

Water Right Number 1891-3

1. Considered November 10, 197
2. Name of Applicant A.B. Hudson
3. Post Office Address Box 8141, Prairie Village, Kansas, %Gallagher & Battey, Redfield
4. Amount of water claimed 4.44
5. Source of water supply ground water - Schlotter Wells
6. Water to be used for irrigation

Acres to be irrigated 320

7. Water to be diverted and used in Spink County
about _____ Miles _____ of _____

8. Proof of Publication Received 1st 11-11-71

Not received _____

9. Application Approved _____

Subject to _____

Not approved _____

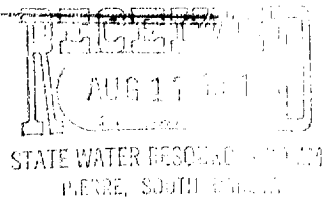
Action deferred _____

10. Remarks:

See Letter

No. 1891-3

Water Division No. 3 JAMES 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 Freeland Farms
Doland, SD 57436
Postoffice address Box 8141, County JOHNSON, State Kansas

- 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)

Contract

- (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
- (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work SCHLOTTER WELLS
3. Amount of water claimed 1,000 gpm / WELL 4.44 cubic feet per second
4. Source of water supply underground
5. Location of point of diversion 2 1/2 CENTER OF THE NE 1/4 & NW 1/4, CORNER OF THE SE 1/4, SECTION 28, T. 116N, R. 61W on SPINK bank _____ County _____
6. Annual period or periods during which water is to be used 45 days beginning June 20th
7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? overhead

(a) Number of acres to be irrigated 320 acres.

(b) Legal subdivisions to be irrigated NE 1/4 28-116-61 & SE 1/4 SECTION 28, T. 116N, R. 61W

(NOTE—A 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.) _____

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 1341-3

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-----
 (c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----
 (e) Other structures ----- \$----- Total, \$-----

9. Description of diversion works:

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

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-----acre.

DEPTH AT OUTLET FEET	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-FOOT CAPACITY

(c)* Head gate: Width-----feet; height -----feet;
 Material -----
 (d) Canal: Total length -----miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
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 -----\$-----years.
 11. Time required for complete application of water to the proposed beneficial use -----4----- years.
 12. Choice of newspaper for publication of notice of intention to appropriate -----

REDFIELD PRESS, REDFIELD, S. DAK.

STATE OF SOUTH DAKOTA

County of SPINK } ss.

I, A. B. Hudson, 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

Subscribed and sworn to before me this

26th

day of

July

1921

Richard S. Loring
 Notary Public (or other qualified officer.)

Remarks by State Water Resources Commission:

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

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, NOVEMBER 12, 1971

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
9 a.m. upon the 17TH day of AUGUST, 1971

State Water Resources Commission

By:

[Signature]
for Chief Engineer, Executive Officer

Number of permit 1891-3

Date of first receipt of application AUGUST 17, 1971

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 AUGUST 17, 1971

Approved NOVEMBER 11, 1971, Recorded in Book 12 Page 46

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 _____

MAY 10, 1974

2nd. The whole of said work is to be completed on or before NOVEMBER 10, 1976

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

NOVEMBER 10, 1980

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 444 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 NOVEMBER 10, 1980, said water to be used during the following described annual period:

45 DAYS BEGINNING JUNE 20

Witness my hand this 12TH day of NOVEMBER, 1971

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued

APRIL 17, 1973

Water License Issued

APRIL 17, 1973

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 16", Depth 90'

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

Size of casing 16", Thickness of casing 3/8"

Length of casing 90' If collection gallery, length, size and depth of gallery _____

(b) Screens

Type of perforated screen Johnson

Size of perforated screen 16" 15'
(diameter) (length)

Thickness of gravel pack 4", length of gravel pack 90'

(c) Water Bearing Materials

Distance to water 16' Character of water bearing materials _____
Porous sand and gravel combined

Thickness of water bearing material 70'

(d) Pump and Motor

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

Name of pump Western, size 10"

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

Horsepower 300, Name of Motor International

(e) Complete well

Capacity 1,000 gpm at drawdown of 55' Estimated cost 10,000.00

(f) Owner of land upon which well is located A. B. Hudson
Name

Box 8141, Prairie Village, Kansas
Address

(g) Distance to nearest existing wells

On same owner's property 160 rods. On property owned by others 100 rods

Schlottter

Permit No. 1891-3

Water Diversion No. 3 JAMES RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That A. B. Hudson

_____ the holder _____ of
Permit No. 1891-3, issued upon Application No. 1891-3, bearing date of priority of August 17,
1971 authorizing the diversion of 4.44 cu. ft. per second of the waters of _____
County of Spink, State of South Dakota at _____
at points in the center of the NE $\frac{1}{4}$ and SE $\frac{1}{4}$, Section 28, T116N, R61W
_____, for irrigation

purposes, has 8 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 intended use 4.00 cu. ft. per second of water.

Date April 17, 1973

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

WATER LICENSE NO. 1891-3

(1) WHEREAS, On the 17th day of August A. D. 19 71
A. B. Hudson

made Water Right Application No. 1891-3 for a permit to use 4.44 cubic feet per second of the waters
of ground water
County of Spink, State of South Dakota, for irrigation
purposes; and

(2) WHEREAS, On the 12th day of November A. D. 19 71
Permit No. 1891-3, with a date of priority of August 17, 1971

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 10th day of November A. D. 19 76 and for the
application to beneficial use of said water on or before the 10th day of November A. D. 19 80

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 3.74 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 131 acre circle in the NE $\frac{1}{4}$, and a 131 acre circle in the
SE $\frac{1}{4}$, Section 28, T116N, R61W

(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 A. B. Hudson of Topeka, Kansas the holder _____ and owner _____ of said permit No. 1891-3 a water right, dating from August 17, 1971 to use of 3.74 cubic feet per second of the waters of ground water in the County of Spink and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at at points in the center of the NE $\frac{1}{4}$ and SE $\frac{1}{4}$, Section 28, T116N, R61W and conduct to and upon a 131 acre circle in the NE $\frac{1}{4}$, and a 131 acre circle in the SE $\frac{1}{4}$, Section 28, T116N, R61W for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1891-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 17th day of April A. D.
Nineteen Hundred and Seventy-three

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. GRIMES

Form 6 - Notice of Intent to Appropriate Water

~~1891-3~~ 1891-3

Publish first publication, on or before October 14, 19 71

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 8, 19 71

Notice is hereby given that A. B. Hudson
whose post office address is Prairie Village, Kansas, ~~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
4.44 cubic feet of water per second of time from ~~the~~ ground water through the
Schlottor Wells, the point of diversion of which ~~is~~ ^s are to be located in the _____

in the Center of the NE $\frac{1}{4}$ and in the Center of the SE $\frac{1}{4}$

of Section 28, Twp. 116N, Range 61W. Said water to be used for the purpose

of providing irrigation on the following described land:

E $\frac{1}{2}$, Section 28, T116N, R61W

This application No. 1891-3 will be considered by the Water Resources Commission at their office at
Pierre upon the 10th day of November, 19 71, at 2:00 P. .M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

cc: R.M. Mathey, Gallagher and Mathey, Redfield, S.D. 57469

Affidavit of Publication

STATE OF SOUTH DAKOTA
County of Spink

SS

I, Harold D. Jones, of said County and State, being first duly sworn on oath, say that the REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as Amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by the SPINK COUNTY PRINTING CO., INC., and has been such newspaper during the time hereinafter

mentioned, and that I, Harold D. Jones, the undersigned am Editor of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts

stated in this affidavit, and that the legal or official notice entitled:

Notice Intent To appropriate
Water

a printed copy of which is hereto attached, was printed and published in said newspaper in 4 successive issues, to-wit:

The first publication being made on Oct. 14 1971
2nd Oct. 21 1971 5th _____ 19____
3rd Oct. 28 1971 6th _____ 19____
4th Nov. 4 1971 7th _____ 19____

that the full amount of the fee charged for publishing the same to-wit: the sum of \$13.82, inures to the benefit of

the publisher of the REDFIELD PRESS, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this _____ day
of November 1971

Notary Public, Spink County, South Dakota

(SEAL)

No. 30

No. 1891-3

NOTICE INTENT TO
APPROPRIATE WATER
Pierre, South Dakota
57501
October 8, 1971

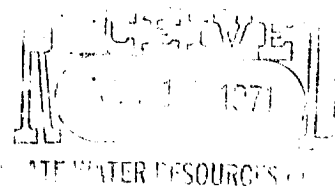
Notice is hereby given that A. B. Hudson whose post office address is Prairie Village, Kansas, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 4.44 cubic feet of water per second of time from ground water through the Schlotter Wells, the points of diversion of which are to be located in the Center of the NE 1/4 and in the Center of the SE 1/4 of Section 28, Twp. 116N, Range 61W. Said water to be used for the purpose of providing irrigation on the following described land:

E 1/2, Section 28, T116N, R61W.
This application No. 1891-3 will be considered by the Water Resources Commission at their office at Pierre upon the 10th day of November, 1971, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES
COMMISSION

By:
BURTON F. JONES,
Water Rights
Specialist

(Oct. 14, 21, 28; Nov. 4)



Permit No. 1891-3Water 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 A.B HUDSON
 of PRAIRIE VILLAGE, KANSAS holder
 of Permit No. 1891-3, bearing date of priority of AUGUST 17, 1971
 authorizing the diversion of 4.44 cu. ft. per second of the waters of GROUND WATER
 for IRRIGATION purposes, in SPINK 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:

2 WELLS - BOTH 90' DEEP WITH 16" STEEL CASING
 BOTH HAVE WESTERN LAND ROLLER 3" PUMPS, POWERED
 BY CATERPILLAR #573 DIESEL MOTOR

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

C. Works used to apply water to beneficial use.

TWO - 13 TOWER VALLEY SELF PROPELLED SPRINKLER
 SYSTEM

The system is in the following condition: GOOD

The point of diversion is located WELL #1 - CENTER NE⁴; WELL #2 - CENTER SE⁴
SECTION 28, T116N, R61W

The works are capable of diverting and conveying to the place of use 4.0cu. 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:

131 ACRE CIRCLE IN THE NE⁴, AND 131 ACRE CIRCLE
IN SE⁴, SECTION 28, T116N, R61W

comprising a total of 262 acres of land.Date APRIL 4, 1973

Anton Jones
 (Signature)

WATER RIGHT SPECIALIST
 WATER RESOURCES COMMISSION



1458-3, 1775-3 & 1891-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

July 1, 1977

Freeland Farms
Doland, SD 57436

Gentlemen:

Enclosed are rec apt Nos. 4 5997, 4 5998, 4 5999, 4 6000, 4 6001, 4 6002, 4 6003, 4 6004, 4 6005, 4 6006 and 4 6007 in the amounts of \$2.50 for a total of \$27.50 which you paid for transferring Water Right Nos. 961-3, 1048-3, 1070-3, 1071-3, 1072-3, 1073-3, 1111-3, 1223-3, 1458-3, 1775-3 and 1891-3.

Our records now show you as the owner of these Water Rights.

Sincerely,

NINA L. FROMM
Land/Water Clerk I

enclosures

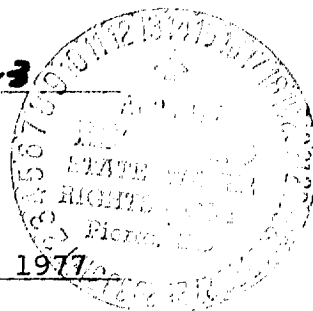
Form 20.

No. 1891-3

NOTICE OF TRANSFER OF WATER PERMIT

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

Date: April 14, 1977



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

N E 1/4 28-116-61, SE 1/4 Sec 28, T116N, R61W

formerly owned by

A. B. Hudson

has been transferred to

Larry Herb. Keith Glenn Freeland Jr.

together with any rights to the beneficial use of water thereon as evidenced by

Freeland Farms

Water Right Permit No. 1891-3 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, Freeland Farms being first duly sworn on my oath despose 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.

Larry Freeland
(Signed)

Subscribed and sworn to before me this 14th day of April

19 77

Betty Westlund
(Notary Public)

Land/Water Clerk II

~~SOUTH DAKOTA~~
~~Department of~~
Water & Natural Resources
Joe Foss Building
Pierre, South Dakota 57501

January 4, 1982

Dettler Farms
Rural Route
Doland, South Dakota 57436

Dear Sirs:

As per our telephone conversation December 30, 1981, enclosed are transfer forms for transferring Water Right Permits in the name of Freeland Farms, Herb Freeland, and Larry Freeland, to your name.

Each transfer form is partially filled out including the permit number, number of acres, and land covered under the permit. Check over each form, date, sign and have notarized before returning them to this office with a \$2.50 filing fee for each permit. Only complete the forms pertaining to the land you now own. Please return the remaining forms with, if possible, the name of the person(s) now owning the land.

Also enclosed are the 1981 Irrigation Questionnaires, please complete the forms pertaining to the Water Rights covering land you now own, and return them to our office.

Please note that Permit No. 3890-3 is still in deferred status. If you have any questions or need further information, please contact our office. We would appreciate your prompt attention in this matter.

Sincerely,

Genny Young

Genny Young
Water Rights Specialist
Water Rights Division
Phone: (605) 773-3352

BD3103GY.wr

 **South Dakota Department of
Water & Natural Resources**
Joe Foss Building
Pierre, South Dakota 57501
Water Rights Division
605 773-3352

June 16, 1982

Dettler Farms
RR
Doland SD 57436

SECOND NOTICE

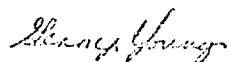
Dear Sirs:

On January 4, 1982 notice was sent to you concerning the transfer of water rights listed in the name of Freeland Farms, Herb Freeland and Larry Freeland. To date, nothing has been heard from you on this matter.

Enclosed is a list of their water rights and a number of transfer forms. Check over the list and complete the forms pertaining to the land you now own. Each transfer form should be dated, signed, notarized and returned to this office with a \$2.50 filing fee (\$2.50 each). Return the remaining forms with, if possible, the name of the person(s) now owning the land.

It is very important that our water right files remain up to date concerning proper ownership. Your assistance in this matter would be appreciated. If you have any questions, please contact this office.

Sincerely,



GENNY YOUNG
Water Rights Specialist

GY:ks

enclosures

 **Department of
Water & Natural Resources**

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

1048-3
1071-3
1072-3
1073-3
1458-3
1891-3
2613-3

August 15, 1986

DeWayne Hofer
Box 406
Doland SD 57436

Dear Mr. Hofer:

In follow-up to our telephone conversation of August 14, 1986, enclosed is the list of water permits we have on file under the name of Freeland Farms. Also enclosed are blank transfer forms for use in transferring some of these permits to your name.

Please check over the legal descriptions of the permits and complete the transfer forms accordingly. Each form needs to be signed and notarized. A \$2.50 filing fee is required for each transfer.

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 would happen to know who owns the land covered under the remaining permits, this information would be very helpful to me. Any information you would have as far as ownership of these would be appreciated.

If I can answer any questions for you, please advise.

Sincerely,



GENNY MCMATH
Natural Resources Analyst

GM:ks

enclosure



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

March 17, 1987

Second Notice
Permit Nos. 1048-3
1071-3, 1072-3,
1073-3, 1458-3,
1891-3, 2613-3,

DeWayne Hofer
Box 406
Doland, SD 57436

Dear Mr. Hofer:

On August 15, 1986, notice was sent to you concerning the transfer of Water Permit Nos. 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3, and 2613-3 in the name of Freeland Farms. To date, we have not heard from you on this matter.

Transfer forms were previously sent to you, enclosed please find additional forms. Please sign, have notarized and return the forms to this office with the required filing fee of \$2.50 each, for a total of \$17.50. The permits can then be transferred to your name. If you are not the present owner of the land covered under these Permits, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 required 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 us.

Very truly yours,

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

enclosures

NO. 1891-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 3-1-87

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

NE 1/4 Section 28 T 116 N - R 61 W

SE 1/4 "Section 28 T 116 N 13 61 W

formerly owned by Freeland Farms

has been transferred to Delwayne & Karen Hoffer, Box 406, Dakota, S.D. 57436

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

Water Right Permit No. 1891-3 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.

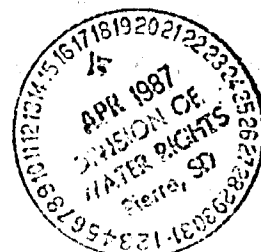
STATE OF SOUTH DAKOTA)
County of Spink) ss.

I, Delwayne Hoffer 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.

Delwayne Hoffer
(Signed)

Subscribed and sworn to before me this 11th Day of April, 1987.

My Comm. Exp. 4-15-91. George W. Clute
(Notary Public)



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

Pierre, April 17, 19 87

RECEIVED OF Dewayne & Karen Hofer, Box 406, Doland, SD 57436
the following amount in fees for services rendered as provided for by law:

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 <u>1891-3</u>	2	50
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

By John Hatch
Chief Engineer JOHN HATCH (ms)



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

2613-3
1048-3
1071-3
1891-3

April 29, 1987

DeWayne & Karen Hofer
Box 406
Doland, South Dakota 57436

Dear Mr. & Mrs. Hofer:

Enclosed are receipt Nos. 410835, 410836, 410837 and 410838 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 2613-3, 1048-3, 1071-3 and 1891-3. Our records now show DeWayne & Karen Hofer as owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.



1891-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: DEWAYNE & KAREN HOFER, BOX 406, DOLAND, SD 57436

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire has not been submitted for Permit No(s) 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3 & 2613-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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 9:45 am, February 25, 1998, 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 Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3 & 2613-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, your name will be deleted from the Board agenda. If you have any questions or need assistance with 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.

1891-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 1998

DeWayne & Karen Hofer
Box 406
Doland, SD 57436

RE: Water Permit/Right Nos. 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3 and 2613-3

Dear Mr. & Mrs. Hofer:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit/Right Nos. 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3 and 2613-3.

The information was received in our office prior to the Water Management Board meeting and your names 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 Program
(605) 773-3352



1891-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 22, 1999

NOTICE

TO: DEWAYNE & KAREN HOFER, BOX 406, DOLAND, SD 57436

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire has not been submitted for Permit No(s) 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3 & 2613-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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 9:45 am, March 3, 1999, 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 Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3 & 2613-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1999, your name will be deleted from the Board agenda. If you have any questions or need assistance with 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.

