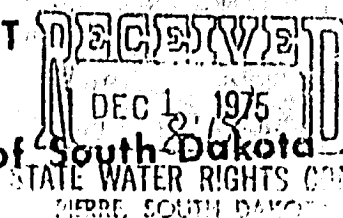


1. Considered 1-22, 1976 2459-3
2. Name of Applicant GEORGE C. TURNER
3. Post Office Address GLENHAM
4. Amount of water claimed 1.07
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
- Acres to be irrigated 75
7. Water to be diverted and used in WAYWORTH county
about 55.10 MI miles of SELBY
8. Proof of Publication Received 12-29-75
 Not Received _____
9. Application Approved _____
 Subject to _____
 Not Approved _____
 Action deferred _____
10. Remarks:

No. 2459-3Map No. 1826-3 Water Division No. 3 Missouri River District
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant George Turner
 Postoffice address Glenham, State South Dakota
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Turner Irrigation Project No. 3
4. Amount of water claimed (cubic feet per second) 1.07
5. Source of water supply Missouri River
6. Location of point of diversion S. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$ of Section 29 TWP 123 N. R. 78W
 _____ County Walworth

7. Annual period or periods during which water is to be used April 1st. thru Oct. 1st.
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 75
 List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 28 TWP 123 R 78	33		
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 28 TWP 123 R 78	14		
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 28 TWP 123 R 78	28		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Three years. Additional time required to complete application of water to the proposed beneficial use One years.
11. Choice of newspaper for Notice of Intent to appropriate Water publication Mobridge Tribune Mobridge, SD
12. Principal Features of the Proposed Water Supply System.

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

Electric Powered Pump

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

Aluminum Pipe

C. Works proposed to apply water to beneficial use.

Sprinkler SystemEstimated Total Cost \$ 31,000.00

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 Walworth

I, George Turner 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 George O. TurnerSubscribed and sworn to before me this 24th day of September 1975

Ervin E. Dupont Notary Public (or other qualified officer)

By Comm Expires : July 8, 1981

NOTARY PUBLIC

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2459.3

GEORGE O. TURNER
(Applicant)

GLENHAM
(Post Office Address)

SOUTH DAKOTA 57631 With the following modifications:
(State)

Date of first receipt of application DECEMBER 1 1975

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

Date of receipt of corrected application — 19—

Approved JANUARY 23 1976 Recorded in Book 14 Page 217

WATER RIGHT PERMIT NO. 2459.3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2459.3 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 DECEMBER 1 1975
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 23 1977
3. The whole of said work is to be completed on or before JANUARY 23 1979
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 23 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 1.07 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 JANUARY 23 1980; said water to be used during the following described annual period: APRIL 1 THRU OCTOBER 1

Witness my hand this 30TH day of JANUARY 1976

WATER RIGHTS COMMISSION

By:

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

Certificate of Construction Issued — 19—

Water License Issued — 19—

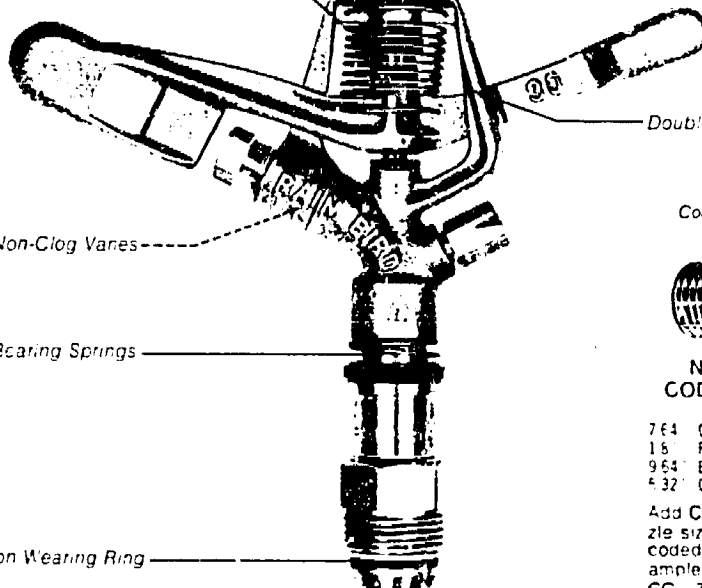
RAIN BIRD.

FULL CIRCLE SPRINKLERS

30 Series

Stainless Steel Arm Spring

Stainless Steel Fulcrum Pins



Double Bridged Body

Non-Clog Vanes

Color Coded Band



NEW COLOR CODED NOZZLES

7/64" Green	11/64" Yellow
1/8" Red	3/16" Blue
9/64" Black	13/64" White
5/32" Orange	7/32" Brown

Add CC after large nozzle size to specify color coded nozzle — for example — 30 EWT 1/2 3/16 CC x 3/32-7/32

Stainless Steel Bearing Springs

Replaceable Teflon Wearing Ring

30

3/4" male bearing. Standard or TNT. Cast bronze body and arm. Brass bearing sleeve, nipple, straight bore range nozzle and low angle spreader nozzle (7° or 20°). Stainless steel arm spring and bearing spring. Available on special order with nylon range nozzles and 3/32", 1/8", 5/32" spreader nozzles.

PERFORMANCE FOR 30

Highest point of stream is 9" above nozzle.*

P.S.I.	Nozzle 9/64" 3/32" 7°		Nozzle 5/32" 3/32" 7°		Nozzle 11/64" 3/32" 7°		Nozzle 3/16" 3/32" 7°		Nozzle 3/16" 18° 20°		Nozzle 13/64" 18° 20°		Nozzle 7/32" 18° 20°	
	Dia.	GPM	Dia.	GPM	Dia.	GPM	Dia.	GPM	Dia.	GPM	Dia.	GPM	Dia.	GPM
25	10	4.04	82	4.83	83	5.55	85	6.31	85	7.41	85	8.30	88	9.24
30	81	4.42	85	5.28	88	6.07	91	6.93	91	8.14	94	9.15	96	10.20
35	82	4.80	87	5.71	90	6.57	94	7.52	94	8.83	97	9.94	100	11.10
40	83	5.16	88	6.11	92	7.03	96	8.07	96	9.48	99	10.70	102	11.90
45	84	5.52	89	6.48	93	7.46	98	8.57	98	10.10	101	11.30	104	12.70
50	85	5.82	90	6.84	95	7.87	100	9.04	100	10.60	103	11.90	106	13.30
55	86	6.10	91	7.17	96	8.25	101	9.46	101	11.10	104	12.50	107	13.90
60	87	6.34	92	7.47	97	8.59	102	9.85	102	11.60	105	13.00	108	14.40
65	88	6.58	93	7.77	98	8.91	103	10.26	103	12.00	106	13.40	109	14.90
70	89	6.82	94	8.07	99	9.23	104	10.63	104	12.40	107	14.00	110	15.40
75	90	7.06	95	8.37	100	9.55	105	10.99	105	12.80	108	14.50	111	15.90
80	91	7.30	96	8.67	101	9.87	106	11.39	106	13.20	109	15.00	—	—

30 W

Same as 30 above except has brass plug instead of spreader nozzle. Single nozzle for lower precipitation rates.

30 WS

Same as 30 above except has a special cast body for single range nozzle only. No provision for adding a spreader nozzle as in 30 W.

PERFORMANCE FOR 30 W 30 WS

Highest point of stream is 9" above nozzle.*

P.S.I.	Nozzle 9/64" 3/32" 7°		Nozzle 5/32" 3/32" 7°		Nozzle 11/64" 3/32" 7°		Nozzle 3/16" 3/32" 7°		Nozzle 3/16" 18° 20°		Nozzle 7/32" 18° 20°	
	Dia.	GPM	Dia.	GPM	Dia.	GPM	Dia.	GPM	Dia.	GPM	Dia.	GPM
25	80	2.90	82	3.52	83	4.24	85	5.00	85	5.89	88	6.83
30	81	3.16	85	3.85	88	4.64	91	5.50	94	6.51	96	7.58
35	82	3.40	87	4.16	90	5.02	94	5.97	97	7.08	100	8.26
40	83	3.63	88	4.45	92	5.37	96	6.41	99	7.60	102	8.87
45	84	3.84	89	4.72	93	5.70	98	6.81	101	8.07	104	9.41
50	85	4.04	90	4.98	95	6.01	100	7.18	103	8.49	106	9.88
55	86	4.22	91	5.22	96	6.30	101	7.51	104	8.87	107	10.30
60	87	4.38	92	5.44	97	6.56	102	7.82	105	9.20	108	10.60
65	88	4.55	93	5.73	98	6.83	103	8.19	106	9.47	109	10.95
70	89	4.73	94	5.93	99	7.09	104	8.45	107	9.78	110	11.29
75	90	5.00	95	6.16	100	7.34	105	8.78	108	10.18	111	11.71
80	91	5.18	96	6.32	101	7.55	106	9.09	109	10.52	—	—

PERFORMANCE FOR 30 E-TNT

Highest point of stream is 10" above nozzle.*

P.S.I.	Nozzle 9/64" 3/32" 7°		Nozzle 5/32" 3/32" 7°		Nozzle 11/64" 3/32" 7°		Nozzle 3/16" 3/32" 7°		Nozzle 3/16" 18° 20°		Nozzle 13/64" 18° 20°		Nozzle 7/32" 18° 20°	
	Dia.	GPM	Dia.	GPM	Dia.	GPM	Dia.	GPM	Dia.	GPM	Dia.	GPM	Dia.	GPM
25	85	4.04	88	4.83	90	5.50	92	6.31	92	7.41	94	8.30	96	9.24
30	87	4.42	90	5.28	92	6.07	95	6.93	95	8.14	97	9.15	100	10.20
35	89	4.80	92	5.71	94	6.57	98	7.52	98	8.83	102	9.94	104	11.10
40	91	5.16	96	6.11	96	7.03	101	8.07	101	9.48	105	10.70	106	11.90
45	92	5.52	98	6.48	98	7.46	104	8.57	104	10.10	106	11.30	108	12.70
50	93	5.85	98	6.84	100	7.87	106	9.04	106	10.60	107	11.90	110	13.30
55	94	6.10	100	7.17	102	8.25	108	9.46	108	11.10	108	12.50	112	13.90
60	95	6.34	101	7.47	103	8.59	109	9.85	109	11.60	110	13.00	114	14.40
65	96	6.58	102	7.77	104	8.91	110	10.26	110	12.00	112	13.50	116	14.90
70	97	6.82	103	8.07	106	9.23	111	10.63	111	12.40	114	14.00	118	15.40
75	98	7.06	104	8.37	108	9.55	112	10.99	112	12.80	116	14.50	120	15.90
80	100	7.30	105	8.67	110	9.87	113	11.39	113	13.20	118	15.00	122	16.10

30 EW-TNT

Same as 30 E-TNT except has brass or nylon plug instead of spreader nozzle. Single nozzle for lower precipitation.

PERFORMANCE FOR 30 EW-TNT

Highest point of stream is 10" above nozzle.*

P.S.I.	Nozzle 9/64" 3/32" 7°		Nozzle 5/32" 3/32" 7°		Nozzle 11/64" 3/32" 7°		Nozzle 3/16" 3/32" 7°		Nozzle 3/16" 18° 20°		Nozzle 7/32" 18° 20°	
	Dia.	GPM	Dia.	GPM	Dia.	GPM	Dia.	GPM	Dia.	GPM	Dia.	GPM
25	85	2.90	88	3.52	90	4.24	92	5.00	94	5.89	96	6.83
30	87	3.16	90	3.85	92	4.64	95	5.50	97	6.51	100	7.58
35	89	3.40	92	4.16	94	5.02	98	5.97	102	7.08	104	8.26
40	91	3.63	94	4.45	96	5.37	101	6.41	105	7.60	106	8.87
45	92	3.84	96	4.72	98	5.70	104	6.81	106	8.07	108	9.41
50	93	4.04	98	4.98	100	6.01	106	7.18	107	8.49	110	9.88
55	94	4.22	101	5.22	102	6.30	108	7.51	108	8.87	112	10.30
60	95	4.38	101	5.44	103	6.56	109	7.82	110	9.20	114	10.60
65	96	4.55	102	5.73	104	6.83	110	8.19	112	9.47	116	10.95
70	97	4.73	103	5.93	106	7.09	111	8.45	114	9.78	118	11.29
75	98	5.00	104	6.16	108	7.34	112	8.78	116	10.18	120	11.71
80	100	5.18	105	6.32	110	7.55	113	9.09	118	10.52	122	12.10

