

1. Considered 7-21, 1976 2781-3
2. Name of Applicant L. J. VAN DYK FARMS
3. Post Office Address WOODSOCKET
4. Amount of water claimed 2.00
5. Source of water supply 45' DEEP WELL
6. Water to be used for IRRIGATION
- Acres to be irrigated 140
7. Water to be diverted and used in JERAPULD county
about 45 miles of ALPENA
8. Proof of Publication Received 7-3-76
 Not Received _____
9. Application Approved _____
 Subject to _____
 Not Approved _____
 Action deferred _____
10. Remarks:

No. 2781-3Map No. 2137-3 Water Division No. 3 JAMES RIVER
(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 L.J. Van Dyke Farms
 Postoffice address R.R. 2 Box 82, Woonsocket, State South Dakota 57385
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor

3. Name of diversion work L.J. Van Dyke Farms, Unit #1

4. Amount of water claimed (cubic feet per second) 2.0

5. Source of water supply Ground Water

6. Location of point of diversion IN THE SW¹/₄ SW⁴/₄, Section 35, T108N, R63W

County Jerauld

7. Annual period or periods during which water is to be used March - November

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation

9. For irrigation use, Total number of acres to be irrigated 140

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.
SW $\frac{1}{4}$ of 35, 108-53	140		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 2 years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication The Independent, Wessington Springs, South Dakota

12. Principal Features of the Proposed Water Supply System.

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

Pump Bowl

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

Main Line

C. Works proposed to apply water to beneficial use.

Center Pivot

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 Jerauld) ss.

I, L.J. Van Dyke 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 S.J. Van Dyke by Schuchert

Subscribed and sworn to before me this 25 day of July, 1976

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 2781-3

L.J. VAN DYKE FARMS
(Applicant)

R.R.#2, Box 82, WOONSOCKET
(Post Office Address)

SOUTH DAKOTA 57385 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 JUNE 17, 19 76

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

Date of receipt of corrected application JUNE 18, 19 76

Approved JULY 22, 19 76, Recorded in Book 15 Page 252

WATER RIGHT PERMIT NO. 2781-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 2781-3 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 JUNE 17, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 22, 19 79
3. The whole said work is to be completed on or before JULY 22, 19 81
4. The limit or time from proof of beneficial use of water appropriated in accordance herewith is JULY 22, 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 2.0 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 JULY 22, 19 83; said water to be used during the following described annual period: MARCH - NOVEMBER

Witness my hand this 30TH day of JULY, 19 76

WATER RESOURCES COMMISSION

By:

John Klatte
Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 16, 19 77

Water Licence Issued SEPTEMBER 16, 19 77

Form 15.

Permit No. 2781-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That L. J. Van Dyke owns

the holder of

Permit No. 2781-3, issued upon Application No. 2781-3, bearing date of priority of June 17,

1976 authorizing the diversion of 2.0 cu. ft. per second of the waters of

groundwater County of Jerault, State of South Dakota at

a point 670'N & 700'E of the SE corner, Section 35, T19S11, R63W

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 2.0 cu. ft. per second of water.

Date September 15, 1977

~~WATER RESOURCES COMMISSION~~
WATER RIGHTS COMMISSION

By:

John Hatch
JOHN HATCH, Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2781-3

(1) WHEREAS, On the 17th day of June A. D. 19 76

L. J. Van Dyke Farms

made Water Right Application No. 2781-3 for a permit to use 2.0 cubic feet per second of the waters of ground water

County of Jerauld, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 22nd day of July A. D. 19 76

Permit No. 2781-3, with a date of priority of June 17, 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 22nd day of July A. D. 19 81 and for the application to beneficial use of said water on or before the 22nd day of July 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 1.9 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 SW1, Section 35, T108N, R63W

(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 I.J. Van Dyke Farms

of Woonsocket

the holder _____ and owner _____ of said permit No. 2781-3 a water right, dating from June 17, 1976

to use of 1.9 cubic feet per second of the waters of groundwater

in the County of Jerault and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at _____

a point 670'N & 700'E of the SW corner, Section 35, T108N, R63W

and conduct to and upon 132 acre circle in the SW 1/4, Section 35, T108N, R63W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 2781-3 and subject to the laws of the State of South Dakota.

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

this 16th day of September A. D.

Nineteen Hundred and seventy-seven

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Office JOHN HATCH

HURON DRILLING INC. DRILLERS LOG

PAGE NO.

L. J. Van Dyke

SW ¼ of 35, 108-63

5/19/76

10

Raynie Pullman

JOB NAME

LOCATION

DATE _____

RIG NO.

FOREMAN

JI No.	DEPTH	TIME	LOCATION	DATE	RIG NO.	FOREMAN
			Unit #1			
1	20		0 - 20 Good Gravel (Cased Up)			
2	40		20- 40 Course Gravel			
3	60		40-45 Gravel, 45-60 Blue Clay			
4	80		60-80 Blue Clay			
5	100	TD 100	80-90 Blue Clay with Gravel Streaks			
			Drilled Out - 45'			
			30' Slotted			
			15' Black			
			30 Pump			
			9' WH			

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

D. Well Information or Estimates

(1) Drill Hole, Diameter _____, Depth _____

(2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, n.c.)

(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. 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 wells.

On same owner's property 140 rds. On property owned by others 130 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.

L. J. Van Dyke by Don Schuchly
Signature of Applicant

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 L. J. Van Dyke Faces
ADDRESS R. 2, Box 82 Wrentham, S. D.
COUNTY Jerome



LEGAL DESCRIPTION

1. WELL LOCATION East one-half of 35 1st-63
2. LOCATION OF AREA TO BE IRRIGATED West one-fourth of 35, 1st-63

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT center pivot GUN _____
4. CROPS TO BE IRRIGATED Alfalfa, corn, soybeans, sorghum, and grain sorghum

WATER QUALITY

5. SAMPLE NUMBER 76-561
6. SALINITY (EC X 10⁶) 99.2 (high)
7. SODIUM (SAR) 0.87 (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 Jerome 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.

SUBSCRIBED AND SWORN BEFORE ME THIS
25 DAY OF May 19 76.

[Signature]
(TITLE OR SEAL)

L. J. Van Dyke
APPLICANT'S SIGNATURE

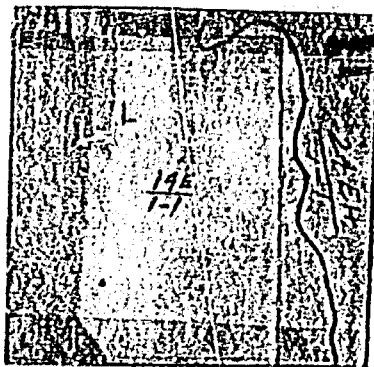
Guy Scherschligt, Manager

[Signature]
APPROVED/DT

PROVED

(SOILS INFORMATION ON REVERSE SIDE)

MAP



SW $\frac{1}{4}$, 35; 108-63

NARRATIVE

20EH - Benoit Loan and Silt Loan - Intake Family 1.0.

seepage, usually hi water table, generally very poorly drained

14E - Benoit Loan and Silt Loan - Intake Family 1.0.

OK

June 11, 1976



L. J. Van Dyke
R.R. #2, Box 82
Woonsocket, SD 57385

Dear Mr. Van Dyke:

We have received your application materials, the WI-1 form, and other materials pertaining to your water in section 35, township 108N, range 63W. The water analysis has been completed and I am sending you the original copy for your to keep. I am also sending a copy of AES publication #13 with the quality of this water designated approximately for irrigation purposes by means of a red cross in the chart on the outside back cover. As you will see, this is in the high salinity, low sodium category.

This water has moderately high total salt, but is low in sodium and is thus quite well suited for irrigation uses. I would imagine you will have no difficulty if you use the water as you say with a rotation consisting of alfalfa bromegrass hay and sorghums and corn or grain sorghum. You should always use the water in substantial quantity, as much as you can apply, such as 3 inches at a time and use it as infrequently as you can during the growing season.

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

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOF:ckb

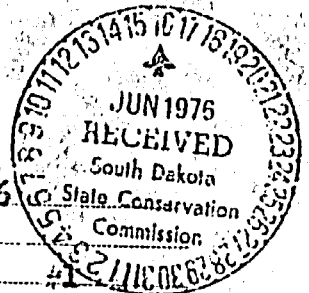
Enclosures

cc: State Conservation Commission

D. Pahl

Lawrence Carson, 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: L. J. Van Dyke
 Address: Rt. 2, Box 82
Woonsocket, SD 57385
 Co: Huron Drilling, Inc.
Huron, SD 57350

Date Rec'd: May 27, 1976
 Sample No. 76-561
 Identification Well
W. Sec. 35, T 108N, R 63W

WATER ANALYSIS

Calcium (Ca)	120	ppm*	6.00	me/l**
Magnesium (Mg)	52	ppm	4.26	me/l
Sodium (Na)	45	ppm	1.96	me/l
Potassium (K)	10	ppm	0.26	me/l
Sulfate (SO ₄)	235	ppm	4.89	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	26	ppm	0.73	me/l
Bicarbonate (HCO ₃)	361	ppm	5.92	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)	296	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	992	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.87			
Sodium	15.70	% of cation		
Residual sodium carbonate	0.0	me/l		
pH	7.52			

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 12.48 me/l
 Total anions 11.54 me/l



By: Shirley Hinton

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. 76-561

Amount Enclosed \$

Signed

No. 2781-3

Publish first publication, on or before

July 8, 1976

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 24, 1976

Notice is hereby given that L. J. Van Dyke Farms

whose post office address is Woonsocket, 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 2.0 cubic feet of water per second of time from ~~the~~ ground water through the Van Dyke Farm Unit #1, the point of diversion of which is to be located in the _____

SW 1/4 SW 1/4

of Section 35, Twp. 108N, Range 63W. Said water to be used for the purpose of providing irrigation on the following described land:
a portion of

SW 1/4, Section 35, T108N, R63W

This application No 2781-3 will be considered by the Water Rights Commission at the Court House at Winner, South Dakota upon the 31st day of July, 1976 at 10:00 A.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

James
BFJ/bw

cc: L.J. Van Dyke Farms, Woonsocket, S.D. 57385
R.R. #2, Box 82

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Grand) ss.

I, A. L. Webb hereby

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

Water was taken from the Messington 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 Messington Springs

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

June 30th, 1976

July 7th, 1976

[Signature]
(Signature)

public
(Title)

7 July '76
(Date Signed)

NOTICE OF INTENT TO
APPROPRIATE WATER

Pierre, South Dakota 57501

June 24, 1976

Notice is hereby given that
L. J. Van Dyke Farms whose
post office address is Woon-
socket, 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 2.0 cubic feet of
water per second of time from
ground water through the Van
Dyke Farm Unit #1, the point
of diversion of which is to be
located in the SW 1/4 SW 1/4 of
Section 35, Twp. 108N, Range
63W. Said water to be used for
the purpose of providing irri-
gation on a portion of the
following described land:
SW 1/4, Section 35, T108N,
R63W.

This application No. 2781-3
will be considered by the
Water Rights Commission at
the Court House at Winner,
South Dakota upon the 21st
day of July, 1976 at 10:00 a.m.
All interested persons may
appear and be heard. —Water
Rights Commission. By: Bur-
ton F. Jones, Water Rights
Specialist.

BFJ/bw
cc: Van Dyke Farms, Woonso-
cket, S.D. 57385, R.R. #2, Box
82. c-40-41



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

Post Office Woonsocket, S. D.

Date August 18, 1976

TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

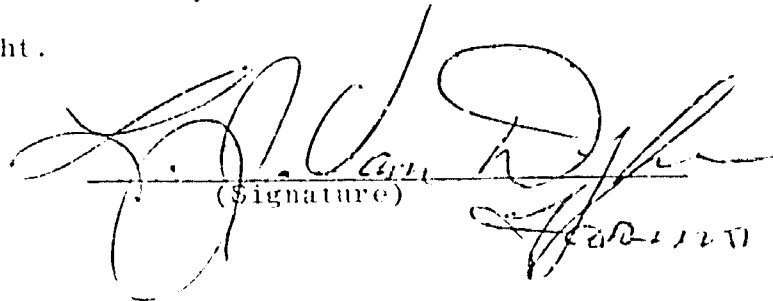
Dear Sirs:

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. 2781-3.

Water Right Permit No. 2781-3 states that the diversion system is to be constructed by July 22, 1981 and that the water is to be put to beneficial use by July 22, 1983.

The diversion system was completed on August 16, 1976.
Applying the water to beneficial use was completed on August 18, 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.


(Signature)

Permit No. 2781-3Water Division 3 James 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 L. J. Van Dyke
Farms of RR 2, PO Box 51, Housholder, S.Dak. 57485 holder
of Permit No. 2781-3, bearing date of priority of June 17, 1976
authorizing the diversion of 2.0 cu. ft. per second of the waters of Ground
for Irrigation purposes, in Faith 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: National, Model N 200
ser # 776-180, pumping 900 gpm.
Motor: High Thrust, U.S. Electrical, HP-50, RPM 1765
FD# R-XA 697-01-641

B. Works used to transport water to place of use,
561 ft 8" dia PVC Pipe - underground.

C. Works used to apply water to beneficial use.
Crop King Center Pivot. Covers 132 acres

The system is in the following condition: Excellent

The point of diversion is located 670 ft North and 700 ft East of the SW
corner of Section 35, T108N R63W

The works are capable of diverting and conveying to the place of use 2.0
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: All in Sec 35, T108N R63W
NW 1/4 SW 1/4 - 33 Ac., NE 1/4 SW 1/4 - 33 Ac., SW 1/4 SW 1/4 - 33 Ac.,
SE 1/4 SW 1/4 - 33 Ac.

comprising a total of 132 acres of land.

Well Data:

Depth 151 ftDepth to water 7 1/2 ft.casing 16" dia.Test Pumped 1750 gpmDate Sept 30, 1976

Leroy J. McLaughlin
(Signature)

VAN DYKE'S

2781-30
4097-3



MANUFACTURING DIVISION

SUPPLY DIVISION

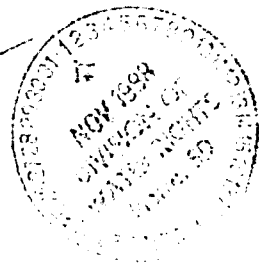
MANUFACTURING DIVISION



You scare me
about water rights
suspension. Please

Send me acknowledge
ment that you get
the questionnaires

For
Thanks



SOUTH Dakota Department of
Water & Natural Resources

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

November 3, 1988

2781-3
4097-3

Van Dyke Farms
Box 278
Woonsocket, SD 57385

Dear Sirs:

This letter will acknowledge receipt of your 1988 irrigation questionnaires for Water Right Nos. 2781-3 and 4097-3. Thank you for returning them so promptly.

If you have any questions, please contact me.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352



4097-3
2781-3

 **Department of
Water & Natural Resources**

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

February 17, 1989

Van Dyke Farms
Box 278
Woonsocket, SD 57385

Dear Sirs:

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;

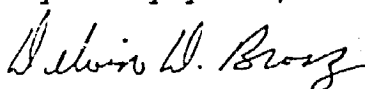


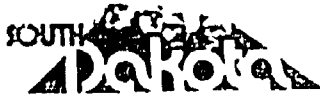
Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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



Department of Water & Natural Resources

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

February 9, 1990

VAN DYKE FARMS
BOX 278
WOONSOCKET, SD 57385

NOTICE

RE: Violation of Requirement to Submit 1989 Irrigation Questionnaire

Our records indicate that the ~~1989~~ Irrigation Questionnaire has not been submitted for Permit No(s). 4097-3, (2781-3). The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted 1989 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Jefferson-Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-25. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 4097-3, 2781-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire(s) is received in this office before the March 7th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,

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

137

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

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

February 23, 1990

2781-3
4097-3

Don Scherschlight
Van Dyke Farms
Box 278
Woonsocket SD 57385

Dear Mr. Scherschlight:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit Nos. 2781-3 and 4097-3. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

Ron Duvall /KS

RON DUVALL
Natural Resources Engineer
Water Rights Division



2781-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 1, 1995

No. 2781-3
4097-3

Don Scherschligt
Van Dyke Farms
Box 278
Woonsocket, SD 57385

Dear Mr. Scherschligt:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 2781-3 and 4097-3. The water rights are currently listed in the name of Van Dyke Farms.

The transfer forms should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 per transfer, a total of \$5.00.

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

If you have any questions, please contact me.

Sincerely,

Cheryl F. Frost
Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-2352

enclosure

2781-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 10, 1995

No. 2781-3
4097-3

Leroy Arhart
31128 227 St.
Woonsocket, SD 57385

Dear Mr. Arhart:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 2781-3 and 4097-3. The water rights are currently listed in the name of Van Dyke Farms.

The transfer forms should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 per transfer, a total of \$5.00.

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

If you have any questions, please contact me.

Sincerely,

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

enclosure

2781-3

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 2781-3

Date: April 21, 1995

I/We request that Water Right No. 2781-3

formerly owned by: Van Dyke Farms

be transferred to: (name & address) Phyllis Arhart Living Trust
Judy Arhart Living Trust

39128 217th St Warren, SD 57575-5222 (Telephone No) 605-849-3467
605-849-3472

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

132 acre circle in the SW 1/4 Section 35-T108N-R63W divided 1/2 interest

I/We understand that the validity of Water Right No. 2781-3 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 Jessup)

I/We Phyllis Arhart Trustee of Phyllis Arhart Living Trust
Judy Arhart Living Trust by Judy Arhart Trustee
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.

(Signed)

Subscribed and sworn to before me this 21st day of April, 19 95.

My Commission Expires June 1, 2002

[Signature]
(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

414489

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ May 1, 19 95

RECEIVED OF LeRoy Arnart, Rte 1 Box 455, Woonsocket, SD 57385-9518

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. 2781-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch/gmr
Chief Engineer



2781-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 18, 1995

No. 2781-3
4097-3

LeRoy Arhart
Rt 1, Box 455
Woonsocket, SD 57385-9518

Dear Mr. Arhart:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 2781-3 and 4097-3.

Our records now show Arhart Living Trust, Phyllis/Judy Arhart, as the owner of Water Right Nos. 2781-3 and 4097-3.

Sincerely,

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

enclosure

c: Phyllis and Judy Arhart

is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to: 2781-3

ARHART LIVING TRUST
PHYLLIS/JUDY ARHART
39128 227th STREET
WOONSOCKET SD 57385 5912

5. Received By: (Print Name)

LEROY ARHART

6. Signature: (Addressee or Agent)

X LeRoy Arhart

4a. Article Number

P378 081320

4b. Service Type

☐ Registered

☐ Express Mail

☐ Return Receipt for Merchandise

☒ Certified

☐ Insured

☐ COD

7. Date of Delivery

2-5-97

8. Addressee's Address (Only if requested and fee is paid)

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

Domestic Return Receipt

Thank you for using Return Receipt Service.



February 4, 1997

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: ARHART LIVING TRUST, PHYLLIS/JUDY ARHART, 39128 227th STREET,
WOONSOCKET, SD 57385 5912

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

SUBJECT: Violation of Requirement to Submit 1996 Irrigation Questionnaire

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 2781-3 & 4097-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 2:30 pm, March 5, 1997, 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) 2781-3 & 4097-3 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, 1997, 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.



2781-3

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

February 4, 1997

NOTICE

TO: ARHART LIVING TRUST
39128 227th STREET
WOONSOCKET SD 57385

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

RE: Failure to Report Chemical Use under Water Permit No(s) 4097-3 & 2781-3

The first notice to file chemigation report(s) for Permit No(s) 4097-3 & 2781-3 was dated 10/24/96. Our records indicate that we have not received the 1996 chemigation report for Permits No(s) 4097-3 & 2781-3. The Water Management Board has directed that owners of water permits who have not submitted the 1996 chemigation report(s) be given notice of violation and hearing before the board. The hearing held by the board is to determine what action is to be taken concerning violation of Administrative Rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical applied.

The hearing will be held at 2:30 PM on March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). 4097-3 & 2781-3 in accordance with applicable provisions of SDCL 46-1-12;
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 chemigation report(s) is(are) received by this office on/or before February 28, 1997 your name will be deleted from the board agenda.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 East 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**

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

February 19, 1997

2781-3

4097-3

Phyllis & Judy Arhart
Arhart Living Trust
39128 227th St
Woonsocket, SD 57385-5912

Dear Phyllis & Judy:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires and chemical reporting forms. You may disregard the February 4, 1997, Notices of Violation.

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,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: ARHART LIVING TRUST, 39128 227th STREET, WOONSOCKET SD 57385

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

RE: Requirement to Report 1997 Chemical Use

The first notice to file chemigation report(s) for Permit No(s) 4097-3 & 2781-3 was dated October 17, 1997. Our records indicate that we have not received your 1997 chemigation report(s). The Water Management Board has directed that owners of water permits who have not submitted the 1997 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application

The hearing will be held at 9:45 am, February 25, 1998, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 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 or up to three years for the 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). 4097-3 & 2781-3 in accordance with applicable provisions of SDCL 46-1-12;
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. Prior to February 20, 1998, contact the Water Rights Program, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to February 20, 1998 you will no longer be in violation and your name will be deleted from the Board agenda.



2781-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: ARHART LIVING TRUST, PHYLLIS/JUDY ARHART, 39128 227th STREET,
WOONSOCKET, SD 57385 5912

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) 2781-3 & 4097-3. 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) 2781-3 & 4097-3 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.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

2781-3
ARHART LIVING TRUST
PHYLLIS/JUDY ARHART
3912S 227th STREET
WOONSOCKET SD 57385 5912

4a. Article Number

Z 179 157 167

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

1-10-98

5. Received By: (Print Name)

6. Sign (Addressee or Agent)

X *Phyllis Arhart*

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1/84

102565-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



2781-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 1998

2781-3
4097-3

Phyllis & Judy Arhart
Arhart Living Trust
39128 227th St
Woonsocket, SD 57385-5912

Dear Phyllis & Judy:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires and chemical reporting forms. You may disregard the January 9, 1998, "Notices" concerning reporting requirements for Water Permit Nos. 2781-3 and 4097-3.

The information was received on January 15th from LaVerne Arhart. Since the forms were received prior to the Water Management Board meeting, 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

c: LaVerne Arhart, 39088 224th St, Alpena, SD 57312-5417

2781-3

27-81-3 - SW



116 A. of Corn

pump 300 gal. per min.

pumped water 8 days in July

pumped water 12 days in Aug.

pumped water 5 day in Sep.

we pumped from 9:00 PM to 9:00 AM

we applied 28-0-0 at 25 gal. per hour 4 days in July and 4 days in Aug.

50-97-3 NW

76 A. of Corn

pump 850 gal. per min.

pumped 7 days in July

pumped 10 days in Aug.

pumped 4 day in Sep.

pumped from 9:00 PM to 9:00 AM.

Applied 28-0-0 7 day in July and 4 days in Aug.
at 25 gal per hour.

If you need more info call me at 848-3483

Lolene Archer

39088 224th St.

Alpena S.D. 57312



2781-3
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 20, 2005

NOTICE

TO: ARHART LIVING TRUST, PHYLLIS/JUDY ARHART, 39128 227th ST, WOONSOCKET, SD
57385 5912

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit Nos. 2781-3 & 4097-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 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 2, 2005, 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 Nos. 2781-3 & 4097-3 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 questionnaires are received in this office on/or before February 25, 2005, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaires, 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.

2781-3



Track & Confirm

Current Status

You entered 2301 3460 0000 8516 1145

Your item was delivered at 11:52 am on January 21, 2005 in WOONSOCKET, SD 57385. Waiver of signature was exercised at time of delivery.

[Shipment Details >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

[Go >](#)



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Preserving the Trust

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
5416 9158 0000 094E 1D62

ARHART LIVING TRUST
PHYLLIS/JUDY ARHART
39128 227th ST
WOONSOCKET SD 57385 5912

ing.

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail®
☐ Package Services

(See Reverse)

PS Form 153, July 2001



2781-3

**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 25, 2005

2781-3
4097-3

Phyllis or Judy Arhart
Arhart Living Trust
39128 227th St
Woonsocket SD 57385 5912

Ladies:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 2781-3 and 4097-3.

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

HURON DRILLING INC.
WELL LOCATION MAP

Map Cabinet Copy

NAME L.J. Van Dyke Farms

DATE May 25, 19 76

WELL NO. #1

SW

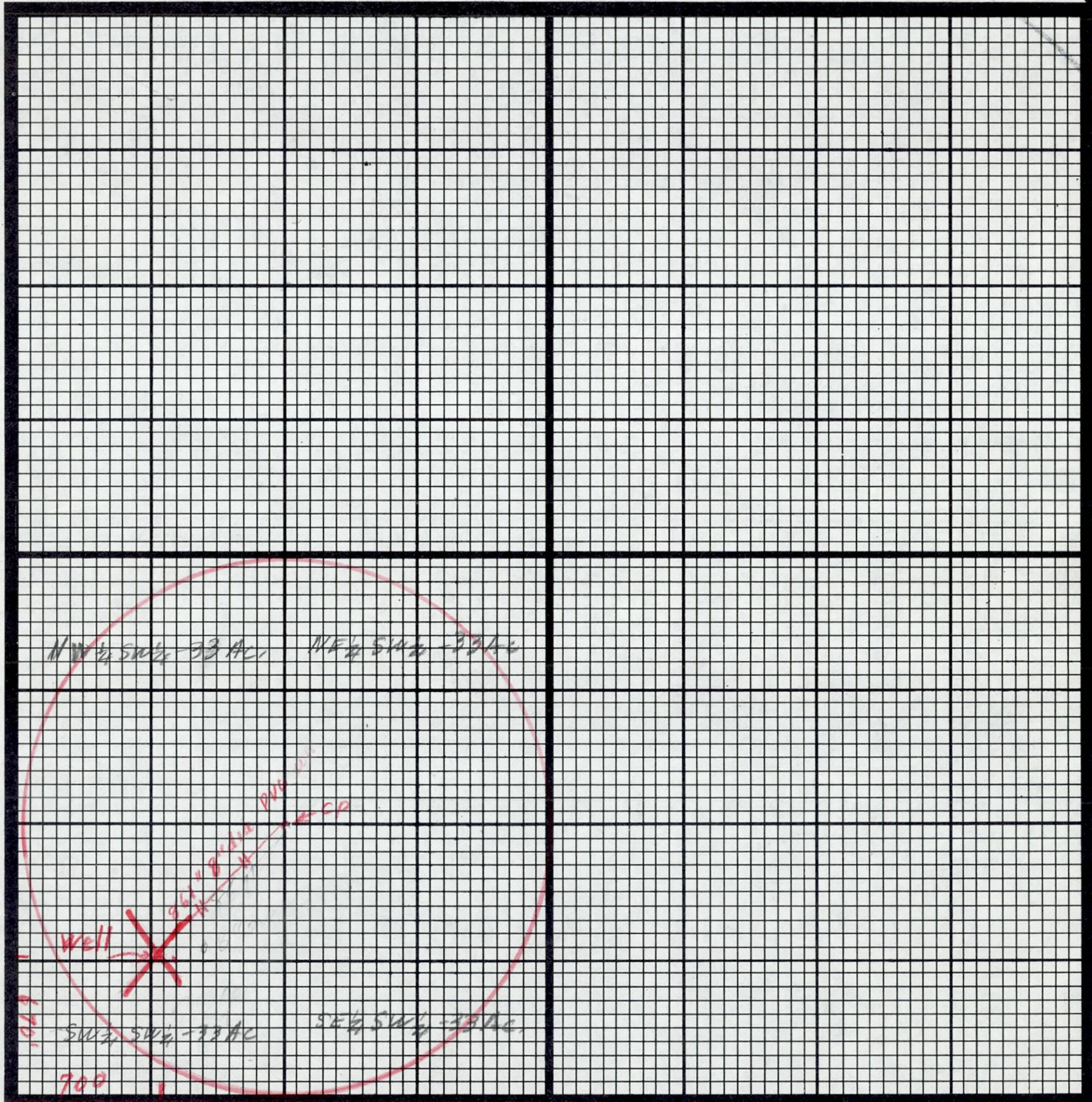
QUARTER, SECTION 35

TWP. 108

RANGE 63

IN Jerauld

COUNTY



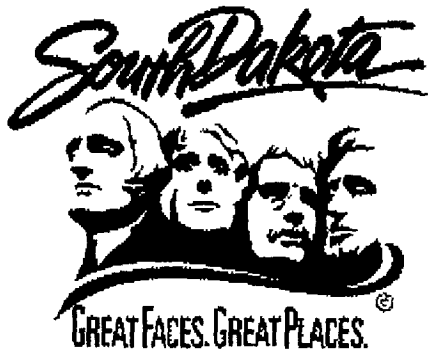
Prepared By Dick Fadgen

Beadle County Extension Agent

Dick Fadgen

X — PROPOSED LOCATION

MAP NO. 2137-3 (APPL NO. 2781-3)



**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 6, 2009

2781-3
4097-3

Laverne Arhart
39088 224th St
Alpena SD 57312

Dear Mr. Arhart:

I am writing in regard to the notations you made on irrigation questionnaires for Water Right Nos. 2781-3 and 4097-3. It is my understanding that the ownership should be changed on those water rights from Arhart Living Trust to your name.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Please review the forms and make any necessary corrections. Upon completion, sign and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

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

Sincerely,

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

enclosures

2781-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

RECEIVED
FEB - 6 2009
WATER RIGHTS
PROGRAM

January 6, 2009

2781-3
4097-3

Laverne Arhart
39088 224th St
Alpena SD 57312

Dear Mr. Arhart:

I am writing in regard to the notations you made on irrigation questionnaires for Water Right Nos. 2781-3 and 4097-3. It is my understanding that the ownership should be changed on those water rights from Arhart Living Trust to your name.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Please review the forms and make any necessary corrections. Upon completion, sign and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

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

Sincerely,

Genny McMath

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

*the ownership stays the same.
I farm the land so I would like to
have the ball reported sent to me.*

enclosures

Laverne Arhart



2781-3
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: ARHART LIVING TRUST, PHYLLIS/JUDY ARHART, 39128 227th ST, WOONSOCKET, SD
57385 5912

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire has not been submitted for Permit No(s) 2781-3 & 4097-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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 **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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2781-3 & 4097-3 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 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>

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**

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

January 31, 2012

2781-3
4097-3

Phyllis & Judy Arhart
Arhart Living Trust
39128 227th St
Woonsocket SD 57385 5912

Dear Ms. Arhart:

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. 2781-3 & 4097-3. 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 black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

December 21, 2015

2781-3

4097-3

Andrew Arhart
Arhart Farms Inc.
22429 390th Ave
Alpena SD 57312

Dear Mr. Arhart:

Thank you for returning my call concerning the changes needed for Water Right No. 2781-3 and 4097-3. It is my understanding that both water rights need to be transferred from Arhart Living Trust to Arhart Farms Inc.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$50.00 each (\$100 total). The check or money order for the fee can be made payable to the Water Rights Program.

Thank you in advance for updating the water rights. If I can answer any questions for you, please give me a call.

Sincerely,

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

enclosures

2781-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 25, 2017

2781-3
4097-3

Arhart Living Trust
Phyllis/Judy Arhart
3408 W Ralph Rogers Rd Apt C202
Sioux Falls SD 57108-2671

Dear Phyllis & Judy:

Enclosed is a "Notice" dated October 20, 2017 concerning the 2017 irrigation questionnaire.

The notice was originally mailed to 39128 227th St, Woonsocket SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

December 13, 2017

2781-3
4097-3

Jonathan Arhart
22488 392nd Ave
Alpena SD 57312

Dear Mr. Arhart:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 2781-3 and 4097-3. The water rights are currently listed in the name of Arhart Living Trust, Phyllis/Judy Arhart.

The transfer forms should be checked over for accuracy and signed by the new owner. Upon completion, return the forms to our office with a required filing fee of \$50.00 each (\$100.00 total).

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

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
email: karen.schlaak@state.sd.us

enclosures

2017 Water Management Board Irrigation Questionnaire

Please fill out and return before **December 1, 2017**

REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501 3181 ph. (605) 773 3352 or send your form(s) electronically over the internet at <http://denr.sd.gov/iq.aspx>

Permit No. 2781-3

PHYLLIS/JUDY ARHART

ARHART LIVING TRUST

39128 227th ST

WOONSOCKET SD 57385 5912

Any address/ownership corrections?

Jonathan Arhart

22488 392nd Ave Alpen, SD 57312

Email jjarhart@santel.net

Phone 605-250-0018

1. Did you irrigate in 2017? *yes ☒ **no ☐

*If yes, number of acres irrigated? 110

**If no, check reason(s) for not irrigating acres covered by Permit No. 2781-3

sufficient moisture ☐ no water available ☐

system not constructed ☐ use abandoned ☐

enrolled in CRP ☐, through what year? _____

other ☐, please explain in the Comment Box:

2. If your answer to question No. 1 is "no," you are done!
If you answered "yes," please complete Nos. 3, 4 & 5.

3. Did you apply chemicals or fertilizer through the system in 2017? yes ☐ no ☒

4. If more than one water source is listed below, circle each source used. A. GROUNDWATER

5. Provide your water use on the back of this form.

Comment Box



NWNW	NENW	NWNE	NENE
NW		NE	
SWNW	SENW	SWNE	SENE
NWSW	NESW	NWSE	NESE
SW		SE	
SWSW	SESW	SWSE	SESE

1 square mile

Office use only

RECEIVED

DEC 01 2017

WATER RIGHTS
PROGRAM

Acreage permitted for irrigation under No. 2781-3

(see above section map for help reading legal descriptions)

sec 35-T108N-R63W, SW1/4 = 132.0 acres

Please provide your 2017 water use to irrigate the above acreage on the REVERSE side of this form.

