

Water Right Number 2361-3

1. Considered NOV. 12, 1975
2. Name of Applicant GENE KARPEN
3. Post Office Address JEFFERSON, S.D.
4. Amount of water claimed 2.28
5. Source of water supply GROUND WATER (105' DEEP WELL
6. Water to be used for IRRIGATION
- Acres to be irrigated 160
7. Water to be diverted and used in UNION County
- about 4 S, 1 W Miles of JEFFERSON
8. Proof of Publication Received 10-27-75
- Not received
9. Application Approved
- Subject to
- Not approved
- Action deferred

10. Remarks:

No. 2361-3Map No. 1740-3 Water Division No. 3 BIG SIOUX 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 Gene Karnen
 Post-office address Jefferson, State South Dakota 57038
 If a corporation show date and place of incorporation None
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Karnen Irrigation Project #2
4. Amount of water claimed (cubic feet per second) 2.28 22.7 C.F.S.
5. Source of water supply Well
6. Location of point of diversion 80 rods North of the Southeast corner of Section
2 T89 R49
County Union
7. Annual period or periods during which water is to be used June through September
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Total number of acres to be irrigated 160

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>E 1/2 SE 1/4 Section 2</u>			
<u>W 1/2 SW 1/4 Section 1</u>			
<u>T89N R49W</u>	<u>160</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.
11. Choice of newspaper for Notice of Intent to appropriate Water publication Leader Courier, Elk Point, S.D.
57025
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.

Center PivotEstimated Total Cost \$ 10,000.00Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of UnionI, GENE KARNEN 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 Gene KarnenSubscribed and sworn to before me this 23 day of SEPTEMBER 19 75Marvin F. S. Sorell
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2361-3

GENE KARPEN
(Applicant)

JEFFERSON
(Post Office Address)

SOUTH DAKOTA 57038 With the following modifications:
(State)

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

Date of first receipt of application SEPTEMBER 29, 1975

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

Date of receipt of corrected application — 19 —

Approved NOVEMBER 13, 1975 Recorded in Book 14 Page 98

WATER RIGHT PERMIT NO. 2361-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2361-3 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 SEPTEMBER 29, 1975
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 13, 1978
3. The whole of said work is to be completed on or before NOVEMBER 13, 1980
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 13, 1980
5. The water appropriated shall be used for the purpose of IRRIGATION

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

7. The amount of the appropriation herein granted shall not exceed 2.28 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before NOVEMBER 13, 1980; said water to be used during the following described annual period: JUNE THRU SEPTEMBER

Witness my hand this 18TH day of NOVEMBER, 1975

WATER RIGHTS COMMISSION

By:

John H. Hall
Chief Engineer, Executive Officer

Certificate of Construction Issued FEBRUARY 3, 1978

Water License Issued FEBRUARY 3, 1978

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 30 inches, Depth 105 feet
- (2) Casing, Type Transite Diameter 16 inch I.D. Thickness 3/4 inches
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type 1/8 inch slotted, Diameter 16 inch I.D., Length 20 feet
- (4) Gravel Pack, Thickness 6-9 inches, Length of gravel pack 20 feet

E. Cynon: Information or Estimates.

Surface dimensions _____, Depth _____

F. Find 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 Water bearing gravel and rock

Depth to top of water bearing material 30 feet

Depth to bottom of water bearing material 105 feet

Thickness of water bearing material 75 feet

Depth to water (ground surface to water level) 14 feet Drawdown

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

On same owner's property 160 rds. On property owned by others 132 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.

Steve Kirpen
Signature of Applicant

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE ONLY

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: [Signature]

Disapproved: _____

NAME: Gene Karpen

ADDRESS: Jefferson, South Dakota 57038

COUNTY: Union

LEGAL DESCRIPTION

1. WELL LOCATION: 80 rods North of the S.E. corner of Sect. 2 T 89 R 49
2. AREA TO BE IRRIGATED: 160 acres

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): Center Pivot
4. CROPS TO BE IRRIGATED: Corn and beans

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0 - 2%
6. PHYSICAL SOIL CLASSIFICATION FOR IRRIGATION: 2M4XW1 - Deep, medium textured, permeable soils on nearly level bottom lands.

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 75-781
8. SALINITY: EC = 1136 μ mhos/cm (moderately high)
9. SODIUM: SAR = 1.77 (Low)

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
S.C.S. Office Elk Point, South Dakota 57025

and:

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

Gene Kasper X.

Subscribed and sworn before me this

7th day of August 1975.

L. R. Olson

Notary Public
(Title)



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

Submitted by: Gene Karpen
 Address: Jefferson, SD 57038

Date Rec'd August 26, 1975
 Sample No. 75-781
 Identification #3 Yell-
SE $\frac{1}{4}$, Sec. 2, T 89N, R 49W

WATER ANALYSIS

Calcium (Ca)	110	ppm*	5.50	me/l**
Magnesium (Mg)	44	ppm	3.61	me/l
Sodium (Na)	87	ppm	3.78	me/l
Potassium (K)	10	ppm	0.25	me/l
Sulfate (SO ₄)	512	ppm	6.49	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	9	ppm	0.25	me/l
Bicarbonate (HCO ₃)	518	ppm	8.50	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g-p-g.***
Alkalinity (Methyl Orange)	425	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1136	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.77			
Sodium	28.76	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	6.99			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

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

COMMENTS: Total cations 13.14 me/l
 Total anions 15.24 me/l

By: Shirley Hitten

Service Performed

Amount Due

Irrigation analysis

\$6.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 75-781

Amount Enclosed \$

Signed

Form 6 - Notice of Intent to Appropriate Water

2361-3

Publish first publication, on or before October 10, 1975

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 1, 1975

Notice is hereby given that Gene Karpen

whose post office address is Jefferson, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

2.28 cubic feet of water per second of time from the xxx ground water through the Karpen Irrigation Project #3, the point of diversion of which is to be located in the

SE $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 2, Twp. 89N, Range 49W. Said water to be used for the purpose of providing irrigation on the following described land:

E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 2; W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 1, T89N, R49W

This application No. 2361-3 will be considered by the Water Resources Commission at their office at Pierre upon the 12th day of November, 1975, at 2:30 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Gene Karpen, Jefferson, S.D. 57038

No. 2361

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Union) ss.

I, Lester E. Emerson hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Leader Courier

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 Elk Point

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

October 16, 1975

October 23, 1975

Lester E. Emerson
(Signature)

Publisher
(Title)

October 23, 1975
(Date Signed)

NOTICE OF INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
October 1, 1975

Notice is hereby given that
Gene Karpen, whose post office
address is Jefferson, South
Dakota, has made an application
in accordance with the provis-
ions of the water laws of South
Dakota for a permit to appropri-
ate for beneficial use 2.28 cub-
ic feet of water per second of
time from ground water through
the Karpen Irrigation Project
#3, the point of diversion of
which is to be located in the SE $\frac{1}{4}$
SE $\frac{1}{4}$ of Section 2, Twp. 89N,
Range 49W. Said water to be
used for the purpose of provid-
ing irrigation on the following
described land: E $\frac{1}{2}$ SE $\frac{1}{4}$, Sect-
ion 2; W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 1, T89
N, R49W.

This application No. 2361-3
will be considered by the Water
Resources Commission at their
office at Pierre upon the 12th
day of November, 1975, at 2:30
p.m. All interested persons
may appear and be heard.

WATER RESOURCES
COMMISSION

By Burton F. Jones
Water Rights Specialist
Publish: October 16, 23

OCT 27 1975

Permit No. 2361-3

Water Diversion No. 3 ~~Big Sioux River~~ Water District

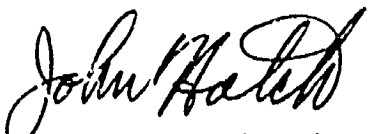
CERTIFICATE OF CONSTRUCTION

This is to Certify, That Gene Karpen

_____ the holder _____ of
Permit No. 2361-3, issued upon Application No. 2361-3, bearing date of priority of September 29,
1975 authorizing the diversion of 2.28 cu. ft. per second of the waters of _____
groundwater County of Union, State of South Dakota at _____
a point 1320' N of the SE corner, Section 2, T86N, R42W
_____, for irrigation

purposes, has s complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 1.9 cu. ft. per second of water.

Date February 3, 1978

By: WATER RIGHTS COMMISSION

JOHN HATCH, Chief Engineer

WATER LICENSE NO. 2361-3

(1) WHEREAS, On the 20th day of September A. D. 19 75

Gano Karpen

made Water Right Application No. 2361-3 for a permit to use 2.23 cubic feet per second of the waters of groundwater

County of Union, State of South Dakota, for Irrigation

purposes; and

(2) WHEREAS, On the 17th day of November A. D. 19 75

Permit No. 2361-3, with a date of priority of September 29, 1975

was issued to said applicant _____ for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 13th day of November A. D. 19 80 and for the application to beneficial use of said water on or before the 13th day of November A. D. 19 80

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.9 cubic feet per second of water for beneficial use and.

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent.

for irrigation a 132 acre circle in the W1/4, Section 1, and
E1/4, Section 2, T80N, R49W

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Gene Karpen

_____ of Jefferson

the holder _____ and owner _____ of said permit No. 2561-3 a water right, dating from September 29, 1975

_____ to use of 1.6 cubic feet per second of the waters

of groundwater

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

purposes hereinbelow mentioned, to be diverted at a point 1500' N of the SE corner, Section 2, T89N, R49W

and conduct to and upon a 132 acre circle in the W1SW1, Section 1 and E1SE1, Section 2, T89N, R49W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 2561-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 3rd day of February A. D.
seventy-eight
Nineteen Hundred and _____

WATER RIGHTS COMMISSION

By: John H. H. H.
Chief Engineer, Executive Officer

Permit No. 2361-3Water Division 3 Big Sioux River Water District

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Gene Karpen of Jefferson, South Dakota 57035 holder of Permit No. 2361-3, bearing date of priority of September 29, 1975 authorizing the diversion of 2.28 cu. ft. per second of the waters of Ground for Irrigation purposes, in Union County.

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

The Water Use System consists of,

A. Works used to divert the water:

Motor - 26.5 Electrical, ED# R-2547-04-H-417 R265023
60 HP.Pump - Well Line; Pump # 79480K; 3 Stage; 12KM Bowl
pumping 550 gpm

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

Aluminum Pipe

C. Works used to apply water to beneficial use.

Olson Center Pivot

The system is in the following condition: ExcellentThe point of diversion is located 1320 ft North of the SE corner of Section 2, T59N R49W.The works are capable of diverting and conveying to the place of use 1.90cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: In Section 1, T59N R49WNW 1/4 SW 1/4 - 33.0 Ac., SW 1/4 SW 1/4 - 33.0 Ac. In Section 2, T59N R49W
NE 1/4 SE 1/4 - 33.0 Ac., SE 1/4 SE 1/4 - 33.0 Ac.comprising a total of 132 acres of land.

Well Data

Depth 100 ft

Pumping 550 gpm

Date June 17, 1977Leroy J. Wismarck
(Signature)



Department of Water & Natural Resources

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

April 12, 1985

Gene Karpen
Jefferson SD 57038

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s). 2359-3, 2360-3 & 2361-3. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 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.

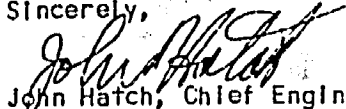
The hearings will be held at 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

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). 2359-3, 2360-3 & 2361-3 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.

Sincerely,


John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

NOTE: If the questionnaire(s) is received in this office before the May 15th hearing date, your name will be deleted from the agenda for the hearings.



Department of Water & Natural Resources

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

June 12, 1985

Notice or Amendment to Water Permit(s)

To: Gene Karpen
Jefferson, SD 57038

FROM: John Hatch, Chief Engineer
Water Rights Division 773-3352

SUBJECT: Amendment to Water Permit No(s). 2361-3, 2360-3 & 2359-3.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 2361-3, 2360-3 & 2359-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.



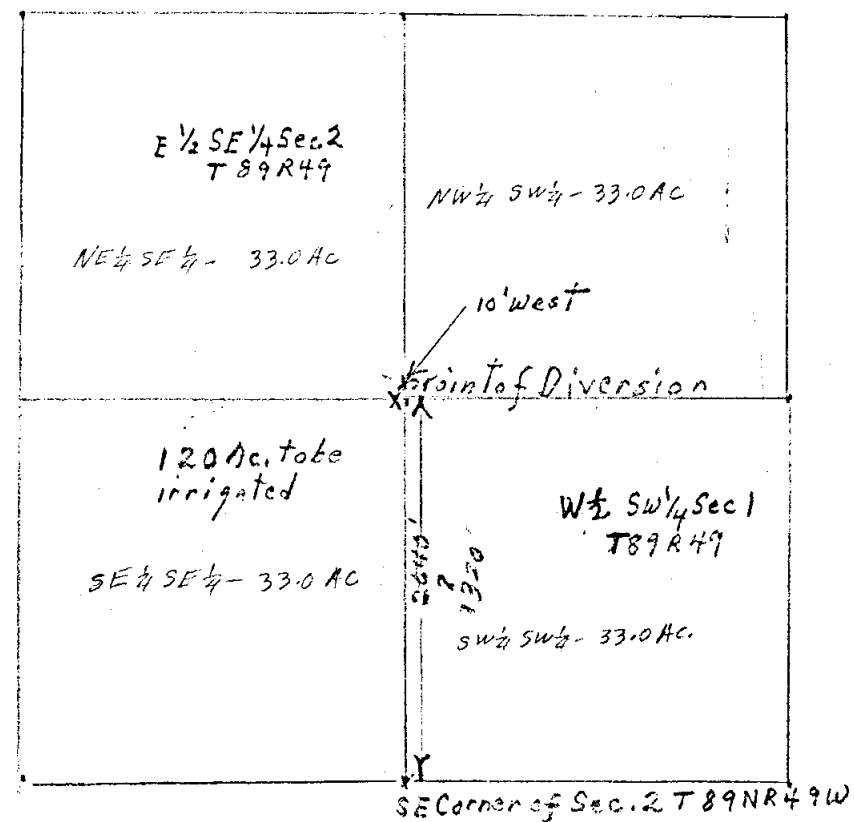
Department of Water & Natural Resources

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

Attachment to Water Permit No(s). 2361-3, 2360-3 & 2359-3

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 2361-3, 2360-3 & 2359-3 to add the following qualification:

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



Scale 8" = 1 mile

Gene Karpen
Jefferson, So. Dak 57038
Karpen Irrigation Project
120 Acres

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed <i>C. K. Dahlman</i>	Date <i>7-15-75</i>	Approved by <i>C. K. Dahlman</i>
Drawn <i>C. K. Dahlman</i>	Date <i>7-5-75</i>	Title <i>Karpen Irrigation Project</i>
Traced	Sheet No. <i>1</i>	Drawing No. <i>1</i>
Checked	of	



January 24, 2006

2361-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: HANSON FARMS, LEASOR, MIKE HANSON, 33463 480TH AVE, JEFFERSON, SD 57038

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaires

Our records indicate that the 2005 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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) 2341A-3 & 2858-3 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) 2360-3, 2361-3 & 4745-3 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 2, 2006 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) 2360-3, 2361-3 & 4745-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2341A-3 & 2858-3 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 24, 2006**, 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: ALVIN HOWE, 30778 R 49, HINTON, IA 51024

MCCOOK LAKE IZAAK WALTON LEAGUE, 341 LAKE SHORE DR, MCCOOK LAKE, SD 57049

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**

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

February 6, 2006

Mike Hanson
Hanson Farms
33463 480th Ave
Jefferson SD 57038

RE: Water Right Nos. 2341A-3, 2360-3, 2361-3, 2858-3 and 4745-3

Dear Mr. Hanson:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right Nos. 2341A-3, 2360-3, 2361-3, 2858-3 and 4745-3.

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: Alvin Howe
McCook Lake Izaak Walton League



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 2009

2359-3
2360-3
2361-3

Larry Donnelly
47423 324th St
Elk Point SD 57025-6710

Dear Mr. Donnelly:

I am writing in regard to Water Right Nos. 2359-3, 2360-3 and 2361-3 listed in the name of Gene Karpen. On the 2008 irrigation questionnaire for Water Right No. 2360-3, we were told by the former renter of the land that we should be in contact with you regarding ownership of the land. I have enclosed copies of the water rights to give you an idea of what each water right authorizes.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing an ownership change. Please complete and return the forms to our office with a required filing fee of \$2.50 each (total of \$7.50). The check or money order for the fee can be made payable to the Water Rights Program.

I have also included a blank irrigation questionnaire for 2008. Mr. Hanson has indicated he did not farm the land in 2008 and that you would have the necessary information.

To recap, we will need the transfer forms, filing fees and the irrigation questionnaire for 2360-3 to be completed and returned to us. You may keep the copies of the water rights. If you are not the owner of the land described in the water rights, please give me a call.

Sincerely,

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

enclosures

Dear Genny McMath

I think the only water permit that pretains to me is 2359-3. My wife inherited this portion of the farm from her father. The other farms are owned by Marilyn Harpo (my wife's uncle) and Janice Golden (my wife's sister). Marilyn has always been a part owner of these farms. I enclosed some tax ~~information~~ ^{information} from the county. If you have any questions please call me 605-356-2149

Thanks
Larry Dandy

P.S. Mike Hanson does still farm the other 2 Irrigated pieces



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 16, 2009

2360-3
2361-3

Merlyn Karpen
PO Box 189
Jefferson SD 57038

Dear Mr. Karpen:

I am writing in regard to ownership of land described in Water Right Nos. 2360-3 and 2361-3. The water rights are currently listed in the name of Gene Karpen (see enclosed copies). It is our understanding that you and Janie Golden now own the land described in these water rights. This information was recently obtained through correspondence from Larry Donnelly.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please review the forms and complete as needed. Once completed, please sign the forms and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fees can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

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

enclosures

RECEIVED

MAR 25 2009

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2361-3

Date: 3-20-09

I/We request that Water Right No. 2361-3

formerly owned by: Gene Karpen

be transferred to: (name & address)

Merlyn Karpen
513 Main Box 187 Jefferson SD 57038
Telephone No. 605-966-5629

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

132 acres - W 1/2 SW 1/4 Section 1 and E 1/2 SE 1/4 Section 2, T89N, R49W

I/We understand that the validity of Water Right No. 2361-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Merlyn Karpen, the new owner, certify that the above information is true and correct.

Merlyn Karpen
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 25, 20 09

RECEIVED OF Merlyn Karpen, Box 187, Jefferson SD 57038

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>2361-3</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.

04089

By Garland E. Eide
Chief Engineer

(KS)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 25, 2009

2360-3
2361-3

Merlyn Karpen
513 Main
Box 187
Jefferson SD 57038

Dear Mr. Karpen

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fees you submitted for transferring Water Right Nos. 2360-3 and 2361-3. The ownership changes have been completed. The water rights formerly held by Gene Karpen are now listed in your name.

Enclosed are your Receipt Nos. 04089 and 04090 in the amounts of \$2.50 each. You may keep these for your records.

If you have any questions, please contact me.

Sincerely,

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

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



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 22, 2010

NOTICE

TO: HANSON FARMS, LEASOR, MIKE HANSON, 33463 480TH AVE, JEFFERSON, SD 57038

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2360-3, 2361-3 & 4745-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2360-3, 2361-3 & 4745-3 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2360-3, 2361-3 & 4745-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

c: MCCOOK LAKE IZAAK WALTON LEAGUE, PO BOX 995, N SIOUX CITY, SD 57049-0995

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

January 25, 2010

2360-3

2361-3

4745-3

Mike Hanson
Hanson Farms
33463 480th Ave
Jefferson SD 57038

Dear Mr. Hanson:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 2360-3, 2361-3 and 4745-3.

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

If you have any questions, please contact me.

Sincerely,

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

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

C: McCook Lake Izaak Walton League, PO Box 995, N Sioux City, SD 57049-0995



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: HANSON FARMS, LEASOR, 33463 480TH AVE, JEFFERSON, SD 57038

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2360-3 & 2361-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2360-3 & 2361-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2360-3 & 2361-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: MVGCOA**

cc: MERLYN KARPEN, BOX 187, JEFFERSON SD 57038

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.

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

DATE: 01/30/2025

COMMENTS:

In trying to track down the 2024 annual irrigation questionnaire reporting for Water Right Nos. 2360-3 & 2361-3, currently held in the name of Merlyn Karpen, I discovered that Merlyn had actually passed away in 2015. Since that time, Hanson Farms has been submitting the IQs.

I attempted to call Mike Hanson (Hanson Farms operator) to ask about current ownership. I left a voicemail which has not yet been answered. I'll note that in October and again in early January we'd mailed IQs to Mr. Hanson for these water rights and nothing has been returned.

In looking at Regrid.com I found that the property authorized by 2360-3 is now held by the Diane L. Donnelly Family Trust. No address was on file and Diane Donnelly is deceased. I found names of her children and their spouses. I'll try tracking those down to discuss ownership of WR No. 2360-3.

Kelly (daughter) & Dave Scott – Brockport NY
Scott (son) & Kristen Donnelly – Farmington NY

In looking at Regrid.com I also found that the property authorized by 2361-3 has been divided up and is now owned in part by the following, which I will attempt to contact.

Dennis Derochie
3 Spruce Ave
McCook SD 57049

Barbara Karpen Revocable Living Trust
29 Evening Bay
Osage Beach MO 65065

Karen Myers
4803 Valerie St
Bellaire TX 77401



Amanda Dewell
Water Rights Program