

Water Right Number 1967-3

1. Considered MARCH 7, 1973
2. Name of Applicant MERLE OR LAVERNA FLYGER
3. Post Office Address HURLEY
4. Amount of Water claimed 2.28
5. Source of Water supply GROUND WATER
6. Water to be used for IRRIGATION

Acres to be irrigated 160

7. Water to be diverted and used in TURNER County
about 1 1/2 miles of HURLEY

8. Proof of Publication

Received 1ST

Not Received _____

9. Application

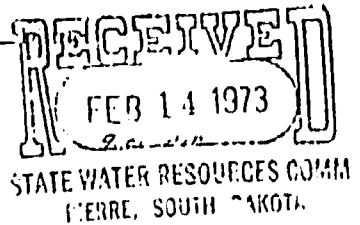
Approved _____

Subject to _____

Not Approved _____

Action Defered _____

10. Remarks:

No. 1967-3Map No. 1397-3 Water Division No. 3 VERMILLION 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) Jerry, Oliver and Jay, Halsey
At 2, Box 110, Parker

1. Name of Applicant Merkle & Katherine Halsey
Postoffice address Hurley State S. Dak
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Well Permit 11 E
4. Amount of water claimed (cubic feet per second) 2.25
5. Source of water supply Well
6. Location of point of diversion Sec 16 45.53
1500' North and 200' West of S.E. Corner Sec 16
County Turner
7. Annual period or periods during which water is to be used April - October
8. Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use, Total number of acres to be irrigated 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>N.E. 1/4 Sec 21 45.53</u>	<u>40</u>		
<u>N.W. 1/4 NE 1/4 " " " "</u>	<u>40</u>		
<u>S.E. 1/4 NE 1/4 " " " "</u>	<u>40</u>		
<u>S.E. 1/4 NE 1/4 " " " "</u>	<u>40</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 3 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Hurley Leader
12. Principal Features of the Proposed Water Supply System.

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

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

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$25,000.00Attachments: 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 Turner) ss.I, Merkle & Katherine Halsey the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Merkle & Katherine Halsey
Subscribed and sworn to before me this 17th day of Feb, 19 73William E. Halsey
Notary Public (or other qualified officer)

WELL LOCATION →
DIVERSION POINT

1350' as drilled

160 ACRES

CENTER OF SECT 21, 98, 53

AREA BY LEGAL SUBDIVISION
160 ACRES: NE 1/4 OF SECTION 21, T 98 N, R 53 W, 5TH RM.

SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA)
COUNTY OF MINNEHAHA) SS
I, HARLAN W. MEYER, A REGISTERED LAND SURVEYOR
IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY
CERTIFY THAT AT THE REQUEST OF MERL AND LUVENA FLYGER,
SOLE OWNERS, I HAVE SHOWN THE LAND PROPOSED TO BE IRRIGATED
WITHIN THEIR OWNERSHIP BOUNDARIES ON FEB. 9, 1973 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 9TH DAY OF FEB. 1973

Harlan W. Meyer
REGISTERED P.E.L.S. # 285

00000
00000
000

SCALE 1"=40'

MERL AND LUVENA FLYGER IRRIGATION PROJECT #1
SHOWS AREA TO BE IRRIGATED & WELL LOCATION WHERE FROM
WATER WILL BE DIVERTED - FOR PERMIT TO APPROPRIATE WATER

OWNER
SURVEYOR
MERL AND LUVENA FLYGER
HARLAN W. MEYER

WELL LOCATION →
DIVERSION POINT

1580'

16 15
21 22

160 ACRES

CENTER OF SECT 21, 98, 53

SCALE 1"=40'

AREA BY LEGAL SUBDIVISION
160 ACRES : NE 1/4 OF SECTION 21, T98N., R.53W. 5TH PM.

SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA)
COUNTY OF MINNEHAHA) SS

I, HARLAN W MEYER, A REGISTERED LAND SURVEYOR
IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY
CERTIFY THAT AT THE REQUEST OF MERL AND LUVERNA FLYGER,
SOLE OWNERS, I HAVE SHOWN THE LAND PROPOSED TO BE IRRIGATED
WITHIN THEIR OWNERSHIP BOUNDARIES ON FEB. 9, 1973 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 9TH DAY OF FEB. 1973

Harlan W. Meyer
REGISTERED P.E. & L.S. #495

MERL AND LUVERNA FLYGER IRRIGATION PROJECT #1,
SHOWS AREA TO BE IRRIGATED & WELL LOCATION WHERE FROM
WATER WILL BE DIVERTED - FOR PERMIT TO APPROPRIATE WATER

OWNER
SURVEYOR

MERL AND LUVERNA FLYGER
HARLAN W. MEYER

MAP NO 1397-3 (APPL NO 1967-2)

Trinity College, Hartford, Conn. WATERBURY

MERLE-OR-LAVERNA-FLYGER

HURLEY

(Applicant)

(Post Office Address)

SOUTH DAKOTA

(State)

With the following modifications:

Date of first receipt of application _____ FEBRUARY 14 , 19 73

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

Date of receipt of corrected application _____ 19____

Approved MARCH 8, 1973, Recorded in Book 12 Page 197

WATER RIGHT PERMIT NO. 1967-3

1. The date from which applicant may claim right is FEBRUARY 14, 1973

2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 8, 1975

3. The whole of said work is to be completed on or before MARCH 8, 1976

4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 8 1979

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 8 1979, said water to be used during the following described annual period: APRIL - OCTOBER

Witness my hand this 30TH day of MARCH 1973

WATER RESOURCES COMMISSION

Re :

Michael J. Quinn
Chief Engineer, Executive Officer

Certificate of Construction Issued October 16 1950

Water License Issued December 16 1980

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 3.2", Depth 75 ft.
 Type of casing Kelly Concrete
 (wood, concrete, steel, etc.)
 Size of casing 22" O.D., Thickness of casing 2 1/2" wall
 Length of casing 75 ft. If collection gallery, length, size and depth of gallery _____

(b) Screens

Type of perforated screen Concrete
 Size of perforated screen 7/16 to 1/2" tapered slot 22" O.D.
 (diameter) (length) 24 ft.
 Thickness of gravel pack 5", length of gravel pack to the top

(c) Water Bearing Materials

Distance to water 5 ft. Character of water bearing materials sand & gravel - excellent aquifer

Thickness of water bearing material 5' to 75' - 70 ft.

(d) Pump and Motor

Type of pump Horizontal
 (centrifugal, propeller, mixed flow, etc.)
 Name of pump Western Land Mfg. Co. size 8"
 Kind of motor Electric
 (gasoline, electric, diesel, etc.)
 Horsepower 7.5 hp. Name of Motor H. S.

(e) Complete well

Capacity 3000 gals. at drawdown of 30 ft. Estimated cost 6000

(f) Owner of land upon which well is located

Name Wm. S. Pledger
Locally 150 Address 57036

(g) Distance to nearest existing wells

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

1967-3

176-3

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: _____ 1/4 _____ 1/4 SE Section 16 Township 9S Range 5E
 Well owner Mark Hoyer (Name) Hering, SD (Address)
 Date well drilling completed 6/5/73 Purpose of well irrigation
 (Domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to bottom in feet	Description of layer	Depth to top of water producing aquifer _____ ft.
<u>0 - 26</u>	<u>Top soil</u>	Depth to static water level _____ ft.
<u>2 - 18</u>	<u>Clay</u>	Name of producing aquifer (if known) _____
<u>18 - 80</u>	<u>Sand & gravel</u>	Total depth of drill hole <u>80</u> ft.
		Depth to bottom of casing <u>80</u> ft.
		Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.
		<u>22" C.D. Rely Concrete Well Casing</u>
		Screen information: In the space below show length of screen below bottom of casing. Diameter and kind of screen or casing perforations.
		<u>12" C.D. Rely Concrete Well Screen</u>
		If a flowing well, flow of completed well _____ G.P.M.
		<u>Empire Irrigation Drilling Co., Inc.</u> Name of Drilling Contractor

Attach sheet if more space is needed

(2) PUMP INSTALLATION

Company name and size of pump Western Junior Peltier Co. 5" x 2" x 1 1/4" HP 75
 Type of pump Jet pump 1/5 hp 12 cfm Capacity of installed pump 600 G.P.M.
 Depth of pump placement 46 ft., Date of pump installation 6/5/73

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.402 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

February 2, 1973

Mr. Merle Flyger
Hurley
S.D. 57306

Dear Mr. Flyger:

Your water sample (73-044) received January 30, has been analyzed, with the results as indicated on the enclosed sheet.

The water is suitable for use on soils that have good surface permeability - sandy loams and loamy sands with less than 60 inches to a gravel or sand layer, or loams and silt loam soils with less than 40 inches to a gravel or sand layer underneath, but not suitable on soils that have silty clay loam texture or finer. The reason for this restriction is that the water carries enough salt so that internal soil drainage must be assured.

I am enclosing a copy of Extension Circular No. 654, which explains several features of water-soil relationships. Please see especially the back cover - your water quality is marked. If you have any question, please feel free to write or come in.

Sincerely yours,

107
Lawrence O. Fine, In charge
Water Quality Laboratory
S. D. S. U.

LCF:pap
Encl.

cc: Co. Ext. Agent
State Conservation Commission

February 15, 1973

Mr. Merle Flyger
Route 1
Harley, S.D. 57036

Dear Mr. Flyger:

Your water sample from the well 75 ft. deep in NE 1/4 21, T 98 N, R 53 W has been analyzed. A copy of the results is enclosed.

However, I cannot give a statement concerning suitability of the water until I have some specific information about the soil, as required by the State Conservation Commission. You should have received a 1-page form for this purpose. Specifically, we need information about the internal drainage of the soil.

Our general state soil association map shows this piece of land to be in the Spearhead-Viborg soil association, which has questionable internal drainage. Under these circumstances, the salinity problem could be appreciable in a few years.

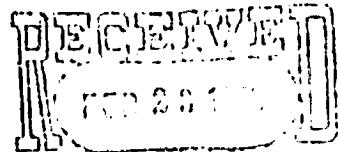
All I can say now is that the water is very questionable for the soil situation. I believe to prevail on this land. If a sandy or gravelly layer exists at a depth of 5-8 feet, the water is probably o.k. But if the soil gets tighter at a depth of about 5 feet, it is borderline to very questionable.

Upon receipt of specific soil information from you or through your Conservation District Soil Scientist, I can be more specific.

Sincerely yours,

Lawrence O. Fips, In charge
Water Quality Laboratory, SDES

LCF:pap
Encl.



STATE WATER RESOURCES COMM
PIERRE, SOUTH DAKOTA

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED

FOR COMMISSION USE ONLY

Irrigation System: CK

Water Quality: CK

Soils Capability: CK

Approved: General Schaefer

WATER RIGHT APPLICATION NO. _____

NAME: Merv E. and Mrs. LaVonne Flippen

ADDRESS: Harley S. Park

COUNTY: Turner

LEGAL DESCRIPTION

WELL LOCATION: SE 1/4 of SE 1/4 of section 16 - 98-53

SITE TO BE IRRIGATED: SE 1/4 of section 31 - 98-53

WATER QUALITY

TEST WELL SAMPLE: _____

SALINITY: _____

SODIUM: _____

LAND CAPABILITY FOR IRRIGATION

PERCENTAGE OF SLOPE: One percent (1%)

PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Deep, loamy, well drained soils on nearly level (0-2%) upland soils. They have few or no limitations in use. Capability

Class I & II Soil. Rep. Dist. Cons. SCS, Parker

TYPE OF IRRIGATION

GRAVITY: _____

SPRINKLER TYPE: Center Pivot Self Propelled

CROPS TO BE IRRIGATED

Corn Alfalfa etc.

I do hereby certify that a chemical analysis of the ground water to be acquired for irrigation from South Dakota State University and:

the land capability for irrigation information has been acquired from

J. W. Rezek, District Conservationist
Soil Conservation Service, Pierre SD

and:

that the legal description for the location of the well and land to be irrigated is true and correct.

Merle E. Flyger

Subscribed and sworn before me this

15th day of February 1913.

Alvin Threlk

Notary Public, South Dakota

(Title)

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57006

Submitted by: Worle Flyger
 Address: Hurley, South Dakota
57036

Date Rec'd: JANUARY 30, 1973
 Sample No. 73-044
 Identification _____

WATER ANALYSIS

Calcium (Ca)	408	ppm*	20.40	me/l**
Magnesium (Mg)	73	ppm	3.00	me/l
Sodium (Na)	63	ppm	2.74	me/l
Potassium (K)	19	ppm	0.49	me/l
Sulfate (SO ₄)	750	ppm	15.60	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	87	ppm	2.44	me/l
Bicarbonate (HCO ₃)	386	ppm	6.32	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)	1325	ppm	77	g.p.g.***
Alkalinity (Methyl Orange)	316	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	2370	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.75			
Sodium	9.24	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.08			
Others:				

*ppm=parts per million
 **me/l=milliequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 20.63 me/l
 Total anions 24.36 me/l

By: Shirley Mittan

Service Performed	Amount Due
Irrigation analysis	\$4.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 73-044

Amount Enclosed \$ _____

Signed _____

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57006

Submitted by: Merle Flyger
 Address: Rt. 1
Murley, South Dakota
57036

Date Rec'd: February 9, 1973
 Sample No.: 73-103
 Identification: Well-75
SE $\frac{1}{4}$, Sec. 16, T 98N, R 53W

WATER ANALYSIS

Calcium (Ca)	200	ppm*	10.00	me/l**
Magnesium (Mg)	107	ppm	8.76	me/l
Sodium (Na)	39	ppm	1.70	me/l
Potassium (K)	6	ppm	0.16	me/l
Sulfate (SO ₄)	844	ppm	17.56	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	17	ppm	0.48	me/l
Bicarbonate (HCO ₃)	215	ppm	3.52	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)	945	ppm	55	g.p.g.***
Alkalinity (Methyl Orange)	176	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1684	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.56			
Sodium	8.24	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.32			
Others:				

*ppm=parts per million

***g.p.g.=grains per gallon

**me/l=milliequivalents per liter

COMMENTS: **Total cations** 20.62 me/l
Total anions 21.56 me/l

By: Shirley Mitten

Service Performed

Amount Due

Irrigation analysis

\$4.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 73-103

Amount Enclosed \$

Signed

WATER LICENSE NO. 1967-3

(1) WHEREAS, On the 14th day of February, A. D. 19 73
Merle and LaVerna Flyger

made Water Right Application No. 1967-3 for a permit to use 2.28 cubic feet per second of the waters
of groundwater (one well)

County of Turner, State of South Dakota, for irrigation
purposes; and

(2) WHEREAS, On the 8th day of March, A. D. 19 73

Permit No. 1967-3, with a date of priority of February 14, 1973

was issued to said applicant s for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 8th day of March, A. D. 19 76 and for the

application to beneficial use of said water on or before the 8th day of March, A. D. 19 79

WHEREAS, on the 16th day of March, 1980 Permit No. 1967-3 was transferred to Jerry D.,
Calvin and Jay Graber of Parker, South Dakota.

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,

to irrigate a 136 acre circle in the NE 1/4, Section 21, T98N, R53W

(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 Jerry D., Calvin and Jay Graber

_____ of Parker, South Dakota

the holder s and owner s of said permit No. 1967-3 a water right, dating from February 14, 1980

_____ to use of 1.08 cubic feet per second of the waters of groundwater (one well)

in the County of Turner and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 1350 feet north and 200 feet west of the SE corner, Section 16, T98N, R52W (well is approximately 230 feet from the location shown on the map)

and conducted to and upon a 136 acre circle in the NE1/4, Section 21, T98N, R53N

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1967-3 and subject to the laws of the State of South Dakota.

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

this 16th day of September A. D.

Nineteen Hundred and Eighty

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 1967-3

Water Diversion No. 3 Vermillion River Water District
10170102

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Merle and LaVerna Flyger

_____ the holder _____ of
Permit No. 1967-3 issued upon Application No. 1967-3, bearing date of priority of February 14,
1973 authorizing the diversion of 2.29 cu. ft. per second of the waters of _____
groundwater (two wells) County of Turner, State of South Dakota at _____
a point 1350 feet north and 200 feet west of the SE corner, Section 16,
T98N, R53W (well is approximately 230 feet from the location shown on the
map _____, for irrigation

purposes, have 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 September 16, 1980


JOHN HATCH, Chief Engineer
Water Rights Division

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

SS

COUNTY OF TURNER)

JAMES E. WIFF, being first duly sworn, on oath says that THE HURLEY LEADER is a WEEKLY newspaper printed and published in HURLEY in said county of TURNER by JAMES E. WIFF, (an individual), and that affiant is SOLE OWNER of said HURLEY LEADER and is authorized to and does make this affidavit on behalf of said HURLEY LEADER; that affiant has personal knowledge of all the facts stated in this affidavit; that said newspaper is a legal newspaper as defined by SDG 65.0508 as amended, has a bona fide circulation of at least two hundred copies WEEKLY, has been published in the English language within said county and has been admitted to the United States mail under the second class mailing privilege, for at least one year continuously next prior to the publication of the notice herein mentioned and was and is printed wholly or in part in an office maintained at said place of publication; that said notice, a printed copy of which taken from the paper in which the same was published is hereto attached and is made a part of this

affidavit, was published in said newspaper 2 times as follows: that the first publication of said notice in said newspaper aforesaid was on Thurs the 22nd day of Febr, 19 73, and that the succeeding publications were severally

on Thurs, the 1st day of Mar, 19 73;

on _____, the _____ day of _____, 19 _____;

on _____, the _____ day of _____, 19 _____;

on _____, the _____ day of _____, 19 _____;

on _____, the _____ day of _____, 19 _____;

on _____, the _____ day of _____, 19 _____;

Affiant further says that the full amount of the fees charged for the publication of said notice inures to the benefit of the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, that no part thereof has been agreed to be paid to any person whomsoever; and that the fees charged for the publication thereof are:

DOLLARS (\$ 9.90)

Subscribed and sworn to before me this 27th

day March, 19 73.

James E. Wiff
Notary Public

NOTICE

Intent To Appropriate Water
Pierre, South Dakota 57501
February 16, 1973

Notice is hereby given that Merle or La Verna Flyger whose post office address is Hurley, 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 Flyger Well No. 3, the point of diversion of which is to be located in the SE 1/4 SE 1/4 of Section 16, Twp. 98N, Range 53W. Said water to be used for the purpose of providing irrigation on the following described land:

NE 1/4, Section 21, T98N, R53W.

This application No. 1967-3 will be considered by the Water Resources Commission at their office at Pierre upon the 7th day of March, 1973, at 2:00 P.M. All interested persons may appear and be heard.

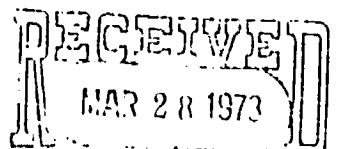
WATER RESOURCES COMMISSION,

Burton F. Jones,

Water Rights Specialist

CC: Merle Flyger, Hurley, S. D. 57036

Publish: Feb. 22, March 1, 1973



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

1967-3

Publish first publication, on or before February 22, 1973NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 16, 1973

Notice is hereby given that Merle or La Verna Flyger
whose post office address is Hurley, 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
Flyger Well #2, the point of diversion of which is to be located in the _____

NE 1/4 SE 1/4

of Section 16, Twp. 98N, Range 53E. Said water to be used for the purpose
of providing irrigation on the following described land:

NE 1/4, Section 21, T98N, R53E

This application No. 1967-3 will be considered by the Water Resources Commission at their office at
Pierre upon the 7th day of March, 1973, at 2:00 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

cc: Merle Flyger, Hurley, S.D. 57036

CONTRACT FOR DEED

THIS AGREEMENT, made and entered into this 14th day of March 1979, by and between Merle E. Flyger and LaVerna E. Flyger, husband and wife, of P. O. Hurley, South Dakota, hereinafter described as the Sellers and Jerry D. Graber, Calvin Graber, and Jay Graber, each with an undivided one-third interest, as tenants in common, of P. O. Parker, South Dakota, hereinafter described as Buyers.

WITNESSETH:

If the Buyers shall make the payments and perform the covenants hereinafter mentioned on their part to be made and performed, the Sellers hereby covenant and agree to convey and assure to the Buyers in fee simple, clear of all encumbrances, whatever, by a good and sufficient Warranty Deed, the real property situated in the County of Turner and State of South Dakota described as:

The South Half ($S\frac{1}{2}$) of Section Sixteen (16),
Township Ninety-eight (98), Range Fifty-three
(53), Turner County, South Dakota

and The Northeast Quarter ($NE\frac{1}{4}$) of Section Twenty-one (21), Township Ninety-eight (98), Range Fifty-three (53), Turner County, South Dakota

The foregoing real estate includes the Sellers' residential home, along with a small garage and well, all located on one acre (1 A), the value of which is Fifty-one Thousand and no/100 Dollars (\$51,000.00);

The foregoing real estate also includes buildings and structures as follows: small house #2, barn #1 south barn, barn #2 north barn, steel hay and machine shed, 18,000 bushel granary with equipment, machine shed, combination garage and shop, two upright silos, and cement block machine shed.

As consideration therefor the Buyers hereby covenant and agree to pay to the Sellers the sum of Six Hundred Thirty Thousand Nine Hundred and no/100 Dollars (\$630,900.00) payable at the Sellers' address at Hurley, South Dakota, in the following manner:

The sum of Twenty Thousand and no/100 Dollars (\$20,000.00) down, the receipt of which is herety acknowledged.

The sum of One Hundred Thirty-three Thousand Nine Hundred and no/100 Dollars (\$133,900.00) on or before March 1, 1979.

The principal balance remaining in the amount of Four Hundred Seventy-seven Thousand and no/100 Dollars (\$477,000.00) due and payable in principal installments with interest on the dates as set forth in the schedule marked Exhibit "A", attached to this Contract and by reference made a part hereof.

As noted, the unpaid principal amounts carry interest at the rate of seven and one-half percent (7½%) per annum computed as of March 1, 1979.

In regard to prepayment of principal, there shall be no prepayment of principal prior to March 1, 1980. Thereafter, Buyers are restricted to making prepavments of principal in multiples of One Thousand and no/100 Dollars (\$1,000.00) on any of the principal and interest payment dates, provided that in no year in question can the total principal payment under this Contract exceed Sixty Thousand and no/100 Dollars (\$60,000.00). For any prepayments of principal, the payment schedule shall be adjusted accordingly.

It is further agreed between the parties hereto that the premises are presently subject to a Federal Land Bank Association loan and mortgage. The Sellers covenant to continue to make such payments as are required by the loan and mortgage and they further agree that in the event that they fail to do so, they authorize the Buyers to make such payments to the Federal Land Bank Association and credit the same against any sums due the Sellers and the payment schedule shall be adjusted accordingly.

It is further agreed that the Buyers cannot sell, assign or pledge their interest in this Contract for Deed or any part of the premises without the Sellers' prior written

approval and consent, which consent will not be unreasonably withheld, so long as the premises remain as a unit and no change or amendment to the payment schedule and prepayment restrictions are made which vary from the terms as set forth in this Contract. Notwithstanding the foregoing, the Sellers agree that the Buyers may sell, assign or transfer their interest therein to or among themselves or members of their immediate families or any corporation or partnership owned or substantially controlled by the Buyers without prior written approval or consent of the Sellers, again so long as the schedule of payments and prepayment privileges are not altered.

The Sellers shall pay the 1978 real estate taxes due and payable in 1979; Buyers shall pay all real estate taxes thereafter.

The Buyers shall have possession of said premises and the rents, issues and profits therefrom as of March 1, 1979.

After receiving possession and prior to payment of the full purchase price as provided herein, Buyers shall maintain said property in substantially as good condition as at the time of acquiring possession, reasonable wear and tear excepted, and shall commit no damage or waste thereon nor permit any to be done.

Buyers shall make no structural alterations or changes or removal to or from any of the buildings or structures or facilities located on the premises which would substantially reduce the value of the premises.

Buyers shall keep the buildings and structures on the premises insured against fire, wind and extended coverage in a company and in a sum satisfactory to the Sellers with loss payable as the interest of the parties shall appear. In addition to the above insurance, standard farm premises liability insurance shall

be secured and maintained by the Buyers in a company and in a sum satisfactory to the Sellers, covering and protecting both Sellers and Buyers.

In case of the failure of the Buyers to make any of the payments of principal or interest or any part thereof as provided herein or perform any of the covenants hereby made and entered into by the Buyers, the whole of said payments and interest shall, at the election of the Sellers and upon Sellers giving written notice to Buyers, become immediately due and payable and this Contract shall be forfeited and determined. Said notice must be given 45 days prior to the whole of said payments and interest becoming due and shall set forth the amounts due upon said Contract, and the place where payment thereof can be made by Buyers within said number of days so as to retain their right to make installment payments according to the terms of this Contract.

It is mutually understood and agreed by and between the parties to this Contract that the provisions herein constitute a reasonable and sufficient notice to be given to Buyers in case of failure to perform any of the covenants on Buyers' part hereby made and entered into, and shall be sufficient to cancel all obligations hereunto on the part of Sellers and fully reinvest Sellers with all right, title and interest hereby agreed to be conveyed, and Buyers shall, as liquidated damages which it is hereby agreed cannot be otherwise ascertained, forfeit all payments made on this Contract, together with all right, title and interest in all buildings and other improvements whatsoever, and such payments and improvements shall be retained by Sellers in full satisfaction and in liquidation of all damages sustained by Sellers who shall have the right to re-enter and take possession of the premises aforesaid and to forthwith foreclose this Contract according to law.

Sellers will deliver to Buyers on demand duly certified abstracts of title to said property (such abstracts to include this Contract, if recorded) for examination and will promptly take proper steps within a reasonable time prior to full payment of the purchase price as provided herein to overcome any legal and valid objections to the title, and upon payment of the full balance of the purchase price will deliver to Buyers a Warranty Deed as above provided together with said abstracts of title to said property duly certified showing marketable title in Sellers free and clear of all encumbrances, except those which might have been created by Buyers, and except easements of record and building restrictions and subject to applicable zoning ordinances. Sellers shall not be required to certify said abstract more than once unless it should be necessary to re-certify it so as to show marketable title in Sellers after steps have been taken as set forth above to overcome any legal and valid objections to title.

IT IS MUTUALLY AGREED by and between the parties hereto that the time of payment shall be an essential part of this Contract and that all the covenants and agreements herein contained shall extend to and be obligatory upon the heirs, executors, administrators and assigns of the respective parties.

IN TESTIMONY WHEREOF, the parties have hereunto set their hands and seals the date and year hereinbefore written.

<u>Merle E. Flyger</u>	SELLER
<u>LaVerna E. Flyger</u>	SELLER
<u>Jerry D. Graber</u>	BUYER
<u>Calvin Graber</u>	BUYER
<u>Jay Graber</u>	BUYER

STATE OF SOUTH DAKOTA

SS

COUNTY OF TURNER

On this the 14th day of March, 1979, before me, Robert J. Haar, the undersigned officer, personally appeared Merle E. Flyger and LaVerna E. Flyger, husband and wife as Sellers, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF I have hereunto set my hand and official seal.

Robert J. Haar
Notary Public - South Dakota

(SEAL)

My commission expires September 30, 1981.

.....

STATE OF SOUTH DAKOTA

SS

COUNTY OF TURNER

On this the 14th day of March, 1979, before me, Robert J. Haar, the undersigned officer, personally appeared Jerry D. Graber, Calvin Graber and Jay Graber, as Buyers, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.,

IN WITNESS WHEREOF I have hereunto set my hand and official seal.

Robert J. Haar
Notary Public - South Dakota

(SEAL)

My commission expires September 30, 1981.

EXHIBIT "A"

Total Purchase Price of Property: \$672,000.00
Less Amount for Personal Property 41,100.00
Contract for Deed: \$630,900.00
Less Downpayment: 20,000.00
Less Payment of 3-1-79 133,900.00
Contract amount to be made in installments: \$477,000.00

<u>Payment Date</u>	<u>Principal</u>	<u>Interest @7½%</u>
March 1, 1980	\$10,000.00	\$ 35,775.00
March 1, 1981	10,000.00	35,025.00
March 1, 1982	10,000.00	34,275.00
March 1, 1983	10,000.00	33,525.00
March 1, 1984	10,000.00	32,775.00
March 1, 1985	10,000.00	32,025.00
March 1, 1986	10,000.00	31,275.00
March 1, 1987	10,000.00	30,525.00
March 1, 1988	10,000.00	29,775.00
March 1, 1989	387,000.00	29,025.00

*Filed for record
14th day of March 1979
at 2:15 o'clock p.m.
and recorded in
Book 91 and page 167.*

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 6867

PIERRE, March 16, 1979

RECEIVED OF Merle E. Flyger, Hurley, SD 57036

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

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____			
Fee for inspecting Construction, and Issuing Cert. of Construction No. _____			
Fee for inspecting Beneficial Use, and Issuing Water License No. _____			
Fee for Issuing Location Certificate-Dry Draw, No. _____			
Fee for filing transfer transfer of water right No. 1267	3	2	00
Fee for certified copy of _____			
Fee for Print copy of map _____			
Fee for Certifying _____			
Fee for _____ (any other work as provided by law)			
TOTAL		2	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

9Y



Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

March 19, 1979

Merle E. Flyger
Hurley,
South Dakota 57036

Dear Mr. Flyger:

Enclosed is receipt No. 4 6867 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 1967-3.

Jerry, Calvin & Jay Graber
Our records now show ~~you~~ as the owner of this Water Right.

Very truly yours,

GENNY YOUNG, Staff Assistant
Water Rights Commission

gy

Enclosure

cc: Jerry, Calvin & Jay Graber, Parker, SD

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7693

PIERRE, September 16, 1933

RECEIVED OF Graber Jerseys, Inc., Rt. 2, Box 110, Parker, SD 57053
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No. 1267-3	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 1267-3		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filling		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By (J. H. H.) J. H. H.
Chief Engineer, Executive Officer
JOHN HATCH / (JH)

Permit No. 1967-3Water Division 3 VERMILLION RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by JERRY, CALVIN
& JAY GRABOR of PARKER holder
 of Permit No. 1967-3, bearing date of priority of FEBRUARY 14, 1973
 authorizing the diversion of 2.28 cu. ft. per second of the waters of GROUNDWATER
 for IRRIGATION purposes, in TURNER County.

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

The Water Use System consists of,

A. Works used to divert the water:

75' DEEP WELL WITH 20" ASBESTOS-CONCRETE CASING
 WESTERN LAND ROLLER #8" PUMP - 5 - 12CM BOWLS SERIAL #57328
 POWERED BY 75HP US ELECTRIC MOTOR

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

2700' OF 8" BURIED PLASTIC LINE TO PIVOT PAD

C. Works used to apply water to beneficial use.

7 TOWER ZIMMATIC CENTER PIVOT SYSTEM WITH
 #200 NELSON END GUN

The system is in the following condition: GOOD

The point of diversion is located 1350' N & 200' W OF THE SE CORNER,
SECTION 16, T98N, R53W (WELL APPROX 330' FROM LOCATION)
 (SHOWN ON APPLICATION)

The works are capable of diverting and conveying to the place of use 1.88 (850 GPM)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
NE⁴ SECTION 21, T98N, R53W

comprising a total of 136 acres of land.Date SEPTEMBER 4, 1980

Dustin Jones
 (Signature)



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

April 10, 1986

1967-3

Calvin Graber
RR 2, Box 110
Parker SD 57053

Dear Mr. Graber:

I am writing in response to your letter of April 8, 1986 in which you stated you had already submitted your 1985 irrigation questionnaire. In checking through last year's questionnaires, I believe I have found where the discrepancy occurred.

There are two water rights on file in our office in your name, Water Right No. 1967-3 and Water Right No. 176-3. When you returned last year's irrigation data, all information was credited to Water Right No. 176-3 for the form that we received. This left irrigation data for No. 1967-3 still outstanding.

I have completed a questionnaire for No. 1967-3 stating that the information is contained on the questionnaire for No. 176-3. I apologize for the error and any inconvenience this has caused you. Thank you for bringing this matter to our attention. If you have any questions, please advise.

Sincerely,

GENNY MCMATH
Natural Resources Analyst

GM:ks

Equal Opportunity Employer

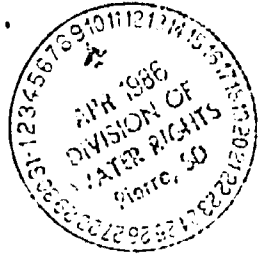
1967-3/176-3
Tel: 605/925-4688



Graber Jerseys, Inc.

R.R. 2, Box 110
Parker, South Dakota 57053

April 8, 1986



John:

We were very disheartened to receive your letter of March 31, 1986, threatening us with a hearing due to a misconception on your part that we had not submitted our 1985 Irrigation Questionnaire.

Our files indicate we have returned this important document. If you are not satisfied with this claim, please send another form so we can copy the figures from our copy and resubmit the questionnaire.

If we do not receive a response or another questionnaire form we will assume everything is O.K., and we will consider this matter to be settled.

In any event we will not waste our valuable time to attend your kangaroo court hearing in Pierre, and we resent the fact that your office would send a threatening letter when the disparagement appears to be in your office. We would suggest that your office could possibly expend greater energy dealing with ETSI, and less time harassing this state's farmers.

Sincerely,

Calvin Graber



Department of Water & Natural Resources

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

#176-3
#1967-3

February 17, 1989

Jerry, Jay, & Calvin Graber
RR 2, Box 110
Parker, SD 57053

Dear Sirs:

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;

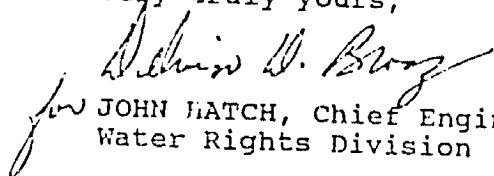


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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



1967-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 30, 1996

NOTICE

TO: JERRY, JAY & CALVIN GRABER, RR 2 BOX 110, PARKER, SD 57053

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

SUBJECT: Violation of Requirement to Submit 1995 Irrigation Questionnaire

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 1967-3, 176-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:45 am, March 6, 1996, 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) 1967-3, 176-3 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, 1996 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.

1967-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 14, 1996

176-3
1967-3
5448-3

Calvin & Linda Graber
44797 281st St
Parker, SD 57053

Dear Mr. & Mrs. Graber:

I am writing to acknowledge receipt of your 1995 irrigation questionnaires. You may disregard the January 30, 1996, Notice of Violation of Water Permit No. 5448-3 and Violation of the Requirement to Submit the 1995 irrigation questionnaires for Nos. 176-3 and 1967-3.

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



1967-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: JERRY, JAY & CALVIN GRABER, 44797 281ST ST, PARKER, SD 57053

**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) 176-3 & 1967-3. 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 1-25. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 176-3 & 1967-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



1767-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 1998

176-3
1967-3
5448-3

Jerry, Jay, Calvin & Linda Graber
44797 281st St
Parker, SD 57053

Dear Sirs:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notices" concerning reporting requirements for Water Permit Nos. 176-3, 1967-3 (Jerry, Jay & Calvin Graber) and 5448-3 (Linda Graber).

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

If you have any questions, please contact me.

Sincerely,

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



1967-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 21, 2004

176-3
1967-3

Jay and Calvin Graber
44797 281st St
Parker SD 57053

Dear Sirs:

Thank you for sending in the 2004 irrigation questionnaires. I noticed on the forms for Water Right Nos. 176-3 and 1967-3 that you crossed off Jerry's name from the address label. If your intent was to have the water right listed in only your names and omit Jerry, you will need to file an ownership change with our office. Anytime a name is changed, added or deleted from a water right, the transfer needs to be filed.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for filing ownership changes. Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

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

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

DEC 27 2004

WATER RIGHTS
PROGRAM

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

No. 1967-3

Date: 12-23-04

I/We request that Water Right No. 1967-3

formerly owned by: Jerry, Jay and Calvin Graber

be transferred to: (name & address) Jay and Calvin Graber, 44797 281st St, Parker SD 57053

Telephone No. 605 925-4688

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

136 acres – Section 21, T98N, R53W

I/We understand that the validity of Water Right No. 1967-3 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.

#We, CALVIN + JAY GRABER, the new owner, certify that the above information is true and correct.

Calvin + Jay Graber
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 27, 20 04

RECEIVED OF Greber Jerseys Inc. 44797 281st St. Parkder SD 57053

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1967-3</u>	2	50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

001557

By

Darland E. Ebel
Chief Engineer



1967-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 28, 2004

176-3
1967-3

Jay and Calvin Graber
44797 281st St
Parker SD 57053

Dear Sirs:

I am writing to acknowledge receipt of the ""Notice of Transfer of Ownership" forms and filing fees you submitted for transferring Water Right Nos. 176-3 and 1967-3. The transfers have been completed. Jerry's name was removed and the water rights are now listed in your names only.

Enclosed are your Receipt Nos. 001557 and 001558 in the amounts of \$2.50 each. You may keep these for your records.

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

Sincerely,

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

enclosures

NOT TO SCALE

98-53

153.1

BUILDINGS & TREES
HAVE BEEN PARTIALLY
REMOVED - ~~AREA~~ AREA IS
IRRIGATED,

2.5

149.5

11-L

1967-3

69.6

21

77.2

76.2

77.2

98-53

Map # ~~1397-3~~
w/r 1967-3



1967-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: JAY & CALVIN GRABER, 44797 281ST ST, PARKER, SD 57053
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaires

Our records indicate that the 2011 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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) 176-3, 1967-3 & 4152-3 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) 5448-3 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, 2012** 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) 5448-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 176-3, 1967-3 & 4152-3 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 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link:
<http://denr.sd.gov/iq.aspx>

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.

1967-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 1, 2012

Jay & Calvin Graber
44797 281st St
Parker SD 57053

RE: Water Right Nos. 176-3, 1967-3, 4152-3 and 5448-3

Dear Sirs:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right Nos. 176-3, 1967-3, 4152-3 and 5448-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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

1967-3

McMath, Genny

From: Calvin Graber <calgraber@yahoo.com>
Sent: Monday, November 29, 2021 9:02 PM
To: McMath, Genny
Subject: Re: [EXT] Water Rights

You may just include my name on the address. Thanks.

Calvin Graber

On Monday, November 29, 2021, 4:37:28 PM CST, McMath, Genny <genny.mcmath@state.sd.us> wrote:

Calvin,

I noticed when you submitted your irrigation questionnaires that you crossed Jay's name off the labels.

In order to remove Jay's name from the water right, you will need to file an ownership change for both Water Right Nos. 176-3 and 1967-3.

If you were just making a notation with respect to the irrigation questionnaire mailing each year, I can remove his name. That does not change ownership on the water right, just changes the address to which questionnaires are mailed.

Let me know how you want to handle it. Thanks in advance,

Genny McMath

DANR – Water Rights Program

773-3352 (main phone)

773-5455 (desk phone)

Website: danr.sd.gov