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

DEC 21 2017

WATER RIGHTS
PROGRAM

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

No. 2781-3

Date: 12/19/17

I/We request that Water Right No. 2781-3

formerly owned by: Arhart Living Trust, Phyllis/Judy Arhart

X be transferred to: (name & address) Jonathan Arhart
22488 392nd Ave
Alpena, SD 57312 Telephone No. 605-844-3366

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

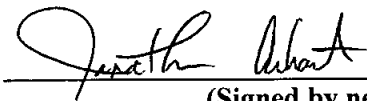
132 acres – SW 1/4 Section 35-T108N-R63W

I/We understand that the validity of Water Right/Permit No. 2781-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

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

X 
(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 December 21, 20 17

RECEIVED OF Arhart Farms Inc 2249 390th Ave Alpena 57312

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2781-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **08460**

By

Jeanne Goodman
Chief Engineer
Jm

2781-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 21, 2017

2781-3
4097-3

Jonathan Arhart
22488 392nd Ave
Alpena SD 57312

Dear Mr. Arhart:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 2781-3 and 4097-3.

The ownership changes have been completed. The water rights formerly listed in the name of Arhart Living Trust are now listed in your name.

Enclosed for your records are Receipt Nos. 08400 and 08401 in the amounts of \$50 each. 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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 13, 2024

2781-3

Andrew Arhart
22429 390th Ave
Alpena SD 57312

Dear Mr. Arhart:

Each year, the State of South Dakota sends out Water Management Irrigation Questionnaires to collect information based on annual water use from our state's waters.

This year you that the property Jonathan Arhart had previously reported on under Water Right No. 2781-3 (copy enclosed) had been sold to you. For your convenience I have enclosed a partially completed "Transfer of Ownership" form for you to complete and return in the pre-paid envelope.

Please return the form with a check for \$50.00 made payable to "SD Water Rights Program" to cover the transfer fee. If you would prefer to pay by card you may call our Fiscal Office at 605.773.5559. This form will still need to be returned even if you are submitting payment over the phone.

Should you decide you wish to discontinue the irrigation on this piece of land, we would ask that you let us know.

If you have any questions or concerns, please give me a call. My direct number is 605.910.5187

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 17, 2025

2781-3
3271-3A
4326-3

Arhart Land & Cattle Inc
c/o Andrew Arhart
22429 390th Ave
Alpena SD 57312

Dear Mr. Arhart:

You had recently called the Water Rights Program requesting copies of all water rights presently assigned to yourself.

Please find enclosed the original licenses for Water Right Nos. 2781-3, 3271-3A, and 4326-3. In addition to these licenses, the full files maintained by the Water Rights Program for these and other water rights/permits can be found by visiting our website:

<https://danr.sd.gov/OfficeOfWater/WaterRights/Databases/WaterRights.aspx>

Sincerely,

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

enclosures

2781-3

PAID

JAN 06 2025

Ck# 1315

Rec't#

RECEIVED

JAN 06 2025

OFFICE OF
WATER

be transferred to:

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 2781-3

Date: JAN 06 2025

I/We request that Water Right/Permit No. 2781-3 formerly owned by:
Jonathan Arhart - Alpena SD

New Owner Name:

Address:

City, State, Zip

Arhart Land & Cattle inc
22429 390th Ave mobile: 605-350-3360
Alpena SD email: andrew@arhartlandandcattle.com
57312

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

132 acres - SW 1/4 Section 35 T108N, R63W

☒ I understand that the validity of Water Right/Permit No. 2781-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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

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

I, Andrew Arhart, 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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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 Agriculture and Natural Resources

Date January 7th 2025

RECEIVED OF Arhart Land & Cattle Inc 22429 390th Ave Alpena SD 57312

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 #2781-3 _____	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	\$ <u>50.00</u>

By Eric Gronlund
Chief Engineer

SK



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 10, 2025

2781-3

Arhart Land & Cattle Inc
c/o Andrew Arhart
22429 390th Ave
Alpena SD 57312

Dear Mr. Arhart:

I have received your "Notice of Transfer of Ownership" form and the required fees. Enclosed is a receipt of payment for your records.

Water Right No. 2781-3 previously owned by Jonathan Arhart, is now listed under Arhart Land & Cattle Inc. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the water right, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the water right will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

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

NOTE: The validity of Water Right No. 2781-3 has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosure