wen Jensen.

LEGAL NOTICE

INTENT TO APPROPRIATE WATER
Pierre, South Dakota 57501
November 13, 1970

Notice is hereby given that Walter A. Hansen whose post office address is Hurley, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.28 cubic feet of water per second of time from ground water through the Walter Hansen No. 1, the point of diversion of which is to be located in the NE 1/4 NW 1/4 of Section 12, Twp. 98N, Range 53W. Said water to be used for the purpose of providing irrigation on the following described land: NW 1/4, Section 12, T98N, R53W. This application No. 1784.3 will be considered by the Water Resources Commission at their office at Pierre upon the 20th day of January, 1971, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION, BURTON F. JONES, Water Rights Spec. Inlist

Pub. Nov. 19-26, Dec. 3-10

SOUTH DAKOTA
Water Resources Commission

STATE OFFICE BUILDING
PIERRE, SOUTH DAKOTA
57501

February 8, 1971

Mr. Walter A. Hansen
Hurley
South Dakota 57036

Dear Mr. Hansen:

Enclosed herewith is your Water Right Permit No. 1784-3 as approved by the Water Resources Commission, authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 1784-3.

Also enclosed is Form No. 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Water Resources Commission when you have completed the system and/or have put the water to beneficial use. The Commission can then schedule an inspection so that your Certificate of Construction and/or your Water License may be issued to you, thus completing your acquisition of a water right.

Respectfully,

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

JWG/BFJ/bw

Encl: As stated

P.S. Under the conditions outlined in our letter of October 26, 1970, Permit No. 454-3 was cancelled prior to approval of this Permit.

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 6419

PIERRE, April 6, 1970

RECEIVED OF Walter A. Hansen, 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. (1784-2)	12	00
Fee for Inspecting Beneficial Use, and issuing Water License No. (1784-3)		
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

By *John Hatch*
Chief Engineer, Executive Officer

JOHN HATCH

97

Cap cover 132 AC

Permit No. 1784-3Water Division 3 Vermillion 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 Walter A Hansen of Hurley, S. Dak. holder of Permit No. 1784-3, bearing date of priority of November 5, 1957, authorizing the diversion of 2.28 cu. ft. per second of the waters of Well 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:

Pump - Western Hand Roller, Head " 5 M 412 KBH 634D
Ser. " KB77164 pumping at 850 gpm
US Elec Motor, Hollow shaft Pump Motor, 60 HP, 1750 RPM
Ser. " 1012937

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

Underground PRC pipe 8" dia - 800 ft long.

C. Works used to apply water to beneficial use.

Valley CP Model 1160, Ser. " 9600.
132 Acre. Coverage

The system is in the following condition: Good

The point of diversion is located 2120 ft South and 1290 ft East of the
NW corner of Section 12 - T98N R53W.

The works are capable of diverting and conveying to the place of use 1.89
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 12, T98N R53W

NW 1/4 NW 1/4 - 33 Ac. NE 1/4 NW 1/4 - 33 Ac. SW 1/4 NW 1/4 - 33 Ac.
SE 1/4 NW 1/4 33 Ac.

comprising a total of 132 acres of land.

Well data:

Depth 48 ft.Depth to water 12 ftTest Pumped @ 1500 gpm.Date July 29 1976

L. Roy J. McLaughlin
(Signature)

**Department of
Natural Resources**

Permit No(s) 1784-3

April 12, 1985

Walter A. Hansen
Hartley SD 57036

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s) 1784-3. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

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

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

1. Amend Permit No(s) 1784-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

Sincerely,


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

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

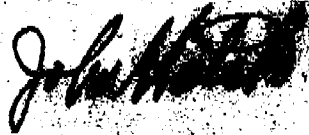
Department of Natural Resources

June 12, 1989

Notice of Amendment to Water Permit(s)

TO: Walter A. Hansen
Hurley, SD 57036

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



SUBJECT: Amendment to Water Permit No(s). 1784-3.

