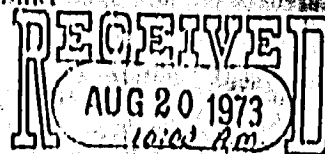


Water Right Number 2007-3

1. Considered SEPTEMBER 12, 19 73
2. Name of Applicant LEO MUHLENKORT
3. Post Office Address BERESFORD
4. Amount of water claimed 1.14
5. Source of water supply GROUND WATER
6. Water to be used for IRRIGATION
Acres to be irrigated 80
7. Water to be diverted and used in UNION County
about 3E 5S Miles of BERESFORD
8. Proof of Publication
Received 9-7-73
Not received
9. Application
Approved
Subject to
Not approved
Action deferred
10. Remarks:

App No. 1421-3 Water Division No. 3 BIG SIOUX RIVER District 1
 (Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

 1. Name of Applicant Leo Muhlankort
 Postoffice address Beresford State So. Dak.
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract3. Name of diversion work Well4. Amount of water claimed (cubic feet per second) 1200 gal./min. i.i.d.5. Source of water supply Well6. Location of point of diversion 1320' N and 1000' East of the SW Corner of Section26 - 95 - 50County Union7. Annual period or periods during which water is to be used June - August8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Crop Irrigation9. For irrigation use, Total number of acres to be irrigated 80

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>S1/4 26 - 95 - 50</u>	<u>80</u>		

Attach sheet if more space is needed

 10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 5 years. ARGUS LEADER
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Beresford Republic

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.

Well with SprinklerEstimated Total Cost \$ \$26,000.00
 Attachments: Attach Form 2V 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 UnionI, Leo Muhlankort 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 Leo MuhlankortSubscribed and sworn to before me this 17th day of August 19 73

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The ^{Rights} Water ~~Commission~~ Commission hereby approves Water Right Application No. 2007-3
LEO MUELLENKORT BERESFORD
 (Applicant) (Post Office Address)
SOUTH DAKOTA With the following modifications:
 (State)

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

Date of first receipt of application AUGUST 20 19 73
 Date of return to applicant for correction, amendments or changes required AUGUST 21 19 73
 Date of receipt of corrected application AUGUST 28 19 73
 Approved SEPTEMBER 12 19 73 Recorded in Book 12 Page 255

WATER RIGHT PERMIT NO. 2007-3

The Water ^{Rights} ~~Commission~~ Commission hereby grants and issues this Water Right Permit No. 2007-3 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 AUGUST 20 19 73
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 12 19 76
3. The whole of said work is to be completed on or before SEPTEMBER 12 19 78
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 12 19 78
5. The water appropriated shall be used for the purpose of ~~WATER SUPPLY~~ IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, 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 1.14 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 SEPTEMBER 12 19 73; said water to be used during the following described annual period: JUNE THRU AUGUST

Witness my hand this 17TH day of SEPTEMBER 19 73

WATER RIGHTS COMMISSION

By: Donald D. Dierckel
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 _____

Water License Issued _____ 19 _____

Conservation
Commission
Form WI #1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SECL 40-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE ONLY

Irrigation System: OK

Water Quality: OK

Soils Capability: OK

Approved: 8/18/93

Disapproved: 8/18/93

NAME: Leo Muhlenkort

ADDRESS: Beresford, South Dakota 57004

COUNTY: Union

LEGAL DESCRIPTION

1. WELL LOCATION: SW $\frac{1}{4}$ 26 - 9 $\frac{1}{4}$ - 50

2. AREA TO BE IRRIGATED: 80 acres

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): Sprinkler

4. CROPS TO BE IRRIGATED: row crop

LAND CAPABILITY FOR IRRIGATION:

5. PERCENTAGE OF SLOPE: 3%

6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION:

2M/D Deep medium moderately fine textured, well drained

soils developed on deep loess on the uplands.

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: no sample taken but other wells in immediate area are suitable for irrigation

8. SALINITY: ok

9. SODIUM: ok

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

Charles K. D. Hagen, D.C. Soil Conservation Service
and: Eld Point, South Dakota.

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

Leo M. H. Hagen

Subscribed and sworn before me this

27 day of Aug 1973.

Robert M. Macy

Notary Public

(Title)

Note: - No chemical analysis taken from that well
but other wells in the area are available

E. K. Dellyson D.C.
S.C.S.
Eld Point, South Dakota.

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

D. Well Information or Estimates

(1) Drill Hole, Diameter 36", Depth 70
(2) Casing, Type Concrete Diameter 18" Thickness 2 1/2"
(wood, concrete, steel, etc)
(3) Perforated Screen.
Type slotted, Diameter 18", Length 30'
(4) Gravel Pack, Thickness 64 9", Length of gravel pack 30'

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

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

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

Character of Water bearing materials Pierre Sand

Depth to top of water bearing material 8'

Depth to bottom of water bearing material 70'

Thickness of water bearing material 62'

Depth to water (ground surface to water level) 8'

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

On same owner's property - rds. On property owned by others 70 rds.

G. Water Storage Dams.

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

Leo Marchbanks
Signature of Applicant

Form 6 - Notice of Intent to Appropriate Water

2007-3

Publish first publication, on or before August 31, 1973

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

August 28, 1973

Notice is hereby given that Leo Muhlenkort

whose post office address is Beresford, 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

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

Muhlenkort Irrigation Well, the point of diversion of which is to be located in the

SW 1/4

of Section 26, T. 95N, Range 50W. Said water to be used for the purpose of providing irrigation on the following described land:

S 1/2 SW 1/4, Section 26, T95N, R50W

This application No. 2007-3 will be considered by the Water Rights Commission at the Community Room of the Grant County Courthouse in Milbank, S. Dak. Pierre upon the 12th day of September, 1973, at 2:00 P.M. All interested persons may appear and be heard.

cc: Leo Muhlenkort
Beresford, S. D. 57004

~~WATER RESOURCES COMMISSION~~
WATER RIGHTS COMMISSION

By:

Burton F. Jones
Water Right Specialist

No. 2007-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Minnehaha) ss.

I, C. W. Lockhart hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Sioux Falls Argus Leader

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

Sioux Falls Argus Leader at Sioux Falls

County of Minnehaha and State of South Dakota;
that the said notice was published in said newspaper on the following
four dates:

Thursday 30, August 1973

Thursday 6, September 1973

C. W. Lockhart
(Signature)

Controller
(Title)

September 6, 1973
(Date Signed)

Eleanor Tague
Eleanor Tague
My Commission Expires
June 30, 1974

No. 2007-3
NOTICE INTENT
TO APPROPRIATE WATER

Pierre,
South Dakota 57501

August 28, 1973

Notice is hereby given that Leo
Muhlenkott whose post office address is
Berestford, 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 1.14 cubic feet of water per
second at time from the ground water
through the Muhlenkott Irrigation Well,
the point of diversion of which is to be
located in the SW1/4SW1/4 of Section 26,
Twp. 93N, Range 50 W. Said water to be
used for the purpose of providing
irrigation on the following described land:
SW1/4SW1/4, Section 26, T93N, R50W

This application No. 2007-3 will be
considered by the Water Rights Com-
mission at the Community Room of the
Grant County Courthouse in Milbank, S.
Dak., upon the 12th day of September,
1973, at 2:00 P.M. All interested persons
may appear and be heard.

WATER RIGHTS COMMISSION

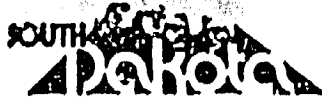
By: Burton F. Jones

Water Right Specialist

Aug. 30, Sept. 6, 1973

RECEIVED
SEP 7 1973

STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA



Department of Water & Natural Resources

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

April 14, 1987

Merle Miller, Trustee
Union County Land Trust
3317 South West Ave
Sioux Falls SD 57105

Dear Mr. Miller:

Enclosed are copies of Notice of Transfer of Water Permit forms. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 each (\$15.00 total).

Upon receipt of the enclosed forms and filing fees the permits will be transferred to the proper name. 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.

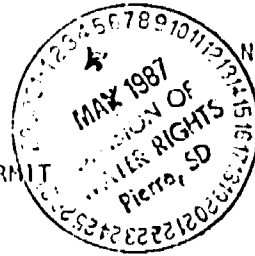
Please advise if you have any questions.

Sincerely,

GENNY MCMATH
Natural Resources Analyst

enclosures

2007-3



NO. 2007-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 4-15-87

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

80 acres - S 1/2 SW 1/4 Section 26, T95N, R50W

formerly owned by Leo Muhlenkort

has been transferred to Union County Land Trust, 3317 South West Ave
Siox Falls, So. Dak. 57105
(please include complete mailing address)

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

Water Right Permit No. 2007-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Minnehaha) ss.

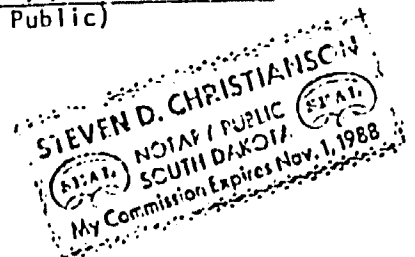
I, Merle W. Miller being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Merle W. Miller Trustee
Merle W. Miller
(Signed)

Subscribed and sworn to before me this 1st Day of May, 1987.

Steven D. Christianson Merle W. Miller
(Notary Public)

Commission Expires 9-10-93



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410877

Pierre, May 11, 197

RECEIVED OF Merle W. Miller, Trustee, Union County Land Trust, 3317 South West Avenue
the following amount in fees for services rendered as provided for by law: Sioux Falls, SD 57105

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2007-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)		
Total	2	50

By John Hatch
Chief Engineer JOHN HATCH (PS)

2007-3

 **Department of
Water & Natural Resources**

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

WATER RIGHTS DIVISION
(605) 773-3352

May 12, 1987

Merle W. Miller, Trustee
Union County Land Trust
3317 South West Avenue
Sioux Falls, South Dakota 57105

Dear Mr. Miller:

Enclosed are receipt Nos. 410876, 410877, 410878, 410279, 410880 and 410881 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 605-3, 2007-3, 2193-3, 2194-3, 4685-3 and 4684-3.

Our records now show Union County Land Trust as owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.



Department of Water & Natural Resources

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

March 23, 1987

LEO MUHLENKORT
RT 1 BOX 78A
BERESFORD, SD 57004

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 2007-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, 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. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 2007-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.

A handwritten signature in cursive script that reads "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.



Department of Water & Natural Resources

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

May 5, 1987

605-3	2007-3
2193-3	2194-3
4684-3	4685-3

Merle Miller
Union County Land Trust
3317 S West Ave
Sioux Falls, SD 57105

Dear :

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to James, Henry, & Leo Muhlenkort March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 605-3, 2007-3, 2193-3, 2194-3, 4684-3 and 4685-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

The notice dated March 23, 1987 can be disregarded. These permit numbers have been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



South Dakota Department of Water & Natural Resources

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

February 8, 1989

MERLE MILLER
UNION COUNTY LAND TRUST
3317 SO WEST AV
SIOUX FALLS, SD 57105

NOTICE

RE: Violation of Water Permit No(s). 4684-3, 4685-3 and 1988 Irrigation Questionnaire Requirements

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 4684-3, 4685-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board has directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4684-3, 4685-3 qualification:

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

The hearing will also be to determine if Permit No. 605-3, 2007-3, 2193-3, 2194-3 should be amended with the qualification to require the Questionnaire to be submitted each year. The hearing will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

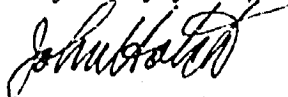
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 4684-3, 4685-3 until the 1988 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Amend Permit No(s). 605-3, 2007-3, 2193-3, 2194-3 also held by UNION COUNTY LAND TRUST to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. 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 is received in this office before the March 1st hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352





Department of Water & Natural Resources

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

March 6, 1989

605-3	2194-3
2007-3	4684-3
2193-3	4685-3

Merle Miller
Union County Land Trust
3317 So West Ave
Sioux Falls, SD 57105

Dear Mr. Miller:

I am writing to acknowledge receipt of your 1988 irrigation questionnaires for Water Permit Nos. 605-3, 2007-3, 2193-3, 2194-3, 4684-3 and 4685-3. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. Your questionnaires were received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

GREAT FACES. GREAT PLACES
February 1, 1991

UNION COUNTY LAND TRUST
3317 SO WEST AV
SIOUX FALLS SD 57105

NOTICE

RE: Violation of Water Permit No(s) 605-3, 2007-3, 2193-3, 2194-3, 4684-3, 4685-3 and 1990 Irrigation Questionnaire Requirements

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 605-3, 2007-3, 2193-3, 2194-3, 4684-3, 4685-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 4684-3, 4685-3 qualification:

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

The hearing will also be to determine if Permit No(s) 605-3, 2007-3, 2193-3, 2194-3 should be amended with the qualification to require the Questionnaire to be submitted each year. The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, 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. Following the hearing, the Water Management Board can:

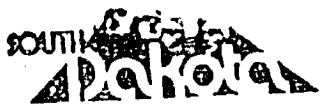
1. Suspend Permit No(s) 4684-3, 4685-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Amend Permit No(s) 605-3, 2007-3, 2193-3, 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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 February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



Department of Water & Natural Resources

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

March 5, 1991

Merle Miller
Union County Land Trust
3317 So. West Avenue
Sioux Falls, SD 57105

RE: Receipt of Irrigation Questionnaires for Water Permit Nos.
605-3, 2007-3, 2193-3, 2194-3, 4684-3 and 4685-3

Dear Mr. Miller:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Permit Nos. 605-3, 2007-3, 2193-3, 2194-3, 4684-3 and 4685-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



January 29, 1993

NOTICE

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE SOUT. DAKOTA 57501-3181

TO: UNION COUNTY LAND TRUST
3317 SO WEST AV
SIOUX FALLS SD 57105

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Water Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3, 4685-3 and 1992
Irrigation Questionnaire Requirements

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3, 4685-3. The request for the Questionnaires was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3 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) 4685-3 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, at 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 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 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) 4685-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaires are received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

2007-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 1993

Union County Land Trust
3317 S West Avenue
Sioux Falls, SD 57105

RE: Water Permit Nos. 605-3, 2007-3, 2193-3, 2194-3 & 4685-3

Dear Sirs:

I am writing to acknowledge receipt your 1992 irrigation questionnaires. You may disregard the January 29, 1993, Notice of Violation of the Requirement to Submit the 1992 Irrigation Questionnaires.

The questionnaires were received prior to the Water Management Board meeting, and your name was deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352



2007-3

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

February 7, 1995

UNION COUNTY LAND TRUST
MERLE MILLER
3801 S WESTERN
SIOUX FALLS SD 57105 6510

NOTICE

RE: Violation of Water Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3, 4685-3 and 1994 Irrigation Questionnaire Requirements

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3, 4685-3. The request for the Questionnaires was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3 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) 4685-3 qualification:

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

The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 2000 S 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 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 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) 4685-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



2007-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 28, 1995

Merle Miller
Union County Land Trust
3801 S Western
Sioux Falls, SD 57105-6510

RE: Water Permit Nos. 605-3, 2007-3, 2193-3, 2194-3 and 4685-3

Dear Mr. Miller:

I am writing to acknowledge receipt of your 1994 irrigation questionnaires. You may disregard the February 7, 1995, **Notice of Violation of Water Permit and of the Requirement to Submit the 1994 Irrigation Questionnaires.**

The questionnaire were 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 Division
(605) 773-3352



2007-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 30, 1996

NOTICE

TO: UNION COUNTY LAND TRUST, MERLE MILLER, 3801 S WESTERN, SIOUX FALLS, SD
57105 6510

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

SUBJECT: Violation of Water Permit No(s) 4685-3, 605-3, 2007-3, 2193-3 & 2194-3 and 1995 Irrigation Questionnaire Requirements

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 4685-3, 605-3, 2007-3, 2193-3 & 2194-3. The request for the Questionnaires 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 permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3 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) 4685-3 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 in 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) 4685-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 1, 1996, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



2007-3

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

March 1, 1996

Merle Miller
Union County Land Trust
3801 S Western
Sioux Falls, SD 57105-6510

RE: Irrigation Questionnaires for Water Permit Nos. 605-3, 2007-3, 2193-3, 2194-3 and 4685-3

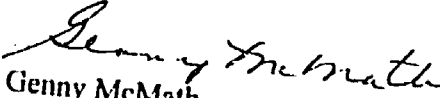
Dear Mr. Miller:

I am writing to acknowledge receipt of your 1995 irrigation questionnaires. You may disregard the January 30, 1996, Notice of Violation of Water Permits and Violation of the requirements to submit the 1995 irrigation questionnaires.

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**

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

July 24, 1996

2007-3
4685-3

Allen Andrews
RR 1 Box 63
Beresford, SD 57004

Dear Mr. Andrews:

Enclosed are two partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with Water Permit Nos. 2007-3 and 4685-3. The water permits are currently listed in the name of Union County Land Trust. Barry McLaury, with our office, stopped and visited with you about the permits on a recent field investigation trip.

Please review the forms and make any necessary changes. Upon completion, please sign the forms in the presence of a notary and return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

If you have any questions concerning the water permits or completion of the transfer forms, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 2007-3

Date: 9-16-96

I/We request that Water Permit No. 2007-3

formerly owned by: Union County Land Trustbe transferred to: (name & address) Allen Andrews, RR 1 Box 63, Beresford, SD 57004

Telephone No. (605) 253-2213

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

SW¼ Section 26, T95N, R50W

I/We understand that the validity of Water Permit No. 2007-3 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 attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Union)

I/We Allen Andrews 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.

X Allen Andrews
(Signed)

Subscribed and sworn to before me this 16th day of September, 1996.

Catherine H. Maustad
(Notary Public) 2-8-99

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.



2007-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 1 1996

4685-3

Allen Andrews
RR 1, Box 63
Beresford, SD 57004

Dear Mr. Andrews:

Enclosed is Water License No. 4685-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 415105, 415106 and 415114 in the amount of \$2.50 and \$50.00 which you paid for the transfer of ownership and investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4685-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

ks
enclosures

NOTE: The applicable portions of Water Permit No. (2007-3) have been incorporated into this Water License No. 4685-3.

NOT TO SCALE

9-344
9
76.0

95-50

82-R

(9-34)
75.9

(9M27+)
74.6

13.0 (9-32)

Y
29.3

35.4

(9M298)
7.5

26

(9-33)
126.6

138.2

19.9

95 50