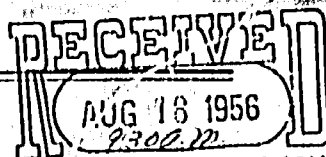


1. Considered Nov 13, 1956
2. Name of Applicant Felix E. and Vera A. Lehart # 249-3
3. Post Office Address Begon, S. Dak
4. Amount of water claimed 2.82 cfs
5. Source of water supply Sioux River
6. Water to be used for irrigation
7. ^{500 73-196N-49W} Acres to be irrigated 1901
7. Water to be diverted and used in Brookly County about
10 miles SW of Brookly
8. Proof of Publication Received ☒
Not Received ☐
9. Application Approved ☒
Subject to ☐
Not Approved ☐
Action deferred ☐
10. Remarks:

OK



Water Division No. 3 Big Sioux River District
(Blanks to be Filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

Dr. John Billion

401 N. Lake, Sioux Falls, SD 57104

1. Name of applicant

Postoffice address Sioux Falls, County Moody, State South Dakota

I. If a corporation

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

F. H. A. Loan

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work

3. Amount of water claimed 2.71 cubic feet per second

4. Source of water supply

Sioux River
#1 - 8554 - N. 60° - 0' W - SE 1/4 of 23 - T.106 - R. 49
#2 - 23080 - S. 88° - 30' W - NE 1/4 of 23 - T.106 - R. 49 - Moody Co.

5. Location of point of diversion

#3 - 10335 - S. 88° - 30' W - NE 1/4 of 23 - T.106 - R. 49 - Moody Co.

on _____ bank _____ County.

6. Annual period or periods during which water is to be used

April 1st to Oct 1st

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

Overhead

(a) Number of acres to be irrigated

190 acres

(b) Legal subdivisions to be irrigated

NE 1/4 of SEC 23, part of SE 1/4 of NE 1/4 of 23 lying E & S. of SIOUX RIVER in T.106 RANGE 49 Moody Co. loc. 1, 2, 3, for purpose of divert.

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.)

None

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use

Name any of the above uses claimed

(b) Amount of power to be generated

horse power.

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

8. Estimated cost of work:

(a) Head Gates, \$-----

(b) Pumping plant, \$1475.00

(c) Fluming, \$-----

(d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures *Sprinkler system* \$3525.00

Total, \$5,000.00

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Centrifugal Pump & Power Unit on R. I. O. - Spring River

II. Dimensions of works:

(a) Dam: Height-----feet; length at bottom-----feet; length at top-----feet; thickness at bottom-----feet; thickness at top-----feet; slope at front water face-----; slope at back face-----material used in construction-----

(b) Reservoir: Capacity when filled-----acre feet. Surface area at highwater mark-----acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-FEET CAPACITY

(c) * Head gate: Width-----feet; height-----feet; Material-----

(d) Canal: Total length-----miles

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet

(Give dimensions where reduction in size are made.)

10. Time required for completion of work-----3-----years.

11. Time required for complete application of water to the proposed beneficial use-----5-----years.

12. Choice of newspaper for publication of notice of intention to appropriate *Mercury County*
Enterprise, Lawrence, South Dakota

STATE OF SOUTH DAKOTA

ss.

County of-----

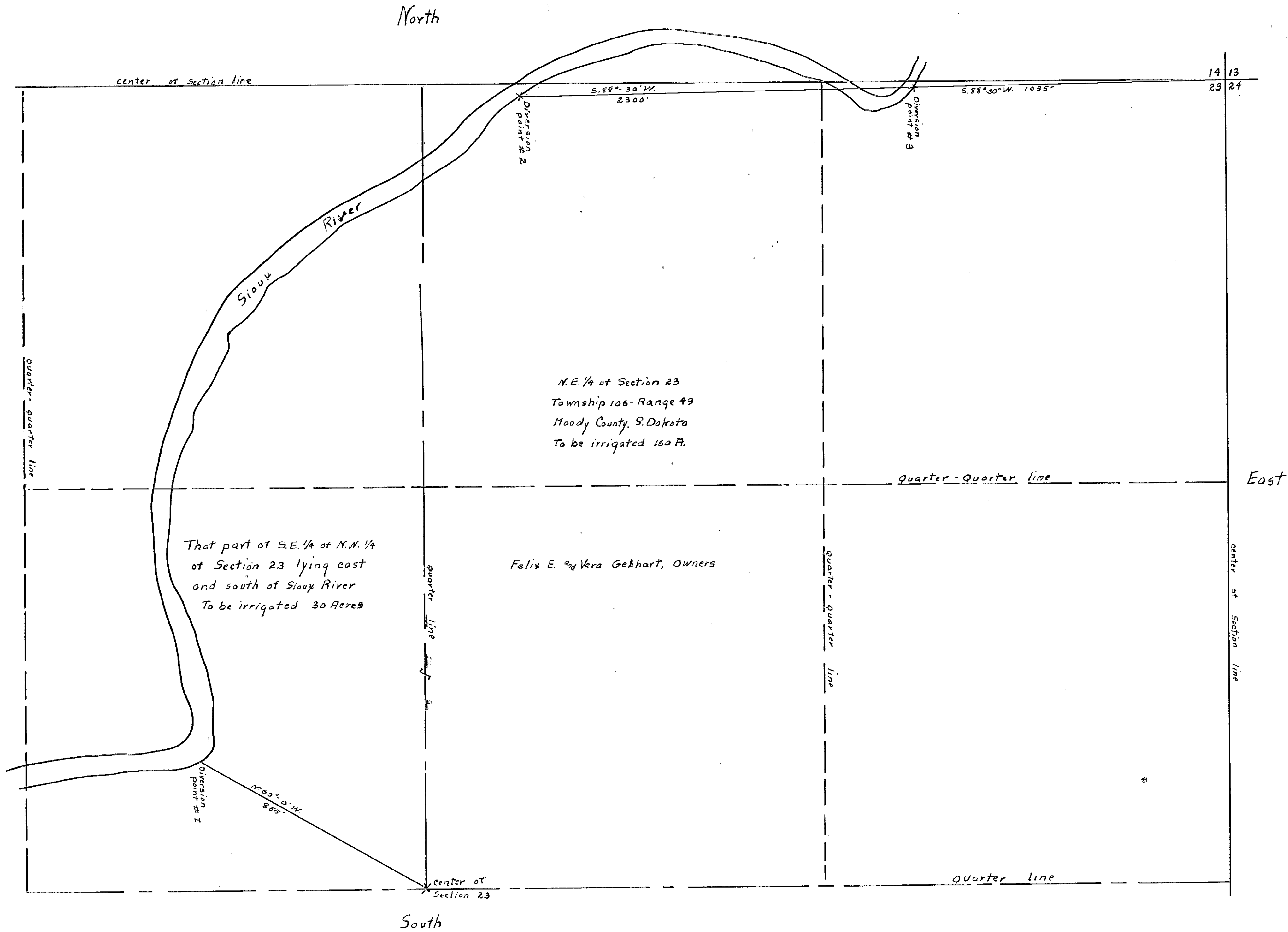
I, *Edith E. & H. H. A. Schubert*, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are *true & correct*

