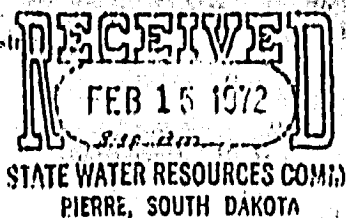


Water Right Number 1923-3

1. Considered March 15, 19 72
2. Name of Applicant Gary Neitzel
3. Post Office Address Tulare, S.D.
4. Amount of Water claimed 2.28
5. Source of Water supply Ground water well
6. Water to be used for irrigation
- Acres to be irrigated 160.00
7. Water to be diverted and used in Spink County  
about 1 mile East and 5 miles South of Tulare
8. Proof of Publication Received 1st  
Not Received \_\_\_\_\_
9. Application Approved \_\_\_\_\_  
Subject to \_\_\_\_\_  
Not Approved \_\_\_\_\_  
Action Deferred \_\_\_\_\_
10. Remarks:

No. 1923-3Map No. 1359.3 Water Division No. 3 JAMES RIVER  
(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 Attested Gary Neitzel  
Postoffice address Tulare SD, State \_\_\_\_\_

If a corporation show date and place of incorporation \_\_\_\_\_

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & Direct Labor3. Name of diversion work Gary Neitzel Irrigation Project4. Amount of water claimed (cubic feet per second) 2.285. Source of water supply Well6. Location of point of diversion 1320' S & 1320' E of NW Corner Sec. 27  
T-114N, R64WCounty Spink7. Annual period or periods during which water is to be used April 1st to Nov 1st8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 160

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

| Land Description               | No. Acres Irr. | Land Description | No. Acres Irr. |
|--------------------------------|----------------|------------------|----------------|
| <u>NW 1/4 Sec. 27-T114-R64</u> | <u>160</u>     |                  |                |
|                                |                |                  |                |
|                                |                |                  |                |
|                                |                |                  |                |

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 3 years. Additional time required to complete application of water to the proposed beneficial use 5 years.11. Choice of newspaper for Notice of Intent to Appropriate Water publication Red Field Press, Red Field SD

12. Principal Features of the Proposed Water Supply System.

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

Well & Pump

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

Pipe

C. Works proposed to apply water to beneficial use.

Pivot SprinklerEstimated Total Cost \$ 30,000.00Attachments: 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 \_\_\_\_\_

I, Gary Neitzel 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.

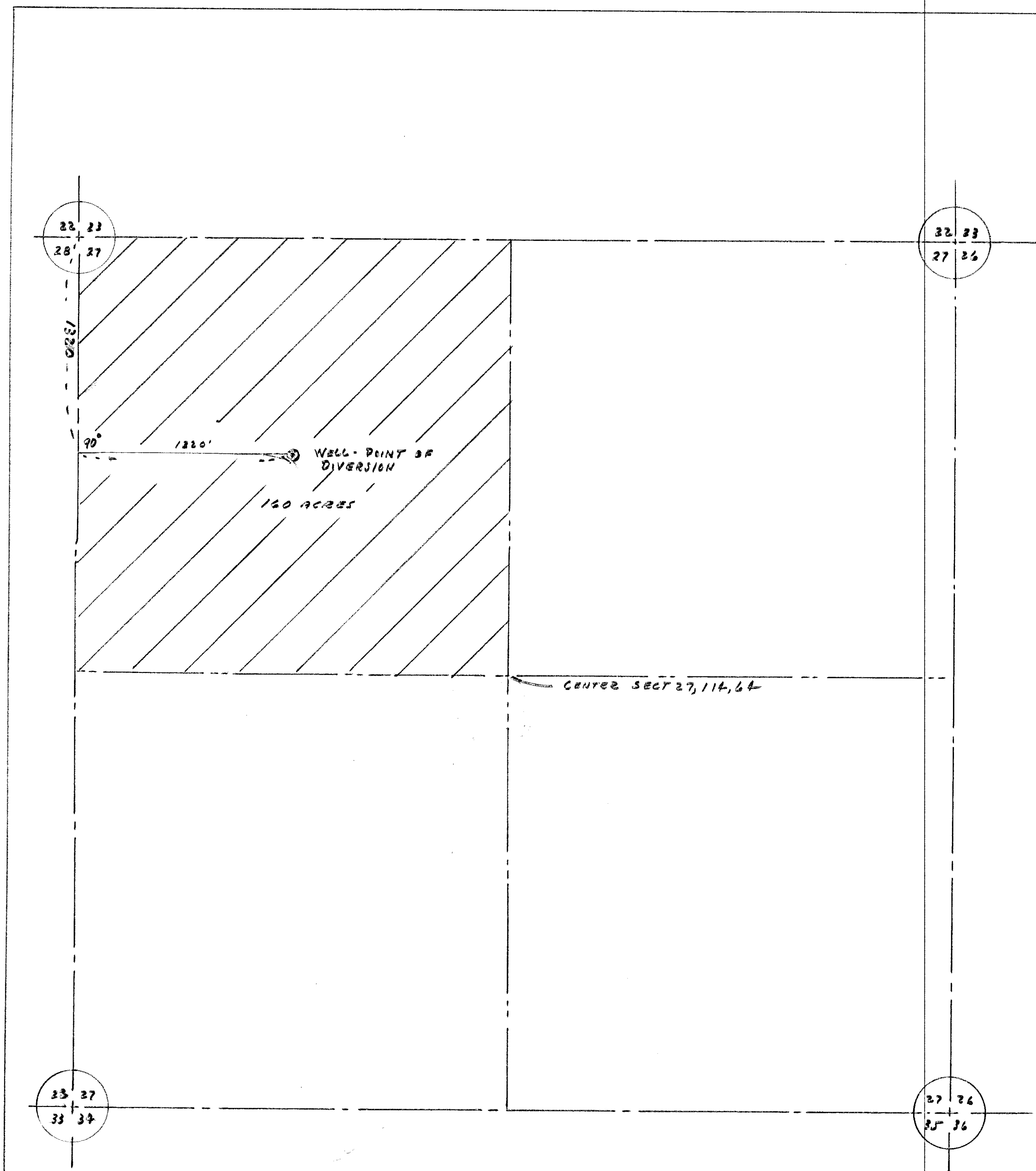
Subscribed and sworn to before me this

13TH

day of

FEBRUARY 1972

Notary Public (or other qualified officer)



AREA TO BE IRRIGATED - LEGAL SUBDIVISION  
160 ACRES: NE 1/4, SECTION 27, T.114 N., R.64 W., 5TH PM.

SURVEYOR'S CERTIFICATE  
STATE OF SOUTH DAKOTA ) ss  
COUNTY OF BEADLE )  
I, HARLAN W. MEYER, A REGISTERED LAND SURVEYOR  
IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY  
CERTIFY THAT AT THE REQUEST OF MAX NEITZEL,  
SOLE OWNER, I HAVE SHOWN THE LAND PROPOSED TO BE IRRIGATED  
WITHIN HIS OWNERSHIP BOUNDARIES ON FEB 7, 1972 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 7TH DAY OF FEB. 1972

Harlan W. Meyer  
REG. L.S. # 295

SCALE 1" = 400'

MAX NEITZEL IRRIGATION PROJECT # 1  
SHOWS AREA TO BE IRRIGATED AND DIVERSION WELL  
LOCATION - FOR PERMIT TO APPROPRIATE WATER

OWNER  
SURVEYOR

MAX NEITZEL  
HARLAN W. MEYER

FEB 1972

MAP NO 1359-3 (APPL NO 1923-3)

## WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1923-3GARY NEITZEL

(Applicant)

TULARE

(Post Office Address)

SOUTH DAKOTA

(State)

With the following modifications:

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.

Date of first receipt of application FEBRUARY 15 19 72

Date of return to applicant for correction, amendments or changes required \_\_\_\_\_ 19 \_\_\_\_\_

Date of receipt of corrected application \_\_\_\_\_ 19 \_\_\_\_\_

Approved MARCH 15 19 72 Recorded in Book 12 Page 88WATER RIGHT PERMIT NO. 1923-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1923-3 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 FEBRUARY 15 19 72
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 15 19 72
3. The whole of said work is to be completed on or before MARCH 15 19 75
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 15 19 77
5. The water appropriated shall be used for the purpose of IRRIGATION

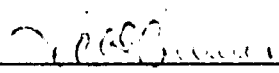
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 2.28 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MARCH 15 19 77; said water to be used during the following described annual period: APRIL 1 TO NOVEMBER 1

Witness my hand this 29<sup>TH</sup> day of MARCH 19 72

WATER RESOURCES COMMISSION

By:

  
 Chief Engineer, Executive Officer

Certificate of Construction Issued \_\_\_\_\_ 19 \_\_\_\_\_

Water License Issued \_\_\_\_\_ 19 \_\_\_\_\_

1975-76

### (I) WELL CONSTRUCTION

Location of well: \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ 27 \_\_\_\_\_ Section \_\_\_\_\_ 24 \_\_\_\_\_ Township \_\_\_\_\_ 11 \_\_\_\_\_ Range \_\_\_\_\_ 6 \_\_\_\_\_

Well owner GARY NIETZEL TULARE  
(Name) (Address)

Date well drilling completed 4/5/73 Purpose of well IRRIGATION  
(domestic, irrigation, municipal, industrial, other)

## WELL LOG

| Layers, top to top in feet | Description of layer         | Depth to top of water producing aquifer _____ ft.                                                                                              |
|----------------------------|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| 0 - 2                      | Top Soil                     | Depth to static water level _____ 10 ft.                                                                                                       |
| 2 - 22                     | Yellow Clay                  | Name of producing aquifer (if known) _____                                                                                                     |
| 22 - 59                    | Blue Clay                    | Total depth of drill hole _____ 150 ft.                                                                                                        |
| 59 - 61                    | Boulder layer                | Depth to bottom of casing _____ 120 ft.                                                                                                        |
| 61 - 120                   | Med. to coarse Sand & Gravel | Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used. |
| 120 -                      | Gray Silt                    | 16" I.D. Fiberglass Well Casing<br>80 ft. plain casing                                                                                         |
|                            |                              | Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.       |
|                            |                              | 16" I.D. Fiberglass Well Screen.<br>40 ft. of screen.                                                                                          |
|                            |                              | If a flowing well, flow of completed well _____ G.P.M.                                                                                         |

Attach sheet if more space is needed

EMPIRE IRRIGATION DRILLING CO., INC.  
Name of Drilling Contractor

## (2) PUMP INSTALLATION

Company name and size of pump 5" x 2 1/2" x 1 1/2" WESTERN LAND ROLLER HP 100

Type of pump TURBINE PUMP Capacity of installed pump 300 G.P.M.

Depth of pump placement 111 ft., Date of pump installation 5-7-73

### (3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed \_\_\_\_\_ ft., tube diameter \_\_\_\_\_, tube material \_\_\_\_\_.

EMPIRE IRRIGATION DRILLING CO., INC.  
Name of Pump Installation Contractor

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30", Depth 125'  
 Type of casing 5.6 x 8.6 in. (wood, concrete, steel, etc.)  
 Size of casing 16", Thickness of casing 1/2"  
 Length of casing 125' If collection gallery, length, size and depth of gallery \_\_\_\_\_

(b) Screens

Type of perforated screen Screen 5.6 x 8.6 in. w/ holes sawed in  
 Size of perforated screen 16" (diameter), 25' (length)  
 Thickness of gravel pack 7", length of gravel pack 125'

(c) Water Bearing Materials

Distance to water 22' Character of water bearing material: \_\_\_\_\_  
0-2' top loam, 2'-22' yellow clay, 22'-59' Blue Clay, 59'-61' Boulder, 61' to 125' coarse sand & gravel  
 Thickness of water bearing material 64'

(d) Pump and Motor

Type of pump Centrifugal (centrifugal, propeller, mixed flow, etc.)  
 Name of pump Westernland Peller, size 8" Column 10" Bowl  
 Kind of motor Direct (gasoline, electric, diesel, etc.)  
 Horsepower 75, Name of Motor Perkins

(e) Complete well

Capacity 1000 at drawdown of 90', Estimated cost \_\_\_\_\_

(f) Owner of land upon which well is located

Name Samuel J. Felt  
Pauline S. Dale  
 Address \_\_\_\_\_

(g) Distance to nearest existing wells

On same owner's property \_\_\_\_\_ rods. On property owned by others 200 rods

## WATER LICENSE NO. 1923-3

(1) WHEREAS, On the 15th day of February A. D. 19 72

Gary Neitzel

made Water Right Application No. 1923-3 for a permit to use 2.28 cubic feet per second of the waters of groundwater (one well)

County of Spink, State of South Dakota, for irrigation

\_\_\_\_\_ purposes; and

(2) WHEREAS, On the 15th day of March A. D. 19 72

Permit No. 1923-3, with a date of priority of February 15, 1972

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 15th day of March A. D. 19 75 and for the

application to beneficial use of said water on or before the 15th day of March A. D. 19 77

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.88 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.

water to be used to irrigate a 136 acre circle in the NW<sup>1</sup>, Section 27-  
T114N-R64W

(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 Gary Neitzel

\_\_\_\_\_ of Tulare

the holder \_\_\_\_\_ and owner \_\_\_\_\_ of said permit No. 1923-3 a water right, dating from February 15, 1972

\_\_\_\_\_ to use of \_\_\_\_\_ cubic feet per second of the waters

of groundwater (one well)

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

purposes hereinafter mentioned, to be diverted ~~x~~ in the approximate center of the NW1/4,

Section 27-T114N-R64W

and conduct to ~~xxxxxx~~ irrigate 136 acre circle in the NW1/4, Section 27, T114N-R64W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1923-3 and subject to the laws of the State of South Dakota.

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

this 29th day of December A. D.

Nineteen Hundred and Seventy-eight

**WATER RIGHTS COMMISSION**  
WATER RESOURCES COMMISSION

By:

John Hatch  
Chief Engineer, Executive Officer **JOHN HATCH**

Permit No. 1923-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Gary Neitzel

\_\_\_\_\_ the holder \_\_\_\_\_ of  
Permit No. 1923-3, issued upon Application No. 1923-3, bearing date of priority of \_\_\_\_\_  
\_\_\_\_\_ authorizing the diversion of 2.28 cu. ft. per second of the waters of \_\_\_\_\_  
groundwater (one well) County of Spink, State of South Dakota ~~at~~ in  
the approximate center of the NW $\frac{1}{4}$ , Section 27-T114N-R64W

\_\_\_\_\_, for irrigation

\_\_\_\_\_ purposes, has \_\_\_\_\_ complied with the provisions of the laws of the State of South Dakota relating to proof of  
completion of the works of diversion set out and described in said Permit: that said works are found in satisfactory  
condition for diverting and conveying to the place of intended use 1.88 cu. ft. per second of water.

Date December 29, 1978

By:

WATER RIGHTS COMMISSION

John Hatch  
JOHN HATCH, Chief Engineer

# Affidavit of Publication

STATE OF SOUTH DAKOTA  
County of Spink

55

I, Harold R. Jensen 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. 65,0308 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 Harold A. 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

In said newspaper in .....4..... successive issues, to-wit:

The first publication being made on Feb. 17.....1972

2nd 24 19 72 5th \_\_\_\_\_ 19 \_\_\_\_\_

3rd Mar. 2 1972 6th \_\_\_\_\_ 19\_\_\_\_

4th Mar. 9 1972 7th \_\_\_\_\_ 19\_\_\_\_

that the full amount of the fee charged for publishing the same to-wit:

the sum of \$13.46, 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 whatsoever.

Subscribed and sworn to before me this.....day

of March 1972

Notary Public, Spink County, South Dakota

(SEAL)

No. 75

NOTICE INTENT TO

APPROPRIATE WATER BY

Pierre, South Dakota 57501

February 15, 1972

Notice is hereby given that Gary Neltzel whose post office address is Tulare, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for

beneficial use 2.28 cubic feet of water per second of time from ground water through the Gary Neltzel No. 1, the point of diversion of which is to be located in the center of the NW1/4 of Section 27, Twp. 114N, Range 64W, Said water to be used for the purpose of providing irrigation on the following described land:

NW 1/4 Section 27, T114N

This application No. 1923-9 will

be considered by the Water

Resources Commission at their

office at Pierre upon the 15th day  
of March 1972 at 2:00 P. M. All

of March, 1972, at 2:00 P. M. All interested persons may appear

interested persons may appear and be heard.

## WATER RESOURCES

**COMMISSION**

By **BUTLER F. JONES**

## Burlon F. Jones Water Rights

Specialist

cc: Gary Neltzel, Tulare, S. D.  
57476

(Feb. 17, 24; March 2, 9)

RECEIVED  
MAR 27 1972

STATE WATER RESOURCES COMM.  
PIERRE, SOUTH DAKOTA

Form B - Notice of Intent to Appropriate Water

J. 1923-3

Publish first publication, on or before February 17, 1972

**NOTICE  
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

February 15, 1972

Notice is hereby given that Gary Heitzel  
whose post office address is Tulare, South Dakota, has made an application in accordance  
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use  
2.28 cubic feet of water per second of time from the ground water through the  
Gary Heitzel #1, the point of diversion of which is to be located in the \_\_\_\_\_

\_\_\_\_\_ center of the NW¼ \_\_\_\_\_

of Section 27, Twp. 114N, Range 64W. Said water to be used for the purpose  
of providing irrigation on the following described land:

NW¼, Section 27, T114N, R64W

This application No. 1923-3 will be considered by the Water Resources Commission at their office at  
Pierre upon the 15th day of March, 1972, at 2:00 P. M. All interested  
persons may appear and be heard.

**WATER RESOURCES COMMISSION**

By:

**BURTON F. JONES, Water Rights Specialist**

cc: Gary Heitzel, Tulare, S.D. 57476

# RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6614

PIERRE, December 15, 1978

RECEIVED OF Gary Heltzel, Tulare, SD 57476

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

|                                                                                                                    |           |           |
|--------------------------------------------------------------------------------------------------------------------|-----------|-----------|
| Fee for Application for Permit to appropriate Water No. .... (examination, processing, recording and filing) ..... |           |           |
| Fee for inspecting Construction, and issuing Cert. of Construction No. 1923-3                                      | 12        | 00        |
| Fee for inspecting Beneficial Use, and issuing Water License No. 1923-3                                            |           |           |
| Fee for issuing Location Certificate-Dry Draw, No. ....                                                            |           |           |
| Fee for filing .....                                                                                               |           |           |
| Fee for certified copy of .....                                                                                    |           |           |
| Fee for Print copy of map .....                                                                                    |           |           |
| Fee for Certifying .....                                                                                           |           |           |
| Fee for .....                                                                                                      |           |           |
| (any other work as provided by law)                                                                                |           |           |
| <b>TOTAL</b>                                                                                                       | <b>12</b> | <b>00</b> |

WATER RIGHTS COMMISSION

By: *John Hatch*  
 Chief Engineer, Executive Officer  
 JOHN HATCH 97

Permit No. 1923.3Water 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 GARY  
NEITZEL of TULARE holder  
of Permit No. 1923.3, bearing date of priority of MARCH 15, 1972  
authorizing the diversion of 2.28 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:

120' DEEP WELL - 16" FIBREGLAS CASING - 40' FIBREGLAS SCREEN  
WESTERN LAND ROLLER 8" PUMP, POWERED BY 75 H.P. U.S. ELECTRIC  
MOTOR

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

40' OF 10" MAINLINE TO PIVOT PAD

## C. Works used to apply water to beneficial use.

T-L 1285' CENTER PIVOT SYSTEM W/END GUNThe system is in the following condition: EXCELLENT

The point of diversion is located APPROXIMATE CENTER OF THE NW<sup>4</sup>  
SECTION 27, T114N, R64W

The works are capable of diverting and conveying to the place of use (850 GPM) 1.88 CFS  
cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows:

FOR IRRIGATING A 136 ACRE CIRCLE IN THE  
NW<sup>4</sup> SECTION 17, T114N, R64W

comprising a total of 136 acres of land.Date OCTOBER 17, 1978

[Signature]  
(Signature)  
INSPECTING OFFICER.

**SOUTH DAKOTA**  
**Department of**  
**Water & Natural Resources**

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

Water Rights Division  
605 773-3352

December 11, 1985

398-3  
962-3  
1046-3  
1119-3  
1203-3  
1923-3

Jim Laird  
Norwest Capitol Management  
PO Box 849  
Aberdeen SD 57401-0849

Dear Mr. Laird:

In response to our recent telephone conversation, enclosed are the 1985 Irrigation Questionnaires for Water Rights listed under the name of Gary Neitzel. Upon completion of the forms, return them to our office. December 20, 1985 is the deadline for returning the questionnaires; however, since you did not receive them earlier, please try to have them to us by January 10, 1986.

All of Mr. Neitzel's water rights will be listed as "Gary Neitzel's Estate" as we discussed and, if acceptable to you, the yearly questionnaires will be sent directly to Norwest Capitol Management for completion. If the status of these water rights should change, please contact us.

A postage paid envelope is enclosed for your convenience in returning the questionnaire. If you have any questions, please advise.

Sincerely,

*Genny McMath*

GENNY MCMATH  
Natural Resources Analyst

GM:ks

enclosures

*Equal Opportunity Employer*

1923-3

WATER RIGHTS DIVISION  
(605) 773-3352

November 7, 1986

Norwest Capitol Management  
PO Box 849  
Aberdeen, South Dakota 57401

Attention: June

Dear June:

Enclosed as you requested are copies of Water Rights for Gary Neltzel Estate. These should aide you in completing the Irrigation questionnaires.

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

Sincerely,

Genny McMath  
Natural Resources Analyst

GM:ms  
Enc.

Received 398-3  
1203-3  
(1923-3)



Norwest Capital Management & Trust Co.  
South Dakota  
204 South First Street  
Post Office Box 849  
Aberdeen, South Dakota 57401  
605/226-1116

December 9, 1986

Water Management Board  
Water Rights Division  
Joe Foss Building  
Pierre, SD 57501

RE: Neitzel Trust - 1986 Irrigation Estimates

Gentlemen:

We received the enclosed reports back from the trust lessee.

Granted, the information provided by him is nominal, but I hope you are able to obtain enough information from this report to consider it complete.

Apparently, one pivot was not used and the other two pivots used quite sparingly due to the enormous rains.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael A. Turnwall".

Michael A. Turnwall  
Trust Officer

MT:rj

Enc.



12/11/86 called to see why he hadn't returned  
962-3, 1040-3, 1119-3 - Mr. Turnwall  
has another lease for those permits.

# 1040-3

# 962-3

# 1923-3

# 398-3

# 1203-3

 **Department of  
Water & Natural Resources**

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

February 17, 1989

Neitzel Norwest Capitol Mgmt  
PO Box 849  
Aberdeen, SD 57401

Dear Sir:

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;

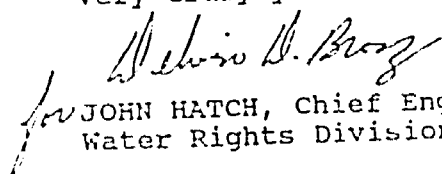


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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



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

NEITZEL-NORWEST CAPITOL MGMT  
PO BOX 1238  
HURON SD 57350-1238

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s) 1040-3; 398-3; 962-3;  
1923-3

The first notice to file chemigation report(s) for Permit No(s) 1040-3; 398-3; 962-3; 1923-3 was dated November 27, 1991. Our records indicate that we have not received the 1991 chemigation report for Permits No(s) 1040-3; 398-3; 962-3; 1923-3. The Water Management Board has directed that owners of water permits who have not submitted the 1991 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearings will be held at 9:15 am, on March 4, 1992, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD, and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the 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). 1040-3; 398-3; 962-3; 1923-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

Very truly yours,

RON DUVALL, Natural Resources Engineer  
for JOHN HATCH, Chief Engineer  
Water Rights Division  
605 773-3352

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 4, 1992 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.



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

February 7, 1992

HEITZEL-NORWEST CAPITOL MGMT  
PO BOX 1238  
HURON SD 57350-1238

Dear Sir:

I am writing to acknowledge receipt of your 1991 chemigation report for Water Right No(s). 1040-3; 398-3; 962-3 & 1923-3. You may disregard the January 27, 1992 Notice of Failure to Report Chemical Use for 1991. With receipt of the chemigation report, your name has been deleted from the March 1, 1992 Water Management Board meeting agenda.

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

Sincerely,

DON FRYE, Natural Resources Analyst  
Water Rights Division

## WATER RIGHTS PROGRAM FILE DOCUMENTATION

NAME OF PERSON: Norwest Bank Capitol Mgmt (on behalf of Neitzel Estate)

ADDRESS: PO Box 1238, Huron, SD

DATE: January - 1998

RE: questionnaires for Neitzel Estate (Water Right Nos. 398-3, 962-3, 1040-3, 1203-3 and 1923-3)

### COMMENTS:

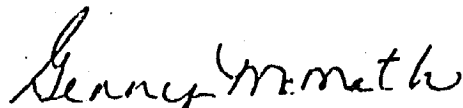
A lady from Norwest Capitol Mgmt called in regard to the "Notice" they received concerning reporting requirements for the 1997 irrigation questionnaires. She indicated the Estate was settled and the land dispersed to the heirs. She indicated the land has been divided as follows:

1) Allan Neitzel, 1616 N Harrison St, Aberdeen, SD: NE $\frac{1}{4}$  Section 2, NE $\frac{1}{4}$  Section 9 and NW $\frac{1}{4}$  Section 14, T114N, R64W

2) Monte Neitzel, 1102 S Main, Redfield, SD and Lisa Zens, RR 3, Zell, SD: W $\frac{1}{2}$  Section 2, NW $\frac{1}{4}$  Section 27, T114N, R64W and NW $\frac{1}{4}$  Section 33, T115N, R64W

On February 17, 1998, I spoke with Monte Neitzel (472-4127) concerning the water rights. It would seem from reviewing the files that he has the majority of the acreage under the water rights. He said the land was not irrigated in 1997 due to excessive moisture. We discussed ownership of the water rights and he indicated he would review copies of the rights and complete the transfer forms accordingly.

Concerning the irrigation questionnaires for 1997 - The matter has been withdrawn from the February Board meeting agenda because 1) improper notice was given (the questionnaires and following notice were mailed to the bank instead of Monte Neitzel) and 2) the information was received from Monte Neitzel February 17, 1998.



Genny McMahon  
Environmental Scientist



1923-

January 9, 1998

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181**NOTICE****TO:** NEITZEL- NORWEST CAPITOL MGMT, PO BOX 1238, HURON, SD 57350 1238**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) 398-3, 962-3, 1040-3, 1203-3 & 1923-3. 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) 398-3, 962-3, 1040-3, 1203-3 & 1923-3 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 Geray 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.

1923-3

Is your RETURN addressed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

NEITZEL - NORWEST CAPITOL MGMT  
PO BOX 1238  
HURON SD 57350 1238

4a. Article Number

2 179 157 125

4b. Service Type

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

7. Date of Delivery

1-12-98

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

X *James E. Winter*

PS Form 3811, December 1994

102595-97 G-1179

Domestic Return Receipt

Thank you for using Return Receipt Service.



1923-3

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

February 18, 1998

Monte Neitzel  
1102 S Main  
Redfield, SD 57469

Dear Mr. Neitzel:

Thank you for taking the time to visit with me yesterday about water rights held by Gary Neitzel. Enclosed are copies of Water Right Nos. 398-3, 962-3, 1040-3, 1203-3 and 1923-3.

I noticed when reviewing Water Right No. 1923-3 that it contained an error in the legal description of the irrigated acres. The description should be the NW $\frac{1}{4}$  Section 27 instead of Section 17. The water license will be reissued to correct the error.

I am enclosing partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with the water rights. Please review the forms for accuracy and make any necessary corrections. You will need to fill in the portion titled "to be transferred to: (name & address)". Upon completion, please sign them in the presence of a notary and return them to our office with a required filing fee of \$2.50 each (total of \$12.50).

It is my understanding that Allan Neitzel may own some of the acreage involved. If any of the water rights or a portion of a specific one should be transferred to Allan instead of to you, please include this information when returning the transfer forms. I can forward forms to Allan if necessary.

Thank you in advance for your help with reviewing the water rights and filing the ownership changes. If I can answer any questions for you, please contact me.

Sincerely,

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

encl



1923-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

May 19, 1998

Monte Neitzel  
1102 S Main  
Redfield, SD 57469

Dear Mr. Neitzel:

This letter serves as a reminder that we have not yet heard from you regarding the ownership changes for Water Right Nos. 398-3, 962-3, 1040-3, 1203-3 and 1923-3, currently listed in the name of Gary Neitzel.

In February, I forwarded transfer forms to you for filing ownership changes with the water rights. Please review the forms for accuracy and make any necessary corrections. You will need to fill in the portion titled "to be transferred to: (name & address)". Upon completion, please sign them in the presence of a notary and return them to our office with a required filing fee of \$2.50 each (total of \$12.50).

As I indicated in my February correspondence to you, if any of the water rights or a portion of a specific one should be transferred to Allan instead of to you, please include this information when returning the transfer forms. I can forward forms to Allan if necessary.

Thank you in advance for your help with reviewing the water rights and filing the ownership changes. If I can answer any questions for you, please contact me.

Sincerely,

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

encl



1923-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

September 17, 1998

Monte Neitzel  
1102 S Main  
Redfield, SD 57469

Dear Mr. Neitzel:

I am contacting you once again regarding the ownership changes for Water Right Nos. 398-3, 962-3, 1040-3, 1203-3 and 1923-3, currently listed in the name of Gary Neitzel. I forwarded transfer of ownership forms to you in February and also sent a reminder notice to you May 19<sup>th</sup>. To date, I have not heard from you.

The reason I am continuing to try and resolve the ownership issue is because we will be mailing out irrigation questionnaires in October and need to be able to get them to the correct owner/address. Failure to keep records current can mean a delay in receiving a notice or even no receipt of a notice that pertains to the water right. In some cases, as with the case of the irrigation questionnaires, a notice from our office may include an order which could result in up to one year suspension of a water right or other penalty if not complied with.

I am enclosing a additional set of forms in the event the first set of forms were mislaid. Please review the forms and make any necessary corrections. You will need to complete the portion titled "to be transferred to, (name and address)....". Once completed, they should be signed in the presence of a notary public and the returned to our office with a required filing fee of \$2.50 each (total of \$12.50).

If you have any questions or if I should be contacting someone else concerning the transfer of the above water rights, please get in touch with me.

Sincerely,

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

encl

# NOTICE OF TRANSFER OF OWNERSHIP



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

No. 1923-3

Date: 9-28-98

I/We request that Water Right No. 1923-3

formerly owned by: Gary Neltzel

be transferred to: (name & address) Monte Neltzel 1102 Smain Redfield SD 57469  
Telephone No. 605-472-4127

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

NW 1/4 Section 27, T114N, R64W

I/We understand that the validity of Water Right No. 1923-3 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 Brown )

I/We Monte Neltzel 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.

[Signature]  
(Signed)

Subscribed and sworn to before me this 28th day of September, 19 98.

MY COMMISSION EXPIRES 9/1/2004

[Signature]  
(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

N<sup>o</sup> 415883

Pierre,

September 29, 19 98

RECEIVED OF Alan or Debra Neitzel (Monte Neitzel), 1616 N. Harrison, Aberdeen, SD 57401  
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. 1923-3

Fee for Filing Extension Request \_\_\_\_\_

Fee for \_\_\_\_\_

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Chief Engineer

John Hatch (J)



1923-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

[www.state.sd.us/denr](http://www.state.sd.us/denr)

OCT 2 1998

398-3

962-3

1203-3

1923-3

Monte Neitzel  
1102 S Main  
Redfield, SD 57469

Dear Mr. Neitzel:

Thank you for returning the "Notice of Transfer of Ownership" forms for transferring water rights held by Gary Neitzel. The transfers have been completed and Water Right Nos. 398-3, 962-3, 1203-3 and 1923-3 are now listed in your name. The receipts for the filing fees were forwarded to Alan Neitzel.

Enclosed is Reissued Water License No. 1923-3. The water license was reissued to correct an error in the description of the acres irrigated. Reissuance of the water license does not alter the remaining portions of the license. As long as you use the water beneficially, as stated in the license, SD Water Laws provide that you have a continuing right to the use of the water.

The 1998 irrigation questionnaires will be mailed to South Dakota irrigators around the middle of October. The questionnaires request information on the number of acres irrigated and the amount of water used during this crop season. The forms for Water Right Nos. 398-3, 962-3, 1203-3 and 1923-3 will be directed to your attention. If you have an operator(s) and would like the forms forwarded to them instead, please notify Genny McMath with our program, at (605) 773-3352.

If you have any questions concerning the transfers or the reissued water license, please contact Genny at the above phone number.

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights Program

enclosure

## STATE OF SOUTH DAKOTA

### REISSUED WATER LICENSE NO. 1923-3

(1) Gary Neitzel was issued Water License No. 1923-3, December 29, 1978 for a water right to divert 1.88 cubic feet of water per second from ground water (one well), Spink County, South Dakota for irrigation purposes. Water License No. 1923-3, with a priority date of February 15, 1972 was issued to the permit holder for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

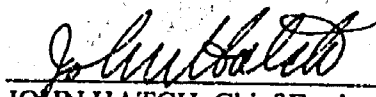
On September 29, 1998, Water Right No. 1923-3 was transferred from Gary Neitzel to Monte Neitzel.

A review of the original water license found an error in the description of the acreage irrigated. The acreage was described as being in the NW  $\frac{1}{4}$  Section 17, T114N, R64W and should have been described as being in the NW  $\frac{1}{4}$  Section 27. The water license is being reissued to correct the error. Correction of the legal description does not alter the remaining portions of the original license.

(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.88 cubic feet of water per second for beneficial use. The location of the diversion point is in the approximate center of the NW  $\frac{1}{4}$  Section 27, T114N, R64W.

(3) The water right holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land: a 136 acre circle in the NW  $\frac{1}{4}$  Section 27, T114N, R64W.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Monte Neitzel, 1102 S Main, Redfield, SD 57469 the holder and/or owner of Water Right No. 1923-3 is issued a license to appropriate water, the right to use 1.88 cubic feet of water per second from ground water (one well) with a priority date of February 15, 1972 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 1923-3 and subject to South Dakota State Law.

  
JOHN HATCH, Chief Engineer  
Water Rights Program

Department of Environment and Natural Resources

OCT 2 1998  
date





1923-3  
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: MONTE NEITZEL, 1102 S MAIN, REDFIELD, SD 57469

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) 398-3, 962-3, 1203-3 & 1923-3. 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) 398-3, 962-3, 1203-3 & 1923-3 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.



1923-3  
**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

March 5, 1999

**NOTICE OF AMENDMENT OF WATER RIGHT**

**TO:** MONTE NEITZEL, 1102 S MAIN, REDFIELD, SD 57469

**FROM:** John Hatch, Chief Engineer  
Water Rights Program  
(605) 773-3352

**SUBJECT:** Amendment to Water Right Nos. 398-3, 962-3, 1203-3 & 1923-3

Pursuant to the provisions of the notice dated January 22, 1999, and following the hearing March 3, 1999, the Water Management Board has amended Water Right Nos. 398-3, 962-3, 1203-3 & 1923-3 to add the following qualification:

**"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."**

This action was taken for failure to return the 1998 irrigation questionnaires. The addition of this qualification to your Water Rights means that failure to submit required irrigation questionnaires in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

Please contact Genny McMath (605) 773-3352, if you have any questions.

# CERTIFICATION

I hereby certify that on March 5, 1999, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 5, 1999, regarding Amendments, One Year and Three Year Suspensions of Water Rights/Permits shown below, addressed as stated below:

## The following are Amendments to Water Rights:

- W.R. #402-1: Calvin/Jana Meyers, HC 69, Box 22, Belle Fourche, SD 57717-9302.
- W.R. #100-3: Harold Weismantel, 1425 15<sup>th</sup> Ave. SE Apt. 223, Aberdeen, SD 57401-7780.
- W.R. #'s 398-3, 962-3, 1203-3 & 1923-3: Monte Neitzel, 1102 S. Main, Redfield, SD 57469.
- W.R. #1231-3: Lynn Christopherson, Mgr., P.O. Box 217, Howard, SD 57349-0217.
- W.R. #2943-3: Irvin Rogers, 13575 383<sup>rd</sup> Ave., Aberdeen, SD 57401.
- W.R. #3026-3: George Waldner, Hillcrest Colony, Box 17, Garden City, SD 57236.

## The following are One Year Suspensions of Water Rights/Permits:

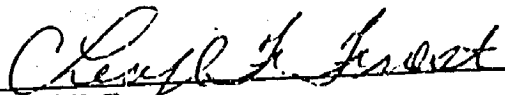
- W.R. #418-1: Dennis Lien, RR 1, Box 8B, Vale, SD 57788.
- W.R. #1222A-1 & W.P. #1524-1: John Ismay, DVM, P.O. Box 396, Sturgis, SD 57785-0396.
- W.R. #954-2: Kimberly Kaye Sealine, 24300 173<sup>rd</sup> Ave., Caputa, SD 57725.
- W.R. #849-3: Florence Demers, RR 2, Box 248, Elk Point, SD 57025-9757.
- W.R. #1172-3: Jesse Wright, 10 Bittersweet Ln., Atkinson, NH 03811.
- W.R. #2534-3: Barry Iinsland, RR 2, Box 26, Conde, SD 57434.
- W.R. #3255-3: Terry/Peggy Reynolds, HC 75, Box 33, Hitchcock, SD 57348.

## The following are Three Year Suspensions of Water Rights:

- W.R. #1275-2: Donald Kaiser, HCR 89, Box 303, Hermosa, SD 57744.
- W.R. #1280-2: Odie Dale Bowen, Box 407, Philip, SD 57567.

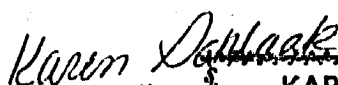
Amendment of Water Right No. 1192-1B and One Year Suspension of Water Right No. 1201-1:

George W. Jenter, 748 Park Sturgis, SD 57785.

  
Cheryl F. Frost  
Secretary

STATE OF SOUTH DAKOTA     )  
                                          )   SS  
COUNTY OF HUGHES         )

Sworn to, before me, this 8<sup>th</sup> day of March, 1999

  
Notary Public  
KAREN SCHLAAK, Notary Public  
My Commission Expires  
KAREN SCHLAAK  
NOTARY PUBLIC  
SOUTH DAKOTA



1923-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/dem](http://www.state.sd.us/dem)

January 19, 2001

**NOTICE**

**TO:** MONTE NEITZEL, 1 COUNTY RD 24, TULARE, SD 57476

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

**SUBJECT:** Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 398-3, 962-3, 1203-3 & 1923-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 398-3, 962-3, 1203-3 & 1923-3 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 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. 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) 398-3, 962-3, 1203-3 & 1923-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 2, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



1923-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
623 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

March 9, 2001

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHTS

TO: Monte Neitzel, 1 County Rd 24, Tulare, SD 57476  
FROM: Garland Erbele Chief Engineer  
Water Rights Program *Garland Erbele*  
SUBJECT: One Year Suspension of Water Right Nos. 398-3, 962-3, 1203-3 & 1923-3

Pursuant to the provisions of the notice dated January 19, 2001, and following the hearing March 7, 2001, the Water Management Board has ordered:

**That Water Right Nos. 398-3, 962-3, 1203-3 and 1923-3 be suspended until December 31, 2001, for failure to submit the 2000 irrigation questionnaires.**

Suspension of a water permit or right means water may not be pumped during the 2001 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 2000 irrigation questionnaires and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 2, 2001 in Pierre, SD. The letter should include your reasons for not completing the 2000 irrigation questionnaires.

Please contact Genny McMath (605) 773-3352, if you have any questions.



1923-3

DEPARTMENT of ENVIRONMENT  
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March 13, 2001

Monte Neitzel  
1 County Rd 24  
Tulare, SD 57476-2101

Dear Mr. Neitzel:

Thank you for contacting me with regard to the "2000" irrigation questionnaires and the action taken by the Board on March 7<sup>th</sup>. Enclosed are additional "2000" irrigation questionnaires for Water Right Nos. 398-3, 962-3, 1203-3 and 1923-3. I have included the legal description for each water right on their respective forms.

I have reviewed our files again and did not find the forms you indicated you mailed around three weeks ago. I did find one for Alan Neitzel that was submitted towards the end of January, 2001. Was this the form you were referring too? Alan's water right authorizes irrigation of the SW ¼ Section 4, T114N, R64W. This would be in the vicinity of the acreage covered under your water rights.

Our March 9<sup>th</sup> notice outlined the procedure for getting the suspensions reviewed by the Water Management Board. In short, what you will need to do is to complete and submit the enclosed irrigation questionnaires and write a short letter to us requesting the matter be placed on the agenda for the next Water Management Board meeting. Your letter should include the reasons for not returning the questionnaires in a timely manner and any circumstances that you feel the Board should know.

Make every effort to get the information to us as soon as possible. As soon as we receive your letter and the irrigation questionnaires, we will schedule a hearing before the Board by including the matter on their next agenda. Their next meeting is May 2<sup>nd</sup>. You will be notified of the time and place of the hearing once it is scheduled.

If you have any questions, please do not hesitate to call me.

Sincerely,

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

enclosures



1923-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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April 30, 2001

**NOTICE**

TO: Monte Neitzel, 1 County Rd 24, Tulare, SD 57476-2101

FROM: Garland Erbele, Chief Engineer *Garland Erbele*  
Water Rights Program

SUBJECT: Notice of Hearing to Consider Request to Rescind Suspension of Water Right Nos. 398-3, 962-3, 1203-3 and 1923-3

On April 30, 2001, a letter was received from you explaining the reason your "2000" irrigation questionnaires were not returned in a timely manner. In a follow-up telephone conversation, you requested the water rights be brought back before the Board to have them consider lifting the one year suspension.

Your request to have the suspension of Water Right Nos. 398-3, 962-3, 1203-3 and 1923-3 reconsidered by the Water Management Board has been scheduled for 10:00 am, May 2, 2001, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

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

After all evidence is taken at the hearing, the Board may issue a decision to rescind either the suspension of the water right, defer action or take no action. The hearing is an adversary proceeding and any party 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 at the hearing. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

If you have any questions concerning this notice or the hearing process, please contact Genny McMath at (605) 773-3352.

c: Diane Best, Assistant Attorney General

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



**IRRIGATION QUESTIONNAIRE VIOLATIONS  
WATER RIGHT NOS. 398-3, 962-3, 1203-3 & 1923-3  
MONTE NEITZEL**

**BRIEF DESCRIPTION:**

Water Right Nos. 398-3, 962-3, 1203-3 and 1923-3 are held by Monte Neitzel, 1 County Rd 24, Tulare, SD. The land located in Spink County is described as follows:

- No. 398-3 SW ¼ Section 2, T114N, R64W
- No. 962-3 NW ¼ Section 33, T115N, R64W
- No. 1203-3 NW ¼, N ½ SW ¼, W ½ NE ¼ Section 2, T114N, R64W
- No. 1923-3 NW ¼ Section 27, T114N, R64W

The above water rights were transferred to Monte Neitzel on September 29, 1998.

**SUBMISSION OF PAST IRRIGATION QUESTIONNAIRES:**

| DATE MAILED  | DATE DUE IN OFFICE | DATE RECEIVED     | BOARD ACTION    |
|--------------|--------------------|-------------------|-----------------|
| October 1998 | December 1, 1998   | March 5, 1999     | March 3, 1999** |
| October 1999 | December 1, 1999   | December 27, 1999 | none            |
| October 2000 | December 1, 2000   | April 30, 2001    | March 7, 2001   |

\*\* The water rights were amended to include the mandatory irrigation questionnaire qualification. This action was taken for failure to return the 1998 irrigation questionnaires.

**January 19, 2001:** A certified letter was sent to Monte Neitzel requesting the 2000 irrigation questionnaires be returned prior to the March 7, 2001, hearing date. The notice outlined what action the Board could take concerning the past due questionnaires.

**March 7, 2001:** The Board suspended Water Right Nos. 398-3, 962-3, 1203-3 and 1923-3 for one year for failure to submit the 2000 irrigation questionnaires.

**March 9, 2001:** A notice was sent to Mr. Neitzel informing him of the Board's action to suspend Water Right Nos. 398-3, 962-3, 1203-3 and 1923-3 for one year.

**March 13, 2001:** In response to a telephone conversation with Mr. Neitzel, additional irrigation questionnaires were mailed to him.

**April 30, 2001:** The irrigation questionnaires were received along with a letter from Mr. Neitzel outlining the circumstances involving the delay for submitting the forms (see attached copy).

*Genny McMath*

Genny McMath  
Water Rights Program  
April 30, 2001

File No. 398-3

962-3

1203-3

1923-3

## WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Monte Neitzel, 1 County Rd 24, Tulare, SD

DATE: May 1, 2001

TELEPHONE: 605 596-4158

RE: suspended water rights

### COMMENTS:

Mr. Neitzel submitted his "2000" irrigation questionnaires on April 30, 2001. He included a letter outlining the circumstances for the delay in getting the forms submitted. I called Mr. Neitzel to find out if he wanted the suspended water rights brought back before the WMB for hearing and he said that he did. He went on to say that he would not be able to attend the hearing. He wanted to be assured that the Board would give him back his water rights. I told him there was no certainty in that and although they have never "not" given a permit back, they have deferred action till a later date when the owner could attend the hearing. I told him I would present his letter to the Board and they would make the final decision.

We discussed the renter status of the water rights. He indicated that he has two renters and has to contact them for the irrigation questionnaire information. We discussed the option of mailing the yearly questionnaires directly to the renters and he indicated he would like us to start doing that.

Tom Gilbert, 18658 387<sup>th</sup> Ave, Hitchcock, SD 57348 will receive questionnaires for the following:

- No. 398-3 SW ¼ Section 2, T114N, R64W
- No. 1203-3 NW ¼, N ½ SW ¼, W ½ NE ¼ Section 2, T114N, R64W
- No. 1923-3 NW ¼ Section 27, T114N, R64W

Larry Nielson, 18476 385<sup>th</sup> Ave, Tulare, SD 57476 will receive a questionnaire for the following:

- No. 962-3 NW ¼ Section 33, T115N, R64W

*Genny McMath*

Genny McMath  
Environmental Scientist



1923-3  
**DEPARTMENT of ENVIRONMENT  
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May 7, 2001

**NOTICE**

**TO:** Monte Neitzel, 1 County Rd 24, Tulare, SD 57476  
**FROM:** Garland Erbele, Chief Engineer  
Water Rights Program *Garland Erbele*  
**SUBJECT:** Reinstatement of Water Right Nos. 398-3, 962-3, 1203-3 & 1923-3

On May 2, 2001, the Water Management Board passed a motion to reinstate Water Right Nos. 398-3, 962-3, 1203-3 & 1923-3, effective immediately. The Board's motion included the following statement:

- Failure to submit future required irrigation questionnaires will result in a one year suspension without reinstatement, or the possibility of cancellation.

The Board took into consideration that the irrigation questionnaires were now on file with the Water Rights Program and that this was your first violation. Violations of any qualifications on irrigation rights and the subsequent Board action become part of the permanent record. Failure to submit future irrigation questionnaires will result in past violations being reviewed by the Water Management Board.

If you have any questions concerning your water right or the Board's action, please contact Genny McMuth at (605) 773-3352.

c: Diane Best, Assistant Attorney General



May 8, 2001

1923-3  
DEPARTMENT of ENVIRONMENT  
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398-3  
1203-3  
1923-3

Torn Gilbert  
18658 387<sup>th</sup> Ave  
Hitchcock, SD 57348

Dear Mr. Gilbert:

I am contacting you in regard to Water Right Nos. 398-3, 1203-3 and 1923-3, held by Monte Neitzel. Mr. Neitzel contacted our office and indicated he rents the land described in the water rights to you. Enclosed are copies for your review.

For ease in annual water use reporting, Mr. Neitzel has requested that the yearly irrigation questionnaires for these water rights be sent directly to you. You already receive one irrigation questionnaire from us each year so I know that you are already aware of what type of information is needed.

The 2001 irrigation questionnaires will be sent out to South Dakota irrigators in October. Thank you in advance for your help. If I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosures

c: Monte Neitzel



January 26, 2007

**NOTICE**

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
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523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

TO: THOMAS D GILBERT, 18658 387TH AVE, HITCHCOCK, SD 57348  
FROM: Ron Duvall, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaires

Our records indicate that the 2006 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3126-3 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) 398-3, 1203-3 & 1923-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 398-3, 1203-3 & 1923-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3126-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

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

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



DEPARTMENT of ENVIRONMENT  
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February 5, 2007

398-3  
1203-3  
1923-3  
3126-3

Thomas D Gilbert  
18658 387<sup>th</sup> Ave  
Hitchcock SD 57348

Dear Mr. Gilbert:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right Nos. 398-3, 1203-3, 1923-3 and 3126-3.

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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January 18, 2008

**NOTICE**

TO: THOMAS D GILBERT, 18658 387TH AVE, HITCHCOCK, SD 57348  
FROM: Ron Duvall, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaires

Our records indicate that the 2007 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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) 3126-3 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) 398-3, 1203-3 & 1923-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** 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) 398-3, 1203-3 & 1923-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3126-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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



1923-3

**DEPARTMENT of ENVIRONMENT  
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January 28, 2008

398-3  
1203-3  
1923-3  
3126-3

Tom Gilbert  
18658 387<sup>th</sup> Ave  
Hitchcock SD 57348

Dear Mr. Gilbert:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right Nos. 398-3, 1203-3, 1923-3 and 3126-3.

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



# DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182  
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January 22, 2010

## NOTICE

TO: TOM GILBERT, OPERATOR, 18658 387TH AVE, HITCHCOCK, SD 57348

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaires

Our records indicate that the 2009 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 3126-3 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) 398-3, 1203-3 & 1923-3 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** 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) 398-3, 1203-3 & 1923-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, the Water Rights Staff will recommend to the Board these water rights be suspended for a period of three years.**
2. Amend Permit No(s) 3126-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us). If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq/asp>

cc: MONTE NEITZEL, 1 COUNTY RD 24, TULARE, SD 57476

**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  
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February 3, 2010

398-3  
1203-3  
1923-3  
3126-3

Tom Gilbert  
18658 387<sup>th</sup> Ave  
Hitchcock SD 57348

Dear Mr. Gilbert:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 398-3, 1203-3, 1923-3 and 3126-3.

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  
email: [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us)

c: Monte Neitzel



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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[www.denr.sd.gov](http://www.denr.sd.gov)

March 4, 2014

Alan Neitzel  
3060 N Dakota St  
Aberdeen SD 57401 8176

RE: Water Right Nos. 962-3 & 1040-3 (Alan Neitzel) and  
Water Right Nos. 398-3, 1203-3 & 1923-3 (Monte Neitzel)

Dear Mr. Neitzel:

I am writing in follow-up to your March 3<sup>rd</sup> visit with Eric Gronlund in our program. Enclosed are copies of all five water rights listed above.

Also enclosed are partially completed Notice of Transfer of Ownership forms for filing ownership changes with Water Right Nos. 398-3, 1203-3 and 1923-3. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$150). The check or money order for the fee can be made payable to the Water Rights Program.

As requested, the annual irrigation questionnaires for Water Right Nos. 398-3, 962-3, 1040-3, 1203-3 & 1923-3 will be sent to you. If you have any questions, please contact me.

Sincerely,

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

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

enclosures



1923-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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January 25, 2019

NOTICE

TO: TOM GILBERT, OPERATOR, 18658 387TH AVE, HITCHCOCK, SD 57348

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaires

Our records indicate your 2018 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 3126-3 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) 398-3, 1203-3 & 1923-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 398-3, 1203-3 & 1923-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, the Water Rights Staff will recommend to the Board these water rights be suspended for a period of up to three years.**
2. Amend Permit No(s) 3126-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us). If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: MONTE NEITZEL, 1 COUNTY RD 24, TULARE, SD 57476

**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.

1923-3



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

February 7, 2019

398-3  
1203-3  
1923-3  
3126-3

Tom Gilbert  
18658 387<sup>th</sup> Ave  
Hitchcock SD 57348

Dear Mr. Gilbert:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right Nos. 398-3, 1203-3, 1923-3 and 3126-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

As requested, the irrigation questionnaire for Water Right No. 1923-3 will be directed to Alan Neitzel beginning in the fall of this year. If you have any questions, please contact me.

Sincerely,

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

C: Monte Neitzel, 1 County Rd 24, Tulare, SD 57476



1923-3

**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

November 23, 2022

398-3  
1203-3  
1923-3

Alan Neitzel  
17739 385<sup>th</sup> Ave  
Redfield SD 57469

Dear Mr. Neitzel:

Thank you for taking the time to visit with me concerning water rights listed in the name of Monte Neitzel.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing ownership changes. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$150). The check or money order for the fee can be made payable to the Water Rights Program.

Also enclosed are copies of Water Right Nos. 398-3, 1203-3 and 1923-3 listed under Monte's name and Water Right No. 1040-3, listed under your name. You may keep these for your records.

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

Sincerely,

Genny McMath  
Water Rights Program  
605 773-3352  
Genny.mcmath@state.sd.us

enclosures