

2408-3

1. Considered 1-22, 19 76
2. Name of Applicant ED MIEDEMA
3. Post Office Address SPRINGFIELD
4. Amount of water claimed 2.35
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 165
7. Water to be diverted and used in BON HOMME county
about 2E, 3N miles of SPRINGFIELD
8. Proof of Publication
Received 1-16-76
Not received _____
9. Application
Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 22-98-3Map No. 1870-3 Water Division No. 3 MISSOURI RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

9.21

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant Ed Miedema
 Postoffice address Springfield, South Dakota State SD
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Employment of others
3. Name of diversion work East Slope Irrigation Project
4. Amount of water claimed (cubic feet per second) 2.35 MAXIMUM ALLOWABLE
5. Source of water supply MISSOURI RIVER
Lewis and Clark Lake and Spring fed creek shown on map.
6. Location of point of diversion 850 ft S. and 130 ft W. of the SE corner section 13-93-60 on the edge of Lewis and Clark Lake. And two points as shown on the map on the creek in the SW 1/4 13-93-60. County Bon Homme
7. Annual period or periods during which water is to be used April thru November
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 165
 List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>EA section 13-93-60</u>	<u>165</u>		

Attach sheet if more space is needed.

10. Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use 2 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Springfield Times
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.
Permanent pump located adjacent to Lewis and Clark lake.
Portable pump from two points on Creek.

B. Works proposed to transport water to place of use.
Buried pipeline and surface mainline.

C. Works proposed to apply water to beneficial use.
Sprinkler system.

Estimated Total Cost \$ 50,000.00

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 Bon Homme

I, Eddy Miedema, 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 Eddy MiedemaSubscribed and sworn to before me this 19th day of December 1975
Wesley Meen
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2498-3
ED MIEDEMA SPRINGFIELD
 (Applicant) (Post Office Address)
SOUTH DAKOTA-57062 With the following modifications:
 (State)

Date of first receipt of application DECEMBER 22 19 75
 Date of return to applicant for correction, amendments or changes required _____ 19 ____
 Date of receipt of corrected application _____ 19 ____
 Approved JANUARY 23 19 76 Recorded in Book 14 Page 254

WATER RIGHT PERMIT NO. 2498-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2498-3 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 22 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 23 19 78
3. The whole of said work is to be completed on or before JANUARY 23 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 23 19 83
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 2.35 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 19 83; said water to be used during the following described annual period: APRIL THRU NOVEMBER

Witness my hand this 2ND day of FEBRUARY 19 76

WATER RIGHTS COMMISSION

By:

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

Certificate of Construction Issued _____ 19 ____

Water License Issued _____ 19 ____

No. 2498-3

Publish first publication, on or before January 8, 1976

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

December 30, 1975

Notice is hereby given that Ed Miedema

whose post office address is Springfield, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

2.35

cubic feet of water per second of time from the ground water through the

East Slope Irrigation Project

the point of diversion of which is to be located in the

from the River in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, and from the creek

between points in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 13, Twp. 93N, Range 50W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

East $\frac{1}{2}$, Section 13, T93N, R60W

This application No. 2498-3 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

BFJ/bw

cc:

Ed Miedema

No. 2498-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Ben Homme) ss.

I, Wayne L. Bertrand hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Springfield Times

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

January 8, 1976
" 15, 1976

Wayne L. Bertrand
(Signature)
Publisher
(Title)

1-15-76
(Date Signed)

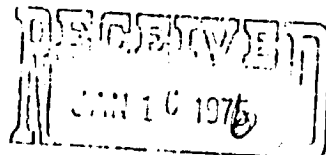
NOTICE INTENT TO
APPROPRIATE WATER

Pierre, S.D. 57501
December 30, 1975

Notice is hereby given that Ed Miedema whose post office address is Springfield, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.35 cubic feet of water per second of time from ground water through the East Slope Irrigation Project, the point of diversion of which is to be located from the River in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, and from the creek between points in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, Twp. 93N, Range 60W. Said water to be used for the purpose of providing irrigation on portions of the following described land: East $\frac{1}{2}$, Section 13, T93N, R60W.

This application No. 2498-3 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
Burton F. Jones
Water Rights Specialist
(Jan. 8 & 15)



STATE WATER RIGHTS COMMISSION
PIERRE, SOUTH DAKOTA



DEPARTMENT OF THE ARMY
OMAHA DISTRICT, CORPS OF ENGINEERS
6014 U.S. POST OFFICE AND COURT HOUSE
OMAHA, NEBRASKA 68102

2498-3



14 June 1976

MROOP-N
SD 2SB OXT 3 000751
Eddy Miedema
Irrigation Intake Structure and Riprap
Missouri River Mile 831.20R (1960 Mileage)

NOTICE OF PERMIT PENDING

The application of Eddy Miedema, Box 547, Springfield, South Dakota 57062 for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Engineer District Omaha, Omaha, Nebraska.

The applicant requests permission to construct a water intake structure to provide irrigation water to approximately 165 acres of land. The irrigation facility will consist of a 50 HP electric, 500 gallon per minute, pump mounted on a 6' x 4' x 8' concrete slab. The initial 300 feet of the water transmission line will be buried. The immediate area of the pump will be riprapped with fieldstone down to 1204 feet m.s.l. in order to reduce erosion and to stabilize the bank.

The State of South Dakota has waived its right to certify compliance with applicable water quality standards under the provisions of Section 401 of the Federal Water Pollution Control Act Amendments of 1972. Accordingly, certification that the proposed project will not violate applicable water quality standards will be requested from the Regional Administrator, Environmental Protection Agency, Region VIII, Denver, Colorado.

An environmental assessment of the proposed activity has been made and is on file in this office. The assessment indicates that no significant adverse impacts on the human environment will occur. Based on this finding, a preliminary determination has been made that an environmental impact statement will not be required.

In compliance with the National Environmental Policy Act of 1969 and Section 106 of the National Historic Preservation Act of 1966, the National Register of Historic Places and monthly supplements thereto have been consulted and no properties included therein will be affected by this activity. However, presently unknown archeological, scientific, prehistoric, or historic data may be lost or destroyed by work to be accomplished under the requested permit.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal



will be considered; among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, and in general the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Federal Water Pollution Control Act. No permit will be granted unless its issuance is found to be in the public interest.

Any person who has an interest which may be adversely affected by the issuance of a permit for the work described herein may request a public hearing. The request must be submitted in writing to the District Engineer within 30 days of the date of this public notice and must clearly set forth the interest which may be adversely affected and the manner in which the proposed activity will adversely affect that interest.

Any interested party (particularly officials of any town, city, county, state, federal agency, or local association) is invited to submit to this office written facts, arguments, or objections on or before 14 July 1976.

A permit, if granted, will be under Section 10 of the River and Harbor Act of 3 March 1899 (30 Stat. 1151; 33 U.S.C. 403) and under the provisions of Section 404 of the Federal Water Pollution Control Act (86 Stat. 816, PL 92-500).

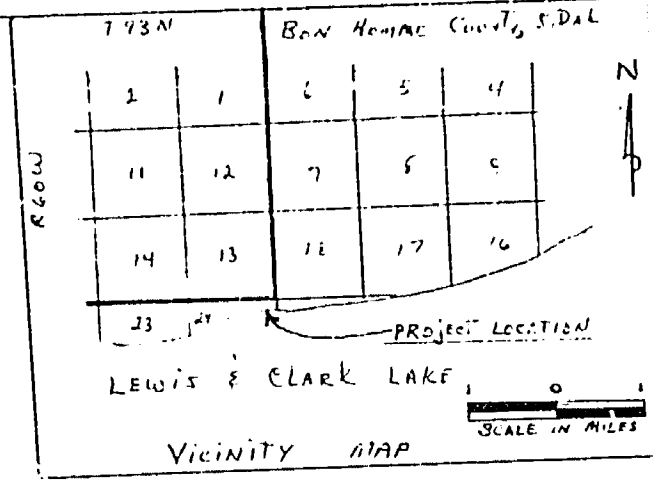
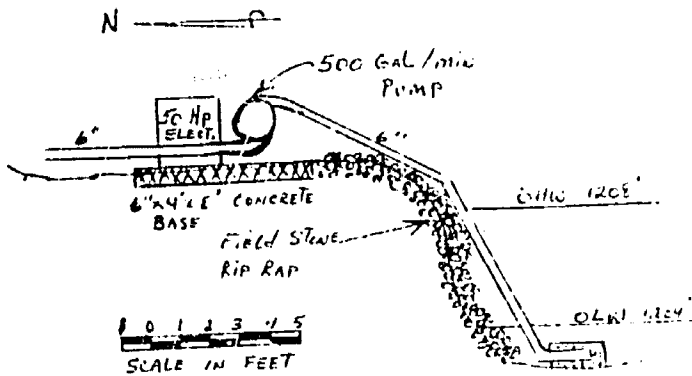
A drawing showing the location and extent of the work is attached to this notice.

FOR THE DISTRICT ENGINEER:

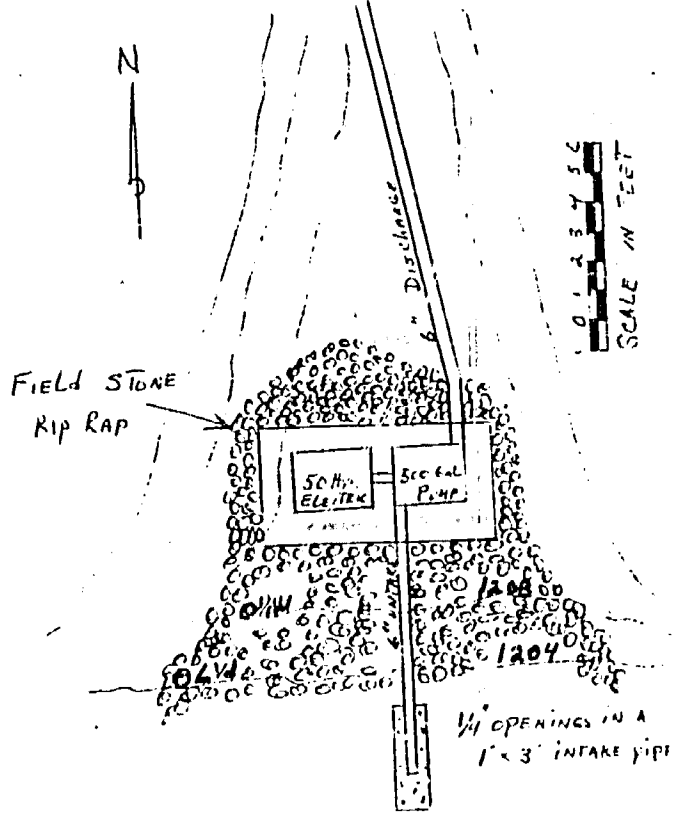
Attachment
As stated


KENNETH J. HAVEMAN
Major, Corps of Engineers
Deputy District Engineer, Civil Works

SD 2SB OXT 3 000751



ALL pumps, Motors, & Pipelines
TO BE REMOVED DURING NON
IRRIGATING SEASONS,



PROPOSED WATER INTAKE LINE

By Eddy Miedema
Purpose is for irrigation purposes
Ben Homme County South Dakota
Missouri River Mile 831.5
ALL ELEVATIONS SEA LEVEL DATUM
97° 52' W. Longitude; 42° 52' N. Latitude
ADJACENT PROPERTY OWNERS:
U/S Richard Turner, Springfield, S.Dak.
D/S Lyle Coleman, Springfield, S.Dak.

Water Rights Division - DWR
Conversation or File Documentation

File No. 2498-3
4392-3

NAME OF PERSON OR FILE: Bryan Nagel

ADDRESS: Box 231, Springfield, SD COUNTY Bon Homme

DATE: May 1, 1984 TELEPHONE 369-2617

RE: ownership of permits under Ed Miedema's name

COMMENTS:
Bryan Nagel returned question for Ed Miedema
pertaining to No. 2498-3. Mrs Nagel indicated
Bryan did not own the land, but worked for
his father who did own the land. She indicated
that John Nagel owned all the land formerly
owned by Ed Miedema.

Send transfer forms to John Nagel
RR
Avon, SD 57315

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

NAME: Henny Miedema



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

2498-3
No. 4392-3

May 2, 1984

John Nagel
RR
Avon, South Dakota 57315

Dear Mr. Nagel:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50. **for each transfer.**

Upon receipt of the enclosed form and the \$2.50 filing fee **for each (total of \$5.00)** the permit will be transferred to the proper name. 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.

Please advise if you have any questions.

Sincerely,

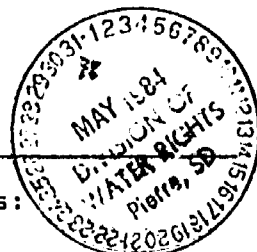
Maxine Stirling
Staff Assistant

ms/
Enc.

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____



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

165 Acres - E $\frac{1}{2}$ Section 13, T93N, R60W

formerly owned by Ed Miedema

has been transferred to John Nagel, RR. 1 / Box 104 Avon, SD 57315
(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 2498-3 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 Butte) ss.

I, John Nagel 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.

John Nagel
(Signed)

Subscribed and sworn to before me this 24 Day of May, 1984

Lawrence C. [Signature]
(Notary Public)

RECEIPT
Division of Water Rights
South Dakota Department of Water and Natural Resources

No 4 9674

Pierre, May 31, 1984

RECEIVED OF John M. Nagel RR#1, Box 108, Avon, SD 57315
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. _____	2	50
Fee for Filing Transfer Form 2498-3 _____		
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

By John Hatch
Chief Engineer JOHN HATCH (105)



Department of Water & Natural Resources

Joe Foss Building

Water Rights Division

Pierre, South Dakota 57501

Phone (605) 773-3352

No. 2498-3

4392-3

4578-3

May 31, 1984

John M. Nagel
RR#1, Box 108
Avon, South Dakota 57315

Dear Mr. Nagel:

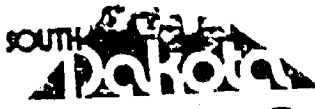
Enclosed is receipt Nos. 4 9672, 4 9673 in the amount of \$2.50 each, which you paid for transfer of Water Right Nos. 2498-3, 4392-3 & 4578-3.

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

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3187

February 17, 1989

John M. Nagel
RR 1, Box 108
Avon, SD 57315

Dear Mr. Nagel:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;



Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

John W. Hatch
for JOHN HATCH, Chief Engineer
Water Rights Division

South Dakota Department of
Water & Natural Resources

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

January 4, 1990

2498-3
4392-3
4578-3

John Nagel
RR #1 Box 108
Avon, SD 57315

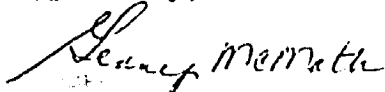
Dear Mr. Nagel:

The inspection of your water use systems and the inspection of the extent of the application of water to beneficial use, as developed under your Water Permit No. 2498-3, 4392-3 and 4578-3 has been completed. The final water right document, a Water License, can now be issued for each permit.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of a Water License. Upon receipt of a \$150.00 fee from you (\$50.00 for each permit), we will begin processing the Water Licenses.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the license fee has been paid. Please contact us if you have any questions.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

NOTE: On check or money order, please specify your permit numbers. This will insure proper handling of the fees.

Permit No. 2498-3

Transferred in 1984
May 31,
to John Nagel
RR#1 Box 108
Avera SD 57315

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Ed Miedema_____ of Springfield, SD holder ofPermit No. 2498-3, bearing the priority of December 22 1975 authorizingthe diversion of 2.35 cu. ft. per second of the waters of the Missouri Riverfor irrigation purposes, in Bon Homme County.

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

A. Works used to divert the water: The system consists of one Berkley Centrifugal pump diverting water from the Missouri River. The pump is a 8 9/16-inch pump, powered by a General Electric 60 HP Motor. The system is capable of diverting 610 gpm.

B. Works used to transport water to place of use: The distribution pipeline consists of a total of 3800 feet of 8-inch diameter PVC pipeline.