Pursuant to the provisions of the notice dated April 13, 1989, and during May 19, 1989, the Water Management Board has amended Water Permit(s). 1784-3 to add the following qualification:

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

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

Attachment to Water Permit No(s). 1784-3

Pursuant to the provisions of the notice dated April 15, 1983, and following May 15, 1983, the Water Management Board has amended permit No(s). 1784-3 to add the following qualification:

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



Department of Water & Natural Resources

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

March 26, 1986

NOTICE

Walter A. Hansen
Hürley, SD 57036

Re: Violation of Water Permit No(s). 1784-3

Our records indicate that the 1985 Irrigation Questionnaire has not been received for Water Permit No(s). 1784-3. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1784-3 qualification:

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

The hearing(s) will be at 2:00 p.m., May 14, 1986, Joe Foss Building, Room 216, Pierre, South Dakota. The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

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

1. Suspend Permit No(s). 1784-3 until either the 1985 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

Sincerely,

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

Note: If the questionnaire(s) is received in this office before the May 14 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

May 16, 1986

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: Walter A Hansen
Hurley,
South Dakota 57036

FROM: John Hatch, Chief Engineer *John Hatch*
Water Rights Division *by Del Boy*
605 773-3352

SUBJECT: One Year Suspension of Water Permit No(s). 1784-3
If the 1985 Irrigation Questionnaire Is Not Received By
June 1, 1986

Pursuant to the provisions of the notice dated March 26, 1986 and following the Hearing May 14, 1986, the Water Management Board ordered:

That Water Permit No(s). 1784-3 be suspended until December 31, 1986, unless the required 1985 Irrigation Water Use Questionnaire is received by June 1, 1986.

Suspension of a permit means water may not be pumped during the 1986 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

Equal Opportunity Employer



Department of Water & Natural Resources

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

January 29, 1988

WALTER A. HANSEN
HURLEY, SD 57036

NOTICE

Re: Violation of Water Permit No(s). 1784-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 1784-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1784-3 qualification:

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

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

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

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

1. Suspend Permit No(s). 1784-3 until either the 1987 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

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

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



Department of Water & Natural Resources

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

March 14, 1988

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: WALTER A HANSEN

HURLEY, SD 57036

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

SUBJECT: One Year Suspension Of Water Permit No(s). 1784-3

Pursuant to the provisions of the notice dated January 29, 1988, and following the hearing of March 2, 1988, the Water Management Board has ordered:

That Water Permit No(s). 1784-3 be **SUSPENDED** until December 31, 1988.

Suspension of a permit means water may not be pumped during the 1988 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

SENDER: Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. This return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
(Extra charge)

WALTER A HANSEN
HURLEY, SD 57036

4. Article Number

P 501 738 971

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED.**

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

X *Walter A Hansen*
6. Signature - Agent
X

7. Date of Delivery
3-18-58

Water Rights Division - DVNR
Conversation or File Documentation

File No. 7#1784-3

NAME OF PERSON OR FILE: Walter A. Hansen

ADDRESS: Hurley, SD COUNTY Turner

DATE: July 3, 1986 8:45am TELEPHONE _____

RE: Suspended Irrigation Water Permit/rights for the 1986 irrigation season

COMMENTS:

Sprinkler system was set up in bonfield but the system was not running

I talked with Tim Eiden (neighbor) who stated that Walter and Milo Hansen no longer farmed the land but lease the land to Tim Reider. Walter Hansen is the father of Milo and the grandfather of Larry Hansen. Prior to leasing this land, Larry Hansen had farmed the land but he is currently in bankruptcy.

I talked with Walter A. Hansen in his home and he stated that Milo Hansen was farming this year. I could not locate Milo so I gave Walter a note stating that his irrigation permit was suspended for the 1986 irrigation season. Walter said he would give the information concerning the suspension to Milo.

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

NAME: David S. Brown

Water Rights Division - DMNR
Conversation or File Documentation

File No. 1784-3

NAME OF PERSON OR FILE: Walter A. Hansen

ADDRESS: Hurley, SD COUNTY: Turner

DATE: 6/21/88 TELEPHONE: _____

RE: Inspection of Irrigation Water Permit that is suspended for the 1988
irrigation season

COMMENTS:

On June 21, 1988, an inspection of Water Permit # 1784-3 was
conducted. An irrigation system was not operating at the
time of the inspection.

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

4/82

NAME: Daniel S. Brown



Department of Water & Natural Resources

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

February 9, 1990

WALTER A HANSEN

HURLEY, SD 57036

NOTICE

RE: Violation of Water Permit No(s). 1784-3

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 1784-3. 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 the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1784-3 qualification:

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

The hearing will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson 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, the Water Management Board can:

1. Suspend Permit No(s). 1784-3 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

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

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to: WALTER A HANSEN HURLEY, SD 57036	4. Article Number P176 878222 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Addressee <i>Walter Hansen</i> 6. Signature — Agent <i>Th...</i>	8. Addressee's Address (ONLY if requested and fee paid) PO Box 193 HURLEY
7. Date of Delivery 2-13-90	

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT



Department of Water & Natural Resources

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

March 14, 1990

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: WALTER A HANSEN
HURLEY, SD 57036

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

SUBJECT: One Year Suspension of Water Permit No(s). 1784-3

Pursuant to the provisions of the notice dated February 9, 1990, and following the hearing of March 7, 1990, the Water Management Board has ordered:

That Water Permit No(s). 1784-3 be SUSPENDED until December 31, 1990.

Suspension of a permit means water may not be pumped during the 1990 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

Please contact Genny McMath (605 773-3352), if you have any questions.

● **SENDER:** Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 1(Extra charge)†

2. ☐ Restricted Delivery 1(Extra charge)†

3. Article Addressed to:

WALTER A HANSEN
HUFLEY, SD 57036

4. Article Number
P 176 878 321

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Addressee
X *Walter A Hansen*

6. Signature - Agent
X *[Signature]*

7. Date of Delivery
3-15-90

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

PS Form 3811, Mar. 1987

• U.S.G.P.O. 1987-178-26A

DOMESTIC RETURN RECEIPT

Conversation or File Documentation

NAME OF PERSON OR FILE: SUSPENDED PERMITS

ADDRESS: _____ COUNTY _____

DATE: _____ TELEPHONE _____

RE: REPORT ON SUSPENDED PERMIT INSPECTION TRIP

COMMENTS:

I INSPECTED EIGHT SUSPENDED PERMITS. FOUR
OF THESE WERE REPORTED FOR CANCELLATION
1021-3, 1275-3, 4627-3, 594-3

ONE REQUIRED AN ADDRESS CHANGE 1784-3

ONE WENT BEFORE THE WATER MANAGEMENT BOARD
AND HAD PERMIT REINSTATED 4032-3

THREE SHOWED NO SIGNS OF IRRIGATION AND POSSIBLY
COULD BE CANCELLED BUT COULD NOT FIND OR WAS
ABLE TO CONTACT THE PERMIT HOLDER. 3025-3, 1145-3
& 876-3

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



1784-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 30, 1993

Milo Hansen
Box 193
Hurley, SD 57036

Dear Mr. Hansen:

Before we can proceed with the transfer of ownership on Water Right No. 1784-3, we must be in receipt of the \$2.50 fee. You have already submitted the notarized form.

Please return a copy of this letter, along with the \$2.50 fee for verification that we have received your transfer forr..

Your immediate response is greatly appreciated, and if you have any questions, please feel free to contact me.

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP

1784-3

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



No. 1784-3
Date: 3-29-93

I/We request that Water Right No. 1784-3

formerly owned by: Walter A Hansen

be transferred to: (name & address) Milo Hansen Box 193
Hurley S Dak 57036 (Telephone No) 238-5370

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

NW 1/4 Section 12, T98N, R52W

I/We understand that the validity of Water Right No. 1784-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Turner)

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

Milo Hansen
(Signed)

Subscribed and sworn to before me this 26 day of March, 19 93.

Sharon M. Christensen
(Notary Public)

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

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

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

1784-3
413712

Pierre, _____ April 5, 19 93

RECEIVED OF Diane Reiners, Rt 1 Box 87, Hurley, SD 57036

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 1784-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John H. H. H. H.
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 6, 1993

No. 1784-3

Milo Hansen
Box 193
Hurley, SD 57036

Dear Mr. Hansen:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1784-3.

Our records now show you as the owner of Water Right No. 1784-3.

Sincerely,

A handwritten signature in cursive script that reads 'Cheryl F. Frost'.