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: DeWayne & Karen Hofer

ADDRESS: Box 406, Doland, SD

DATE: March 24, 1999

RE: irrigation questionnaires for Water Right/Permit Nos. 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3 & 2613-3

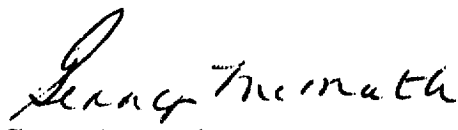
COMMENTS:

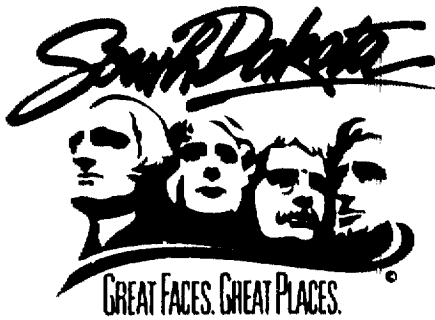
On January 22nd a notice was mailed to DeWayne & Karen Hofer concerning their 1998 irrigation questionnaires. Mr. Hofer called shortly after that time and requested a new set of forms. It seems the forms did not get mailed to the correct address and I remailed forms to him again. On March 2nd I contacted Mr. Hofer to let him know I still had not received forms. He was going to try and over-night them to me.

I spoke with him prior to the hearing and he indicated they were on their way. I deleted the matter from the agenda – however by March 8th I still did not have the forms and called him back. He said the forms were mailed the 2nd and said he would make copies of the forms and remail them that day.

On March 24th I contacted him again and he confirmed he had mailed the second set out and that we should have received them by now. Instead of mailing another set – Mr. Hofer faxed the information to me.

Due to the lightness of the copies, I retyped the information he faxed. Since the forms are now on file, no further action is necessary and a Board hearing will not be scheduled.


Genny McMath
Environmental Scientist



1891-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 28, 2000

1048-3

1071-3

1891-3

2613-3

Galen Gillette
PO Box 60
Redfield, SD 57469

Dear Mr. Gillette:

Enclosed, as requested, are copies of Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3. The water rights are currently listed in the name of DeWayne and Karen Hofer. It is my understanding that the land described within the water rights is being sold and your office will be following up on the ownership changes.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the changes. The forms will need to be completed and then signed in the presence of a notary public by the **new owner(s)**.

Upon completion, please return the forms to our office with a required filing fee of \$2.50 each (total of \$10.00). The check or money order for the fees can be made payable to the "Water Rights Program".

The enclosed copies of the water rights are yours to keep or can be passed on to the new owner(s). If you have any questions, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 1891-3

Date: 5-2-00

I/We request that Water Right No. 1891-3

formerly owned by: DeWayne & Karen Hofer

be transferred to: (name & address) Michael J. Silver, 7984 SW River Valley Road,
Augusta KS 67010 Telephone No. 316-775-1334

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

E 1/2 Section 28, T116N, R61W

I/We understand that the validity of Water Right No. 1891-3 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.

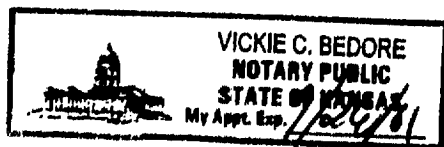
KANSAS
STATE OF SOUTH DAKOTA)

County of Sedgewick)

I/We Michael J. Silver 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.

Michael J. Silver
(Signer)

Subscribed and sworn to before me this 2nd day of May, 2000.



Vickie C. Bedore
(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

Water Rights Program

South Dakota Department of Environment and Natural Resources

112 416500

Pierre, _____ May 8, 2000

RECEIVED OF Michael J. Silver, 7984 SW River Valley Rd., Augusta, KS 67010
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. 1891-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By Harold E. Schuler
Chief Engineer



1891-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

May 9, 2000

1048-3

1071-3

1891-3

2613-3

Michael J Silver
7984 SW River Valley Rd
Augusta, KS 67010

Dear Mr. Silver:

Thank you for following up on the ownership changes for Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3 formerly owned by DeWayne & Karen Hofer. The transfers have been completed and the water rights are now listed in your name.

Enclosed are your Receipt Nos. 416498, 416499, 416500 and 416501. The receipts, in the amounts of \$2.50 each, are for the filing fees that you paid to cover the cost of the transfers.

Also enclosed is a sample copy of the yearly irrigation questionnaire. The form will give you an idea of what type of information you need to keep track of during the irrigation season. The actual forms that need to be completed and returned will be mailed to you in October. If you have a renter or operator that you would rather we send the yearly forms to, please get in touch with me.

If I can answer any questions for you regarding the water rights or the annual irrigation questionnaire requirements, please give me a call.

Sincerely,

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

enclosures



1891-3

**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: MICHAEL J SILVER, 7984 SW RIVER VALLEY RD, AUGUSTA, KS 67010

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 has not been submitted for Permit No(s) 1048-3, 1071-3, 1891-3 & 2613-3. 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 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 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1048-3, 1071-3, 1891-3 & 2613-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **February 28, 2003**, your name will be deleted from the Board agenda. If you have any questions or need assistance with 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.



1891-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 18, 2003

Kevin Dettler
40168 173RD St
Doland SD 57436

Dear Mr. Dettler:

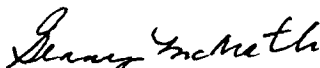
I am writing to acknowledge receipt of the 2002 irrigation questionnaires for the following Water Rights:

- Kevin & Becky Dettler: 961-3, 1050-3, 1120-3, 1223-3, 3114-3 (Robert Freeburg) and 3189-3 (Russ Hansen Estate)
- DeWayne Hofer & K-D Trust: 1072-3, 1073-3 and 1458-3
- Michael J Silver: 1048-3, 1071-3, 1891-3 and 2613-3

You may disregard the January 17, 2003, "Notice" concerning reporting requirements. The information was received in our office prior to the Water Management Board meeting and the issue 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

c: DeWayne Hofer
Michael J Silver



1891-3

**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 14, 2004

NOTICE

TO: KEVIN DETTLER, 40168 173RD ST, DOLAND, SD 57436

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 961-3, 1050-3, 1120-3 & 1223-3, 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3, 2613-3, 3114-3 & 3189-3. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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) 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3, 2613-3, 3114-3 & 3189-3 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) 961-3, 1050-3, 1120-3 & 1223-3 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 3, 2004 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) 961-3, 1050-3, 1120-3 & 1223-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3, 2613-3, 3114-3 & 3189-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



1891-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 2004

Kevin Dettler
40618 173rd St
Doland SD 57436

Dear Mr. Dettler:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Permit/Right Nos. 961-3, 1048-3, 1050-3, 1071-3, 1072-3, 1073-3, 1120-3, 1223-3, 1458-3, 1891-3, 2613-3 and 3114-3.

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

Thank you for letting me know that you will be farming only Robert Freeburg's land next year. I will make the changes to the files and get in contact with the owners of the other property to find out what they want to do with next years questionnaires.

If you have any questions, please contact me.

Sincerely,

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



1891-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 2004

Michael J Silver
7984 SW River Valley Rd
Augusta KS 67010

Dear Mr. Silver:

I am contacting you in regard to Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3, currently listed in your name. The water rights authorize irrigation of the following land:

- NW ¼ Section 28, T116N, R61W
- E ½ Section 28, T116N, R61W
- NE ¼ Section 29, T116N, R61W
- SE ¼ Section 21, T116N, R61W

On the 2003 irrigation questionnaires, Kevin Dettler indicated he is no longer farming the land. I have changed the water right files to remove Mr. Dettler's name and send all future correspondence directly to you.

If you have a new renter you would like the annual irrigation questionnaires mailed to; or if the land will be sold, please get in touch with me.

Sincerely,

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



1891-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 4, 2004

1048-3
1071-3
1891-3
2613-3

DeWayne Hofer
PO Box 406
Doland SD 57436

Dear Mr. Hofer:

I am contacting you in regard to Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3 for Michael J Silver.

Kevin Dettler notified our office that he no longer farms the land. Mrs. Silver called our office on May 3rd and indicated we should be mailing the annual irrigation questionnaires to you for these water rights.

We have placed your name on the mailing list to receive the questionnaires for 2004 (normally mailed to irrigators in mid-October). The legal descriptions of the land they cover will be included on the forms.

If you have any questions, please contact me.

Sincerely,

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

c: Michael J Silver, 7984 SW River Valley RD, Augusta, KS 67010



1891-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 2, 2004

Michael J Silver
2614 Executive Way Apt 101
Wichita KS 67226-1821

Dear Mr. Silver:

I am contacting you in regard to Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3 listed in your name.

On May 3rd, Mrs. Silver called our office and requested that the annual irrigation questionnaires be directed to DeWayne Hofer as the new leaser of the property. I sent a letter to Mr. Hofer indicating I was placing his name on the list to receive the annual forms. The post office returned the letter to us and did not include a forwarding address. I called the assessors office in Spink County and they did not have a new address on file either.

Do you happen to have a forwarding address for Mr. Hofer? Our correspondence was directed to him at PO Box 406 in Doland, SD.

Please write or call me with any information you may have for Mr. Hofer. Thank you in advance for your help.

Sincerely,

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



1891-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 13, 2004

1048-3
1071-3
1891-3
2613-3

Jane Silver
8932 Boxthorn Ct
Wichita KS 67226

Dear Ms. Silver:

Thank you for calling about your water rights and the renter status. I will keep trying on this end to find an updated address for DeWayne Hofer and if you are able to track one down, please let me know.

With respect to ownership of the water rights, they are still listed in the name of Michael J Silver. Enclosed, as we discussed, are partially completed "Notice of Transfer of Ownership" forms. Please review them and make any necessary corrections. Upon completion, please sign the forms and return them to our office with a required filing fee of \$2.50 each (total of \$10.00). 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 let me know.

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



September 29, 2004

1048-3
1071-3
1891-3
2613-3

Jane Silver
8932 Boxthorn Ct
Wichita KS 67226

Dear Ms. Silver:

I am writing to you again about Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3. Have you been able to track down an address for DeWayne Hofer and is he still renting the land from you? We are getting ready to mail out the annual irrigation questionnaires so I thought I would check with you.

Also, the water rights still need to be transferred to your name. In the event you do not have the forms I mailed last summer, enclosed is an additional set. Please review them and make any necessary corrections. Upon completion, please sign the forms and return them to our office with a required filing fee of \$2.50 each (total of \$10.00). 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 let me know.

Sincerely,

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

enclosures



1891-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 20, 2005

1048-3
1071-3
1891-3
2613-3

Jane Silver
8932 Boxthorn Ct
Wichita KS 67226

Dear Ms. Silver:

I am writing as a reminder to you that Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3 still need to be transferred to your name. Currently, they are listed in the name of Michael Silver.

It is important to keep ownership records current. The reason for this is that if correspondence was mailed out that affected the water rights, you may not receive proper notification due to incorrect ownership records.

In the event you no longer have the original transfer of ownership forms I sent to you, I am sending along an additional set. Please review them and make any necessary corrections. Upon completion, please sign the forms and return them to our office with a required filing fee of \$2.50 each (total of \$10.00). The check or money order for the fee can be made payable to the Water Rights Program.

If you have sold the land and I need to be contacting someone else, let me know. Thanks in advance for your help.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1891-3

Date: _____

I/We request that Water Right No. 1891-3

formerly owned by: Michael J Silver

be transferred to: (name & address) Jane Silver, 8932 Boxthorn St, Wichita KS 67226

Telephone No. 316 631-3806

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

E ½ Section 28, T116N, R61W

I/We understand that the validity of Water Right No. 1891-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Jane Silver, the new owner, certify that the above information is true and correct.

Jane A. Silver
(Signed by new owner)

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

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

RECEIVED
SEP 12 2005
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 12, 20 05

RECEIVED OF Jane A Silver, 8932 Boxthorn St., Wichita KS 67226

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1891-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
		2.50

No.

911954

By

Darland Elveh

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 12, 2005

1048-3
1071-3
1891-3
2613-3

Jane A Silver
8932 Boxthorn St
Wichita KS 67226

Dear Ms. Silver:

I am writing to acknowledge receipt of the ownership changes and filing fees you submitted for transferring Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3. The transfers have been completed. The water rights formerly listed in the name of Michael J Silver are now listed in your name.

Enclosed are your Receipt Nos. 001952 through 001955 in the amounts of \$2.50 each. You may keep them for your records.

If you have any questions, please contact me.

Sincerely,

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

enclosures



March 21, 2006

1891-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

1048-3
1071-3
1891-3
2613-3

George W Cluts
17324 394th Ave
Frankfort SD 57440-6716

Dear Mr. Cluts:

Thank you for contacting us regarding the pending ownership changes for Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3. The water rights are currently listed in the name of Jane A Silver.

Enclosed are copies of the water rights and partially completed "Notice of Transfer of Ownership" forms. The transfer forms should be completed and then signed by the new owner(s). Upon completion, please return them to our office with a required filing fee of \$2.50 each (total of \$10.00).

As soon as we receive the signed forms and the filing fees, the water rights will be transferred to reflect the new ownership.

If you have any questions, please contact me.

Sincerely,

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

enclosures

1891-3

MORGAN, THEELER, WHEELER, COGLEY & PETERSEN, L.L.P.
LAWYERS
OFFICES IN MITCHELL AND HURON, SOUTH DAKOTA

MITCHELL OFFICE

221 EAST THIRD AVE., PO BOX 1025
MITCHELL, SD 57301-7025
TEL: (605) 996-5588
FAX: (605) 996-6129

MEMBER OF MERITAS
LAW FIRMS WORLDWIDE

Reply to:
Huron Office

HURON OFFICE

1507 DAKOTA AVE. S., PO BOX 1363
HURON, SD 57350-1363
TEL: (605) 352-7154
FAX: (605) 352-7157

JACK THEELER
RONALD J. WHEELER
JOHN F. COGLEY
DON E. PETERSEN
TRUDY A. MORGAN
PATRICIA B. ERICKSON
DOUGLAS M. DAILEY
TIM G. BOTTUM

CHESTER L. MORGAN (1891-1963)
HARRY T. FULLER (1914-1970)
GLENN A. FINGERSON (1934-2001)
JOHN L. MORGAN (retired)

May 18, 2006

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

Re: Notice of Transfer of Ownership
Owner: John E. Welch and Beth D. Welch

RECEIVED
MAY 19 2006
WATER RIGHTS
PROGRAM

Dear Ladies/Gentlemen:

On behalf of John E. Welch and Beth D. Welch, I am enclosing a Notice of Transfer of Ownership for the following water rights which I understand are irrigation permits:

1. No. 1048-3
2. No. 1071-3
3. No. 1891-3
4. No. 2613-3

I am also enclosing a check in the amount of \$10.00 in payment of the filing fee of \$2.50 per transfer.

Could you please confirm that the Transfers of Ownership have been received and filed. Thank you very much.

Sincerely,
MORGAN, THEELER, WHEELER,
COGLEY & PETERSEN, L.L.P.



Patricia B. Erickson
Huron Office

PBE/pjt
Enclosures

cc: John E. Welch w/o enclosures
ec06-905.13a

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1891-3

Date: 4/3/2006

I/We request that Water Right No. 1891-3

formerly owned by: Jane A Silver

be transferred to: (name & address) John E. & Beth D. Welch, 101 South Road,
Southport, CT 06890-1412

Telephone No. 203-255-9989

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

E ½ Section 28, T116N, R61W

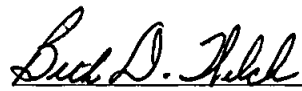
I/We understand that the validity of Water Right No. 1891-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We John E. & Beth D. Welch, the new owner, certify that the above information is true and correct.


JOHN E. WELCH


BETH D. WELCH (Signed by new owner)

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

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

RECEIVED
MAY 19 2006
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 19, 20 06

RECEIVED OF Morgan, Theeler, Wheeler, Cogley & Petersen LLP, PO Box 1363, Huron SD 57350

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1891-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

02451

By

Darlene E. Eide
Chief Engineer



1891-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 22, 2006

John E & Beth D Welch
101 Old South Rd
Southport CT 06890-1412

RE: Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3

Dear Mr. & Mrs. Welch:

I am writing to acknowledge receipt of the ownership changes you filed for Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3. The water rights, formerly held by Jane A Silver are now listed in your names.

The receipts for the fees that were paid for filing the ownership changes are being forwarded to Morgan, Theeler, Wheeler, Cogley & Petersen, LLP in Huron, SD with a copy of this letter.

Each year in October, irrigation questionnaires are sent out to irrigators in South Dakota for their use in reporting how much water was used during that specific crop season. The information reported to us each year by the irrigators is very valuable. We use it as a management tool to assess how much water is being used and whether additional water is available for new water permits. State law requires us to protect water availability for existing water users before we issue new water permits. It is our understanding that the Colony in Frankfort leases the land from you. The annual irrigation questionnaires concerning your water rights will be directed to them for completion.

If you have any questions concerning the water rights, please contact our office.

Sincerely,

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

cc: Morgan, Theeler, Wheeler, Cogley & Petersen, LLP
w/Receipt Nos. 02449, 02450, 02451, 02452



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 23, 2024

1891-3

1048-3

Camrose Huttu Breth Inc.
c/o Joel Kleinsasser
16950 400th Ave
Frankfort SD 57440

Dear Mr. Kleinsasser:

In August 2024 a well completion report (copy enclosed) was submitted for an irrigation well drilled in the approximate center of Section 28, T116N, R61W, drilled by Pullman Well Drilling Inc., for yourself.

Water Right No. 1048-3, held by John & Beth Welch, authorizes the appropriation of 2.28 cfs (approximately 1,025 GPM) from one well (Tulare: East James Aquifer), located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28, for the irrigation of 160 acres located within the NW $\frac{1}{4}$ Section 28; all in T116N, R61W.

Water Right No. 1891-3, also held by John & Beth Welch, authorizes the appropriation of 3.74 cfs (approximately 1,675 GPM) from two wells (Tulare: East James Aquifer), located in the approximate centers of both the NE $\frac{1}{4}$ & SE $\frac{1}{4}$ Section 28, for irrigation of 262 acres within the E $\frac{1}{2}$ Section 28; all in T116N, R61W.

With this letter I hope to confirm which water right the well was intended for, whether the well was drilled with the intention of being used as an additional diversion point, a backup well, a replacement well, or an entirely new permit. I would also like to confirm that the addition of this well does not increase the diversion rate of either Water Right beyond what is permitted.

Please review the provided information and respond at your earliest convenience as a review will need to be conducted to rule out the potential for interference with existing permits/rights in the area, as well as any adequate domestic wells.

Sincerely,

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

enclosure

cc: John & Beth Welch, 101 Old South Rd, Southport CT 06890

Date: