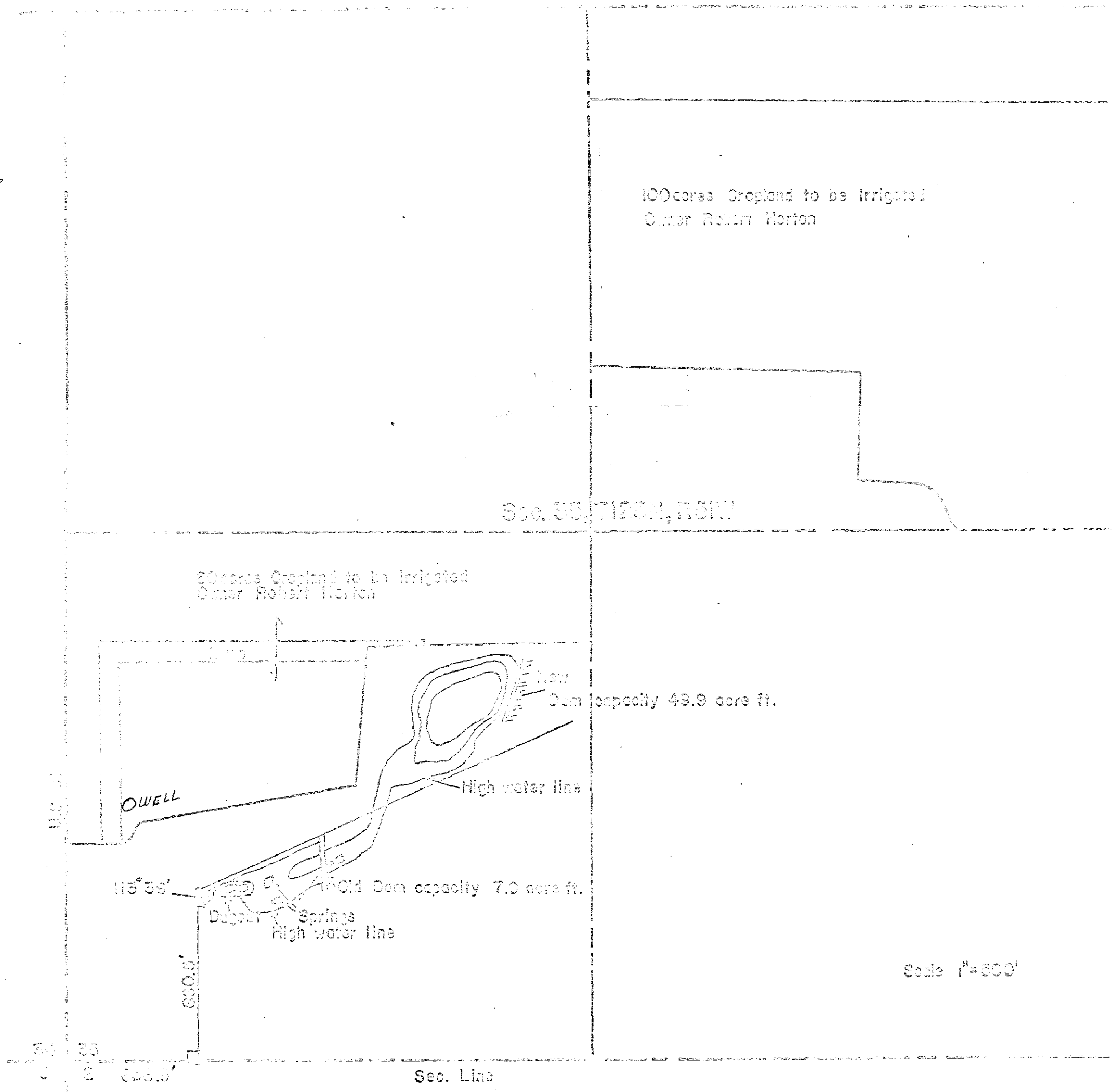


1. Considered 7-21, 1976 2794-3
2. Name of Applicant ROBERT H. JORTON
3. Post Office Address SISSETON
4. Amount of water claimed 2.28
5. Source of water supply SPRINGS & RUNOFF (50ACFT)
6. Water to be used for IRRIGATION
- Acres to be irrigated 160
7. Water to be diverted and used in ROBERTS county
about 2.85 miles of SISSETON
8. Proof of Publication Received 7-19-76
 Not Received _____
9. Application Approved _____
 Subject to _____
 Not Approved _____
 Action deferred _____
10. Remarks:

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 01-11-2017 BY 60322 UCBAW



I certify that I surveyed and prepared the above drawing, dated Nov. 7, 1985

Larry J. Horton
Larry J. Horton P.E. C. L. S.

~~MAP N-2794-3~~ APPL N-2794-3

WATER RIGHT APPLICATION APPROVAL

WATER RIGHTS COMMISSION

ROBERT HORTON

(Applicant)

2794-3

R.R. #2, DISSETON

(Post Office Address)

SOUTH DAKOTA 57262

(State)

With the following modifications:

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.

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING, MUST BE BY-PASSED. APPROVAL OF THIS PERMIT AUTHORIZES STORAGE OF 58 ACRES FEET OF WATER ANNUALLY.

THE APPLICABLE PORTIONS OF PERMIT NO 2439-3 HAVE BEEN INCORPORATED INTO THIS PERMIT, AND PERMIT NO 2439-3 HAS BEEN CANCELLED.

Date of first receipt of application MAY 24 19 76
Date of return to applicant for correction, amendments or changes required _____ 19 ____
Date of receipt of corrected application _____ 19 ____
Approved JULY 22 19 76, Recorded in Book 15 p. 261

WATER RIGHT PERMIT NO. 2794-3

WATER RIGHTS COMMISSION

The Water Resources Commission hereby grants and issues this Water Right Permit No. 2794-3 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 .90 CFS FROM NOVEMBER 13, 1975
1.38 CFS FROM MAY 24, 19 76
2. The equivalent of at least one-fifth of the work above specified is ~~work~~ completed ~~work~~ before JANUARY 19 ____
3. The whole of said work is ~~work~~ completed ~~work~~ before _____ 19 ____
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 22 19 78
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 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 JULY 22 19 78; said water to be used during the following described annual period: APRIL - SEPTEMBER

Witness my hand this 2ND day of AUGUST 19 76

WATER RIGHTS COMMISSION

By:

John H. Hark
Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 ____

Water License Issued _____ 19 ____



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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 12", Depth 47'
- (2) Casing, Type Steel (wood, conc. etc, steel, etc) Diameter 12" Thickness 3"
- (3) Perforated Screen.
Type Stainless Steel, Diameter 12", Length 10'
- (4) Gravel Pack, Thickness 4", Length of gravel pack 40'

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

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

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

Character of Water bearing materials _____

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 _____ rds. On property owned by others _____ 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.

The two dams are filled from run-off and springs.

OLD DAM

Storage capacity 7.9 acre ft.

Maximum water depth 10 ft.

Height of dam 12 ft. average

Surface area 2.3 acres

NEW DAM

Storage capacity 49.9 acre ft.

Maximum water depth 14 ft.

Height of dam 18 ft. average

Surface area 6.1 acres

Robert Horton
Signature of Applicant

SEE 2439-3 FOR
CONSERVATION COMMISSION
APPROVAL.

Form 6. - Notice of Intent to Appropriate Water

No. 2704-3

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 Robert Horton

whose post office address is Sisseton, 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, spring & storage through the Horton Irrigation Project, the point^s of diversion of which ^{are} to be located in the _____

NW $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 35, Twp. 125N, Range 51W. Said water to be used for the purpose of providing irrigation on the following described land:
portions of

N $\frac{1}{2}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$, Section 35, T125N, R51W

This application No. 2704-3 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:

BURTON F. JONES, Water Rights Specialist

BFJ/bw

cc: Robert Horton, R.R. #2, Sisseton, S.D. 57262

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Roberts) ss.

I, Jack Adams hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Sisseton Courier

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 Sisseton of _____

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

July 8, 1976

July 15, 1976

Jack Adams
(Signature)

publisher
(Title)

July 15, 1976
(Date Signed)

NOTICE OF INTENT TO
APPROPRIATE WATER
Pierre, S. D. 57501
June 24, 1976

Notice is hereby given that
Robert Horton, whose post
office address is Sisseton, South
Dakota, has made an ap-
plication 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 ground
water, spring and storage
through the Horton Irrigation
Project, the points of diversion
of which are to be located in the
NW $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{4}$ SW $\frac{1}{4}$ of
Section 35, Twp. 125N, Range
51W. Said water to be used for
the purpose of providing
irrigation on portions of the
following described land:

N $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ Section
35, T125N, R51W

This application No. 2794-3
will be considered by the Water
Rights Commission at the
Courthouse 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
Burton F. Jones
Water Rights Specialist
(July 8-15-2w)



Form 9. - Forwarding Permit to
Appropriate Water

No. 2794-3

2439-3



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

August 2, 1976

Robert Horton
R.R. #9
Sisseton, South Dakota 57262

Dear Mr. Horton:

Enclosed herewith is your Water Right Permit No. 2794-3
as approved by the Water Rights Commission, authorizing you to
construct your water diversion system and apply the water to
beneficial use, not exceeding the limits as specified in said

Water Right Permit No. 2794-3.

Also enclosed is Form 10, Notice of Completion of Works
and Application of Water to Beneficial Use, which you are to
complete and submit to the Water Rights Commission when you
have completed the system and/or have put the water to beneficial
use. The Commission can then schedule an inspection so that
your Certificate of Construction and/or your Water License may
be issued to you, thus completing your acquisition of a Water
Right.

P.S. You will note that the
applicable portions of Permit
No. 2439-3 have been incorporated
into this Permit, and Permit
No. 2439-3 has been cancelled.

Respectfully,
WATER RIGHTS COMMISSION

JOHN HATCH
Chief Engineer

JH/BFJ/bw
Encl: As stated

Form 10.

No. 2794-7



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

Post Office Sioux Falls SD

Date 2-19-77

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. 2794-3.

Water Right Permit No. 2794-3 states that the diversion system is to be constructed by July 22, 19 75 and that the water is to be put to beneficial use by July 22, 19 76.

The diversion system was completed on July 15, 19 76. Applying the water to beneficial use was completed on July 15, 19 76.

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]
(Signature)

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

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

December 2, 1988

4318-3

2794-3

Farmers Home Administration
PO Box 188
Sisseton, SD 57262

Dear Sirs:

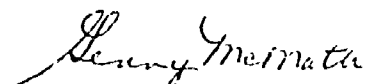
I am contacting you in response to the 1988 irrigation questionnaires you returned for Water Permit Nos. 4318-3 and 2794-3, currently listed in the name of Robert Horton. I assume from the notation you included on the forms, that the FmHA now owns the land described in these water permits.

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Permit Nos. 4318-3 and 2794-3. Please check over the forms and sign in the presence of a notary public. Upon completion of the forms, return them to our office with a required filing fee of \$2.50 each (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 us.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: December 7, 1988

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

NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 35, T125N, R51W

formerly owned by Robert Horton, RR 2, Box 39, Sisseton SD

has been transferred to USDA, FmHA, P.O. Box 188, Sisseton, SD 57262

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 2794-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of ROBERTS) ss.

I, Jeffrey Jacobsen, County Supervisor, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Jeffrey Jacobsen
(Signed)

Subscribed and sworn to before me this 7th Day of December, 19 88.

Marvin J. Balke
(Notary Public)

Commission Expires August 23, 1994

RECEIPT

Division of Water Rights

411555

South Dakota Department of Water and Natural Resources

Pierre, December 20, 1988

RECEIVED OF USDA, FmHA, PO Box 188, Sisseton SD 57262

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form Water Permit No. 2794-3 _____	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer

KS

South Dakota
Department of
Water & Natural Resources

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

February 23, 1989

USDA FmHA
P.O. Box 188
Sisseton, SD 57262

Dear Sir:

Enclosed is Receipt No. 411555 in the amount of \$2.50 which you paid for transfer of Water Right No. 2794-3.

Sincerely,

Marie R. Arthur

Marie R. Arthur
Secretary
Water Rights Division

Water Rights Division - DWNR
Conversation or File Documentation

File No. 2794-3
4318-7

NAME OF PERSON OR FILE: LAWRENCE TETZLAFF
ADDRESS: 205 E OAK SUGGESTON, ~~CO~~ COUNTY ROBERTS
DATE: 11/4/92 TELEPHONE 698-7638
RE: Cancellation due to FORFEITURE FOR PERMIT No. 2794-3 & 4318-3

COMMENTS:

IN 1991 I ATTENDED TO MAKE AN INSPECTION OF WATER PERMITS
2794-3 & 4318-3 ~~WAS~~ HELD BY FARMERS HOME ADMINISTRATION. AT
THAT TIME I SPOKE WITH LAWRENCE TETZLAFF WITH FWH. HE
INDICATED AT THAT TIME, THAT THE LAND FORMERLY OWNED BY ROBERT
HOUSTON HAD NOT BEEN IRRIGATED FOR A COUPLE OF YEARS. I TOLD
HIM THAT IF THE LAND IS NOT IRRIGATED FOR 3 CONSECUTIVE YEARS WHEN
IRRIGATION IS POSSIBLE THE PERMITS MAY BE SUBJECT TO CANCELLATION
DUE TO FORFEITURE. MR. TETZLAFF ~~WAS~~ ASKED IF A FEDERAL AGENCY
WAS EXEMPT FROM THIS. ~~HE~~ I TOLD HIM I WOULD CHECK INTO IT

ON OCTOBER 5, 1992 I DROVE PAST THE LAND LOCATED IN ~~THE~~ THE
NE 1/4 & SW 1/4 OF SECTION 35 T125N, R51W AND ~~THE~~ SE 1/4 OF SECTION
35 T125N, R51W & NE 1/4 OF SECTION 3 T124N, R51W. AT THAT TIME
I SAW NO INDICATION THAT IRRIGATION HAD OCCURRED IN 1992. I
THEN ATTEMPTED TO CONTACT MR. TETZLAFF, HE WAS NOT AVAILABLE.

ON NOVEMBER 3, 1992 MR. TETZLAFF CALLED ME. I TOLD HIM
THAT I HAD COOKED AT THE LAND AND SAW NO INDICATION OF IRRIGATION.
HE SAID THE LAND HAD NOT BEEN IRRIGATED THIS YEAR. I TOLD
HIM THAT FEDERAL AGENCIES WERE NO EXEMPT FROM CANCELLATION
DUE TO FORFEITURE.

~~END~~ CONTINUED

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

NAME: Melvin R. Keith

Conversation or File Documentation

4318-3

NAME OF PERSON OR FILE: LAVARNE TETZLAFF (FHA, Sisseton)
ADDRESS: 205 E OAK Sisseton, SD COUNTY ROBERTS COUNTY
DATE: 11/1/92 TELEPHONE 698.7638

RE: Cancellation due to forfeiture for Permit No. 2794-3 & 4318-3

COMMENTS:

MR TETZLAFF SAID THAT WISHED WE WOULD NOT PUSUE CANCELLING
THE PERMITS BECAUSE THE FHA HAD JUST RECEIVED PERMISSION
TO PUT THE PROPERTY UP FOR SALE. THE FHA WANTED THE PROPERTY
TO BE IN THE SAME CONDITION AT THE AS SALES AS THEY WERE
WHEN THEY GOT THEM.

I TOLD HIM THE STATUTES SPECIFIED THE PROPERTY WAS IN THREE
YEAR USE REQUIREMENT. I TOLD HIM IF THESE PERMITS
WERE CANCELLED, THIS WOULD NOT LIMIT A FUTURE LAND OWNER
FROM APPLYING FOR A NEW WATER PERMIT.

MR TETZLAFF TOLD ME TO DO WHAT WE HAD TO DO.

I CHECKED THE IRRIGATION QUESTIONNAIRES AND FOUND THAT IRRIGATION
BY AUTHORIZED BY PERMIT NO. 2794-3 HAS NOT BEEN REPORTED SINCE 1987
IRRIGATION AUTHORIZED BY PERMIT NO 4318-2 HAS NOT BEEN REPORTED
SINCE 1988. THESE PERMITS SHOULD BE CANCELLED DUE
FORFEITURE BECAUSE OF FAILURE TO IRRIGATE ^{DURING} FOR 3 YEARS AT ANY
YEAR FOR MORE THAN 3 CONSECUTIVE YEARS

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

NAME: Phyllis Hill

File No. 2794-3
4318-3

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: LaVerne Tetzlaff, Farmers Home
Administration

ADDRESS: PO Box 188, Sisseton, SD 57262 COUNTY: Roberts

DATE: March 25, 1993

TELEPHONE: 698-7638

RE: Existence of Dams authorized by Permit Nos. 2794-3/4318-3

COMMENTS:

Mark Rath had previously looked at lands described in these permits and found no evidence of irrigation. The annual irrigation questionnaires indicate no irrigation has taken place under Permit No. 2794-3 since 1987 and no irrigation under Permit No. 4318-3 since 1988.

Upon reviewing the files prior to scheduling the permits for cancellation consideration, I noted that both permits had authorized storage dams. I called FmHA and spoke with Mr. Tetzlaff about the existence of the dams. He stated that he knew there was one dam and was pretty sure that two dams existed on the land. He stated the irrigation systems were removed from the land in the late summer or early fall of 1992. FmHA still has ownership of the land.

I told Mr. Tetzlaff that we would not proceed with cancellation of the permits at this time. If the dams did exist, the permits could possibly be licensed for use of water from the dams for domestic purposes only. Since the land had not been irrigated since 1987/1988, use of water for irrigation would have already been lost.

I informed Mr. Tetzlaff that cancellation or licensing would be held up until an inspection could be made of the storage dams. He indicated this was fine.



Genny McMath
Natural Resources Analyst
DENR, Water Rights Division

Permit No. 2794-23
Whetstone River - Water District

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

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

I have this day made a thorough examination of the water use system constructed by FmHA of Sisseton, SD holder of Permit No. 2794-3, bearing the priority of 11/13/1975 and 5/24/1976 authorizing the diversion of 2.28 cu. ft. per second and the storage of 58 acre-feet of the waters of ground and surface water for irrigation and domestic use in Roberts County.

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

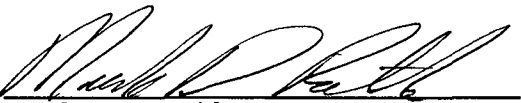
A. Works used to divert the water:

Two dams with an approximate combined storage of 60 ac-ft

The system is in the following condition poor. The point of diversion is located SW1/4 SW1/4 and NE1/4 SW1/4 of Section 35 T125N-R51W. The works are capable of storing 58 acre-feet of water which is to be used for domestic use. The license should be issued for 58 acre-feet of storage. Applicable permit qualifications have been complied with: Yes x No

Exceptions to compliance are: none Date: 7/15/93

The irrigation systems have been removed from the land and irrigation is no longer performed. The two storage dams are still in existence.



Mark D. Rath
Natural Resources Engineer
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 2794-3

DATE: 7/15/93

DIVERSION POINT LEGAL LOCATION: SW1/4 SW1/4 and NE1/4 SW1/4 of Section 35 T125N-R51W

DAM INFORMATION: SW1/4 SW1/4 Sec 35

- 1) Height to crest 12 feet
- 2) Height to primary spillway 8 feet
- 3) Height to secondary spillway 10 ft
- 4) Crest width 10 feet
- 5) Crest length 175 feet
- 6) Spillway length 300 feet
- 7) Spillway width 50 feet
- 8) Approx. storage 3 ac-ft
- 9) Approx. storage to crest ac-ft
- 10) Date constructed:
- 11) Outlet tubes: none
- 12) Category of Dam III
- 13) Inspection Sheet Completed Y/N

DAM INFORMATION: NE1/4 SW1/4 Sec 35

- 1) Height to crest 15 feet
- 2) Height to primary spillway 11 feet
- 3) Height to secondary spillway 12 ft
- 4) Crest width 15 feet
- 5) Crest length 500 feet
- 6) Spillway length 100 feet
- 7) Spillway width 50 feet
- 8) Approx. storage 57 ac-ft
- 9) Approx. storage to crest ac-ft
- 10) Date constructed:
- 11) Outlet tubes:
 - a) diameter 14 inches
 - b) type cmp
 - c) valved N
 - e) location on structure
south side
- 12) Category of Dam III

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit NA
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

NOT TO SCALE

Matthew L. Gill

T-2133

125-51

T-2299

Mark D. Rath

8-6

NATURAL RESOURCES ENGINEER

Division of Water Rights

7/19/93

Matthew L. Gill

T-2134

28.4
①

Matthew L. Gill

Juanita Cahill

T-2109

T-2135

FmHA

10595
T-2115

24.9
①

20.4
①

Rebecca Eastman

20.0
①

T-2360

T-2115

FmHA

Robert
Worton

10594

F-2245

50.0
①

Kenneth Curran

F-2359



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 9, 1993

2794-3
4318-3

LaVerne Tetzlaff
Farmers Home Administration
P.O. Box 188
Sisseton, SD 57262

Dear Mr. Tetzlaff:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 2794-3 and 4318-3, has been completed. Your final water right document, the Water Licenses, can now be issued.

Statutes require that we charge a \$50.00 fee per license for the inspection and issuance of the Water Licenses. Upon receipt of the \$100.00 fee from you, we will begin processing your Water Licenses.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 6, 1994

SECOND NOTICE

Permit Nos: 2794-3
4318-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

LaVerne Tetzlaff
Farmers Home Administration
P.O. Box 188
Sisseton, SD 57262

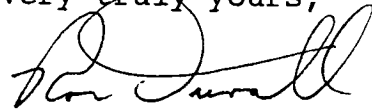
Dear Mr. Tetzlaff:

On August 9, 1993, you were notified the final inspection fee of \$100.00 is due before Water License Nos. 2794-3 and 4318-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$100.00 fee, your Water Licenses will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,


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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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:

2794-3
4318-3

LaVerne Tetzlaff
Farmers Home Administration
P.O. Box 188
Sisseton, SD 57262

4a. Article Number

P 318 052 621

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

1-10-94

5. Signature (Addressee)

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

6. Signature (Agent)

Dorothy Dalbey

PS Form 3811, December 1991

U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 12, 1994

THIRD NOTICE

Permit No. 2794-3
4318-3

**NOTICE OF ORDER TO STOP DIVERTING WATER
UNDER PERMIT NOS. 2794-3 and 4318-3 FOR
FAILURE TO SUBMIT WATER LICENSE INSPECTION FEE**

LaVerne Tetzlaff
Farmers Home Administration
P.O. Box 188
Sisseton, SD 57262

Dear Mr. Tetzlaff:

On August 9, 1993, and January 6, 1994, you were notified the final inspection fee of \$100.00 is due before Water License Nos. 2794-3 and 4318-3 can be issued. To date, the fee has not been received.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Pursuant to SDCL 46-2-17 and 46-2-18, you are ordered to stop diverting any water authorized by Permit Nos. 2794-3 and 4318-3 until the \$100.00 fee is paid. Please remit the License fee to the Department of Environment and Natural Resources, Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181.

Very truly yours,

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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:

2794-3
4318-3

LaVerne Tetzlaff
Farmers Home Administration
P.O. Box 188
Sisseton, SD 57262

5. Signature (Addressee)

6. Signature (Agent)

Marelyn J. Bakke

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

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

Consult postmaster for fee.

4a. Article Number

P 318 052 653

4b. Service Type

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

7. Date of Delivery

5-13-94

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

Thank you for using Return Receipt Service.

PS Form 3811, December 1991

★U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

United States
Department of
Agriculture

Farmers
Home
Administration

P. O. Box 188
Sisseton, SD 57262
605/698-7638
(FAX) 605/698-3561



May 18, 1994

Department of Environment & Natural Resources
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre SD 57501-3181

Re: Water Right #1868-3
Water License #2794-3 & 4318-3

Dear Ms. Frost:

Please forward any information pertaining to Water Right #1868-3 to FmHA, Box 188, Sisseton, SD 57272. This will hopefully help prevent any disturbance to the former owner, Lois Jean Elsinger.

We are presently in process of trying to sell this property and will possibly conclude this transaction later this summer. At that time we understand we need to transfer the water right to the new owner.

The property which water license #2794-3 and 4318-3 are located on also is being sold and will possibly be consummated by 9/1/94. There has been no irrigation on this property for at least 4 years. There has been no water diversion under these permits. These permits will be transferred upon completion of sale.

Thank you for your counsel in this matter.

Sincerely,

NEAL C. NELSON
Assistant County Supervisor

2794-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

November 14, 2016

2794-3
4318-3

Robert Horton
45922 126th St
Sisseton SD 57262

Dear Mr. Horton:

I am writing in follow-up to your phone conversation with Mark Rath concerning transferring ownership of the two old water permits listed in the name of Farmers Home Administration.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Upon completion, please sign and return the forms to our office with a required filing fee of \$50.00 each (total of \$100) 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures