

1. Considered MAY 20, 1976 2719.3
2. Name of Applicant ELROY KAUFER
3. Post Office Address HOVEN
4. Amount of water claimed NO ADDITIONAL
5. Source of water supply 3-25' to 30' DEEP WELLS
6. Water to be used for IRRIGATION
- Acres to be irrigated 13.5
7. Water to be diverted and used in WALWORTH county
about 3N, 1E miles of HOVEN
8. Proof of Publication Received 5-25-76
 Not Received
9. Application Approved
 Subject to
 Not Approved
 Action deferred

10. Remarks:

No. 2719-3
 Map No. 1263-3 Water Division No. 3 Missouri River District _____
 (Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT



To Appropriate Water within the State of South Dakota

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

1. Name of Applicant ElRoy Kaiser
 Postoffice address Hoven, State South Dakota
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) _____
3. Name of diversion work Kaiser #1
4. Amount of water claimed (cubic feet per second) 1.95
5. Source of water supply ground water
6. Location of point of diversion Well #1, 1320' S. & 1320' W; Well #2, 1320' S. & 2120' W., and Well #3, 1320' S. and 2630' W., all from the NE Corner Section 22, T121N, R74W County Walworth
7. Annual period or periods during which water is to be used April thru October
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 135

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.
NE 1/4, Sec. 22, T121N, R74W	135		

Attach sheet if more space is needed

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

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

Three wells, pumps and motors

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

Mainline to Pivot

C. Works proposed to apply water to beneficial use.

Zimmatic Circular Sprinkler System

Estimated Total Cost \$ _____

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 Potter)

I, ElRoy Kaiser, 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 ElRoy KaiserSubscribed and sworn to before me this 26th day of April, 1976

L. J. BRICKNER
 Notary Public, POTTER COUNTY, S. DAK.
 My Commission Expires SEPT. 23, 1977

L. J. Brickner
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 2719-3

EL ROY KAISER

(Applicant)

HUTTEN

(Post Office Address)

SOUTH DAKOTA 57450

(State)

With the following modifications:

PRIORITY FOR THIS PERMIT WAS ESTABLISHED UNDER PERMIT NO 1745-3. THE PERTINENT PORTIONS OF PERMIT NO 1745-3 HAVE BEEN INCORPORATED INTO THIS PERMIT, AND PERMIT NO 1745-3 HAS BEEN CANCELLED.

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 APRIL 30 19 76

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

Date of receipt of corrected application — 19 —

Approved MAY 20 19 76 Recorded in Book 15 Page 188

WATER RIGHT PERMIT NO. 2719-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 2719-3 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 130 FEET FROM APRIL 30 1976

2. The equivalent of at least one-fifth of the work above specified is to be completed —

3. The whole of said work is to be completed —

4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED

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 1.95 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-hundredth (1/100) 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 THIS DATE said water to be used during the following described annual period: APRIL 15 TO OCTOBER

Witness my hand this 10TH day of JUNE 19 76

WATER RESOURCES COMMISSION

By:

John H. Hatt

Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 15 19 77

Water License Issued SEPTEMBER 15 19 77

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

D. Well Information or Estimates

COPY

- (1) Drill Hole, Diameter 30 in, Depth 25' - 30'
- (2) Casing, Type Steel, Diameter 18 in, Thickness 1/2 in 3 in
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type Slot perforation, Diameter 18 in, Length 18 ft
- (4) Gravel Pack, Thickness 4 in all around, Length of gravel pack 5 ft

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

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

Character of Water bearing material: sand and gravel

Depth to top of water bearing material 25' - 26'

Depth to bottom of water bearing material 50' - 54'

Thickness of water bearing material _____

Depth to water (ground surface to water level) 25'

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

On same owner's property 1/4 mile ~~xxxx~~ On property owned by others 1/2 mile ~~xxxx~~

G. Water Storage Dams.

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



3 WELLS SAME DEPTHS.

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter _____, Depth 25' - 30'
- (2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type _____, Diameter _____, Length _____
- (4) Gravel Pack. Thickness _____, Length of gravel pack _____

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 and gravel

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

- (2) Distance to nearest existing household or livestock watering well:

On same owner's property 1/4 mile ~~xxxx~~ On property owned by others 1/2 mile ~~xxxx~~

G. Water Storage Dams.

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

E. Roy Kaiser
Signature of Applicant

Form 15.

Permit No. 2719-3

Water Diversion No. 3 Missouri River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Elroy Kalsor

_____ the holder _____ of
Permit No. 2719-3, issued upon Application No. 2719-3, bearing date of priority of March 20, 1970
& April 28, 1976 authorizing the diversion of 1.95 cu. ft. per second of the waters of _____
ground water County of Walworth, State of South Dakota at _____
points #1, 1320'S & 1320'W; #2, 1320'S & 2120'W and #3, 1320'S & 2630'W all
from the NE corner, Section 22, T121N, R74W
_____, 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 2.2 cu. ft. per second of water.

Date September 15, 1977

By:

~~WATER RESOURCES COMMISSION~~

WATER RIGHTS COMMISSION

John Hatch

JOHN HATCH, Chief Engineer

WATER LICENSE NO. 2719-3

(1) WHEREAS, On the 30th day of April A. D. 19 76
Elroy Kaiser

made Water Right Application No. 2719-3 for a permit to use 1.95 cubic feet per second of the waters of ground water

County of Walworth, State of South Dakota, for Irrigation
purpose; and

(2) WHEREAS, On the 20th day of May A. D. 19 76
Permit No. 2719-3 with a date of priority of March 18, 1970 & April 30, 1976

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 20th day of May A. D. 19 76 and for the application to beneficial use of said water on or before the 20th day of May A. D. 19 76

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 1.95 cubic feet per second of water for beneficial use and,

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

for irrigating a 135 circle in the NE 1/4, Section 22, T12N, R74W

(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 El Roy Kalser

_____ or Hoven
the holder _____ and owner _____ of said permit No. 2719-3 a water right, dating from March 18, 1970 and
April 30, 1976 to use of 1.95 cubic feet per second of the waters
of ground water
in the County of Walworth and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at points #1, 1320'S & 1320'W; #2, 1320'S & 2120'W and
#3, 1320'S & 2630'W all from the NE corner, Section 22, T121N, R74W

and conduct to and upon a 135 acre circle in the NE 1/4, Section 22, T121N, R74W

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 2719-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 15th day of November A. D.
Nineteen Hundred and seventy-seven

WATER RIGHTS COMMISSION
By: John Hatch
Chief Engineer, Executive Officer JOHN HATCH

April 19, 1976

El Roy Kaiser
Hoven
South Dakota 57450

Dear Mr. Kaiser:

Recently Mr. Le Roy Mernaugh of this office visited with you regarding your water right. As issued Permit No. 1745-3 covered one well in the center of the NE $\frac{1}{4}$, Section 22, T121N, R74W. The investigation indicated that you actually have three wells.

We are requesting that you sign both copies of the enclosed Forms where indicated before a notary public and return them to this office with a fee of \$8.00. This will cover the additional wells. Upon approval of this application, incorporating the pertinent portions of Permit No. 1745-3, Permit No. 1745-3 will be cancelled.

Should you have further questions, feel free to contact this office.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ/bw
Encl: As stated

2719-3

Publish first publication, on or before May 6, 1976

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

May 3, 1976

Notice is hereby given that ElRoy Kaiser
whose post office address is Hoven, 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
add two additional diversion points
no additional cubic feet of water per second of time from the ground water through the
Kaiser No. 1, the point of diversion of which ^{are} is to be located in the _____

Center of the NE $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$
of Section 22, Twp. 121N, Range 74W. Said water to be used for the purpose
of providing irrigation on ^{portions of} the following described land:

NE $\frac{1}{4}$ Sec. 22, T121N, R74W

This application No. 2719-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 20th day of May, 1976 at 1:00P.M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw
cc:

ElRoy Kaiser
Hoven, SD 57450

M.R.

No. 2719-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Potter) ss.

I, Daniel W. Holworth hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Horn Review

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 Horn

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

May 6 + 13, 1976

Daniel W. Holworth
(Signature)

Publisher
(Title)

May 22, 1976
(Date Signed)

No. 2719-3
NOTICE
INTENT TO APPROPRIATE
WATER

Pierre, South Dakota 57501

May 3, 1976

Notice is hereby given that
El Roy Kaiser whose post office
address is Horn, South Dakota
has made an application in ac-
cordance with the provisions of
the water laws of South Dakota
for a permit to add 2 additional
diversion points to appropriate
for beneficial use no additional
cubic feet of water per second
of time from the ground water
through Kaiser No. 1, the points
of diversion of which are to be
located in the center of NE 1/4 &
NW 1/4 NE 1/4 of Section 22, Twp.
121N, Range 74W. Said water to
be used for the purpose of pro-
viding irrigation on portions of
the following described land:

NE 1/4 Sec. 22, T121N, R74W.

This Application No. 2719-3
will be considered by the Water
Rights Commission at their of-
fice at Pierre upon the 20th day
of May, 1976 at 1:00 P. M. All
interested persons may appear
and be heard.

WATER RIGHTS COMM.
By: BURTON F. JONES
Water Rights Specialist

(May 6 and 13, 1976)



NOTICE OF COMPLETION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

DEPARTMENT OF NATURAL RESOURCE DEVELOPMENT

DIVISION OF WATER RIGHTS

JOE FOSS BUILDING

PIERRE, SOUTH DAKOTA 57501

TO: WATER RIGHTS COMMISSION

State Office Building No. 2

Pierre, South Dakota 57501

Post Office Nez PerceDate 6-25-76

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 3719-3

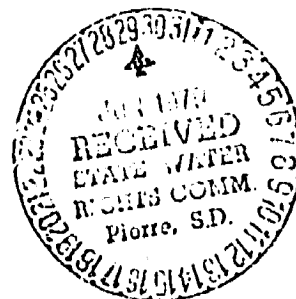
Water Right Permit No. _____ states that the diversion system is to be constructed by Charles Jay, 1976 and that the water is to be put to beneficial use by _____, 19____.

The diversion system was completed on June 30, 1976. Applying the water to beneficial use was completed on June 30, 1976.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Charles Jay
(Signature)

This W/R
has not been
recorded



Permit No. 2719-3Water Division 3 Missouri River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Eliroy
Kaiser of Hoven, S. DAK. 57450 holder
of Permit No. 2719-3, bearing date of priority of April 30, 1976
authorizing the diversion of 1.95 cu. ft. per second of the waters of Ground water
for Irrigation purposes, in Walworth 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:
 Pump - 75 HP Submersible - 900 gpm, Well No. I
 Well No. 2 - 15 HP Submersible - 400 gpm
 Well No. 3 - 15 HP Submersible - 400 gpm
 Wells No. 2 & 3 piped into well No. I which pumps into
 Center Pivot.
- B. Works used to transport water to place of use,
 Under ground plastic pipe from wells No. 2 & 3 to well No. I
- C. Works used to apply water to beneficial use.
 Zimmatic Center Pivot Model # 310, Serial # 2771
 10 tower

The system is in the following condition: Good.

The point of diversion is located Well #1 1320' S + 1320' W; Well #2, 1320' S +
2120' W; and Well #3, 1320' S + 2630' W, all from the NE corner
Section 22, T12N, R74W

The works are capable of diverting and conveying to the place of use 2.7cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in NE 1/4 - Sec. 22T 12N R 74W, NW 1/4 NE 1/4 - 34 Ac.NE 1/4 NE 1/4 - 33 Ac.SW 1/4 NE 1/4 - 34 Ac.SE 1/4 NE 1/4 - 34 Ac.comprising a total of 135 acres of land.

Date June 14, 1976
LeRoy J. McLaughlin
 (Signature)



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501
Phone 605/224-3151

October 11, 1977

ElRoy Kaiser
Hoven, SD 57450

Dear Mr. Kaiser:

Enclosed herewith are, Water License No. 2719-3 and Certificate of Construction.

Water License No. 2719-3 is the final water right document completing your process of obtaining 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 COMMISSION

JH: cy

Enclosures

NOTE: Your pump capacity is 2.3 cfs (988 gpm). Based upon the acreage actually irrigated you are entitled to only divert 1.93 cfs (866 gpm). Any diversion in excess of 1.93 cfs would be a violation of your water right.

2774-3

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

Division of Water Rights
605 773-3352

*Copy of Report
to DWNR #16233*

January 12, 1980

TO: People Interested in Hoven Area Water Supplies & Deferred Applications

FROM: John Hatch, Chief Engineer, Water Rights Division

SUBJECT: Review of Water Status and Reconsideration of Deferred Applications

The Water Management Board will reconsider deferred water permit applications in the Hoven Area in Potter & Walworth Counties at 8:30 am on January 29, 1981 at Meeting Room #1, Kneip Building, Church & Illinois, Pierre SD.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-14; 46-2-9 thru 46-2-11; 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22; 46-5-41; 46-6-3; 46-6-5; 46-6-6.1; 46-6-10; 46-6-3.1; 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13.

These applications were previously deferred by the Board pending staff investigation. A report on the deferred applications has been prepared by the Water Rights Staff and is enclosed.

After reconsideration of the deferred applications the Board can approve, conditionally approve, defer, or deny all or part of the Applications.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

You are also notified that SDCL 1-26 provides any interested party the opportunity to meet informally with the Water Rights Division Staff to discuss proposed recommendations by the staff to the Board prior to the scheduled hearing. If we do not hear from you, we will assume that the opportunity for an informal meeting is being waived and you wish to proceed directly to the hearing on the applications before the Board.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

Very truly yours,

John Hatch

JOHN HATCH, Chief Engineer
Water Rights Division

kw

enclosure

Equal Opportunity Employer



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 2719-3

September 26, 1985

David Van Wald, Attorney
Box 468
Hoven SD 57450

Dear Mr. VanWald:

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.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.2 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,

KAREN SCHLAAC
Administrative Aide

DWNR-320A-8/83

DAVID A. VON WALD

ATTORNEY-AT-LAW

P. O. BOX 468

HOVEN, SOUTH DAKOTA 57450

PHONE:

OFFICE - 948-2550

RESIDENCE - 948-2565

October 1, 1985

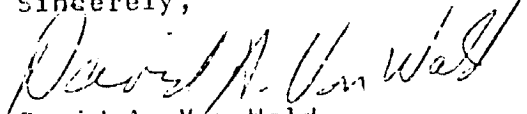
Karen Schlaak
Administrative Aide
S.D. Department of Water and
Natural Resources
Division of Water Rights
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Re: ElRoy Kaiser - Transfer of Water Permit

Dear Ms. Schlaak:

Enclosed please find a Notice of Transfer of Water Permit from ElRoy Kaiser to Violet L. Kaiser, regarding Water Right Permit No. 2719-3, along with my check in the amount of \$2.50 to cover filing fees. ElRoy Kaiser died August 13, 1985, and Violet is now the owner of the real estate.

Sincerely,



David A. Von Wald

DAVW/jh
Encl.

RECEIPT

Division of Water Rights

No 4-10207-

South Dakota Department of Water and Natural Resources

Pierre, October 3, 1935

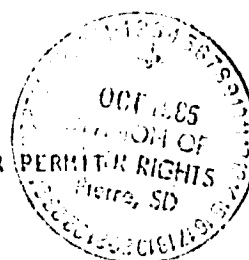
RECEIVED OF David VanHolt, Box 468, Hoven SD for Violet Kaiser, Hoven
the following amount in fees for services rendered as provided for by law:

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 _____ for Permit No. 2719-3	2	00
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	00

By John Hatch
Chief Engineer JOHN HATCH CRS

NO. 2719-3

NOTICE OF TRANSFER OF WATER



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: Sept. 27, 1985

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

135 acres - NE 1/4 Sec 22, T121N, R74W

formerly owned by ElRoy Kaiser

has been transferred to Violet L. Kaiser Rt 1, Box 5 Haven 57450
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 2719-3 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 Father) ss.

I, Violet L. Kaiser 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.

Violet L. Kaiser
(Signed)

Subscribed and sworn to before me this 27th Day of September, 1985.

David M. Van Wall
(Notary Public)

SOUTH DAKOTA
Department of
Water & Natural Resources

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

Water Rights Division
605 773-3352

October 8, 1985

David VanWold, Attorney
Box 468
Hoven SD 57450

Dear Mr. VanWold:

Enclosed is receipt No. 410207 for \$2.50 which you paid for the transfer of Water Right No. 2719-3.

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

Sincerely,

KAREN SCHLAACK
Administrative Aide

enclosure

cc: Violet Kaiser

Equal Opportunity Employer



Department of
Water & Natural Resources

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

November 23, 1988

2719-3

Violet L Kaiser
RR #1 Box 5
Hoven, SD 57450

Dear Ms. Kaiser:

Thank you for the prompt return of your 1988 irrigation questionnaire. On the questionnaire you indicated the name of Kurt Kaiser should be added to the address label. I assume from the notation, you wish to add his name to the your water right as co-owner. In order to change the name(s) on a water right a "Notice of Transfer" must be filed.

Enclosed is a partially completed "Notice of Transfer". Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50.

If you have any questions, please contact us.

Sincerely,

GENNY MCNATH
Natural Resources Analyst
605 773-3352

enclosure



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

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

February 17, 1989

Violet L & Kurt Kaiser
RR 1, Box 5
Hoven, SD 57450

Dear Mr. and Mrs. Kaiser:

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;

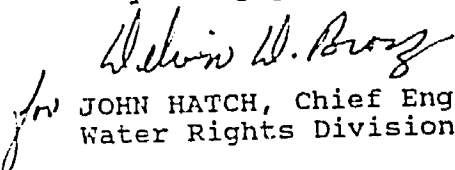


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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,


for JOHN HATCH, Chief Engineer
Water Rights Division



2719-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 1995

2719-3

Violet Kaiser
Box 271
Heaven, SD 57450

Dear Ms. Kaiser:

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with Water Right No. 2719-3.

Please review the form and complete where necessary. Upon completion, the new owner must sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50.

SD Water Law 46-5-30.3 requires that any sale, grant, lease conveyance or other transfer of a permit or license to appropriate water be filed with the Chief Engineer within 90 days.

If you have any questions, please contact me.

Sincerely,

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 7, 1995

Kurt & Melanie Kaiser
RR #1 Box 5
Hoven, SD 57450

2719-3

Dear Mr. Kaiser:

Enclosed is the "Notice of Transfer" form you filed for changing the ownership on Water Right No. 2719-3.

The form needs to be signed by you and Melanie, as owners of the land, instead of being signed by the Notary Public. I am including partially completed form ready for signature and have labeled the portions you need to sign.

I apologize if my previous correspondence was not very clear concerning the signatures needed. The fee you paid for recording the transfer is on file in our office. It is not necessary to submit another filing fee.

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

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division

enclosure

RECEIPT

414426

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 7 _____, 19 95

RECEIVED OF M Kurt Kaiser, RR 1 Box 5, Hoven, SD 57450

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 2719-5</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By

John H. Hatcher
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 2719-3

Date: _____

I/We request that Water Right No. 2719-3

formerly owned by: Violet Kaiser

be transferred to: Kurt & Melanie Kaiser, RR 1 Box 5, Hoven, SD 57450 (Telephone No): (605) 948-2519

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

135 acres in the NE 1/4 Section 22, T121N, R74W

I/We understand that the validity of Water Right No. 2719-3 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 Potter)

I/We Kurt Kaiser / Melanie Kaiser 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.

Kurt Kaiser / Melanie Kaiser
(Signed)

Subscribed and sworn to before me this 31st day of March, 19 95.

Nancy K. Kausch
(Notary Public)

NANCY K. KAUSCH
Notary Public, POTTER COUNTY, S. DAK.
My Commission Expires APRIL 10, 2001

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.



2719-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 7, 1995

No. 2719-3

Kurt & Melanie Kaiser
RR 1, Box 5
Hoven, SD 57450

Dear Mr. and Ms. Kaiser:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 2719-3.

Our records now show you as the owner of Water Right No. 2719-3.

Sincerely,

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

enclosure

REDUCTION RATIO

ROLL NUMBER

DATE MICROFILMED

CAMERA OPERATION SIGNATURE

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

JUL - 2 2004

WATER RIGHTS
PROGRAM

No. 2719-3

Date: 6-30-04

I/We request that Water Right No. 2719-3

formerly owned by: Kurt and Melanie Kaiser

be transferred to: (name & address) Robert Spindler

Box 274 Hoven, SD 57450

Telephone No. 948-2591

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

NE 1/4 Section 22, T121N, R74W

I/We understand that the validity of Water Right No. 2719-3 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.

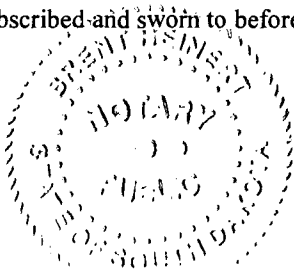
STATE OF SOUTH DAKOTA)

County of Wakarusa)

I/We Robert Spindler 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.

[Signature]
(Signed by new owner)

Subscribed and sworn to before me this 30th day of June, 20 04



[Signature]
(Notary Public)

My Commission Expires November 1, 2004

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date July 2, 20 04

RECEIVED OF Rob Spindler, Box 274, Hoven SD 57450

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>2719-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	2.50	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

001357

By

Darland Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 6, 2004

2719-3

Robert Spindler
Box 274
Hoven SD 57450

Dear Mr. Spindler:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for changing ownership on Water Right No. 2719-3. The transfer has been completed. The water right formerly listed in the name of Kurt and Melanie Kaiser is now listed in your name. In the event you do not have one, I have included a copy of the water right for your records.

Each year in October, we mail out the annual irrigation questionnaire. Enclosed is a copy of a past questionnaire submitted by the Kaiser's. This will give you an idea of what type of information you will need to keep track of during the irrigation season.

Also enclosed is your Receipt No. 001357 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

enclosures