

1. Considered 7-21, 1976
2. Name of Applicant LYAL & ORIN ABILD
3. Post Office Address WAKONDA
4. Amount of water claimed 1.3
5. Source of water supply 120' DEEP WELL
6. Water to be used for IRRIGATION
- Acres to be irrigated 91
7. Water to be diverted and used in CLAY county
about 125 miles of CENTERVILLE
8. Proof of Publication Received 7-15-76
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

2807-3

Map No. 2163-3 Water Division No. 3 VERMILLION RIVER Dist. 1
 (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 Orin & Lyaal Ahltd
 Postoffice address Box 60 Wakonda, State S. Dak.
 If a corporation show date and place of incorporation none
2. Method of accomplishing work (contract, employment of others, or by direct labor) employment of others
3. Name of diversion work none ABILD IRRIGATION PROJECT
4. Amount of water claimed (cubic feet per second) 1.3 CSF
5. Source of water supply ground water
6. Location of point of diversion none A POINT IN THE SE 1/4 SECTION 15, T94N, R57W
T94N, R57W County Clay
7. Annual period or periods during which water is to be used May-Sept.
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 91
 List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>S 1/2 of S.W. 1/4 15-94-52</u>	<u>63</u>		
<u>E 1/2 of N 1/2 15-94-52</u>	<u>10</u>		
<u>NE 1/4 of SW 1/4 15-94-52</u>	<u>18</u>		

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 4 1/2 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Vermillion Plain Talk
12. Principal Features of the Proposed Water Supply System.
- A. Works proposed to divert water from its natural source.
well
- B. Works proposed to transport water to place of use.
well & pipeline
- C. Works proposed to apply water to beneficial use.
center pivot system

Estimated Total Cost \$ 30,000

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 Clay

I, Orin Ahltd 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

Subscribed and sworn to before me this 25th day of June, 1973

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2807-3

LYAL & ORIN ABILD
(Applicant)

WAKONDA
(Post Office Address)

SOUTH DAKOTA 57013
(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.

Date of first receipt of application JUNE 1, 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 Page 289

WATER RIGHT PERMIT NO. 2807-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2807-3 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 1, 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 of said work is to be completed on or before JULY 22, 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 22, 19 85
5. The water appropriated shall be used for the purpose of IRRIGATION

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

7. The amount of the appropriation herein granted shall not exceed 1.3 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 85; said water to be used during the following described annual period: MAY - SEPTEMBER

Witness my hand this 2ND day of AUGUST, 19 76

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19 —

Water License Issued —, 19 —

May 18, 1976



Mr. Lyal Abild
Wakonda, SD 57073

Dear Mr. Abild:

The analysis of the water sample you submitted here on May 4 has been completed. The original copy of the report of analysis is enclosed for your use and keeping along with a copy of AEW publication #13 with a water quality chart on the outside back cover. In this chart I have put a red cross signifying the approximate location of your sample in the diagram. You will see that it is in the high salinity, low sodium category, and therefore, is suitable for use on certain types of soils.

Because your soils are largely quite well drained, there should not be a salinity build-up in them as a result of the use of this water, and I recommend that your application be approved. However, the final decision is up to the State Conservation Commission and you will be hearing from them directly. The application materials, including a copy of the water analysis, the WI-1, and a copy of this letter, are being sent to the State Conservation Commission for their decision.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOF:ckb
Enclosures
cc: State Conservation Commission
D. Pahl
Robert Schurrer, County Extension Agent



STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE OF

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: [Signature]

Disapproved: _____

NAME: Loyal Abild
ADDRESS: Wakarusa S. Dak.
COUNTY: Clay

LEGAL DESCRIPTION

1. WELL LOCATION: 113 rods E of the SW corner of Sec. 15-91-52
2. AREA TO BE IRRIGATED: SW $\frac{1}{4}$ SW $\frac{1}{4}$ 15, west 23 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 15, 18 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 15, 24 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ excluding farmstead and 4 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 15-91-52 105 acres

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): Big Gun
4. CROPS TO BE IRRIGATED: Corn and Beans



LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 22-1-1 aver. 1% slope 2-6-27 aver. 6% slope
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Attached

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 76-458
8. SALINITY: EC = 1177 μ mhos/cm. high
9. SODIUM: AR = 0.28 (low)



I do hereby certify that a chemical analysis of the ground water to be
acquired for irrigation from South Dakota State University and:
the land capability for irrigation information has been acquired from

Soil Conservation Service

and:

that the legal description for the location of the well and land to be
irrigated is true and correct.

Lynah Abilds

Subscribed and sworn before me this

29 day of March 19 76.

Charles J. Peterson

Notary Public

(Title)

Lyal Abild

Soils-legend

Trent silty clay loam, deep, loamy, moderately well and well drained soils on nearly level (0 to 2%) upland slopes and in swales that receive beneficial moisture from adjacent slopes. They have few or no limitations for use.
23-1-1

Barnes loam, eroded, Deep, loamy, well drained soils on undulating and sloping (6 to 9%) upland and eroded soils on gently undulating (2 to 6%) uplands. They have moderate to severe water erosion hazards.
2-6-27

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

Submitted by: Lyal Abild
 Address: Wakonda, SD 57073

Date Rec'd: May 4, 1976
 Sample No.: 76-458
 Identification: Well-
SW-1, Sec. 15, T. 94N, R. 52W

WATER ANALYSIS

Calcium (Ca)	240	ppm*	12.00	me/l**
Magnesium (Mg)	67	ppm	5.49	me/l
Sodium (Na)	19	ppm	0.84	me/l
Potassium (K)	10	ppm	0.25	me/l
Sulfate (SO ₄)	524	ppm	10.90	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	4	ppm	0.10	me/l
Bicarbonate (HCO ₃)	293	ppm	4.80	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)	240	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1177	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.28			
Sodium	4.52	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.57			

Others:

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 18.58 me/l
 Total anions 15.80 me/l



By: Shirley Mitten

Service Performed

Amount Due:

Irrigation analysis

\$8.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-458

Amount Enclosed \$

Signed



WATER LICENSE NO. 2807-3

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

~~Lyal and Orin Abild~~

made Water Right Application No. 2807-3 for a permit to use 1.3 cubic feet per second of the waters of 1 groundwater

County of Clay, State of South Dakota, for irrigation

purposes; and

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

Permit No. 2807-3, with a date of priority of June 1, 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. 1981 and for the application to beneficial use of said water on or before the 22nd day of July A. D. 1985

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 1.3 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 the following land in Section 15, T98N, R52W

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 8 acres

NE 1/4 SW 1/4 18 acres

~~SW 1/4 SW 1/4 35 acres~~

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 30 acres

Total 91 acres

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

_____ of Wakonda
_____ of 2807-3 _____ June 1, 1976
the holder _____ and owner _____ of said permit No. _____ a water right, dating from _____
_____ to use of XX 13 cubic feet per second of the waters
of groundwater

in the County of Clay and State of South Dakota, or so much thereof as may be necessary for the
purposes Section 15, T94N, R52W a point 1300' N and 50' E of the SW corner,

and conduct to and upon a portion of Section 15, T94N, R52W, described on the
face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 2807-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 6th day of February A. D.
Nineteen Hundred and seventy-eight

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

Form 15.

Permit No. 2807-3

Water Diversion No. 3 Vermillion River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Lyal and Orin Abild

_____ the holder _____ of
Permit No. 2807-3, issued upon Application No. 2807-3, bearing date of priority of June 1,
1976 authorizing the diversion of 1.3 cu. ft. per second of the waters of _____
groundwater County of Clay, State of South Dakota at _____
a point 1500' N and 50' E of the SW corner, Section 15, T94N, R82W

_____, for irrigation

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.75 cu. ft. per second of water.

Date February 6, 1976

By:

WATER RIGHTS COMMISSION

John Hatch
JOHN HATCH, Chief Engineer

No. 2807-3

Publish first publication, on or before

July 8, 1976

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

July 2, 1976

Notice is hereby given that Loyal and Orin Abild

whose post office address is Wakonda, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for

a permit to appropriate for beneficial use 1.3 cubic feet of water per

second of time from the ground water through the

Abild Irrigation Project, the point of diversion of which is to

be located in the _____

SE 1/4 SW 1/4

of Section 15, Twp. S-1N, Range 52W. Said water to be used for the purpose of providing irrigation on the following described land:

SW 1/4, Section 15, T94N, R52W

This application No. 2807-3 will be considered by the Water Rights

Commission at the Court House at Winner, S.D.

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:

Loyal and Orin Abild, Box 60, Wakonda, S.D. 57073

Affidavit of Publication

2807-3

State of South Dakota, County of Clay, ss.

Ardell Bottajanni

Being first duly sworn, deposes and says: That he is a resident of the County of Clay and State of South Dakota, that

THE VERMILLION PLAIN TALK

is a legal newspaper of general circulation, printed and published in Vermillion, in said County and State, by Plain Talk Publishers, Inc., MaryEtta Brose, president, and is now and has been such newspaper continuously during all the times hereinafter mentioned, that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit, and that the notice and advertisement headed:

*Notice of Intent to
Appropriate Water*

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in each week

for 2 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said county of Clay for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Vermillion, the said place of publication; that the first publication of said notice in said newspaper as

aforsaid was on Thursday, the 8 day of July, 1976
and that the succeeding publications were severally

on Thursday, the 15 day of July, 1976

on Thursday, the _____ day of _____, 19____

on Thursday, the _____ day of _____, 19____

on Thursday, the _____ day of _____, 19____

that the fees charged for the printing and publication of the said notice and advertisement in said newspaper as aforsaid were

Ten dollars and 26 cents

and that said fees for the printing and publishing of said notice and advertisement have been fully paid; that the full amount of the fee charged for the publishing of the said attached and annexed notice and advertisement inures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever

Ardell Bottajanni

Subscribed and sworn to before me this 15

day of July, 1976

MaryEtta Brose
Notary Public

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota

July 2, 1976

Notice is hereby given that Lyl and Orin Abild, whose post office address is Wakonda, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.3 cubic feet of water per second of time from ground water through the Abild Irrigation Project, the point of diversion of which is to be located in the SE 1/4 SW 1/4 of Section 15, T94N, R52W. Said water to be used for the purpose of providing irrigation on the following described land: SW 1/4, Section 15, T94N, R52W. S.D. 1976

This application No. 2807-3 will be considered by the Water Rights Commission at the Court House at Winner, S.D. 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

Pub.: July 8, 15, 1976.



Form 10.

No. _____

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

Post Office Wakarusa S. Dak.
Date Jan. 20-76

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

Dear Sirs:

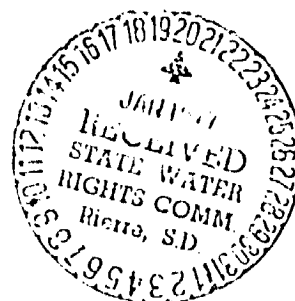
This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permits No. 3037-2 2807-3.

Water Right Permit No. 2807-3 states that the diversion system is to be constructed by Dec 15 Completed, 1976 and that the water is to be put to beneficial use by Dec 15 Completed, 1976.

The diversion system was completed on Dec 15, 1976.
Applying the water to beneficial use was completed on _____,
19____.

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.

Carl L. Niel
(Signature)



2807-3 1921-22

5-5-77 *Shirley* *1977*

[Handwritten signature]

Asplenium platyneuron

800 p.m. One sp. in nest

24. 2. 1950.

405

C.P. Thompson

44. 10. 1944

[Signature]

Adm. Serv. Div. 7-10-68

March 11, 1917

1) Public National

NY 51 M200 100-575-622

Greg & M. J. 11/1/00

Permit No. 2807-3Water Division 3 Vermillion River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by L. yal & Orin
Abild of Wahonda, South Dakota 57073 holder...
 of Permit No. 2807-3, bearing date of priority of June 1, 1976,
 authorizing the diversion of 1.3 cu. ft. per second of the waters of Ground
 for Irrigation purposes, in Clay County.

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

The Water Use System consists of,

A. Works used to divert the water:

Motor - Westinghouse, Model TUDP, Motor Style
 680 B678627, 75HP
 Pump - National, Model M200, Serial # 576-628
 Pumping 800 gpm

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

2900 ft 8" dia PVC Pipe, underground.
 3 center pivot pads

C. Works used to apply water to beneficial use.

one Hyromatic center pivot. Model. 40 S.

The system is in the following condition: Excellent

The point of diversion is located 1300 ft North and 50 ft East of the SW
corner of section 15, T94N R52W

The works are capable of diverting and conveying to the place of use 1.77cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in section 15 T94N R52W

NW 1/4 SW 1/4 - 8.0 Ac., NE 1/4 SW 1/4 - 18.0 Ac., SW 1/4 SW 1/4 - 35.0 Ac.
SE 1/4 SW 1/4 - 30.0 Ac.

comprising a total of 91 acres of land.

Well data.

Depth 135 ftcapacity 3500 gpmPumping 800 gpmDate June 28, 1977

Ray J. McNamee
 (Signature)



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

February 10, 1973

Lyal and Orin Abild
Wakonda, SD 57073

Dear Gentlemen:

Enclosed herewith are, Water License No. 2507-3 and Certificate of Construction.

Water License No. 2507-3 is the final water right document completing your process of obtaining water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
WATER RIGHTS COMMISSION

JH: 7Y

Enclosures

NOTE: Four pump capacity is 1.79 (804 gpm). Based upon the acreage actually irrigated you are entitled to only divert 1.3 cfs (584 gpm). Any diversion in excess of 1.3 cfs would be a violation of your water right.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
April 15, 1985

Orin & Lyal Abild
Wakonda SD 57073

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s) 2807-3, 3037-3. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires 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 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

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 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s) 2807-3, 3037-3 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.

Sincerely,

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

NOTE: If the questionnaire(s) is received in this office before the May 15th hearing date, your name will be deleted from the agenda for the hearings.

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

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

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Lyl or Orin Abild
Wakonda, SD 57073

FROM: John Hutch, Chief Engineer
Water Rights Division 773-3352 *John Hutch*

SUBJECT: Amendment to Water Permit No(s). 3037-3 and 2807-3.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 3037-3 and 2807-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required Irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.



Department of Water & Natural Resources

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

Attachment to Water Permit No(s). 3037-3 and 2807-3

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 3037-3 and 2807-3 to add the following qualification:

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

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

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

February 9, 1990

LYAL & ORIN ABILD
RR 1 BOX 60
WAKONDA, SD 57073

NOTICE

RE: Violation of Water Permit No(s) 2807-3, 3037-3

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 2807-3, 3037-3. 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 the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 2807-3, 3037-3 qualification:

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

The hearing will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson 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 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 2807-3, 3037-3 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
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 is received in this office before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,



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



Department of Water & Natural Resources

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

February 28, 1990

2807-3
3037-3

Lyal & Orin Abild
RR 1, Box 60
Wakonda SD 57073

Dear Sir:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit Nos. 2807-3 and 3037-3. 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

RON DUVAL
Natural Resources Engineer
Water Rights Division

South Dakota

2807-3

DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3131

GREAT FACES. GREAT PLACES.

February 1, 1991

LYAL & ORIN ABILD
RR 1 BOX 60
WAKONDA SD 57073

NOTICE

RE: Violation of Water Permit No(s) 2807-3, 3037-3

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 2807-3, 3037-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 2807-3, 3037-3 qualification:

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

The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

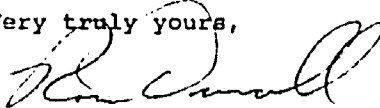
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s) 2807-3, 3037-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
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 is received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,


Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 19, 1991

2807-3

2807-3
3037-3

Lyal & Orin Abild
RR #1 Box 60
Wakonda, SD 57073

Dear Sirs:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Right Nos. 2807-3 and 3037-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3322.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ron Duvall".

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



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

LYAL & ORIN ABILD
RR 1 BOX 60
WAKONDA SD 57073

NOTICE

RE: Violation of Water Permit No(s) 2807-3 & 3037-3

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 2807-3 & 3037-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 2807-3 & 3037-3 qualification:

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

The hearing will be held at 9:15 am, March 4, 1992, 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 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 of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2807-3 & 3037-3 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 questionnaire(s) is(are) received in this office before the March 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



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

March 3, 1992

2807-3
3037-3

Lyal & Orin Abild
RR #1 Box 60
Wakonda, SD 57073

Dear Sirs:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for Water Permit Nos. 2807-3 and 3037-3. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

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

Genny McMath
Natural Resources Analyst
Water Rights Division

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 Fee will provide you the signature of the person delivered to and the date of delivery.

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:

LYAL & ORIN ABILD
RR 1 BOX 60
WAKONDA, SD 57073

4a. Article Number

P 906 557 789

4b. Service Type

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

7. Date of Delivery

1-29-92

5. Signature (Addressee)

Lyal Abild

6. Signature (Agent)

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

2807-3

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ORIN ABILD
30574 461ST AVE
WAKONDA SD 57073 9739

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X

☐ Agent

☐ Addressee

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7000 0600 0026 9814 2775

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



2807-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

TO: ORIN ABILD, 30574 461ST AVE, WAKONDA, SD 57073 9739

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2807-3 & 3037-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2807-3 & 3037-3 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2807-3 & 3037-3 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 questionnaire(s) is(are) received in this office on/or before March 2, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 2001

2807-3
3037-3

Orin Abild
30574 461st Ave
Wakonda, SD 57073-9739

Dear Mr. Abild:

I am writing to acknowledge receipt of your 2000 irrigation questionnaires. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right Nos. 2807-3 and 3037-3.

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,

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

*Fred Stroup
DC*

94-52

53.7

(7-115)

24.1

(7-161)

127

92.3

17.1

(7-115)

8.4

14.1

(7-115)

18.2

(7-161)

15

6.6

(7-8)

7.8

(7-8)

4.1 (7-8)

(7-8)

12.2

(7-54)

34.8

(7-54)

38.0

(7-48)

99
NW 1/4 SW 1/4 8.0 AC

18.0
NE 1/4 SW 1/4 18.0 AC
(7-8)

CP pad

2.8 (7-8)

8.4

(7-54)

11.0

(7-8)

Area To be
irrigated - Center pivot
one well with 3 pivot
points

CP pad

SE 1/4 SW 1/4 30.0 AC

94-52

MAP NO. 2163-3 (APP. NO. 2807-3)

2807-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 19, 2008

2807-3
3037-3

Orin Abild
30574 461st Ave
Wakonda SD 57073

Dear Mr. Abild:

Enclosed are the 2008 irrigation questionnaires you submitted for Water Right Nos. 2807-3 and 3037-3.

On the forms, you indicated that you did irrigate however nothing was written in on the back of the forms. In order for the questionnaires to be considered complete, the back side needs to be filled out.

Please include the number of acres, pump rate (in gallons per minute), days per month and hours per day the system(s) was running. The information is important to us in calculating how much water was used from a specific source.

Please complete and return the form to us by **December 5, 2008.** Thank you in advance for your help. If you have any questions, please contact me.

Sincerely,

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

enclosures



2807-3
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 23, 2009

NOTICE

TO: ORIN ABILD, 30574 461ST AVE, WAKONDA, SD 57073 9739

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2807-3 & 3037-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2807-3 & 3037-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

- 1 Suspend or cancel Permit No(s) 2807-3 & 3037-3 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 questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

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.state.sd.us/denr

January 28, 2009

2807-3
3037-3

Orin Abild
30574 461st Ave
Wakonda SD 57073-9739

Dear Mr. Abild:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right Nos. 2807-3 and 3037-3.

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

**Water Rights Program
File Documentation**

NAME OF PERSON OR FILE: Lyal and Orin Abild

ADDRESS: 30572 461st Ave, Wakonda, SD

DATE: 7/30/2014

RE: Incorrect GPS coordinates in ArcMap

COMMENTS:

When plotted in ArcMap, the location of Water Right No. 2807-3 plots approximately 23 miles north of the actual water right location, based on the map in the permit file. I was unable to identify the cause of the error. I informed Genny McMath that the following coordinates (Lat/Lon: 43.30352° N, -96.982° W) are incorrect and should be replaced with these coordinates (Lat/Lon: 42.95538° N, -96.9779° W).



Adam Mathiowetz

Natural Resources Engineer

DENR-Water Rights Program



2807-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 10, 2017

2807-3

3037-3

7918-3

Lilli Abild
30574 461st Ave
Wakonda SD 57073 9739

Dear Ms. Abild:

I am writing in follow up to your email concerning the irrigation questionnaires for Water Right Nos. 2807-3, 3037-3 and Water Permit No. 7918-3.

Enclosed are the 2016 irrigation questionnaires originally sent to Orin. The acreage authorized for irrigation is described on each form. Please complete and return them by January 31st.

Also enclosed are partially completed Notice of Transfer of Ownership forms for filing ownership changes on Water Right Nos. 2807-3, 3037-3 and Water Permit No. 7918-3. Please complete and sign the forms as needed. Upon completion, return them to our office with a required filing fee of \$50.00 each (total of \$150). The check or money order for the fee can be made payable to the Water Rights Program.

If I can help with completion of any of the forms, please give me a call. I have enclosed a postage paid envelope for your convenience.

Sincerely,

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

enclosures: irrigation questionnaires, transfer forms, envelope



2807-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 11, 2018

2807-3
3037-3
7918-3

Lillian Abild
30574 461st Ave
Wakonda SD 57073 9739

Dear Ms. Abild:

I am writing in follow up to our phone conversation concerning the irrigation questionnaires and ownership changes needed for Water Right Nos. 2807-3, 3037-3 and Water Permit No. 7918-3.

Enclosed is another set of 2017 irrigation questionnaires. The acreage authorized for irrigation is described on each form. Please complete and return them by February 9th. If it is more convenient for you, future questionnaires can be directed to your renter. If this is acceptable to you, please send me the name and address for them and I can update our mailing list.

Also enclosed are partially completed Notice of Transfer of Ownership forms for filing ownership changes. Upon completion, return them to our office with a required filing fee of \$50.00 each (total of \$150). The check or money order for the fee can be made payable to the Water Rights Program.

I have enclosed a postage paid envelope for your convenience and also a copy of the water rights and water permit for your records. If I can help with completion of any of the forms, please give me a call.

Sincerely,

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

enclosures

RECEIVED

FEB 01 2018

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2807-3

Date: 1-27-18

I/We request that Water Right No. 2807-3

formerly owned by: Orin Abild

be transferred to: (name & address) Lillian Abild
30579 461 Ave.
Wakonda, S.D. 57073-9739 Telephone No. 607-267-2236

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

SW ¼ Section 15, T94N, R52W

I/We understand that the validity of Water Right No. 2807-3 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 Lillian Abild, the new owner, certify that the above information is true and correct.

Lillian Abild
(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 February 1, 20 18

RECEIVED OF Lillian Abild 30574-461st Ave Wakonda, SD 57073-9739

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>2807-3</u>	50	00
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. **08563**

By

Jeane Goodman
Chief Engineer

jm



2807-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 2, 2018

2807-3
3037-3
7918-3

Lillian Abild
30574 461st Ave
Wakonda SD 57073 9739

Dear Ms. Abild:

I am writing to acknowledge receipt of the transfer forms and the filing fees you submitted for Water Right Nos. 2807-3 and 3037-3. Also received were the 2017 irrigation questionnaires for Water Right Nos. 2807-3, 3037-3 and Water Permit No. 7918-3.

The ownership changes have been completed. Water Right Nos. 2807-3 and 3037-3 formerly listed under Orin Abild are now listed in your name.

With respect to the irrigation questionnaire and transfer form for 7918-3, it is my understanding the project authorized under the permit will not be developed. Water Permit No. 7918-3 will be scheduled for cancellation at an upcoming Water Management Board hearing. You will be notified of the time, date and place of the hearing once it is scheduled.

Since you have acknowledged the project will not be developed and are agreeable to cancellation of the permit, you do not need to attend the hearing and can let the process run its course. However if you feel an error has been made, you have the opportunity to object to the hearing and let us know if you want to hold off on cancellation of Water Permit No. 7918-3.

Enclosed for your records are Receipt Nos. 08562 and 08563 in the amounts of \$50 each which you paid for filing the ownership changes on Water Right Nos. 2807-3 and 3037-3. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures



2807-3
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 25, 2019

NOTICE

TO: LILLIAN ABILD, 30574 461ST AVE, WAKONDA, SD 57073 9739

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2807-3 & 3037-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2807-3 & 3037-3 qualification:

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

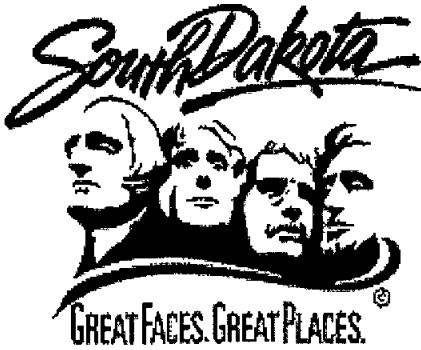
The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2807-3 & 3037-3 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 questionnaire(s) is (are) received in this office before the **March 6, 2019** hearing 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
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 19, 2019

2807-3
3037-3

Lillian Abild
30574 461st Ave
Wakonda SD 57073 9739

Dear Ms. Abild:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires. I filled the two forms out for you based on our phone conversation. Everything is now taken care of and you may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right Nos. 2807-3 and 3037-3.

During our conversation you indicated the permit in Riverside Township could be cancelled because it was never constructed. I looked through our files and found the permit for Riverside Township was actually cancelled last year. Nothing further is needed with that specific permit.

The remaining two water rights cover irrigation of land in **Pleasant Valley Township** as follows:

- No. 2807-3: SW ¼ Section 15, T94N, R52W;
- No. 3037-3: N ½ SE ¼ Section 16, T94N, R52W

Next October, we will send out irrigation questionnaires again for the property in Pleasant Valley Township. If you would rather the forms go to your renter, please give me a call with their name and mailing address and I can make sure they get notified.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 6, 2019

2807-3
3037-3

Lillian Abild
30574 461st Ave
Wakonda SD 57073 9739

Dear Ms. Abild:

Thank you for calling yesterday about the 2019 irrigation questionnaires. I filled the two forms out for you based on our phone conversation.

During our conversation you talked about wanting to cancel one or both permits and if your renter wanted to irrigate, he could pay for the power to the systems. I understand you not wanting to pay for the hookup every year, but I want to caution you that if the permits are cancelled, the renter can not simply pay for power and begin to irrigate. He would need to reapply for the permits.

Enclosed are copies of your water rights. The maps are attached to the back of each license. Once you have had an opportunity to go over the licenses and maps, give me a call and let me know what you decide to do with the water rights.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with a large, stylized initial "G".

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

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

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

MAR 25 2020

WATER RIGHTS
PROGRAM

No. 2807-3

Date: _____

I/We request that Water Right No. 2807-3

formerly owned by: Lillian Abild

be transferred to: (name & address)

Abild Wells Farms Tracy Wells
5354 Amberhill Ct. Fayetteville NC 28311

Telephone

No. 910-964-6763

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

SW 1/4 Section 15, T94N, R52W

I/We understand that the validity of Water Right No. 2807-3 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 Tracy Wells

, the new owner, certify that the above information is true and correct.

Tracy Wells

(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 March 26, 2020

RECEIVED OF Tracey Wells/Abild-Wells Farms 5354 Amberhill Ct Fayetteville NC 28311

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>2807-3</u>	\$50.00
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	\$50.00

By Eric Gronlund
Chief Engineer

VM

2807-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 8, 2020

2807-3
3037-3

Tracey Wells
Abild-Wells Farms
5354 Amberhill Ct
Fayetteville NC 28311

Dear Ms. Wells:

Thank you for sending in the ownership forms and fees for Water Right Nos. 2807-3 and 3037-3.

The ownership changes have been completed. Water Right Nos. 2807-3 and 3037-3 formerly held by Lillian Abild are now listed under **Abild-Wells Farms % of Tracey Wells**

Receipts are enclosed for the filing fees you paid on March 25, 2020. If you have any questions, please let us know.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with the first name "Genny" being more prominent.

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

2807-3



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: ABILD-WELLS FARMS, TRACEY WELLS, 5354 AMBERHILL CT, FAYETTEVILLE, NC 28311

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2807-3 & 3037-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2807-3 & 3037-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2807-3 & 3037-3 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 questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing 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: <https://danr.sd.gov/iq> using this password: MHALKS**

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.

2807-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 7, 2022

2807-3
3037-3

Tracey Wells
Abild Wells Farms
5354 Amberhill CT
Fayetteville NC 28311

Dear Tracey:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 2807-3 and 3037-3. 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,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

114142400211/02/24