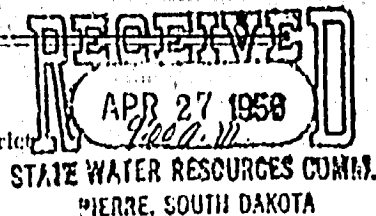


180-3

1. Considered 5/9, 1956
2. Name of Applicant Ray and Anna M. Flynn
3. Post Office Address Harvey, South Dakota
4. Amount of water claimed 2.28 cfs
5. Source of water supply WPA
6. Water to be used for irrigation
Acres to be irrigated 160
7. Water to be diverted and used in Dakota County about
5 miles Northwest of Harvey
8. Proof of Publication Received ☒
Not Received ☐
9. Application Approved ☐
Subject to ☐
Not approved ☐
Action deferred ☒

10. Remarks:

1.00 Rec'd until further information on
ground water supplies for
domestic use can be obtained.

No. 180-3Water Division No. 3 Vermillion 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 Michael Flyger
 Postoffice address Turner Turner County, State So Dak

- I. If a corporation -----
- (a) Name of same -----
- (b) Date and place of incorporation -----
- (c) Amount of capital stock -----
- (d) Amount paid in -----
- (e) Names and addresses of directors -----

(NOTE--A certified copy of articles of incorporation must accompany the application.)

- II. Method of accomplishing the work and financial resources of the applicant:
- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
PRIVATE CONTRACT
- (b) Cash on hand, \$----- (c) Treasury stock, \$-----
- (d) Bonds to be issued, \$----- (e) Other resources, \$-----

2. Name of diversion work -----
3. Amount of water claimed 2.28 cubic feet per second -----
4. Source of water supply well -----
5. Location of point of diversion SW 1/4 4 98 53 (2700' 52' E
from NW corner of 4-98-53 on Turner County.
6. Annual period or periods during which water is to be used April 1 to Sept 30
7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? overhead(a) Number of acres to be irrigated 160.0 ⁶⁰⁰⁰⁰⁰ acres.(b) Legal subdivisions to be irrigated NW 1/4 4-98-53

(NOTE--List of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) None

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use -----
 Name any of the above uses claimed

(b) Amount of power to be generated ----- horse power.

Amount claimed for engine cooling -----

(c) Location of plant -----

(d) Method of developing power -----

(e) Point where water will be returned to stream -----

Map No. 147-3

8. Estimated cost of work:

(a) Head Gates, \$

(c) Fluming, \$

(e) Other structures

(d) Canal-earth, \$

(b) Pumping plant, \$ 2000⁰⁰

Rock, \$

Total, \$ 8200⁰⁰

9. Description of diversion works:

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

Pumping plant

II. Dimensions of works:

(a) Dam: Height feet; length at bottom feet; length at top feet; thickness at bottom feet; thickness at top feet; slope at front water face; slope at back face material used in construction

(b) Reservoir: Capacity when filled acre feet. Surface area at highwater mark acres.

DEPTH AT OUTLET	SURFACE AREA AT EACH FEET	ACRE FEET
--------------------	---------------------------------	-----------

64- RAIN BIRD

DISCHARGES AND DIAMETERS FOR MODEL 40

Nozzle Pressure
Pounds
per Sq. In.

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

25	86	9.23
30	94	10.10
35	98	11.20
40	101	11.80
45	103	12.60
50	105	13.30
55	107	14.10
60	103	14.70

At	Mile	feet	feet	feet	feet
At	Mile	feet	feet	feet	feet
At	Mile	feet	feet	feet	feet
At	Mile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work: 3 years.

11. Time required for complete application of water to the proposed beneficial use 3 years.

12. Choice of newspaper for publication of notice of intention to appropriate New F.A.A.

STA E OF SOUTH DAKOTA

County of Turner ss.

I, Ray Flyger

being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Ray Flyger

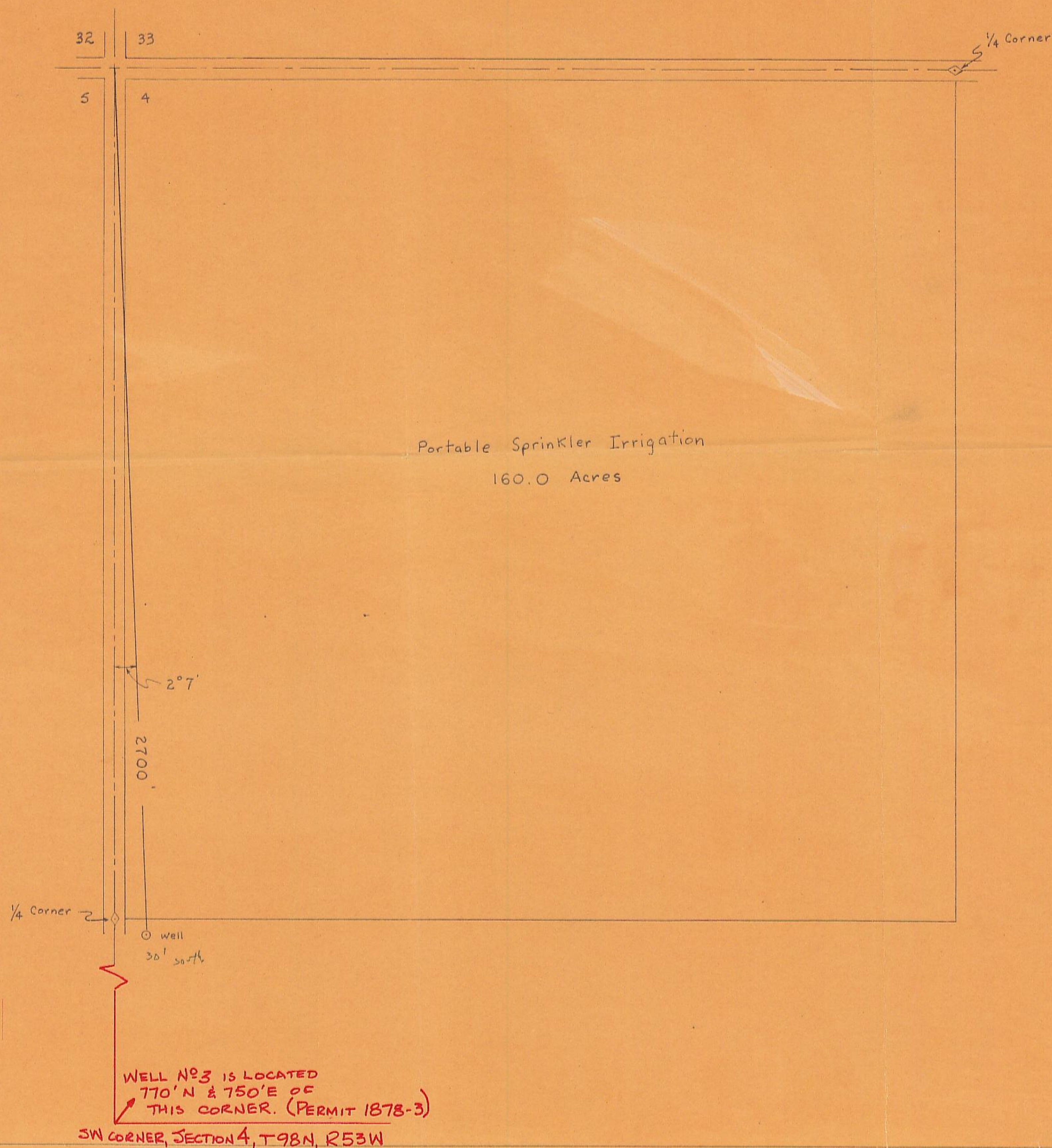
Subscribed and sworn to before me this 16 day of April 1956

Emmett G. Brown
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

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

ROY AND ANNA M. FLYGER, OWNERS



LEGAL SUBDIVISION TO BE IRRIGATED
N.W. 1/4 Sec. 4 T. 98 N. R. 53 W. 160.0 Acres

SCALE: 1 INCH = 200 FEET

Certified Correct: Martin M. Fogel
Extension Irrigation Specialist
South Dakota State College
Brookings, South Dakota

Subscribed and sworn to before me
this 26th day of April 1956

Geneva Crall
Notary Public for the State of South Dakota
Residing at Brookings, South Dakota
My commission expires Feb. 4, 1959

Map No. 147-3
(Appl. No. 180-3)

E-LH1 #4W

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

May 2, 1956

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

State Water Resources Commission

By:

Goldman

Chief Engineer, Executive Officer

Number of permit 180-3

Date of first receipt of application April 27, 1956

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

Date of receipt of corrected application ---, 19---

Date from which applicant may claim right April 27, 1956

Approved February 4, 1957, Recorded in Book 4 Page 193

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

August 4, 1958

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

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

February 4, 1963

4th. The water appropriated shall be used for the purpose of irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 2.28 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before February 4, 1963, said water to be used during the following described annual period:

April to September inclusive

Witness my hand this 10 day of January, 1958

State Water Resources Commission

By:

Goldman

Chief Engineer, Executive Officer

Certificate of Construction Issued NOVEMBER 24, 1972

Water License Issued NOVEMBER 24, 1970

9. (continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 32 inch,

Depth 8

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

Size of casing 20', Thickness of casing 1/4 in.
Length of casing 87. If collection gallery,
length, size, and depth of gallery —.

(b) Screens

Type of perforated screen Dempster

Size of perforated screen 3/4 inch, 2 inch
(diameter) (length)

Thickness of gravel pack 6, length of gravel
pack 65 feet.

(c) Water Bearing Materials

Distance to water 22 ft.

Character of water bearing materials very sharp
white sand

Thickness of water bearing material 65 feet

(d) Pump and Motor

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

Name of pump Fairbanks Morse, size 12 inch

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

Horsepower 40

Name of motor Fairbanks Morse

(e) Complete well

Capacity 1500 GPM at drawdown of 40 feet

Estimated cost 1250

(f) Owner of land upon which well is located Roy & Anna
Name

M. Flyger, Hurley So. Dak
Address

(g) Distance to nearest existing wells

On same Owner's property 80 rods

On property owned by others 120 rods

Permit No. 180-3

Water Diversion No. 3 VERMILLION RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Ray Flyger

_____ the holder _____ of
Permit No. 180-3, issued upon Application No 180-3, bearing date of priority of April 27,
1956 authorizing the diversion of 2.28 cu. ft. per second of the waters of _____
ground water County of Turner, State of South Dakota at _____
a point 2730 feet, South 2° 7' East from the NW Corner, Section 4, T98N, R53W
_____, for irrigation

_____ purposes, he _____ 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 2.67 cu. ft. per second of water.

Date November 24, 1970

WATER RESOURCES COMMISSION

By:

J.W. CRINES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 180-3

(1) WITNESSETH On the 27th day of April A. D. 19 70
Michael Flyger

made Water Right Application No. 180-3 for a permit to use 2.28 cubic feet per second of the waters of ground water

County of Turner, State of South Dakota, for irrigation

_____ purposes; and

(2) WHEREAS, On the 10th day of January A. D. 19 58

Permit No. 180-3, with a date of priority of April 27, 1956

was issued to said applicant _____ for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 4th day of February A. D. 19 60 and for the application to beneficial use of said water on or before the 4th day of February A. D. 19 63

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 2.28 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 NW¹, Section 4, T98N, R53E

(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, Roy Flyger

_____ of Hurley
the he _____ and owner _____ of said permit No. 180-3 a water right, dating from April 27, 1956
_____ to use of 2.28 cubic feet per second of the waters
of ground water
in the County of Turner and State of South Dakota, or as much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 2730 ft. South 2 7' East from the NW
Corner, Section 4, T98N, R53W

and conduct to and upon the NW 1/4, Section 4, T98N, R53W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 180-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 24th day of November, A. D.
Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

(First Publication before June 7, 1956)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., May 2, 1956

Notice is hereby given that Roy and Anna M. Flyer whose postoffice 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 2.16 cubic feet of water per second of time from the ground water through the a well, the point of diversion of which is to be located on the west side of the stream in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 4 Twp. 9N Range 5W. Said water to be used for the purpose of providing irrigation on the following described land:

SW $\frac{1}{4}$, Sec. 4, T. 9N, R. 5W

~~xxxxxx~~ purpose.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 9th day of July, 1956, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

J. W. Orin, Chief Engineer, Executive Officer

cc: E. J. Bormann, Publisher
The New Era
Parker, South Dakota

PROOF OF PUBLICATION

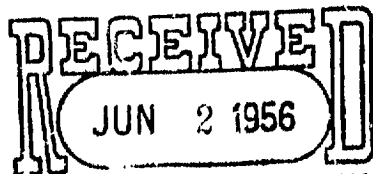
STATE OF SOUTH DAKOTA }
County Turner } ss.

Earl J. Berman being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the The Hurley a newspaper which during the whole itme of publication of said notice herein after stated, has been and is printed and published in the town of Hurley County of Turner and State of South Dakota; that the said notice was published in said newspaper on the following dates:

May 10, 17, 24, and 31st 1956

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

Subscribed and sworn to before me this 17th day of May A. D. 1956



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Notory Public Turner County, S. D.