Signed *Edith E. & H. H. A. Schubert*

Subscribed and sworn to before me this-----17-----day of-----August-----1956

E. H. A. Schubert
Notary Public (or other qualified officer.)

My Commission Expires July 27, 1959



Felix E. and Vera Gebhart Irrigation Project # 1
in NE 1/4 of Section 23, 9th part of S.E. 1/4 of
NW 1/4 of Section 23, Township 106, Range 49
Moody County, South Dakota.

I, Ellis V. Nelson, a licensed engineer hereby certify
that I have made a survey of the NE 1/4 of Section 23
and part of SE 1/4 of the NW 1/4 of Section 23 lying east
and south of the Sioux River in Township 106 - Range 49
Moody County, South Dakota and located diversion points
1, 2, & 3 for purposes of irrigation as indicated on the
above plat
Dated at Sioux Falls, South Dakota, August 7, 1956

Ellis V. Nelson
Licensed Engineer

State of South Dakota } ss
County of Minnehaha }
On this 7th day of August 1956 before me the
undersigned officer, personally appeared Ellis V. Nelson
known to me, or satisfactorily proven to be the person
whose name is subscribed to the within certificate
and acknowledged that he executed the same for the
purpose therein contained.
In witness whereof I hereunto set my hand
and official seal.

Lawrence J. Lawrence
Notary Public

Notary Public
My commission expires August 1, 1958

Ellis V. Nelson, Civil Engineer
Sioux Falls, S. Dakota, August 8, 1956

Map No. 194-3
Appl. No. 249-3

STATE OF SOUTH DAKOTA

County of

Bugher

City

Pierre, South Dakota, September 25, 1956

This is to certify that the foregoing application was received by the Commission at 9:30 o'clock

a m. upon the 18 day of August, 1956

State Water Resources Commission

By:

Joe H. Brinner

Chief Engineer, Executive Officer

Number of permit 249-3

Date of first receipt of application August 18, 1956

Date of return to applicant for correction, amendments or changes required as follows: August 23, 1956

Date of receipt of corrected application September 17, 1956

Date from which applicant may claim right August 18, 1956

Approved November 13, 1956, Recorded in Book 3, Section 2 Page 20

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before May 13, 1958 (2.6.60)

2nd. The whole of said work is to be completed on or before November 13, 1961

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is November 13, 1963 (2.6.60)

4th. The water appropriated shall be used for the purpose of irrigation

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 2.71 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before November 13, 1961; said water to be used during the following described annual period:

April to September inclusive

Witness my hand this 31 day of December, 1956

State Water Resources Commission

By:

Joe H. Brinner

Chief Engineer, Executive Officer

Certificate of Construction Issued

SEPTEMBER 11, 1969

Water License Issued

SEPTEMBER 11, 1969

(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 Felix E. and Vera A. Gebhart

_____ of Egan
the holder E and owner B of said permit No. 249-3 a water right, dating from August 18, 1956
_____ to use of 2.1 cubic feet per second of the waters
of the Sioux River

in the County of Moody and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned to be diverted, ~~at~~ between a point 855' N 60° W from the center, Section
23, and a point 1035' S 86° 30' W of the NW Corner, Section 23, T106N, R49W

and conduct to and upon 135 acres in a portion of the N½, Section 23, T106N, R49W,
described in the face of this Water License

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 249-3 and subject to the laws of the State of South Dakota.

WITNESS, My Hand and seal of our office at Pierre, South Dakota
this 11th day of September A. D.
Nineteen Hundred and Sixty-nine

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Form 15.

Permit No. 249-3

Water Diversion No. 3 BIG SIOUX RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Felix E. and Vera A. Gebhart

_____ the holder _____ of
Permit No. 249-3, issued upon Application No 249-3, bearing date of priority of August 18,
1956 authorizing the diversion of 2.71 cu. ft. per second of the waters of _____
Sioux River County of Moody, State of South Dakota at _____
between a point 855' N, 60° W from the center, Section 23, and a point
1035', S 88°20' W of the NW Corner, Section 23, T106N, R49W
_____, for irrigation

_____ purposes, have _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.1 cu. ft. per second of water.

Date September 11, 1969

WATER RESOURCES COMMISSION

By:

J.W. GRINES, Executive Officer

(First Publication Lafore October 12 1956)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., September 25, 1956

Notice is hereby given that Felix E. and Vera A. Gehhart whose postoffice address is Lyda S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.32 cubic feet of water per second of time from the Big Sioux River through the sprinkler system, the point of diversion of which is to be located on the southerly bank of said stream between a point in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and a point in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 23 Twp. 106N Range 49W. Said water to be used for the purpose of providing irrigation on the following described land:

SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$, Sec. 23, T. 106N, R. 49Wand for purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 13th day of November, 1956, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

J. W. Grimes, Chief Engineer, Executive Officer

cc: Mr. H. D. Dawson, Publisher
The Moody County Enterprise
Flandreau, South Dakota

11.70

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Moody } ss.

L. W. McConnell being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Moody County Enterprise 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 Flandreau County of Moody and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Oct. 4, 1956

Oct. 11, 1956

Oct. 18, 1956

Oct. 25, 1956

in each and every issue of the full number thereof, the first publication being made on the 4th day of October 1956 and the last publication on the 25th day of October 1956, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was for and by the printer and publisher of the said newspaper.

L. W. McConnell

Subscribed and sworn to before me this 25 day of October A. D. 1956

Notary Public Moody County, S. D.

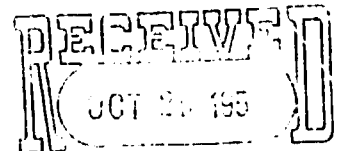
APPROPRIATION OF WATER
Office of State Water Resources
Commission, Pierre, S. Dak., September 25, 1956.

Notice is hereby given that Felix E. and Vera A. Gebhart whose post-office address is Egan, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.82 cubic feet of water per second of time from the Big Sioux River through the sprinkler system, the point of diversion of which is to be located on the southerly bank of said stream between a point in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and a point in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 23 Twp. 106N Range 49W. Said water to be used for the purpose of providing irrigation on the following described land:

SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$, Sec. 23, T 103N, R 49W

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of November, 1956, at 2:00 P.M. All interested persons may appear and be heard. Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission
By: J. W. GRIMES,
Chief Engineer, Executive
Officer,
(Oct. 4, 11, 18, 25)



STATE WATER RESOURCES COMMISSION
PIERRE SOUTH DAKOTA

May 19, 1959

Mr. Felix E. Gebhart
Egan, South Dakota

Dear Mr. Gebhart:

Reference is made to your letter received May 5, 1959 relative to an extension of time for your Application and Permit #249-3.

In reviewing your Permit I note that the whole of said work (construction or buying equipment) is to be completed on or before November 13, 1959 and the limit of time for proof of beneficial use of the water is November 13, 1961.

It is not necessary for you to apply for an extension now as you have until November 13, 1959 (most of the rest of this year) in which to buy your equipment.

Should you be unable to comply with the construction and water use requirements on or before the above dates, please let me know and I will send you the necessary blank forms for applying for an extension of time.

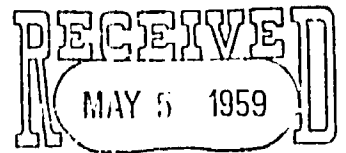
Sincerely,

Les Wyborny
Water Rights Engineer

LW:ls

Egmo, S. Dak.
April 30, 1959

Water Resources Commission
Pierre S. Dak.



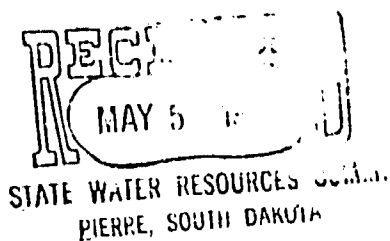
STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Dear Sirs:

I would like to know if it is necessary
to get an extension on a water use permit?
This permit No 249-3 Approved Nov. 13-1956 and
issued to Felix E & Vera A. Cleburn. Moody Co.
Due to ~~the~~ ^{the} cost of equipment I have not
been able to get started irrigating as yet.
I hope to get going this year.

What would be necessary if I have to get
an extension on my permit.

Very respectfully
Felix E. Cleburn



March 3, 1961

Felix E. Gebhart
Egan, South Dakota

Dear Mr. Gebhart:

In answer to your recent letter please be advised that an extension of time was granted on Permit #219-3 on April 6, 1960.

Under this action you have until November 13, 1961 to complete your works and until November 13, 1963 to prove beneficial use of water.

Sincerely,

BURTON F. JONES
Water Right Specialist

BFJ/bw

249-3

Edgar S. Nab.
Feb 28 - 1961

South Dakota Water Resources Com.
Pierre South Dakota

Dear Sirs:

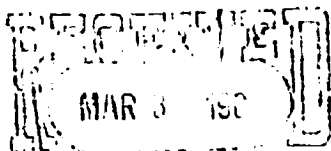
About a year ago I requested
an extension on my water
permit. I filled out 7 and mailed
forms 213. I think they read
prior to Nov. 13, 1961. (Permit no
249-3.)

At present I should have some
proof for the F. H. A. that I have
not Nov. 13-61 for to show
use of water.

They are still in the process
of getting a loan for me.

Would you send a letter to me
in regard to this?

Thank You.



SOUTH DAKOTA WATER RESOURCES COM.
PIERRE, S.D. 57501

Sincerely,

Edgar S. Nab.

February 25, 1960

Felix E. Gebhart
Egan,
South Dakota

Dear Mr. Gebhart:

Enclosed you will find blank forms #23 which you should fill out and return to this office.

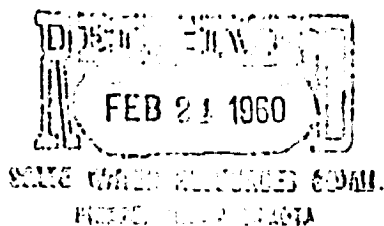
Your original request for time to complete the works was for 3 years. The laws state you can have up to 5 years. As your permit was issued, the works were to be completed by November 13, 1959, so your application should read prior to November 13, 1961.

Sincerely,

Furton F. Jones
Water Right Specialist

BJpp

Enc: Form 23 (2)



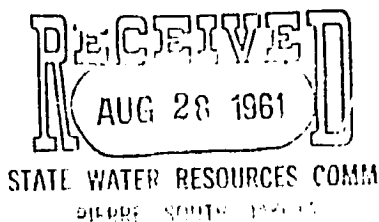
Gen. J. Lab.

Feb. 20-60

Mr. Les Wyborny
Water Rights Engineer
Pueblo, S. Dakota,
Dear Mr. Wyborny:

I would like to have you send me
the necessary blank forms for applying
for an extension of time on my Permit
249-3

Sincerely,
John E. Lehart



Aug. 20 - 61
Egan, S. Dak.

State Water Resource Commission
Sioux, South Dakota.

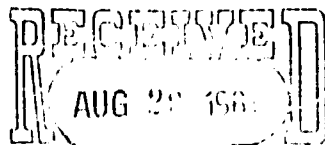
Dear Sir:-

I'm filling out (Form 16) when I got to no. 5 I was not sure what to fill in the blank.

I have an unusual situation which made me confused what to answer. Some of my land for irrigation is on river bottom and some is up to 60 ft Elev. so I can deliver a Max of 700 gal per min on the low land & 500 gal. per min on the high. I will leave it to you to put the cu. ft per second in (No 5)

If you need any other information just let me know. Thank You

Sincerely
Felix E. Gebhart

Permit No. 247-3

STATE WATER RESOURCES COMMISSION

Water Division No. _____

Water District _____

PIERRE, SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works.

(P. O.)

Egan, South Dakota

(Date)

Aug. 11, 1961

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of _____

_____ 2.71 cu. ft. per second of the waters of the state from Big Spring River
through the sprinkler irrigation system
for irrigation purposes
in accordance with the terms and con-

ditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is

John E. Gehlert

2. The postoffice address of such person or the place of business of such corporation is

County of

Moody

State of

South Dakota

3. The number of such permit is

247-3

and the date set for the completion of such work is

Nov. 13 - 1961

4. Said water to be used for

sprinkler irrigation

purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of

water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is _____ cubic feet per second.

6. The amount of land for which said water is available is

190

acres,

particularly described as follows:

NE 1/4 and that portion of the SE 1/4
of the NW 1/4 lying South and East of the Big
Springs River, All in Section 23 Twp. 10S, Range 49

I hereby certify that the facts set forth in the above notice are true.

John E. Gehlert

(Signature of Owners)

REPORT OF INVESTIGATION

Unlicensed Water Permits Authorized before January 1, 1964

Water Permit No. 249-3. Approval Date Nov 13, 1956

This Permit authorized the diversion of 2.71 cubic feet
per second of water from Sioux River to irrigate
190 acres in Section 23, Township 206,
Range 49, County Moody.

Name and Address shown on Permit Felix + Vera Gebhart
Egan, S. Dak

Name and Address of present owner of land Same

WATER PERMITS NOT CONSTRUCTED WITHIN THE FIVE YEAR PERIOD ARE
SUBJECT TO CANCELLATION BY ACTION OF THE WATER RESOURCES COMMISSION

Indicate the following:

1. The irrigation system was never started nor was not completed.
The present landowner has been informed that cancellation of
Water Permit No. _____ will be considered by the Water
Resources Commission and he will be notified of the date, time
and place of such consideration. _____
2. Some questions exists and further consideration is advisable.

- ✓ 3. The irrigation system was completed within the five year period
and is being used. A final inspection should be scheduled.

REMARKS:

Uses each year ready for inspection
Contact Date 7-18-69

Signature Wm H E. Elliott Jr.

Permit No. P249-3Water Division 3 SIOUX RIVER Water District

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

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

I have this day made a thorough examination of the water use system constructed by Felix and Vera Gebhart of Egan, South Dakota holder s of Permit No. 249-3, bearing date of priority of August 18,, 1956 authorizing the diversion of 2.71 cu. ft. per second of the waters of the Sioux River for irrigation purposes, in Moody 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:

Rainmaster pump Mod. SS 5H75, 5' x 6" pump with chrysler Industrial propane 265 cu. inch engine.

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

2500 feet of 6 inch aluminum pipe

C. Works used to apply water to beneficial use.

Vermeer Mod. 180 revolving sprinkler

The system is in the following condition: Fair

The point of diversion is located between a point 855' N, 60⁰ W from center of Section 23,
and a point 1035' S 88⁰30' W of NW Corner of Section 23, in T106N, R49W

The works are capable of diverting and conveying to the place of use 1.1
irrigation

cu. ft. per second of water which is to be used for

Water has been put to beneficial use to the maximum extent as follows: irrigation in Sec. 23, T106N, R49W.

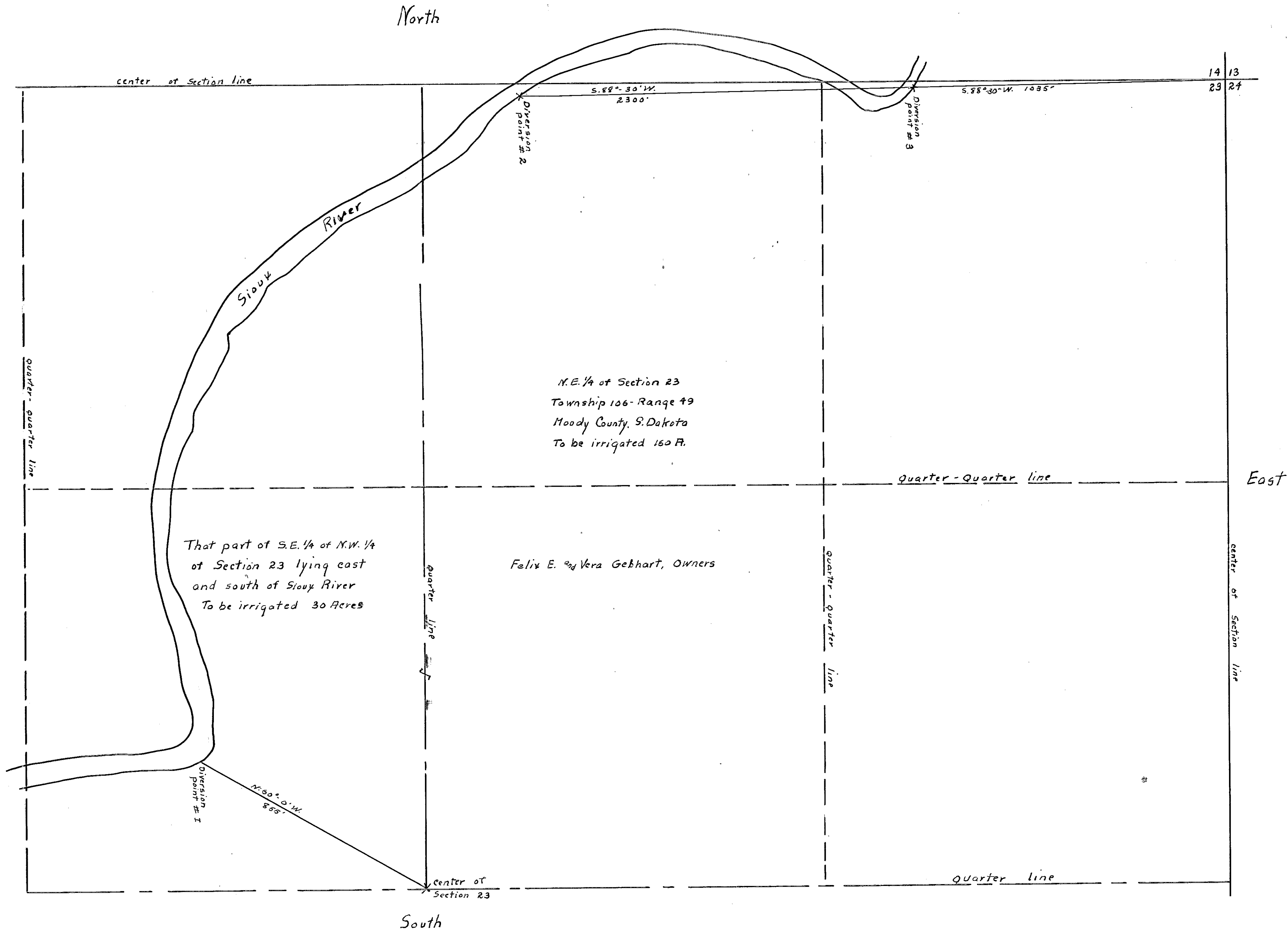
<u>SE$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>20 acres</u>	<u>SE$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>25 acres</u>
<u>NE$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>10 acres</u>	<u>SW$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>25 acres</u>
<u>NW$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>35 acres</u>		
<u>NE$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>20 acres</u>		

comprising a total of 135 acres of land.

