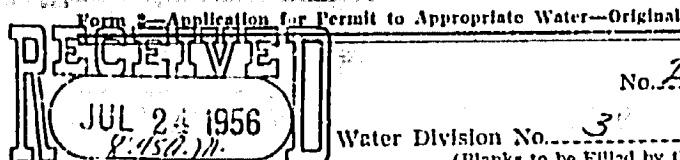


1. Considered September 17, 1956
2. Name of Applicant John H. & Paul A. Whitcomb 7 29-3
3. Post Office Address Union, S. Dak.
4. Amount of water claimed 342 CFS
5. Source of water supply well
6. Water to be used for irrigation
- Acres to be irrigated 240
7. Water to be diverted and used in May County about
4 miles South of Centerville
8. Proof of Publication Received ☒
Not Received ☐
9. Application Approved ☐
Subject to ☐
Not Approved ☐
Action deferred ☐

10. Remarks:



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

No. 229-3

Water Division No. 3 Vermillion River District
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant John H. and Burl A. Litzelman
Postoffice address Vermillion, County Clay, State S. Dak.

I. If a corporation

- (a) Name of same
(b) Date and place of incorporation
(c) Amount of capital stock
(d) Amount paid in
(e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Employment of others

(b) Cash on hand, \$ 16000.00

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$ 194,750.00

2. Name of diversion work John H. and Burl A. Litzelman Diversion Work # 2

3. Amount of water claimed 3.42 cubic feet per second

4. Source of water supply Well # 2

5. Location of point of diversion N. 32 degrees O.W., 1540' S. 1/4 corner of Sec. 14
Township 95 Range 52 Clay County on bank County.

6. Annual period or periods during which water is to be used March Through November

7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

(a) Number of acres to be irrigated 240 acres.

S.W. 1/4 of Sec. 14 Township 95 Range 52 Clay County and W. 1/2 of S.E. 1/4

(b) Legal subdivisions to be irrigated 1/4 Sec. 14 Township 95 Range 52 Clay C

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.)

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use
Name any of the above uses claimed

(b) Amount of power to be generated use power.

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

8. Estimated cost of work:

(a) Head Gates, \$.....

(b) Pumping plant, \$.....

(c) Fluming, \$.....

(d) Canal-earth, \$.....

Rock, \$.....

(e) Other structures\$.....

Total, \$.....

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

II. Dimensions of works:

(a) Dam: Height.....feet; length at bottomfeet; length at topfeet; thickness at bottomfeet; thickness at topfeet; slope at front water face; slope at back face material used in construction

(b) Reservoir: Capacity when filledacre feet. Surface area at highwater mark.....acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET—ACRES	FEET	ACRE-FEET CAPACITY

(c)* Head gate: Width.....feet; heightfeet; Material

(d) Canal: Total lengthmiles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work5.....years.

11. Time required for complete application of water to the proposed beneficial use9..... years.

12. Choice of newspaper for publication of notice of intention to appropriate Vermillion Plain Talk
Vermillion, S. Dak.

STATE OF SOUTH DAKOTA

County of Clay.....

I, John H. Litzelman and Earl A. Litzelman, 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, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

Subscribed and sworn to before me this 18 day of July, 1956

Notary Public (or other qualified officer.)

North

10 11
15 14

center of Section line

N.W. 1/4 of Section 14
Township 95-Range 52
Clay County, S. Dakota

Burl R. Litzelman, Owner

Irrigation
Well # 1
160 acres to be irrigated
in the N.W. 1/4

West

quarter line

East

S.W. 1/4 of Section 14
Township 95-Range 52
Clay County, S. Dakota

Burl R. Litzelman, Owner

W. 1/2 of S.E. 1/4 of Section 14
Township 95-Range 52
Clay County, S. Dakota

Burl R. Litzelman, Owner

Irrigation
Well # 2
240 acres to be irrigated
in the S.W. 1/4 and the W. 1/2 S.E. 1/4

15 14
22 23

center of Section line

Quarter
Corner

Burl R. Litzelman Irrigation Project # 1
in Section 14, Township 95-Range 52, Clay
County, South Dakota.

I, Ellis V. Nelson, a licensed engineer hereby certify
that I have made a survey of the N.W. 1/4, S.W. 1/4 and
the West 1/2 of S.E. 1/4 of Section 14, Township 95-Range 52
Clay County, South Dakota and located irrigation wells 1
and 2 as indicated on the above plat.

Dated at Sioux Falls, South Dakota, June 21, 1956

Ellis V. Nelson

Licensed Engineer

State of South Dakota } ss.
County of Minnehaha }

On this 21st day of June, 1956 before me, the
undersigned officer personally appeared Ellis V. Nelson
known to me or satisfactorily proven to be the person
whose name is subscribed to the within certificate
and acknowledged that he executed the same for the
purpose therein contained.

In witness whereof I hereunto set my hand
and official seal.

George M. Nelson
Notary Public.

Ellis V. Nelson Civil Engineer
Sioux Falls, S. Dakota June '56

Map No. 168-3
APP 15 No. 214-3
S. No. 229-3

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

August 16, 1956

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock

9 a.m. upon the 2 day of July, 1956

State Water Resources Commission

By:

J. W. Primes

Chief Engineer, Executive Officer

Number of permit 229-3

Date of first receipt of application July 2, 1956

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right July 2, 1956

Approved September 17, 1956, Recorded in Book 3 Page 183

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____

April 15, 1959

2nd. The whole of said work is to be completed on or before October 18, 1961

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

October 18, 1965

4th. The water appropriated shall be used for the purpose of _____

Irrigation

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 2.42 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 October 1, 1965 said water to be used during the following described annual period:

March to November inclusive

Witness my hand this 18 day of October, 1956

State Water Resources Commission

By:

J. W. Primes
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

Permit No. 229-3
Vermillion
 Water Division No. 3 River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That John H. and Burl A. Litzelman

of Vermillion, County of Clay, and State of South Dakota, the holder⁹ of Permit No. 229-3, issued upon Application

No. 229-3, bearing date of priority of July 2, 1956, authorizing the diversion of 3.42 cu. ft. per second of the waters of ground water

County of Clay, State of South Dakota, at N 32° 0' W, 1540

feet from the S $\frac{1}{2}$ Cor., Sec. 14, T 95 N, R 52 W

for irrigation

purposes, has fully 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 3.42 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: SW $\frac{1}{4}$, Sec. 14, T 95 N, R 52 W - - - 160 acres

W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 14, T 95 N, R 52 W - - 80 acres

Total 240 acres

Witness my hand this 27th day of September A. D. 1957

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 229-3

WHEREAS, On the 2nd day of July A. D. 1956
John H. and Burl A. Litzelman

of Vermillion County of Clay and State of
South Dakota duly made application (No. 229-3) to us for a permit to use 3.42
cubic feet per second of the waters of ground water
County of Clay, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 18th day of October A. D. 1956
Permit No. 229-3 was issued to said applicant S for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 18th day of
October 61 A. D. 1961 and for the application to beneficial use of said
water on or before the 18th day of October A. D. 1965
and,

WHEREAS, On the 31st day of July A. D. 1957
the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.42
cubic feet per second of said waters, as evidenced by our Certificate No. 229-3
dated September 27, 1957 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 3.42 cubic feet per second of water, with date of
priority of July 2, 1956 and, and,

WHEREAS, On the 31st day of July A. D. 1957
proof was duly made of the application to beneficial use of 3.42 cubic feet per second of said water;
on 240 acres located in the SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ all in Sec. 14, T 95 N, R 52 W

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 John H. and Burl A. Litzelman
of Vermillion, South Dakota the holder and owner of said permit No. 229-3
a water right, dating from July 2, 1956 to the use of 3.42
cubic feet per second of the waters of ground water
In the County of Cheyenne and State of South Dakota, or so much thereof as may be
necessray for the purposes here mentioned, to be diverted at N 32° 0' W, 1540 feet, from
the S½ Cor., Sec. 14, T 95 N, R 52 W
and conducted to and upon the SW¼ and W½ Sec. 14, T 95 N, R 52 W

for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 27th day of September A. D. Nineteen
Hundred and Fifty-seven

State Water Resources Commission
By:
J. W. GRIMES Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA	
Water License No. _____	
To _____	

Source of Supply _____	

County _____	
Am't _____ c. f. s.	
Point of Diversion _____	

Place of Use _____	

Purpose _____	

Date of Priority _____	
Recorded _____	
In Book _____ of _____ Page _____	

John H. and Burl A. Litzelman Div. #2

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30" , Depth 44'

Type of casing Steel
(wood, concrete, steel, etc.)

Size of casing 20" , Thickness of casing 14 Gauge

Length of casing 42' 45" If collection gallery, length, size and depth of
gallery

(b) Screens

Type of perforated screen Slotted 3/16 by 1"

Size of perforated screen 20" (diameter) , 24' (length)

Thickness of gravel pack 5" , length of gravel pack 24'

(c) Water Bearing Materials

Distance to water 10' . Character of water bearing materials Coarse Sand and
Gravel

Thickness of water bearing material 31'

(d) Pump and Motor

Type of pump Turbine
(centrifugal, propeller, mixed flow, etc.)

Name of pump Western Land Roller , size 8"

Kind of motor Oliver Super 88 Diesel
(gasoline, electric, diesel, etc.)

Horsepower 57 , Name of Motor Oliver

(e) Complete well

Capacity 1500 at drawdown of 10' . Estimated cost \$607.50

(f) Owner of land upon which well is located John H. and Burl A. Litzelman
NameVermillion, S. Dak.
Address

(g) Distance to nearest existing wells

On same owner's property 80 rods. On property owned by others 160 rods

(First Publication before August 24, 1956)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., August 14, 1956

Notice is hereby given that John H. and Earl A. Litzelman whose postoffice address is 224 Court St., Vermillion S. Dak., KS have made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.42 cubic feet of water per second of time from any ground water through the John H. and Earl A. Litzelman Diversion Works #2, the point of diversion of which is to be located about 1540 feet N 32° 0' W of the South E. Corner XX 6X XX of Section 14 Twp. 25N Range 52W Said water to be used for the purpose of providing irrigation on the following described land:

SW 1/4 and NW 1/4 Sec. 14, T. 25N, R. 52W~~XXXXXX~~ XXXXXX

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of September, 1956 at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

J. W. Grimes, Chief Engineer, Executive Officer

cc: Mr. William S. Gibson, Publisher
The Vermillion Plain Talk
Vermillion, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss.

County of Clay

William S. Gibson being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Vermillion Plain Talk a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the City of Vermillion County of Clay and State of South Dakota; that the said notice was published in said newspaper on the following dates:

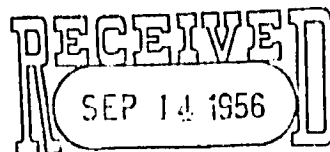
August 23, 1956August 30, 1956Sept. 6, 1956Sept. 13, 1956

in each and every issue of the full number thereof, the first publication being made on the 23 day of Aug. 1956 and the last publication on the 13 day of Sept. 1956, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was editor the ~~printer~~ and publisher of the said newspaper.

William S. GibsonSubscribed and sworn to before me this 13 day of September A. D. 1956

Notary Public

County, S. D.

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER

Office of State Water Resources Commission, Pierre, S. Dak., Aug. 14, 1956.

Notice is hereby given that John H. and Burl A. Litzelman, whose post-office address is 224 Court St., Vermillion, S. Dak., have made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.42 cubic feet of water per second of time from ground water through the John H. and Burl A. Litzelman Diversion Works No. 2, the point of diversion of which is to be located 1540 feet N 32 degrees 0 minutes W of the South ¼ Corner of Section 14, Twp. 35N, Range 52W. Said water to be used for the purpose of providing irrigation on the following described land:

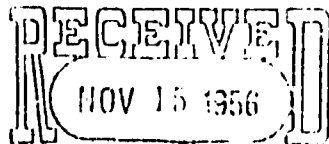
SW¼ and W¼ SE¼, Sec. 14, T. 35N, R. 52W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of September, 1956, at 2:00 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission
By: J. W. GIMES,
Chief Engineer, Executive Officer
(Aug. 23, 30, Sept. 6, 13)

Permit No. 229-3


 Water Division No. 3 Vermillion Water District
 River

 STATE WATER RESOURCES COMMISSION
 PIERRE, SOUTH DAKOTA

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) Vermillion, S. Dak.

(Date) Nov. 13, 1956

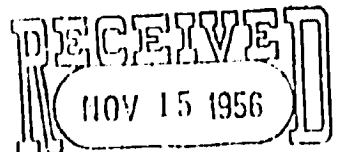
TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the 15 day of July 1957, at Centerville (4 Mi S.) County of Clay State of South Dakota, before Joe Grimes Or Representative (Examining Engineer or Officer) proof will be submitted of the application to beneficial use of 3.42 cubic feet per second of the waters of S. Dak. In accordance with the terms and conditions of Permit No. 229-3 heretofore issued by the Water Resources Commission of South Dakota.

- The name and postoffice address of the person or corporation holding said permit are John H. and Burl A. Litzelman Vermillion, S. Dak.
- The use to which said water has been applied is irrigation
- The amount applied to beneficial use is 3.42
- The place where said water is used is (If for irrigation, give full and accurate description of the lands irrigated) S.W. 1/4 of Sec. 14 Twp. 95 Range 52 Clay County, S. Dak. and N. 1/2 of S.E. 1/4 Sec. 14 Twp. 95 Range 52 Clay County, S. Dak. (4 Miles South of Centerville and 1/2 Mile West.)
- The name of the canal or ditch or other works by which said water is conducted to such place of use is John H. and Burl A. Litzelman Diversion Work #3 (Well)
- The right to take the water from such works is based upon permit No. 229-3
- The source of supply from which such water is diverted is A Well
- The date of priority which said user is prepared to establish is July 2, 1956

(Sign)

John H. Litzelman
 Burl A. Litzelman

Permit No. 229-3Water Division No. 3 Vermillion Water District
RiverSTATE WATER RESOURCES COMM
PIERRE, SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) Vermillion, S. Dak.(Date) Nov. 13, 1956

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 3.42 cu. ft. per second of the waters of the state from March through the month of November for irrigation purposes in accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is John H. and Earl A. Litzelman

2. The postoffice address of such person or the place of business of such corporation is Vermillion County of Clay State of S. Dak.

3. The number of such permit is 229-3 and the date set for the completion of such work is July 15, 1957

4. Said water to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 240 cubic feet per second.

6. The amount of land for which said water is available is 240 acres, particularly described as follows: S. 1/4 Sec. 14 Twp. 95 Range 52 Clay County, S. Dak.
N. 1/2 of S.E. 1/4 Sec. 14 Twp. 95 Range 52 Clay County, S. Dak.

I hereby certify that the facts set forth in the above notice are true.

(Signature of Owners)

John H. Litzelman
Earl A. Litzelman

Permit No. 229-3Water Division No. 3

Vermillion

River Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your ~~xxx~~ of authorization ~~xxx~~ on July 31, 1957~~xxxx~~, I have ~~xxx~~ made a thorough examination of the diversion works constructed by John H. & Burl A. LitzelmanClay of VermillionCounty, South Dakota, holder of Permit No. 229-3, issuedupon Application No. 229-3, bearing date of priority of July 2, 1956, authorizing thediversion of 3.42 cu. ft. per second of the waters of ground water for irrigation

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

The diversion works comprise: Oliver Super 88 Tractor, U. S. Motors Gear HeadSerial #1041878; Western Land Roller Pump, Serial #156722, Head No; s. 8M030and 3-12B-H; 2100 feet of 6 inch mainline pipe; 2640 feet of 5 inch lateralpipe; 44 lengths of 120-foot x 1-inch plastic hose; 44 Model 70B Rainbirdnozzles w/2 sets of orifices, one set 1/2 x 7/32 and the other 9/32 x 7/32A-pressure-gauge was installed at the end of the line. This equipmentexcept the pump is used interchangeably between #214-3 and 229-3and the system is in the following condition: excellentThe point of diversion is located N32° o'W, 1540 feet, from the S 1/2 Cor.; Sec.14, T 95 N, R 52 WThe works are capable of diverting and conveying to the place of use 3.42 cu. ft. per second of water,which is to be used for irrigationThe legal sub-divisions to be irrigated are: SW 1/4 and W 1/2 SE 1/4 all in Sec. 14, T 95 N,R 52 Wcomprising a total of 240 acres of land.

The domestic use intended comprises _____

The utilization for power, mining, or other beneficial uses comprises: _____

Witness my hand, this 27th day of August, A. D. 1957

--SEAL--

Les Wyborny
Water Rights Engineer

Examining Engineer

Observations during the Field Inspection on July 31, 1957 of
the John H. and Earl A. Litzelman Project relative to Application
#229-3

Donald V. Hunter accompanied me on this inspection and was very cooperative and helpful in answering questions and furnishing information so that I could complete this inspection.

This project consisted of 240 acres[±] divided in to 16-30 acre fields of brohm pasture, brohm, corn & cane and milo. The locations of the lands and the well compared with the locations as shown on map #163-3.

The well was 50 feet deep w/ the static water level @ 5 1/2 feet. I was told that this well was test pumped at a little over 2000 gpm. The estimated normal production capacity is 1600+ gpm.

The pump, sep in a concrete base, was a Western Land Roller, Serial No. 156722, Head No's 8E030 and 3-12B-H. This is an 8" pump, in this case with an estimated capacity of 1600 gpm. The balance of the equipment is listed under inspection report #214-3 as this equipment which includes the tractor, gear head, and sprinkler system is used inter-changeably between 214-3 and 229-3.

The west 180 acres of this project is sprinkled and about the east 60 acres of the milo field is ditched and gravity irrigated.

The system was in operation at the time of the inspection and the pressure gauge near the end of the line was registering 45#. It was estimated that the pressure at the pump would be 55-60# or possibly ^{80# maximum}.

The equipment is new and in excellent condition (See inspection report #214-3).

In this case the area to be irrigated and the capacity of the works or equipment, to convey water to the place of use correspond to the conditions as set forth in the permit.

August 27, 1957

Les Wyborny

Water Rights Engineer

Water Rights Division - DWNR
Conversation or File Documentation.

File No. 214-3
215-3
229-3
973-3
974-3
1569-3
3543-3
3544-3
3545-3
3546-3
3547-3

NAME OF PERSON OR FILE: Don Hunter

ADDRESS: 12 #2, Box 10, Centerville, SD 57014 COUNTY

DATE: April 22, 1984 TELEPHONE 563-2725

RE: Status of permits for John & Burl Litzelman, Vermillion, SD

COMMENTS: Mr. Hunter called and indicated no irrigation had been done on Litzelman's

permits during 1984. (spoke with Maxine)

I called Mr. Hunter back, spoke with Mrs. Hunter, she indicated

Litzelman's permits should be listed as "ESTATE" for now.

Mr. Hunter is the operator of these systems, further correspondence

concerning the permits should be directed to Mr. Hunter.

I requested them (Hunter's) to notify our office at such time

as the estate is settled so that the appropriate papers could be

filed concerning transfers of the permits.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Henry McMath



Department of Water & Natural Resources

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

March 23, 1987

DON HUNTER-OPERATOR
RR #2 BOX 10
CENTERVILLE, SD 57014

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). 1890-3, 1569-3, 3543-3, 973-3, 974-3, 215-3, ~~229-3~~, 214-3. 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). 1890-3, 1569-3, 3543-3, 973-3, 974-3, 215-3, 229-3, 214-3 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.

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.

cc: John/Burl Litzelman, 224 Court, Vermillion SD 57069

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

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

April 3, 1987

214-3	974-3
215-3	1569-3
229-3	1890-3
973-3	3543-3

Donald Hunter
RR #2 Box 10
Centerville, SD 57014

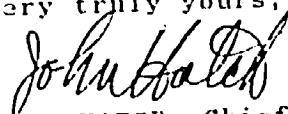
Dear Mr. Hunter:

This will acknowledge receipt of and thank you for stopping in our office to complete your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 214-3, 215-3, 229-3, 973-3, 974-3, 1569-3, 1890-3 and 3543-3, and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has 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

cc: John & Burl Litzelman, 224 Court, Vermillion, SD 57069

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

DRILLER'S LOG OF WELL

Irrigation
 Domestic, irrigation, municipal, industrial, other

Shrimad



January 22, 1999

229-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

www.state.sd.us/denr

NOTICE

TO: JEFF HEIDEBRECHT, OPERATOR, 29731 466TH AVE, BERESFORD, SD 57004 6217

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaires

Our records indicate that the 1998 Irrigation Questionnaires have not been submitted for Permit Nos. 5844-3, 214-3, 229-3, 974-3, 1813-3 & 3543-3. The request for the Questionnaires was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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) 214-3, 229-3, 974-3, 1813-3 & 3543-3 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) 5844-3 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 3, 1999 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) 5844-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 214-3, 229-3, 974-3, 1813-3 & 3543-3 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, 1999, 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.

c: RICHARD/CAROLE MYERS, PO BOX 697, LINTON, ND 58552-0697
BILL HANSEN, 2201 STATE ST, CENTERVILLE, SD 57014

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

JEFF HEIDEBRECHT, OPERATOR
29731 456TH AVE
BERESFORD SD 57004 6217

4a. Article Number

P 378 080 734

4b. Service Type

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

7. Date of Delivery

1-23-99

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *[Signature]*

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

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt

Thank you for using Return Receipt Service.

229-3

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

Richard or Carol Myers
PO Box 697
Linton, ND 58552-0697

4a. Article Number

P 378 080 750

4b. Service Type

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

7. Date of Delivery

1-26-99

5. Received By: (Print Name)

Richard Myers

6. Signature: (Addressee or Agent)

X *[Signature]*

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

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

Bill Hansen
2201 State St
Centerville, SD 57014

4a. Article Number

P 378 080 614

4b. Service Type

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

7. Date of Delivery

5. Received By: (Print Name)

Bill H. Hansen

6. Signature: (Addressee or Agent)

X *[Signature]*

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

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt

Thank you for using Return Receipt Service.



229-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

www.state.sd.us/denr

January 22, 1999

NOTICE

TO: JEFF HEIDEBRECHT, 29731 466TH AVE, BERESFORD SD 57004

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

RE: Requirement to Report 1998 Chemical Use

The first notice to file chemigation report(s) for Permit No(s) 229-3, 974-3, 1813-3, 3543-3 & 5844-3 was dated October 16, 1998. Our records indicate that we have not received your 1998 chemigation report(s). The Water Management Board has directed that owners of water permits who have not submitted the 1998 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:45 am, March 3, 1999, Floyd Matthev Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 229-3, 974-3, 1813-3, 3543-3 & 5844-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to March 3, 1999, contact the Water Rights Program, 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 chemigation report(s) is(are) received by this office prior to March 1, 1999 you will no longer be in violation and your name will be deleted from the Board agenda.



029-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 17, 1999

Jeff Heidebrecht
29731 466th Ave
Beresford, SD 57004-6217

RE: Water Permit/Right Nos. 214-3, 229-3, 974-3, 1813-3, 3543-3 & 5844-3

Dear Mr. Heidebrecht:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires and chemical reporting forms. You may disregard the January 22, 1999, "Notices" concerning reporting requirements for Water Permit/Right Nos. 214-3, 229-3, 974-3, 1813-3, 3543-3 & 5844-3.

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.

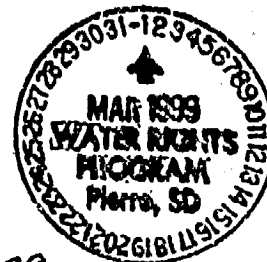
Sincerely,

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

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

c: Richard & Carole Myers, PO Box 697, Linton, ND 58552-0697

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 229-3

Date: 2/26/99

I/We request that Water Right No. 229-3

formerly owned by: Burl A and John H Litzelman

be transferred to: (name & address) David DeBouchey, 224 Court St,

Vermillion, SD 57069

Telephone No. (605) 624-2219

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

240 acres - SW 1/4 and W 1/4 SE 1/4 Section 14, T95N, R52W

I/We understand that the validity of Water Right No. 229-3 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 Clay)

I/We David DeBouchey 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.

David C. DeBouchey
(Signed)

Subscribed and sworn to before me this 26th day of February, 19 99.

Bill Hansen
(Notary Public)

My Commission Expires 1-21-2001

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 17, 1998

David C DeRouchey
124 Court St
Vermillion, SD 57069

Dear Mr. DeRouchey:

I am contacting you in regard to ownership of land described in Water Right Nos. 214-3, 215-3, 229-3, 973-3, 974-3 and Water Permit No. 3543-3. These are all listed in the names of John or Burl Litzelman. Enclosed are copies for your review.

Last week, you spoke with Ron Duvall with our program, about transferring Water Right Nos. 214-3 and 974-3 to your name. Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with Nos. 214-3 and 974-3. In the event that you own land described in the other water rights, I have included transfer forms for those also.

Please review the forms for accuracy and make any necessary corrections. You will need to fill in the portion titled "to be transferred to: (name & address)". Upon completion, please sign the form(s) in the presence of a notary and return them to our office with a required filing fee of \$2.50 for each transfer filed.

If you do not own the land described in Nos. 215-3, 229-3, 973-3 and 3543-3, please make a notation to that affect on the forms and send them back to us. Thank you for your assistance in this matter. If you have any questions, please contact me.

Sincerely,

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

encl

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416061

Pierre, _____ March 9, 1999

RECEIVED OF DAVID DeROUCHEY, 224 Court St., Vermillion, SD 57069
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form Water Right No. 229-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By _____
Chief Engineer

John Hatch



229-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 1999

David DeRouchey
PO Box 264
Vermillion, SD 57069-0264

RE: Water Right/Permit Nos. 214-3, 215-3, 229-3, 973-3, 974-3 & 3543-3

Dear Mr. DeRouchey:

Thank you for sending in the fees for transferring Water Right/Permit Nos. 214-3, 215-3, 229-3, 973-3, 974-3 and 3543-3. The transfers have been completed and all of the above referenced numbers are now listed in your name.

Enclosed are the receipts for the filing fees you paid. You may keep these for your records. If you have any questions concerning the water rights or the transfers, please get in touch with me.

Sincerely,

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

Enclosures

229-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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



January 14, 2000

NOTICE

TO: JEFF HEIDEBRECHT, OPERATOR, 29731 466TH AVE, BERESFORD, SD 57004 6217

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaires

Our records indicate that the 1999 Irrigation Questionnaires have not been submitted for Permit Nos. 5844-3, 214-3, 229-3, 974-3, 1813-3 & 3543-3. The request for the Questionnaires was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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) 214-3, 229-3, 974-3, 1813-3 & 3543-3 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) 5844-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCI 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) 5844-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 214-3, 229-3, 974-3, 1813-3 & 3543-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 28, 2000, 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.

c: DAVID DEROUCHIEY, PO BOX 254, VERMILLION, SD 57069

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.



229-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2000

Jeff Heidebrecht
29731 456th Ave
Beresford, SD 57004-6217

RE: Water Permit/Right Nos. 214-3, 229-3, 974-3, 1813-3, 3543-3 & 5844-3

Dear Mr. Heidebrecht:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit/Right Nos. 214-3, 229-3, 974-3, 1813-3, 3543-3 & 5844-3.

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

c: David Derouchey



January 16, 2002

NOTICE

229-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: JEFF HEIDEBRECHT, OPERATOR, 29731 466TH AVE, BERESFORD, SD 57004 6217
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaires

Our records indicate that the 2001 Irrigation Questionnaires have not been submitted for Permit Nos. 5844-3, 214-3, 229-3, 974-3, 1813-3 & 3543-3. The request for the Questionnaires was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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) 214-3, 229-3, 974-3, 1813-3 & 3543-3 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) 5844-3 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 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 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) 5844-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 214-3, 229-3, 974-3, 1813-3 & 3543-3 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 8, 2002, 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.

c: DAVID DEROCHEY, PO BOX 264, VERMILLION, SD 57069

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.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JEFF HEIDEBRECHT, OPERATOR
29731 466TH AVE
BERESFORD SD 57004 6217

2. Arti

7001 2510 0004 47

PS Form 3811, July 1999

2535-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Jeff Heidebrecht 1/17/02

C. Signature

X *Jeff Heidebrecht*☐ Agent☐ AddresseeD. Is delivery address different from item 17 ☒ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

David Derouchey
PO Box 264
Vermillion SD 57069

2

7001 2510 0004 4797 6849

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

David C Derouchey 1-17-02

C. Signature

X *David C Derouchey*☐ Agent☐ AddresseeD. Is delivery address different from item 17 ☒ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



229-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3102
www.state.sd.us/denr

January 29, 2002

Jeff Heidebrecht
29731 466th Ave
Beresford, SD 57006 6217

RE: Water Permit or Right Nos. 214-3, 229-3, 974-3, 1813-3, 3543-3 and 5844-3

Dear Mr. Heidebrecht:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Permit or Right Nos. 214-3, 229-3, 974-3, 1813-3, 3543-3 and 5844-3.

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

c: David DeRouchey, PO Box 264, Vermillion, SD 57069-0264



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2004

NOTICE

TO: JEFF HEIDEBRECHT, OPERATOR, 29731 466TH AVE, BERESFORD, SD 57004 6217

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 5844-3, 214-3, 229-3, 974-3, 1813-3 & 3543-3. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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) 214-3, 229-3, 974-3, 1813-3 & 3543-3 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) 5844-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year." The hearing will be held at 8:30 am, March 3, 2004 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) 5844-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 214-3, 229-3, 974-3, 1813-3 & 3543-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 27, 2004, 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.

cc: DAVID DEROCHEY, PO BOX 264, VERMILLION, SD 57069

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.

229-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2004

Jeff Heidebrecht
29731 466th Ave
Beresford SD 57004-6217

RE: Water Right or Permit Nos. 214-3, 229-3, 974-3, 1813-3, 3543-3 & 5844-3

Dear Jeff:

I am writing to acknowledge receipt of the 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right or Permit Nos. 214-3, 229-3, 974-3, 1813-3, 3543-3 & 5844-3.

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

Thank you for the notations on the ownership changes. I edited the database to show that only questionnaires for Water Right No. 1813-3 and Permit No. 5844-3 will be sent to you next year. The remaining questionnaires will be directed to the new owner/operator. If you have any questions, please contact me.

Sincerely,

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

WOODS
FULLER
SHULTZ &
SMITH P.C.

LAWYERS
EST. 1887

300 South Phillips Avenue
Suite 300
Post Office Box 5027
Sioux Falls, South Dakota
57117-5027

Telephone (605) 336-3890
Telecopier (605) 339-3357

www.wfss.com

Merle A. Johnson
Richard O. Gregerson
William Taylor
William P. Fuller
Gary P. Thimsen
Bradley C. Grossenburg
James M. Wiederrich
Comet H. Haraldson
J.G. Shultz
Roger W. Damgaard
Frederick M. Entwistle
David C. Kroon
James E. Moore
Kristine Kreiter O'Connell
Elizabeth A. Lewis
Tim R. Shattuck
Melanie L. Carpenter
Susan M. Sabers
William G. Beck
Daniel J. Harmelink
Jennifer L. Wollman
Lisa Marshik Prostrullo
Christopher J. Lent
Gregory S. Starnes
Jeffrey L. Bratkiewicz
Carey A. Miller
Mary A. Akkerman
Mary Ellen Dirksen
J. Vincent Jones

Melvin T. Woods
(1899-1983)
Howell L. Fuller
(1909-1981)
John B. Shultz
(1912-1975)
Francis M. Smith
(1910-2004)

July 21, 2004

Lisa Marshik Prostrullo
lprostro@wfss.com

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

Re: Notices of Transfer of Ownership

Dear Madam or Sir:

Enclosed please find 8 Notices of Transfer of Ownership for Water Right/Permit Numbers: 214-3, 215-3, 229-3, 3543-3, 973-3, 974-3, 1569-3, and 6009-3. Also enclosed is a check in the amount of \$20.00 to cover your filing fees. It is our understanding that you notify the new owner that the transfer has occurred. When you send out that correspondence, please send me a copy of such correspondence for our records. I have enclosed a stamped self addressed envelope for your convenience. Should you have any questions, please do not hesitate to contact me.

Sincerely,

WOODS, FULLER, SHULTZ & SMITH P.C.



Lisa Marshik Prostrullo

Enclosures

cc: Mr. Roger Hansen

229-3

RECEIVED
JUL 23 2004
WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

JUL 23 2004

WATER RIGHTS
PROGRAM

Water Right/Permit No. 229-3

Dated: July 16, 2004

We request that Water Right/Permit No. 229-3 formerly owned by:
David DeRouchey be transferred to:

New Owner Name: Roger A. Hansen, d/b/a Hansen Properties
Address: P.O. Box B
City, State, Zip: Centerville, South Dakota 57014 Telephone No.: (605) 563-2212

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

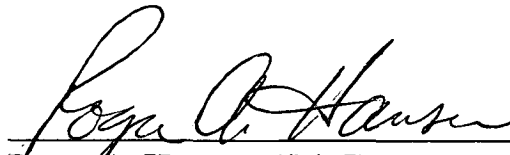
240 acres - SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 14, T95N, R52W

☒ We understand that the validity of Water Right/Permit No. 229-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

Roger A. Hansen, d/b/a Hansen Properties, the new owner, certifies that the above information is true and correct.


Roger A. Hansen, d/b/a Hansen Properties

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 July 23, 20 04

RECEIVED OF Lewis & Clark Title Co., PO Box 177, Yankton SD 57078

Roger Hansen

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	2	50
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>229-3</u>		
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.

001775

By

Douglas E. White

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 27, 2004

Roger A Hansen
Hansen Properties
PO Box B
Centerville SD 57014

Dear Mr. Hansen:

I am writing to acknowledge receipt of the ownership changes for Water Right Nos. 214-3, 215-3, 229-3, 973-3, 974-3, 1569-3 and Water Permit Nos. 3543-3 & 6009-3. The transfer of ownership for each has been completed. The above listed water permits and rights, formerly listed in the David DeRouchey are now listed in the name of Hansen Properties.

Each year we mail irrigation questionnaire to all irrigators in the state with the exception of those with water spreading systems. I am enclosing one of the actual forms submitted last year for your review. This will give you an idea of what type of information you will need to keep track of during the irrigation season. The forms can be completed and returned by regular mail or if you wish, blank forms can be downloaded from our website or filled out on-line and submitted electronically. More information concerning the questionnaires will be sent to you in October, 2004.

The receipts for the filing fees (totaling \$20.00) are being forwarded to Lewis & Clark Title Company in Yankton, SD.

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

enclosure

c: Lisa Marshik Prostrullo w/Woods, Fuller, Shultz & Smith PC
Lewis & Clark Title Company



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 29, 2004

Roger A Hansen
Hansen Properties
PO Box B
Centerville SD 57014

Dear Mr. Hansen:

Enclosed, for your records, are copies of Water Permit and Right Nos. 214-3, 215-3, 229-3, 973-3, 974-3, 1569-3, 3543-3 and 6009-3. I included the ownership changes that were filed with them.

Copies of the same files are also being sent to Ms. Prostrullo for her 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

c: Lisa Marshik Prostrullo w/Woods, Fuller, Shultz & Smith PC



229-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6567-3, Roger Hansen

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6567-3, Roger Hansen, Box B, Centerville SD 57014.

The Chief Engineer is recommending APPROVAL of Application No. 6567-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The new well authorized by Permit No. 6567-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. The approval of Water Permit No. 6567-3 cancels the portions of Water Right Nos. 229-3 and 974-3 which have been forfeited for nonuse.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
February 17, 2005

Note: Water Right Nos. 229-3 and 974-3, combined, appropriates 3.42 cfs for irrigation of portions of the S $\frac{1}{2}$ of Section 14, T95N, R52W. Currently a well located approximately 1320 feet north of the S $\frac{1}{4}$ of Section 14 is used to supply water to a center pivot which irrigates the W $\frac{1}{2}$ SW $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 14, T95N, R52W. Lands listed on the water right greater than the approximate 136 acres historically irrigated have been forfeited for nonuse. In addition, Water Right No. 229-3 is limited to the pump capacity from the existing well not greater than 3.42 cfs.



January 26, 2007

NOTICE

229-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: HANSEN PROPERTIES, ROGER A HANSEN, PO BOX B, CENTERVILLE, SD 57014
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaires

Our records indicate that the 2006 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 215-3, 229-3, 973-3 & 974-3 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) 6563-3, 6564-3, 6565-3, 6566-3, 6567-3, 6568-3, 6569-3, 6570-3, 6571-3, 6572-3 & 6573-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 6563-3, 6564-3, 6565-3, 6566-3, 6567-3, 6568-3, 6569-3, 6570-3, 6571-3, 6572-3 & 6573-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 215-3, 229-3, 973-3 & 974-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

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

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



700 BROADWAY CENTERVILLE SOUTH DAKOTA 57014
PHONE (605) 563-2212 FAX (605) 563-2640

2-8-07

Jenny -

I HAVE RENTED my Ground
to KEN LESS FROM Merrill, IA. for
the last 3 years. I won't be
renting to him next year Asad
He's not Happy about it. I'm
Enclosing a copy of a note I sent
him 10/31/06 with the questionnaires
Asking him to get them filled
out and returned to you. When
you called & said they had not
Arrived, I finally found out from
him that He had not filled them
out or sent them. Retaliation
I Guess.

I am finally able to get the
info together so I know these
are late.

Roger Hassens

RECEIVED

FEB 12 2007



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 13, 2007

Roger A Hansen
Hansen Properties
PO Box B
Centerville SD 57014

RE: Water Permit/Right Nos. 215-3, 229-3, 973-3, 974-3, 6563-3, 6564-3, 6565-3, 6566-3,
6567-3, 6568-3, 6569-3, 6570-3, 6571-3, 6572-3 & 6573-3

Dear Mr. Hansen:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for the water permits and rights listed above. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for the note concerning the difficulties you had with obtaining the information from your past renter. The forms you completed are fine and nothing more is needed for last season. The 2007 questionnaires will be mailed to you in October 2007.

If you have any questions, please contact me.

Sincerely,

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



229-3
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 23, 2009

NOTICE

TO: HANSEN PROPERTIES, ROGER A HANSEN, PO BOX B, CENTERVILLE, SD 57014

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaires

Our records indicate that the 2008 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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) 215-3, 229-3, 973-3 & 974-3 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) 6563-3, 6565-3, 6566-3, 6567-3, 6568-3, 6569-3, 6571-3, 6572-3, 6810-3, 6811-3, 6812-3, 6813-3, 6814-3, 6815-3, 6815A-3, 6816-3, 6817-3, 6818-3, 6819-3, 6920-3, 6921-3, 6822-3, 7001-3, 7002-3 & 7003-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** 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) 6563-3, 6565-3, 6566-3, 6567-3, 6568-3, 6569-3, 6571-3, 6572-3, 6810-3, 6811-3, 6812-3, 6813-3, 6814-3, 6815-3, 6815A-3, 6816-3, 6817-3, 6818-3, 6819-3, 6920-3, 6921-3, 6822-3, 7001-3, 7002-3 & 7003-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 215-3, 229-3, 973-3 & 974-3 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 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/efrms/secure/efrms/E0455V7-IQ.pdf>

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 23, 2009

Roger Hansen
Hansen Properties
PO Box B
Centerville SD 57014

Dear Mr. Hansen:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. The questionnaires were received on February 20th. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Permit or Right Nos. 215-3, 229-3, 973-3, 974-3, 6563-3, 6565-3, 6566-3, 6567-3, 6568-3, 6569-3, 6571-3, 6572-3, 6810-3, 6811-3, 6812-3, 6813-3, 6814-3, 6815-3, 6815A-3, 6816-3, 6817-3, 6818-3, 6819-3, 6920-3, 6921-3, 6822-3, 7001-3, 7002-3 & 7003-3.

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

We have also received the "Notice of Transfer of Ownership" form and filing fee you submitted for Water Right No. 1813-3. The transfer has been completed. The water right formerly held by Richard and Carole K Myers is now listed in your name.

Enclosed is your Receipt No. 04039 in the amount of \$2.50 which you paid for filing the ownership change. You may keep this for your records.

If you have any questions, please contact me.

Sincerely,

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

File Nos. 229-3, 974-3, 6567-3, and 7003-3

**Water Rights Program
File Documentation**

NAME OF PERSON OR FILE: Roger Hansen, dba Hansen Properties

ADDRESS: PO Box B Centerville, SD

DATE: 8/9/2013 TELEPHONE: 605-563-2212

RE: Inspection of Water Right Nos. 229-3 and 974-3

COMMENTS:

An inspection of Water Right Nos. 229-3 and 974-3 and Water Permit Nos. 6567-3 and 7003-3 was conducted on July 25, 2012. In the file for Water Permit No. 6567-3 it was stated that when licensed the undeveloped portions of Water Right Nos. 229-3 and 974-3 would be cancelled. Water Right No. 229-3 authorized the irrigation of 240 acres located in the W ½ SE ¼ and the SW ¼ of Section 14, T95N-R52W at a maximum diversion rate of 3.42 cubic feet of water per second (cfs). Water Right No. 974-3 authorized the irrigation of 90 acres, which were previously authorized for irrigation by Water Right No. 229-3, using a portion of the diversion rate authorized by Water Right No. 229-3. Water Permit No. 6567-3 authorizes the irrigation of 39 acres located in W ½ SW ¼ and the SE ¼ SW ¼ of Section 14, T95N-R52W at a maximum diversion rate of 0.56 cfs from one well and Water Permit No. 7003-3 authorizes increasing the diversion rate authorized by Water Permit No. 6567-3 by 0.11 cfs.

The inspection revealed that there were two center pivots irrigating a total of 171 acres. A pivot near the center of the SW ¼ SW ¼ of Section 14, T95N-R52W irrigating 31 acres located in the W ½ SW ¼ and the SE ¼ SW ¼ of Section 14, T95N-R52W at a maximum diversion rate of 0.67 cfs. The other center pivot irrigates 140 acres in the W ½ SE ¼ and the E ½ SW ¼ of Section 14, T95N-R52W at a maximum diversion rate of 1.67 cfs.

For licensing purposes, Water Permit No. 6567-3 will be incorporated into Water Permit No. 7003-3. Water Permit No. 7003-3 will be licensed for 31 acres located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, T95N-R52W at a maximum diversion rate of 0.67 cfs. Water Right No. 229-3 will be incorporated into Water Right No. 974-3. Water Right No. 974-3 will then be re-issued for 140 acres located in the W $\frac{1}{2}$ SE $\frac{1}{4}$ and the E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 14, T95N-R52W at a maximum diversion rate of 1.67 cfs.

A handwritten signature in black ink, appearing to read "Adam Mathiowetz", with a stylized flourish at the end.

Adam Mathiowetz
Natural Resources Engineer
DENR-Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

229-3
974-3
6567-3
7003-3

AUG 14 2013

Roger Hansen
Hansen Properties
PO Box B
Centerville SD 57014

Dear Mr. Hansen:

Enclosed are Reissued Water License No. 974-3 and Water License No. 7003-3. They are the final water right documents completing your process of obtaining water rights. Included with each license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 974-3 and 7003-3, 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 each 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.

Sincerely,

A handwritten signature in black ink that reads 'Jeanne Goodman'.

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: During the licensing process, the applicable portions of Water Right No. 229-3 was incorporated into the Reissued Water License No. 974-3 and the applicable portions of Water Permit No. 6567-3 were incorporated into Water License No. 7003-3.