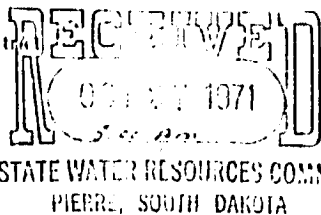


Water Right Number 1899-31898.3

1. Considered JANUARY 14, 1972
2. Name of Applicant L.S. TERRILL, JR.
3. Post Office Address CLARK
4. Amount of water claimed 4.57
5. Source of water supply GROUND WATER
6. Water to be used for IRRIGATION
Acres to be irrigated 320
7. Water to be diverted and used in CLARK County
about 65 6W Miles 1ST of CLARK
8. Proof of Publication
Received 1ST
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

No. 1898-3Map No. 1345-3 Water Division No. 3 JAMES RIVER District 1
(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 L. S. Terrill, Jr. RR #3
 Post-office address Box 1011 Clark, State S. Dak.
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & direct labor
 3. Name of diversion work L.S. Terrill, Jr. Irrigation Project No. 4
 4. Amount of water claimed (cubic feet per second) Maximum (4.57)
 5. Source of water supply Well
 6. Location of point of diversion 1310' N and 50' W of the S.E. Corner of Sect. 7,
115, 58
Clark
 County Spink
 7. Annual period or periods during which water is to be used April thru Oct.
 8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
 9. For irrigation use, Total number of acres to be irrigated 320

List below each forty-acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
SW $\frac{1}{4}$ Sect 7, 115, 58	160		
S.E. $\frac{1}{4}$, Sect 7, 115, 58	160		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 1 years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication THE DAILY PLAINSMAN - AURORA
Radfield Press
 12. Principal Features of the Proposed Water Supply System.

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

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

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ _____

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

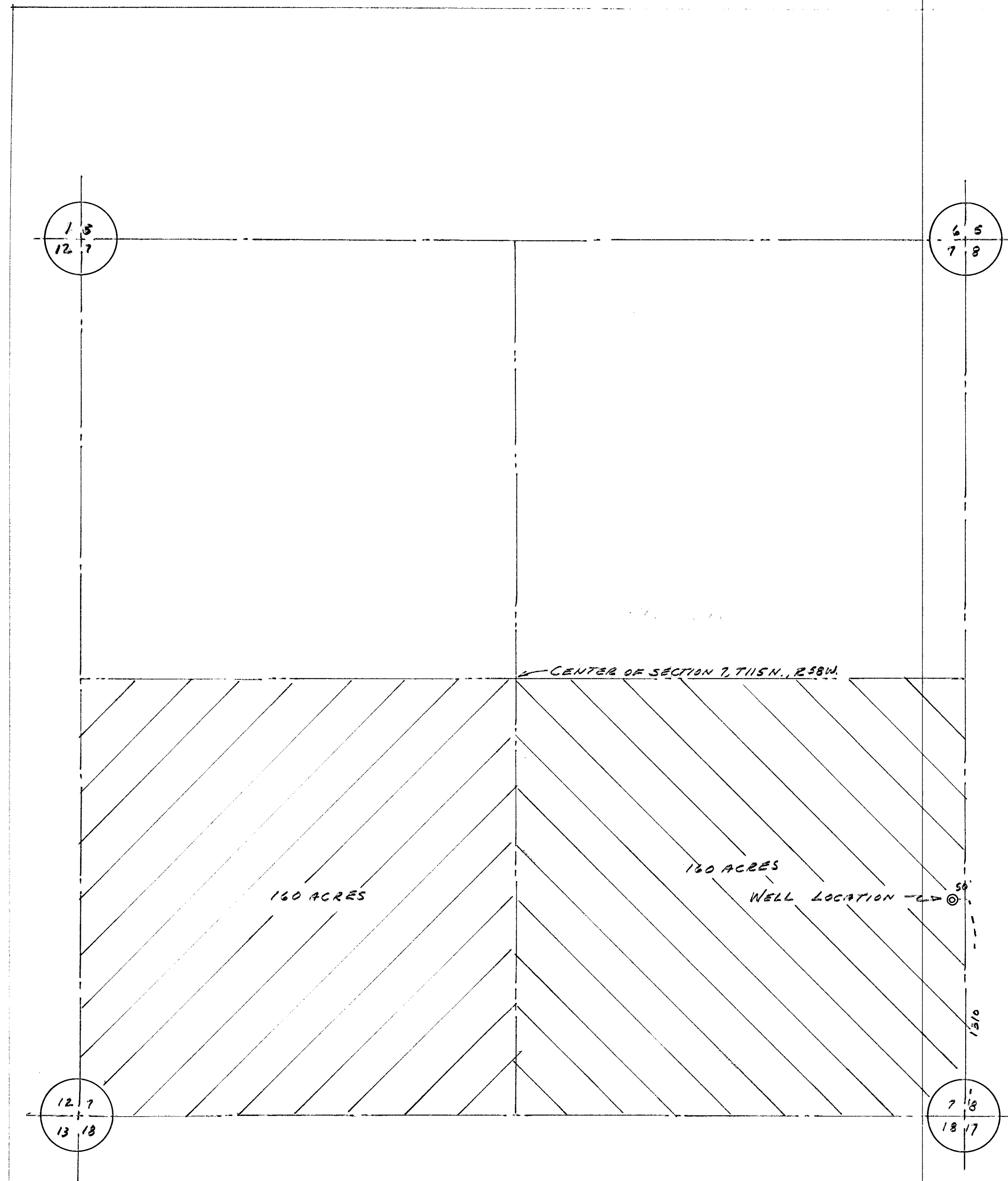
STATE OF SOUTH DAKOTA

County of Spink ClarkI, L. S. Terrill, Jr. the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed L. S. Terrill, Jr.Subscribed and sworn to before me this 30th day of October, 1971

Notary Public (or other qualified officer)

My commission expires

Jan 22, 1973



AREA BY LEGAL SUBDIVISION

160 ACRES, S.W 1/4 SECT 7, T.115N., R.58W., 5 PM.

160 ACRES, S.E 1/4 SECT 7, T.115N., R.58W., 5 P.M.

320 ACRES TOTAL

SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA) SS
COUNTY OF BEADLE)

I, HARLAN W. MEYER, A REGISTERED LAND SURVEYOR
IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY
CERTIFY THAT AT THE REQUEST OF L.S. TERRILL, JR.,
SOLE OWNER, I HAVE SHOWN THE LAND PROPOSED TO BE IRRIGATED
WITHIN HIS BUREAU'S BOUNDARIES ON OCT 1, 1971 FOR WHICH
APPLICATION FOR APPROPRIATIVE WATER RIGHT IS MADE AND
THIS MAP IS A TRUE REPRESENTATION OF THE SAME.
WITNESS MY HAND AND SEAL THIS 1ST DAY OF OCT 1971

Harlan W. Meyer
REGISTERED LAND SURVEYOR #495



L.S. TERRILL, JR IRRIGATION PROJECT #4
SHOWS AREA TO BE IRRIGATED & WELL LOCATION WHERE
WATER WILL BE DIVERTED FOR PERMIT TO APPROPRIATE
WATER.

OWNER
SURVEYOR

L.S. TERRILL, JR.
HARLAN W. MEYER

OCT 1971

MAP N°1345-3 (APPL N°1898-3)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1898-3L. S. TERRILL, JR.

(Applicant)

CLARK

(Post Office Address)

R.R. #3SOUTH DAKOTA

(State)

With the following modifications:

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

Date of first receipt of application OCTOBER 27 19 72Date of return to applicant for correction, amendments or changes required — 19 —Date of receipt of corrected application — 19 —Approved JANUARY 19 19 72 Recorded in Book 12 Page 84WATER RIGHT PERMIT NO. 1898-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1898-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is OCTOBER 27 19 71
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 19 19 74
3. The whole of said work is to be completed on or before JANUARY 19 19 77
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 19 19 78
5. The water appropriated shall be used for the purpose of IRRIGATION

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

7. The amount of the appropriation herein granted shall not exceed 4.57 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before JANUARY 19 19 78; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 21ST day of MARCH 19 72

WATER RESOURCES COMMISSION

By:

Ed R. Grier

Chief Engineer, Executive Officer

Certificate of Construction Issued AUGUST 8 19 74Water License Issued AUGUST 8 19 74

IRRIGATION & DRILLING COMPANY

P. O. Box 1252

Huron, South Dakota 57350

RECEIVED
OCT 12 1971

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA
Ph. 352-4587

DRILLING REPORT

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 5 1/2", Depth 150'
- (2) Casing, Type steel (wood, concrete, steel, etc.) Diameter 11" O.D. Thickness 2 1/2"
- (3) Perforated Screen.
Type Johnson Inaugator, Diameter 11" O.D., Length 25'
- (4) Gravel Pack, Thickness 7", Length of gravel pack to top

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

(i) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Shaly Brown sand and
fine gravel 100' - 150'

Depth to top of water bearing material 100'

Depth to bottom of water bearing material 150'

Thickness of water bearing material 50'

Depth to water (ground surface to water level) 26'

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

On same owner's property _____ rds. On property owned by others _____ rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

L. P. Smith Jr.
Signature of Applicant

Permit No. 1898-3

Water Diversion No. 3 JANIS RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify That L. S. Terrill, Jr.

_____ the holder _____ of
Permit No. 1898-3, issued upon Application No. 1898-3, bearing date of priority of October 27,
1971 authorizing the diversion of 4.57 cu. ft. per second of the waters of _____
ground water County of Clark, State of South Dakota at _____
a point 1310' North and 50' West of the SE Corner, Section 7, T115N, R58W

_____, for irrigation

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.00 cu. ft. per second of water.

Date August 8, 1974

By: WATER RIGHTS COMMISSION

DONALD DRISCOLL, Chief Engineer

WATER LICENSE NO. 1898-3

(1) WHEREAS, On the 27th day of October A. D. 19 71

L.S. Terrill, Jr.

made Water Right Application No. 189803 for a permit to use 4.57 cubic feet per second of the waters of ground water

County of Clark, State of South Dakota, for irrigation

purpose; and

(2) WHEREAS, On the 21st day of March A. D. 19 72

Permit No. 1898-3, with a date of priority of October 27, 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 19th day of January A. D. 19 77 and for the application to beneficial use of said water on or before the 19th day of January A. D. 19 78

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 2.00 cubic feet per second of water for beneficial use and.

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

for irrigating the following land in T115N, R58W

135 acre circle in the SW $\frac{1}{4}$, Section 7

135 acre circle in SE $\frac{1}{4}$, Section 7

(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 I. S. Terrill

_____ of Clark
the holder _____ and owner _____ of said permit No. 1698-3 a water right, dating from October 27, 1971
_____ to use of 2.00 cubic feet per second of the waters
of ground water

in the County of Clark and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 1310 ft. North and 50 ft. West of the
SE Corner, Section 7, T115N, R58W

and conduct to and upon portions of the S $\frac{1}{2}$, Section 7, T115N, R58W, more fully described on
the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1698-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 8th day of August A. D.
Nineteen Hundred and Seventy-four

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer DONALD DRISCOLL

1696-3

Publish first publication, on or before December 23, 19 71

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

November 15, 19 71

Notice is hereby given that L. S. Terrill, Jr.

whose post office address is Clark, 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

4.57

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

Terrill Irrigation Project #4, the point of diversion of which is to be located in the

SE 1/4 SE 1/4

of Section 7, Twp. 115N, Range 58W. Said water to be used for the purpose of providing irrigation on the following described land:

SE 1/4, Section 7, T115N, R58W

This application No. 1698-3 will be considered by the Water Resources Commission at their office at Pierre upon the 15th day of January, 19 72, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

cc: L.S. Terrill, Jr. Clark, S.D.

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,)
COUNTY OF BEADLE) ss.

I, Jeannette C. Lusk
being duly sworn on oath, say that THE DAILY PLAINSMAN
is a daily paper published at Huron, Beadle County, South
Dakota, and that said newspaper has a bonafide circulation
of at least 250 copies daily; that said newspaper has been
published within said county for fifty-two consecutive weeks
immediately prior to this date; that said newspaper is printed
in whole or in part, in an office maintained at said place of
publication; that I am publisher

_____ of said newspaper
and know the facts herein stated. The annexed notice headed

Intent to Appropriate Water

was published for 4 successive weeks once each
week, the same day each week, in said newspaper, and not in
any supplement of the said newspaper, the first publication on
the 29 day of November, 1971, and the last
publication on the 20 day of December, 1971.
That the full amount of the fee charged for publishing the
same, to-wit:

Eighteen and 90/100 Dollars inures to the benefit of
the publisher of said newspaper; that no agreement or under-
standing 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.

Jeannette C. Lusk

Subscribed and sworn to before me this 20 day of
December, 1971.

R. J. [Signature]
Notary Public, South Dakota

My term expires 9-21-75.

AFFIDAVIT OF AGENT OR ATTORNEY

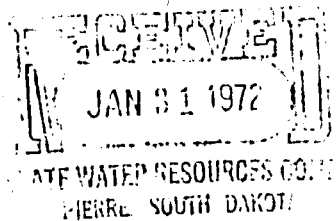
STATE OF SOUTH DAKOTA,)
COUNTY OF _____) ss.

I, _____
being duly sworn on oath, say that I am the authorized attor-
ney for the party foreclosing the mortgage described in the
annexed notice; that no agreement or understanding for any
division of the fees therefore has been made with any person
whomsoever, and that no part thereof has been refunded or
rebatbed by the party publishing this notice.

Subscribed and sworn to before me this _____ day of

_____, 19____.

F.P. 11-2971 L.P. 11-2971
NOTICE
INTENT TO APPROPRIATE WATER
SS. 11-2971
Notice is hereby given that L. S. Terrill, Jr., whose post office address is Clarissa, 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 437 cubic feet of water per second of time from ground water through the Terrill Irrigation Project No. 4, the point of diversion of which is to be located in the SE1/4, SE1/4 of Section 7, Twp. 115N, Range 54W. Said water to be used for the purpose of providing irrigation on the following described land: S1/2, Section 7, T115N, R54W.
This application No. 11-2971 will be considered by the Water Resources Commission at their office at Pierre upon the 19th day of January, 1972 at 2:00 p.m. All interested persons may appear and be heard.
WATER RESOURCES COMMISSION
Huron F. Jones
Water Rights Specialist
cc: L. S. Terrill, Jr.
Clarissa, S.D.
21-1-11-71-11-90 No. 517 (46v)



Permit No. 1898-3Water Division 3 JAMES RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AFFECTING DIVERSION OF WATER TO BENEFICIAL USE

TOD: Water Resources Commission, State Office Building, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by L.S. TERRILL, JR. of CLARK of Permit No. 1898-3 existing date of permit OCTOBER 27 1971 authorizing the diversion of 4.57 cfs. of the water of GROUND WATER for IRRIGATION purposes to CLARK County.

I have to report on the condition of the works as follows:

The Water Use System consists of:

A. Works used to divert the water:

137' DEEP WELL WITH 16" STEEL CASING (JOHNSON SCREEN)
WESTERN LAND ROLLER 8" PUMP, POWERED BY
U.S. 100HP ELECTRIC MOTOR

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

4000' OF 8" MAINLINE TO PIVOTS IN CENTER OF
SW⁴ & CENTER OF SE⁴

C. Works used to apply water to beneficial use:

13 TOWER VALLEY IRRIGATOR

The system is in the following condition: GOODThe point of diversion is located 1310' N & 50' W OF THE SE CORNER, SECTION 7, T115N, R58WThe works are capable of diverting and conveying to the place of use 2.00 cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN T115N, R58W

135 ACRE CIRCLE IN SW⁴ SECTION 7
135 ACRE CIRCLE IN SE⁴, SECTION 7

comprising a total of 270 acres of land

AUGUST 6, 1974
[Signature]
 (Signature)
 WATER RIGHT SPECIALIST
 WATER RIGHTS COMMISSION

Water Rights Division - DWR
Conversation or File Documentation

File No. 1898-3
1899-3
3013-3

NAME OF PERSON OR FILE: Lloyd S Terrill

ADDRESS: RR #2 Box 101, Clark, SD

COUNTY

DATE: January 30, 1989

TELEPHONE

RE: change of center pivots

COMMENTS:

Mr. Terrill came into the office to complete his 1988 irrigation questionnaires.

He indicated he had made some changes in his center pivots since the time the original inspection was made on Water Right Nos. 1898-3, 1899-3 and 3013-3.

He now uses the following:

1898-3 a 7 tower center pivot

1899-3 a 8 tower center pivot

3013-3 a 8 tower center pivot

The original inspection sheet for 1898-3 and 1899-3 indicate he had a 13 tower center pivot for each. The inspection sheet for 3013-3 just stated he had a Lockwood Center pivot (no tower length specified).

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.

NAM... Henry M. M. etc.



Department of Water & Natural Resources

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

#1726-3
#1898-3
#1899-3
#2700-3
#3013-3
#5039 3

February 17, 1989

Lloyd S. Terrill Jr.
RR 2, Box 101
Clark, SD 57225

Dear Mr. Terrill:

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;

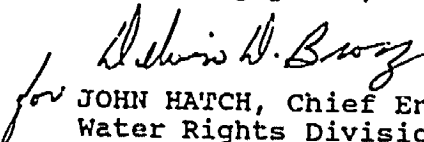


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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 Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,


for JOHN HATCH, Chief Engineer
Water Rights Division



1898-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 14, 1998

1603-3
2489-3
5812-3

Paul Waldner
Clark Colony
41181 179th St
Raymond, SD 57258

Dear Mr. Waldner:

Thank you for calling about the land you purchased from Mr. Terrill and the legal description of water rights held by Clark Colony. The following is a listing of the water rights.

Water Right No.	No. of Acres	Source of Water	Description of Acres Irrigated
Clark Colony:			
1603-3	12	dry draw dam	NE 1/4 NE 1/4 Section 8, T115N, R59W
2489-3	264	ground water (one well)	NE 1/4 Section 7 & NW 1/4 Section 8, T115N, R59W
5812-3	262	ground water (two wells)	SE 1/4, Lots 3 & 4, E 1/2 SW 1/4 Section 7, T115N, R59W & E 1/2 SE 1/4 Section 12, T115N, R60W
Lloyd Terrill:			
1898-3	270	ground water (one well)	S 1/2 Section 7, T115N, R58W
1899-3	135	ground water (one well)	SW 1/4 Section 8, T115N, R58W

I am returning your 1998 irrigation questionnaires in the event any changes need to be made to them based on information in the above table. If you feel the forms are accurate as originally completed, make that notation on the forms. Please return the forms in the enclosed postage paid envelope as soon as possible.

I am enclosing partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change on Water Right Nos. 1898-3 and 1899-3. Please review the forms and complete as needed. Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (\$5.00 total).

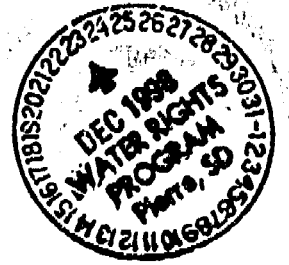
If you have any questions concerning the water rights or completion of the enclosed forms, please get in touch with me.

Sincerely,

Genny McMath

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

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 1898-3

Date: Dec. 21, 1998

I/We request that Water Right No. 1898-3

formerly owned by: Lloyd S Terrill, Jr.

be transferred to: (name & address)

Clark Colony
41181 179th Raymond SD 57253 Telephone No. (605) 532-3396
7/100

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

270 acres - S 1/2 Section 7, T115N, R58W

I/We understand that the validity of Water Right No. 1898-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Clark)

I/We Fred Waldner 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.

Fred Waldner - Sect.
(Signed)

Subscribed and sworn to before me this 21 day of December, 19 98.

Kathleen K. Thuy
(Notary Public) Comm. Exp. 2/22/2001

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

NO 415983

Pierre, December 28, 19 98

RECEIVED OF Clark Colony, 41181 179th, Raymond, SD 57258-7400
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. 1898-3

Fee for Filing Extension Request _____

Fee for _____

2 50

(Any Other Work Provided by Law)

Total

2 50

By

Chief Engineer

John H. H. H.



1898-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 29, 1998

1898-3
1899-3

Fred Waldner, Secretary
Clark Colony
41181 179th St
Raymond, SD 57258-7400

Dear Mr. Waldner:

This will acknowledge receipt of the transfer forms and filing fees you submitted for transferring Water Right Nos. 1898-3 and 1899-3, formerly owned by Lloyd S Terrill, Jr. The transfers have been completed and the water rights are now listed under the name of Clark Colony.

Enclosed are your Receipt Nos. 415983 and 415984 in the amount of \$2.50 each. Thank you for contacting us and taking care of the ownership changes. If you have any questions concerning the water rights, please get in touch with me.

Sincerely,

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

enclosures



**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 24, 2006

NOTICE

TO: CLARK COLONY, FRED WALDNER, 41181 179TH ST, RAYMOND, SD 57258 7400

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaires

Our records indicate that the 2005 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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) 1603-3, 1898-3, 1899-3 & 2489-3 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) 5812-3 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 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) 5812-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1603-3, 1898-3, 1899-3 & 2489-3 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 24, 2006**, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2006

Fred Waldner
Clark Colony
41181 179th St
Raymond SD 57258-7400

RE: 1603-3, 1898-3, 1899-3, 2489-3 & 5812-3

Dear Mr. Waldner:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right Nos. 1603-3, 1898-3, 1899-3, 2489-3 and 5812-3.

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

If you have any questions, please contact me.

Sincerely,

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