30 EP

Similar to the 30 WS except has a die-cast anodized aluminum arm with a brass bushing, plastic non-clog vane, a low tension stainless steel arm spring, and a special TNT bearing for faster rotation. Not available with nylon nozzles.

30 P

Same as 30 EP above except does not have plastic vane

PERFORMANCE FOR 30 EP, 30 EF

Highest point of stream is 8" above nozzle.*

P.S.I.	Nozzle 9/64" 18°		Nozzle 11/64" 18°		Nozzle 3/16" 18°	
	Dia.	GPM	Dia.	GPM	Dia.	GPM
25	78	1.73	82	2.25	85	2.90
30	79	1.89	84	2.47	87	3.16
35	80	2.05	85	2.68	89	3.40
40	81	2.20	86	2.87	91	3.63
45	82	2.32	87	3.05	92	3.84
50	83	2.44	88	3.22	93	4.04
55	84	2.56	89	3.39	94	4.22
60	85	2.69	90	3.55	95	4.38
65	86	2.79	91	3.72	96	4.55
70	87	2.89	92	3.84	97	4.70
75	88	3.01	93	3.98	98	5.00
80	89	3.11	94	4.09	100	5.18

*Shown for standard nozzle at normal operating pressure

*Standard nozzle size

Shaded areas in chart indicate NOT recommended working pressures for best distribution

No. 2459-3

Publish first publication, on or before January 8, 19 76

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

December 12, 1976

Notice is hereby given that George O. Turner
whose post office address is Glenham, 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
1.07 cubic feet of water per second of time from the Missouri River through the
Turner Irrigation Project No. 3 the point of diversion of which is to be located in the _____

SE 1/4 SE 1/4
of Section 29, Twp. 123N, Range 78W. Said water to be used for the purpose
of providing irrigation on ^{portions of} the following described land:

SE 1/4 SE 1/4 & NW 1/4 SE 1/4, Section 28, T123N, R78W

This application No. 2459-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 22nd day of January, 19 76, at 2:30 Pm M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

cc: **George O. Turner, Glenham**

BURTON F. JONES
Water Rights Specialist

BFJ/bw
cc:

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Walworth) ss.

I, Dorothy Horn hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Mobridge Tribune

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

Mobridge, Tribune of Mobridge,

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

December 18, 1975

December 25, 1975

[Signature]
(Signature)

Dorothy Horn
(Title)

12/25/75
(Date Signed)

NOTICE
INTENT TO APPROPRIATE WATER

No. 2459-3
Pierre, South Dakota 57501

December 12, 1975
Notice is hereby given that George O. Turner whose post office address is Glenham, 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 1.07 cubic feet of water per second of time from the Missouri River through the Turner Irrigation Project No. 3, the point of diversion of which is to be located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, Twp. 123N, Range 76W. Said water to be used for the purpose of providing irrigation on portions of the following described land: S $\frac{1}{4}$ SE $\frac{1}{4}$ & NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, T123N, R78W

This application No. 2459-3 will be considered by the Water Rights Commission at their office at Pierre upon the 22nd day of January, 1976, at 2:30 P.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION
By: Burton F. Jones
Water Rights Specialist 1218-1225



Department of Water & Natural Resources

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

March 23, 1987

ED BERENS
RR #1 BOX 61
SELBY, SD 57472

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 3568-3, 1986-3, 2187-3, 1653-3A, 1568-3, 2459-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216. Joe Foss Building, 523 E Capitol, Pierre SD.

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

1. Amend Permit No(s). 3568-3, 1986-3, 2187-3, 1653-3A, 1568-3, ~~2459-3~~ to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

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

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

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

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

April 24, 1987

1568-3	1653-3A
1986-3	2187-3
2459-3	3568-3

Eddie Berens
RR #1 Box 61
Selby, SD 57472

Dear Mr. Berens:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 1568-3, 1653-3A, 1986-3, 2187-3, 2459-3, and 3568-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



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



Department of Water & Natural Resources

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

February 8, 1989

ED BERENS-OPERATOR
RR #1 Box 61
SELBY, SD 57472

NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 2459-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

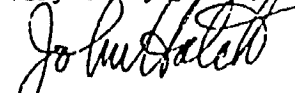
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s). 2459-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,


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

cc: George Turner
Clenham SD 57631



SOUTH DAKOTA Department of
Water & Natural Resources

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

February 23, 1989

1568-3
1653-3A
1986-3
2187-3
2459-3
3568-3

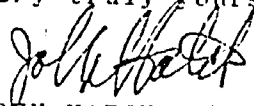
Ed Berens
RR #1 Box 61
Selby, SD 57472

Dear Mr. Berens:

I am writing to acknowledge receipt of your 1988 irrigation questionnaires for Water Permit Nos. 1568-3, 1653-3A, 1986-3, 2187-3, 2459-3 and 3568-3. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaires your name has been deleted from the March Water Management Board meeting agenda.

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

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

cc: George Turner, Glenham, SD 57631

SOUTH DAKOTA Department of
Water & Natural Resources

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

February 9, 1990

ED BERENS
RR #1 BOX 61
SELBY, SD 57472

NOTICE

RE: Violation of Requirement to Submit 1989 Irrigation Questionnaire

Our records indicate that the 1989 Irrigation Questionnaire ~~has not~~ been submitted for Permit No(s). 2187-3, 3568-3, 1653-3A, 1986-3, 1568-3, (2459-3). The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted 1989 Irrigation Questionnaire 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 8:30 am, March 7, 1990 at the Howard Johnson's, Jefferson-Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

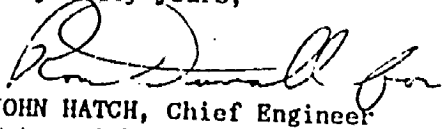
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 2187-3, 3568-3, 1653-3A, 1986-3, 1568-3, 2459-3 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.

If the questionnaire(s) is received in this office before the March 7th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,


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

CC: George Turner, SR 1 Box 77, Glenham SD 57631



Department of Water & Natural Resources

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

February 16, 1990

1568-3
1653-3A
1986-3
2187-3
2459-3
3568-3

Rd Berens
RR 1, Box 61
Selby SD 57472

Dear Mr. Berens:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit Nos. 1568-3, 1653-3A, 1986-3, 2187-3, 2459-3, and 3568-3. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaires were received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

Ron Duvall /KS
RON DUVAL
Natural Resources Engineer
Water Rights Division

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

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

March 2, 1990

1653-3A
2187-3
2459-3

Ed Berens
RR #1 Box 61
Selby, SD 57472

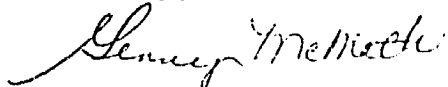
Dear Mr. Berens:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Permit Nos. 2187-3 and 2459-3 and Water Right No. 1653-3A. The forms need to be signed by the owner in the presence of a notary public. Upon completion of the forms, return them to our office with a required filing fee of \$2.50 each (total of \$7.50).

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,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosures



2459-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 5, 1993

No. 2459-3

Eddie Berens
RR 1, Box 61
Selby, SD 57472

Dear Berens:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 2459-3. The water permit is currently listed in the name of George O. Turner.

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 Division
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

No. 2459-3

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: _____

I, We request that Water Permit/Right No. 2459-3

formerly owned by: George O. Turner

be transferred to: (name & address) Eddie Berens, RR #1 Box 61, Selby, SD 57472

(telephone No.) (605) 649-7270

Title to the following described land(s)/property has been transferred as described above:
75 acres - SE 1/4 Section 28, T123N, R78W

I, We understand that the validity of Water Permit/Right No. 2459-3 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 Walworth)

I, Eddie Berens being first duly sworn on my oath depose and say that the relation to the above described undertaking is that of Owner, that I have read the foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.



Eddie Berens
(Signed)

Subscribed and sworn to before me this 7th day of April, 1993.

M B Babb
(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 water 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

South Dakota Department of Environment and Natural Resources

2459-3
413735

Pierre, April 22, 1993

RECEIVED OF Mr. J. L. Selby, SE 57472

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 _____	2	50
Fee for Filing Extension Request _____		
Fee for _____		

_____ (Any Other Work Provided by Law)		
Total	2	50

By John H. Heston
Chief Engineer

2459-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 23, 1993

No. 2459-3

Eddie Berens
RR 1, Box 61
Selby, SD 57472

Dear Mr. Berens:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 2459-3.

Our records now show you as the owner of Water Permit No. 2459-3.

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

No. 2459-3

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: 11-23-93

I/We request that Water Permit/Right No. 2459-3

formerly owned by: George Turner

be transferred to: (name & address) Eddie Bergens

RR1 Box 61 Selby S.D. 57422-9116 (telephone No.) 605-689-2270

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

75 acres - S $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, T123N, R78W

I/We understand that the validity of Water Permit/Right No. 2459-3 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).

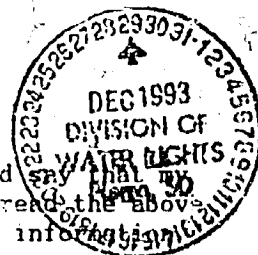
You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

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 Walworth)

I/We Eddie Bergens 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.



Eddie Bergens
(Signed)

Subscribed and sworn to before me this 23rd day of NOVEMBER, 1993.

[Signature]
(Notary Public)
Expiration 20 July 1997

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 water 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

South Dakota Department of Environment and Natural Resources

2459-3
413973

Pierre, December 29, 1993

RECEIVED OF Eddie Berens, RR 1, Box 61, Selby, SD 57472-9616

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 Permit No. 2459-3	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch (CE)
Chief Engineer



2459-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 29, 1993

No. 2459-3

Eddie Berens
RR 1, Box 61
Selby, SD 57472-9616

Dear Mr. Berens:

This is to notify you that Water Permit No. 2459-3 was transferred to you on April 22, 1993; therefore, you will be receiving a \$2.50 refund for this transfer in a couple of weeks.

If you have any questions, please feel free to contact me.

Sincerely,

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

2459-3

PAYMENT REQUEST FORM

PAYEE: Eddie Borens
RR 1, Box 61
Selby, SD 57472-9616

FROM: DENR
Water Rights Division
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCT OR TRANSFER

Refund for Transfer of Ownership on Water Permit No. 2459-3, as the Water Permit was transferred on April 22, 1993, and they submitted another fee and transfer form on December 29, 1993.

AMOUNT: \$2.50

FUNDING SOURCE:

GENERAL:

FEDERAL:

COMMENTS:

AUTHORIZATION:



12/29/93

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



2459-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 23 1998

Eddie Berens
30044 133rd St
Selby SD 57472

Dear Mr. Berens:

Enclosed are Water Permit and License No. 5802-3. The receipt for payment of the \$50.00 fee submitted in May, 1993 is also enclosed. Water License No. 5802-3 is the final document which completes the process of obtaining a water right.

The applicable portions of Water Right Nos. 1568-3, 2060-3 (diversion authority) and Water Permit Nos. 2459-3, 3568-3 have been incorporated into this Water License No. 5802-3.

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

Very truly yours,

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

ks

enclosures