C. Works used to apply water to beneficial use: Water is applied to beneficial use through 2 center pivot systems. The first is a towable 3 tower Zimmatic system, with a total length of 642 feet. The pivot has an end gun, operates at 60 psi with 610 gpm at the south pivot point, and operates at 50 psi with 610 gpm at the north pivot point. The second pivot is a one tower Hydromatic system with an overall length of 200 feet. It runs at 70psi @ 610gpm. The system is in the following condition GOOD

The point of diversion is located 860 feet S90W from the SE corner of Sec. 13, T93N-R60W(NE 1/4 SE 1/4 NE 1/4 Sec. 24, T93N-R60W)The works are capable of diverting and conveying to the place of use 1.36cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: SW 1/4 NE 1/4 - 1 acre, SE 1/4 NE 1/4- 30 acres, NE 1/4 SE 1/4 - 37 acres, NW 1/4 SE 1/4 - 1 acre, SE 1/4 SE 1/4 - 21 acres;all in Sec. 13, T93N-R60Wcomprising a total of 90 acres of land and the license should be issued for 1.36 cfs 1.29 cfs (Jm)Applicable permit qualifications have been complied with Yes No Inspection conducted
Sept 3, 1987
 Date Dec 12, 1987

Exceptions to compliance are: _____

(signature)

LICENSE FOR PERMIT NUMBER 2498-3

1. Legal location of wells: location of diversion point: 860 feet S90W from the SE Corner of Sec. 13, T93N-R60W. (NE 1/4 SE 1/4 NE 1/4 NE 1/4 Sec. 24, T93N-R60W)

dams & structures: _____

2. Well Information: Well Drilling Firm N/A

No. of wells N/A Depth N/A

Casing a) diameter N/A Screen a) type N/A

b) length N/A b) length N/A

c) type N/A Static Water Level N/A

Pump a) make Berkley Pump Motor a) make General Electric

b) model B4EPBL SN 53559 b) model no. SK326JL156A

c) size 8 9/16" impeller c) horsepower rating 60HP

d) capacity 610 GPM d) motor efficiency rating _____

e) turbine pump no. of stages _____ Service factor 1.15

3. Distribution lines:

a) size of lines 8-inch diameter

b) type PVC

c) length 1500 feet from Diversion Point to P₂, 1100 feet from P_{1A} to P₂, 1200 feet from P_{1B} to P_{1A} TOTAL = 3800 feet

4. Dam Information:

a) height to crest _____

b) height to spillway _____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width _____

g) apprx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

i) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

5. System Type: a) sizeroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

5. System Type: c) center pivot 1

d) Gate Pipe

- 1) make Zimmatic Model generation 2
2) number of towers 3 Serial # L27058
3) distance between towers _____

- 1) length _____
2) diameter _____
3) spacing of gates _____

4) overall length 642

e) Siphons

- 1) number _____
2) size _____

5) End gun (Y/N) Nelson 100

6) high or low pressure high

7) make & size of nozzles
Nelson

f) Portable boom

- 1) make _____
2) serial number _____
3) nozzle size _____
4) capacity (GPM) _____
5) PSI _____

8) PSI reading while system is
running P_{1B} 60psi; P_{1A} 50psi

9) GPM 610

g) Gun

- 1) make _____
2) serial number _____
3) nozzle size _____
4) capacity (GPM) _____
5) PSI _____
6) hose size _____
7) hose length _____

h) Hydromatic

- 1) make _____
2) model _____
3) serial number _____
4) length _____
5) nozzle size _____
6) spacing _____
7) PSI _____
8) capacity (GPM) _____

YES

NO

Check Items

Y

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.

Y

2. Special Qualifications to permit being abided by.

Y

3. All Structures, wells and lands on map.

REMARKS: This center pivot (P_{1A} and P_{1B}) is a towable system.

2/2

LICENSE FOR PERMIT NUMBER 2198-3 (continued)

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____

b) model _____ b) model no. _____

c) size _____ c) horsepower rating _____

d) capacity _____ GPM d) motor efficiency rating _____

e) turbine pump
no. of stages _____

3. Distribution lines:

a) size of lines _____

b) type _____

c) length _____

4. Dam information:

a) height to crest _____

b) height to spillway _____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

i) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

5. System Type: c) center pivot₂

- 1) make Hydromatic
- 2) number of towers one
- 3) distance between towers
170'
- 4) overall length 200'
- 5) End gun (Y/N) Nelson 100
- 6) high or low pressure High
- 7) make & size of nozzles
Nelson
- 8) PSI reading while system is
running 70psi
- 9) GPM 610

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES

NO

Check Items

X

X

X

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
2. Special Qualifications to permit being abided by.
3. All Structures, wells and lands on map.

REMARKS:

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2498-3

(1) Ed Miedema of Springfield, SD 57062 made Application No. 2498-3, December 22, 1975 for a water permit to appropriate 2.35 cubic feet of water per second from the Missouri River and a spring fed creek, Bon Homme County, South Dakota for irrigation purposes. Permit No. 2498-3 with a priority date of December 22, 1975 was approved January 23, 1976 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before January 23, 1981 and for the application to beneficial use of said water on or before January 23, 1983.

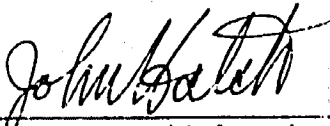
On May 31, 1984, Water Permit No. 2498-3 was transferred to John M. Nagel, Avon SD.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.29 cubic feet of water per second for beneficial use. The location of the diversion point is: 360 feet S 9 degrees W from the SE corner of Section 13, T93N, R60W (NE1/4 NE1/4 Section 24, T93N, R60W).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T93N, R60W Section 13	SW1/4 NE1/4	1	acre
	SE1/4 NE1/4	30	"
	NE1/4 SE1/4	37	"
	NW1/4 SE1/4	1	"
	SE1/4 SE1/4	21	"
	Total	90	acres

(4) Pursuant to Section 46-5-30.1 John Nagel of RR #1 Box 108, Avon, SD 57315 the holder(s) and/or owner(s) of Water Permit No. 2498-3 is issued a license to appropriate water, the right to use 1.29 cubic feet of water per second from the Missouri River with a priority date of December 22, 1975 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 2498-3 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources APR 25 1990

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412046

Pierre, January 22, 19 90

RECEIVED OF John Hagel, RR 1, Box 108, Avon SD 57315

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. 2498-3

Fee for Filing Transfer Form _____

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

50 00

50 00

By

Chief Engineer

JOHN HATCH

(KS)



Department of Water & Natural Resources

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

4578-3

4392-3

2498-3

APR 25 1990

John M. Nagel
RR #1 Box 108
Avon, SD 57315

Dear Mr. Nagel:

Enclosed are Water License Nos. 4578-3, 4392-3 and 2498-3. These are the final water right documents completing your process of obtaining Water Rights. Enclosed are Receipt Nos. 412046, 412047 and 412048 in the amount of \$50.00 each which you paid for the inspection and issuance of the Water Licenses.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4578-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water Licenses, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 1992

2498-3
3793-3
4392-3

Bryon Nagel
RR #1 Box 231
Springfield, SD 57062

Dear Mr. Nagel:

In response to your 1991 irrigation questionnaires, enclosed are partially completed "Notice of Transfer" forms for use in filing ownership changes on Water Right Nos. 2498-3, 3793-3 and 4392-3.

The transfer forms should be checked over for accuracy and signed in the presence of a notary public. Upon completion, return the forms 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



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

July 8, 1992

John M Nagel
RR #1 Box 108
Avon, SD 57315

2498-3
3118-3
4392-3

Dear Mr. Nagel:

I am contacting you in regard to ownership of Water Right Nos. 2498-3 and 4392-3. I spoke with Mrs. Nagel on July 7th, and she indicated that the land was now owned jointly between you and Bryan Nagel.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please complete the form where indicated and sign in the presence of a notary. Both you and Bryan will need to sign each of the forms. Upon completion, return them to our office with a total of \$5.00 to cover the cost of the filing fees (\$2.50 each).

I have also enclosed a partially completed transfer form for Water Right No. 3118-3, currently listed in the name of Neil Thomas. The 1991 irrigation questionnaire returned by Mr. Thomas indicated he had sold his land to Blane Nagel. He also indicated the irrigation system had been removed. If Blane Nagel intends to irrigate the acreage, the water right will need to be transferred to his name. If he does not intend to irrigate, the water right will be scheduled for cancellation.

Please contact our office as to the status of Water Right No. 3118-3 (Neil Thomas). The water right authorizes irrigation of 35 acres in portions of the NW 1/4 Section 21, T93N, R60W from Emanuel Creek. If Blane intends to have the water right transferred, the enclosed form will need to be signed and notarized and returned with a \$2.50 filing fee.

If you have any questions, please contact me.

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2498-3

Date: July 20 - 1992

I/We request that Water Right No. 2498-3

formerly owned by: John M. Nagel & Bryan Nagel

be transferred to: (name & address) RR 1 Box 231

Springfield, S. Dak. (Telephone No.) 605 369-2056

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

90 acres - S 1/2 NE 1/4, E 1/2 SE 1/4, NW 1/4 SE 1/4 Section 13, T93N, R60W

I/We understand that the validity of Water Right No. 2498-3 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 Ben Hur)

I/We John M. Nagel & Bryan Nagel 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.

Bryan Nagel - John M. Nagel
(Signed)

Subscribed and sworn to before me this 21st day of July, 1992.

Glenn H. Lawrence
(Notary Public)

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

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____ July 23 ⁶, 19 ⁹²

RECEIVED OF ~~Bryan or Angela Nagel, RR #1 Box 231,~~ Springfield, SD 57062
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. 2100.3 _____

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

50

50

By

Chief Engineer

JOHN HATCH



2498-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 30, 1992

No. 2498-3
4392-3

John M. and Bryan Nagel
RR 1, Box 231
Springfield, SD 57062

Dear Sirs:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 2498-3 and 4392-3.

Our records now show you as the owner of Water Right Nos. 2498-3 and 4392-3.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 4, 2003

2498-3
4392-3

Bob Hanson Auctions
PO Box 533
Salem SD 57058-0533

RE: Nagel property

Dear Mr. Hanson:

Enclosed, as we discussed, are the following copies:

- Water Right No. 2498-3 (including inspection report and map);
- Water Right No. 4392-3 (including inspection report and map);
- The "2002" Water Management Board Irrigation Questionnaires for both water rights; and
- Two partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with the water rights.

Once the land is sold, the water rights need be transferred to reflect the ownership change. The enclosed transfer forms should be reviewed for accuracy and completed by the new owner. Upon completion, the new owner will need to sign the forms and return them to our office with a required filing fee of \$2.50 each. The check or money order for the fee can be made payable to the Water Rights Program.

The only documents we will need to have returned to us are the transfer forms (and filing fees). The remaining materials can be distributed to the new owner(s) if they would like them.

If you have any questions, please give me a call. Thank you for your help.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 8, 2004

2498-3

Dale Hiemstra
PO Box 132
Orange City IA 51041

Dear Mr. Hiemstra:

I am contacting you in regard to ownership of land described in Water Right No. 2498-3, held by John and Bryan Nagel. It is our understanding that you now own the land.

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 \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

I have also included a copy of the water right and the map. You may keep these for your records. If I can answer any questions for you regarding the water right or completion of the transfer of ownership, please contact me.

Sincerely,

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

enclosures

NOT TO SCALE



Kent A. Buhler

KENT A. BUHLER
Natural Resources Engineer
SD Dept of Water & Natural Resources
Division of Water Rights

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2498-3

Date: _____

I/We request that Water Right No. 2498-3

formerly owned by: John M and Bryan Nagel

be transferred to: (name & address) JAKE HERNSTRA REV. TRUST
3742 460th ST OLANO CITY, IA 51041
Telephone No. 712-777-7877
712-777-8325
OFFICE

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

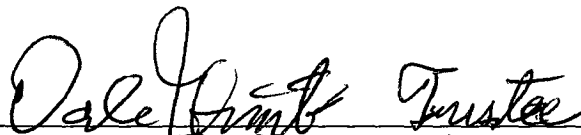
90 acres in the S 1/2 NE 1/4, N 1/2 SE 1/4, SE 1/4 SE 1/4 Section 13, T93N, R60W

I/We understand that the validity of Water Right No. 2498-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

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


(Signed by new owner)

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

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

RECEIVED

DEC 17 2004

WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 20, 2004

2498-3

Dale Hiemstra
PO Box 132
Orange City IA 51041

Dear Mr. Hiemstra:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form you submitted for changing ownership on Water Right No. 2498-3, listed in the names of John and Bryan Nagel.

Prior to the transfer being processed, a \$2.50 filing fee is required. My first letter may not have been clear with respect to the fee. The check or money order for the fee can be made payable to the Water Rights Program.

In reference to the copy of the license and inspection report you made changes on, I have given these to the engineer who conducted the initial investigation. He reviewed them and indicated someone would have to stop back out and take a look at the system. The main issue would be to get the license issued for the correct diversion rate and acres irrigated.

When someone from our staff is in the area, they will contact you to set up a time to meet with you.

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

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Dale Hiemstra, PO Box 132, Orange City IA 51041

DATE: January 11, 2005

RE: Inspection of Water Right No. 2498-3

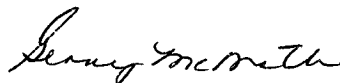
COMMENTS:

Water Right No. 2498-3 is being transferred from John and Bryan Nagel to Jake Hiemstra Revocable Trust (Dale Hiemstra, trustee). Mr. Hiemstra received a copy of the water license and inspection report during the transfer process. He had some concerns that the information contained in the report was incorrect.

He indicated the length of distribution lines were not the same as Ken Buhler wrote in his report and that the number of acres irrigated was less than 90 acres. When we can, he would like someone to come back out and take a look at the system in order to get the information updated.

On December 22, 2004, he called Ron Duvall and gave him the name of the person to get in touch with when an inspection is scheduled.

- Doug & Melissa Jelsma
30920 416th Ave
Tyndall, SD 57066-6300
Phone: (605) 589-3261



Genny McMath
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 11, 2005

2498-3

Dale Hiemstra
PO Box 132
Orange City IA 51041

Dear Mr. Hiemstra:

I am writing concerning the "Notice of Transfer of Ownership" form you submitted for changing ownership on Water Right No. 2498-3, listed in the names of John and Bryan Nagel. I wrote to you on December 20th about the filing fee that was still needed.

Ron Duvall with our program left a note on my desk (December 22nd) that said you called concerning the point of contact for any inspection we may do on the water use system. Thank you for that information and we will give Doug Jelsma a call when we are able to get back out to the area.

In regard to the transfer of ownership, we are still waiting for the \$2.50 fee from you. As soon as you submit the fee, all the records concerning Water Right No. 2498-3 will be changed over to "Jake Hiemstra Revocable Trust". The check or money order for the fee can be made payable to the Water Rights Program.

Sincerely,

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

enclosure

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 18, 20 05

RECEIVED OF Jake C Hiemstra Irr Living Trust, 503 First Ave NE, Orange City IA 51041

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2498-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

001647

By

Darland Ebele
Chief Engineer *gmm*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 22, 2005

2498-3

Dale Hiemstra, Trustee
Jake Hiemstra Revocable Trust
3742 460th St
Orange City IA 51041

Dear Mr. Hiemstra:

I am writing in regard to the ownership change for Water Right No. 2498-3. The transfer has been completed. The water right, formerly listed in the names of John M and Bryan Nagel is now listed in the name of "Jake Hiemstra Revocable Trust".

Each year in October, we mail out the annual irrigation questionnaire. Enclosed is a copy of the form for No. 2498-3 submitted in 2003. This will give you an idea of what type of information you will need to keep track of during the irrigation season. If you would like the questionnaire sent directly to your operator/renter, please let me know.

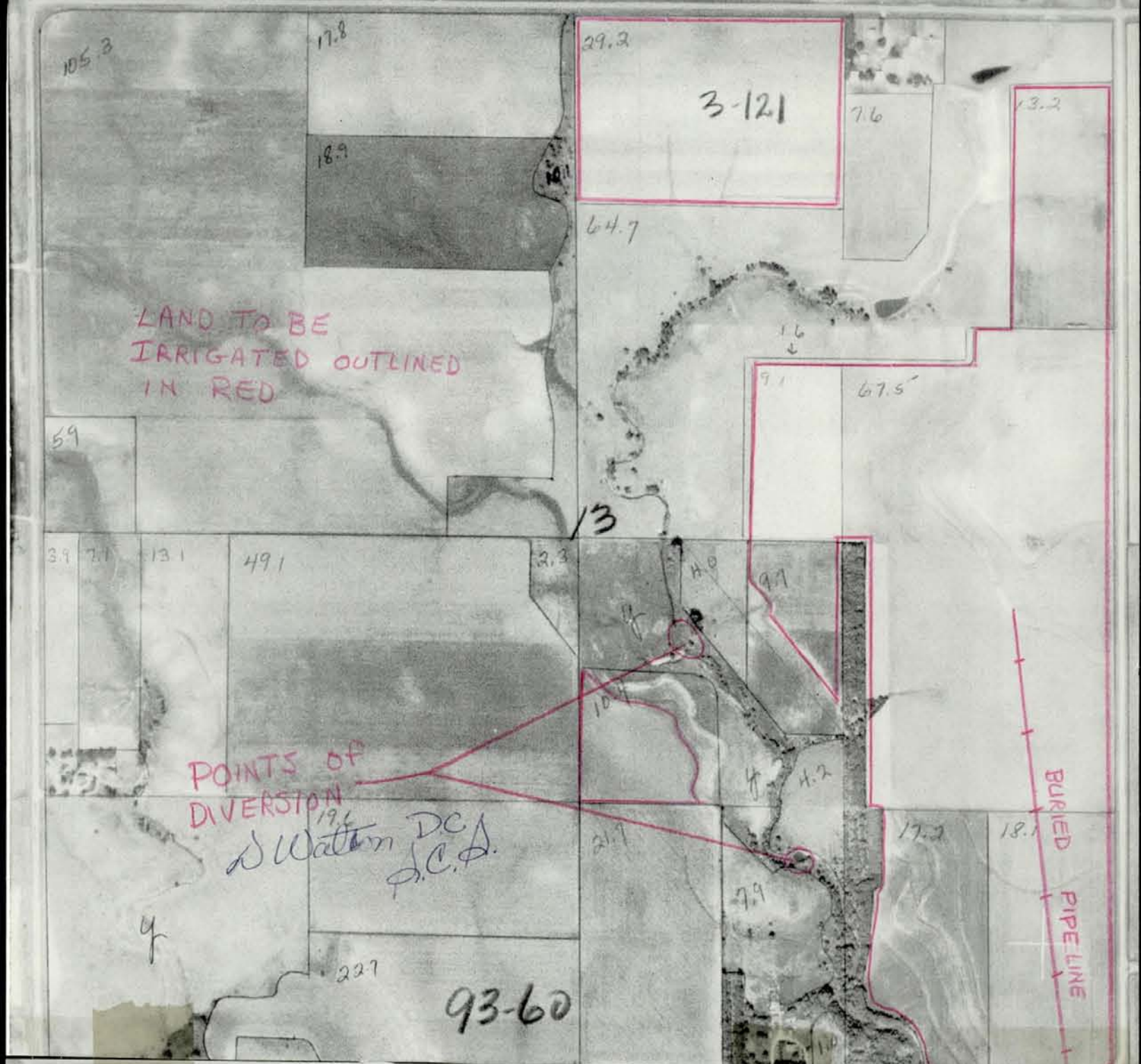
Also enclosed is your Receipt No. 001647 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure

NOT TO SCALE



MAP 101670-3 APR 11 2498-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

2498-3

August 11, 2017

Jake Hiemstra Revocable Trust
c/o Dale Hiemstra, Trustee
3742 460th St
Orange City IA 51041

Dear Mr. Hiemstra:

The Department of Environment and Natural Resources (DENR) has received information alleging the irrigation system located in the NE 1/4 SE 1/4 Section 13-T93N-R60W had irrigation water from the end guns overspraying on the road. This irrigation system is covered by Water Right No. 2498-3.

It is common for center pivots to have stops which can be engaged to shut off the operation of the end gun when the pivot nears a road. Please take steps to insure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to waste water or operate an irrigation system in violation of state water law, which includes end gun overspray upon lands, including roadways, not authorized by the water right. Application of water to a roadway or unauthorized lands is a waste and unreasonable use of water pursuant to SDCL 46-1-4.

If you don't believe this irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR

c: Doug Jelsma, operator



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

RETURN SERVICE REQUESTED

PRESORTED
FIRST CLASS



02 1M
0008002290 AUG 11 2017
MAILED FROM ZIP CODE 57501

RECEIVED

AUG 21 2017

WATER RIGHTS
PROGRAM

didn't resend

HIEMSTRA REVOCABLE TRUST
C/O DALE HIEMSTRA, TRUSTEE
3742 460TH ST
ORANGE C

NIXIE 553 FE 1700 0008/16/17

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

...059000002000000000

UTF
6 FROM 58351841

RC: 57501318299 *0935-03840-11-42



Schlaak, Karen

From: Gronlund, Eric
Sent: Monday, August 14, 2017 3:54 PM
To: Schlaak, Karen
Subject: FW: [EXT] Overspray - Bon Homme County
Attachments: D. Jelsma overspray 8.14.17.jpg; C. Vanderlei overspray 8.14.17.jpg

These are for the letter sent out today.

-----Original Message-----

From: BON HOMME COUNTY HIGHWAY DEPT [<mailto:bhcohwy@hcinet.net>]
Sent: Monday, August 14, 2017 3:50 PM
To: Gronlund, Eric
Subject: [EXT] Overspray - Bon Homme County

Good afternoon!

Please find attached two pictures of overspray within Bon Homme County.
If you should need anything else, please don't hesitate to contact us.

Thanks so much and have a great day!

Amanda Larson
Bon Homme County
Highway Department



93N 60W
Section 13 SE 1/4
D. Jelsma 8.10.17

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

MAR 12 2018

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2498-3Date: March 8, 2018

I/We request that Water Right/Permit No. 2498-3 formerly owned by:
Jake Hiemstra Revocable Trust be transferred to:

New Owner Name: Lowell W Tjeerdsma & Lois J Tjeerdsma Living Trust dated November 13, 2015.Address: 41521 312th StreetCity, State, Zip Springfield SD 57062 Telephone No. 605-369-2961

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

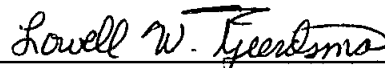
See Attached Exhibit "A"

☒ I understand that the validity of Water Right/Permit No. 2498-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Lowell W. Tjeerdsma, 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.

Exhibit "A" Dated March 8, 2018
Attachment to Notice of
Transfer of Ownership - Water Right/Permit No. 2498-3

PARCEL 1:

The East 508.72 Feet of the Southwest Quarter of the Northeast Quarter (SW1/4NE1/4), excepting the North 408.80 Feet thereof, of Section 13 in Township 93 North of Range 60 West of the 5th P.M. in Bon Homme County, South Dakota

PARCEL2:

The East 756 Feet of the North 408.80 Feet of the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4), excepting the North 238.31 Feet thereof, of Section 13 in Township 93 North of Range 60 West of the 5th P.M. in Bon Homme County, South Dakota, excepting the road right of way

PARCEL3:

The Southeast Quarter of the Northeast Quarter (SE1/4NE1/4), excepting the North 408.80 Feet thereof, of Section 13 in Township 93 North of Range 60 West of the 5th P.M. in Bon Homme County, South Dakota, excepting the road right of way

PARCEL4:

The Northeast Quarter of the Southeast Quarter (NE1/4SE1/4); and the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4), excepting the West 660 Feet of the South 330 Feet thereof; of Section 13 in Township 93 North of Range 60 West of the 5th P.M. in Bon Homme County, South Dakota

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 12

, 20 18

RECEIVED OF Lowell or Lois Tjeerdsma 41521 312th St Springfield, SD 57062

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 _____ 2498-3		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08621**

By

Jeanne Goodman
Chief Engineer

29m



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 20, 2018

2498-3

Lowell & Lois Tjeerdsma
41521 312th St
Springfield SD 57062

Dear Mr. & Mrs. Tjeerdsma:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 2498-3.

The ownership change has been completed. Water Right No. 2498-3, formerly held by the Jake Hiemstra Revocable Trust is now listed under "Lowell W Tjeerdsma & Lois J Tjeerdsma Living Trust dated November 13, 2015".

Enclosed for your records is Receipt No. 08621 in the amount of \$50 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

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

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 30, 2023

Garrett & Shawna Dvoracek
41719 SD HWY 52
Tyndall, SD 57066

2498-3

Dear Mr. and Ms. Dvoracek:

I am writing to acknowledge the receipt of your transfer form and filing fee.

The ownership change has been completed. The water right for the NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 13, T93N, R60W under the Tjeerdsma Living Trust is now listed under Garrett & Shawna Dvoracek.

Enclosed is the receipt for the filing fee you paid. If you have any questions, please let me know.

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2498-3Date: 5-23-23

I/We request that Water Right/Permit No. 2498-3 formerly owned by:
Lowell W Tjeerdsma & Lois J. Tjeerdsma Living Trust dated November 13, 2015 be transferred to:

New Owner Name: Garrett and Shawna DvoracekAddress: 41719 SD Hwy 52City, State, Zip Tyndall, SD 57066 Telephone No. 605-464-0030

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

See Attached "Exhibit A"

PAID

MAY 26 2023

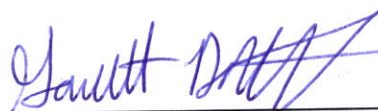
Ck# 1031Rec't# 5/26/23

☒ I understand that the validity of Water Right/Permit No. 2498-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Garrett Dvoracek, 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.

RECEIVED

MAY 26 2023

OFFICE OF
WATER

Exhibit "A"
Attachment to Notice of
Transfer of Ownership – Water Right/Permit No. 2498-3

PARCEL 1:

The East 508.72 Feet of the Southwest Quarter of the Northeast Quarter (SW1/4 NE1/4), excepting the North 408.80 Feet thereof, of Section 13 in Township 93 North of Range 60 West of the 5th P.M. in Bon Homme County, South Dakota;

PARCEL 2:

The East 756 Feet of the North 408.80 Feet of the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4), excepting the North 238.31 Feet thereof, of Section 13 in Township 93 North of Range 60 West of the 5th P.M. in Bon Homme County, South Dakota, excepting the road right of way;

PARCEL 3:

The Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4), excepting the North 408.80 Feet thereof, of Section 13 in Township 93 North of Range 60 West of the 5th P.M. in Bon Homme County, South Dakota, excepting the road right of way;

PARCEL 4:

The Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4); and the Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4), excepting the West 660 Feet of the South 330 Feet thereof, of Section 13 in Township 93 North of Range 60 West of the 5th P.M. in Bon Homme County, South Dakota.

RECEIVED

MAY 26 2023

OFFICE OF
WATER

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date May 26, 2023

RECEIVED OF Garrett Dvoracek 41719 SD Hwy 52 Tyndall SD 57066

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>2498-3</u>	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$ <u>50.00</u>

By Eric Gronlund
Chief Engineer

zm