Notice of Intention to Appropriate Water — No. 186-3
APPROPRIATION OF WATER
Office of Water Resources Commission, Pierre, S. Dak., May 2, 1956.
Notice is hereby given that Roy and Anna M. Flyger, whose post-office address is Hurley, S. Dak., have made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.28 cubic feet of water per second of time from ground water through a well, the point of diversion of which is to be located in the NW¼ of the SW¼ of Section 4, Twp. 98N, Range 53W. Said water to be used for the purpose of providing irrigation on the following described land: NW¼, Sec. 4, T 98N, R 53W.
This application will be taken up by the Water Resources Commission at their office at Pierre for consideration, upon the 9th day of July, 1956, at 2:00 P.M. All interested persons may appear and be heard. Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.
State Water Resources Commission
By: J. W. GRIMES, Chief Engineer,
Executive Officer.
(4tc May 10, 17, 24 and 31, 1956)

Permit No. 180-3Water 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 Roy Flyger
 _____ of Hurley, South Dakota holder _____
 of Permit No. 180-3, bearing date of priority of April 27, 1956
 authorizing the diversion of 2.28 cu. ft. per second of the waters of ground water
 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:

Well 90' deep cased with 18 inch Asbestos cement casing
 Western Land Roller pump - 8 inch - Mod 8 630
 A.O. Smith Electric Motor - 60 H.P. Mod 2528

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

80 rods 8 inch main line

C. Works used to apply water to beneficial use.

160 rods 8 inch gated pipe

The system is in the following condition: Good

The point of diversion is located 2730' S 207' East from the NW Corner of
Section 4, Township 98N, Range 53W

The works are capable of diverting and conveying to the place of use 2.69
 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: _____

NW $\frac{1}{4}$ of Section 4, Township 98N, Range 53W

comprising a total of 160
180 acres of land.

License and notification should be for Roy Flyger only.

Date October 28, 1970

Donald Driscoll
 (Signature)

Donald Driscoll
 Deputy Chief Engineer
 Water Resources Commission

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

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

NW 1/4 Section 4, T98N, R53W

formerly owned by Roy Flyger, Hurley
has been transferred to Michael Flyger, Hurley SD 57036

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 180-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of TURNER) ss.

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

Mike Flyger
(Signed)

Subscribed and sworn to before me this 3 Day of MARCH, 1982.

[Signature]
(Notary Public)



RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8757

PIERRE, March 2, 1982

RECEIVED OF Mike Flyger, Rt#1, Box 21, Parker, SD 57053

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

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____	
Fee for Inspecting Construction, and Issuing Cert. of Construction No. _____	
Fee for Inspecting Beneficial Use, and Issuing Water License No. _____	
Fee for Issuing Location Certificate-Dry Draw. No. _____	
Fee for filing <u>Transfer of WR# 180-3</u>	2 50
Fee for certified copy of _____	
Fee for Print copy of map _____	
Fee for Certifying _____	
Fee for _____ (any other work as provided by law)	
TOTAL	2 50

WATER RIGHTS COMMISSION

By John Hatzel
Chief Engineer, Executive Officer



Department of Water & Natural Resources

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

April 15, 1985

Michael Flyger
RR 1 Box 21
Parker SD 57053

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). 156-3, 157-3, 164-3, 180-3, 1878-3. 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.

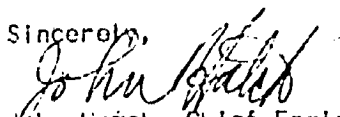
The hearings will be held at 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

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). 156-3, 157-3, 164-3, 180-3, 1878-3 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.

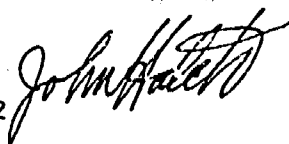
SOUTH DAKOTA Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Michael Flyer
RR #1, Box 21
Parker, SD 57053

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



SUBJECT: Amendment to Water Permit No(s). 180-3, 156-3, 157-3, 164-3 & 1878-3.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 180-3, 156-3, 157-3, 164-3 & 1878-3 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 the first violation. Please include the enclosed attachment with your permit.

South Dakota Department of
Water & Natural Resources

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

Attachment to Water Permit No(s). 180-3, 156-3, 157-3, 164-3 & 1878-3

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 180-3, 156-3, 157-3, 164-3 & 1878-3 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

156-3
157-3
164-3
180-3
1878-3

September 25, 1987

Marene Flyger
Box 362
Hurley, SD 57036

Dear Ms. Flyger:

Enclosed are partially completed transfer forms for use in filing an ownership change on Water Right Nos. 156-3, 157-3, 164-3, 180-3 and 1878-3. I have also enclosed a copy of each of these water rights for your records.

Please complete the transfer forms by signing in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each, total of \$12.50. As soon as we receive the forms and filing fees, the water rights will be transferred to your name.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst

gm

encl

Water Rights

Foss Bldg.

Pierre S.D. 57501

Dear Sir -

As you probably have noticed we changed ownership to be on this permit No. 180-3 if this does not meet with your approval, we will have to do something different.

Michael Flyger was the renter before and not owner of the land (NW 1/4 of Sec 4-98-53).

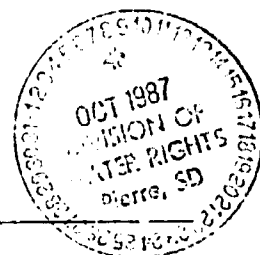
If not satisfactory please Contact Me.

Merle E. Flyger
P. O. Box 4512
Hurley S. Dak
57036

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____



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

NW 1/4 Section 4, T98N, R53W

formerly owned by Michael Flyger

has been transferred to Flyger Life Estate, Merle Flyger, Adm. Rt. 1 Box 1453
Hurley, South Dakota 57036

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 180-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board 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 SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Turner) ss.

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

Merle F. Flyger
(Signed)

Subscribed and sworn to before me this 5th Day of October, 1987.

James A. Christensen
(Notary Public)



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3161

October 13, 1987

Marene Flyger
Box 362
Hurley, SD 57036

Dear Mr. Flyger:

As we discussed by telephone, I am returning your check # 6478 in the amount of \$12.50. The fee was for transfers you submitted for changing water rights listed in the name of Michael Flyger to you or to Flyger Life Estate.

Four transfers will be filed, requiring a total of \$10.00 in filing fees. Please remit a check in the amount of \$10.00. As soon as this fee is received, Water Right Nos. 156-3, 157-3, 180-3, and 1878-3 will be transferred to the proper names.

I will be contacting Mrs. Debra Hansen, Sioux Falls concerning the transfer of Water Right No. 164-3, currently listed under the name of Michael Flyger.

Thank you for your assistance in this matter. If you have any questions, please contact me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst

gm

encl

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

411015

Pierre, _____ October 16, 1987

RECEIVED OF Marenga Flyger, Box 362, Hurley, SD 57036 (for Flyver Life Estate,
the following amount in fees for services rendered as provided for by law: Merle Flyger Adm., Rt 1 Box 145B
Hurley SD 57036

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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 180-3

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

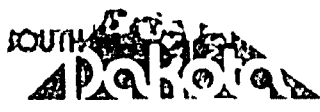
2 50

By

Chief Engineer

JOHN PATCH





Department of Water & Natural Resources

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

January 29, 1988

MERLE FLYGER, ADM
RR 1 BOX 145B
PARKER, SD 57036

NOTICE

Re: Violation of Water Permit No(s). 180-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 180-3. 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). 180-3 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.

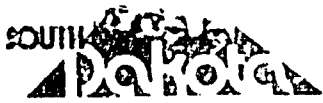
Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 180-3 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

February 5, 1988

180-3

Merle Flyger, Adm.
RR 1, Box 145B
Parker SD 57053

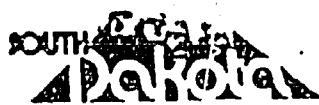
Dear Mr. Flyger:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 180-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

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

180-3

March 10, 1988

Merle Flyger
Rural Route 1, Box 145 B
Hurley, South Dakota 57036

Dear Mr. Flyger:

I am contacting you in regard to the status of the "Notice of Transfer" you filed in October, 1987 for changing ownership of Water Right No. 180-3. In reviewing the file, I realized that I did not notify you that the transfer was filed properly and our records were changed accordingly.

Water Right No. 180-3 is listed in the name of Flyger Life Estate, with you as the administrator. The receipt for fees paid will be sent to Marene Flyger.

I apologize for the delay and hope it has not inconvenienced you.

Sincerely,

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

Genny McMath
Natural Resources Analyst
605 773-3352

GM:ms
cc: Marene Flyger



Department of Water & Natural Resources

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

February 8, 1989

MERLE FLYGER, ADM
RR 1 BOX 145B
PARKER, SD 57036

NOTICE

RE: Violation of Water Permit No(s). (180-3)

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 180-3. 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 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). 180-3 qualification:

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

The hearing will be held at 9:45 am, March 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. Suspend Permit No(s). 180-3 until the 1988 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 1st 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



Water Rights Division - DWR
Conversation or File Documentation

File No. 165-3

180-3

290-3

1584-3

NAME OF PERSON OR ENTITY Curt Adrian

ADDRESS: RR #1 Box 27, Parker, SD 57053

COUNTY

DATE: February 23, 1989

TELEPHONE 297-3575

RE: Permits listed in the name of Merle Flyger

COMMENTS:

Mr. Flyger contacted our office and indicated he did not farm anymore and to contact Curt Adrian for the information for the irrigation questionnaires.

I contacted Mr. Adrian on February 23. He stated he farms the land under Nos. 165-3, 180-3, 290-3 and 1584-3. I indicated to him that we would list him as manager on the permit files so that future irrigation questionnaires would be sent directly to him.

Ownership is as follows: 165-3 Merle Flyger

180-3 Flyger Life Estate & Craig Flyger

290-3 Jerry Adrian

1584-3 Merle Flyger

(Contact Jerry Adrian and send him a transfer form for 290-3)

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.

NAME: Lenny Mcmata

4/82



Department of Water & Natural Resources

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

1584-3
180-3
165-3
290-3

February 28, 1989

Curt Adrian, Manager
RR 1, Box 27
Parker, SD 57053

Dear Mr. Adrian:

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

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

The new standards include:

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

February 28, 1989

Adrian

page 2

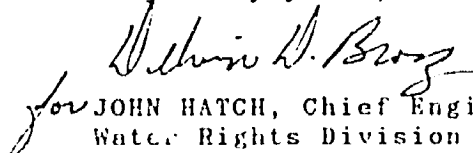
Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified.

If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Dowar, Water Rights Engineer (605-773-3352).

Very truly yours,


for JOHN HATCH, Chief Engineer
Water Rights Division



Department of Water & Natural Resources

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

March 6, 1989

165-3
180-3
290-3
1584-3

Merle Flyger
RR #1 Box 45
Parker, SD 57053

Dear Mr. Flyger:

I am writing to acknowledge receipt of your 1988 irrigation questionnaires for Water Right Nos. 165-3, 180-3, 290-3 and 1584-3. The information was obtained from Curt Adrian. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. Your questionnaires were received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

In response to your recent request, Jerry Adrian has been contacted concerning ownership of Water Right No. 290-3. Curt Adrian's name has been added to Water Right Nos. 165-3, 180-3, 290-3, and 1584-3, as that of manager. Future irrigation questionnaires will be directed to him.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

cc: Curt Adrian, RR #1 Box 27, Parker, SD 57053

SOUTH DAKOTA Department of
Water & Natural Resources

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

December 13, 1989

180-3

Craig Flyger
RR #1 Box 22
Hurley, SD 57036

Dear Mr. Flyger:

I am contacting you in reference to the 1989 irrigation questionnaire for Water Right No. 180-3 currently listed in the name of Flyger Life Estate. The questionnaire was originally sent to Curt Adrian (as manager) for completion. Mr. Adrian has contacted our office and indicated he does not manage that particular land. He requested the questionnaire be sent to you.

Enclosed is a 1989 irrigation questionnaire pertaining to Water Right No. 180-3, along with a postage paid envelope. Please complete the questionnaire as accurately as possible and return it to our office by JANUARY 5, 1990.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosures

L



180-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: CFAIG FLYGER
RA #1 BOX 22
LURLEY SD 57036

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

RE: Violation of Water Permit No(s) 180-3 & 291-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 180-3 & 291-3. 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) 180-3 & 291-3 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) 180-3 & 291-3 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.

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:

180-3

CRAIG FLYGER
RR #1 BOX 22
HURLEY SD 57036

4a. Article Number

906 500 114

4b. Service Type

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

7. Date of Delivery

2-1-93

5. Signature (Addressee)

Craig Flyger

6. Signature (Agent)

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

Thank you for using Return Receipt Service.

180-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 1, 1993

Craig Flyger
RR #1 Box 22
Hurley, SD 57036

Dear Mr. Flyger:

I am writing to acknowledge receipt your 1992 irrigation questionnaires. You may disregard the January 29, 1993, Notice of Violation of Water Right Nos. 156-3, 157-3, 164-3, 180-3, 291-3 and 1878-3.

The questionnaires were received 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,

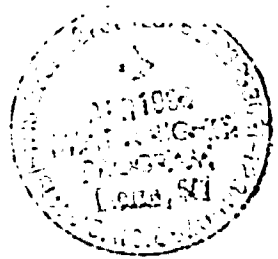
A handwritten signature in cursive script that reads "Genny McMath".

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

180-3

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 180-3

Date: April 23, 1996

I/We request that Water Right No. 180-3

formerly owned by: Flyger Life Estate

be transferred to: (name & address) Craig Flyger, 27964 454th Ave., Parker, SD 57053

Telephone No. (605) 238-5287

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

NW¼ Section 4, T98N, R53W

I/We understand that the validity of Water Right No. 180-3 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 attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Turner)

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

Craig Flyger
(Signed)

Subscribed and sworn to before me this 23 day of April, 19 96.

May J. Grogan
(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

414927

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 24, 19 96

RECEIVED OF Craig Flyger, 27964 454th Ave., Parker, SD 57053

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

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 Water Right No. 180-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Chief Engineer

Quinn Hatcher



186-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 25, 1996

Craig Flyger
27964 454th Ave
Parker, SD 57053

Dear Mr. Flyger:

This will acknowledge receipt of the "Notice of Transfer of Ownership" forms you submitted for filing an ownership change on Vested Water Right Claim Nos. 156-3 and 157-3, Water Right No. 180-3 and Water Permit No. 1878-3.

The transfers have been completed and you are now listed as owner of Nos. 156-3, 157-3, 180-3 and 1878-3. Enclosed are receipts in the amount of \$2.50 each which you paid for filing the transfers.

If you have any questions, please contact me.

Sincerely,

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

enclosures



180-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

CRAIG FLYGER, ADM
RR 1 BOX 22
HURLEY SD 57036

NOTICE

RE: Violation of Water Permit No(s) 180-3

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 180-3. 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 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) 180-3 qualification:

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

The hearing will be held at 8:45 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. 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) 180-3 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.

If the questionnaire(s) is(are) received in this office on/or before April 1, 1994, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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



October 24, 1995

180-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Craig Flyger
27964 454th Avenue
Parker, SD 57053

Dear Mr. Flyger:

Enclosed are 1995 irrigation questionnaires pertaining to Water Permits/Rights held under the name of Marene Flyger, Michael Flyger, Merle Flyger and Craig Flyger. You indicated on last year's irrigation questionnaires that you owned the land covered under these water permits or rights. Below is a listing of the water rights and the name we currently have them listed under. If you now own the land, please mark the list accordingly and I will mail you transfer forms to file the ownership changes.

own	No. 156-3	Marene Flyger	SW 1/4 Section 4, T98N, R53W
156-3	No. 157-3	Marene Flyger	E 1/2 SE 1/4 Section 5, T98N, R53W
157-3	No. 164-3	Michael Flyger	N 1/2 NW 1/4 Section 9, T98N, R53W
180-3	No. 165-3	Merle Flyger	NE 1/4 Section 12, T98N, R53W
291-3	No. 180-3	Flyger Life Estate ***	NW 1/4 Section 4, T98N, R53W
1878-3	No. 291-3	Craig Flyger	W 1/2 NE 1/4 Section 8, T98N, R53W
	No. 1584-3	Merle Flyger	NE 1/4 Section 12, T98N, R53W
	No. 1878-3	Marene Flyger	S 1/2 Section 4, T98N, R53W

*** No. 180-3 - Flyger Life Estate: Merle notified us this should be transferred to you

Debra (Flyger)
Hanson

If there are water rights listed above that you do not own and should not be receiving an irrigation questionnaire for, please let me know so I can direct the questionnaire accordingly.

Thank you for your assistance and if you have any questions, please contact me.

Sincerely,

Genny McMath

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

enclosures



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

February 7, 1995

CRAIG FLYGER, ADM
RR 1 BOX 22
PARKER SD 57053

NOTICE

RE: Violation of Water Permit No(s) 180-3 & 291-3.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No(s) 180-3 & 291-3. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 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) 180-3 & 291-3 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 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S 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) 180-3 & 291-3 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.

If the questionnaire(s) is(are) received in this office on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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

CC: JERRY ADRIAN, RR 3 BOX 106, SIOUX FALLS, SD 57103



180-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 24, 1994

Craig Flyger
RR #1 Box 23
Parker, SD 57053

RE: Irrigation Questionnaires - Water Right Nos. 156-3, 157-3, 164-3, 180-3, 291-3 &
1878-3

Dear Mr. Flyger:

I am writing to acknowledge receipt of your 1993 irrigation questionnaires. You may disregard the February 16, 1994, **Notice of Violation of Water Permits**.

The questionnaires were received in our office prior to the Water Management Board meeting and your name and Marene Flyger have 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
Environmental Scientist
Water Rights Division
(605) 773-3352



180-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: CRAIG FLYGER, 27964 454TH AVENUE, PARKER, SD 57053
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire(s)

Our records indicate that the 2002 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 156-3, 157-3, 164-3, 180-3 & 291-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 156-3, 157-3, 164-3, 180-3 & 291-3 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 5, 2003 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) 156-3, 157-3, 164-3, 180-3 & 291-3 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.

If the questionnaire(s) is(are) received in this office on/or before February 28, 2003, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath 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.

Sir:

My Name is Paul Petersen of Hurley
S.D. at 45610 282 St - 57036. I have
rented this ground from Craig Flyger 2002 and
beyond. He has been gone this winter and recently
sent me these to fill out - Could you please
change the mailing so I get them - Thanks
Paul

RECEIVED

FEB 12 2003

WATER RIGHTS
PROGRAM



180-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 13, 2003

Craig Flyger
27964 454th Ave
Parker SD 57053

RE: Water Right Nos. 156-3, 157-3, 164-3, 180-3 and 291-3

Dear Mr. Flyger:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right Nos. 156-3, 157-3, 164-3, 180-3 and 291-3.

The information was received (from Paul Petersen) prior to the Water Management Board meeting and your name has been deleted from the agenda.

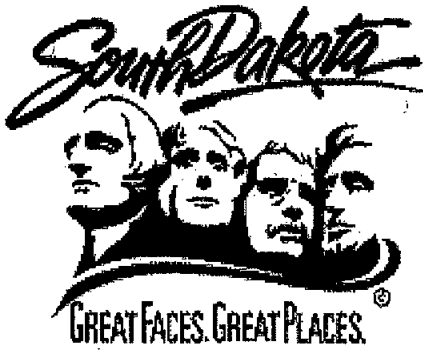
It is our understanding that Paul has rented the land described in your water rights. Future irrigation questionnaires will be directed to his attention until we are told otherwise. This does not alter ownership of the water rights; it merely allows us to send the forms to the person responsible for the irrigation of the land.

If you have any questions, please contact me.

Sincerely,

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

c: Paul Petersen



180-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 25, 2019

Alan Flyger
27964 454th Ave
Parker SD 57043

RE: Water Right Nos. 156-3, 157-3, 180-3 and 291-3

Dear Mr. Flyger:

I am writing in regard to the above listed water rights held by Craig Flyger. Craig indicated that Paul Petersen no longer rents his land and that I should be sending correspondence to you.

For informational purposes, I have included a copy of Water Right Nos. 156-3, 157-3, 180-3 & 291-3 for your records to show you what is covered under each one. Also included are the 2018 irrigation questionnaires for Nos. 180-3 and 291-3 submitted by Mr. Petersen. This will give you an idea of how to fill out the forms and what type of information to keep track of during the irrigation season.

The irrigation questionnaires are typically mailed out in mid to late October and are due back the first week in December. The forms for 2019 will be sent directly to you. If you have any questions when completing them, please do not hesitate to call me.

Sincerely,

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

enclosures



180-3
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: ALAN FLYGER, RENTER, 27964 454TH AVE, PARKER, SD 57053

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 156-3, 157-3, 180-3 & 291-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 156-3, 157-3, 180-3 & 291-3 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) 156-3, 157-3, 180-3 & 291-3 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.

If the questionnaire(s) is (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 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: <https://denr.sd.gov/iq> using this password: UZLDPN**

c: CRAIG FLYGER, 45357 280TH ST, PARKER, SD 57053

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.

180-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 13, 2020

Nos. 156-3, 157-3, 180-3 & 291-3

ALAN FLYGER, RENTER
27964 454TH AVE
PARKER SD 57053

Dear Mr. Flyger:

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

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Permit Nos. 156-3, 157-3, 180-3 & 291-3. 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 AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: ALAN FLYGER, RENTER, 27964 454TH AVE, PARKER, SD 57053

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 156-3, 157-3, 180-3 & 291-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 156-3, 157-3, 180-3 & 291-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 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) 156-3, 157-3, 180-3 & 291-3 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.

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing 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: <https://danr.sd.gov/iq> using this password: EEWYIJ**

c: CRAIG FLYGER, 45357 280TH ST, PARKER, SD 57053

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.

180-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 16, 2022

156-3
157-3
180-3
291-3

Alan Flyger
27964 454th Ave
Parker SD 57053

Dear Mr. Flyger:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 156-3, 157-3, 180-3 and 291-3. 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
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

c: Craig Flyger, 45357 280th St, Parker SD 57053