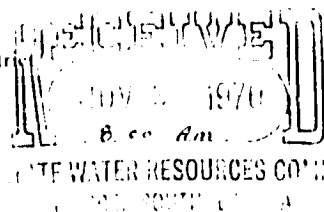


Water Right Number 1786-3

Water Right

1. Considered January 20, 19 71
2. Name of Applicant Mrs. Andrew Lambert
3. Post Office Address Jefferson, S.D.
4. Amount of Water claimed 2.68
5. Source of Water supply ground water well
6. Water to be used for irrigation
- Acres to be irrigated 140.00
7. Water to be diverted and used in Union County
- about _____ miles _____ of _____
8. Proof of Publication Received _____
- Not Received _____
9. Application Approved _____
- Subject to _____
- Not Approved _____
- Action Deferred _____

10. Remarks:

No. 1786-3Map No. V/R Water Division No. 3 BIG SIOUX RIVER District 1
(Blanks to be filled by the Engineer for the W. R. C.)VESTED RIGHTAPPLICATION FOR ^VPERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Mrs. Andrew Lambert
 Postoffice address Jefferson State South Dakota
 If a corporation show date and place of incorporation _____ completed
2. Method of accomplishing work (contract, employment of others, or by direct labor) _____
3. Name of diversion work La Breche Irrigation well
4. Amount of water claimed (cubic feet per second) 2.68
5. Source of water supply Well - 80 feet deep
6. Location of point of diversion 1500 feet south and 1740 feet west of the NE Corner of
Section 19, T90N, R48W
 _____ County Union
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 140

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 $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, T90N, R48W	40		
NW $\frac{1}{4}$ NE $\frac{1}{4}$, " " " "	40		
SW $\frac{1}{4}$ NE $\frac{1}{4}$, " " " "	20		
SE $\frac{1}{4}$ NE $\frac{1}{4}$, " " " "	40		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system completed years. Additional time required to complete application of water to the proposed beneficial use completed years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication n/a
12. Principal Features of the Proposed Water Supply System.

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

Well - 80 feet deep with 18 inch steel casing
 Western land Roller pump, 8 inch
 U.S. Electrical Motor, 25 H.P.

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

1/2 mile of 8 inch main line

C. Works proposed to apply water to beneficial use.

1/4 mile of gated pipe
 Land leveled

Estimated Total Cost \$ 15,000.00

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 Union) ss.I, Calvin H. Lambert, 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 Calvin H. LambertSubscribed and sworn to before me this 20 day of August 1970

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1786-3
MRS. ANDREW LAMBERT JEFFERSON
 (Applicant) (Post Office Address)
SOUTH DAKOTA With the following modifications:
 (State)

"VESTED RIGHT" CLAIMED

Date of first receipt of application NOVEMBER 23 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 234
 WATER RIGHT PERMIT NO. 1786-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1786-3 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 1949
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~ ---
3. The whole of said work is ~~to be~~ completed ~~on or before~~ ---
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED
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 2.00 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 JUNE 30 19 55; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 26TH day of JANUARY 19 71

WATER RESOURCES COMMISSION

By:

[Signature]
 Chief Engineer, Executive Officer

Certificate of Construction Issued JANUARY 26 19 71

Water License Issued JANUARY 26 19 71

Permit No. 1786-3

Water Diversion No. 3 BIG SIOUX RIVER Water District

CERTIFICATE OF CONSTRUCTION

Mrs. Andrew Lambert

This is to Certify, That _____

_____ the holder _____ of
Permit No. 1786-3, issued upon Application No. 1786-3, bearing date of priority of 1949
_____ authorizing the diversion of _____ cu. ft. per second of the waters of _____
ground water County of Union, State of South Dakota at _____
a point 1500 feet South and 1740 feet West of the NE Corner, Section 19,
T90N, R48W
_____, for irrigation

purposes, has ^s_____ 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 **recognized as** ~~found~~ in satisfactory
~~condition~~ for diverting and conveying to the place of intended use 2.68 cu. ft. per second of water.

Date January 26, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIKES, Executive Officer

10

WATER LICENSE NO. 1786-3

(1) WHEREAS On the 23rd day of November A. D. 1970
Mrs. Andrew Lambert

made Water Right Application No. 1786-3 Vested Right
for a permit to use 2.00 cubic feet per second of the water
of ground water
County of Union State of South Dakota, for irrigation
purpose; and

(2) WHEREAS, On the 26th day of January A. D. 1971
Permit No. 1786-3, with a date of priority of 1949
was issued to said applicant for the diversion of said water, recognizing
supply system therein described ~~xxxxxxx~~ ~~xxxxxx~~ ~~xxxxxxx~~ and for the
application to beneficial use of said water ~~xxxxxxx~~ ~~xxxxxx~~ ~~xxxxxxx~~

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 2.00 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 land in Section 19, T90N, R48W

NE $\frac{1}{4}$ NE $\frac{1}{4}$	40 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$	40 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	20 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$	40 acres
Total	140 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 Mr. Andrew Lambert

_____ of Jefferson

the holder _____ and owner _____ of said permit No. 1786-3 a water right, dating from 1949

_____ to use of 2.00 cubic feet per second of the waters of ground water

in the County of Union and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 1500 feet South and 1740 feet West of the NE Corner, Section 19, T90N, R48W

and conduct to and upon 140 acres in the NE 1/4, Section 19, T90N, R48W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1786-3 and subject to the laws of the State of South Dakota.

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

this 26th day of January A. D.

Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, **J. W. GRIMES**

NOTE: This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to construction and water use, already completed, is needed.

**AFFIDAVIT OF CONSTRUCTION OF WATER USE
SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE**

Name of Applicant (Same as Form 2) Mrs. Andrew Lambert
 Post Office Address Jefferson, State South Dakota
 If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available)

Date of Posting _____ Date of Recording _____
 Recording Data _____

14. Date of start of construction of water supply system 1949

15. Date that water was first applied to beneficial use 1949

16. Name of owner of original water supply system Mark La Breche

17. Amount of water originally applied to beneficial use 2.68 c. f. s.

18. Present Use of Water

Amount of water now being used 2.68 c. f. s.

Date that this amount of water was first used 2.68

19. Chronological History of Water Use

The well was developed and completed in 1949 and has been used as needed since that date.

Attach to this Form 2B. any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

STATE OF SOUTH DAKOTA)

County of Union) ss.

I, Mrs. Andrew Lambert, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed Mrs. Andrew Lambert

Subscribed and sworn to before me this 20 day of November, 1972

([Signature])
 (Notary Public - or other qualified Officer)

I, the undersigned, do hereby certify that I know about the water use system described above that I have read the foregoing and that the matters therein stated are true.

 **Department of
Water & Natural Resources**

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

September 21, 1988

NOTICE

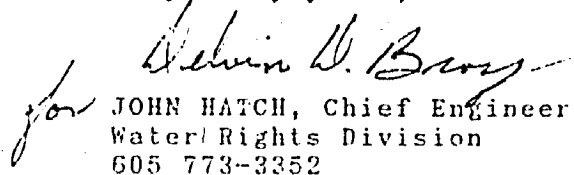
Mrs. Andrew Lambert
RR 2, Box 27
Jefferson SD 57038

Dear Mrs. Lambert:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 1786-3 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,


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



File No. 1786-3

Water Rights Division -DENR

Conversation or File Documentation

NAME OF PERSON OR FILE: Mrs. Andrew Lambert

ADDRESS: RR2 Box 27 Jefferson, SD 57038 COUNTY: Union

DATE: 9/9/92 TELEPHONE:

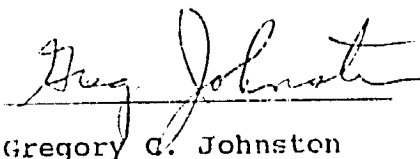
RE: Replacement well used for Vested Right 1786-3

COMMENTS:

David Brown originally inspected Vested Right No. 1786-3 on 6/21/89. At that time, David noted that in ~1974 a replacement well was drilled by Rex Sitzinger, and the original well was plugged with cement and grout. There is no well completion report for the replacement well. The replacement well was completed in the same water source as the original well (Missouri Aquifer) and is less than 660' away from the original well site location.

Please send all correspondence regarding Vested right No. 1786-3 to the Operator - Joe Trudeau

Rt. 1 Box 370 Jefferson, SD
57038
(966-5573)



Gregory G. Johnston

Natural Resources Engineer

DENR, Water Rights Division

1786-3

VESTED RIGHT 1786-3Missouri River Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by MRn. Andrew Laibert of RR2 Box 27 Jefferson, SD 57038 holder of Permit No. 1786-3, bearing the priority of 1949 authorizing the diversion of 2.00 cu. ft. per second of the waters of Missouri Aquifer for Irrigation purposes, in Union County.

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

A. Works used to divert the water:

One well - depth unknown, Western Land Roller Pump, Model No. F7606B 10M, 10" 3 stage, 1500 GPM @ 40 PSI, GE Motor, Model No. 5K6238XH30B, 30 HP

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

1200' of 10" PVC and 2700' of 8" Aluminum

C. Works used to apply water to beneficial use:

2700' of 8" Gated pipe spaced 30" for flood irrigation

The system is in the following condition good. The point of diversion is located 2000'W and 2046'S of the NE corner of Section 19-T90N-R48W. The works are capable of diverting and conveying to the place of use 3.33 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 19-T90N-R48W:

NW1/4 NE1/4 = 40 acres

SW1/4 NE1/4 = 20 acres

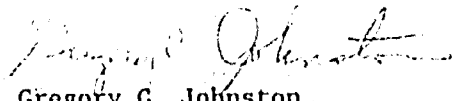
NE1/4 NE1/4 = 40 acres

SE1/4 NE1/4 = 40 acres

comprising a total of 140 acres of land and the license should be issued for 2.00 cfs.

Applicable permit qualifications have been complied with X Yes No

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


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

1786-3

REPORT ON INSPECTION OF VESTED RIGHT 1786-3

DATE 9/9/92

Other permit(s) associated with the project

DIVERSION POINT LEGAL LOCATION: Replacement well drilled ~1974 located 2000'W and 2046'S of the NE corner of Section 19-10N-14W

WELL INFORMATION: Well Drilling Firm Rex Sitzsinger (Replacement well) no well completion report

No. of Wells 1 Depth(s) unknown

- | | |
|--------------------------------------|--|
| a) Casing: 1) diameter <u>inches</u> | b) Screen: 1) type |
| 2) length <u>feet</u> | 2) length <u>feet</u> |
| 3) type | c) Pump 1) make <u>Western Land Roller</u> |
| d) Static Water Level <u>feet</u> | 2) model <u>F7068 10M</u> |
| e) Motor: | 3) size <u>10 inches</u> |
| 1) make <u>GF</u> | 4) capacity <u>1500 GPM</u> |
| 2) model No. <u>5K6238XH30B</u> | 5) turbine pump - No. of stages <u>3</u> |
| 3) horsepower rating <u>30 hp</u> | 6) operating pressure <u>40 PSI</u> |

DISTRIBUTION LINES OR CANALS:

- a) type PVC/Aluminum b) size 10/8 inches c) length 1200/2700 feet

System Type:

- d) Gated pipe:
- 1) length 2700 feet
 - 2) diameter 10 inches
 - 3) spacing of gates 30 inches

CHEMIGATION EQUIPMENT:

- a) does chemigate N (Y/N)

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A (Y/N)
- b) Special qualifications to permit being abided by Y (Y/N)
- c) All structures, wells and lands on map Y (Y/N)
- d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A (Y/N)

Replacement well drilled in ~ 1974 and is within 660' of original well location from same water source (Missouri Aquifer)

1786-3

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1786-3 FOR IRRIGATION

Date of Receipt of Claim November 23, 1970.

Date of Validation May 5, 1993.

The Water Management Board validated Vested Water Right Claim No. 1786-3 for irrigation purposes for Mrs. Andrew Lambert, RR 2, Box 27, Jefferson SD 57038 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1786-3 appropriates 2.00 cubic feet of water per second from groundwater located in SW 1/4 NE 1/4 Section 19 to irrigate 140 acres located in the NE 1/4 Section 19; all in T90N-R49W.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: April 1 - October 31.
3. The priority date of the Vested Water Right is January 1, 1949.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

Chief Engineer

JUN 11 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources

1786-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 11 1993

Mrs. Andrew Lambert
RR 2, Box 27
Jefferson SD 57038

Dear Mrs. Lambert:

The Water Management Board has validated the enclosed Vested Water Right No. 1786-3. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch", is written over a horizontal line.

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

enclosure

cc: Joe Trudeau, Rt 1, Box 370, Jefferson SD 57038



1786-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1994

MRS ANDREW LAMBERT
RR 2 BOX 27
JEFFERSON SD 57038

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 1786-3. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 3:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1786-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before April 1, 1994, your name will be deleted from the Board agenda.

Very truly yours,

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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:

MRS ANDREW LAMBERT
RR 2 BOX 27
JEFFERSON SD 57038

4. Article Number

1786-3 P837692539

4b. Service Type

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

7. Date of Delivery

2-17-94

5. Signature (Addressee)

Mrs Andrew Lambert

6. Signature (Agent)

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

PS Form 3811, December 1991 ☆ U.S.G.P.O. : 1992-07-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



1786-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 23, 1994

1786-3

Mrs. Andrew Lambert
RR #2 Box 27
Jefferson, SD 57038

Dear Mrs. Lambert:

I am writing to acknowledge receipt of your 1993 irrigation questionnaire. You may disregard the February 16, 1994, Notice of Violation of the Requirement to Submit the 1993 Irrigation Questionnaire.

The questionnaire 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 Division
(605) 773-3352

cc: Truc'au Farms Inc., RR #1 Box 370, Jefferson, SD 57038



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 11, 2002

1786-3

Bob Geary
32750 480th St
Elk Point SD 57025

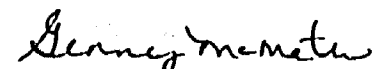
Dear Mr. Geary:

Enclosed, as we discussed, is a partially completed Notice of Transfer of Ownership form for use in filing ownership change with Water Right No. 1786-3. The water right is currently listed in the name of Mrs. Andrew Lambert.

Please review the form and complete as needed. 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.

Thank you in advance for your help in getting the water right transferred. If I can answer any questions for you, please get in touch with me.

Sincerely,


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

enclosure

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 2, 2003

RECEIVED OF Robert Geary, 32750 480th Ave., Elk Point SD 57045

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2.50	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1786-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

000501

By

Darland D. Erbe
Chief Engineer

gr

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1786-3

Date: _____

I/We request that Water Right No. 1786-3

RECEIVED

formerly owned by: Mrs. Andrew Lambert

JAN 02 2003

be transferred to: (name & address) Robert & Theresa Geary

WATER RIGHTS
PROGRAM

32750 480th Ave, Elk Point SD 57025

Telephone No. _____

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

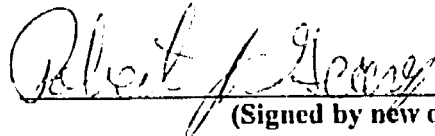
140 acres - NE 1/4 Section 19, T90N, R48W

I/We understand that the validity of Water Right No. 1786-3 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 Theresa & Robert Geary 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 3, 2003

1786-3

Robert & Theresa Geary
32750 480th Ave
Elk Point SD 57025

Dear Mr. & Mrs. Geary:

I am writing to acknowledge receipt of the Notice of Transfer of Ownership form and filing fee you submitted for Vested Water Right No. 1786-3. The transfer has been completed. The vested water right formerly listed in the name of Mrs. Andrew Lambert is now listed in your names.

Enclosed is your Receipt No. 000501 in the amount of \$2.50 which you paid for filing the ownership change. You may keep this for your records.

If I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosure

NOT TO SCALE

VESTED RIGHT

NO. 1786-3

MRS. ANDREW LAMBERT

Drawn by: Gregory C. Johnston
 Gregory C. Johnston
 Natural Resources Engineer II
 Water Rights Division, DENR
 2/3/93

T-1428
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ = 40
 acres

NE $\frac{1}{4}$ NE $\frac{1}{4}$ =
 40 acres

SW $\frac{1}{4}$ NE $\frac{1}{4}$ =
 18 acres
 20 GCT
 138.33/193 Irrigated

SE $\frac{1}{4}$ NE $\frac{1}{4}$ = 40
 acres

Well (Replacement)

2000'

T-1362

ALL IN SECTION 19 - T90N - R48E

NW $\frac{1}{4}$ NE $\frac{1}{4}$ = 40 acres

SW $\frac{1}{4}$ NE $\frac{1}{4}$ = 18 acres
 20 GCT 3/1/93

NE $\frac{1}{4}$ NE $\frac{1}{4}$ = 40 acres

SE $\frac{1}{4}$ NE $\frac{1}{4}$ = 40 acres

Total = 138 acres

140 acres

6 GCT 3/1/93

NHEL

NHEL

NHEL

144.0

NHEL

18.9

90 48 2 54.2

323.2

T-1398

T-1333

T-1405

NHEL



1786-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2007

NOTICE

TO: ROBERT J GEARY, 32750 480TH AVE, ELK POINT, SD 57025
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaires

Our records indicate that the 2006 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 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) 1786-3 & 2109-3 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) 6044-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 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) 6044-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1786-3 & 2109-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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.



1786-3

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0799 7146

Detailed Results:

- Unclaimed, February 12, 2007, 7:14 am, ELK POINT, SD
- Notice Left, January 27, 2007, 2:31 pm, ELK POINT, SD 57025
- Acceptance, January 26, 2007, 10:45 am, PIERRE, SD 57501

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USPS® Signature Confirmation® Receipt		
SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0799 7146	Pos	1g.
	ROBERT J GEARY 32750 480TH AVE ELK POINT SD 57025	
	Postmark Here	
Waiver of Signature ☐ YES ☐ NO		
POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com ® or call 1-800-222-1811		
CHECK ONE (POSTAL USE ONLY)		
☐ Priority Mail™ Service		
☐ First-Class Mail® parcel		
☐ Package Services parcel		
PS Form 153, May 2002 (See Reverse)		

1786-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 15, 2007

NOTICE

TO: Robert J Geary, 32750 480th Ave, Elk Point SD 57025

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Division

SUBJECT: Unclaimed Mail Concerning Violation of Water Right Nos. 1786-3, 2109-3 and 6044-3

The attached notice was sent by "signature confirmation". The post office has returned the "signature confirmation" mail to our office marked "unclaimed". The package indicated the post office notified you January 27th and February 1st to pick up and sign for the mail and then returned it to us on February 11, 2007.

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

enclosure

CERTIFICATION

I hereby certify that on February 15, 2007, I have personally deposited with the United States Postal Service in Pierre, South Dakota, a first class postage prepaid envelope containing a Notice dated February 15, 2007. The Notice, regarding Unclaimed Mail concerning Violation of Water Right Nos. 1786-3, 2109-3 and 6044-3 is addressed as stated below:

Robert J Geary
32750 480th Ave
Elk Point SD 57025

Eric Gronlund

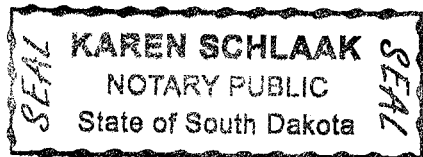
Eric Gronlund
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 15th day of February, 2007.

Karen Schlaak

Karen Schlaak
Notary Public



My Commission Expires
April 1, 2007

1786-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 23, 2007

1786-3
2109-3
6044-3

Robert J Geary
32750 480th Ave
Elk Point SD 57025

Dear Mr. Geary:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right Nos. 1786-3, 2109-3 and 6044-3.

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

If you have any questions, please contact me.

Sincerely,

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



1786-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2013

NOTICE

TO: ROBERT J GEARY, 32750 480TH AVE, ELK POINT, SD 57025
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaires

Our records indicate that the 2012 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 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) 1786-3 & 2109-3 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) 6044-3 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, 2013** 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) 6044-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1786-3 & 2109-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link:

<http://denr.sd.gov/iq.aspx>

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

1786-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 2013

1786-3
2109-3
6044-3

Robert J Geary
32750 480th Ave
Elk Point SD 57025

Dear Mr. Geary:

I am writing to acknowledge receipt of your 2012 irrigation questionnaires.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right Nos. 1786-3, 2109-3 and 6044-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 14, 2013

1786-3

Robert Geary
32750 480th Ave
Elk Point SD 57025

Dear Mr. Geary:

Today we received your nine water permit applications and a transfer of ownership for Water Right No. 1786-3 along with the associated fees.

A review of the files found Water Right No. 1786-3 was transferred to you and Theresa Geary on January 2, 2003 (copy enclosed). I am returning the paperwork you submitted for the transfer since it will not be needed.

The \$50.00 fee you paid for the transfer of ownership will be processed and returned to you within the next couple weeks. If you have any questions, please contact me.

Sincerely,

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

enclosures

refunded

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/14, 20 13

RECEIVED OF Robert Geary 32750 480th Ave Elk Point SD 57025

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>1786-3</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. **06138**

By

[Signature]
Chief Engineer

February 14, 2013

PAYMENT REQUEST FORM

PAYEE: Robert Geary
32750 480th Ave
Elk Point SD 57025

FROM: DENR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

refund on 1786-3 (transfer) already paid

AMOUNT: \$50.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

 2/14/13

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2023

NOTICE

TO: ROBERT J GEARY, 32750 480TH AVE, ELK POINT, SD 57025
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaires

Our records indicate your 2022 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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) 1567A-3, 1786-3, 2109-3, 2345-3 & 2346-3 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) 5870-3, 6044-3, 6072-3, 7768-3, 7769-3, 7770-3, 7771-3, 7772-3, 7773-3, 7774-3, 7775-3, 7776-3 & 8332-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5870-3, 6044-3, 6072-3, 7768-3, 7769-3, 7770-3, 7771-3, 7772-3, 7773-3, 7774-3, 7775-3, 7776-3 & 8332-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1567A-3, 1786-3, 2109-3, 2345-3 & 2346-3 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 8, 2023** 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://danr.sd.gov/iq> using this password: AVHJEY**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 30, 2023

Robert Geary
32750 480th Ave
Elk Point SD 57025

RE: Water Right/Permit Nos. 1567A-3, 1786-3, 2109-3, 2345-3, 2346-3, 5870-3, 6044-3, 6072-3,
7768-3, 7769-3, 7770-3, 7771-3, 7772-3, 7773-3, 7774-3, 7775-3, 7776-3 & 8332-3

Dear Mr. Geary:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for the above listed Water Rights and/or Water Permits. 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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 19, 2024

NOTICE

TO: ROBERT J GEARY, 32750 480TH AVE, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaires

Our records indicate your 2023 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 1567A-3, 1786-3, 2109-3, 2345-3 & 2346-3 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) 5870-3, 6044-3, 6072-3, 7768-3, 7769-3, 7770-3, 7771-3, 7772-3, 7773-3, 7774-3, 7775-3, 7776-3 & 8332-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5870-3, 6044-3, 6072-3, 7768-3, 7769-3, 7770-3, 7771-3, 7772-3, 7773-3, 7774-3, 7775-3, 7776-3 & 8332-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1567A-3, 1786-3, 2109-3, 2345-3 & 2346-3 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 6, 2024** 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: FXZKPW**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 23, 2024

1567A-3, 1786-3, 2109-3, 2345-3
2346-3, 5870-3, 6044-3, 6072-3
7768-3, 7769-3, 7770-3, 7771-3
7772-3, 7773-3, 7774-3, 7775-3
7776-3 & 8332-3

Robert & Theresa Geary
32750 480th Ave
Elk Point SD 57025

Dear Mr. & Ms. Geary:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 1567A-3, 1786-3, 2109-3, 2345-3, 2346-3, 5870-3, 6044-3, 6072-3, 7768-3, 7769-3, 7770-3, 7771-3, 7772-3, 7773-3, 7774-3, 7775-3, 7776-3 & 8332-3. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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