

1. Considered MAY 20, 1976
2. Name of Applicant KEITH KLEP IN
3. Post Office Address WESSINGTON SPRINGS
4. Amount of water claimed 2.28
5. Source of water supply 72' WELL
6. Water to be used for IRRIGATION

Acres to be irrigated 160

7. Water to be diverted and used in JERARD county
about 6E miles of GANN VALLEY

8. Proof of Publication Received 5-17-76

Not Received _____

9. Application Approved _____

Subject to _____

Not Approved _____

Action deferred _____

10. Remarks:

ROBERT

2721-3

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2721-3
KEITH KLEPPIN WESSINGTON SPRINGS Box 48
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57382 With the following modifications:
 (State)

The irrigation well approved under this Permit is located near domestic 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.

Date of first receipt of application APRIL 29 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 168

WATER RIGHT PERMIT NO. 2721-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2721-3 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 APRIL 29 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 20 19 78
3. The whole of said work is to be completed on or before MAY 20 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 20 19 83
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 2.28 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 MAY 20 19 83 said water to be used during the following described annual period: MARCH - NOVEMBER

Witness my hand this 9TH day of JUNE 19 76

WATER RIGHTS COMMISSION

By:

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 _____

Water License Issued _____ 19 _____

HURON DRILLING INC. DRILLERS LOG

PAGE NO. _____

Keith Kleppin
____ JOB NAME

N.E. 28-107-67 Jerauld
LOCATION Co.

3/25/76
DATE

10
RIG NO.

Lloyd Peterson
FOREMAN Jr.

Jt No.	DEPTH	TIME	Unit	REMARKS	DESCRIPTION
1	20		0-10 Yellow Clay		
2	40		10-20 Sand & Gravel Yellow		
3	60		20-30 Yellow Clay		
4	70		30-40 Coarse Gravel		
5	80		40-60 Coarse Sand & Gravel Water loss		
6	90	TD	60-68 Coarse Sand & Gravel Water loss		
			68-70 3B Size Gravel		
			70-80 1B Size Gravel		
			80-90 Shale		
			72 ft. Cased up		
			50 ft. Slotted		
			22 ft. Blank		
			Pumped 10 GPM		
			45 ft. Waterhead		
			1500 # Concrete Sand		
			1 used 5" Drag Bit		
			1 used 7 7/8" Roller Bit		

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

D. Well Information or Estimates

- (1) Drift Hole, Diameter 28, Depth 72
- (2) Casing, Type Plastic, Diameter 15½, Thickness .410
(wood, concrete, steel, etc.)
- (3) Perforated Screen
Type Plastic, Diameter 15½, Length 40'
- (4) Gravel Pack, Thickness 6, Length of gravel pack 72

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout. * Log will be furnished by driller.

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

Character of Water bearing materials _____

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 160 rds. On property owned by others 160 rds.

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.

Kirk H. Papp
Signature of Applicant

SOUTH DAKOTA STATE UNIVERSITY
BROOKINGS, SOUTH DAKOTA 57006

WATER RESOURCES RESEARCH INSTITUTE

April 21, 1976

Mr. Keith Kleppin
Gann Valley, SD 57341

Dear Keith:

Enclosed herewith please find the original copy of the report of analysis on your water sample (#76-288) received for analysis here on March 21. You will also find enclosed a receipt for your payment and a copy of AES publication #13 with the approximate quality of this water for irrigation purposes designated by the red cross in the chart on the outside back cover.

Although this water is moderately high in salt, it should be satisfactory for irrigating the Eakin-Enet soils which you have in your proposal. The sodium content of the water is low so there should be practically no danger of dispersion of clays and loss of structure, but the moderate salt content may cause occasional gray or whitish crusts on the soil surface and in a few places may be severe enough to cause reduction in yield of plants. If this occurs, you should either omit irrigating for a season or two, or else irrigate quite substantially in the late fall just before freeze-up to assist in the possible leaching or at least profile deep distribution of the salts. I do not anticipate, however, that this problem would be severe. The only area on which I would caution you is the Tetonka-Worthing soils on the west side of the field.

A copy of this letter, and of the water analysis are being sent with all your application materials to the State Conservation Commission for their action.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOF:ckb
Enclosures
cc: State Conservation Commission
D. Pahl
Dick Fadgen, County Extension Agent
Huron Drilling Co.



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

Submitted by: Keith Kleppin Date Rec'd March 31, 1976
 Address: Gann Valley, SD 57341 Sample No. 76-288
cc: Huron Drilling, Inc. Identification #1 Well-
P.O. Box 1422
Huron, SD 57350

WATER ANALYSIS

Calcium (Ca)	110	ppm*	5.50	me/l**
Magnesium (Mg)	29	ppm	2.38	me/l
Sodium (Na)	90	ppm	3.92	me/l
Potassium (K)	11	ppm	0.29	me/l
Sulfate (SO ₄)	202	ppm	4.21	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	26	ppm	0.73	me/l
Bicarbonate (HCO ₃)	351	ppm	5.76	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)	288	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	925	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.97			
Sodium	32.42	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.90			

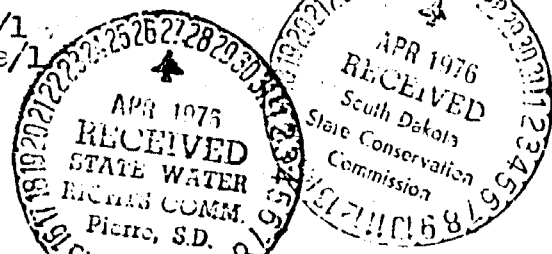
Others:

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 12.09 me/l
 Total anions 10.70 me/l



By: Shirley L. Lutton

Service Performed

Amount Due

Irrigation analysis

\$8.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-288

Amount Enclosed \$

Signed

CONSERVATION
COMMISSION
FORM 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 GROUND WATER IRRIGATION ONLY)

NAME Keith Kleppin
ADDRESS Wessington Springs, South Dakota 57382
COUNTY Jerauld

LEGAL DESCRIPTION

1. WELL LOCATION: S.W. 1/4 of the N.E. 1/4 of Sec. 28-107-67
2. LOCATION OF AREA TO BE IRRIGATED N.E. 1/4 of Sec. 28-107-67

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT X GUN _____
4. CROPS TO BE IRRIGATED corn, alfalfa, small grain

WATER QUALITY

5. SAMPLE NUMBER 76-288
6. SALINITY (EC X 10⁶) 925 (moderately high)
7. SODIUM (SAR) 1.97 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and; the soils information has been acquired from Jerauld County Conservation District, County Extension office or Soil Conservation Service.
and:
that the legal description for the location of the well and land to be irrigated is true and correct.

Keith Kleppin
APPLICANT'S SIGNATURE

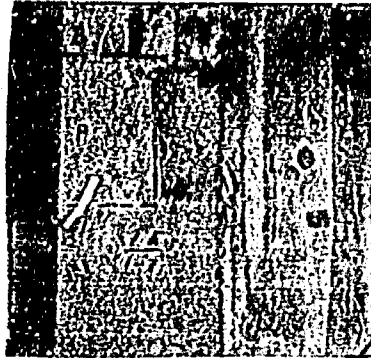
SUBSCRIBED AND SWORN BEFORE ME THIS
31 DAY OF MAR 19 76

Paul Higdon
TITLE OR SEAL
COMMISSIONER
MARCH 4, 1976

ALLAN J. HIGDON
APPROVED/RECEIVED

(SOILS INFORMATION ON REVERSE SIDE)

MAP DE 4 29-107-57



NARRATIVE

1E1
1-1

Enet - Eaken Loams and Silt Loams
0-1% Slopes
Enet - 1.3 Intake Family
Eakin - 0.3 Intake Family

Enet Portion - Moderately deep, well drained soils of loam and silt loam surfaces and moderately permeable subsoil of loam, clay loam or silty clay loam underlain by sand and gravel between 20 and 40 inches.

Eakin Portion - Deep, well drained soils having silty mantles underlain by clay loam below 20 inches. The surface layers are silt loams underlain by silty clay loam and clay loam. Permeability is moderately slow. Underlain by loam or clay loam till.

2E1
1-1

Tetonka-Worthing Silt Loams and Silty Clay Loams
0.1% Slopes
0.1 Intake Family

Tetonka-Worthing Portion - Floods, moderately slow or slow permeability.

Form 6 - Notice of Intent to Appropriate Water

No. 2721-3

Publish first publication, on or before May 6, 19 76

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

May 3, 19 76

Notice is hereby given that Keith Kleppin

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

2.28 cubic feet of water per second of time from the ground water through the Kleppin #1, the point of diversion of which is to be located in the _____

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

of Section 28, Twp. 107N, Range 67W. Said water to be used for the purpose of providing irrigation on ^{portions of} the following described land:

NE $\frac{1}{4}$ Sec. 28, T107N, R67W

This application No. 2721-3 will be considered by the Water Rights Commission at their office at Pierre upon the 20th day of May, 19 76, at 1:00 PM. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw
cc: Keith Kleppin

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

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County De Saut) ss.

I, A. I. Webb, hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Wessington Springs Independent

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

Wessington Springs

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

Wednesday May 5 1976
" " 19 "

A. I. Webb
(Signature)

publisher
(Title)

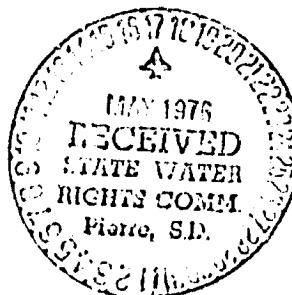
1st May 76
(Date Signed)

NOTICE OF INTENT
TO APPROPRIATE WATER

Pierre, South Dakota 57501
May 3, 1976

Notice is hereby given that
Keith Kleppin whose post of-
fice address is Wessington
Springs, South Dakota, has
made an application in accord-
ance with the provisions of the
water laws of South Dakota for
a permit to appropriate for
beneficial use 2.28 cubic feet of
water per second of time from
the ground water through the
Kleppin No. 1, the point of
diversion of which is to be
located in the NE 1/4 NE 1/4 of
Section 28, Twp. 107N, Range
67W. Said water to be used for
the purpose of providing irri-
gation on portions of the fol-
lowing described land: NE 1/4,
Sec. 28, T107N, R67W.

This application, No. 2721-3
will be considered by the
Water Rights Commission at
their office at Pierre upon the
20th day of May, 1976, at 1:00
p.m. All interested persons
may appear and be heard.
Water Rights Commission. By:
Burton F. Jones, Water Rights
Specialist. c-32-33



Form 10.

No. 4771-3



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

Post Office

Hot Springs, S.D. 57342

Date

July 1, 1976

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. 2721-3

Water Right Permit No. 2721-3 states that the diversion system is to be constructed by 5-20, 1981 and that the water is to be put to beneficial use by 5-20, 1983.

The diversion system was completed on 6-22, 1976. Applying the water to beneficial use was completed on 6-23, 1976.

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

Rich Fleppin
(Signature)

Permit No. 2721-3Water Division 3 MISSOURI RIVER Water District

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

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by KEITH KLEPPIN
 of WESSINGTON SPRINGS holder
 of Permit No. 2721-3, bearing date of priority of APRIL 29, 1976
 authorizing the diversion of 2.28 cu. ft. per second of the waters of GROUNDWATER
 for IRRIGATION purposes, in VERMILION 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:

12' DEEP WELL WITH 16" PLASTIC CASING - 20' JOHNSON SCREEN
 AURORA VERTILING PUMP 8" 4-10RM, POWERED BY
 40HP US ELECTRIC MOTOR @ 1765 RPM

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

400' OF 8" BURIED PVC TO CENTER OF PIVOT

C. Works used to apply water to beneficial use.

9 TOWER LOCKWOOD CENTER PIVOT (LOW PRESSURE) WITH
 NELSON #100 END GUN

The system is in the following condition: GOOD

The point of diversion is located 2200'S & 1400' W OF THE NE CORNER,
SECTION 28, T107N, R67W

The works are capable of diverting and conveying to the place of use 700 GPM - 1.55 CFS
 cu. 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:

FOR IRRIGATION, A 132 ACRE CIRCLE IN THE NE⁴
SECTION 28, T107N, R67W

comprising a total of 132 acres of land.Date JUNE 17, 1982

[Signature]
 (Signature)



Department of Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3352

July 15, 1982

Kelth Kleppin
Rt 2 Box 48
Wassington Springs SD 57382

Dear Mr. Kleppin:

The inspection of your water use system and inspection of the extent of your application of water to beneficial use, as developed under your Water Right No. 2721-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

You will also receive the Certificate of Construction as required by statute.

Sincerely,

KAREN SCHLAAK
Administrative Secretary

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

WNR-314-7/79
Notification of Water License Ready for Issuing (\$50.00)

STATE OF SOUTH DAKOTA

WATER LICENSE NO. . . 2721-3

(1) WHEREAS, On the 29th day of April A. D. 19 76

Keith Kleppin

made Water Right Application No. 2721-3 for a permit to use 2.28 cubic feet per second of the waters of groundwater (one well)

County of Jerauld, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 20th day of May A. D. 19 76

Permit No. 2721-3, with a date of priority of April 29, 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 81 and for the application to beneficial use of said water on or before the 20th day of May A. D. 19 83

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 1.55 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 132 acre circle in the NE 1/4, Section 28, T107N, R67W

(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 Kelth Kleppin

_____ of Wessington Springs, South Dakota

the holder _____ and owner _____ of said permit No. 2721-3 a water right, dating from April 29, 1976

_____ to use of 1.55 cubic feet per second of the waters of groundwater (one well)

in the County of Jerauld and State of South Dakota, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted at a point 2200'S and 1400'W of the NE Corner, Section 28, T107N, R67W.

and conducted to and upon a 132 acre circle in the NE $\frac{1}{4}$, Section 28, T107N, R67W. (AC)

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 2721-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 30th day of July A. D.

Nineteen Hundred and Eighty-Two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 2721-3

Water Diversion No. 3 Missouri River Water District
10140105

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Keith Kleppin

_____ the holder _____ of
Permit No. 2721-3, issued upon Application No. 2721-3, bearing date of priority of _____
April 29, 1976 authorizing the diversion of 2.28 cu. ft. per second of the waters of _____
groundwater (one well) - _____ County of Jerauld, State of South Dakota at _____
a point 2200'S and 1400'W of the NE Corner, Section. 23, T107N, R67W

_____ 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 1.55 cu. ft. per second of water.

Date July 30, 1982

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8927

PIERRE, July 20, 1982

RECEIVED OF Kleppin Farm, Keith Kleppin, Route #2, Box 48, Messington Springs, SD 57382
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. 2721-3	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 2721-3		
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 Batliwala
Chief Engineer, Executive Officer
JOHN BATLIWALA

HURON DRILLING INC.
WELL LOCATION MAP

*see 1980-2
for aerial photo*

NAME Keith Kleppin

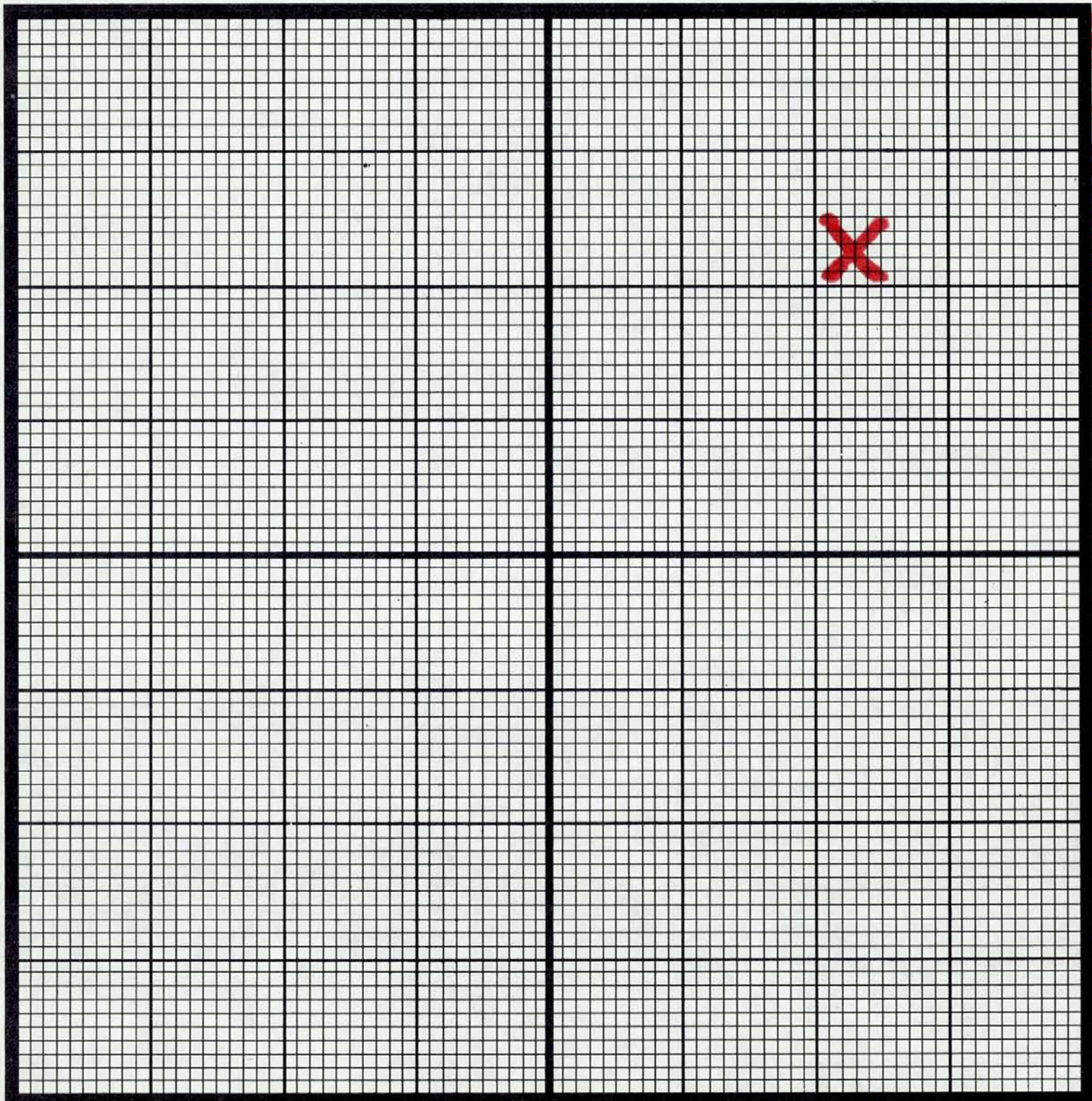
DATE March 31, 19 76

WELL NO. 1

N.E.

QUARTER, SECTION 28

TWP. 107 RANGE 67 IN Jerauld COUNTY



Prepared By Dick Fadgen

Dick Fadgen

Beadle Co. Extension Agent

X — PROPOSED LOCATION

2-1212-2-2721-3
C-9802-411-111



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 1, 2008

2721-3

Joe Waldner
Spring Valley Hutterian
23064 365th Ave
Wessington Springs SD 57382

Dear Mr. Waldner:

Thank you for calling concerning the need for an ownership change on Water Right No. 2721-3. I have included a copy of the water right. You may keep this for your records.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 2009

2721-3

Joe Waldner
Spring Valley Hutterian
23064 365th Ave
Wessington Springs SD 57382

Dear Mr. Waldner:

On December 1, 2008 I forwarded you a "Notice of Transfer of Ownership" form and a 2008 irrigation questionnaire for Water Right No. 2721-3 listed in the name of Keith Kleppin. To date we have not received the information back from you.

South Dakota Water Law 46-5-30.3 requires that any notice of sale, grant, lease, conveyance or other transfer of a water permit or right to appropriate water be filed with this office within 90 days.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

I have also included an additional 2008 irrigation questionnaire for this water right. A condition under Water Management Board Rules requires submission of these forms on an annual basis. Please complete and return the questionnaire along with the "Notice of Transfer of Ownership" form and filing fee.

If you have any questions, please contact me.

Sincerely,

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

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

MAR - 2 2009

WATER RIGHTS
PROGRAM

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

No. 2721-3

Date: 2-18-09

I/We request that Water Right No. 2721-3

formerly owned by: Keith Kleppin

be transferred to: (name & address) Spring Valley Luth. Breth. Inc.
23064 365th ave
Westington Spring S.D. 57382 Telephone No. 605-539-1361

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

132 acres - NE 1/4 Section 28, T107N, R67W

I/We understand that the validity of Water Right No. 2721-3 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 Spring Valley Luth. Breth. Inc., the new owner, certify that the above information is true and correct.

By Joe Walchner Sec. Tre.
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/2, 2009

RECEIVED OF Spring Valley Hutterian Brethren 23064 365th Ave Wess Springs SD 57382

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>2721-3</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	

No.

04045

By

Garland Erickson
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 2009

2721-3

Joe Waldner
Spring Valley Hutterian
23064 365th Ave
Wessington Springs SD 57382-5506

Dear Mr. Waldner:

I am writing to acknowledge receipt of the 2008 irrigation questionnaire, "Notice of Transfer of Ownership" form and the filing fee you submitted for Water Right No. 2721-3.

The ownership change has been completed. The Water Right formerly held by Keith Kleppin is now listed in the name of "Spring Valley Hutterian Brethren Inc."

Enclosed is your Receipt No. 04045 in the amount of \$2.50. You may keep this 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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2010

NOTICE

TO: SPRING VALLEY HUTTERIAN, JOE W WALDNER, 23064 365TH AVE, WESS SPRINGS, SD 57382 5506

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaires

Our records indicate that the 2009 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 2721-3, 3540-3 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) 4986-3 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** 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) 4986-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2721-3, 3540-3 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 questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

c: GREGG MAGERA, ATTORNEY AT LAW, PO BOX 490, ABERDEEN SD 57402-0490

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

January 28, 2010

2721-3
3540-3
4986-3

Joe W Waldner
Spring Valley Hutterian
23064 365th Ave
Wessington Springs SD 57382 5506

Dear Mr. Waldner:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 2721-3, 3540-3 and 4986-3.

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

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

c: Gregg Magera, Attorney At Law



2721-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: SPRING VALLEY HUTTERIAN, JOE W WALDNER, 23064 365TH AVE, WESS SPRINGS,
SD 57382 5506

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaires

Our records indicate that the 2011 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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) 2721-3, 3540-3 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) 4986-3 qualification:

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

The hearing will be held at **10:00 am, March 7, 2012** 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) 4986-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2721-3, 3540-3 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 questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: GREGG MAGERA, ATTORNEY AT LAW, PO BOX 490, ABERDEEN SD 57402-0490

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.

2721-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 27, 2012

2721-3
3540-3
4986-3

Joe W Waldner
Spring Valley Hutterian
23064 365th Ave
Wessington Springs SD 57382 5506

Dear Mr. Waldner:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right Nos. 2721-3, 3540-3 & 4986-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

c: Gregg Magera, Attorney at Law



2721-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2013

NOTICE

TO: SPRING VALLEY HUTTERIAN, JOE W WALDNER, 23064 365TH AVE, WESS SPRINGS,
SD 57382 5506

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaires

Our records indicate that the 2012 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 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) 2721-3, 3540-3 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) 4986-3 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 7, 2013** 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) 4986-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2721-3, 3540-3 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 questionnaire(s) is (are) received in this office on/or before **March 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link:

<http://denr.sd.gov/iq.aspx>

c: GREGG MAGERA, ATTORNEY AT LAW, PO BOX 490, ABERDEEN SD 57402-0490

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2013

2721-3
3540-3
4986-3

Joe W Waldner
Spring Valley Hutterian
23064 365th Ave
Wessington Springs SD 57382 5506

Dear Mr. Waldner:

I am writing to acknowledge receipt of your 2012 irrigation questionnaires.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right Nos. 2721-3, 3540-3 and 4986-3. 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,

A handwritten signature in cursive script that reads "Genny McMath".

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

c: Gregg Magera, Attorney at Law