

2613-3

1. Considered 3-17, 1976
2. Name of Applicant IREELAND FARMS
3. Post Office Address DOLAND
4. Amount of water claimed 1.85
5. Source of water supply GROUND WATER (64' WELL)
6. Water to be used for IRRIGATION
Acres to be irrigated 130
7. Water to be diverted and used in SPINK county
about 4W, 4S miles of DOLAND
8. Proof of Publication Received 1st
Not received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

Map No. 1980-3 Water Division No. 3 JAMES RIVER District
 (Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Freeland ~~Freeland~~ Farms
 Postoffice address Doland, S.D. State S. Dak. 57436
 If a corporation show date and place of incorporation Partnership
2. Method of accomplishing work (contract, employment of others, or by direct labor) direct labor
3. Name of diversion work Well
4. Amount of water claimed (cubic feet per second) 1.85 Maximum discharge 1000-gallon per minute.
5. Source of water supply Well
6. Location of point of diversion Center of SE 1/4-21-116-61
7. Annual period or periods during which water is to be used May to October County Spink
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use. Total number of acres to be irrigated 130

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>SE 1/4-21-116-61</u>	<u>130</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use 1 year.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Redford Press
12. Principal Features of the Proposed Water Supply System.

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

B. Works proposed to transport water to place of use

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$

40,000.00

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 Spink

I, Freeland Farms, by [Signature] 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 [Signature]Subscribed and sworn to before me this 13th day of January 19 76

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2613-3

FREELAND FARMS
(Applicant)

R. 2nd, Box 29, Deland
(Post Office Address)

SOUTH DAKOTA 57436 With the following modifications:
(State)

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

Date of first receipt of application JANUARY 20 19 76

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

Date of receipt of corrected application MARCH 3 19 76

Approved MARCH 18 19 76, Recorded in Book 15 Page 37

WATER RIGHT PERMIT NO. 2613.3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2613-3 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 JANUARY 20 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 18 19 76
3. The whole of said work is to be completed on or before MARCH 18 19 77
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 18 19 78
5. The water appropriated shall be used for the purpose of IRRIGATION

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

7. The amount of the appropriation herein granted shall not exceed 1.85 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MARCH 18 19 78; said water to be used during the following described annual periods MAY 1st thru OCTOBER

Witness my hand this 24th day of MARCH 19 76

WATER RIGHTS COMMISSION

By: [Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued NOVEMBER 29 19 79

Water License Issued NOVEMBER 29 19 79

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

D. Well Information or Estimates

(1) Drill Hole, Diameter 30 inch, Depth 60 feet - 64'
 (2) Casing, Type FIBERGLAS, Diameter 16 inch, Thickness 1/4"
 (3) Perforated Screen Type slots HORIZONTAL, Diameter 8", Length 30'
 (4) Gravel Pack, Thickness 5 1/2", Length of gravel pack TO THE TOP

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of water bearing materials SAND + GRAVEL 17' - 64'
STATIC WATER LEVEL 18'

Depth to top of water bearing material 17'

Depth to bottom of water bearing material 64'

Thickness of water bearing material 47'

Depth to water (ground surface to water level) 18'

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

On same owner's property 160 rds. On property owned by others 140 rds.

G. Water Storage Dams.

If the proposed water supply system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Frederick Thomas
 Signature of Applicant

Herb W. Freeman

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2613-3

(1) WHEREAS, On the 20th day of January A. D. 19 76
Freeland Farms

made Water Right Application No. 2313-3 for a permit to use _____ cubic feet per second of the waters
of groundwater (one well)

County of Spink, State of South Dakota, for groundwater (one well)

_____ purposes; and

(2) WHEREAS, On the 18th day of March A. D. 19 76

Permit No. 2613-3 with a date of priority of _____
was issued to said applicant S for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 18th day of March A. D. 19 77 and for the
application to beneficial use of said water on or before the 18th day of March A. D. 19 78

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 1.85 cubic feet
per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent:

to irrigate the following lands all in Section 21 - T116N - R21W:

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

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 33

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 32

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 32

Total 130 acres

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

of Doland, SD

the holder S and owner S of said permit No. 2613-3 a water right, dating from January 20, 1976
to use of 1.85 cubic feet per second of the waters
of groundwater (one well)

in the County of Spink and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinafter mentioned, to be diverted at a point 1305 ft. North and 1320 ft. West
of the SE Corner of Section 21 -- T116N - R61W

ed
and conduct/and upon portions of land all in Section 21 - T116N - R61W, more
fully described on the face of this License.

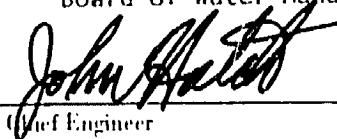
for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 2613-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 29th day of November A. D.
Nineteen Hundred and Seventy-nine

Board of Water Management

By:



Chief Engineer

JOHN HATCH

Permit No. 2613-3

Water Diversion No. 3 James River Water District

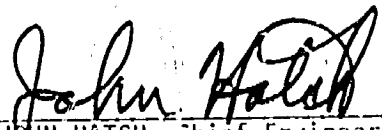
CERTIFICATE OF CONSTRUCTION

This is to Certify, That Freeland Farms

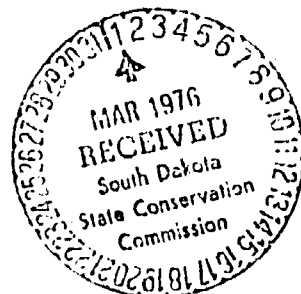
_____ the holder _____ of
Permit No. 2613-3, issued upon Application No. 2613-3, bearing date of priority of January 20, 1976
_____ authorizing the diversion of 1.85 cu. ft. per second of the waters of _____
groundwater (one well) County of Spink, State of South Dakota at a
point 1305 ft. North and 1320 ft. West of the SE Corner of
Section 21 -- T116N - R61W
_____ for irrigation

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit, that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.23 cu. ft. per second of water

Date November 28, 1979


JOHN HATCH, Chief Engineer
Water Rights, WMD

February 27, 1976



Freeland Farms, Inc.
Doland, SD 57436

Dear Sirs:

You received a copy of the report of analysis on water sample #76-053 about February 10. The analysis shows that it has an electrical conductivity of 910 micromhos and the sodium adsorption of 0.76. This water is fairly good for irrigation purposes and the approximate quality is designated by the red cross in the chart on the outside back cover of AES publication #13, enclosed for your use. Please retain the copy of the water analysis you have been sent and this pamphlet.

Inasmuch as the soils you intend to irrigate in the southeast quarter of section 21 are Beotia and Harmony silty clay loam. There should not be any serious difficulty with this water provided you are careful not to over-irrigate and raise the water table. There is a glacial till substratum under both these soils in this area, so the substratum materials will be more salty than the surface soil. You should be thus careful not to add sufficient water to bring the salts which are in these glacial till substratums up to the surface. A few years of experience will enable you to tell approximately how much water should be added in any given irrigation, so as to approximately refill the root zone, but not add excess water.

* You mentioned in a personal conversation at Mitchell that the WI-1 form for this application has already been sent to Pierre and you did not know whether it is in the State Conservation Commission office or in the Water Resources Board. By means of this letter, I am asking the Conservation Commission people to look up your WI-1 form and attach a copy of this water analysis and a copy of this letter to that WI-1 form and to make sure it reaches the Water Resources Board for their forthcoming March meeting.

You should be hearing from the Conservation Commission in the near future.

Sincerely yours,

L. O. Fine

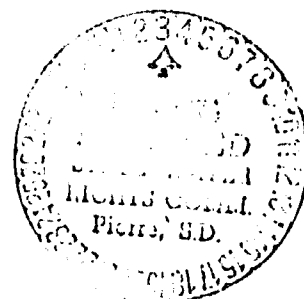
L. O. Fine
Water Quality Lab
IOF:ckb

Enclosures

cc: State Conservation Commission

D. Pahl

Robert Sampson, County Extension Agent



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

Submitted by: Freeland Farms, Inc.
 Address: Doland, SD 57436

Date Rec'd February 2, 1976
 Sample No. 76-058
 Identification Well-
SE 1/4, Sec. 21, T. 116N, R. 61E

WATER ANALYSIS

Calcium (Ca)	140	ppm*	7.00	me/l**
Magnesium (Mg)	37	ppm	3.03	me/l
Sodium (Na)	39	ppm	1.70	me/l
Potassium (K)	8	ppm	0.21	me/l
Sulfate (SO ₄)	185	ppm	3.85	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	6	ppm	0.18	me/l
Bicarbonate (HCO ₃)	371	ppm	6.08	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g-p.g.***
Alkalinity (Methyl Orange)	304	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	910	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.76			
Sodium	14.23	% of cations		
Residual sodium carbonate	0.0	me/l		
pH	7.63			
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 11.94 me/l
 Total anions 10.11 me/l



By: Shirley Litten

Service Performed	Amount Due
Irrigation Analysis	\$ 0.00

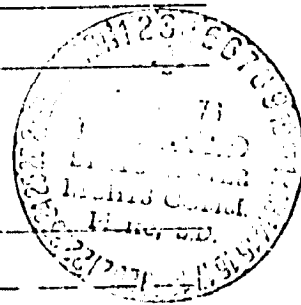
Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-058

Amount Enclosed \$ _____

Signed _____



CONSERVATION
COMMISSION
W1 #1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED WELL IRRIGATION ONLY)

FOR COMMISSION USE ONLY

IRRIGATION SYSTEM _____

WATER QUALITY _____

SOILS CAPABILITY _____

APPROVED [Signature]

DISAPPROVED _____

NAME

Freeland Farms

ADDRESS

Doland, S. Dak. 57436

COUNTY

Spink

LEGAL DESCRIPTION

1. WELL LOCATION

center of SE 1/4 21-116-61

2. AREA TO BE IRRIGATED

SE 1/4 21-116-61

TYPE OF IRRIGATION

3. GRAVITY _____

SPRINKLER (INDICATE TYPE)

Center Pivot

4. CROPS TO BE IRRIGATED _____

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE

Beota (0-1) %

Harmony Silty clay loam (0-1%)

6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION

Beota Silt loam, +

Harmony Silty clay loam

WATER QUALITY

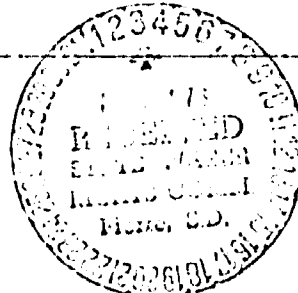
(TO BE COMPLETED BY COMMISSION)

7. SAMPLE NUMBER _____

8. SALINITY _____

9. SODIUM _____

P. S. Sampson
Spink Co. agent
Redfield, S.D. 57469



I DO HEREBY CERTIFY THAT A CHEMICAL ANALYSIS OF THE GROUND WATER TO BE
ACQUIRED FOR IRRIGATION FROM SOUTH DAKOTA STATE UNIVERSITY AND:

THE LAND CAPABILITY FOR IRRIGATION INFORMATION HAS BEEN ACQUIRED FROM

Robert A. Sampson - Spunko. L. M. Agent
Redwood, S. Dak.
57469

AND:

THAT THE LEGAL DESCRIPTION FOR THE LOCATION OF THE WELL AND LAND TO BE
IRRIGATED IS TRUE AND CORRECT.

Lee J. Frazand

SUBSCRIBED AND SWORN BEFORE ME THIS

13 DAY OF January 1976.

Mr. Marshall A. Frazand

(TITLE)

No. 2613-3

Publish first publication, on or before March 3, 1976

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

March 4, 1976

Notice is hereby given that Freeland Farms
whose post office address is Doland, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
1.85 cubic feet of water per second of time from the ground water through the
Freeland Farms well, the point of diversion of which is to be located in the _____

_____ Center of the SE 1/4 _____
of Section 21, Twp. 113N, Range 61W. Said water to be used for the purpose
of providing irrigation of ^{portions of} the following described land:

SE 1/4, Sec. 21, T116N, R61W

This application No. 2613-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 17th day of March, 1976, at 1:00 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bv

cc: Herb N. Freeland

R. R. #1, Box 29,
Doland, SD 57436

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

No. 1152 2613-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Beadle) ss.

I, Dorothy Murphy hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Huron Daily Plainsman

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 Huron

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

March 8, 1976

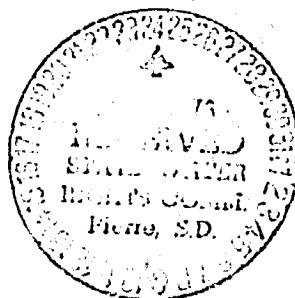
March 15, 1976

Dorothy Murphy
(Signature)

Brooke R. Jones
(Title)

March 15, 1976
(Date Signed)

F.P. 3076-1-1000-1 P. 3 1576
NOTICE INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
March 15, 1976
Notice is hereby given, that
Freeland Farms, whose post office
address is: Doland, South Dakota,
has made an application in ac-
cordance with the provisions of the
water laws of South Dakota for a
permit to appropriate for beneficial
use 1.45 cubic feet of water per
second of time from the ground
water through the Freeland Farms
Well, the point of diversion of which
is to be located in the center of the
SE 1/4 of Section 21, Twp. 116N,
Range 41W. Said water to be used for
the purpose of providing irrigation
on portions of the following
described land: SE 1/4, Sec. 21,
T116N, R41W.
This application No. 2613-1 will be
considered by the Water Rights
Commission at their office at Pierre
upon the 17th day of March, 1976, at
1:00 P.M. All interested persons
may appear and be heard.
WATER RESOURCES COM-
MISSION
By: Burton F. Jones
Water Rights Specialist
No. 112 (adv.)



2613-3

10-10-58

2nd Floor, Room 132 A.

Motor 60 HP, 1125 RPM.

11-2-58, # 0125-00, 11-6

C 1006-440.

Pump Works, Inc.,

Monroe, N.Y. 10854.

Net 90' long, 27' x 3'.

Sample 1000 gpm, Capacity 2000.

Permit No. 2613-3Water Division 3 James River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by Freeland Farms of RR #1, Box 29, Deland, S. Dak. 57436, holder of Permit No. 2613-3, bearing date of priority of January 20, 1976 authorizing the diversion of 1.85 cu. ft. per second of the waters of One Well for Irrigation purposes, in Spink 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:
Motor - U.S. Elec. ID# C4264-00-170-G C-1006440
60 HP, 1770 RPM.
Pump - Verti Line, No N76454
pumping 1000 gpm.

B. Works used to transport water to place of use,
8" Aluminum pipe. 15 ft. Long.

C. Works used to apply water to beneficial use.
Lockwood Center Pivot. Model 2200

The system is in the following condition: GoodThe point of diversion is located 1305 ft North and 1320 ft west of the SE corner of Section 21, T116N R61W.The works are capable of diverting and conveying to the place of use 2.23cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows: All in section 21, T116N R61W
NW 1/4 SE 1/4 - 33 Ac., NE 1/4 SE 1/4 - 33 Ac., SW 1/4 SE 1/4 - 32 Ac.,
SE 1/4 SE 1/4 - 32 Ac.

comprising a total of 130 acres of land.

Well - depth - 90 ft.
static - 27 ft.
Pumping - 1000 gpm
capacity - 2000 gpm est.

130 + 20 = 150

150 + 20 = 170

Date

January 10, 1979
L. Roy McLaughlin
(Signature)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7137

PIERRE, November 28, 1979

RECEIVED OF Freeland Farms, RR #1, Roland, SD 57456
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and issuing Cert. of Construction No. 2613-3	50	00
Fee for Inspecting Beneficial Use, and issuing Water License No. 2613-3		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH 9Y

No. 2013-3



Department of Water & Natural Resources

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

December 18, 1979

Froelund Farms
RR #1
Doland, SD 57436

Dear Sirs:

Enclosed herewith are, Water License No. 2613-3 and Certificate of Construction.

Water License No. 2613-3 is the final water right document completing your process of obtaining a water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights, WMD

JH:bt

enclosures

NOTE: Your pump capacity is 2.23 cfs (1001 gpm) and based upon the acreage actually irrigated, you are entitled to divert 1.85 cfs (830 gpm). Any diversion in excess of 1.85 cfs would be a violation of your Water Right.

WNR-817-7/79
Transmittal of Water License

 **South Dakota Department of
Water & Natural Resources**
Joe Foss Building
Pierre, South Dakota 57501

January 4, 1982

Dettlor Farms
Rural Route
Doland, South Dakota 57436

Dear Sirs:

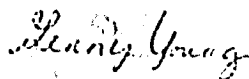
As per our telephone conversation December 30, 1981, enclosed are transfer forms for transferring Water Right Permits in the name of Freeland Farms, Herb Freeland, and Larry Freeland, to your name.

Each transfer form is partially filled out including the permit number, number of acres, and land covered under the permit. Check over each form, date, sign and have notarized before returning them to this office with a \$2.50 filing fee for each permit. Only complete the forms pertaining to the land you now own. Please return the remaining forms with, if possible, the name of the person(s) now owning the land.

Also enclosed are the 1981 Irrigation Questionnaires, please complete the forms pertaining to the Water Rights covering land you now own, and return them to our office.

Please note that Permit No. 3890-3 is still in deferred status. If you have any questions or need further information, please contact our office. We would appreciate your prompt attention in this matter.

Sincerely,



Genny Young
Water Rights Specialist
Water Rights Division
Phone: (605) 773-3352

BD3103GY.wr

South Dakota
Department of
Water & Natural Resources
Joe Foss Building
Pierre, South Dakota 57501
Water Rights Division
605 773-3352

June 16, 1982

Dettler Farms
RR
Doland SD 57436

SECOND NOTICE

Dear Sirs:

On January 4, 1982 notice was sent to you concerning the transfer of water rights listed in the name of Freeland Farms, Herb Freeland and Larry Freeland. To date, nothing has been heard from you on this matter.

Enclosed is a list of their water rights and a number of transfer forms. Check over the list and complete the forms pertaining to the land you now own. Each transfer form should be dated, signed, notarized and returned to this office with a \$2.50 filing fee (\$2.50 each). Return the remaining forms with, if possible, the name of the person(s) now owning the land.

It is very important that our water right files remain up to date concerning proper ownership. Your assistance in this matter would be appreciated. If you have any questions, please contact this office.

Sincerely,

Genny Young

GENNY YOUNG
Water Rights Specialist

GY:ks

enclosures

South Dakota
Department of
Water & Natural Resources

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

1048-3
1071-3
1070-3
1073-3
1458-3
1891-3
2613-3

August 16, 1986

DeWayne Hofer
Box 406
Doland SD 57436

Dear Mr. Hofer:

In follow-up to our telephone conversation of August 14, 1986, enclosed is the list of water permits we have on file under the name of Freeland Farms. Also enclosed are blank transfer forms for use in transferring some of these permits to your name.

Please check over the legal descriptions of the permits and complete the transfer forms accordingly. Each form needs to be signed and notarized. A \$2.50 filing fee is required for each transfer.

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 would happen to know who owns the land covered under the remaining permits, this information would be very helpful to me. Any information you would have as far as ownership of these would be appreciated.

If I can answer any questions for you, please advise.

Sincerely,

Genny McMath

GENNY MCMATH
Natural Resources Analyst

GM:ks

enclosure

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

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

March 17, 1987

Second Notice
Permit Nos. 1048-3
1071-3, 1072-3,
1073-3, 1458-3,
1891-3, 2613-3,

DeWayne Hofer
Box 406
Doland, SD 57436

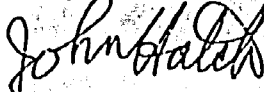
Dear Mr. Hofer:

On August 15, 1986, notice was sent to you concerning the transfer of Water Permit Nos. 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3, and 2613-3 in the name of Freeland Farms. To date, we have not heard from you on this matter.

Transfer forms were previously sent to you, enclosed please find additional forms. Please sign, have notarized and return the forms to this office with the required filing fee of \$2.50 each, for a total of \$17.50. The permits can then be transferred to your name. If you are not the present owner of the land covered under these Permits, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 required 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 us.

Very truly yours,



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

enclosures

NO. 2613-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 3-1-87

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

SE 1/4 Section 21 - T 116 N. Range 61 W

formerly owned by Freeland Farms
has been transferred to Steven Hahn & Karen Hahn, Box 406, Doland, S.D. 57436.
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 2613-3 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.

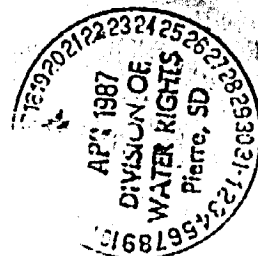
STATE OF SOUTH DAKOTA)
County of Sink) ss.

I, Dawn 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 infor-
mation herein stated is true.

Dawn Hahn
(Signed)

Subscribed and sworn to before me this 11th Day of April, 1987.

My Comm. Expires 4-15-91 George W. Clute
(Notary Public)



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410435

Pierre, April 17, 19 87

RECEIVED OF DeWayne & Karen Hofer, Box 406, Deland, SD 57436

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 2613-3 _____	2	50
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

MS



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

WATER RIGHTS DIVISION
(605) 773-3352

2613-3
1048-3
1071-3
1891-3

April 29, 1987

DeWayne & Karen Hofer
Box 406
Doland, South Dakota 57436

Dear Mr. & Mrs. Hofer:

Enclosed are receipt Nos. 410835, 410836, 410837 and 410838 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 2613-3, 1048-3, 1071-3 and 1891-3. Our records now show DeWayne & Karen Hofer as owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.



January 9, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

 JOE FOSS BUILDING
 523 EAST CAPITOL
 PIERRE, SOUTH DAKOTA 57501-3181
NOTICE
TO: DEWAYNE & KAREN HOFER, BOX 406, DOLAND, SD 57436
**FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program**
SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire has not been submitted for Permit No(s) 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3 & 2613-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, February 25, 1998, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3 & 2613-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

2613-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 1998

DeWayne & Karen Hofer
Box 406
Doland, SD 57436

RE: Water Permit/Right Nos. 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3 and 2613-3

Dear Mr. & Mrs. Hofer:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit/Right Nos. 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3 and 2613-3.

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

If you have any questions, please contact me.

Sincerely,

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



January 22, 1999

2613-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: DEWAYNE & KAREN HOFER, BOX 406, DOLAND, SD 57436

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire has not been submitted for Permit No(s) 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3 & 2613-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, March 3, 1999, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3 & 2613-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1999, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

WATER RIGHTS PROGRAM - FILE DOCUMENTATION

NAME: DeWayne & Karen Hofer

ADDRESS: Box 406, Doland, SD

DATE: March 24, 1999

RE: irrigation questionnaires for Water Right/Permit Nos. 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3 & 2613-3

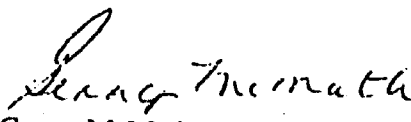
COMMENTS:

On January 22nd a notice was mailed to DeWayne & Karen Hofer concerning their 1998 irrigation questionnaires. Mr. Hofer called shortly after that time and requested a new set of forms. It seems the forms did not get mailed to the correct address and I remailed forms to him again. On March 2nd I contacted Mr. Hofer to let him know I still had not received forms. He was going to try and over-night them to me.

I spoke with him prior to the hearing and he indicated they were on their way. I deleted the matter from the agenda - however by March 8th I still did not have the forms and called him back. He said the forms were mailed the 2nd and said he would make copies of the forms and remail them that day.

On March 24th I contacted him again and he confirmed he had mailed the second set out and that we should have received them by now. Instead of mailing another set - Mr. Hofer faxed the information to me.

Due to the lightness of the copies, I retyped the information he faxed. Since the forms are now on file, no further action is necessary and a Board hearing will not be scheduled.


Genny McMath
Environmental Scientist



2613-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 28, 2000

1048-3

1071-3

1891-3

2613-3

Galen Gillette
PO Box 60
Redfield, SD 57469

Dear Mr. Gillette:

Enclosed, as requested, are copies of Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3. The water rights are currently listed in the name of DeWayne and Karen Hofer. It is my understanding that the land described within the water rights is being sold and your office will be following up on the ownership changes.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the changes. The forms will need to be completed and then signed in the presence of a notary public by the new owner(s).

Upon completion, please return the forms to our office with a required filing fee of \$2.50 each (total of \$10.00). The check or money order for the fees can be made payable to the "Water Rights Program".

The enclosed copies of the water rights are yours to keep or can be passed on to the new owner(s). If you have any questions, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 2613-3

Date: 5-2-2000

I/We request that Water Right No. 2613-3

formerly owned by: DeWayne & Karen Hofer

be transferred to: (name & address) Michael J. Silver, 7484 SW River Valley Road,
Augusta, KS 67010 Telephone No. 316-775-1334

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

SE 1/4 Section 21, T116N, R61W

I/We understand that the validity of Water Right No. 2613-3 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.

KANSAS
STATE OF ~~SOUTH DAKOTA~~)

County of Sedgwick)

I/We Michael J. Silver 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.

Michael J. Silver
(Signed)

Subscribed and sworn to before me this 2nd day of May, 2000.



Vickie C Bedore
(Notary Public)

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416501

Pierre, _____ May 8, 2000

RECEIVED OF Michael J. Silver, 7984 SW River Valley Rd., Augusta, KS 67010
The following amount in fees for services rendered as provided for by law:

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

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

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

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

Fee for Filing Transfer Form Water Right No. 2613-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By Michael J. Silver
Chief Engineer



2613-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 9, 2000

1048-3

1071-3

1891-3

2613-3

Michael J Silver
7984 SW River Valley Rd
Augusta, KS 67010

Dear Mr. Silver:

Thank you for following up on the ownership changes for Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3 formerly owned by DeWayne & Karen Hofer. The transfers have been completed and the water rights are now listed in your name.

Enclosed are your Receipt Nos. 416498, 416499, 416500 and 416501. The receipts, in the amounts of \$2.50 each, are for the filing fees that you paid to cover the cost of the transfers.

Also enclosed is a sample copy of the yearly irrigation questionnaire. The form will give you an idea of what type of information you need to keep track of during the irrigation season. The actual forms that need to be completed and returned will be mailed to you in October. If you have a renter or operator that you would rather we send the yearly forms to, please get in touch with me.

If I can answer any questions for you regarding the water rights or the annual irrigation questionnaire requirements, please give me a call.

Sincerely,

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

enclosures



2613-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: MICHAEL J SILVER, 7984 SW RIVER VALLEY RD, AUGUSTA, KS 67010

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire(s)

Our records indicate that the 2002 Irrigation Questionnaire has not been submitted for Permit No(s) 1048-3, 1071-3, 1891-3 & 2613-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 5, 2003, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s), 1048-3, 1071-3, 1891-3 & 2613-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2003, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



2615-5
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 18, 2003

Kevin Dettler
40168 173^{KD} St
Doland SD 57436

Dear Mr. Dettler:

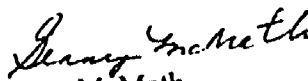
I am writing to acknowledge receipt of the 2002 irrigation questionnaires for the following Water Rights:

- Kevin & Becky Dettler: 961-3, 1050-3, 1120-3, 1223-3, 3114-3 (Robert Freeburg) and 3189-3 (Russ Hansen Estate)
- DeWayne Hofer & K-D Trust: 1072-3, 1073-3 and 1458-3
- Michael J Silver: 1048-3, 1071-3, 1891-3 and 2613-3

You may disregard the January 17, 2003, "Notice" concerning reporting requirements. The information was received in our office prior to the Water Management Board meeting and the issue has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,


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

c: DeWayne Hofer
Michael J Silver



2613-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2004

NOTICE

TO: KEVIN DETTLER, 40168 173RD ST, DOLAND, SD 57436
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 961-3, 1050-3, 1120-3 & 1223-3, 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3, 2613-3, 3114-3 & 3189-3. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3, 2613-3, 3114-3 & 3189-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 961-3, 1050-3, 1120-3 & 1223-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 961-3, 1050-3, 1120-3 & 1223-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3, 2613-3, 3114-3 & 3189-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



2613-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 2004

Kevin Dettler
40618 173rd St
Doland SD 57436

Dear Mr. Dettler:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Permit/Right Nos. 961-3, 1048-3, 1050-3, 1071-3, 1072-3, 1073-3, 1120-3, 1223-3, 1458-3, 1891-3, 2613-3 and 3114-3.

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

Thank you for letting me know that you will be farming only Robert Freeburg's land next year. I will make the changes to the files and get in contact with the owners of the other property to find out what they want to do with next years questionnaires.

If you have any questions, please contact me.

Sincerely,

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



2613-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 2004

Michael J Silver
7984 SW River Valley Rd
Augusta KS 67010

Dear Mr. Silver:

I am contacting you in regard to Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3, currently listed in your name. The water rights authorize irrigation of the following land:

- NW ¼ Section 28, T116N, R61W
- E ½ Section 28, T116N, R61W
- NE ¼ Section 29, T116N, R61W
- SE ¼ Section 21, T116N, R61W

On the 2003 irrigation questionnaires, Kevin Dettler indicated he is no longer farming the land. I have changed the water right files to remove Mr. Dettler's name and send all future correspondence directly to you.

If you have a new renter you would like the annual irrigation questionnaires mailed to; or if the land will be sold, please get in touch with me.

Sincerely,

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



2613-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 4, 2004

1048-3
1071-3
1891-3
2613-3

DeWayne Hofer
PO Box 406
Doland SD 57436

Dear Mr. Hofer:

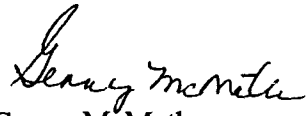
I am contacting you in regard to Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3 for Michael J Silver.

Kevin Dettler notified our office that he no longer farms the land. Mrs. Silver called our office on May 3rd and indicated we should be mailing the annual irrigation questionnaires to you for these water rights.

We have placed your name on the mailing list to receive the questionnaires for 2004 (normally mailed to irrigators in mid-October). The legal descriptions of the land they cover will be included on the forms.

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

c: Michael J Silver, 7984 SW River Valley RD, Augusta, KS 67010



2613-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 2, 2004

Michael J Silver
2614 Executive Way Apt 101
Wichita KS 67226-1821

Dear Mr. Silver:

I am contacting you in regard to Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3 listed in your name.

On May 3rd, Mrs. Silver called our office and requested that the annual irrigation questionnaires be directed to DeWayne Hofer as the new leaser of the property. I sent a letter to Mr. Hofer indicating I was placing his name on the list to receive the annual forms. The post office returned the letter to us and did not include a forwarding address. I called the assessors office in Spink County and they did not have a new address on file either.

Do you happen to have a forwarding address for Mr. Hofer? Our correspondence was directed to him at PO Box 406 in Doland, SD.

Please write or call me with any information you may have for Mr. Hofer. Thank you in advance for your help.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 13, 2004

1048-3
1071-3
1891-3
2613-3

Jane Silver
8932 Boxthorn Ct
Wichita KS 67226

Dear Ms. Silver:

Thank you for calling about your water rights and the renter status. I will keep trying on this end to find an updated address for DeWayne Hofer and if you are able to track one down, please let me know.

With respect to ownership of the water rights, they are still listed in the name of Michael J Silver. Enclosed, as we discussed, are partially completed "Notice of Transfer of Ownership" forms. Please review them and make any necessary corrections. Upon completion, please sign the forms and return them to our office with a required filing fee of \$2.50 each (total of \$10.00). The check or money order for the fee can be made payable to the Water Rights Program.

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

Sincerely,

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

enclosures



2613-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 29, 2004

1048-3
1071-3
1891-3
2613-3

Jane Silver
8932 Boxthorn Ct
Wichita KS 67226

Dear Ms. Silver:

I am writing to you again about Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3. Have you been able to track down an address for DeWayne Hofer and is he still renting the land from you? We are getting ready to mail out the annual irrigation questionnaires so I thought I would check with you.

Also, the water rights still need to be transferred to your name. In the event you do not have the forms I mailed last summer, enclosed is an additional set. Please review them and make any necessary corrections. Upon completion, please sign the forms and return them to our office with a required filing fee of \$2.50 each (total of \$10.00) The check or money order for the fee can be made payable to the Water Rights Program.

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

Sincerely,

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

enclosures



2613-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 20, 2005

1048-3
1071-3
1891-3
2613-3

Jane Silver
8932 Boxthorn Ct
Wichita KS 67226

Dear Ms. Silver:

I am writing as a reminder to you that Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3 still need to be transferred to your name. Currently, they are listed in the name of Michael Silver.

It is important to keep ownership records current. The reason for this is that if correspondence was mailed out that affected the water rights, you may not receive proper notification due to incorrect ownership records.

In the event you no longer have the original transfer of ownership forms I sent to you, I am sending along an additional set. Please review them and make any necessary corrections. Upon completion, please sign the forms and return them to our office with a required filing fee of \$2.50 each (total of \$10.00). The check or money order for the fee can be made payable to the Water Rights Program.

If you have sold the land and I need to be contacting someone else, let me know. Thanks in advance for your help.

Sincerely,

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

enclosures

14

3

17

57

L

103

1980-7
1981

Map DE 148-3 (APP. DE 2613-3)

17

57

103

NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 33 Ac.NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 33 Ac.

103

Well 15' so of op

SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 32 Ac.SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 32 Ac.

57

6

R. D. Sampson
Sprint Co. Agent
Redford, N.H.
57469

BELLE PLAINE

T116N

R61W

S21

1320'

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2613-3

Date: _____

I/We request that Water Right No. 2613-3

formerly owned by: Michael J Silver

be transferred to: (name & address) Jane Silver, 8932 Boxthorn St, Wichita KS 67226

Telephone No. 316 631-3806

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

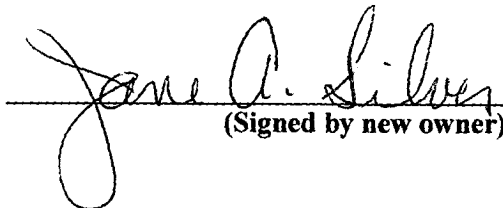
SE ¼ Section 21, T116N, R61W

I/We understand that the validity of Water Right No. 2613-3 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 Jane A. Silver, 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
SEP 12 2005
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 12, 20 05

RECEIVED OF Jane A Silver, 8932 Boxthorn St., Wichita KS 67226

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>2613-3</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.

001915

By

Darland White

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 12, 2005

1048-3
1071-3
1891-3
2613-3

Jane A Silver
8932 Boxthorn St
Wichita KS 67226

Dear Ms. Silver:

I am writing to acknowledge receipt of the ownership changes and filing fees you submitted for transferring Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3. The transfers have been completed. The water rights formerly listed in the name of Michael J Silver are now listed in your name.

Enclosed are your Receipt Nos. 001952 through 001955 in the amounts of \$2.50 each. You may keep them for your records.

If you have any questions, please contact me.

Sincerely,

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

enclosures



March 21, 2006

2613-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

1048-3
1071-3
1891-3
2613-3

George W Cluts
17324 394th Ave
Frankfort SD 57440-6716

Dear Mr. Cluts:

Thank you for contacting us regarding the pending ownership changes for Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3. The water rights are currently listed in the name of Jane A Silver.

Enclosed are copies of the water rights and partially completed "Notice of Transfer of Ownership" forms. The transfer forms should be completed and then signed by the new owner(s). Upon completion, please return them to our office with a required filing fee of \$2.50 each (total of \$10.00).

As soon as we receive the signed forms and the filing fees, the water rights will be transferred to reflect the new ownership.

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

MORGAN, THEELER, WHEELER, COGLEY & PETERSEN, L.L.P.
LAWYERS
OFFICES IN MITCHELL AND HURON, SOUTH DAKOTA

MITCHELL OFFICE

221 EAST THIRD AVE., PO BOX 1025
 MITCHELL, SD 57301-7025
 TEL: (605) 996-5588
 FAX: (605) 996-6129

JACK THEELER
 RONALD J. WHEELER
 JOHN F. COGLEY
 DON E. PETERSEN
 TRUDY A. MORGAN
 PATRICIA B. ERICKSON
 DOUGLAS M. DAILEY
 TIM G. BOTTUM

MEMBER OF MERITAS
 LAW FIRMS WORLDWIDE

Reply to:
 Huron Office

HURON OFFICE

1507 DAKOTA AVE. S., PO BOX 1363
 HURON, SD 57350-1363
 TEL: (605) 352-7154
 FAX: (605) 352-7157

CHESTER L. MORGAN (1891-1963)
 HARRY T. FULLER (1914-1970)
GLENN A. FINGERSON (1934-2001)
 JOHN L. MORGAN (retired)

May 18, 2006

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

Re: Notice of Transfer of Ownership
 Owner: John E. Welch and Beth D. Welch

RECEIVED
MAY 19 2006
 WATER RIGHTS
 PROGRAM

Dear Ladies/Gentlemen:

On behalf of John E. Welch and Beth D. Welch, I am enclosing a Notice of Transfer of Ownership for the following water rights which I understand are irrigation permits:

1. No. 1048-3
2. No. 1071-3
3. No. 1891-3
4. No. 2613-3

I am also enclosing a check in the amount of \$10.00 in payment of the filing fee of \$2.50 per transfer.

Could you please confirm that the Transfers of Ownership have been received and filed. Thank you very much.

Sincerely,
 MORGAN, THEELER, WHEELER,
 COGLEY & PETERSEN, L.L.P.



Patricia B. Erickson
 Huron Office

PBE/pjt

Enclosures

cc: John E. Welch w/o enclosures

ec06-905.13a

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2613-3

Date: 4/3/2006

I/We request that Water Right No. 2613-3

formerly owned by: Jane A Silver

be transferred to: (name & address) John E. & Beth D. Welch, 101 Old South Road,
Southport, CT 06890-1412

Telephone No. 203-255-9989

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

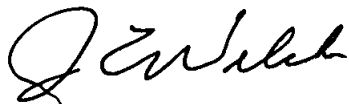
SE ¼ Section 21, T116N, R61W

I/We understand that the validity of Water Right No. 2613-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We John E. & Beth D. Welch, the new owner, certify that the above information is true and correct.



JOHN E. WELCH



BETH D. WELCH (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 19 2006
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 19, 20 06

RECEIVED OF Morgan, Theeler, Wheeler, Cogley & Peterson, PO Box 1363, Huron SD 57350

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 _____ 2613-3		
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. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
		2.50

No.

03452

By

Darland Eide
Chief Engineer

2613-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

May 22, 2006

John E & Beth D Welch
101 Old South Rd
Southport CT 06890-1412

RE: Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3

Dear Mr. & Mrs. Welch:

I am writing to acknowledge receipt of the ownership changes you filed for Water Right Nos. 1048-3, 1071-3, 1891-3 and 2613-3. The water rights, formerly held by Jane A Silver are now listed in your names.

The receipts for the fees that were paid for filing the ownership changes are being forwarded to Morgan, Theeler, Wheeler, Cogley & Petersen, LLP in Huron, SD with a copy of this letter.

Each year in October, irrigation questionnaires are sent out to irrigators in South Dakota for their use in reporting how much water was used during that specific crop season. The information reported to us each year by the irrigators is very valuable. We use it as a management tool to assess how much water is being used and whether additional water is available for new water permits. State law requires us to protect water availability for existing water users before we issue new water permits. It is our understanding that the Colony in Frankfort leases the land from you. The annual irrigation questionnaires concerning your water rights will be directed to them for completion.

If you have any questions concerning the water rights, please contact our office.

Sincerely,

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

cc: Morgan, Theeler, Wheeler, Cogley & Petersen, LLP
w/Receipt Nos. 02449, 02450, 02451, 02452