

Water Right Number 1796-3

1. Considered January 20, 19 76
2. Name of Applicant Mrs. A.J. Ingle
3. Post Office Address Cavour, S.D.
4. Amount of water claimed 2.28
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 Beadle County
about 10S 4W Miles of CAVOUR
8. Proof of Publication Received 1-18-71
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

1304-3

No. 1796-3

Map No. ~~1304-3~~ Water Division No. 3 JAMES RIVER

(Blanks to be Filled by the Engineer for the W. R. C.)

DEC 9 1970

See Plan

WATER RESOURCES

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE-Draw a line through items not applicable)

1. Name of Applicant Pearl View Farms, Ltd. PartnershipPostoffice address Cavour, SD 57324Dak.

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) all three3. Name of diversion work Ingle Irrigation Project No 44. Amount of water claimed (cubic feet per second) 2.3 2.36 MAX. ALLOWABLE5. Source of water supply well6. Location of point of diversion center S.E. 1/4, 30, 109, 60County Beadle7. Annual period or periods during which water is to be used April thru Oct.8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. 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.
S.E. 1/4, Sect 30, 109, 60	160 128		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use up to 5 years.11. Choice of newspaper for Notice of Intent to Appropriate Water publication The Daily Plainsman, Huron, S. D.

12. Principal Features of the Proposed Water Supply System.

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

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

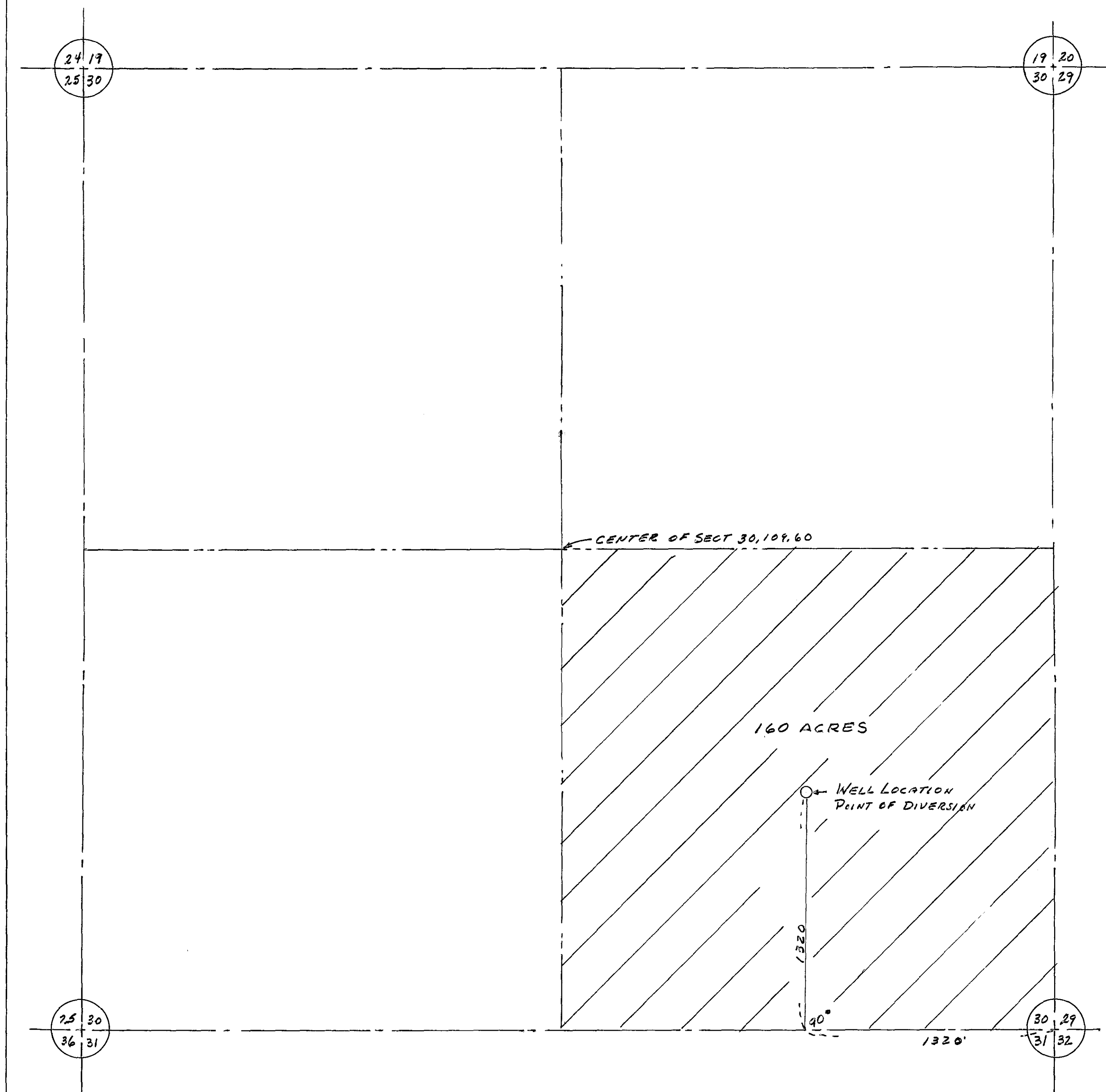
C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ _____

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

STATE OF SOUTH DAKOTA

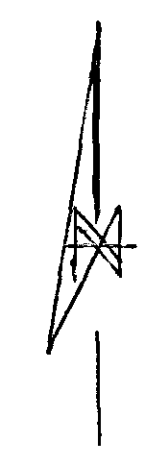
County of BeadleI, Mrs. A. J. Ingle the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Mrs. A. J. IngleSubscribed and sworn to before me this 7th day of December 19 70A. M. Russell
Notary Public (and Notary Public for the State of South Dakota)



AREA BY LEGAL SUBDIVISION
160 ACRES : SE 1/4, SECT 30, T109N., R60W., 5TH. PM.

SURVEYOR'S CERTIFICATE
STATE OF SOUTH DAKOTA) SS
COUNTY OF BEADLE)
I, HARLAN W. MEYER, A REGISTERED LAND SURVEYOR
IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY
CERTIFY THAT AT THE REQUEST OF MRS A.J. INGLE,
SOLE OWNER, I HAVE SHOWN THE LAND PROPOSED TO BE IRRIGATED
WITHIN HER OWNERSHIP BOUNDARIES ON DEC 1, 1970 FOR WHICH
APPLICATION FOR APPROPRIATIVE WATER RIGHT IS MADE AND
THIS MAP IS A TRUE REPRESENTATION OF THE SAME.
WITNESS MY HAND AND SEAL THIS 1ST DAY OF DEC 1970

Harlan W. Meyer
REGISTERED LAND SURVEYOR #495



SCALE 1" = 400'

INGLE IRRIGATION PROJECT NUMBER A
SHOWS AREA TO BE IRRIGATED & WELL LOCATION WHERE
WATER WILL BE DIVERTED - FOR PERMIT TO APPROPRIATE WATER

OWNER
SURVEYOR

MRS A.J. INGLE
HARLAN W. MEYER
DEC 1, 1970

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1796-3
MRS. A. J. INGLE CAVOUR
 (Applicant) (Post Office Address)
SOUTH DAKOTA With the following modifications:
 (State)

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

Date of first receipt of application DECEMBER 9, 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 232

WATER RIGHT PERMIT NO. 1796-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1796-3 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 DECEMBER 9, 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 71
3. The whole of said work is to be completed on or before JANUARY 20, 19 72
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 20, 19 76
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 76; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 22ND day of JANUARY, 19 71

WATER RESOURCES COMMISSION

By:

[Signature]
 Chief Engineer, Executive Officer

Certificate of Construction Issued MARCH 3, 19 75

Water License Issued MARCH 3, 19 75

EMPIRE

Ph. 352-4587

Location of Well: 1/4, 5^E 1/4, Section 30, Township 109, Range 60
Well to be drilled for: Robert Angle (Name) Carver (Address)
Beulah (County) S. Dak. (State)
Date well drilling started 12-16-70 finished 12-16-70
Purpose of well _____
(domestic, irrigation, industrial, other)

Remarks:



1 Mile

Write Additional Times and Readings on Back of Page

Date

Elapsed Time From Start of Pumping		Water Level		Discharge
0 hr.	0 min.	ft.	in.	(Static)
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	RECOVERY

[illegible]

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type _____, Diameter _____, Length _____
- (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 _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

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

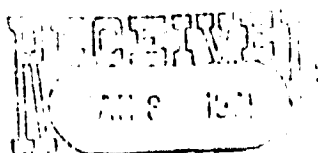
On same owner's property 1 1/2 rds. On property owned by others 230 rds.

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.

Mrs. A. J. Ingle
Signature of Applicant

Mrs. A. J. Ingle
S.E. 30, 109, 60
Ingle Irrigation Project No 4



1796-3
WATER LICENSE NO. ~~18XX~~

(1) WHEREAS, On the 9th day of December A. D. 19 70
Arg, A.J. Ingic

made Water Right Application No. 1796-3 for a permit to use 2.28 cubic feet per second of the waters of ground water

County of Bradley, State of South Dakota, for irrigation purposes; and

(2) WHEREAS, On the 22nd day of January A. D. 19 71
Permit No. 1796-3, with a date of priority of December 9, 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. 19 72 and for the application to beneficial use of said water on or before the 20th day of January A. D. 19 76

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 1.35 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 a 128 acre circle in the SE¼, Section 30, T109N, R60W

(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 Ers. A.J. Ingle

_____ of Cavour, S.D.

the holder _____ and owner _____ of said permit No. 1796-3 a water right, dating from December 9, 1970

_____ to use of 1.35 cubic feet per second of the waters

of ground water

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

purposes hereinbelow mentioned, to be diverted at _____

a point in the Center of the SE $\frac{1}{4}$, Section 30, T109N, R60W

and conduct to and upon portions of the SE $\frac{1}{4}$, Section 30, T109N, R60W more fully

described on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1796-3 and subject to the laws of the State of South Dakota.

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

this 3rd day of March A. D.

Nineteen Hundred and Seventy-five

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer DONALD DRISCOLL

Permit No. 1796-3

Water Diversion No. 3 JAMES RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Mrs. A.J. Ingle

_____ the holder _____ of
Permit No. 1796-3, issued upon Application No. 1796-3, bearing date of priority of December 9, 1970
_____ authorizing the diversion of 2.28 cu. ft. per second of the waters of _____
ground water _____ County of Beadle, State of South Dakota at _____
a point in the Center of the SE $\frac{1}{4}$, Section 30, T109N, R60W

_____, 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 1.35 cu. ft. per second of water.

Date March 3, 1975

By: WATER RIGHTS COMMISSION

DONALD DRISCOLL, Chief Engineer

1796-3

Publish first publication, on or before December 24, 1970

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 14, 1970

Notice is hereby given that Mrs. A.J. Ingle

whose post office address is Cavour, 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

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

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

Center of the SE 1/4

of Section 30, Twp. 109N, Range 60W. Said water to be used for the purpose of providing irrigation on the following described land:

SE 1/4, Section 30, T109N, R60W

This application No. 1796-3 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

By:

EUSTON F. JONES, Water Rights Specialist

cc: Mrs. A.J. Ingle, Cavour, S.D.

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 1796-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Beadle) ss.

I, Dorothy Murphy, Bookkeeper hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Daily Plainsman

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

City Huron

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

December 24, 1970

December 31, 1970

January 7, 1971

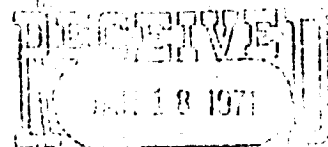
January 14, 1971

Dorothy Murphy
(Signature)

Bookkeeper
(Title)

January 14, 1971
(Date Signed)

P. 11-1-70 NOTICE TO APPLICANTS
NOTICE TO APPLICANTS
Notice is hereby given that Mrs. A. V.
Lagle whose post office address is Canyon,
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 ground water through
the Ingls Irrigation Project No. 4, the
point of diversion of which is to be
located in the center of the SE 1/4
of Section 30, Twp. 100N, Range 60W,
Said water to be used for the purpose
of providing irrigation on the following
described land:
SE 1/4, Section 30, T100N, R60W.
This application No. 1796-3 will be
considered by the Water Resources Com-
mission 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
Specialist
No. 517 (Adv.)



STATE WATER RESOURCES COMMISSION

Permit No. 1796-3Water Division 3 JAMES RIVER Water DistrictREPORT 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 MRS A. J. INGLE of CAVOUR, SOUTH DAKOTA holder of Permit No. 1796-3, bearing date of priority of DECEMBER 9, 1970 authorizing the diversion of 2.28 cu. ft. per second of the waters of GROUND WATER for IRRIGATION purposes, in BEADLE 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:

PERKINS 6-354 6-CYL. DIESEL MOTOR
WESTERN LAND ROLLER PUMP-SER # C71296-7"
FAIRBANKS-MORRIS 4" PUMP TYPE FMV

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

750' OF 6" PVC MAINLINE
200' OF 8" PLASTIC MAINLINE

C. Works used to apply water to beneficial use.

SMALL 12-TOWER VALLEY MOD. 3060-3076The system is in the following condition: EXCELLENTThe point of diversion is located CENTER OF SE 1/4, SEC. 30, T.109N,
R.60W,The works are capable of diverting and conveying to the place of use 1.35
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:

SE 1/4, SEC. 30, T.109N., R.60W.

comprising a total of ~~12.6~~ 12.6 acres of land.

SEND TO:

MRS. A. J. INGLE
1/2 ROBERT INGLE
CAVOUR, S. D.

Date 2-26-75

Thomas A. Garchner
 (Signature)
THOMAS A. GARCHNER
WATER RESOURCE ENGINEER

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, South Dakota 57501

Date: April 21, 1977

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

SE $\frac{1}{4}$, Section 30, T109N, R60W

formerly owned by Mrs. A. J. Ingle
has been transferred to Pearl View Farms, LTD. Partnership
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 1796-3 as provided for in Section 61.0127 of the 1960
Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights Commission as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939..

STATE OF SOUTH DAKOTA)
) SS.
County of Hughes)

I, Robert R. Ingle being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Robert R. Ingle
(Signed)

Subscribed and sworn to before me this 21st day of April

19 77.

Betty Westlund
(XXXXXXXXXX)
Land/Water Clerk II



Department of Water & Natural Resources

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

February 8, 1989

ROBERT INGLE
PEARL VIEW FARMS
RR 1 BOX 151
CAVOUR, SD 57324

NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 3935-3, 1793-3, 1794-3, 1795-3, 1796-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

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

1. Amend Permit No(s). 3935-3, 1793-3, 1794-3, 1795-3, 1796-3 to require the Irrigation Water Use Questionnaire to be submitted each 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 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,

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





Department of Water & Natural Resources

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

February 24, 1989

1793-3
1794-3
1795-3
(1796-3)
3935-3

Robert Ingle
Pearl View Farms
RR #1 Box 151
Cavour, SD 57324

Dear Mr. Ingle:

I am writing to acknowledge receipt of your 1988 irrigation questionnaires for Water Permit Nos. 1793-3, 1794-3, 1795-3, 1796-3 and 3935-3. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaires your name has been deleted from the March Water Management Board meeting agenda.

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division



1796-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 2001

Wilkinson Law Firm
Attention: Janelle
PO Box 29
DeSmet, SD 57231-0029

RE: Pearl View Farms

Dear Janelle:

Enclosed as we discussed, are copies Water Right Nos. 1795-3, 1796-3 and 3935-3 held by Pearl View Farms in Beadle County. It is my understanding that the current owner of the land is putting the land up for sale.

Along with the copies I wanted to take this opportunity to make you aware that two of the water rights may be subject to cancellation for abandonment and/or forfeiture. A quick review of the files indicates that land described in 1795-3 was last irrigated in 1990 and land described in 1796-3 was last irrigated in 1992.

Under South Dakota water laws, water must be placed to beneficial use at least once every three years in order to maintain a water right. This three-year period may be waived if legal excuse exists for not irrigating. Legal excuse as defined in Water Management Board Rules includes, but is not limited to, the following: 1) unavailability of water to satisfy a permit or right; 2) legal proceedings which prevent the use of water; or 3) water use under existing climatic conditions would result in a waste of water. I have enclosed a brief overview of the water laws and Water Management Board rules dealing with these issues.

The final determination on whether a water right is valid is ultimately a decision of the Water Management Board. If, after reviewing this letter and the enclosed excerpts, there remains uncertainty as to whether the water rights may be subject to cancellation, you may file a declaratory ruling request. We can then proceed to bring the matter before the Water Management Board for a final determination.

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

Sincerely,

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

enclosures

File No. 1795-3
1796-3
3935-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Larry Graf

DATE: March 1, 2001

TELEPHONE: (908) 233-1734

RE: Pearl View Farms water rights

COMMENTS:

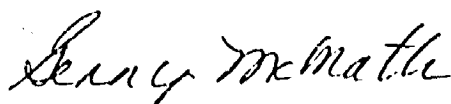
Mr. Graf called concerning a letter I had written February 16th to Wilkinson Law Firm in DeSmet. My letter concerned questions regarding possible abandonment of Water Rights held by Pearl View Farms (Nos. 1795-3 & 1796-3).

Mr. Graf explained that he was selling the land and expected to have sealed bids ready by next week. He said he had been saying that the land had water rights on it and wondered if he should be selling it as such. I explained what the law said regarding use of water for irrigation and what constituted legal excuse for nonuse of water. He said he knew for a fact that the land had not been irrigated because it has been wet enough that they didn't need to irrigate.

I reviewed the past 10 years irrigation questionnaires for these water rights. There were sporadic comments about it being too wet to irrigate. Most of the forms did not list a reason. No. 3935-3 has been irrigated every couple years - sometimes a comment appeared that said part of the field was too wet.

Mr. Graf did say that irrigation systems were present on the land. He asked if he could list the water rights as being valid on his bill of sale. I told him at this time we would not pursue cancellation for abandonment and/or forfeiture, however I could not legally tell him that his water rights were valid. The WMB would be the only entity that could address the issue. If he wanted a legal opinion, he would have to petition the WMB for a declaratory hearing on the issue.

He said he understood and would word documents accordingly.



Genny McMath
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 11, 2002

1796-3

Eric Zell
21815 406th Ave
Cavour SD 57324

Dear Mr. Zell:

Thank you for taking the time to visit with me regarding ownership of Water Right No. 1796-3. I am enclosing a copy of the water right for your review.

I am also including a sample copy of the yearly irrigation questionnaire. It will give you an idea of the information you will need to keep track of during the irrigation season. The actual form you will need to complete and return will be mailed to you in October, 2002.

The water right is currently in the name of Pearl View Farms. Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing the ownership change. Please review the form and complete as needed. Upon completion, please sign the form in the presence of a notary public 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.

You may keep the copy of the water right and the sample irrigation questionnaire for your records. The only thing you need to complete and return at this time is the transfer of ownership form and a \$2.50 filing fee.

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
email: genny.mcmath@state.sd.us

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 10, 2002

1796-3

Eric Zell
21815 406th Ave
Cavour SD 57324

Dear Mr. Zell:

On February 11, 2002, following our telephone conversation, I forwarded a transfer form to you for filing an ownership change with Water Right No. 1796-3. The water right is currently in the name of Pearl View Farms. To date, we have not yet received the transfer form from you.

In the event you no longer have the original form, I am sending along another copy. Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing the ownership change. Please review the form and complete as needed. Upon completion, please sign the form in the presence of a notary public 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 I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1796-3

RECEIVED

MAY 03 2002

Date:

2/27/02

WATER RIGHTS
PROGRAM

I/We request that Water Right No. 1796-3

formerly owned by: Pearl View Farms Ltd Partnership

be transferred to: (name & address)

Eric Zell 21815 406th Ave Cavour SD 57324

Telephone No. 605-352-1701

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

128 acres in the SE 1/4 Section 30, T109N, R60W

I/We understand that the validity of Water Right No. 1796-3 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.

STATE OF SOUTH DAKOTA)

County of Beadle)

I/We Eric Zell

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.

Eric Zell

(Signed by new owner)

Subscribed and sworn to before me this 30th day of April, 2002

Randy Richard

(Notary Public)

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

NO 417157

Pierre, May 3, 20 02

RECEIVED OF Eric Zell, 21815 406th Ave., Cavour, SD 57324
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 1796-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Barbara E. White

Chief Engineer

gm



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 3, 2002

1796-3

Eric Zell
21815 406th Ave.
Cavour, SD 57324

Dear Mr. Zell:

Thank you for following up on the ownership change for Water Right No. 1796-3. The transfer has been completed. The water permit formerly listed in the name of Pearl View Farms Ltd. Partnership is now listed in the name of Eric Zell.

Enclosed is your Receipt No. 417157 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

Glenda Marks
Secretary
Water Rights Program
(605) 773-3352

enclosure



1796-3
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 20, 2005

NOTICE

TO: ERIC ZELL, 21815 406TH AVE, CAVOUR, SD 57324

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit No. 1796-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 2, 2005, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No. 1796-3 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 is received in this office on/or before February 25, 2005, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, please contact Genny McMath at (605) 773-3352.

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



1796-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 2012

Your item was delivered at 12:21 pm on January 21, 2005 in CAVOUR, SD 57324. The item was signed for by W ZELL.

[Shipment Details >](#)

Notification Options

► Track & Confirm by email

[What is this?](#)

[Go >](#)

► Request Proof of Delivery

[What is this?](#)

[Go >](#)

POSTAL INSPECTORS
Preserving the Trust

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Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 2012

ERIC ZELL
21815 406TH AVE
CAVOUR SD 57324

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

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®
☐ Package Services

PS Form 153, July 2001

(See Reverse)



**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 14, 2005

1796-3

Eric Zell
21815 406th Ave
Cavour SD 57324

Dear Mr. Zell:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 1796-3.

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



1796-3
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 23, 2020

NOTICE

TO: ERIC ZELL, 21815 406TH AVE, CAVOUR, SD 57324

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 1796-3 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) 1693A-3, 2595-3 & 4379-3 qualification:

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

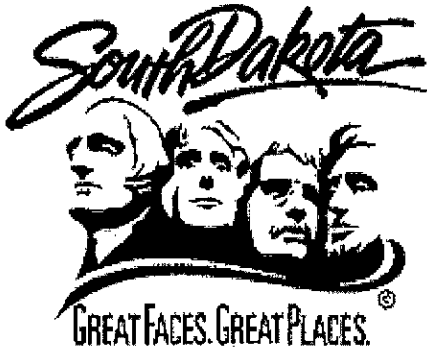
The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant 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) 1693A-3, 2595-3 & 4379-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1796-3 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 **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: TBJAGX**

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 2020

Eric Zell
21815 406th Ave
Cavour SD 57324

RE: Water Right Nos. 1693A-3, 1796-3, 2595-3 & 4379-3

Dear Mr. Zell:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right Nos. 1693A-3, 1796-3, 2595-3 & 4379-3. 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

1796-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 27, 2020

1796-3
2595-3
4379-3

Eric Zell
21859 408th Ave
Cavour SD 57324-7627

Dear Mr. Zell:

Enclosed is a "Notice" dated October 23, 2020 concerning your 2020 irrigation questionnaires.

Thank you for visiting with me about the change in address. I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, written over a horizontal line.

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

enclosures