



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 3, 2002

John Hagemann
202 Calumet Drive
Yankton SD 57078

Dear Mr. Hagemann:

For several years, Gurney Seed & Nursery Co. Inc. held water rights for irrigation use in Yankton County. It is our understanding that you now own portions of the property that is covered by water rights held by Gurney Seed & Nursery Co. Inc.

- Water Right No. 1961-3 authorized irrigation in portions of Lot 1 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17-T93N-R55W.

In an effort to keep our records accurate we would like to know if you irrigate any of the above listed lands. If so, the water right should be transferred to your name.

Please call or write and let us know the status of irrigation on this property. If you are irrigating this land, we will send you the proper forms to get the water right transferred to you. Enclosed is a postage prepaid envelope for your response.

If you have any questions, please contact Genny McMath or me. Thank you for your cooperation.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

Water Rights Program - File Documentation

NAME: John Hageman

ADDRESS: 202 Calument Drive , Yankton SD 57078

DATE: 1-18-2002 COUNTY: Yankton TELEPHONE:

RE: Transfer of No. 1961-3

COMMENTS:

John Hageman called regarding my January 3, 2002 letter concerning transfer of water rights held by Gurney Seed & Nursery Co., Inc.

Mr. Hageman stated that he owns the NE ¼ NE ¼ Section 17-T93N-R55W. This is a portion of the land covered by No. 1961-3. Mr. Hageman indicated they will probably irrigate next year. I told him I would send him a Notice of Transfer form for the land he owns.



Karen Schlaak
Environmental Scientist



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and NATURAL RESOURCES

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

January 18, 2002

No. 1961-3

John Hageman
202 Calumet Drive
Yankton SD 57078

Dear Mr. Hageman:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 1961-3. The water right is currently listed in the name of Gurney Seed & Nursery Co. Inc. Enclosed is a copy of the Water License No. 1961-3. I am assuming that you own the land located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17 and M-Tron Industries owns the land located in Lot 1 Section 17. If this is not the case, let me know. M-Tron Industries has indicated they will not be irrigating in the future.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

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

Also, enclosed is a copy of the yearly irrigation questionnaire form that you will be required to complete every year.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



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

June 13, 2002

No. 1961-3

John Hageman
202 Calumet Drive
Yankton SD 57078

Dear Mr. Hageman:

On January 18, 2002 we sent you a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 1961-3. As of today, we have not received the form. Enclosed is another form

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

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

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

RECEIPT
Water Rights Program
South Dakota Department of Environment and Natural Resources

NO 417191

Pierre, June 21, 20 02

RECEIVED OF Yankton Motor Company, 3400 East Highway 50, Yankton SD 57078 (John Heyemann)
the following amount in fees for services rendered as provided for by law: (Gurney Seed and Nursery Co., Inc.)

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 <u>1961-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By Darlene E. White
Chief Engineer gm

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

JUN 21 2002

WATER RIGHTS
PROGRAM

No. 1961-3

Date:

6-18-02

I/We request that Water Right No. 1961-3

formerly owned by: Gurney Seed and Nursery Co., Inc.

be transferred to: (name & address) John Hagemann, 202 Calumet Drive,
Yankton, S.D. 57078 Telephone No. 605-665-4418

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

37.4 acres - NE 1/4 NE 1/4 Sec 17-T93N-R55W

I/We understand that the validity of Water Right No. 1961-3 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 Yankton)

I/We John Hagemann 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.

John Hagemann
(Signed by new owner)

Subscribed and sworn to before me this 18th day of June, 2002

Kaye A. Koch
(Notary Public)

7-22-04

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

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



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and NATURAL RESOURCES

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

JUL 30 2002

1961A-3

John Hagemann
202 Calumet Drive
Yankton SD 57078

Dear Mr. Hagemann:

Enclosed is your reissued Water License No. 1961A-3.

Ownership changes have been filed with Water License No. 1961-3, held by Gurney Seed & Nursery Company Inc. The water right has been divided and reissued to reflect separate ownership.

- No. 1961A-3, John Hagemann: authorizes diversion of 0.53 cfs from a well located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ to irrigate 37.4 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17, T93N, R55W.
- No. 1961B-3, M-Tron Industries: authorizes irrigation from the same well located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ to irrigate 24.4 acres in Lot 1, Section 17, T93N, R55W.

As long as you use the water beneficially, as stated in Water License No. 1961A-3, SD Water Laws provide that you have a continuing right to the use of the water.

Also enclosed is your Receipt No. 417191 in the amount of \$2.50 which you paid for filing the ownership change. If you have any questions concerning the reissued License, please contact us.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 1961A-3
DIVISION OF 1961-3 INTO 1961A-3 AND 1961B-3

(1) Gurney Seed & Nursery Company Inc was issued Water License No. 1961-3, June 7, 1974 for a water right to divert 0.88 cubic feet of water per second from ground water (one well), Yankton County, South Dakota for irrigation purposes. Permit No. 1961-3, with a priority date of February 13, 1973 was issued to the permit holder for diversion of water with construction of the described water supply system completed and for the application to beneficial use of water completed.

The original license authorized irrigation of 61.8 acres in the NE ¼ NE ¼ and Lot 1 of Section 17, T93N, R55W. Ownership changes have been filed with Water Right No. 1961-3. The water right has been divided and reissued to reflect separate ownership.

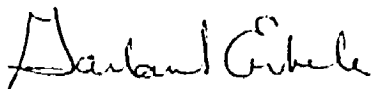
- **No. 1961A-3, John Hagemann:** authorizes diversion of 0.53 cfs from a well located in the NE ¼ NE ¼ to irrigate 37.4 acres in the NE ¼ NE ¼ Section 17, T93N, R55W.
- **No. 1961B-3, M-Tron Industries:** authorizes irrigation from the same well located in the NE ¼ NE ¼ to irrigate 24.4 acres in Lot 1, Section 17, T93N, R55W.

(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 0.53 cubic feet of water per second for beneficial use. The location of the diversion point is 1,040'S and 1,060'W of the NE corner of Section 17, T93N, R55W (NE ¼ NE ¼).

(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:

NE ¼ NE ¼ Section 17, T93N, R55W – 37.4 acres

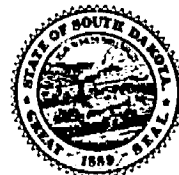
(4) Pursuant to South Dakota Water Law 46-5-30.1 John Hagemann, 202 Calumet Drive, Yankton, SD 57078 the holder and/or owner of Water Right No. 1961A-3 is issued a license to appropriate water, the right to use 0.53 cubic feet of water per second from ground water (one well) with a priority date of February 13, 1973 from the location specified in (2) of this license. The water is 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. 1961-3 and subject to South Dakota State Law.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 30 2002

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 28, 2004

1961A-3

John Hagemann
803 Hillcrest Grand Ave
Yankton SD 57078-5118

Dear Mr. Hagemann:

Enclosed is a "Notice" dated October 22, 2004 concerning the 2004 irrigation questionnaire. The notice was originally mailed to 202 Calumet Drive, Yankton SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

In July, 2002, Water Right No. 1961-3 was divided and reissued to reflect separate ownership as follows:

No. 1961A-3 – John Hagemann

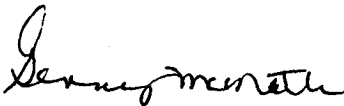
No. 1961B-3 – M-Tron Industries (subsequently cancelled)

On April 4, 2012, Don Starzl on behalf of Yankton Missouri River KOA filed an ownership change for a portion of the land described in No. 1961A-3 held by John Hageman.

No. 1961A-3 has been divided and reissued to reflect separate ownership as follows:

- **No. 1961C-3, Yankton Missouri River KOA:** diversion of 0.24 cfs to irrigate 17 acres in the NE ¼ NE ¼ Section 17, all in T93N, R55W.
- **No. 1961D-3, John Hagemann:** diversion of 0.29 cfs to irrigate 20.4 acres in the NE ¼ NE ¼ Section 17, T93N, R55W.

The well on the property is on land owned by the KOA. Mr. Hagemann has indicated that he does not irrigate and has no intent to irrigate. He requested his portion be cancelled. He indicated the land he has will at some point be annexed to the city.



Genny McMath
Environmental Scientist

File No. 1961A-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: John Hagemann, 803 Hillcrest Grand Ave., Yankton SD 57078

DATE: October 24, 2011 **TELEPHONE:** 605 665-4418

RE: Status of Water Right No. 1961A-3

COMMENTS:

The 2011 irrigation questionnaire submitted by Mr. Hageman indicated the use had been abandoned. I called and spoke with him to ask for sure if he had abandoned the right.

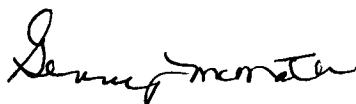
Mr. Hagemann stated he has not irrigated the land since he bought it and does not intend to irrigate. A chunk of the property was sold to a KOA and they made campsites out of the property. The well is actually on their land now.

The remaining 20 acres he still owns has been annexed to the city and will at some point in time be developed. Currently, he farms the land but says irrigation on 20 acres is not worth it and he is able to produce enough of a crop without it.

He agreed to cancellation of the water right.

NOTE:

Information will need to be obtained on who to contact with the KOA. Since they now own the property where the well is at, they should also receive notification of any cancellation proceedings.



Genny McMath
Environmental Scientist

McMath, Genny

From: Lori Mackey <lori@co.yankton.sd.us>
Sent: Tuesday, October 25, 2011 8:56 AM
To: McMath, Genny
Subject: RE: land ownership

The owner of record for the KOA campground is:

Yankton Missouri River Kampground LLC
807 Bill Baggs Rd
Yankton, SD 57078

Lori Mackey
Director of Equalization
Yankton County, SD
605-260-4485
lori@co.yankton.sd.us

From: Genny.McMath@state.sd.us [mailto:Genny.McMath@state.sd.us]
Sent: Tuesday, October 25, 2011 8:27 AM
To: Lori Mackey
Subject: land ownership

Ms. Mackey,
I am currently reviewing a water right for John Hagemann in Yankton with land described as follows: **NE ¼ NE ¼ Section 17, T93N, R55W (37.4 acres).**

Yesterday, I visited with Mr. Hagemann about the property and he indicated he had sold a portion of that land to a KOA and he retained ownership of 20 acres.

I need to contact the KOA about the water right and so need to know who the contact person is and also a mailing address for them. Is this information you would have?

Genny McMath
Water Rights Program
605.773.5455