Date August 7, 1969

Donald Driscoll
(Signature)

DONALD DRISCOLL, Deputy Chief Engineer
Water Resources Commission



Felix E. & Vera Gebhart Irrigation Project # 1
in NE 1/4 of Section 23, 1/4 part of SE 1/4 of
NW 1/4 of Section 23, Township 106, Range 49
Moody County, South Dakota.

I, Ellis V. Nelson, a licensed engineer hereby certify
that I have made a survey of the NE 1/4 of Section 23
and part of SE 1/4 of the NW 1/4 of Section 23 lying east
and south of the Sioux River in Township 106-Range 49
Moody County, South Dakota and located diversion points
1, 2, & 3 for purposes of irrigation as indicated on the
above plat
Dated at Sioux Falls, South Dakota, August 7, 1956

Ellis V. Nelson
Licensed Engineer

State of South Dakota } ss
County of Minnehaha }
On this 7th day of August 1956 before me the
undersigned officer, personally appeared Ellis V. Nelson
known to me, or satisfactorily proven to be the person
whose name is subscribed to the within certificate
and acknowledged that he executed the same for the
purpose therein contained.
In witness whereof I hereunto set my hand
and official seal.

Lawrence J. Lawrence
Notary Public

Ellis V. Nelson, Civil Engineer
Sioux Falls, S. Dakota, August 8, 1956

Map No. 194-3
Appl. No. 249-3

Doane Agricultural Service, Inc. / 707 East 41st Street / Sioux Falls, South Dakota 57105 / (605) 332-4311

March 31, 1976



Department of Natural Resources
Pierre, South Dakota 57501

Re: 6024 Billion

Attn: Burton Jones

Dear Mr. Jones:

My client, Dr. Billion, recently took possession of a farm described as: 17 acres in the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ NW $\frac{1}{4}$ & NE $\frac{1}{4}$ of Section 23, Township 106, Range 49. Formerly this property was owned by Felix E. & Vera Gebhardt of Egan, South Dakota. Mr. Gebhardt indicated that he had a water permit for irrigation. The permit number is 249-3. It is my understanding that the water permit go with the land, therefore I would like to request that this permit be put in the name of Dr. John Billion - 401 N. Lake - Sioux Falls, South Dakota 57104.

Your attention to this matter will be greatly appreciated.

Sincerely,

Dale McClure
Farm Manager

DM:bb



NOTICE OF TRANSFER OF WATER PERMIT

TO: **WATER RIGHTS COMMISSION**
 State Office Building No. 2
 Pierre, South Dakota 57501

Date April 2, 1976

This is to notify you that title to the lands described as follows:

Portions of NE1 and E1 NW1, Section 23, T106N, R49W,
described in Water Right No. 249-3

formerly owned by Felix E. and Vera A. Genhart, Egan, S.D.

has been transferred to Dr. John Billion, 401 N. Lake, Sioux Falls, S.D. 57104

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 249-3 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the **Office of Water Resources Commission** as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
) ss.
 County of Minnehaha)

I, Dr. John Billion 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 I know of my own personal knowledge that the information herein stated is true.

(Signed) X

Subscribed and sworn to before me this 5th day of April, 19 76

Bruce H. Brumback
 (Notary Public)



Water Rights Division - DWNR

File No. 249-3

Conversation or File Documentation

NAME OF PERSON OR FILE: Mr John Billion, 3905 S Western Ave
ADDRESS: Sixty Falls % Doane Farm Management
COUNTY MYDATE: 5/21/84 TELEPHONE 331-5890RE: IQ

COMMENTS:

talked to office Sec. She will have Farm management
people call. Also they may have a chg of address.

5/24/84

Dr. Billion returned my call gave me information
over the phone. Also have address chg to send
IQ to —

Dr John Billion
3905 Southwestern Ave
% Doane Farm Management
Sixty Falls.

(did not receive IQ)

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: Betty Westlund

 **Department of
Water & Natural Resources**

Joe Hatch Building
523 E Capitol
Pierre, South Dakota 57501-3181

March 23, 1987

JOHN BILLION/ DOANE FARM MGMT
3905 SW AVE
SIOUX FALLS, SD 57101

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). (249-3). 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). 249-3 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.

cc: John Billion, MD, 1301 S 9 Ave, Sioux Falls SD 57101



Department of Water & Natural Resources

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

April 15, 1987

2153-3
249-3

Doane Ag Service
3905 S Western Avenue
Sioux Falls, SD 57105

Dear Sirs:

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. 2153-3 and 249-3 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

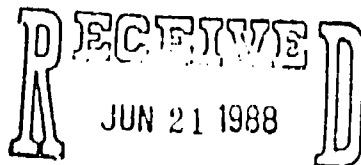
cc: Dr. H Phil Gross, 1900 S 1st Avenue, Sioux Falls, SD 57105
Dr. John Billion, 1301 S 9th Avenue, Sioux Falls, SD 57105



Department of Water & Natural Resources

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

June 20, 1988



NOTICE

TO: 249-3
DR JOHN BILLION
DUANE FARM MGE
3905 SOUTHWESTERN
SIOUX FALLS SD 57104

FROM: John Hatch, Chief Engineer
Water Rights Division

SUBJECT: Validation of Vested Water Right Claims

South Dakota Codified Laws 46-2A-16 and 46-2A-17 provide a procedure for validation of recognized vested water right claims. Any vested water right claim that was recognized by the Chief Engineer or the Water Management Board prior to July 1, 1986 is eligible for validation.

Enclosed is a copy of the notice published in a newspaper in your county. The notice includes a list of recognized vested water right claims which are eligible for validation in your county. Please review this list. If you believe there is an error in the list and/or a vested water right claim is not a valid claim, the Chief Engineer, Water Rights Division must be notified prior to October 1, 1988.

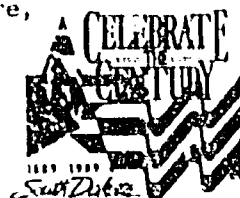
If you are the holder of a vested water right claim, please review the information concerning your vested right claim. In order for a vested water right claim to be eligible for validation water use must have been continuous. South Dakota Water Law states:

"When any person entitled to the use of appropriated water fails to use beneficially all or any part of such water for the purpose for which it was appropriated, for a period of three years, such unused water shall revert to the public and shall be regarded as unappropriated public water."

and

"If the owner of the land to which water has become appurtenant abandons the use of such water upon such land, such water shall become public water, subject to general appropriation."

If you have questions, need more information, or want a summary of South Dakota Water Law and Water Rights Information, please contact the Water Rights Division, Department of Water and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3181, (605 773-3352).



249-3

ORTHOPEDIC AND SPORTS MEDICINE CLINIC, P.C.

