

Water Right Number 2364-3

1. Considered NOV. 12, 1975
2. Name of Applicant JOHN E. MILLER
3. Post Office Address ALPENA, S.D.
4. Amount of water claimed 2.20
5. Source of water supply GROUND WATER (46' DEEP WELL)
6. Water to be used for IRRIGATION
Acres to be irrigated 153
7. Water to be diverted and used in JERAULD County
about 3S Miles 1ST of ALPENA
8. Proof of Publication
Received 1ST
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

No. 2364-3Map No. 1743-3 Water Division No. 3 JAMES RIVER District
(Blanks to be filled by the Engineer for the W. D. C.)

APPLICATION FOR PERMIT

SEP 29 1975
8:40

STATE WATER RIGHT

To Appropriately Water within the State of South Dakota

(NOTE—Draw a line through items not applicable)

1. Name of Applicant John E. Miller
Postoffice address Alpena, State South Dakota 57312
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract, Employment
3. Name of diversion work John E. Miller Irrigation Project #1
4. Amount of water claimed (cubic feet per second) 2.2
5. Source of water supply Ground water
6. Location of point of diversion SE⁴ of NW⁴ section 26 - 108-63 or
2800' N 1390' E of NW corner of section 26 - 108-63
County DeWaud
7. Annual period or periods during which water is to be used April to October
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use. Total number of acres to be irrigated 153

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.
SW ⁴ of NW ⁴ Sec 26 - 108-63	26	SW ⁴ of SW ⁴ Sec 26 - 108-63	8
SE ⁴ of NW ⁴ Sec 26	30	SE ⁴ of SW ⁴ Sec 26	10
NW ⁴ of SW ⁴ Sec 26 - 108-63	39		
NE ⁴ of SW ⁴ Sec 26	40		

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 2 years.
11. Choice of newspaper for Notice of Intent to Appropriately Water publication Alpena Journal
12. Principal Features of the Proposed Water Supply System.

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

Deep well turbines electrically driven

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

Closed Conduit

C. Works proposed to apply water to beneficial use.

Center Pivot Irrigation MachineEstimated Total Cost \$ 40,000Attachments: 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 BrookingsI, John E. Miller, 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 John E. MillerSubscribed and sworn to before me this 22 day of Sept, 1975John S. Wernicke
Notary Public for South Dakota
P.E.H. 1976

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 2364.3

JOHN E. MILLER
(Applicant)

ALPENA
(Post Office Address)

SOUTH DAKOTA 57312 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 _____
Date of receipt of corrected application _____
Approved NOVEMBER 12, 1975 Recorded in Book 14 Page 101

WATER RIGHT PERMIT NO. 2364.3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 2364.3 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 12, 1978
3. The whole of said work is to be completed on or before NOVEMBER 12, 1980
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 12, 1982
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 2.2 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 use 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 12, 1982; said water to be used during the following described annual period: APRIL TO OCTOBER

Witness my hand this 18TH day of NOVEMBER, 1975

WATER RESOURCES COMMISSION

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction issued _____, 19____

Water License issued _____, 19____

2 3 6 f 3

(1) WELL CONSTRUCTION

Location of well _____ 1/4 _____ 1/4 (SW) Section _____ 26 Township _____ 108 Range _____ 6.3

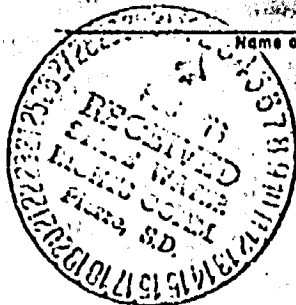
Well owner John Miller (Name) Alpena, MI 57312 (Address)

Date well drilling completed 4/23/75 Purpose of well Domestic
(domestic, irrigation, municipal, industrial, other)

Attach sheet if more space is needed

3. Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____ tube material _____.

Name of Pump Installation Contractor



EMPIRE
IRRIGATION DRILLING CO., INC.

P. O. Box 1252

Huron, South Dakota 57350

Ph. 352-4587

DRILLING REPORT

Location of Well: _____ 1/4, _____ SW 1/4, Section _____ 26, Township _____ 10 S, Range _____ 6 E

Well to be drilled for: John M. Edson (Name) 914 W. 1st St. (Address)

Date well drilling started 8-22-75 (County) 2013 (State) 8-22-75 finished

Purpose of well _____
(domestic, irrigation, industrial, other)

Depth 45 ft. Casing Diameter 2 1/2 Inches

Slot Size fine Screen Size 2 1/2

Screen Depth: From 30 ft. to 45 ft.

Remarks:

NORTH

1 Mile

REPORT OF FINAL PUMPING TEST

Write Additional Times and Readings on Back of Page

Date _____

Elapsed Time From
Start of Pumping

Water Level

Discharge

0 hr. 0 min.

10 ft. 0 in

(Static)

hr. min.

ft. in

GPM

hr. min.

ft. in

GPM

hr. min.

ft. in.

GPM

RECOVERY

[illegible]

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates

(1) Drill Hole, Diameter 24", Depth 46'
 (2) Casing, Type Steel (wood, concrete, steel, etc.) Diameter 14" Thickness 3/16"
 (3) Perforated Screen.
 Type Continuous Slot, Diameter 14", Length 15'
 (4) Gravel Pack, Thickness 5", Length of gravel pack 20'

E. Dugout information or Estimates.

(1) Surface dimensions —, Depth —

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

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

Character of Water bearing materials See enclosed log

Depth to top of water bearing material 10'

Depth to bottom of water bearing material 46'

Thickness of water bearing material 36'

Depth to water (ground surface to water level) 10'

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

On same owner's property 160 rds. On property owned by others 180 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.

John E. Miller
 Signature of Applicant

September 2, 1975

Mr. John E. Miller
Alpena, SD 57312

Dear Mr. Miller:

We have received your WI-1 form and the water analysis has been completed. The original copy of this water analysis is being enclosed herewith for your use and keeping. Also enclosed you will find a copy of extension circular 654. On the outside back cover of this circular is a red cross with the approximate location of your sample in a water quality diagram for irrigation purposes. The intersection of the two lines represents the approximate point of quality as far as sodium and total salts are concerned.

This sample is moderately high in total salt and medium to low in sodium content. It is therefore deemed suitable for soil which has a gravel substratum such as yours. There should be no problem with salt accumulation or sodium dispersion if this water is used in moderately large amounts and not extremely frequently. That is, it should not be used more than 4 or 5 times a season and occasionally, if possible, avoid using it more than once or twice during a season.

A copy of this letter and of the water analysis and the WI-1 form are being forwarded to the State Conservation Commission.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOF:ckb

Enclosures

cc: State Conservation Commission

D. Pahl

Lawrence Carson, County Extension Agent



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 OF

Irrigation System: _____

Water Quality: _____

Soils (Capable of): _____

Approved: _____

NAME: John E. Miller

ADDRESS: Alpena, South Dakota 57312

COUNTY: Jeravald

LEGAL DESCRIPTION

1. WELL LOCATION: Southeast 40A of NW $\frac{1}{4}$ of section 26 range 108 -63
2. AREA TO BE IRRIGATED: NW $\frac{1}{4}$ of section 26 and SW $\frac{1}{4}$ of section 26 range 108 - 63

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): Sprinkler center pivot
4. CROPS TO BE IRRIGATED: Corn , Alfalfa , Milo , Soybeans

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 1%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Medium Depth, Medium Textured Soils
Over Gravel Substrata

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 75-773
8. SALINITY: EC = 1379 μ mhos/cm (High)
9. SOUVE: SAR = 3.62 (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
USPA Soil Conservation Service, Wessington Springs, South Dakota 57332

and:

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

John E. Miller.

Subscribed and sworn before me this

25 day of Aug 19 75.

Notary Public

Notary Public

(Title)



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

Submitted by: John E. Miller
 Address: Alpena, SD 57312

Date Rec'd: August 25, 1975
 Sample No.: 75-773
 Identification: Well-80'
NW 1/4, Sec. 26, T 108N, R 63W

WATER ANALYSIS

Calcium (Ca)	101	ppm*	5.05	me/l**
Magnesium (Mg)	38	ppm	3.12	me/l
Sodium (Na)	168	ppm	7.31	me/l
Potassium (K)	11	ppm	0.29	me/l
Sulfate (SO ₄)	325	ppm	6.76	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	7	ppm	0.20	me/l
Bicarbonate (HCO ₃)	449	ppm	7.36	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)	368	ppm (as CaCO ₃)		
Alkalinity (Penolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1379	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	3.62			
Sodium	46.35	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.77			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

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

COMMENTS: Total cations 15.77 me/l
 Total anions 14.32 me/l

By: Shirley Hitten

Service Performed

Amount Due

Irrigation analysis

16.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 75-773

Amount Enclosed \$

Signed

Publish first publication, on or before October 30, 19 75

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 1, 19 75

Notice is hereby given that John E. Miller
whose post office address is Alpena, 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
2.2 cubic feet of water per second of time from the ground water through the
John E. Miller #1, the point of diversion of which is to be located in the _____

SE $\frac{1}{4}$ NW $\frac{1}{4}$
of Section 26, Twp. 108N, Range 63W. Said water to be used for the purpose
of providing irrigation on ~~the following~~ portions of described land:
SW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$, Section 26, T108N, R63W

This application No. 2364-3 will be considered by the Water Resources Commission at their office at
Pierre upon the 12th day of November, 19 75, 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: John E. Miller, Alpena, S.D. 57312

Affidavit of Publication

STATE OF SOUTH DAKOTA, COUNTY OF JERAULD, SS.

A. L. Webb being first duly sworn, deposes and says: That he is a resident of the County of Jerauld and State of South Dakota; that THE WESSINGTON SPRINGS INDEPENDENT is a weekly newspaper of general circulation, printed and published in Wessington Springs, in said county and state by A. L. WEBB; and is now and has been such newspaper continuously, during all the times hereafter mentioned; that the affiant is, and was during all the times hereafter mentioned, the business manager of said newspaper, in charge of the advertising department thereof; and has personal knowledge of all the facts stated in this affidavit;

and that the notice and advertisement headed Notice

a printed copy of which is hereunto attached and made a part hereof, was printed and published in said newspaper in 2 successive issues. That the first publication of said notice in said newspaper aforesaid was on Thursday, the 9th day of October 19 75; and that the succeeding publications were:

on Thursday, the 16th day of October 19 75
 on Thursday, the _____ day of _____ 19_____
 on Thursday, the _____ day of _____ 19_____
 on Thursday, the _____ day of _____ 19_____
 on Thursday, the _____ day of _____ 19_____
 on Thursday, the _____ day of _____ 19_____
 on Thursday, the _____ day of _____ 19_____
 on Thursday, the _____ day of _____ 19_____
 on Thursday, the _____ day of _____ 19_____

that the fee charged for the printing and publishing of said notice and advertisement in said newspaper as aforesaid, was 17 Dollars and 91 Cents, and for this affidavit; twenty-five (25) cents, and that said fee for printing and publishing said notice and advertisement in said newspaper has been fully paid; that the full amount of fees charged for the publishing of the said attached and annexed notice and advertisement inures to the benefit of the publisher of the said WESSINGTON SPRINGS INDEPENDENT; that no agreement or understanding for the division thereof has been made with any person whomsoever, and that the newspaper is a legal newspaper as provided by law

Subscribed and sworn to before me, this 10 day of Oct 19 75
John A. Beardsley Notary Public in and for
My Commission Jerauld County, South Dakota
Expires 1-26-83

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, S. D. 57501
 October 1, 1975
 Notice is hereby given that John E. Miller whose post office address is Alpena, 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 2.2 cubic feet of water per second of time from ground water through the "John E. Miller No. 1", the point of diversion of which is to be located in the SE1/4 NW1/4 of Section 26, Twp. 108N, Range 63W. Said water to be used for the purpose of providing irrigation on portions of the following described land: SW1/4 and S1/4 NW1/4, Section 26, T108N, R. 63W.
 This application No. 2364-3 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.

AFFIDAVIT EX-REL. PUBLICATIONS FEES

STATE OF SOUTH DAKOTA, COUNTY OF JERAULD, SS.

_____ being first duly sworn on his oath, says that he is one of the authorized attorneys of the _____

In the action mentioned and described in the annexed notice; that the affiant directed the collection of the fees therefor has been made with any person whomsoever; and that no part thereof has been refunded or rebated by the party publishing said notice.

Subscribed and sworn to before me this _____ day of _____ 19 _____

 Notary Public, Jerauld County, South Dakota

W. R. pp. 2364

10:15 a.m.

11-4-75

Matt Webster, Alpena,
called concerning the
W. R. application
2364-3 from
John E. Miller. Mr. Webster
was concerned that
the Miller well would
drain his dugout,
located 100-130 ft
away. I advised
that there should be
no effect on his dugout.
Mr. Webster also advised
Mrs. Minnie Weber
had two domestic wells
located about $\frac{1}{2}$ mile
from the Miller well.
I advised there should
be no effect on the
domestic wells. J.H.H.

Permit No. 2364-3Water Division 3 JAMES RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by JOHN E MILLER of ALPENA holder of Permit No. 2364-3, bearing date of priority of SEPTEMBER 25, 1975 authorizing the diversion of 212 cu. ft. per second of the waters of GROUNDWATER for IRRIGATION purposes, in VERMILION 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:

45' DEEP WELL - 16" STEEL CASING - 20' JOHNSON IRRIGATOR SCREEN
WESTERN LAND ROLLER 8" PUMP - TYPE BM 3-12KBH
POWERED BY 60HP GE ELECTRIC MOTOR @ 1760RPM

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

970' OF 8" BURIED PVC TO CENTER OF PIVOT

C. Works used to apply water to beneficial use.

1 TOWER ALUMIGATOR CENTER PIVOT SYSTEM, WITH
NELSON #100 END GUN

The system is in the following condition: GOOD

The point of diversion is located 3200' N & 1840' E OF THE SW CORNER,
SECTION 26, T108N, R63W

The works are capable of diverting and conveying to the place of use 1.78 (800 GPM)
cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows: ALL IN SECTION 26, T108N, R63W

SW ¹ NW ¹	25 ACRES	SW ¹ SE ¹	6 ACRES
SE ¹ NW ¹	25 "	SE ¹ SW ¹	6 "
NW ¹ SW ¹	35 "		
NE ¹ SW ¹	35 "		

comprising a total of 132 acres of land.

Date

JUNE 21, 1982

Signature



Department of Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501
July 15, 1982

(605) 773-3352

John E Miller
Alpena,
South Dakota 57312

Dear Mr. Miller:

The inspection of your water use system and inspection of the extent of your application of water to beneficial use, as developed under your Water Right No. 2364-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

You will also receive the Certificate of Construction as required by statute.

Sincerely,

KAREN SCHLAAK
Administrative Secretary

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

WNR-814-7/79
Notification of Water License Ready for Issuing (\$50.00)

Water Rights Division
605 773-3352

December 7, 1982

2364-3
SEOR'D NOTICE

John E Miller
Alpena,
South Dakota 57312

Dear Mr. Miller:

July 15, 1982 you were notified that the required final inspection fee of \$50 is due before Water License No. 2364-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50 fee, your Water License will be sent to you. You will also receive the Certificate of Construction as required by Statute. These are the final papers for the perfection of your Water Right.

A perfected water right is similar to a property right and once a water right is perfected, it can not be lost as long as the water is used. Failure to pay the fee means that the legal requirements to establish a water right have not been completed, and a property right has not been established.

Please submit the require fee immediately to avoid jeopardizing your water permit or advise if you have any questions.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:GY:ks

P15 4381359

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse) 2364-3

SENT TO		John E. Miller	
S. STATE AND NO.		Alpine	
P.O., STATE AND ZIP CODE		SD 57312	
POSTAGE		\$	
CONSULT POSTMASTER FOR FEES	CERTIFIED FEE	c	
	SPECIAL DELIVERY	c	
	RESTRICTED DELIVERY	c	
	OPTIONAL SERVICES		
	RETURN RECEIPT SERVICE		
	SHOW TO WHOM AND DATE DELIVERED	c	
	SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY	c	
	SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	c	
	SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	c	
TOTAL POSTAGE AND FEES		\$	
POSTMARK OR DATE		12-7-82	

PS Form 3800, Apr. 1976

PS Form 3811, Jan 1979

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
☐ Show to whom and date delivered.....
☒ Show to whom, date and address of delivery.....
☐ RESTRICTED DELIVERY
 Show to whom and date delivered.....
☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery.....
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
John E Miller
Alpena SD 57312

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 4381359
 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☒ Addressee ☐ Authorized agent
John E Miller

4. DATE OF DELIVERY
12-8-82

5. ADDRESS (Complete only if requested)
RR 1 Box 12
Alpena SD 57312

6. UNABLE TO DELIVER REASON:
 CLERK'S INITIALS
JME

Water Rights Division
605 774-3352

February 10, 1983

THIRD NOTICE
PERMIT NO. 2364-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT
AND OF INTENT TO ISSUE ORDER TO CEASE PUMPING

John E Miller
Alpena
South Dakota 57312

Dear Mr. Miller:

July 15, 1982 and December 7, 1982 you were notified the required final inspection fee of \$50.00 is due before Water License No. 2364-3 can be issued.

The fee is required by SDCL 46-2-13(3) and is a final step in the legal process of perfecting and thus assuring the continuance of your authority to use water for irrigation. As of this date, the fee has not been received.

The fee requirement is legally no different than any other condition of your permit. Failure to pay the \$50.00 fee within 30 days will result in an order to you, the permit owner, to cease the use of any water for the purposes authorized by your permit until the fee is paid. Failure to pay the fee can result in cancellation for nonuse of water in accordance with SDCL 46-5-37, the forfeiture statute.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

2364-3

PS Form 3811, Jan. 1975

1. SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
☒ Show to whom and date delivered..... C
☐ Show to whom, date and address of delivery..... C
☐ RESTRICTED DELIVERY
 Show to whom and date delivered..... C
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. \$.....
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESS(ES) TO:
John E. Miller
Alpena 57312

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	P 200 480	214

 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☒ Addressee ☐ Authorized agent
John E. Miller

4. DATE OF DELIVERY
2-11-83

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS
ASG

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2364-3

(1) WHEREAS, On the 29th day of September A. D. 19 75
John E. Hiller

made Water Right Application No. 2364-3 for a permit to use 2.20 cubic feet per second of the waters of groundwater (one well)

County of Jerauld, State of South Dakota, for Irrigation purposes; and

(2) WHEREAS, On the 12th day of November A. D. 19 75
 Permit No. 2364-3, 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 12th day of November A. D. 19 80 and for the application to beneficial use of said water on or before the 12th day of November A. D. 19 82

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 1.78 cubic feet per second of water for beneficial use and,

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

to irrigate the following land all in Section 26, T108N, R63W

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 25 acres (BC)

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 25 " (BD)

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 35 " (CB)

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 35 " (CA)

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 6 " (CC)

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 6 " (CD)

TOTAL 132 acres

(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 John E Miller

_____ of RR #1, Box 82, Alpena SD 57312
the holder _____ and owner _____ of said permit No. 2364-3 a water right, dating from September 29, 1975
_____ to use of 1.78 cubic feet per second of the waters
of groundwater (one well)

in the County of Jerauld and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 3200'N and 1840'E of the SW corner,
Section 26, T108N, R63W (BD)

_____ portions of land in Section 26, T108N, R62W more fully
and conducted to and upon _____
described on the face of this License

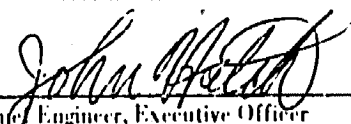
for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 2364-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 8th day of March A. D.
Nineteen Hundred and Eighty-three

WATER MANAGEMENT BOARD

By:


Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 2364-3

Water Diversion No. 3 James River Water District
10160006

CERTIFICATE OF CONSTRUCTION

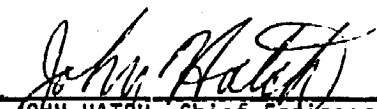
This is to Certify, That John E Miller

_____ the holder _____ of
Permit No. 2364-3, issued upon Application No. 2364-3, bearing date of priority of September
29, 1975 authorizing the diversion of 2.20 cu. ft. per second of the waters of _____
groundwater (one well) County of Jerauld, State of South Dakota at _____
a point 3200'N and 1840'E of the SW corner, Section 26, T108N, R63W (8D)

_____, 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 1.78 (800 gpm) cu. ft. per second of water.

Date March 8, 1983


JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9169

PIERRE, March 1, 1983, 19

RECEIVED OF John E. Miller, RR#1, Box 82, Alpena, SD 57312

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No. 2364-3	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 2364-3		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH



Department of Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3352

March 10, 1983

John E. Miller
RK #1, Box 82
Alpena SD 57312

Dear Mr. Miller:

Enclosed herewith are, Water License No. 2364-3 and Certificate of Construction.

Water License No. 2364-3 is the final water right document completing your process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

A handwritten signature in cursive script, reading "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ks

enclosures



Department of Water & Natural Resources

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

March 23, 1987

JOHN E. MILLER
RR #1 BOX 82
ALPENA, SD 57312

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). 2364-3. 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). 2364-3 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.

**South Dakota Department of
Water & Natural Resources**

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

May 5, 1987

2364-3

John E Miller
233 2nd St SW
Huron, SD 57350

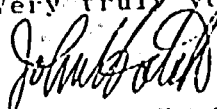
Dear Mr. Miller:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit No. 2364-3 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

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

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

January 23, 1988

JOHN E. MILLER
233 2ND ST SW
HURON, SD 57350

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 2364-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 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 9:00 am, March 2, 1988 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). 2364-3 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 March 2 hearing date, your name will be deleted from the agenda for the hearing.

 **Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 9, 1988

2364-3

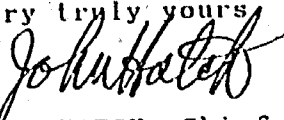
John Miller
233 2nd St SW
Huron SD 57350

Dear Mr. Miller:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 2364-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name was deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,



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

2364-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1994

JOHN E. MILLER
RR 1 BOX 82
ALPENA SD 57312

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 2364-3. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2364-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before April 1, 1994, your name will be deleted from the Board agenda.

Very truly yours,

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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 multiple below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to: 23643

JOHN E. MILLER
RR 1 BOX 82
ALPENA SD 57312

5. Signature (Addressee)
John E. Miller

6. Signature (Agent)
//

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

1. ☒ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

P 837 692 523

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

02-18-94

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

PS Form 38, 1, December 1991 U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



2364-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 14, 1994

2364-3

John E Miller
RR #1 Box 82
Alpena, SD 57312

Dear Mr. Miller:

I am writing to acknowledge receipt of your 1993 irrigation questionnaire. You may disregard the February 16, 1994, **Notice of Violation of the Requirement to Submit the 1993 Irrigation Questionnaire.**

The questionnaire 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 Division
(605) 773-3352

2364-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 1995

JOHN E. MILLER
RR 1 BOX 82
ALPENA SD 57312

NOTICE

RE: Violation of Requirement to Submit 1994 Irrigation Questionnaire

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 2364-3. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 8, 1995, in the Crown Room, 2nd Floor, Kings Inn Best Western Convention Center, 220 S Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No 2364-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire is received in this office on/or before March 3, 1995 your name will be deleted from the Board agenda.

Very truly yours,

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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:

JOHN E. MILLER
RR 1 BOX 82
ALPENA, SD 57312

2364-3

4a. Article Number

P 837 692 732

4b. Service Type

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

7. Date of Delivery

02-09-95

5. Signature (Addressee)

John E. Miller

6. Signature (Agent)

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

PS Form 3811, December 1991

U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



2364-3

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

February 20, 1995

2364-3

John E Miller
22488 392nd Avenue
Alpena, SD 57312

Dear Mr. Miller:

I am writing to acknowledge receipt of your 1994 Irrigation questionnaire. You may disregard the February 7, 1995, Notice of Violation of the Requirement to Submit the 1994 Irrigation Questionnaire.

The questionnaire 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 Division
(605) 773-3352



2364-3

January 30, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: JOHN E MILLER, 22488 392nd AVENUE, ALPENA, SD 57312

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

SUBJECT: Violation of Requirement to Submit 1995 Irrigation Questionnaire

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 2364-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:45 am, March 6, 1996, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2364-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1996 your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

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:

JOHN E MILLER
22488 392nd AVENUE
ALPENA SD 57312

4a. Article Number

2 348 318 876

4b. Service Type

☐ Registered

☒ Certified

☐ Express Mail

☐ Insured

☐ Return Receipt for Merchandise

☐ COD

7. Date of Delivery

2-1-96

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

5. Received By: (Print Name)

John E. Miller

6. Signature: (Addressee or Agent)

X John E. Miller

Domestic Return Receipt

PS Form 3811, December 1994

Is your RETURN ADDRESS complete?

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 13, 1996

2364-3

John E Miller
22488 392nd Ave
Alpena, SD 57312

Dear Mr. Miller:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire. You may disregard the January 30, 1996, Notice of Violation of the Requirement to Submit the 1995 Irrigation Questionnaire.

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

2364-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2002

NOTICE

TO: JOHN E MILLER, 1410 IDAHO AVE SE, HURON, SD 57350 3641

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire has not been submitted for Permit No(s) 2364-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 13, 2002, in the Visitor Center (west bank 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2364-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

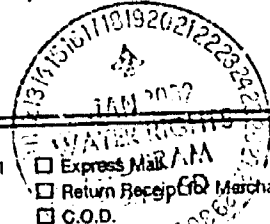
The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by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

If the questionnaire(s) is(are) received in this office on/or before March 8, 2002, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

2344-3

SENDER COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ 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.		A. Received by (Please Print Clearly) _____ B. Date of Delivery <u>1-17-02</u>	
1. Article Addressed to: JOHN E MILLER 1410 IDAHO AVE SE HURON SD 57350 3641		C. Signature <u>[Signature]</u> ☐ Agent ☐ Addressee	
		D. Is delivery address different from item 1? ☒ Yes ☐ No If YES, enter delivery address below: _____	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Return Receipt for Merchandise ☐ Registered ☐ C.O.D. ☐ Insured Mail	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	



2 7001 2510 0004 4797 4951

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2002

NOTICE

TO: JOHN E MILLER, 1410 IDAHO AVE SE, HURON, SD 57350 3641

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



SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire has not been submitted for Permit No(s) 2364-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 13, 2002, in the Visitor Center (west bank 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2364-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action: or *Sold property to Laverne Abbott in May 2001*
3. Take no action. *39088 274th St. Abbott, S.D. 57312 605-849-348*

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 8, 2002, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



2364-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2002

LaVerne Arhart
39088 224th St
Alpena, SD 57312

RE: Water Right Nos. 2364-3, 3271-3A and 4326-3

Dear Mr. Arhart:

Thank you for taking the time to visit with me today with regard to Water Right No. 2364-3, John Miller and Water Right Nos. 3271-3A and 4326-3, Leonard Sheffield and Sons. It is my understanding from our conversation that you now own the land described in these water rights. Enclosed are copies for your review.

Also enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please review the forms for accuracy and complete as needed. Upon completion, please sign the forms in the presence of a notary public and return them 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 included the "2001" irrigation questionnaire for Water Right No. 2364-3. Please complete the form with any irrigation information from this past season. I have taken it off of the list of delinquent irrigation questionnaires that were scheduled for hearing before the Water Management Board. It was removed from the agenda because I did not mail the form to the proper owner of the land.

You may keep the copies of the water rights for your records. Please return the transfer forms, \$7.50 in filing fees and the irrigation questionnaires as soon as possible. I am enclosing a postage paid envelope for your convenience in returning the materials. If you have any questions, please get in touch with me.

Sincerely,

Genny McMath

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

enclosures

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 417058

Pierre, January 23, 2002

RECEIVED OF La Verre Arhart, 39088 224 St., Alpena, SD 57312

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2364-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By Dorla-Li. Erbe
Chief Engineer
gm

NOTICE OF TRANSFER OF OWNERSHIP

JAN 23 REC'D

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

No. 2364-3

Date: 1-22-02

I/We request that Water Right No. 2364-3

formerly owned by: John E Miller

be transferred to: (name & address) Laverne Arhart

Telephone No. (605) 849-3483

39058 224 St. Alpena S.D.

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

132 acres - S 1/2 NW 1/4 and SW 1/4 Section 26, T108N, R63W

I/We understand that the validity of Water Right No. 2364-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of DeSautels)

I/We Laverne Arhart 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.

Laverne Arhart
(Signed by new owner)

Subscribed and sworn to before me this 22nd day of Jan., 2002

Wynne Tebay
(Notary Public)
comm. expires: 01-29-04

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

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





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-1182
www.state.sd.us/denr

January 24, 2002

LaVerne Arhart
39088 224th St
Alpena, SD 57312

Dear Mr. Arhart:

Thank you for following up on the ownership changes for Water Right Nos. 2364-3, 3271-3A and 4326-3. The transfers have been completed. Water Right No. 2364-3 (formerly held by John Miller) and Water Right Nos. 3271-3A and 4326-3 (formerly held by Leonard Sheffield & Sons) are now listed in your name.

Enclosed are your Receipt Nos. 417058, 417059 and 417060 in the amounts of \$2.50 each. You may keep these for your records.

If I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosures



2364-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: LaVERNE ARHART, 39088 224th ST, ALPENA, SD 57312 5417

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit Nos. 2364-3, 3271-3A & 4326-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 2, 2005, 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. Following the hearing, the Water Management Board can:

1. Amend Permit Nos. 2364-3, 3271-3A & 4326-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaires are received in this office on/or before February 25, 2005, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaires, please contact Genny McMath at (605) 773-3352.

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



2364-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 2005

2364-3
3271-3A
4326-3

LaVerne Arhart
39088 224th St
Alpena SD 57312-5417

Dear Mr. Arhart:

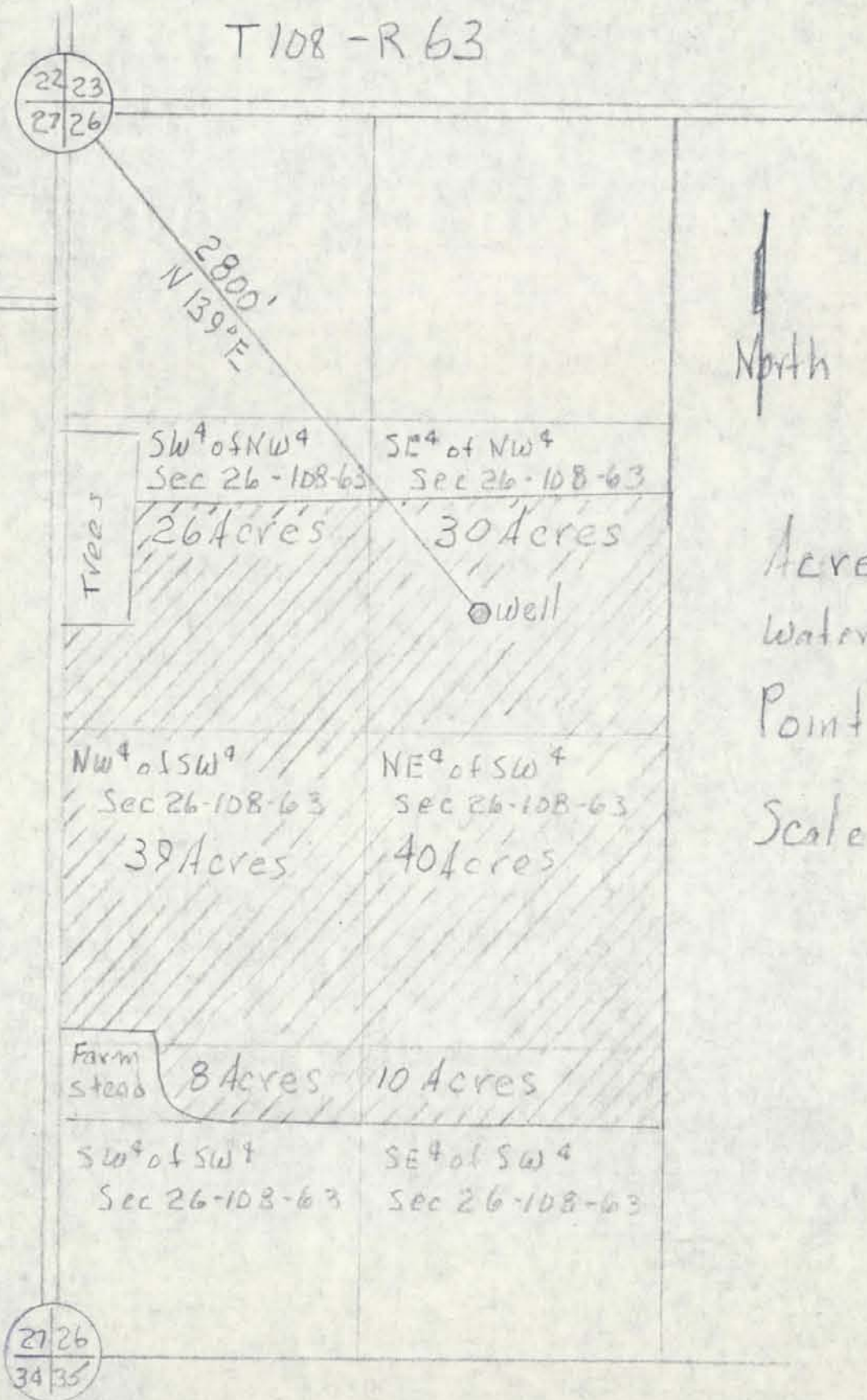
I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 2364-3, 3271-3A and 4326-3.

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



JOHN E. MILLER
IRRIGATION PROJECT #1
Alpena S. Dak
57312
Jerauld County

Acres Irrigated - 153

Water Claimed - 2.2 cfs

Point of Diversion - 2800' N 139° E of the
NW corner of Sec 26 - 108-63

Scale - 8" = 1 Mile

Surveyor's Certificate

I, John L. Wiersma, do hereby certify that
this map identifies a reasonably accurate
record of the land of:

John E. Miller

Alpena, South Dakota

Drawn by JEW

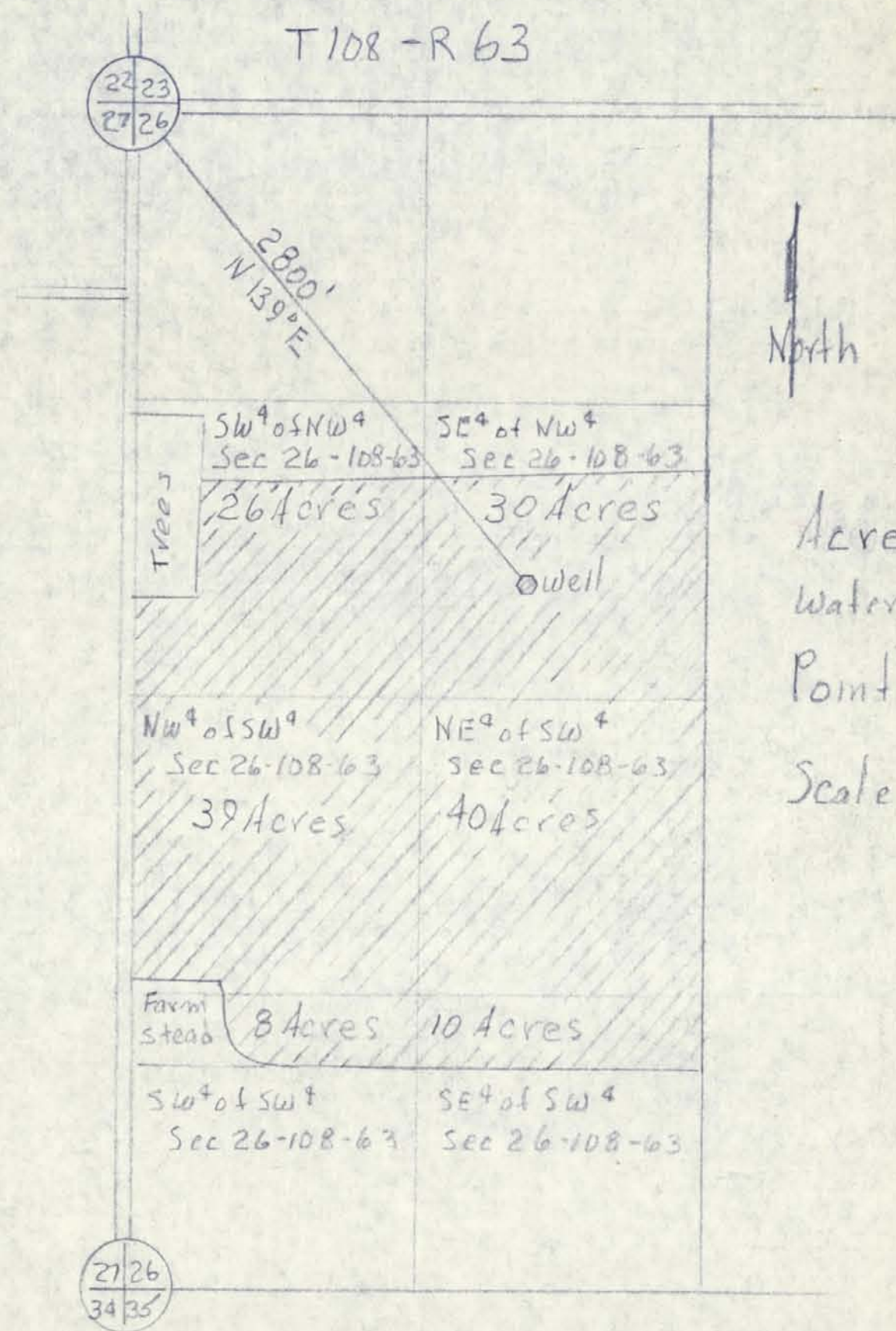
John L. Wiersma

57312

Sept. 22, 1975

P.E.H. 1216

Brookings S. Dak



JOHN E. MILLER

IRRIGATION PROJECT #1

Alpena S. Dak
57312
Jerauld County

Acres Irrigated - 153

Water Claimed - 2.2 cfs

Point of Diversion - 2800' N 139° E of the
NW corner of Sec 26-108-63

Scale - 8" = 1 Mile

Surveyor's Certificate

I, John L. Wiersma, do hereby certify that
this map identifies a reasonably accurate
record of the land of:

John E. Miller

Alpena, South Dakota

Drawn by J.L.W.

John L. Wiersma

57312

Sept. 22, 1975

P.E. # 1716

Brookings S. Dak

2364-3

Map # 1743-3

NOT TO SCALE





2364-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: LaVERNE ARHART, 39088 224th ST, ALPENA, SD 57312 5417

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire has not been submitted for Permit No(s) 2364-3, 3271-3A & 4326-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 7, 2012**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2364-3, 3271-3A & 4326-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2012

LaVerne Arhart
39088 224th St
Alpena SD 57312 5417

RE: Water Right Nos. 2364-3, 3271-3A & 4326-3

Dear Mr. Arhart:

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

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right Nos. 2364-3, 3271-3A & 4326-3. 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 31, 2015

2364-3
3271-3A
4326-3

Andrew Arhart
22429 390th Ave
Alpena SD 57312

Dear Mr. Arhart:

Thank you for visiting with me this week concerning water rights held by LaVerne Arhart.

Enclosed as we discussed are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with the water rights. Please review the forms and complete as needed. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$150). The check or money order for the fee can be made payable to the Water Rights Program.

I have included copies of all three water rights. You may keep these for your records. If I can answer any questions for you, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with the first name "Genny" being more prominent.

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

RECEIVED

APR 10 2015

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2364-3
Date: _____

I/We request that Water Right No. 2364-3

formerly owned by: LaVerne Arhart

be transferred to: (name & address) Arhart Farms Inc. Andrew Arhart
22429 390th Ave
Apena SD 57312 Telephone No. 605-350-3360

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

132 acres - S 1/2 NW 1/4 and SW 1/4 Section 26, T108N, R63W

I/We understand that the validity of Water Right No. 2364-3 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 Fifty Dollars (\$50.00) 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 Andrew Arhart for
Arhart Farms Inc, the new owner, certify that the above information is true and correct.

Andrew Arhart
(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 4/10, 20 15

RECEIVED OF Arhart Farms Inc 2249 390th Ave Alpena SD 57312

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	50	00
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>2364-3</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	50 00

No. **07344**

By

James Haliman
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 13, 2015

2364-3
3271-3A
4326-3

Andrew Arhart
22429 390th Ave
Alpena SD 57312

Dear Mr. Arhart:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on water rights listed in the name of LaVerne Arhart.

The ownership changes have been completed. Water Right Nos. 2364-3, 3271-3A and 4326-3 are now listed in the name of "Arhart Farms Inc." Enclosed for your records are Receipt Nos. 07344, 07345 and 07346 in the amount of \$50 each.

If you have any questions, please contact me.

Sincerely,

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

enclosures



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: ARHART FARMS INC, ANDREW ARHART, 22429 390TH AVE, ALPENA, SD 57312 5417

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire has not been submitted for Permit No(s) 2364-3, 3271-3A & 4326-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2364-3, 3271-3A & 4326-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2021** 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 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> using this password: NFTAKT**

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.

2364-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2021

2364-3
3271-3A
4326-3

Andrew Arhart
Arhart Farms Inc
22429 390th Ave
Alpena SD 57312-5417

Dear Mr. Arhart:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right Nos. 2364-3, 3271-3A & 4326-3. 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 blue ink that reads "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

December 13, 2024

2364-3

Jonathan Arhart
22488 392nd Ave
Alpena SD 57312

Dear Mr. Arhart:

Each year, the State of South Dakota sends out Water Management Irrigation Questionnaires to collect information based on annual water use from our state's waters.

This year we received word from Andrew Arhart that the property they had previously reported on under Water Right No. 2364-3 (copy enclosed) had been sold to you. For your convenience I have enclosed a partially completed "Transfer of Ownership" form for you to complete and return in the pre-paid envelope.

Please return the form with a check for \$50.00 made payable to "SD Water Rights Program" to cover the transfer fee. If you would prefer to pay by card you may call our Fiscal Office at 605.773.5559. This form will still need to be returned even if you are submitting payment over the phone.

Should you decide you wish to discontinue the irrigation on this piece of land, we would ask that you let us know.

If you have any questions or concerns, please give me a call. My direct number is 605.910.5187

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures

(2364-3)

PAID

JAN 03 2025

Ck# 1169

Rec't#

RECEIVED

JAN 03 2025

OFFICE OF
WATER

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2364-3

Date: 12/30/2024

I/We request that Water Right/Permit No. 2364-3 formerly owned by:
Arhart Farms Inc, c/o Andrew Arhart - Alpena SD

be transferred to:

New Owner Name: J-J Arhart Inc. - Jonathan Arhart
Address: 22488 392nd Ave mobile: 605-350-0018
City, State, Zip: Alpena, SD 57312 email: jjarhart@santel.net

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

132 acres - S 1/2 NW 1/4 & SW 1/4; all in Section 26, T108N, R63W

☒ I understand that the validity of Water Right/Permit No. 2364-3 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 Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Jonathan Arhart J-J Arhart Inc, the new owner, certify that the above information is true and correct.

Jonathan Arhart
(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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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 Agriculture and Natural Resources

Date January 6th 2025

RECEIVED OF J&J Arhart Inc 22429 390th Ave Alpena SD 57312

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 #2364-3 _____	\$50.00
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	\$50.00

By

Eric Gronlund

Chief Engineer

Se



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 10, 2025

2364-3

J&J Arhart Inc
c/o Jonathan Arhart
22488 392nd Ave
Alpena SD 57312

Dear Mr. Arhart:

I have received your "Notice of Transfer of Ownership" form and the required fees. Enclosed is a receipt of payment for your records.

Water Right No. 2364-3 previously owned by Arhart Farms Inc, is now listed under J&J Arhart Inc. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the water right, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the water right will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

NOTE: The validity of Water Right No. 2364-3 has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosure