

Water Right Number 2366-3

1. Considered NOV. 12, 19 75
2. Name of Applicant ROBERT HEBELER
3. Post Office Address AKRON, IOWA
4. Amount of water claimed 1.85
5. Source of water supply GROUND WATER (105' DEEP WELL)
6. Water to be used for IRRIGATION
- Acres to be irrigated 130
7. Water to be diverted and used in UNION County
about 12 N, 5 E Miles of ELK POINT
8. Proof of Publication Received 10-20-75
Not received
9. Application Approved
Subject to
Not approved
Action deferred

10. Remarks:

Map No. 1745-3 Water Division No. 3 Big Sioux River District
 (Blanks to be filled by the Engineer for the W. H. 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 Robert Hebel
 Postoffice address Rt 2 Box 3 State Nebraska 51001
 If a corporation show date and place of incorporation None
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Hebel Irrigation System
4. Amount of water claimed (cubic feet per second) 2.7 1.355 MAXIMUM ALLOWABLE
5. Source of water supply Well
6. Location of point of diversion 1320' North of 1320' West of the SE corner
of Sec 24 T23N R47W County Union
7. Annual period or periods during which water is to be used June through September
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Total number of acres to be irrigated 130

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>SE 1/4 Sec 24 T23N R47W</u>			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional 5 years required to complete application of water to the proposed beneficial use 5 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Leader-Examiner, Elk Point, S.D.
67025
12. Principal Features of the Proposed Water Supply System.

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

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

C. Works proposed to apply water to beneficial use.

Center PivotEstimated Total Cost \$ 35,000

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 Union

I, Robert Hebel, 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 Robert HebelSubscribed and sworn to before me this 5 day of September, 19 75

A. L. Peterson
 Notary Public for Plymouth County
 My commission expires 9-30-76

WATER RIGHT APPLICATION APPROVAL

BROT

The Water Rights Commission hereby approves Water Right Application No. 2366-3
ROBERT HEBELER ROUTE 2, Box 3, AKRON
 (Applicant) (Post Office Address)
IOWA 51001 with the following modifications:
 (State)

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

Date of first receipt of application SEPTEMBER 18, 1975
 Date of return to applicant for correction, amendments or changes required —
 Date of receipt of corrected application SEPTEMBER 30, 1975
 Approved NOVEMBER 12, 1975 Recorded in Book 14 Page 103

WATER RIGHT PERMIT NO. 2366-3

The Water Rights Commission hereby grants and issues this Water Right Permit N 2366-3 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 18, 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, 1980
5. The water appropriated shall be used for the purpose of IRRIGATION

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

7. The amount of the appropriation herein granted shall not exceed 1.85 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 12, 1980; said water to be used during the following described annual period: JUNE THRU SEPTEMBER

Witness my hand this 18TH day of NOVEMBER, 1975

WATER RIGHTS COMMISSION

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued December 27, 1979

Water License Issued December 21, 1979

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 30', Depth 105'
- (2) Casing, Type Transite Diameter 16" ID Thickness 3/4"
(wood, concrete, steel, etc)
- (3) Perforated screen.
Type 1/8" Slotted, Diameter 16" ID, Length 20'
- (4) Gravel Pack, Thickness 6-9", Length of gravel pack 20+ ft.

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 0-5' Clay loam
5-10' Sandy loam
12-30' Coarse Gravel
30-105' Gravel + Sand

Depth to top of water bearing material 30'

Depth to bottom of water bearing material 105'

Thickness of water bearing material 25'

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

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

On same owner's property 80 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.

Robert Hebler
Signature of Applicant

September 22, 1975

Mr. Robert Hebel
Route 2, Box 3
Akron, Iowa 51001

Dear Mr. Hebel:

The water sample submitted to us 2 weeks ago has now been analyzed. We have also received your WI-1 form so the material which we have will be forwarded to the Conservation Commission, along with a copy of this letter.

The sample of water which you sent was moderately high in salinity but low in sodium. There should be no difficulty irrigating the soils you have with this water. I am enclosing a copy of extension circular 654 with some information about irrigation in it, and a water quality diagram on the outside back cover. The approximate utility of your water for irrigation is indicated by the red cross near the bottom of the chart. After the Water Rights Commission has acted upon your case, you will be hearing from them directly.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOF:ckb

Enclosures

cc: State Conservation Commission

D. Pahl

Louie DeSmet, County Extension Agent



Conservation
Commission
Form W1 #1

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

FOR COMMISSION USE ONLY

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: [Signature]

Disapproved: _____

NAME: Robert Hebel

ADDRESS: Route 2, Box 3, Abcon, Iowa 51001

COUNTY: Union, S. D.

LEGAL DESCRIPTION

1. WELL LOCATION: Center of SE $\frac{1}{4}$ Sec. 24 Twp. 93N Range. 49W
2. AREA TO BE IRRIGATED: SE $\frac{1}{4}$ Sec. 24 Twp 93N Range. 49W

TYPE OF IRRIGATION

3. GRAVITY

SPRINKLER (Indicate Type): Sprinkler

4. CROPS TO BE IRRIGATED: Corn or beans

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0-2%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Estelline - Deep medium to moderately fine textured, moderately permeable soils developed in wind blown materials over gravel - Gravel at 12 ft.

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 75-817
8. SALINITY: EC = 868 μ mhos/cm (medium-high)
9. SODIUM: SAR = 0.43 (low)

the land capability for irrigation information has been acquired from

and :

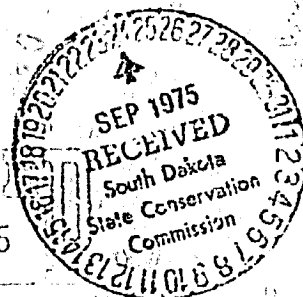
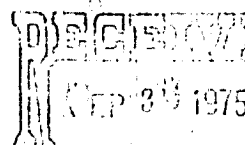
Robert Hebel

5 day of September 1975.

Fr. Peters

Notary Public

(Title) Within and for Plymouth County, Iowa
May commission expires 9-30-76



STATE WATER CONTROL COMMISSION
1000 N. 17th St., Room 100
Lincoln, Nebraska 68502

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

Submitted by: **Robert Hebel**
 Address: **Rt. 2, Box 3**
Akron, Iowa 51001

Date Rec'd **September 5, 1975**
 Sample No. **75-817**
 Identification **Well-30'**
SE 1/4, Sec. 24, T. 93N, R. 49W

WATER ANALYSIS

Calcium (Ca)	100	ppm*	5.00	me/l**
Magnesium (Mg)	36	ppm	2.95	me/l
Sodium (Na)	20	ppm	0.86	me/l
Potassium (K)	2	ppm	0.05	me/l
Sulfate (SO ₄)	84	ppm	1.76	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	3	ppm	0.08	me/l
Bicarbonate (HCO ₃)	439	ppm	7.20	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		g.p.g.***
Hardness (EDTA as CaCO ₃)		ppm		
Alkalinity (Methyl Orange)	360	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	868	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.43			
Sodium	9.70	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.34			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

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

COMMENTS: **Total cations 8.86 me/l**
Total anions 9.04 me/l

By: **Shirley Kitten**

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. **75-817**

Amount Enclosed \$

Signed

Form 6 - Notice of Intent to Appropriate Water

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 Robert Hebeler
whose post office address is Akron, Iowa, ~~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
1.85 cubic feet of water per second of time from the ~~xxx~~ ground water through the
Hubeler Irrigation System, the point of diversion of which is to be located in the _____

Center of the SE $\frac{1}{4}$

of Section 2nd, Twp. 93N, Range 49W. Said water to be used for the purpose
of providing irrigation ~~on~~ ^{a portion} the following described land:

SE $\frac{1}{4}$, Section 24, T93N, R49W

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/hw

Enck:

cc: Robert Hebeler, Route #2, Box 3, Akron, Iowa 51001

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

No. 2-211-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Union) ss.

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

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

City of Elk Point

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

October 9, 1975

October 16, 1975

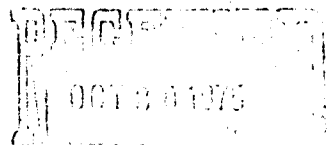
Lester E. Emerson
(Signature)

Publisher
(Title)

October 16, 1975
(Date Signed)

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

Notice is hereby given that Robert Hebel, whose post office address is Akron, Iowa, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.85 cubic feet of water per second of time from ground water through the Hebel Irrigation System, the point of diversion of which is to be located in the center of the SE 1/4 of Section 24, Twp. 99N, Range 49W. Said water to be used for the purpose of providing irrigation on a portion of the following described land: SE 1/4, Section 24, T99N, R49W. This application No. 2386-3 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
Published: October 9, 1975



STATE OF SOUTH DAKOTA
DEPT. OF AGRICULTURE

Permit No. 2366-3Water Division 3 Big Sioux 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 ROBERT
HEBELER of AKRON, IA holder
of Permit No. 2366-3, bearing date of priority of SEPTEMBER 18, 1975
authorizing the diversion of 1.85 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in UNION County.

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

The Water Use System consists of,

A. Works used to divert the water:

50' DEEP WELL WITH 16" TRANSITE CASING - 20' JOHNSON'S SCREEN
FAIRBANKS MORSE 8" PUMP #N3A2801085X 4 STAGE - 12" BOWLS
POWERED BY 40HP SE ELECTRIC MOTOR

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

30' OF 8" ALUMINUM TO CENTER OF PLOT

C. Works used to apply water to beneficial use.

ZIMMATIC CENTER PLOT (LOW PRESSURE) W/END GUN
PUMPS 1100 GPM @ 60" PRESSURE AT PUMP.

The system is in the following condition: GOOD

The point of diversion is located 30' W OF THE CENTER OF THE SE⁴
SECTION 24, T93N, R49W

The works are capable of diverting and conveying to the place of use 2.44cu. 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:

FOR IRRIGATING A 136 ACRE CIRCLE IN THE
SE⁴ SECTION 24, T93N, R49W

comprising a total of 136 acres of land.

Date OCTOBER 2, 1979
[Signature]
(Signature)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7178

December 20

79

PIERRE,

19

RECEIVED OF Robert Hebefer, Route 2, Box 3, Akron Iowa

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. 2566-3)		
Fee for Inspecting Beneficial Use, and issuing Water License No. 2566-3)	50	00
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filling		
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 lw



Department of Water & Natural Resources

Joe Foss Building Water Rights, Water Management Division
Pierre, South Dakota 57501 (605) 773-3352

January 3, 1980

Mr. Robert Hebeler
Route 2, Box 3
Akron, Iowa 51001

Dear Mr. Hebeler:

Enclosed herewith are, Water License No. 2366-3 and Certificate of Construction.

Water License No. 2366-3 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,

JOHN HATCH, Chief Engineer
Water Rights, WMD

JH: bt

enclosures

NOTE: Your pump capacity is 2.44 cfs (1096 gpm) and based upon the acreage actually irrigated, you are entitled to divert 1.85 cfs (830 gpm). Any diversion in excess of 1.85 cfs would be a violation of your Water Right.

WNR-817-7/79
Transmittal of Water License

Permit No. 2366-3

Water Diversion No. 3 Big Sioux River Water District

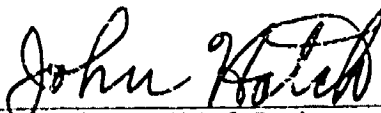
CERTIFICATE OF CONSTRUCTION

This is to Certify, That Robert Hebelor

_____ the holder _____ of
Permit No. 2366-3, issued upon Application No. 2366-3, bearing date of priority of September 18, 1975
_____ authorizing the diversion of 1.85 cu. ft. per second of the waters of _____
_____ County of Union, State of South Dakota at a
point 30' west of the center of the SE 1/4, Section 24-T93N-R49W
_____ 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 2.44 cu. ft. per second of water

Date December 21, 1979



JOHN HATCH, Chief Engineer
Water Rights, WMD

WATER LICENSE NO. . . 2366-3

(1) WHEREAS, On the 13th day of September A. D. 19 75
Robert Hebel

made Water Right Application No. 2366-3 for a permit to use 1.85 cubic feet per second of the waters
of groundwater (one well)
County of Union State of South Dakota, for irrigation
purposes; and

(2) WHEREAS, On the 12th day of November A. D. 19 75
Permit No. 2366-3 with a date of priority of September 18, 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 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 1.85 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 a 136 acre circle in the SE1/4, Section 24,
T93N - R49W

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

_____ of Akron, Iowa
the holder _____ and owner _____ of said permit No 2366-3 a water right, dating from September 18, 1975
_____ to use of 1.85 cubic feet per second of the water
of groundwater (one well)

in the County of Union and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 30 ft. west of the center of the
SE $\frac{1}{4}$, Section 24 - T93N - R49W

and conducted ^{ed} and upon a 136 acre circle in the SE $\frac{1}{4}$, Section 24 - T93N - R49W

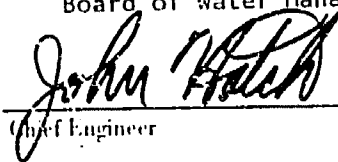
for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 2366-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 21st day of December A. D.
Nineteen Hundred and Seventy-nine

Board of Water Management

By:



Chief Engineer

JOHN HATCH



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
April 12, 1985

Robert Hebeler
Rt 2 Box 3
Akron IA 51001

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s). 2366-3. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

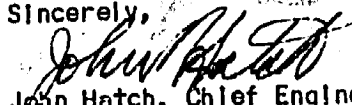
The hearings will be held at 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

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

1. Amend Permit No(s). 2366-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

Sincerely,


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

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

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3191

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Robert Hebel
Rt 2, Box 3
Akron, IA 51001

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

SUBJECT: Amendment to Water Permit No(s). 2366-3.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 2366-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

South Dakota
Department of
Water & Natural Resources

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

Attachment to Water Permit No(s). 2366-3

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 2366-3 to add the following qualification:

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



Department of Water & Natural Resources

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

March 26, 1986

NOTICE

Robert Hebel
RR 2, Box 3
Akron, IA 51001

Re: Violation of Water Permit No(s). 2366-3

Our records indicate that the 1985 Irrigation Questionnaire has not been received for Water Permit No(s). 2366-3. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 2366-3 qualification:

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

The hearing(s) will be at 2:00 p.m., May 14, 1986, Joe Foss Building, Room 216, Pierre, South Dakota. The hearing(s) 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. Suspend Permit No(s). 2366-3 until either the 1985 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

Sincerely,

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

Note: If the questionnaire(s) is received in this office before the May 14 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

 **Department of
Water & Natural Resources**

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

May 16, 1986

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: Robert Hebel
RR 2, Box 3
Akron IA 51001

FROM: John Hatch, Chief Engineer *John Hatch*
Water Rights Division *by Del Boring*
605 773-3352

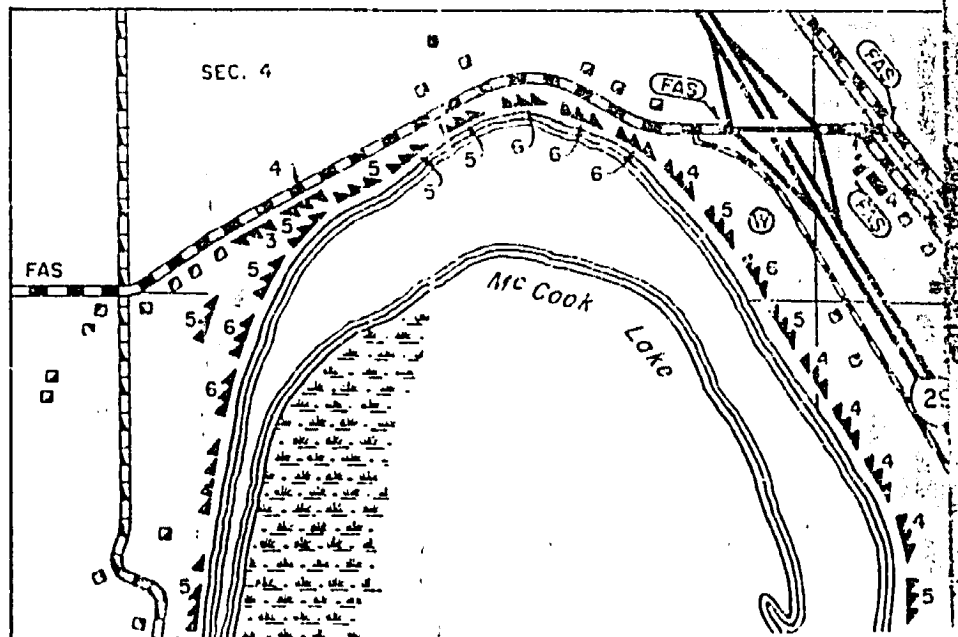
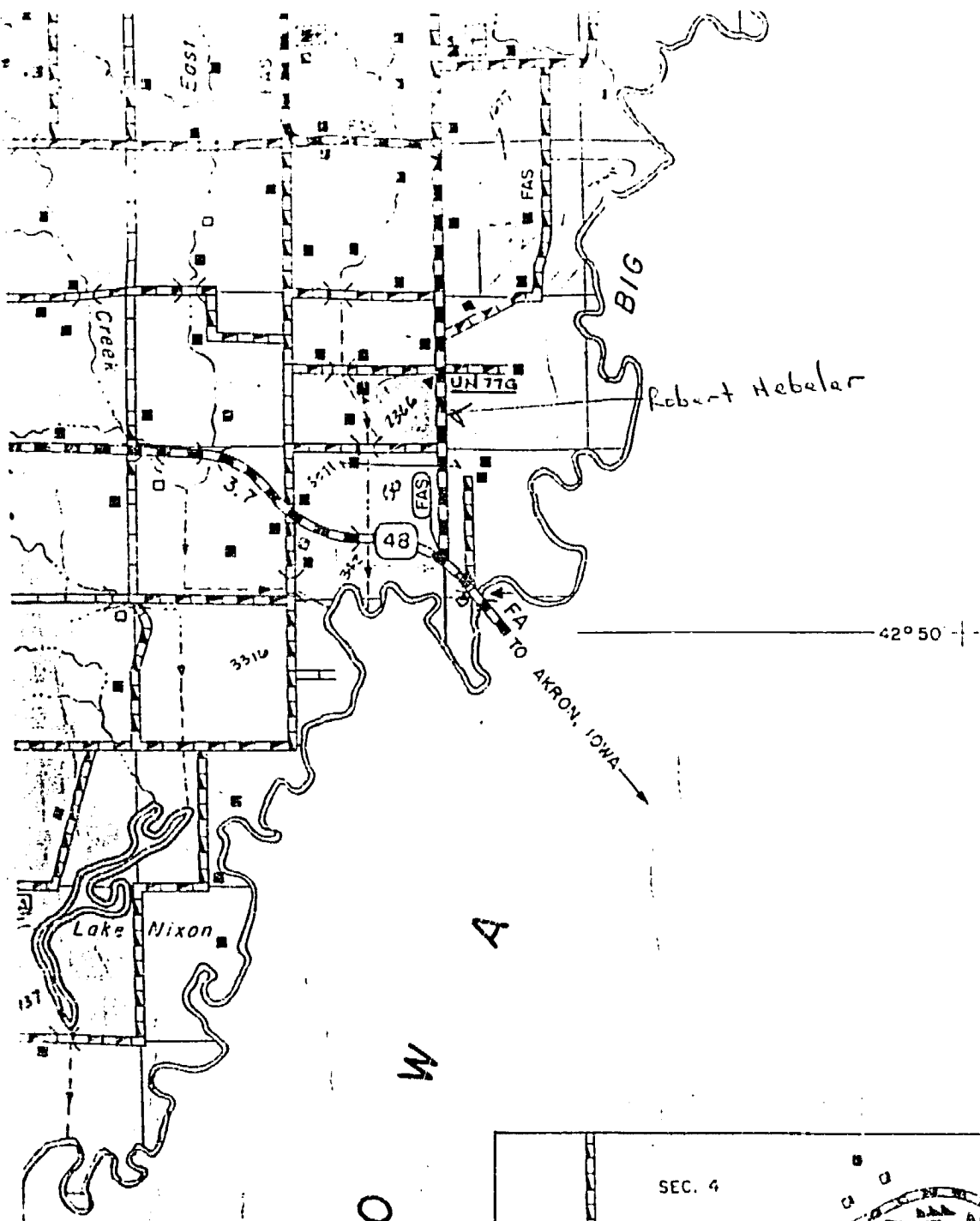
SUBJECT: One Year Suspension of Water Permit No(s). 2366-3
If the 1985 Irrigation Questionnaire Is Not Received By
June 1, 1986

Pursuant to the provisions of the notice dated March 26, 1986 and following the Hearing May 14, 1986, the Water Management Board ordered:

That Water Permit No(s). 2366-3 be suspended until December 31, 1986, unless the required 1985 Irrigation Water Use Questionnaire is received by June 1, 1986.

Suspension of a permit means water may not be pumped during the 1986 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

Equal Opportunity Employer



SIoux CITY
IOWA

Water Rights Division - DVNR
Conversation or File Documentation

File No. 23663

NAME OF PERSON OR FILE: Robert Hebel

ADDRESS: R#2 Box 3 Permit #2366-3 COUNTY Utah

DATE: July 2, 1986 5:00pm TELEPHONE

RE: Suspended Irrigation water Permits/rights for the 1986
Irrigation season.

COMMENTS: Center Pivot System is set up but has not
been used.

Corn and beans are planted in farmland in
question (SE 1/4 sec 24 T93, R49).

Talked with Robert Hebel and informed him that
his irrigation permit was suspended for the 1986 irrigation
season. He said he knew that the irrigation questionnaire
should be sent in but he never filled out questionnaire.
He is having financial difficulties anyway so he
thought he could not pay for the center pivot
electric bill anyway.

Mr. Hebel seemed to accept the suspension but
he may contact Walter Hatch and talk to him.

7/10/86 - Mr Hebel called and wanted to know what would
happen if he irrigated anyway. I told him the matter would be
turned over to the Attorney General's office. He stated that he
was about bankrupt and it wouldn't matter anyway. If it didn't
rain tonight, he may irrigate anyway.

Delvin D. Brosz, P.E.

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

NAME: David L. Brown

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

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

January 29, 1988

ROBERT HEDELER
RR #2 BOX 3
AKRON, IA 51001

NOTICE

Re: Violation of Water Permit No(s). 2366-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 2366-3. 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 permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 2366-3 qualification:

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

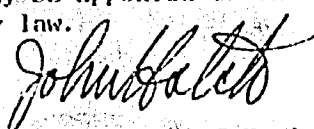
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) 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. Suspend Permit No(s). 2366-3 until either the 1987 Questionnaire is submitted or for a period of up to one 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, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

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

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

March 14, 1988

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: ROBERT HEBELER
RR #2 BOX 3
AKRON, IA 51001

FROM: John Hatch, Chief Engineer
Water Rights Division
605-773-3352

John Hatch

SUBJECT: One Year Suspension of Water Permit No(s). 2366-3

Pursuant to the provisions of the notice dated January 29, 1988, and following the hearing of March 2, 1988, the Water Management Board has ordered:

That Water Permit No(s). 2366-3 be **SUSPENDED** until December 31, 1988.

Suspension of a permit means water may not be pumped during the 1988 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
↑(Extra charge)↑

DOMESTIC RETURN RECEIPT

Robert Hebel
Water Right No. 2366-3

GENERAL

Application No. 2366-3 submitted by: Robert Hebel
RR 2, Box 3
Akron, Iowa 51001

Permit Approved: November 12, 1975

Permit Licensed: December 21, 1979

Water Right No. 2366-3 was Amended in 1985 to include the irrigation questionnaire qualification for violation of the requirement to submit the 1984 irrigation questionnaire

FIVE YEAR HISTORY OF IRRIGATION QUESTIONNAIRE RETURNS

<u>Year</u>	<u>Date Request Mailed</u>	<u>Date Irrigation Questionnaire Returned</u>	<u>Date of Any Board Action</u>
1983	November, 1983	July 3, 1984	none
1984	October, 1984	no report filed	May 15, 1985
1985	November, 1985	no report filed	May 14, 1986
* 1986		SUSPENDED	
**1987	October, 1987	no report filed	March 2, 1988

* Failure to return the 1985 irrigation questionnaire resulted in suspension of the water right for the 1986 irrigation season. A questionnaire form was not mailed to Mr. Hebel in 1986.

** On March 2, 1988, Water Right No. 2366-3 was suspended for the 1988 irrigation season.

PAST VIOLATIONS

1. Violation of Requirement to Submit 1984 Irrigation Questionnaire

April 12, 1985, Robert Hebel was sent a Notice of Violation of Requirement to Submit the 1984 Irrigation Questionnaire.

May 15, 1985, the Water Management Board Amended Water Right No. 2366-3 to include the Irrigation Questionnaire Qualification.

2. 1985 Irrigation Questionnaire Violation:

March 26, 1986, Mr. Hebeler was given notice of permit violation for non-return of his 1985 irrigation questionnaire and of the hearing scheduled before the Water Management Board to be held May 14, 1986.

May 14, 1986, The Water Management Board suspended Water Right No. 2366-3 until December 31, 1986, unless the required 1985 irrigation water use questionnaire was received by June 1, 1986.

May 16, 1986, Mr. Hebeler was notified of the Board action to suspend Water Right No. 2366-3.

3. 1987 Irrigation Questionnaire Violation

January 29, 1988, Mr. Hebeler was given notice of permit violation for non-return of his 1987 irrigation questionnaire and of the hearing scheduled before the Water Management Board to be held March 2, 1988.

March 2, 1988, The Water Management Board suspended Water Right No. 2366-3 until December 31, 1988.

March 14, 1988, Mr. Hebeler was notified of the Board action to suspend Permit No. 2366-3.

July 26, 1988, a letter was received from Mr. Hebeler requesting reinstatement of his water right.

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South Dakota Department of
Water & Natural Resources

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

July 29, 1988

NOTICE

TO: Robert Hebel, RR #2 Box 3, Akron, IA 51001

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

SUBJECT: Reinstatement of Suspended Water Right and Notice of
One Year Suspension Without Reinstatement for Future
Irrigation Questionnaire Violations

The Water Management Board, following the July 26, 1988, hearing passed the following motion:

That Water Right No. 2366-3 be reinstated upon satisfactory completion and return of the 1984, 1985, and 1987 irrigation questionnaires. You are also NOTIFIED that failure to submit future required irrigation questionnaires will result in possible cancellation of your water right or a one year suspension without reinstatement.

If you have any questions, please contact us.

cc: Water Management Board



Division of Water Rights

Dear Sirs:

I wish to apply for reinstatement of water permit # 23663D located in Union Co. S.D. due to drought and financial stress.

I would like to bring my reports from previous years up to date and give more accurate usage reports in the future.

Sincerely
Robert Hebler
Rt 2, Box 3
Akron, Iowa 51001



PLEASE FILL OUT AND RETURN AT ONCE

October, ~~1987~~ 1984

This is the Water Management Board data sheet for recording 1987 irrigation estimates.

For Dept. use only

3366-3
Robert Hebele
RT 2 Box 3
Akron, Iowa 51001

Number of acres actually irrigated _____
If you did not irrigate during 1987-check this box ☐
If your system has not been constructed-check this box ☐

SURFACE WATER ☐ (check one)
GROUNDWATER ☐

Type of Power	No. acres irrigated
1. Electric	_____
2. Gravity	_____
3. Gasoline	_____
4. Nat. Gas pipeline	_____
5. Diesel	_____
6. Propane	_____
7. Other	_____

Type of System
1. Hand Moved Sprinklers _____
2. Portable booms _____
3. Center pivots (# of) _____
4. Gated pipes _____
5. Sidewheel _____
6. Towlines _____
7. Big gun _____
8. Siphons _____
9. Flood _____
10. Other _____

Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Acres of Crop Irrigated and Estimate Water Use					
				Crop	Acres	Water Used	Crop	Acres	Water Used
April									
May									
June									
July									
August									
Sept.									
Oct.									
Other Months									

Season Static Water level: beginning _____ ft. end _____ ft. (groundwater only)

COMMENTS:

Complete and return to: WATER MANAGEMENT BOARD

Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

*I loaded out, replanted
beans, then loaded out
No Irrigation*

*Received
July 29, 1988*

PLEASE FILL OUT AND RETURN AT ONCE

This is the Water Management Board data sheet for recording 1987 irrigation estimates.

October, ~~1987~~ 1985

For Dept. use only

SURFACE WATER ☒ (check one)

GROUNDWATER ☐

Number of acres actually irrigated 132

If you did not irrigate during 1987-check this box ☐

If your system has not been constructed-check this box ☐

2366-3

Robert Hebel

Hebel

Type of Power	No. acres irrigated
1. Electric	X 132
2. Gravity	
3. Gasoline	
4. Nat. Gas pipeline	
5. Diesel	
6. Propane	
7. Other	

Type of System
1. Hand Moved Sprinklers
2. Portable booms
3. Center pivots (# of)
4. Gated pipes
5. Sidewheel
6. Towlines
7. Big gun
8. Siphons
9. Flood
10. Other

Owner or address change, if any:

Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Acres of Crop Irrigated and Estimate Water Use					
				Crop	Acres	Water Used	Crop	Acres	Water Used
April									
May									
June									
July	7	24	900	CORN	132				
August	14	24	900	CORN	132				
Sept.									
Oct.									
Other Months									

Season Static Water Level: beginning

ft.

end

ft. (Groundwater only)

COMMENTS:

Complete and return to: WATER MANAGEMENT BOARD

Water Rights Division

Joe Foss Building

Pierre SD 57501-3181

Received

July 29, 1988

(C.C. Hoyer)

Conversation or File Documentation

NAME OF PERSON OR FILE: Robert HeblerADDRESS: Akron, IACOUNTY UnionDATE: 6/21/88 - 8/29/88

TELEPHONE _____

RE: Inspection of Irrigation Water Permit that was suspended for the 1988
irrigation season

COMMENTS:

On ~~June 21~~^{May 19}, 1988, an inspection of water permit #2366-3 was conducted. I talked with Robert Hebler concerning the suspension of water permit #2366-3 for the 1988 irrigation season. At that time, Mr. Hebler requested reinstatement of his irrigation rights for the 1988 irrigation season. I told Mr. Hebler that he would need to make a written request to the Water Management Board asking for reinstatement and that the board would decide if his irrigation rights were to be reinstated. I also stated that he was not to irrigate this year until he received notification from the Water Management Board.

On July 25, 1988, an inspection of water permit #2366-3 found that Mr. Hebler was irrigating prior to being notified of reinstatement by the Water Management Board. Mr. Hebler was asked to shut off his irrigation system which he did.

On July 27, 1988, Mr. Hebler attended the meeting of the Water Management Board. At that time, Mr. Hebler's irrigation rights under water permit #2366-3 were reinstated for the 1988 irrigation season.

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

4/82

NAME: David D. Brown



DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES
February 1, 1991

ROBERT HEBELER
RR #2 BOX 3
AKRON IA 51001

NOTICE

RE: Violation of Water Permit No(s) 2366-3

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 2366-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 2366-3 qualification:

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

The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

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

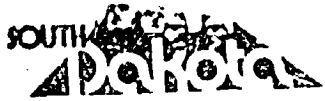
1. Cancel Permit No(s) 2366-3;
2. Suspend Permit No(s) 2366-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to two years;
3. Postpone any action or take no action.

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

If the questionnaire is received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

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



Department of Water & Natural Resources

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

March 5, 1991

2366-3

Robert Hebeler
RR #2 Box 3
Akron, IA 51001

Dear Mr. Hebeler:

I am writing to acknowledge receipt of your 1990 irrigation questionnaire for Water Permit No. 2366-3. You may disregard the February 1, 1991. Notice of failure to submit the 1990 irrigation questionnaire. The questionnaire was received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



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

February 21, 1991

2366-3

NOTICE

TO: Robert Hebeler, RR #2 Box 3, Akron, IA 51001

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

SUBJECT: Violation of Water Permit No. 2366-3

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed". The envelope indicated the post office notified you February 4 and 9, 1991 to pick up and sign for the certified mail.

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

enclosure



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

ROBERT HEBELER
RR #2 BOX 3
AKRON IA 51001

NOTICE

RE: Violation of Water Permit No(s) 2366-3

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 2366-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 2366-3 qualification:

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

The hearing will be held at 9:15 am, March 4, 1992, 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 SDCL 1-25. 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) 2366-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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



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

February 28, 1992

2366-3

Robert Hebeler
RR #2 Box 3
Akron, IA 51001

Dear Mr. Hebeler:

I am writing to acknowledge receipt of your 1991 irrigation questionnaire for Water Right No. 2366-3. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaire was received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

Genny McMath
Genny McMath
Natural Resources Analyst
Water Rights Division

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 Fee will provide you the signature of the person delivered to and the date of delivery.

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:

ROBERT HEBELER
RR #2 BOX 3
AKRON, IA 51001

4a. Article Number

P906 557 818

4b. Service Type

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

7. Date of Delivery

1-31-91/24

5. Signature (Addressee)

Robert Hebler

6. Signature (Agent)

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: ROBERT HEBELER
RR #2 BOX 3
AKRON IA 51001

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

RE: Violation of Water Permit No(s) 2366-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 2366-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 2366-3 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, 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 SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2366-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

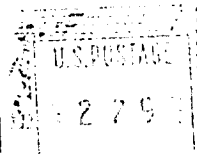
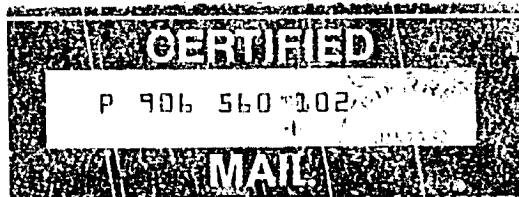
The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

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

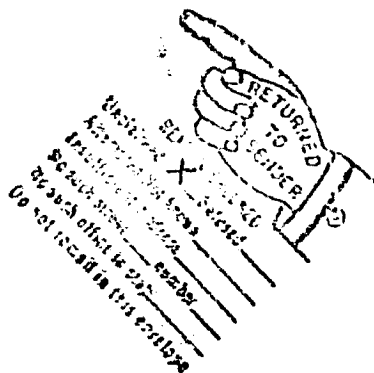


DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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



2366-3



ROBERT HEBELER
RR #2 BOX 3
AKRON IA ~~52301~~

Rate	
1st Notice	2-1
2nd Notice	2-6
Return	2-76





2366-3

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

February 19, 1993

2366-3

NOTICE

TO: Robert Hebel, RR #2 Box 3, Akron, IA 51001

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

SUBJECT: Violation of Water Permit No. 2366-3

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed". The envelope indicated the post office notified you February 1 and February 6, 1993 to pick up and sign for the certified mail.

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

enclosure

CERTIFICATION

I hereby certify that on February 19, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, First Class postage, prepaid envelopes containing a Notice dated February 19, 1993, regarding Violation of Water Permit No. 2366-3 addressed to:

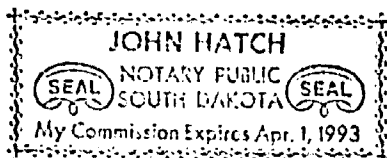
Robert Hebeler
RR 2 Box 3
Akron, IA 51001

Jaci R. Konop

JACI R. KONOP
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 22nd day of February, 1993.



John Hatch
Notary Public



2366-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 1993

2366-3

Robert Hebeler
RR #1 Box 54
Akron, IA 51001

Dear Mr. Hebeler:

I am writing to acknowledge receipt your 1992 irrigation questionnaire for Water Right 2366-3. You may disregard the January 29, 1993, Notice of Violation of Water Permit.

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

If you have any questions, please contact me.

Sincerely,

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



2366-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 6, 1994

2366-3

Richard Aalfs
PO Box 223
Akron, IA 51001-0223

Dear Mr. Aalfs:

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change on Water Right No. 2366-3. The water right is currently listed in the name of Robert Hebel.

Please review the transfer form for accuracy and complete as necessary. The form should be signed in the presence of a notary public. Upon completion, return the signed form to our office with a required filing fee of \$2.50.

Water Right No. 2366-3 will be transferred to your name as soon as we receive the signed form and filing fee from you. I have enclosed a copy of the water right which you may keep for your records.

If you have any questions, please contact me.

Sincerely,

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

enclosures



2366-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-1181

September 6, 1994

2366-3

Richard Aalfs
PO Box 223
Akron, IA 51001-0223

Dear Mr. Aalfs,

Enclosed, as we discussed, is a partially completed 'Notice of Transfer of Ownership' form for use in filing an ownership change on Water Right No. 2366-3. The water right is currently listed in the name of Robert Hebe'er.

Please review the transfer form for accuracy and complete as necessary. The form should be signed in the presence of a notary public. Upon completion, return the signed form to our office with a required filing fee of \$2.50.

Water Right No. 2366-3 will be transferred to your name as soon as we receive the signed form and filing fee from you. I have enclosed a copy of the water right which you may keep for your records.

If you have any questions, please contact me.

Sincerely,

Genny McMath

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

enclosures

9/16/94
THANK YOU VERY
MUCH. \$2.50
Filing Fee Enclosed
R.K. Wolf

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 2366-3

Date: 9-16-94

I/We request that Water Right No. 2366-3

formerly owned by: Robert Hebel, RR #1 Box 54, Akron, IA 51001

PHILIP E. AALFS & RICHARD K. AALFS
be transferred to: (name & address) % RICHARD K. AALFS 850 DAKOTA ST.
AKRON IOWA 51001 (Telephone No) 712-568 247

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

136 acres in the SE 1/4 Section 24, T93N, R49W

I/We understand that the validity of Water Right No. 2366-3 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 at the Division of Water Rights, as evidence of the change of ownership.

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

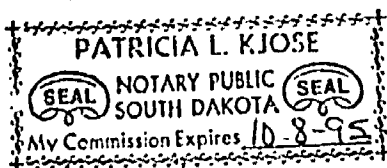
STATE OF SOUTH DAKOTA)

County of Union)

I/We RICHARD K. AALFS 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.

Richard K. Aalfs
(Signed) RICHARD K. AALFS

Subscribed and sworn to before me this 16th day of Sept., 19 94.



Patricia L Kiose
(Notary Public)

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

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

RECEIPT

Division of Water Rights

414277

South Dakota Department of Environment and Natural Resources

Pierre, September 19, 1994

RECEIVED OF Richard Aalf, PO Box 225, Akron, IA 51001

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>Water Right No. 2566-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John H. Haddad
Chief Engineer



2366-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 20, 1994

No. 2366-3

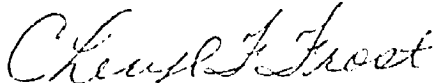
Philip E. & Richard K. Aalfs
850 Dakota St.
Akron, IA 51001

Dear Sirs:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 2366-3.

Our records now show you as the owner of Water Right No. 2366-3.

Sincerely,


Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure



2366-3

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

December 1, 1995

2366-3

Richard Aalfs
850 Dakota Street
Akron, IA 51001

Dear Mr. Aalfs:

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change.

Please complete the form where indicated and sign it in the presence of a notary public. Upon completion, please return the form to our office with a required filing fee of \$2.50. If you have any questions concerning the water right or filing of the transfer of ownership, please contact me.

Sincerely,

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

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 2366-3

Date: 12-7-95

I/We request that Water Right No. 2366-3

formerly owned by: Philip E Aalfs and Richard K Aalfs

be transferred to: (name & address) Richard K. Aalfs, Box 223, Akron, Iowa 51001

Telephone No. 712-568-2217

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

136 acres in the SE 1/4 Section 24, T93N, R49W

I/We understand that the validity of Water Right No. 2366-3 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 at the Division of Water Rights, as evidence of the change of ownership.

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

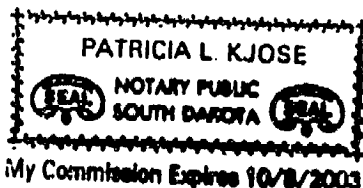
STATE OF SOUTH DAKOTA)

County of Union)

I/We Richard K Aalfs 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.

Richard K Aalfs
(Signed)

Subscribed and sworn to before me this 7th day of December, 19 95.



Patricia L KJOSE
(Notary Public)

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

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

RECEIPT

414709

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ December 11, 19 95

RECEIVED OF Richard K. Aalfs, Box 223, Akron, IA 51001

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>Water Right No. 2366-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer



2366-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 2, 1996

No. 2366-3

Richard K. Aalfs
Box 223
Akron, IA 51001

Dear Mr. Aalfs:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 2366-3.
Our records now show you as the owner of Water Right No. 2366-3.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 1, 1995

2366-3

Richard Aalfs
850 Dakota Street
Akron, IA 51001

Dear Mr. Aalfs:

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change.

Please complete the form where indicated and sign it in the presence of a notary public. Upon completion, please return the form to our office with a required filing fee of \$2.50. If you have any questions concerning the water right or filing of the transfer of ownership, please contact me.

Sincerely,

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

enclosure

3-11-97

S.D. DEPT. OF ENVIRONMENT
& NATURAL RESOURCES



MR. GUNNY MC NATH
ENVIRONMENTAL SCIENTIST
WATER RIGHTS PROGRAM

DEAR MR. MC NATH:

ENCLOSED IS A COPY OF YOUR 12-1-95 LETTER AND A
COPY OF THE NOTICE OF TRANSFER OF OWNERSHIP FORM
WHICH YOU KINDLY ENCLOSED.

WAYNE BROWN, RRI, BOX 76, AKRON IOWA 51001
PURCHASED THIS LAND. WOULD YOU DO US ANOTHER FAVOR
AND SEND A COPY OF THE TRANSFER FORM TO MR. BROWN
THANKS FOR ALL YOUR ASSISTANCE AND BEST
REGARDS.

Rich. Aales
RICHARD AALES
850 DAKOTA ST.
AKRON IOWA 51001

CC: WAYNE BROWN

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2366-3



Date: 12-7-95

I/We request that Water Right No. 2366-3

formerly owned by: Philip E Aalfs and Richard K Aalfs

be transferred to: (name & address) Richard K. Aalfs, Box 223, Akron, Iowa 51001

Telephone No. 712-568-2217

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

136 acres in the SE 1/4 Section 24, T93N, R49W

I/We understand that the validity of Water Right No. 2366-3 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 at the Division of Water Rights, as evidence of the change of ownership.

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

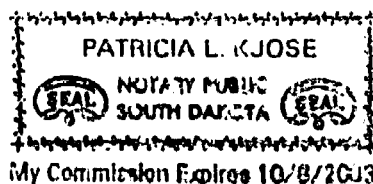
STATE OF SOUTH DAKOTA)

County of Union)

I/We Richard K Aalfs 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.

Richard K Aalfs
(Signed)

Subscribed and sworn to before me this 7th day of December, 19 95.



Patricia L KJOSE
(Notary Public)

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

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



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

March 19, 1997

2366-3

Wayne Brown
RR 1 Box 226
Akron, IA 51001

Dear Mr. Brown:

I am contacting you in regard to ownership of land described in Water Right No. 2366-3. We were recently notified by Richard Aalfs, that you have purchased this land.

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 2366-3. Please review the form and complete the portion titled "to be transferred to..." Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50.

I am including a copy of the water right for your records. If you have any questions concerning the water right or completion of the transfer form, please contact me.

Sincerely,

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

enclosures

2366-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3191

July 10, 1997

SECOND NOTICE
Permit No. 2366-3

Wayne Brown
RR 1, Box 226
Akron, IA 51001

Dear Mr. Brown:

On March 19, 1997, notice was sent to you concerning the transfer of Water Right No. 2366-3 in the name of Richard K. Aalfs. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water right can then be transferred to your name. If you are not the present owner of the land covered under this water right, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

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

Very truly yours,

RON DUVALL
Natural Resources Engineer
For John Hatch, Chief Engineer
Water Rights Program

enclosure

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.

3. Article Addressed to:

Wayne Brown
RR 1, Box 226
Akron, IA 51001

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 422 707 479

4b. Service Type

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

7. Date of Delivery

7-12-97

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

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

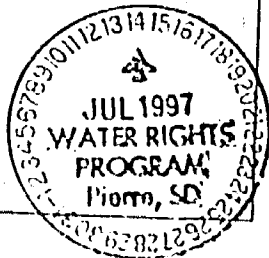
Domestic Return Receipt

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Print your name, address, and ZIP Code in this box •

DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES
WATER RIGHTS PROGRAM
523 E. CAPITOL JOE FOSS BLDG.
PIERRE, SOUTH DAKOTA 57501



2182 23



2366-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 18, 1997

No. 2366-3

Wayne Brown
RR 1, Box 76
Akron, IA 51001

Dear Mr. Brown:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 2366-3. The water right is currently listed in the name of Richard K. Aalfs.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 2366-3

Date: 1-20-98

I/We request that Water Right No. 2366-3

formerly owned by: Richard K Anifs, PO Box 223, Akron, IA 51001-0223

be transferred to: (name & address) WAYNE W. BROWN

RR 1 Box 76 Akron Iowa 51001

Telephone No. 605 565-3633

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

136 acres - SE 1/4 Section 24, T93N, R49W

I/We understand that the validity of Water Right No. 2366-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

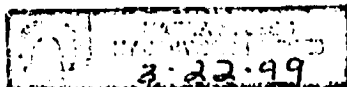
STATE OF SOUTH DAKOTA)

County of _____)

I/We _____ 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

Wayne Brown
(Signed)

Subscribed and sworn to before me this 20th day of January, 19 98.



Karla K. Less
(Notary Public)

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No 415615

Pierre, January 23, 1998

RECEIVED OF Wayne W. Brown, RR 1, Box 76, Akron, IA 51001
the following amount in fees for services rendered as provided for by law:

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

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

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

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

Fee for Filing Transfer Form Water Right No. 2366-3

Fee for Filing Extension Request _____

Fee for _____

2 50

(Any Other Work Provided by Law)

Total

2 50

By _____
Chief Engineer

John Hatch



2366-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 17, 1998

No. 2366-3

Wayne W. Brown
RR 1, Box 76
Akron, IA 51001

Dear Mr. Brown:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 2366-3.

Our records now show you as the owner of Water Right No. 2366-3.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl F. Frost".

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure



2366-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2000

NOTICE

TO: WAYNE W BROWN, RR 1 BOX 76, AKRON, IA 51001
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2366-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2366-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in 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. 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) 2366-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath 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.

2366-3

SENDER COMPLETE THIS SECTION		ADDRESSEE COMPLETE THIS SECTION	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) WAYNE BROWN B. Date of Delivery 1-18-60	
1. Article Addressed to: WAYNE W BROWN RR 1 BOX 76 AKRON IA 51001		C. Signature <i>X Wayne Brown</i> ☐ 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 ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
2. Article Number (Copy from service label) 2227670437		4. Restricted Delivery? (Extra Fee) ☐ Yes	

PS Form 3811, July 1959

Domestic Return Receipt

10250-69-M-1789



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2000

2366-3

Wayne Brown
RR 1 Box 76
Akron, IA 51001

Dear Mr. Brown:

I am writing to acknowledge receipt of your 1999 irrigation questionnaire. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit No. 2366-3.

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



2366-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: WAYNE W BROWN, 48113 SD 48, AKRON, IA 51001

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire

Our records indicate that the 2002 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2366-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2366-3 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 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 1-6. 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) 2366-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2003, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath 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.



2366-3

Track & Confirm

Delivery Status

You entered 2301 0370 0000 7540 5485

Your item was delivered at 8:32 am on January 22, 2003 in AKRON, IA 51001. The item was signed for by W BROWN.

[Shipment History >](#)

[Request Delivery Record >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)



POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)
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U.S. Postal Service Signature Confirmation Receipt		
SIGNATURE CONFIRMATION NUMBER: 2301 0370 0000 7540 5485	Postage	Pre mailing
	Amount	
	Postmark Here	
	WAYNE W BROWN 48113 SD 48 AKRON IA 51001	
POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com or call 1-800-222-1811		
CHECK ONE (POSTAL USE ONLY) ☐ Priority Mail ☐ Package Services		
PS Form 163, February 2001 (See Reverse)		



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 10, 2003

2366-3

Wayne W Brown
48113 SD 48
Akron IA 51001

Dear Mr. Brown:

I am writing to acknowledge receipt of your 2002 irrigation questionnaire. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right No. 2366-3.

I completed a questionnaire for you based on our February 10th telephone conversation. The form indicates that you irrigated 160 acres of hay & alfalfa during the months of June, July and August. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

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

Sincerely,

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



2366-3
**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 14, 2004

NOTICE

TO: WAYNE W BROWN, 48113 SD 48, AKRON, IA 51001

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2366-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2366-3 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2366-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath 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.



2366-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 7629

Your item was delivered at 8:50 am on January 16, 2004 in AKRON, IA 51001. The item was signed for by V BROWN.

[Shipment Details >](#)

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 7629

WAYNE W BROWN
48113 SD 48
AKRON IA 51001

Waiver of Signature ☐ YES ☐ NO

Postmark
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PS Form 153, July 2001

(See Reverse)



2366-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

March 8, 2004

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: Wayne W Brown, 48113 SD 48, Akron IA 51001

FROM: Garland Erbele Chief Engineer
Water Rights Program

SUBJECT: One Year Suspension of Water Right No. 2366-3

On March 3, 2004, the Water Management Board ordered:

That Water Right No. 2366-3 is suspended until December 31, 2004, for failure to submit the 2003 irrigation questionnaire.

Suspension of a water permit or right means water may not be pumped during the 2004 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 2003 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 12, 2004 in Pierre, SD. The letter should include your reasons for not completing the 2003 irrigation questionnaire.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

2366-3

I hereby certify that on March 8, 2004, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 8, 2004 regarding Notice of One Year Suspension Water Right No. 3451-3, 2366-3, 2453-3, 3332-3, 6165-3, 3198A-3, 2480A-3, 1723-2, 921-1, 1080-2, 2696-3A, 4414-3, 4658-3, 6073-3, Amendment of Water Right #470A-1 & one Year Suspension of Water Right #1554-1, Amendment of Water Right #4528-3 & One Year Suspension of Water Right #4535-3 Three Year Suspension of Water Right No. 932-2, One Year Suspension of Water Permit #2464-3, 5353-3, 5552-3, 1362-3, 1363-2 & 1365-2 addressed as stated below:

3451-3
Martin Bertrand
48342 W Authier Rd
Jefferson SD 57038

2366-3
Wayne W Brown
48113 SD 48
Akron IA 51001

2453-3
Jack & Gale Coleman
41247 SD Hwy 37
Springfield SD 57062-6324

3332-3
John W Collins
RFD 148
Aurora SD 57002

6165-3
Alex and Ann Falk
1301 N 4th St
Aberdeen SD 57401

3198A-3
J V Kenneally
PO Box 50
Raymond SD 57258-0050

2480A-3
Dennis H & Jackie McDowell
227 W Lakeshore Dr
Carrollton GA 30117

1723-2
Tim Palmer
HC 2 Box 19A
Martin SD 57551

921-1
Wendelyn Richter
RR 2 Box 198
Whitewood SD 57793

1080-2
Larry Schell
Schell Ranch
22955 Jensen Rd
Wall SD 57790

2696-3A, 4414-3, 4658-3
Donald Schmidt
HCR 3 Box 16
Willow Lake SD 57278-9515

6073-3
Dirk Byers
Six Mile Creek Golf Course
PO Box 93
White SD 57267-0093

470A-1 & 1554-1
Stanley Wood
18950 137th Ave
Newell SD 57750

4528-3, 4535-3
Dwight Brenner
28-53 397th Ave
Armour SD 57313

4528-3, 4535-3
Elsie Sanders
3366 Midway Ave
Grant Pass OR 97527

4528-3, 4535-3
Jerry Peacock
2032 Central Blvd
Rapid City SD 57702

932-2
Wayne Sanderson
PO Box 306
Murdo SD 57559-0306

2464-3
John R Talsma
41125 Bottom Rd
Springfield SD 57062

5353-3
Michael A Koslowski
13329 443rd Ave
Waubay SD 57273

5552-3
Robert V Kellen
Kellen & Streit Inc.
30662 SW Jim River Rd
Yankton SD 57078-6018

1362-2, 1363-2 & 1365-2
Oakley Eide
RR 2 Box 26
Burke SD 57523


Eric Gronlund
Natural Resource Engineer
Water Rights

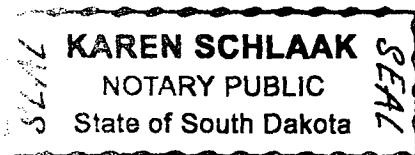
STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

Sworn to, before me, this 9th day of March, 2004.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007



48113 SD Hwy. 48
Akron, IA 51001
March 17, 2004

State of South Dakota
Water Rights Program
Joe Foss Building
523 E. Capitol Ave.
Pierre, SD 57501-9980

Attn: Water Management Board

To Whom It May Concern:

RECEIVED

MAR 19 2004

WATER RIGHTS
PROGRAM

Please find this letter as my sincere apology for not sending in my 2003 Irrigation Questionnaire. I have no excuse for my procrastination. In no way should you feel any disrespect from me.

Please find enclosed my completed questionnaire for 2003. I would ask you to lift my suspension on Water Right No. 2366-3 for the 2004 irrigation season.

I will not be able to attend the Water Management Board meeting on May 12, 2004, because of a previous engagement. I am in hopes that this letter will satisfy the board.

Thank you.

Sincerely,



Wayne W. Brown

**WATER RIGHT NO 2366-3
WAYNE W BROWN**

BRIEF DESCRIPTION:

Water Right No. 2366-3 is held by Wayne W Brown, Akron, IA. The water right authorizes diversion of ground water (Big Sioux:South aquifer) to irrigate 136 acres in the SE ¼ Section 24, T93N, R49W, Union County. Mr. Brown has held the water right since January, 1998.

SUBMISSION OF PAST IRRIGATION QUESTIONNAIRES:

DATE MAILED	DATE DUE IN OFFICE	DATE RECEIVED	BOARD ACTION
October 1999	December 1, 1999	January 21, 2000	none
October 2000	December 1, 2000	November 17, 2000	none
October 2001	December 1, 2001	October 18, 2001	none
October, 2002	December 2, 2002	February 10, 2003	none
October, 2003	December 1, 2003	March 19, 2004	March 3, 2004

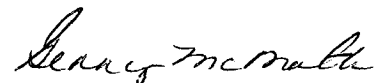
** The water right was amended to include the mandatory irrigation questionnaire qualification May 15, 1985. This action was taken when a former owner (Robert Hebler) did not return the 1984 irrigation questionnaire.

January 14, 2004: A notice was sent (with signature confirmation) to Wayne Brown requesting the 2003 irrigation questionnaire be returned prior to the March 3, 2004, hearing date. The notice outlined what action the Board could take concerning the past due questionnaire. The signature confirmation card indicated the mail was signed for by V Brown on January 16, 2004.

March 3, 2004: The Board suspended Water Right No. 2366-3 for one year for failure to submit the 2003 irrigation questionnaire.

March 19, 2004: Wayne Brown submitted the 2003 irrigation questionnaire and a letter requesting the Board rescind their action to suspend his water right (copy of letter attached).

March 22, 2004: A Notice of hearing was sent to Mr. Brown scheduling his request for Board hearing.


Genny McMath
Water Rights Program
March 18, 2004



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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March 22, 2004

NOTICE

TO: Wayne W Brown, 48113 SD Hwy 48, Akron, IA 51001

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

SUBJECT: Notice of Hearing to Consider Request to Rescind Suspension of Water Right No. 2366-3

On March 19th, your 2003 irrigation questionnaire and letter were received explaining the reason the form was not returned in a timely manner.

Your request to have the suspension of Water Right No. 2366-3 reconsidered by the Water Management Board has been scheduled for **10:00 am, May 12, 2004**, in the **Community Room, Chamber of Commerce, 800 W Dakota Ave., 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.

After all evidence is taken at the hearing, the Board may issue a decision to rescind either the suspension of the water right, defer action or take no action. The hearing is an adversary proceeding and any party 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 at the hearing. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

You indicated in your letter that you have a previous engagement and are unable to attend the hearing. Your letter will be presented to the Board for their review.

If you have any questions concerning this notice or the hearing process, please contact Genny McMath at (605) 773-3352.

c: Diane Best, Assistant Attorney General

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

CERTIFICATION

I hereby certify that on March 22, 2004 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 22, 2004 regarding Notice of Hearing to Consider Request to Rescind Suspension of Water Right No. 2366-3 addressed as stated below:

Wayne W Brown
48113 SD Hwy 48
Akron IA 51001

A copy of the above described Notice was sent Inter-office to:

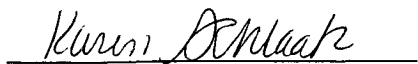
Diane Best, Assistant Attorney General, Capitol Building



Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 22nd day of March, 2004.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 14, 2004

NOTICE

TO: Wayne W Brown, 48113 SD Hwy 48, Akron IA 51001

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Reinstatement of Water Right No. 2366-3

On May 12, 2004, the Water Management Board passed a motion to reinstate Water Right No. 2366-3, effective immediately. The Board's motion included the following statement:

- Failure to submit future required irrigation questionnaires will result in a one year suspension without reinstatement, or the possibility of cancellation.

The Board took into consideration that the irrigation questionnaire was now on file with the Water Rights Program and that this was your first violation. Violations of any qualifications on irrigation rights and the subsequent Board action become part of the permanent record. Failure to submit future irrigation questionnaires will result in past violations being reviewed by the Water Management Board.

If you have any questions concerning your water right or the Board's action, please contact
Genny McMath at (605) 773-3352.

c: Diane Best, Assistant Attorney General

CERTIFICATION

2366-3

I hereby certify that on May 14, 2004 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 14, 2004 regarding Notice of reinstatement of Water Right No. 6165-3, 6073-3, 2696-3A, 4414-3, 4658-3, 2366-3, & 4535-3 addressed as stated below:

6165-3
Alex & Ann Falk
1301 N 4th St
Aberdeen SD 57401

6165-3
Brent Wilbur
May Adam Gerdes & Thompson LLP
PO Box 160
Pierre SD 57501-0160

6073-3
Lew Weeks President
Six Mile Creek Golf Course
PO Box 66
White SD 57267-0066

6073-3
Curt Mortenson
Mortenson Law Office
32 E Main Ave
Ft Pierre SD 57532

2696-3A, 4414-3, 4658-3
Donald Schmidt
HCR 3 Box 16
Willow Lake SD 57278-9515

2366-3
Wayne W Brown
48113 SD Hwy 48
Akron IA 51001

4535-3
Dwight Brenner
28053 397th Ave
Armour SD 57313

4535-3
Elsie Sanders
3366 Midway Ave
Grants Pass OR 97527

A copy of the above described Notice was sent Inter-office to:

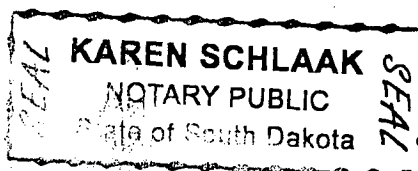
Diane Best, Assistant Attorney General, Capitol Building


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 17th day of May, 2004.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007





2366-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
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www.state.sd.us/denr

January 20, 2005

NOTICE

TO: WAYNE W BROWN, 48113 SD 48, AKRON, IA 51001

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No. 2366-3. 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 permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No. 2366-3 qualification:

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

The hearing will be held at 8:30 am, March 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. 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. 2366-3 in accordance with applicable provisions of SDCL 46-1-12;
Due to a past violation, Water Rights Staff will be recommending to the Board that your water permit be suspended for three years.
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 25, 2005**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath 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.



2366-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 0216

Your item was delivered at 8:49 am on January 24, 2005 in AKRON, IA 51001. The item was signed for by W BROWN.

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 0216

WAYNE W BROWN
48113 SD 48
AKRON IA 51001

Waiver of Signature ☐ YES ☐ NO

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PS Form 158, July 2001

(See Reverse)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 21, 2005

2366-3

Wayne Brown
48113 SD 48
Akron IA 51001

Dear Mr. Brown:

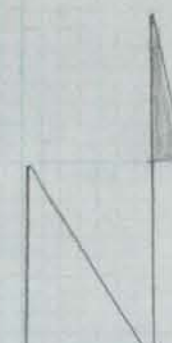
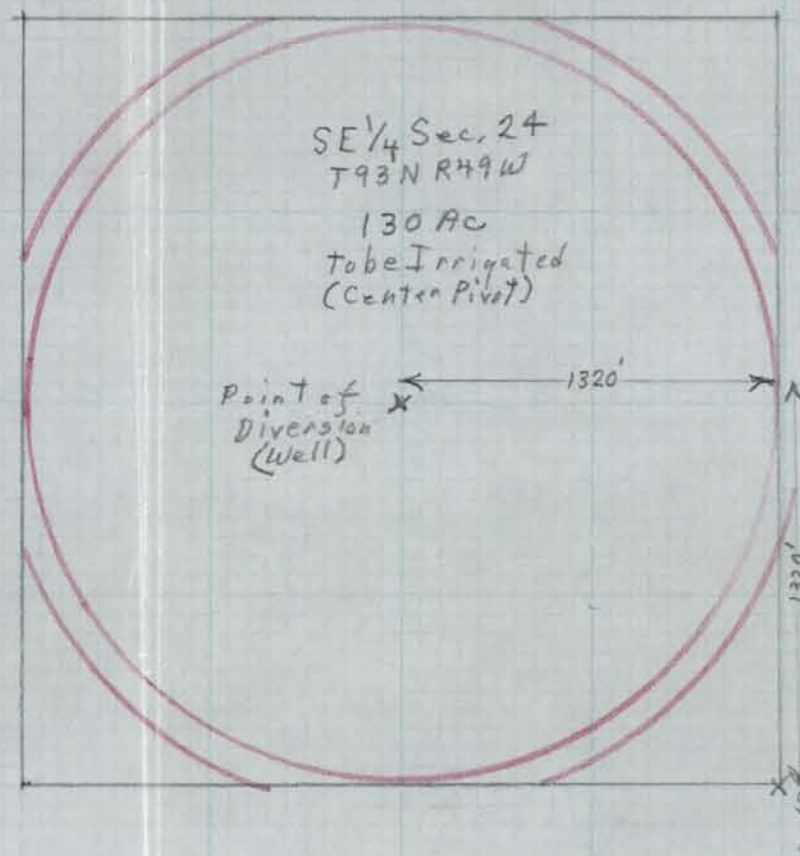
I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 2366-3.

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



Scale 8" = 1 mi.

Robert Hebel R#2 Akron, Iowa Hebel Irrigation Project SE 1/4 24 T93R49 130 acres to be irrigated			
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE			
Designed	C.K. Dahlgren	Date	8-28-75
Drawn	"	Approved by	C.K. Dahlgren
Traced		Title	Hebel Irrigation Project
Checked		Sheet	No. 1 of 1
		Drawing No.	



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 13, 2006

2366-3

Mark Heeren
47828 310th St
Akron IA 51001

Dear Mr. Heeren:

I received your phone message concerning Water Right No. 2366-3 currently listed in the name of Wayne Brown. Enclosed is a copy of the water right for your review.

It is my understanding that you are purchasing the land from Mr. Brown. I was unable to reach you by phone so am sending you a "Notice of Transfer of Ownership" form to file an ownership change. Please review the form and complete as needed. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions concerning the water right or completion of the transfer form, 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

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

No. 2366-3

Date: June 19 2006

I/We request that Water Right No. 2366-3

formerly owned by: Wayne W Brown

be transferred to: (name & address) Mark Heeren 47828 310 St

akron, Ia 51001

Telephone No. 565-2611

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

136 acres - SE 1/4 Section 24, T93N, R49W

I/We understand that the validity of Water Right No. 2366-3 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 Mark Heeren, the new owner, certify that the above information is true and
Robin Heeren correct.

Mark Heeren Robin Heeren
(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.

RECEIVED
JUN 26 2006
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 26, 20 06

RECEIVED OF Heerens Circle H Farms Inc., 47783 310 St, Akron IA 51001

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>2366-3</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	2.50

No.

02499

By

Darland Ebele
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 26, 2006

2366-3

Mark Heeren
47828 310th St
Akron IA 51001

Dear Mr. Heeren:

I am writing to acknowledge receipt of the ownership change and filing fee you paid for transferring Water Right No. 2366-3. The transfer has been completed. The water right, formerly held by Wayne W Brown is now listed in your name.

Enclosed is your Receipt No. 02499 in the amount of \$2.50. You may keep this for your records.

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

Sincerely,

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

enclosure

REPORT ON INVESTIGATIONS OF SUSPENDED PERMITS
September 2, 1988

Below is a status report on the investigation of suspended water permits/rights in Aurora, Davison, Union and Turner Counties:

Water Permit No. 3160-3, Paul C Bunn (Aurora County)

On June 21, 1988, an inspection was conducted of the water use system under Water Permit No. 3160-3. An irrigation system was not operating at the time of the inspection.

Water Permit No. 4409-3, John Wieczorek (Davison County)

On June 21, 1988, an inspection was conducted of the water use system under Water Permit No. 4409-3. No evidence of an irrigation system was present on the land. On June 30, 1988, I spoke with Mr. Wieczorek by telephone. He stated an irrigation system had not been developed for the land covered under this permit. This permit will be considered for cancellation at the October 5, 1988, Water Management Board Meeting.

Water Right Permit No. 400-3, Warren Jorgenson (Union County)

On May 18, 1988, an inspection was conducted of the water use system under Water Right No. 400-3. An irrigation system was not operating at the time of the inspection.

Water Permit No. 2366-3, Robert Hebeler (Union County)

On May 18, 1988 an inspection was conducted of the water use system under Water Permit No. 2366-3. At that time, Mr. Hebeler was present and requested reinstatement of his irrigation rights for the 1988 season. I informed Mr. Hebeler that he would need to make a written request to the Water Management Board asking for reinstatement. The Board would then decide if his irrigation rights were to be reinstated. I told Mr. Hebeler he was not to irrigate this year until he received notification from the Water Management Board. On July 26, 1988, an inspection found that Mr. Hebeler was irrigating prior to being notified by the Board. Mr. Hebeler was asked to shut off his irrigation system, which he did. On July 27, 1988, Mr. Hebeler attended the hearing of the Water Management Board. At that time, his irrigation rights were reinstated for the 1988 irrigation season.

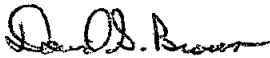
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Water Right No. 1784-3, Walter A Hansen (Turner County)

On June 21, 1988, an inspection was conducted of the water use system authorized by Water Right No. 1784-3. An irrigation system was not operating at the time of the inspection.

Water Permit No. 2507-3, Milo S Hansen (Turner County)

On June 22, 1988, I spoke with Milo Hansen at his home concerning Water Permit No. 2507-3. He stated that an irrigation system was never developed under the permit. A visual inspection of the area confirmed this. This permit will be considered for cancellation at the October 5, 1988 Water Management Board Meeting.



David Brown
Natural Resources Engineer
September 2, 1988