1301 South 9th, Suite 600
Sioux Falls, South Dakota 57105
Phone (605) 331-5890

William V. Watson, M.D.

Certified by the American
Board of Orthopaedic Surgery
Fellow of the American Academy of
Orthopaedic Surgeons

John J. Billion, M.D.

Certified by the American
Board of Orthopaedic Surgery
Fellow of the American Academy of
Orthopaedic Surgeons

Peter K. Rodman, M.D.

Certified by the American
Board of Orthopaedic Surgery
Fellow of the American Academy of
Orthopaedic Surgeons

June 23, 1988



S. D. Dept. of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Address change

Would you please change my mailing address as I no longer employ
Doane Farm Management. Any correspondence should be addressed to:

Dr. John Billion
1301 South 9th Ave., Suite 600
Sioux Falls, South Dakota 57105-1097

Thank you.

Sincerely,


John J. Billion, M. D.
JJB:kb

DATE MICROFILMED

CAMERA OPERATOR

 **Department of
Water & Natural Resources**

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

October 27, 1989

249-3

Troy & Sandy Hahn
RR #1
Egan, SD 57024

Dear Mr. & Mrs. Hahn:

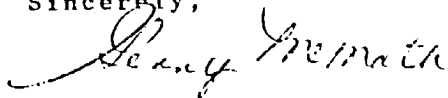
I am contacting you in regard to ownership of Water Right No. 249-3, currently listed in the name of Dr John Billion. Dr. Billion has notified our office that you have purchased the land described under Water Right No. 249-3.

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 249-3. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it 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.

I have enclosed a copy of the water right for your records. If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosures



NOTICE OF TRANSFER OF WATER



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 11-1-89

This is to notify you that the title to the lands described as follows:

135 acres - E1/4 NW1/4, NE1/4 Section 25, T106N, R49W

formerly owned by Dr John Billion

has been transferred to Troy D. and Sandy F. Hahn RRI
(please include complete mailing address) Egan, SD
together with any rights to the beneficial use of water thereon as evidenced by 5702-4

Water Right ~~Permit~~ No. 249-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

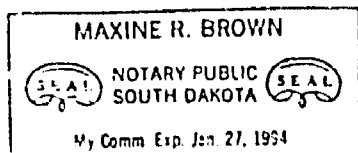
A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Mordak) ss.

I, Sandy Hahn 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 I know of my own personal knowledge that the information herein stated is true.

Sandy Hahn
(Signed)

Subscribed and sworn to before me this 1st Day of November, 1989.



Maxine R. Brown
(Notary Public)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411967

Pierre, November 1, 1967

RECEIVED OF Troy D. Hahn, Box 92, Colfax, SD 57017

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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. 249-3

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Chief Engineer

John Hatch/mra



**Department of
Water & Natural Resources**

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

November 8, 1989

249-3

Troy D & Sandy F Hahn
RR 1
Egan SD 57024

Dear Mr. & Mrs. Hahn:

Enclosed is a receipt in the amount of \$2.50 which you paid for transfer of Water Right No. 249-3.

Our records now show you as the owner of this Water Right.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
Water Rights Division
605 773-3352

enclosure



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

GREAT FACES. GREAT PLACES.

February 1, 1991

TROY D & SANDY F HAHN
RR 1
EGAN SD 57024

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 249-3. 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 hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:15 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(s), the Water Management Board can:

1. Amend Permit No(s) 249-3 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 February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,

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

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address on the **RETURN TO** Space on the reverse side. Fast 100 on this will prevent this card from being returned to you. The return receipt for us provides you the name, address, date of delivery to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and how to be used for additional service is requested.

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

3. Article Addressed to TROY D & SANDY F HAHN RR 1 EGAN SD 57024	4. Article Number P 694 057 307						
5. Signature Addressee ☒ <i>[Signature]</i>	Type of Service: <table border="0"> <tr> <td>☐ Registered</td> <td>☐ Insured</td> </tr> <tr> <td>☒ Certified</td> <td>☐ COD</td> </tr> <tr> <td>☐ Express Mail</td> <td>☐ Return Receipt for Merchandise</td> </tr> </table>	☐ Registered	☐ Insured	☒ Certified	☐ COD	☐ Express Mail	☐ Return Receipt for Merchandise
☐ Registered	☐ Insured						
☒ Certified	☐ COD						
☐ Express Mail	☐ Return Receipt for Merchandise						
6. Signature Agent ☒	Always obtain signature of addressee or agent and DATE DELIVERED.						
7. Date of Delivery 2-2-91	8. Addressee's Address (ONLY if requested and keep in) RR 1, Box 30 EGAN, S.D. 57024						



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3151

February 4, 1991

249-3

Troy & Sandy Hahn
RR #1 Box 30
Egan, SD 57024

Dear Mr. & Mrs. Hahn:

I am writing to acknowledge receipt of your 1990 irrigation questionnaire for Water Right No. 249-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaire, your name has been deleted from the February Water Management Board meeting 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 ENVIRONMENT
and NATURAL RESOURCES**

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

June 18, 2009

249-3

Troy & Sandy Hahn
47654 235A St
Egan SD 57024

Dear Mr. & Mrs. Hahn:

I am contacting you in regard to your Water Right No. 249-3. The water right authorizes diversion of water from the Sioux River for irrigation purposes.

Each year in October we mail out annual irrigation questionnaires for water right holders to complete with information on how much water was used during that specific crop year. We have held up mailing irrigation questionnaires to you because your land was in CRP. Our records show the land came out of CRP last season and should be eligible for irrigation starting in 2009.

Prior to the fall mailing I wanted to touch base with you to see if you still own the land and if any changes need to be made to the water rights. If there are any changes to the water right or if you have re-enrolled the land in CRP, please contact me.

Sincerely,

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 19, 2010

249-3

Troy D & Sandy F Hahn
6762 Smith Dr
Wentworth SD 570756-7306

Dear Mr. & Mrs. Hahn:

Enclosed is a "Notice" dated October 15, 2010 concerning the 2010 irrigation questionnaire.

The notice was originally mailed to 47654 235A St, Egan, SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 20, 2011

249-3

Jeffrey D Hahn
47654 235A St
Egan SD 57024

Dear Mr. Hahn:

Thank you for returning my phone call concerning Water Right No. 249-3. I have included a copy of the water right or your records.

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

It is my understanding the land has been re-enrolled in CRP with a portion coming out in 2015 and the remainder at a later date. I will hold up on mailing you an irrigation questionnaire for the land until it again becomes eligible for irrigation.

Please include a note when returning the transfer form that tells me what year each segment of land comes out of CRP so I can edit the files accordingly. If you have any questions, please contact me.

Sincerely,

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

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 17, 2012

249-3

Jeffrey D Hahn
47654 235A St
Egan SD 57024

Dear Mr. Hahn:

I am contacting you in regard to ownership of Water Right No. 249-3. The water right is currently listed in the name of Troy D and Sandy F Hahn. In October, 2011, I spoke with you on the phone concerning the water right and followed up by sending you a form for changing ownership of the water right to your name. To date, we have not received anything back from you.

In the event you no longer have the original form, I am enclosing another partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If the land has been sold again and you no longer own the property, please give me a call. Thank you in advance for your help in updating the water right.

Sincerely,

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

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

enclosure



249-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 6, 2012

Dear Water Right Holder;

Due to low flows I am advising water right holders on the Big Sioux River of the possibility of shutoff orders in 2012 for the river reach from Watertown through Sioux Falls. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Big Sioux River basin remain well below the historical average. The forecast for improved conditions for the near future is not favorable.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing real-time river flows at 159 stream gauging stations across the state including three gages sites on the Big Sioux River. To access this information go to <http://waterdata.usgs.gov/sd/nwis/rt> and click on the link "Statewide Streamflow Current Conditions Table".

Thank you for your cooperation. If you have any questions, please contact Lynn Beck or Mark Rath at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on August 6, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated August 6, 2012 regarding shut off warnings on Big Sioux River addressed as stated below:

permitno	fname	lname	addrss2	city	state	zip
1696-3	DONALD G	AHLERS	22920 SD HWY 13	FLANDREAU	SD	57028
5530-3	TERRY & DENISE	ANDERSON	47558 237TH ST 26534 N SHORE PLACE	TRENT	SD	57065
6192-3	BERNE B	BAHNSON	PO BOX 366	HARTFORD	SD	57033
3806-3	BERNARD	BERGDALE	47948 232ND ST	ALCESTER	SD	57001
1175-3	HAROLD	BOEVER	4162 BIRCH AVE	FLANDREAU	SD	57028
4895-3	BILL B	BOYER	403 16TH ST	HAWARDEN	IA	51023
284-3	LUKE	BOYER, MGR	24482 482ND AVE	HAWARDEN	IA	51023
7110-3	BRIAN	BURKHART	32650 480TH AVE	DELL RAPIDS	SD	57022
5760-3	BRIAN	CHICOINE	29509 488TH AVE	ELK POINT	SD	57025
2255-3	JAMES H	COLE	47364 GOLF VIEW DR	HUDSON	SD	57034
6124-3		DELLS ROCKY RUN GOLF COURSE		DELL RAPIDS	SD	57022
4969-3	JOHN GILMAN	FRAZIER FARMS	BOX 423	PARKSTON	SD	57366
4969-3	JOHN TROY D & SANDY F	GILMAN	4162 BIRCH	HAWARDEN	IA	51023
249-3	DARREN & ALLISON	HAHN	6762 SMITH DR	WENTWORTH	SD	57075
2065-3 2952-3, 956- 3	WAYNE	HAMILTON	22615 480TH AVE	FLANDREAU	SD	57028
279-3 1350-3, 6042-3	ROBERT	HEADRICK	47926 SD HWY 32	FLANDREAU	SD	57028
1302-3 1500-3, 213- 3	JAGER, MGR	JAGER, MGR	48495 299th ST	HAWARDEN	IA	51023
	RAYMOND D	JENSEN	24348 478TH AVE	DELL RAPIDS	SD	57022
	LARRY J	JORGENSEN	24048 477TH AVE	TRENT	SD	57065
	TED	LACEY	24064 478TH AVE	TRENT	SD	57065
	EUGENE	MOLLET	48011 332ND ST	JEFFERSON	SD	57038
3433-3	VIRGIL L	MOLLET JR	47991 334TH ST	JEFFERSON	SD	57038
1801-3	GAIL	MUNK	803 DAKOTA	DELL RAPIDS	SD	57022
113-3	PATTI	NASH	21660 469TH AVE	BROOKINGS	SD	57006
3914-3	OMAR F	PETTERSON	48378 276TH ST	CANTON	SD	57013
2350-3		RIVER VALLEY FARMS	PO BOX 486	ALCESTER	SD	57001
1801-3	HARVEY JOHN T & MELISSA R	SCHMIDT, OPERATOR	47528 244TH ST	DELL RAPIDS	SD	57022
1454-3		SCHUTTE	47973 W 5TH ST 47844 COUNTY RD 1B	CANTON	SD	57013
5814-3	PATRICK V	WALSH, OPERATOR	11726 NORWAY ST NW	ELK POINT COON RAPIDS	SD MN	57025 55448
597-3	DAN & JUDY	WHIPPLE WILLOW RUN MANAGEMENT COMPANY	8000 E HWY 42	SIOUX FALLS	SD	57110
5055-3		XCEL ENERGY	7100 E RICE ST	SIOUX FALLS	SD	57110
519-3A		NORTHERN STATES POWER COMPANY	414 NICOLLET MALL	MINNEAPOLIS	MN	55401
43-3, 519-3 5698-3, 6210-3	GREG ANDERSON	CITY SIOUX FALLS	224 W 9TH ST	SIOUX FALLS	SD	57102

Gail Jacobson

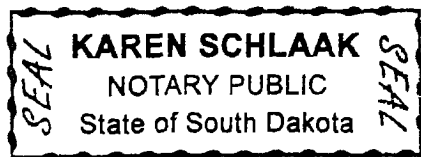
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of August, 2012.

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2013





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 26, 2013

249-3

Jeffrey D Hahn
47654 235A St
Egan SD 57024

Dear Mr. Hahn:

I am contacting you in regard to ownership of Water Right No. 249-3. The water right is currently listed in the name of Troy D and Sandy F Hahn. In October, 2011 and in May, 2012, forms were sent to you to change the water right to your name. To date, we have not received anything back from you.

In the event you no longer have the original form, I am enclosing another partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

We realize the land is currently in CRP and not being irrigated. It is still very important to keep ownership records current. Time sensitive material is often sent out from our office and it is critical that it reaches the correct owner. I note from the file that in August 2012 advisory letters for the Big Sioux River were sent from our office and they were directed to Troy and Sandy rather than to you due to incorrect ownership. Please take a few minutes to complete the form and return it to us with the filing fee. If you have any questions, please contact me.

Sincerely,

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

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

enclosures

RECEIVED

DEC 26 2013

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 249-3

Date: 12-15-2013

I/We request that Water Right No. 249-3

Hahn
47654 235A St
Egan, SD 57024

formerly owned by: Troy D and Sandy F Hahn

be transferred to: (name & address) Jeff Dand Courtney C Hahn
47654 235A St Egan SD 57024

Telephone No. 605-530-0311

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

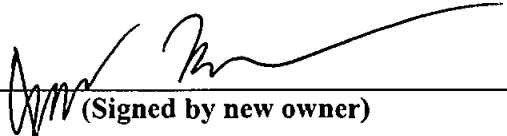
191
135 acres - E 1/2 NW 1/4 and NE 1/4 Section 23, T106N, R49W

I/We understand that the validity of Water Right No. 249-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

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


(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/26, 20 13

RECEIVED OF Jeffrey D Bahn 47654235A St Egan SD 57024

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>249-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06567**

By *James Hodgson*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 3, 2014

249-3

Jeffrey D & Courtney C Hahn
47654 235A St
Egan SD 57024

Dear Mr. & Mrs. Hahn:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 249-3.

The ownership change has been completed. Water Right No. 249-3, formerly held by Troy D and Sandy F Hahn is now listed in your names.

Enclosed for your records is Receipt No. 06567 in the amount of \$50 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

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

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

May 12, 2016

249-3

Jeff & Courtney Hahn
47654 235A St
Egan SD 57024

Dear Mr. & Mrs. Hahn:

I am contacting you in regard to your Water Right No. 249-3 (copy enclosed).

Irrigators in South Dakota are required to submit an annual irrigation questionnaire reporting how much water was pumped during the irrigation season. Our records show the land authorized for irrigation under Water Right No. 249-3 has been in the Conservation Reserve Program through 2015.

The purpose of my letter is to find out the status of irrigation on your property. Please take a few minutes and answer the questions on the attached sheet and return it in the envelope provided. If you have made a decision not to maintain the water right, let me know that as well.

Thank you in advance for your help in updating the water right.

Sincerely,

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

enclosures

Water Right No. 249-3
Jeff & Courtney Hahn

RECEIVED
JUL 11 2016
WATER RIGHTS
PROGRAM

Water Right No. 249-3 authorizes diversion of water from the Big Sioux River for irrigation of 135 acres in the E ½ NW ¼ and NE ¼ Section 23, T106N, R49W.

Do you still own the land described above?

Yes X

No ____ (If no, please list the name and mailing address of the new owner)

Has the land been re-enrolled in CRP:

Yes X through calendar year 2030

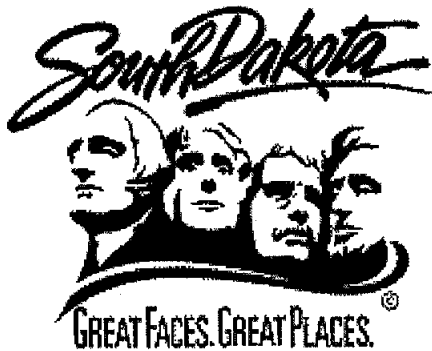
No ____

If the land has not been re-enrolled in CRP, we will begin mailing irrigation questionnaires to you for annual reporting. Questionnaires are mailed to irrigators in October each year and are due back in December.

For informational purposes:

46-5-37.2. Exceptions to forfeiture for nonuse. The provisions of § 46-5-37 notwithstanding, no water right or permit may be forfeited for nonuse if land authorized for irrigation by a permit or right is placed under an acreage reserve or production quota program or otherwise withdrawn from use as required for participation in any federal program, if:

- the water source is not fully appropriated
- if the withdrawal from use does not prevent approval of new permits from the same source, and
- if the appropriated water has been applied to beneficial irrigation use prior to participation in a federal program.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 31, 2018

249-3

JEFF D & COURTNEY C HAHN
47654 235A ST
EGAN SD 57024

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear MR & MRS HAHN,

I am writing to inform you of an effort the SD Dept. of Environment and Natural Resources Water Rights Program is undertaking to review and update a number of water right permits authorized to pump water from the Big Sioux River. Since your water right does not have a bypass qualification, we **are not** proposing to amend your permit by adding a bypass qualification. However, I do want to make you aware of what we are proposing for several other junior priority Big Sioux River permits.

When a number of these Big Sioux River permits were issued, they contained a qualification requiring a minimum flow bypass before the user is able to pump water from the river. The bypass qualification was placed on these permits to protect the use of water by downstream senior priority water right holders and domestic water users, which includes livestock watering. The review found, with the passage of time, a number of senior water right permits have been cancelled due to abandonment or forfeiture. Consequently, it may be possible to lower the flow bypass limitation on the remaining permits. In other words, the amount of flow in the river can be lower and pumping will still be allowed. The review also found an inconsistency between permits on where the bypass flow is to be measured. The intent of this effort is to standardize and make consistent the bypass requirements for the remaining water users.

In order to amend a qualification on an existing water right permit, formal action by the SD Water Management Board is needed. In the next few weeks, you can expect to receive official notification scheduling a hearing before the Water Management Board. Again this does not pertain to amending your permit, only junior permit holders. If you wish to participate in the hearing you can, but you are not required to. There will be instructions with the notification on how to participate in the hearing if you so choose.

If you have any questions concerning this effort, please contact Mark Rath of the Water Rights Program at phone (605) 773-3352.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeanne Goodman".

 Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 12, 2018

249-3

Jeff D & Courtney C Hahn
47654 235A St
Egan SD 57024

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear Mr. & Mrs. Hahn:

The SD Department of Environment and Natural Resources (DENR) has evaluated the minimum flow bypass condition on water rights that pump from the Big Sioux River. The Chief Engineer is recommending amending the bypass qualification on 21 Big Sioux River water rights. The intent is to bring uniformity to the bypass requirement placed on water rights in past years. The water right you own or operate does not have a bypass qualification and will not be amended by the proposed action.

Even though your water right is not being amended, DENR wants to keep you informed of the proposed action since it involves the Big Sioux River. Enclosed is a notice to be published on or before February 15, 2018, in one newspaper from each of the seven counties that the Big Sioux River flows through. Also, the staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Mark Rath at 605 773-3352 or mark.rath@state.sd.us.

A hearing before the Water Management Board is scheduled at 11:30 AM, Wednesday, March 7, 2018 in the Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. The enclosed notice provides information on the hearing and ability to file a petition in either support or opposition to the proposed amendment. The filing of a petition must be postmarked by February 26, 2018. Additionally filing a petition affords you the opportunity to participate in the March 7th hearing before the Board if you choose.

Again, this does not pertain to amending your water right, only junior water right holders with existing bypass requirements. If you have questions, please call. DENR is willing to work to answer any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosure