

Water Right Number 2365-3

1. Considered NOV. 12, 19 75
2. Name of Applicant DAN CHRISTENSEN
3. Post Office Address HURLEY, S.D.
4. Amount of water claimed 1.20
5. Source of water supply GROUND WATER (60' DEEP WELL)
6. Water to be used for IRRIGATION
Acres to be irrigated 120
7. Water to be diverted and used in TURNER County
about 2E Miles of HURLEY
8. Proof of Publication
Received 10-22-75
Not received
9. Application
Approved
Subject to
Not approved
Action deferred
10. Remarks:

No. 2365-3

Map No. 1744-3 Water Division No. 3 VERMILION 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 Nan Christensen

Postoffice address Hawley, State S. Dak.

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) contract

3. Name of diversion work Nan Christensen

4. Amount of water claimed (cubic feet per second) 1.2

5. Source of water supply well

6. Location of point of diversion N/A

County _____

7. Annual period or periods during which water is to be used April to Oct.

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 120 DRC

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.
SE 1/4 SW 1/4 Sec 23 T8S R53	40 40		
NW 1/4 SW 1/4 Sec 23 T8S R53	40 40		
NE 1/4 SW 1/4 Sec 23 T8S R53	40 40		
	DRC		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 3 years. Additional time required to complete application of water to the proposed beneficial use 5 years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication Hawley Leader

12. Principal Features of the Proposed Water Supply System.

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

Well

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

Pipe

C. Works proposed to apply water to beneficial use.

Center Pivot

Estimated Total Cost \$ 25,000

Attachments: 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 TRINITY

I, NAN CHRISTENSEN, 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 Nan Christensen

Subscribed and sworn to before me this 4 day of SEPT, 1925

James S. Dickson
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2365-3
DAN CHRISTENSEN HURLEY
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57036 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 8 19 75
 Date of return to applicant for correction, amendments or changes required — 19 —
 Date of receipt of corrected application SEPTEMBER 30 19 75
 Approved NOVEMBER 13 19 75 Recorded in Book 14 Page 102

WATER RIGHT PERMIT NO. 2365-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2365-3 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 8 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 13 19 77
3. The whole of said work is to be completed on or before NOVEMBER 13 19 78
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 13 19 80
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 1.2 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 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 19 80; said water to be used during the following described annual period: APRIL TO OCTOBER

Witness my hand this 18TH day of NOVEMBER 19 75

WATER RIGHTS COMMISSION

By:

John H. Hatcher
 Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 14 19 77
 Water License Issued SEPTEMBER 14 19 77

Natural Resource

Please Excuse the changes on the permit. When this permit was filled out I was renting the property but since then have purchased it and it is in my name. Jim Rezek, Parker worked with me on it so we hope it is OK.

Thank you
Don R Christensen

Burt

9-30-75

Dan R. Christensen

Hurby 238-5854

called - wanted to know
if his well could be
within 500 feet of
another irrigation well
(pumping about 150 gpm)
located on SW $\frac{1}{4}$ of his
section. He had talked
to someone here before
who said 500 feet
separation is enough.
His well driller, ^{Paul King} who
is there to drill a
test hole 10-1-75
says the ^{SW} separation
is enough. I said okay,
but if you did not
agree, we would call
him early 10-1-75.

JH

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: 1/4 30 Section 23 Township 9E Range 53
 Well owner: Dan Christensen (Name) Theriot, S.D. (Address)
 Date well drilling completed: 4-27-76 Purpose of well: Irrigation
 (domestic, irrigation, municipal, industrial, other)

WELL LOG

Lays, top to top in feet	Description of layer	Depth to top of water producing layer	ft.
<u>0-2</u>	<u>top soil</u>	<u>34</u>	<u>ft.</u>
<u>2-168</u>	<u>sand & gravel</u>	<u>14</u>	<u>ft.</u>
		Name of producing aquifer (if known)	<u>sand & gravel</u>
		Total depth of drill hole	<u>168</u> ft.
		Depth to bottom of casing	<u>168</u> ft.
Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.			
<u>0-36</u> <u>22" O.D.</u> <u>Kelly Concrete</u>			
Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.			
<u>36-168</u> <u>22" O.D.</u> <u>Kelly Concrete</u>			
If a flowing well, flow of completed well _____ G.P.M.			

Attach sheet if more space is needed

Empire Irrigation Drilling Co. Inc.
 Name of Drilling Contractor

(2) PUMP INSTALLATION

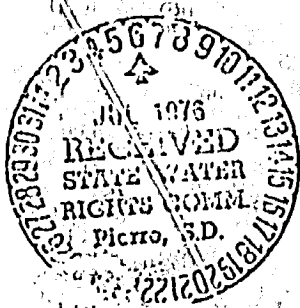
Company name and size of pump: Western Hand Roller HP 100
 Type of pump: submersible Capacity of installed pump: 800 G.P.M.
 Depth of pump placement: 40 ft., Date of pump installation: Spring 1976

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

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

Empire Irrigation Drilling Co. Inc.
 Name of Pump Installation Contractor



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

D. Well Information or Estimates

(1) Drill Hole, Diameter 36", Depth 60'

(2) Casing, Type concrete Diameter 24" Thickness 2"
(wood, concrete, steel, etc.)

(3) Perforated Screen.

Type Concrete, Diameter 24", Length 50'

(4) Gravel Pack, Thickness 6", Length of gravel pack 50'

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 gravel & sand

Depth to top of water bearing material 10'

Depth to bottom of water bearing material 60'

Thickness of water bearing material 50'

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

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

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

N/A

Dan R. Christensen
Signature of Applicant

September 23, 1975

Mr. Dan R. Christensen
Hurley, SD 57036

Dear Mr. Christensen:

The water sample which you sent to us about 2 weeks ago has been analysed and the results are reported on the attached report of analysis sheet. This is your copy to keep. You will also find enclosed a copy of extension circular 654 with the quality of this water designated by a red cross on the outside back cover. You will see that it is quite high in total salinity but low in sodium. This means that the sodium proportion of all salts is rather low and there should be no problem of sodium-induced dispersion of clays. However, there may be a moderate problem from time to time with salinity accumulation in the upper part of the soil. This will be evidenced by grayish crusts on the soil or even poor germination on certain tender plants, such as beans. However, with the soils you have and with moderately heavy rainfall which normally occurs once in a while in the Turner County area, you should have no substantial problem with salinity and there should be occasional fairly satisfactory leaching as a result of natural rainfall. Very late fall applications of water to fill the soil profile will improve the chances of natural leaching as a result of spring and winter precipitation.

A copy of this letter, and of the water analysis, and the WI-1 form are being sent 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

Merlin Pietz, 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 Capability: _____
Approved: [Signature]
Disapproved: _____

NAME: Loren Gary Dan R. Christensen
ADDRESS: Sieaux Falls, S. Dak. Hurley, S. Dak. 57036
COUNTY: Minnehaha Turner

LEGAL DESCRIPTION

1. WELL LOCATION: SW1/4 of the SW 22-08-52 Turner County
2. AREA TO BE IRRIGATED: (120 ac.) N1/2 and SE1/4 SW 23-08-53

TYPE OF IRRIGATION

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

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 1%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Mostly h6 - Cap. Unit II s3: Moderately
deep, well drained soils with 20-40 inches of loamy material over sand and
gravel on nearly level (0-2%) upland slopes with a small amount of
h7 - Cap. Unit II -
deep, well drained and moderately well drained soils on bottom
lands that sometimes receive beneficial overflow. (about 20 ac. of II)

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 75-833
8. SALINITY: EC = 152.0 μ mhos/cm (high)
9. SODIUM: SAR = 0.49 (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

J. W. Rezak, District Conservationist, SCS, Parker, S. Dak. 57053

and:

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

Don R. Christensen

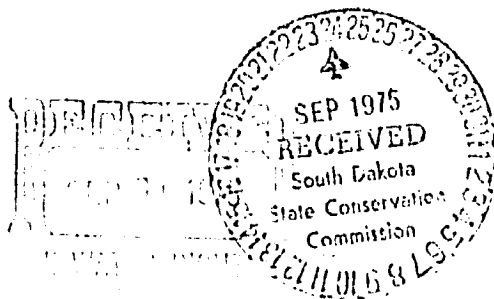
Subscribed and sworn before me this

4 day of Sept 19 75.

James L. Dickendorf

Notary Public

(Title)



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

Submitted by: Dan R. Christensen

Date Rec'd September 5, 1975

Address Harley, SD 57036

Sample No. 75-823

Identification Well-

SW4, Sec. 23, T 98N, R 53W

WATER ANALYSIS

Calcium (Ca)	230	ppm*	11.50	me/l**
Magnesium (Mg)	73	ppm	5.99	me/l
Sodium (Na)	33	ppm	1.44	me/l
Potassium (K)	4	ppm	0.11	me/l
Sulfate (SO ₄)	550	ppm	11.44	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	8	ppm	0.21	me/l
Bicarbonate (HCO ₃)	351	ppm	1.76	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)	288	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1520	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.49			
Sodium	7.56	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.25			
Others:				

*ppm=parts per million

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

**me/l=milliequivalents per liter

COMMENTS: Total cations 19.04 me/l
Total anions 17.41 me/l

By: Shirley Eitton

Service Performed

Amount Due

Irrigation analysis

\$6.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 75-823

Amount Enclosed \$

Signed

Form 6 - Notice of Intent to Appropriate Water

J. 2365-3

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 Dan Christensen
whose post office address is Hurley, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
1.2 cubic feet of water per second of time from the ground water through the
Dan Christensen #1, the point of diversion of which is to be located in the _____

NE $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 23, Twp. 98N, Range 53W. Said water to be used for the purpose
of providing irrigation on the following described land:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, T98N, R53W

This application No. 2365-3 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: Dan Christensen, Hurley, S.D. 57036

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 2365-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Turner) ss.

I, James E. Wipf hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Hurley, Leader

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

City of Hurley

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

October 9, 1975

October 16, 1975

James E. Wipf
(Signature)

Publisher
(Title)

10-17-75
(Date Signed)

No. 2365-3

NOTICE
INTENT TO
APPROPRIATE WATER

Pierre, South Dakota

October 1, 1975

Notice is hereby give that Dan Christensen whose post office address is Hurley, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.2 cubic feet of water per second of time from ground water through the Dan Christensen No. 1, the point of diversion of which is to be located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Twp. 98N, Range 53W. Said water to be used for the purpose of providing irrigation on the following described land: SE $\frac{1}{4}$ 9W $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 23, T98N, R53W

This application No. 2365-3 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: Oct. 9 & 16, 1975

*Walter E. Apple
Notary Public
Turner Co.
Oct. 24-78*



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

September 20, 1977

Dan Christensen
Hurley, SD 57036

Dear Mr. Christensen:

Enclosed herewith are, Water License No. 2365-3 and Certificate of Construction.

Water License No. 2365-3 is the final water right document completing your process of obtaining 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 that reads "John Hatch".

JOHN HATCH, Chief Engineer
WATER RIGHTS COMMISSION

JH:gy:plh

Enclosures

NOTE: Your pump capacity is 2.0 cfs (900 gpm). Based upon the acreage actually irrigated you are entitled to only divert 1.2 cfs (540 gpm). Any diversion in excess of 1.2 cfs would be a violation of your water right.

Permit No. 2365-3Water Division 3 Yamhill River Water DistrictREPORT 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 Dan Christensen of Harley, S. Dak. 57036 holder of Permit No. 2365-3, bearing date of priority of September 8, 19 75 authorizing the diversion of 1.2 cu. ft. per second of the waters of Well for Irrigation purposes in Turner County.

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

The Water Use System consists of,

A. Works used to divert the water:

Pump - Western Land Roller, Head # H-8M 3-12KBH
Serial # KB76736.

U.S. Electric Motor - 60 HP, 1770 RPM

ID# R-6734-00-751 R2095497.

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

PVC Pipe 8" dia. underground - 600 ft long.

C. Works used to apply water to beneficial use.

Electroqator Center Pivot - Model 2-GE5C
Serial # 11752547.

1256 ft long - 3 Travers.

The system is in the following condition: Good (New)

The point of diversion is located From SW corner of Section 73, T85N, R53W,
North 54° 30' East, 2370 ft.

The works are capable of diverting and conveying to the place of use 2.0cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in Sec 23, T85N, R53W

N 1/4 SW 1/4 - 33 Ac.

N E 1/4 SW 1/4 - 33 Ac.

SE 1/4 SW 1/4 - 33 Ac.

comprising a total of 99 acres of land.

Well data.

depth - 68 ft

depth to water - 10 ft.

14 inch dia. concrete.

Capacity 1800 gpm.

Date July 21, 1976

Leroy J. McInaugh
(Signature)

Permit No. 2265-3

Water Diversion No. 2 Vermillion River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Dan Christensen

_____ the holder _____ of
Permit No. 2365-3, issued upon Application No. 2365-3, bearing date of priority of September 8,
1975 authorizing the diversion of 1.2 cu. ft. per second of the waters of _____
ground water County of Turner, State of South Dakota at _____
a point N 54°30'E, 2370 feet from the SW corner, Section 23, T98N,
R53W
_____, for irrigation

_____ purposes, has _____ 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 2.0 cu. ft. per second of water.

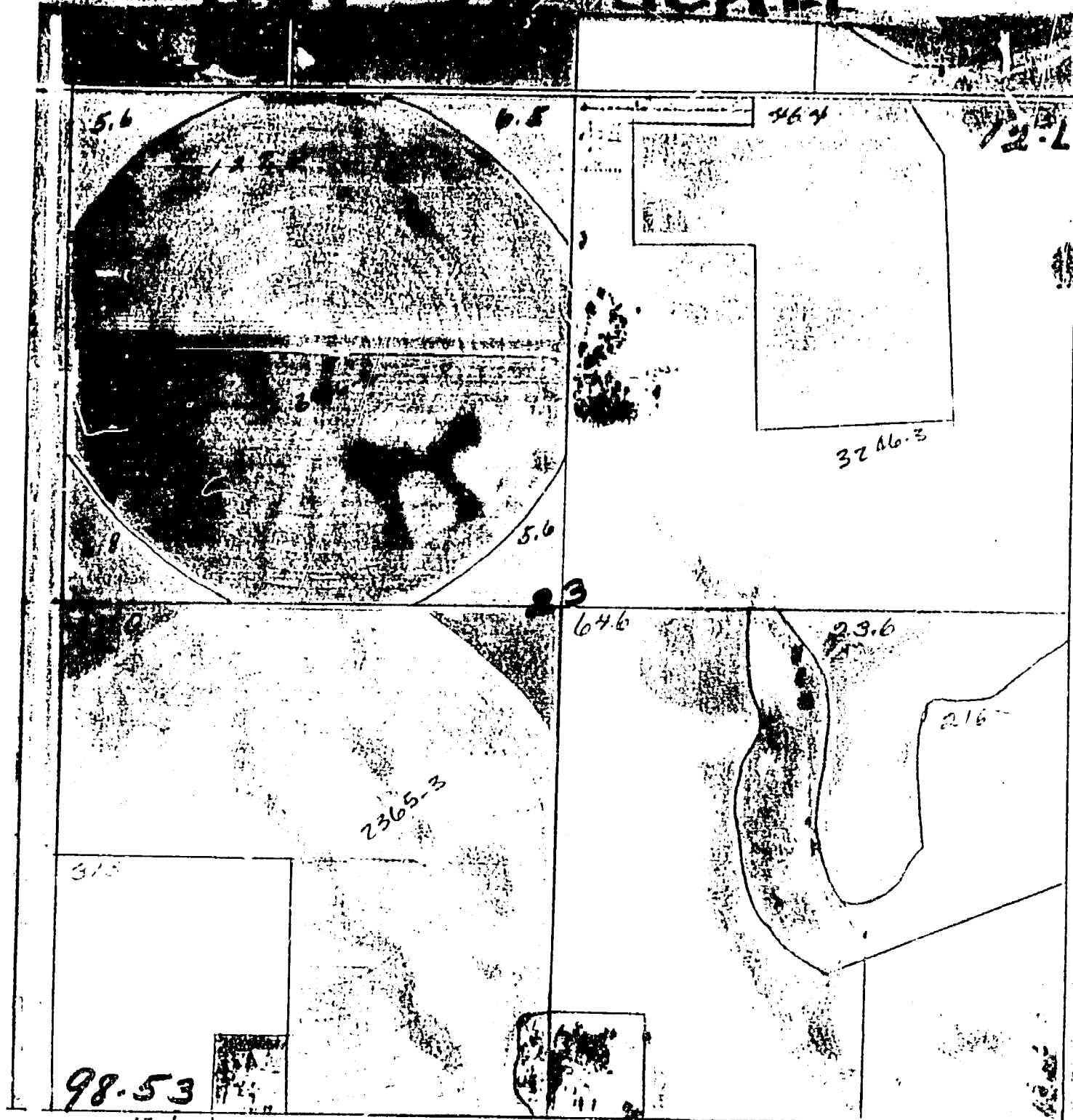
Date September 14, 1977

By:

WATER RIGHTS COMMISSION


JOHN HATCH, Chief Engineer

NOT TO SCALE



WATER LICENSE NO. 2365-3

(1) WHEREAS, On the 8th day of September A. D. 19 75

Dan Christensen

made Water Right Application No. 2365-3 for a permit to use 1.2 cubic feet per second of the waters of ground water

County of Turner, State of South Dakota, for irrigation

_____ purposes; and

(2) WHEREAS, On the 13th day of November A. D. 19 75

Permit No. 2365-3 with a date of priority of September 8, 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 78 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 1.2 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 irrigating the following land in Section 23, T98N, R53W

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 33 acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 33 acres

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 33 acres

TOTAL 99 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 Dan Christensen

_____ of Hurley

the holder _____ and owner _____ of said permit No. 2365-3 a water right, dating from September 8, 1975

_____ to use of 1.2 cubic feet per second of the waters of ground water

in the County of Turner and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point N54° 30'E, 2370 feet from the SW corner, Section 23, T98N, R53W

and conduct to and upon portions of the SW¼, Section 23, T98N, R53W
as described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 2365-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 14th day of September A. D.
Nineteen Hundred and seventy-seven

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH



2365-3

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

June 23, 1995

Dan Christensen
Box 235
Hurley, SD 57036

Dear Mr. Christensen:

I am contacting you regarding irrigation questionnaires for Water Right Nos. 358-3, 2031-3, 2135-3, 2365-3 and 3504-3. You are listed as operator for No. 358-3 (Leslie Flyger) and owner for the remaining water rights. Each year, five irrigation questionnaires are mailed to you for reporting yearly water use. I have noted from reviewing the questionnaires that you only submit three forms each year.

The purpose of this letter is to find out from you which three water use systems you are reporting irrigation on. The following are legal descriptions for each of your water rights.

No. 358-3 (Leslie Flyger)	33 acres	SW ¼ Section 23, T98N, R53W
No. 2365-3	99 acres	SW ¼ Section 23, T98N, R53W
No. 2031-3	132 acres	SE ¼ Section 26, T98N, R53W
No. 2135-3	60 acres	NW ¼ Section 26, T98N, R53W
No. 3504-3	160 acres	SW ¼ Section 26, T98N, R53W

Please review the above descriptions and contact me about which quarters of land you are still irrigating. Once I hear from you, I will update our files accordingly. If you have any questions, please contact me.

Sincerely,

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

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:

DAN CHRISTENSEN
BOX 235
HURLEY SD 57036

2365-3

4a. Article Number

P378 081 332

4b. Service Type

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

7. Date of Delivery

2-6-97

5. Received By: (Print Name)

Dan Christensen

6. Signature: (Addressee or Agent)

Dan Christensen

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

Domestic Return Receipt



2365-3

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

February 4, 1997

NOTICE**TO:** DAN CHRISTENSEN, BOX 235, HURLEY, SD 57036**FROM:** Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program**SUBJECT:** Violation of Requirement to Submit 1996 Irrigation Questionnaire

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 358-3, 2031-3, 2135-3 & 2365-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 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 2:30 pm, March 5, 1997, 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) 358-3, 2031-3, 2135-3 & 2365-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 1997, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 14, 1997

358-3

2031-3

2135-3

2365-3

Dan Christensen
Box 235
Hurley, SD 57036

Dear Mr. Christensen:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, Notice of Violation of the Requirement to Submit the 1996 Irrigation Questionnaires.

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

Thank you and if you have any questions, please contact me.

Sincerely,

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

2365-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 22, 2003

358-3
2031-3
2135-3
2365-3
5951-3
6134-3

Dan Christensen
28324 SD Highway 19
Hurley SD 57036-6034

Dear Mr. Christensen:

Enclosed is a "Notice" dated October 17, 2003 concerning the 2003 irrigation questionnaire. The notice was originally mailed to Box 235, Hurley SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 1, 2004

John Koerselman
669 10th St Circle SE
Sioux Center IA 51250

RE: Dan Christensen land

Dear Mr. Koerselman:

Thank you for visiting with me about ownership of land described in Water Right Nos. 2031-3, 2135-3, 2365-3 and Water Permit Nos. 5951-3 & 6134-3. Enclosed are copies of each one.

Also enclosed are partially completed "*Notice of Transfer of Ownership*" forms for filing ownership changes. Please review the forms and complete as needed. Upon completion, please sign and return the forms to us with a required filing fee of \$2.50 each (total of \$12.50). The check or money order for the fee can be made payable to the Water Rights Program.

I have included copies of last year's irrigation questionnaires submitted by Mr. Christensen. These are forms that are required to be completed each year by irrigators in South Dakota. The information supplied by the irrigators is one of the tools we use to help manage the water resources of the state. The data supplies us information on how much water was used from a particular source and develops a history of water use in South Dakota. The questionnaires are mailed out each year in October and are usually due by the first week in December.

If I can answer any questions for you, please contact me. If you have internet access and would like to know more about water rights in South Dakota, our website is:
<http://www.state.sd.us/denr/des/waterrights/waterprg.htm>

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

OCT - 7 2004

WATER RIGHTS
PROGRAM

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

No. 2365-3

Date: Oct. 5 2004

I/We request that Water Right No. 2365-3

formerly owned by: Dan Christensen

be transferred to: (name & address) John Koerselman
669 10th St. Circle SE
Sioux Center, IA 51250 Telephone No. 712-722-0615

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

99 acres - NW 1/4 SW 1/4, E 1/2 SW 1/4 Section 23 T98N, R53W

I/We understand that the validity of Water Right No. 2365-3 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 John Koerselman, the new owner, certify that the above information is true and correct.


(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 October 7, 20 04

RECEIVED OF BDJ Inc., John Koerselman, 669 10thSt., Cir SE, Sioux Center IA 51250

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>2365-3</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.

001129

By

Darland Erbe
Chief Engineer
gm



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 12, 2004

John Koerselman
669 10th St Circle SE
Sioux Center IA 51250

RE: Dan Christensen land

Dear Mr. Koerselman:

I am writing to acknowledge receipt of the ownership changes you filed for Water Right Nos. 2031-3, 2135-3, 2365-3 and Water Permit Nos. 5951-3 & 6134-3. The transfers have been completed. The above listed permits and rights, formerly held by Dan Christensen are now listed in your name.

Enclosed are your Receipt Nos. 001436, 001437, 001438, 001439 and 001440 in the amounts of \$2.50 each. The fees were for filing the ownership changes.

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

Sincerely,

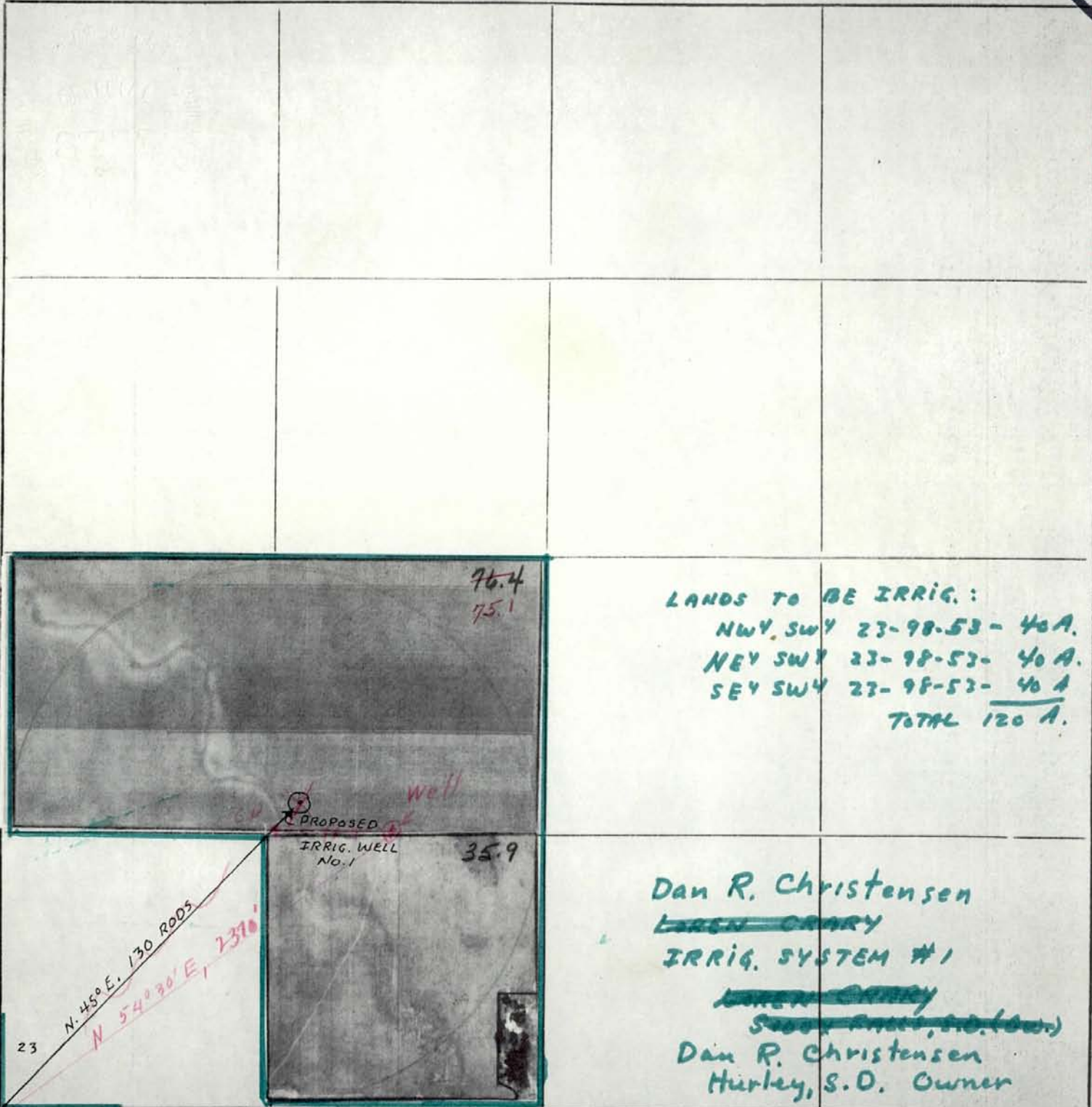
Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

OPERATOR

OWNER

FARM NO. NAME AND ADDRESS FARMLAND CROPLAND

140 145
142Tract No. ~~8-17~~ 8-16Farm No. ~~8M-140~~ 8M120Operator ~~Loren Christensen~~Owner ~~Loren Christensen~~

26 Legal Description

N 1/4 SW 1/4 23-98-53

MAP No 1744-3 (APPL No 2365-3)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 2009

Dan Christensen
28324 Hwy 19
Hurley SD 57036

RE: Water Right Nos. 2031-3, 2135-3 & 2365-3 and Water Permit Nos. 5951-3 & 6134-3

Dear Mr. Christensen:

Enclosed as you requested are partially completed "Notice of Transfer of Ownership" forms for use in filing ownership changes on Water Permits and Rights held by John Koerselman.

Please review the forms and completed as needed. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$12.50). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

enclosures

RECEIVED

MAR - 6 2009

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2365-3

Date:

3/4/09

I/We request that Water Right No. 2365-3

formerly owned by: John Koerselman

be transferred to: (name & address)

Dan Christensen
28324 Hwy 19 Hurley S.D. 57036

Telephone No. 605-238-5854

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

99 acres - NW 1/4 SW 1/4, E 1/2 SW 1/4 Section 23, T98N, R53W

I/We understand that the validity of Water Right No. 2365-3 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 Dan Christensen, the new owner, certify that the above information is true and correct.


(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 3/6, 2009

RECEIVED OF Dan Christensen 28324 Hwy 19 Hurley SD 57036

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

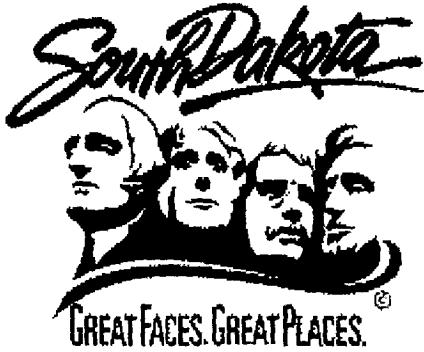
Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2365-3</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. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No.

04053

By

Richard E. Erbe
Chief Engineer



**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 9, 2009

Dan Christensen
28324 Hwy 19
Hurley SD 57036

RE: Water Right Nos. 2031-3, 2135-3 & 2365-3 and Water Permit Nos. 5951-3 & 6134-3

Dear Mr. Christensen:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fees you submitted for filing ownership changes.

The ownership changes have been completed. Water Right Nos. 2031-3, 2135-3 & 2365-3 and Water Permit Nos. 5951-3 & 6134-3 formerly listed in the name of John Koerselman are now listed in your name.

Enclosed are your Receipt Nos. 04051, 04052, 04053, 04054 and 04055 in the amounts of \$2.50 each which you paid for filing the ownership changes. 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

enclosures



**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 23, 2010

2365-3

Larry Stewart
29349 SD Hwy 25
Scotland SD 57059

Dear Mr. Stewart:

Thank you for contacting us regarding the ownership change needed for Water Right No. 2365-3. The water right is currently listed in the name of Dan Christensen.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

Also enclosed is a copy of the water right and a couple past irrigation questionnaires. You may keep those for your records. If you have any questions, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

MAY 17 2010

WATER RIGHTS
PROGRAM

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

No. 2365-3

Date: 5-10-10

I/We request that Water Right No. 2365-3

formerly owned by: Dan Christensen

be transferred to: (name & address) Larry Stewart

29349 S.D. Hwy 25 Scotland S.D. 57059

Telephone No. 605-583-4620

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

99 acres - SW 1/4 Section 23, T98N, R53W

I/We understand that the validity of Water Right No. 2365-3 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 Larry Stewart, the new owner, certify that the above information is true and correct.

Lawrence D. Stewart
(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 5/17, 20 10

RECEIVED OF Stewart Farm account PO BOX 475 Scotland SD 57059

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>2365-3</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.

04554

By

Philip E. Ebele
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 18, 2010

2365-3

Larry Stewart
29349 SD Hwy 25
Scotland SD 57059

Dear Mr. Stewart:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for Water Right No. 2365-3. The transfer has been completed. The water right formerly held by Dan Christensen is now listed in your name.

Water Right No. 2365-3 authorizes irrigation of 99 acres of a 132-acre pivot in the SW ¼ Section 23, T98N, R53W. Our records show that Dan leased the other portion of the pivot from Richard Flyger (authorized under Water Right No. 358-3). I am making the assumption that you will be operating in the same manner. I have added your name in the data base as leaser for Mr. Flyger's portion so that the annual irrigation questionnaires for both water rights can be directed to you next fall. If this is incorrect, please let me know.

Enclosed is Receipt No. 04554 in the amount of \$50.00. You may keep this for your records.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



2365-3
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 21, 2011

NOTICE

TO: LARRY STEWART, RENTER, 29349 SD HWY 25, SCOTLAND, SD 57059

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire has not been submitted for Permit No(s) 358-3 & 2365-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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 9, 2011**, 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) 358-3 & 2365-3 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 4, 2011**, 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>

c: RICHARD FLYGER, 25620 283RD ST, HURLEY SD 57036

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.

2365-3

[Home](#) | [Help](#) | [Sign In](#)[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 1239

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 12:10 pm on January 28, 2011 in PHOENIX, AZ 85044. The item was signed for by K STEWART.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 28, 2011, 12:10 pm, PHOENIX, AZ 85044
- Processed through Sort Facility, January 27, 2011, 9:56 pm, PHOENIX, AZ 85043
- Processed through Sort Facility, January 26, 2011, 6:44 pm, MINNEAPOLIS, MN 55413
- Forwarded, January 22, 2011, 9:15 am, SCOTLAND, SD
- Arrival at Post Office, January 22, 2011, 7:47 am, SCOTLAND, SD 57059
- Processed through Sort Facility, January 22, 2011, 3:54 am, SIOUX FALLS, SD 57104

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)[Site Map](#)[Customer Service](#)[Forms](#)[Gov't Services](#)[Careers](#)[Privacy Policy](#)[Terms of Use](#)[Business Customer Gateway](#)

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 1239	LARRY STEWART, RENTER 29349 SD HWY 25 SCOTLAND SD 57059	
	Waiver of Signature ☐ YES ☐ NO	
	Postmark Here	
	POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com ® or call 1-800-222-1811	
☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel		

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

Background:

Water Right No. 358-3 (Richard Flyger) authorizes irrigation of 33 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23, T98N, R53W from a well located in the approximate center of the SW $\frac{1}{4}$ of the same section.

Water Right No. 2365-3 (Larry Stewart) authorizes irrigation of 99 acres in the N $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23, T98N, R53W from a well located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23 (approximately 500-600 feet slightly NE of Flyger's well).

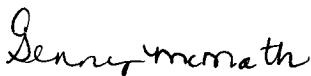
Conversations with the land owners:

January 24, 2011: In response to receiving a copy of a notice directed to Larry Stewart regarding submission of the 2010 irrigation questionnaire for both water rights, Mr. Flyger contacted the Water Rights Program and indicated he wished to have his water right cancelled because his well had not been used in years.

February 8, 2011: I called and spoke with Mr. Stewart. He indicated he does rent Mr. Flyger's land in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and operates it in the same manner the previous owner did. The land is part of a 132 acre circle that is irrigated using his well in the NE $\frac{1}{4}$ SW $\frac{1}{4}$. Mr. Flyger's well is not used.

Action to be taken:

The Water Rights Program does not intend to proceed with cancellation of Water Right No. 358-3 since the land has been and will continue to be irrigated using the Stewart well. Since both of the wells in question are from the same source (Parker Centerville Aquifer) and no additional water or land is being used and both wells are in the same original advertised area, no permitting is required. This serves to document in each water right file that the SW $\frac{1}{4}$ SW $\frac{1}{4}$ is still being irrigated from the well authorized by Water Right No. 2365-3.



Genny McMath
Water Rights Program



**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 9, 2011

358-3
2365-3

Larry Stewart
29349 SD Hwy 25
Scotland SD 57059

Dear Mr. Stewart:

I am writing to acknowledge receipt of the 2010 irrigation questionnaires for Water Right Nos. 348-3 and 2365-3. You may disregard the January 21, 2011, "Notice" concerning reporting requirements. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

In follow-up to our phone conversation concerning Water Right No. 358-3, Mr. Flyger contacted us and requested his water right be cancelled since his well has not been used for many years. We have opted not to proceed with cancellation of the water right as he requested. If the land in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ had not been irrigated for many years, Water Right No. 358-3 may indeed may be subject to cancellation.

File documentation has been added to both files explaining which well is used for the pivot system. No permitting will be required based on current information indicating the well used is in the same water source (Parker Centerville Aquifer); no additional water is used and no additional land is irrigated.

I will contact Mr. Flyger and discuss this with him as well. If you have any questions, please contact me.

Sincerely,

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



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: LARRY STEWART, RENTER, 29349 SD HWY 25, SCOTLAND, SD 57059

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) 358-3 & 2365-3 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) 358-3 & 2365-3 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>

RICHARD FLYGER, 25620 283RD ST, HURLEY SD 57036

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

February 27, 2012

358-3
2365-3

Larry Stewart
29349 SD Hwy 25
Scotland SD 57050

Dear Mr. Stewart:

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. 358-3 and 2365-3. 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



2365-3
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 26, 2018

NOTICE

TO: LARRY STEWART, RENTER, 29349 SD HWY 25, SCOTLAND, SD 57059

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire has not been submitted for Permit No(s) 358-3 & 2365-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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 7, 2018 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) 358-3 & 2365-3 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 7, 2018** 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: <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
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 8, 2018

358-3
2365-3

Farrar's AG LLC
45225 287th St
Hurley SD 57036

Dear Sir:

I am writing to acknowledge receipt of the 2017 irrigation questionnaires for the following:

- Water Right No. 348-3 – Richard Flyger
- Water Right No. 2365-3 – Larry Stewart

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right Nos. 358-3 and 2365-3. The information was received in our office prior to the Water Management Board meeting and the issue has been deleted from the agenda.

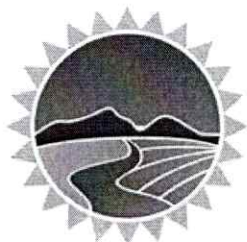
It is my understanding you rent the land described in these water rights. Next year's irrigation questionnaires will be mailed directly to you rather than Mr. Stewart. If you have any questions, please contact me.

Sincerely,

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

c: Larry Stewart, 29349 SD Hwy 25, Scotland, SD 57059

2365-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 19, 2020

358-3
2365-3

Brett Petersen
45656 US Hwy 18
Hurley SD 57036

Dear Mr. Petersen:

I am writing in regard to ownership of land described in Water Right Nos. 358-3 and 2365-3 (copies included). The renter of the property sent back the irrigation questionnaires in late October notifying us of the change. I have tried to call Paul many times but am not able to get through, so I thought I better get the materials mailed.

I was unsure whether the water rights will be transferred to a specific name or to PBP Farms, so I left part of the enclosed transfer forms blank. Please complete and return them along with a \$50 fee for each one (total of \$100.00). The check or money order can be made payable to the Water Rights Program.

Also enclosed are the 2020 irrigation questionnaires for the water rights. Thank you in advance for completing the transfer forms and filing fees. If you have any questions, let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352
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: BRETT PETERSEN, RENTER, 45656 US HWY 18, HURLEY, SD 57036

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) 358-3 & 2365-3 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) 358-3 & 2365-3 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: DPNUYJ**

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.



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

358-3
2365-3

Brett Petersen
45656 US Hwy 18
Hurley SD 57036

Dear Mr. Petersen:

I am writing to acknowledge receipt of the 2020 irrigation questionnaires for water rights held by Richard Flyger and Larry Stewart. It is our understanding the land described in these water rights has changed to PBP Farms.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for these water rights. The information was received in our office prior to the Water Management Board meeting and has been deleted from the agenda.

If you haven't already done so, please complete and return the transfer forms sent to you for changing ownership.

If you have any questions, please contact me.

Sincerely,

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

2365-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date February 4, 2021RECEIVED OF PBP Farms Partnership 45610 282nd St Hurley SD 57036

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>2365-3</u>	\$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
vm

PAID

FEB 4 2021

Ck# 2975

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

FEB 04 2021

WATER RIGHTS
PROGRAMNo. 2365-3Date: 2-2-21I/We request that Water Right No. 2365-3formerly owned by: Larry Stewart

be transferred to: (name & address)

Brett Petersen
45656 US HWY 18
Hurley, SD 57036

Telephone No. 605-351-6026

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

N ½ SW ¼ and SE ¼ SW ¼ Section 23, T98N, R53W

I/We understand that the validity of Water Right No. 2365-3 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 Brett Petersen, the new owner, certify that the above information is true and correct.



(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.

2365-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 2021

358-3
2365-3

Brett Petersen
45656 US Hwy 18
Hurley SD 57036

Dear Mr. Petersen:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right Nos. 358-3 and 2365-3.

The ownership changes have been completed. Water Right No. 358-3 formerly held by Richard Flyger and Water Right No. 2365-3 formerly held by Larry Stewart are now listed in your name.

Enclosed for your records are the receipts for the filing fees.

Thank you and if you have any questions, please let me know.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath". The signature is fluid and cursive.

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

enclosures

2365-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: BRETT PETERSEN, 45656 US HWY 18, HURLEY, SD 57036

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 358-3 & 2365-3 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) 8488-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 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) 8488-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 358-3 & 2365-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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://danr.sd.gov/iq> using this password: VBYHEB**

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

January 31, 2022

Brett Petersen
45656 US Hwy 18
Hurley SD 57036

RE: Irrigation Questionnaires – Water Permit or Right Nos. 358-3, 2365-3 and 8488-3
Water Right No. 3246-3, Ralph Duxbury

Dear Mr. Petersen:

I am writing to acknowledge receipt of the 2021 irrigation questionnaires for the above listed permits/rights.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Water Right No. 3246-3 is still listed in Ralph Duxbury's name, and I know that he passed away in 2018. The water right needs to be transferred to reflect current ownership. Please let me know who owns the land so I can contact them concerning filing of an ownership change.

If you have any questions, please contact me.

Sincerely,

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