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE SOUTH DAKOTA 57501-3181

January 29, 1993

NOTICE

TO: JIM/DIANE REINERS, OP
RR 1 BOX 169
HURLEY SD 57036

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

RE: Violation of Water Permit No(s) 1784-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 1784-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1784-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 1784-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 1993

1784-3
2506-3
3944-3
3945-3

James Reiners
RR #1 Box 169
Hurley, SD 57036

Dear Mr. Reiners:

I am writing to acknowledge receipt the 1992 irrigation questionnaires for Permit Nos. 1784-3, 2506-3, 3944-3 & 3945-3 and chemical reporting form for Permit No. 3945-3. You may disregard the January 29, 1993, Notices of Violation of Water Permits and Failure to Report Chemical Use.

The questionnaires and chemical reporting form were received prior to the Water Management Board meeting, and your name was deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 1993

1784-3

Milo Hansen
Box 193
Hurley, SD 57036

Dear Mr. Hansen:

I am contacting you regarding ownership of Water Right No. 1784-3. The water right is currently listed in the name of Walter A Hansen. Jim Reiners has notified our office that you own the land described in the water right.

Enclosed is a partially completed "Notice of Transfer of Ownership". Please complete the form where necessary and then sign it in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

As soon as we receive the completed form and filing fee, the water right will be transferred to your name. If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 2009

1784-3

James Reiners
45270 284th St
Hurley SD 57036

Dear Mr. Reiners:

I am writing in follow-up to your phone conversation with Eric Gronlund in our program concerning the ownership change needed for Water Right No. 1784-3. I have included a copy of the water right for your records.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

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

enclosures

RECEIVED

FEB 17 2009

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1784-3

Date: 2-6-09

I/We request that Water Right No. 1784-3

formerly owned by: Milo Hansen

be transferred to: (name & address) Hiane Reiner

45270 - 284th Street

Hurley, South Dakota 57036

Telephone No. 605-238-5466

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

132 acres – NW ¼ Section 12, T98N, R53W

I/We understand that the validity of Water Right No. 1784-3 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 Hiane Reiner, the new owner, certify that the above information is true and correct.

Hiane Reiner

(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 2/17, 20 09

RECEIVED OF James Reiners 45270 284th St Hurley SD 57036

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>1784-3</u>	2	50
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.

04000

By

Michael Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 18, 2009

1784-3

Diane Reiners
45270 284th St
Hurley SD 57036

Dear Ms. Reiners:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for transferring ownership of Water Right No. 1784-3. The transfer has been completed. The water right formerly held by Milo Hansen is now listed in your name.

Enclosed is your Receipt No. 04030 in the amount of \$2.50. You may keep this for your records.

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

enclosure



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



1784-3

July 23, 2014

Diane Reiners
45270 284th Street
Hurley SD 57036

Dear Mrs. Reiners:

Water Right No. 1784-3 and Water Permit No. 7101-3 held in your name appropriate water from a well to irrigate 152.34 acres located in the NW 1/4 Section 12, T98N, R53W in Turner County.

The Department of Environment and Natural Resources received a complaint regarding end gun overspray from the center pivot on to the road surface of 280th Street. The complaint states that being hit by the water caused this gentleman to lose control and wreck his motorcycle. I called and in your absence spoke with your husband regarding the complaint. He indicated his intent to contact the person that farms this property in an effort to remedy the situation.

It is common for center pivots to have stops which can be engaged to shut off the operation of the end gun when the pivot nears a roadway. You must take steps to operate the pivot without direct overspray on the road. If you can not successfully get end gun stops to operate in a manner where there is not direct spray on the roadway, you must take steps to alter the pivot's operation or rotation to insure overspray does not occur.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes unauthorized end gun overspray upon land not authorized by the water right. Continued overspray can result in the Chief Engineer issuing a formal order pursuant to South Dakota Codified Law 46-2A-18 to discontinue the use of water to which the user has no legal right. Failure to comply with the Chief Engineer's Order will result in the Water Rights Program scheduling a hearing before the Water Management Board for further enforcement action. This can result in the suspension of the water right. In addition, a civil fine may be imposed for each violation.

Please contact me at the number below or by email when you have the end gun stop functioning or have adjusted pivot operation to prevent overspray. If you have not contacted me by August 4th, the Chief Engineer is prepared to issue an Order to discontinue the unauthorized use of water. This letter will be filed on the administrative record for Water Right No. 1784-3 and 7101-3.

If you have any questions, please contact me.

Sincerely,

Eric Gronlund

Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

c: Ron Schulte, Turner County Highway Superintendent, PO Box 549, Parker SD 57063

Gronlund, Eric

From: kknittel@gwtc.net
Sent: Wednesday, July 23, 2014 12:02 AM
To: Gronlund, Eric
Subject: irrigator spraying water on the road

On July 15 2014 at about 1:00 pm I was driving on 280th street about .15 mile east of 457 Ave. A center pivot was spraying water on and across the road. I was hit by the water and the road was wet and it caused me to lose control and ended up wrecking my motorcycle. I was taken by ambulance to the Viborg Hospitable to be treated for the injuries that I had. The bike is a total loss. The field that the center pivot is in the NW 1/4 of section 12 of Hurley township T98N R53W Turner county. According to the plat book from 2013 it shows that Diane Reiners owns it. The sheriffs department told me that Dennis Ihnen is the farmer that is renting it. When I called you today I was told that he didn't farm that ground. When I ask around I was told that Paul Petersen farms it.

This road has numerous center pivots spraying water on the road. This happens from the intersection of Hwy 19 and 280 street 1/2 half mile west to a 1 1/2 miles east. 1/2 mile to the south and about 3/4 of a mile to the north. The one that I want to file a complaint against is the one that caused me to wreck my motorcycle that I have listed above. I also had friend that was going to Sioux Falls on the night of July 20th about 1:50 am and was sprayed by the same center pivot. She almost lost control of her SUV and couldn't see out of the windshield right away because of the sudden blast of water.

I have contacted the Sheriffs Department in Turner County both times about this. When I ask the Sheriff about it at his office he said he didn't know what to do. This farmer is watering the road and the ditch on the opposite side of the road. This is wasting water, making a hazardous driving condition and causing damage to the road. When I talked to you today I was told that this farmer would be over-spraying the field and that is a violation of his permit. I know of other people that are not happy about this problem but don't know who to talk to about it.

Kelly Knittel
612 Cherry St
Freeman SD 57029
cell 605 929 6340
home 605 925 4388
work 605 238 5110
email kknittel@gwtc.net.

Thank you for looking into this for me. If you need anything else let me know.

Sincerely

Kelly Knittel

1784-3 & 7101-3

Water Rights Program - DENR Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 1784-3 and Water Permit No. 7101-3, James
Reiners

ADDRESS: 45270 284th St, Hurley SD COUNTY: Turner

DATE: July 25, 2014 (10:30 AM) TELEPHONE: RE: Center Pivot overspray

Mr. Reiners called regarding my call on endgun overspray from their center pivot. They contacted the renter who then put in a new compressor and adjusted the end gun stops. They intend to watch the system to insure it functions properly when the pivot approaches the road. I asked that they remain vigilant in watching the system to keep there from being another instance of end gun spray directly on to the road.

NAME: Eric Humlund

1784-3 & 7101-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 1784-3 and Water Permit No. 7101-3, Diane
Reiners

ADDRESS: 45270 284th St, Hurley SD COUNTY: Turner

DATE: August 26, 2014 TELEPHONE: 605 940-8373 RE: Center Pivot overspray

Mr. Reiners returned my call from yesterday regarding end gun overspray. I stated after the incident in late July he indicated the end gun stop were fixed and operating properly. Mr. Reiners stated that there were some problems due to air leaks but the renter assures him they have been resolved. He provided me the name of the renter who is Dennis Ihnen (605 310-2247).

I contacted Mr. Ihnen who indicated that after the new compressor was installed there were some air leaks that caused malfunctions in the stops operating properly. He said they have switched over from air pressure to water pressure and it appears to be functioning now and he's watching it very closely. He indicated that there's inevitably that some water gets on the road due to wind drift. I told him that DENR understands wind drift can occur but we're most concerned about direct end gun overspray on to the road way. He understood and said he'll watch to make sure they are functioning.

NAME: Eric Handlund

1784-3 & 7101-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 1784-3 and Water Permit No. 7101-3, Diane
Reiners

ADDRESS: 45270 284th St, Hurley SD COUNTY: Turner

DATE: August 26, 2014 TELEPHONE: 605 310-2247

RE: Center Pivot overspray

I contacted Dennis Ihnen, who is the operator of the pivot in the NW ¼ Section 12, T98N, R53W. I stated that Mr. Knittel sent an email to DENR regarding endgun overspray from the pivot authorized by Water Right No. 1784-3 and Permit No. 7101-3. The email states the pivot was spraying water on 280th Street at 3:30 PM on June 26, 2015. Mr. Ihnen stated that he has been watching the pivot to insure the stops on the end gun were working when it approaches the road.

I asked him to be vigilant regarding making sure the end guns stops were functioning properly. He thought that Mr. Knittel was targeting his pivot. I said that Mr. Knittel had previously sent emails notifying DENR of endgun overspray by other pivots. I indicated DENR will likely contact the county highway superintendent regarding issue.

NAME: Eric Knittel

Gronlund, Eric

From: kknittel@gwtc.net
Sent: Monday, June 29, 2015 10:16 AM
To: Gronlund, Eric
Subject: Water on road

On 6/26/15 at approximately 3:30pm the center pivot that I filed a complaint against last year numerous times was still spraying water on the road. It was my understanding that this was to be fixed by August 4th last year. I know that it was still spraying on the road after that. I filed a complaint on August 5th 2014 about it. This is still going on and something needs to be done about it. This is spraying on a 280th st.

T98N R53W
Sec 12 Hurley twp
NW 1/4

Kelly Knittel
Freeman SD
605-929-6340



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov
Nos. 1784-3, 7101-3 and 4645-3

August 7, 2015

Dennis Ihnen
28050 458th Avenue
Hurley SD 57036

Dear Mr. Ihnen

The Department of Environment and Natural Resources (DENR) is writing regarding ongoing issues with end gun overspray from the irrigation systems located in the NW ¼ Section 12, T98N, R53W owned by Diane Reiners and the NW ¼ Section 7, T98N, R52W held in your name. It is DENR's understanding you operate the system located on the Reiners property in the NW ¼ Section 12.

I called you personally on June 29, 2015, to discuss this matter when the first complaint was received alleging end gun overspray on to 280th Street from the Reiners' system. As you will recall, the DENR fielded complaints during the 2014 irrigation season regarding this same issue.

DENR has received multiply complaints this year regarding overspray from the Reiners' system on to the road surface of 280th Street. Also, DENR staff personally observed overspray had occurred on to 458th Avenue from your system in the NW ¼ Section 7 as recently as August 4th.

DENR recognizes a landowner's desire to optimize production and we understand that end gun stops can malfunction. We want to work with irrigators to voluntarily correct the problems. However, DENR cannot allow unchecked overspray that is a waste of water and is on property not covered by the water right. It is your responsibility to operate and monitor the irrigation system; especially the end guns, to make sure it is not applying water where it is not allowed. If you cannot successfully get end gun stops to operate in a manner where there is not direct spray on the roadway, you must take steps to disable the end gun or alter the pivot's operation or rotation to insure overspray does not occur. Please contact me at the number below or by email when you have the stop on the end gun functioning or have adjusted pivot operation to prevent overspray.

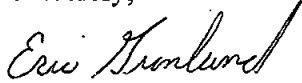
On two occasions this summer, DENR staff traveled to Turner County specifically to observe irrigation overspray. We will continue throughout the remainder of this irrigation season to check systems in the area. If these systems are found to be overspraying, the Chief Engineer will issue a formal order that you control the overspray. Failure to comply with the Chief Engineer's Order will result in the Water Rights Program scheduling a hearing before the Water Management Board for enforcement action. This can result in the suspension of the water right or a civil fine imposed for each violation.

(continued)

This letter will go into the administrative record for each water right. If unchecked overspray continues into future years, this letter serves as DENR's notice of the Chief Engineer's intent to issue a formal order to cease overspraying and potentially scheduling a hearing before the Water Management Board.

I look forward to hearing from you by August 14, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Gronlund", written in a cursive style.

Eric Gronlund

Water Rights Program, DENR

605 773-3352

eric.gronlund@state.sd.us

c: Diane Reiners, 45270 284th Street, Hurley SD 57036

Nos. 1784-3, 7101-3 and 4645-3

Water Rights Program - DENR Conversation File Documentation

NAME OF PERSON OR FILE: Dennis Ihnen

ADDRESS: COUNTY: Turner County

DATE: August 10, 2015 TELEPHONE: 605 310-2247

RE: Dennis Ihnen call in regard to August 7, 2015 letter

I returned a call from Mr. Ihnen. He was calling in regard to the August 7, 2015 letter sent to him on endgun overspray. He asked when the last report of overspray occurred on the Reiner center pivot in the NW ¼ Section 12, T98N, R53W. I said we received an email on August 3rd indicating overspray was occurring on July 31 at about 8:00 PM. Mr. Ihnen stated he had that pivot adjusted and to his knowledge overspray has not occurred for at least two weeks.

In the case of his other pivot in the NW ¼ Section 7, Mr. Ihnen says this is a 1980 pivot that was never equipped with endgun stops. He stated he won't be able to get that fixed this year because irrigation maintenance people are busy working on pivots that are broke down and they are trying to get them fixed to save the crop. He simply can not get a person out to do the work in the next 2 – 3 weeks as it will entail running a wire from the pivot center out to the endgun in order to control it.

I said I would document the file according to what he told me.

NAME: Eric Lundberg

REPORT ON INVESTIGATIONS OF SUSPENDED PERMITS
September 2, 1988

Below is a status report on the investigation of suspended water permits/rights in Aurora, Davison, Union and Turner Counties:

Water Permit No. 3160-3, Paul C Bunn (Aurora County)

On June 21, 1988, an inspection was conducted of the water use system under Water Permit No. 3160-3. An irrigation system was not operating at the time of the inspection.

Water Permit No. 4409-3, John Wieczorek (Davison County)

On June 21, 1988, an inspection was conducted of the water use system under Water Permit No. 4409-3. No evidence of an irrigation system was present on the land. On June 30, 1988, I spoke with Mr. Wieczorek by telephone. He stated an irrigation system had not been developed for the land covered under this permit. This permit will be considered for cancellation at the October 5, 1988, Water Management Board Meeting.

Water Right Permit No. 400-3, Warren Jorgenson (Union County)

On May 18, 1988, an inspection was conducted of the water use system under Water Right No. 400-3. An irrigation system was not operating at the time of the inspection.

Water Permit No. 2366-3, Robert Hebeler (Union County)

On May 18, 1988 an inspection was conducted of the water use system under Water Permit No. 2366-3. At that time, Mr. Hebeler was present and requested reinstatement of his irrigation rights for the 1988 season. I informed Mr. Hebeler that he would need to make a written request to the Water Management Board asking for reinstatement. The Board would then decide if his irrigation rights were to be reinstated. I told Mr. Hebeler he was not to irrigate this year until he received notification from the Water Management Board. On July 26, 1988, an inspection found that Mr. Hebeler was irrigating prior to being notified by the Board. Mr. Hebeler was asked to shut off his irrigation system, which he did. On July 27, 1988, Mr. Hebeler attended the hearing of the Water Management Board. At that time, his irrigation rights were reinstated for the 1988 irrigation season.

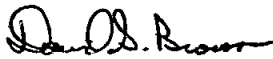
page 2
September 2, 1988

Water Right No. 1784-3, Walter A Hansen (Turner County)

On June 21, 1988, an inspection was conducted of the water use system authorized by Water Right No. 1784-3. An irrigation system was not operating at the time of the inspection.

Water Permit No. 2507-3, Milo S Hansen (Turner County)

On June 22, 1988, I spoke with Milo Hansen at his home concerning Water Permit No. 2507-3. He stated that an irrigation system was never developed under the permit. A visual inspection of the area confirmed this. This permit will be considered for cancellation at the October 5, 1988 Water Management Board Meeting.



David Brown
Natural Resources Engineer
September 2, 1988