

McMath, Genny**2826 A-3**

From: Gronlund, Eric
Sent: Tuesday, November 10, 2009 3:32 PM
To: McMath, Genny
Subject: Splitting of WR No. 2826-3, Edelen

Mr. Edelen called. Part of the land and wells under No. 2826-3 have been sold and he wanted to know the process for transferring the water right. Explained that a transfer of ownership form would need to be filled out for the portion that was sold and the WR would be split proportionately and reissued as an A & B number.

On WR No. 2826-3, Mr. Edelen will retain Wells #2 & # 4 and the irrigation systems in the SW NW 1/4 Section 15 and the S 1/2 SE 1/4 Section 16.

The land and wells with a new owner are: Wells # 1 & # 3 for the irrigation systems in the SW 1/4 Section 10 and the NW 1/4 NW 1/4 Section 15.

I sent a copy of the water right in your in-basket and attempted to highlight the ownership change. I offered for us to partially complete a transfer form and send it to him. He said he would take it to the new owner.

He said no rush

Eric Gronlund
Water Rights Program, DENR
Phone: (605) 773-3352
Fax: (605) 773-4068
Email: eric.gronlund@state.sd.us
Web: www.denr.sd.gov



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

APR 27 2010

2826A-3

Joseph R Edelen
311 Canby St
Vermillion SD 57069

Dear Mr. Edelen:

Enclosed is your Reissued Water License No. 2826A-3. Based on an ownership change filed by Brook Bye on January 25, 2010, Water Right No. 2826-3 was divided and reissued as follows:

- **No. 2826A-3 - Joseph R Edelen, 311 Canby St, Vermillion SD 57069:** authorizing diversion of 0.94 cfs (approximately 422 gpm) from Well Nos. 2 & 4 to irrigate 93 acres located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15 and the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 16, T92N, R53W.
- **No. 2826B-3 - Brook Bye, 31472 458th Ave., Vermillion SD 57069:** authorizing diversion of 1.73 cfs (approximately 778 gpm) from Well Nos. 1 & 3 to irrigate 171 acres located in the SW $\frac{1}{4}$ Section 10 and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, T92N, R53W.

At the time of inspection back in 1993, the system consisted of one 10-tower center pivot and two 3-tower center pivots. The smaller center pivots were being towed between two quarter-quarters. Due to the system set up at the time, the water license was issued for a total of 2.67 cubic feet per second or roughly 1200 gallons per minute. With the ownership change occurring, the diversion authority of 2.67 cfs was pro-rated according to the acreage each of you own. In doing so, both you and Mr. Bye may need to come in for a permit to increase your diversion rate to what you are actually using.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2826A-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2826A-3
DIVISION OF WATER RIGHT NO. 2826-3 INTO NOS. 2826A-3 & 2826B-3

(1) Joseph R Edelen Jr., 311 Canby St, Vermillion SD 57069 was issued Water Right No. 2826-3, September 8, 1998 for a water permit to divert 2.67 cubic feet of water per second (cfs) from ground water (four wells – Missouri: Elk Point Aquifer), Clay County, South Dakota for irrigation purposes. Water License No. 2826-3, with a priority date of June 23, 1976 was issued to the permit holder for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

On January 25, 2010, a transfer of ownership was filed for a portion of land described in the water right. Based on the ownership change, the water right is being divided and reissued to reflect separate ownership as follows:

- **No. 2826A-3 - Joseph R Edelen, 311 Canby St, Vermillion SD 57069:** authorizing diversion of 0.94 cfs from Well Nos. 2 and 4 located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, T92N, R53W to irrigate 93 acres located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15 and the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 16, T92N, R53W.
- **No. 2826B-3 - Brook Bye, 31472 458th Ave., Vermillion SD 57069:** authorizing diversion of 1.73 cfs from Well Nos. 1 and 3 located in the center of the SW $\frac{1}{4}$ Section 10 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, T92N, R53W to irrigate 171 acres located in the SW $\frac{1}{4}$ Section 10 and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, T92N, R53W.

(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.94 cubic feet of water per second for beneficial use. The location of the diversion points are:

- Well No. 2: 635 feet east and 1,650 feet south of the NW corner of Section 15, T92N, R53W (SW $\frac{1}{4}$ NW $\frac{1}{4}$);
- Well No. 4: 660 feet west and 660 feet north of the SE corner of Section 16, T92N, R53W (SE $\frac{1}{4}$ SE $\frac{1}{4}$).

(3) The water right holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 15, T92N, R53W		Section 16, T92N, R53W	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	31 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$	31 acres
		SE $\frac{1}{4}$ SE $\frac{1}{4}$	31 acres
Total 93 acres			

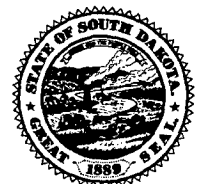
(4) Pursuant to South Dakota Water Law 46-5-30.1 Joseph R Edelen Jr., 311 Canby St, Vermillion SD 57069 the holder and owner of Water Right No. 2826A-3 is issued a license to appropriate water, the right to use 0.94 cubic feet of water per second from ground water (two wells) with a priority date of June 23, 1976 from the locations specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2826-3.

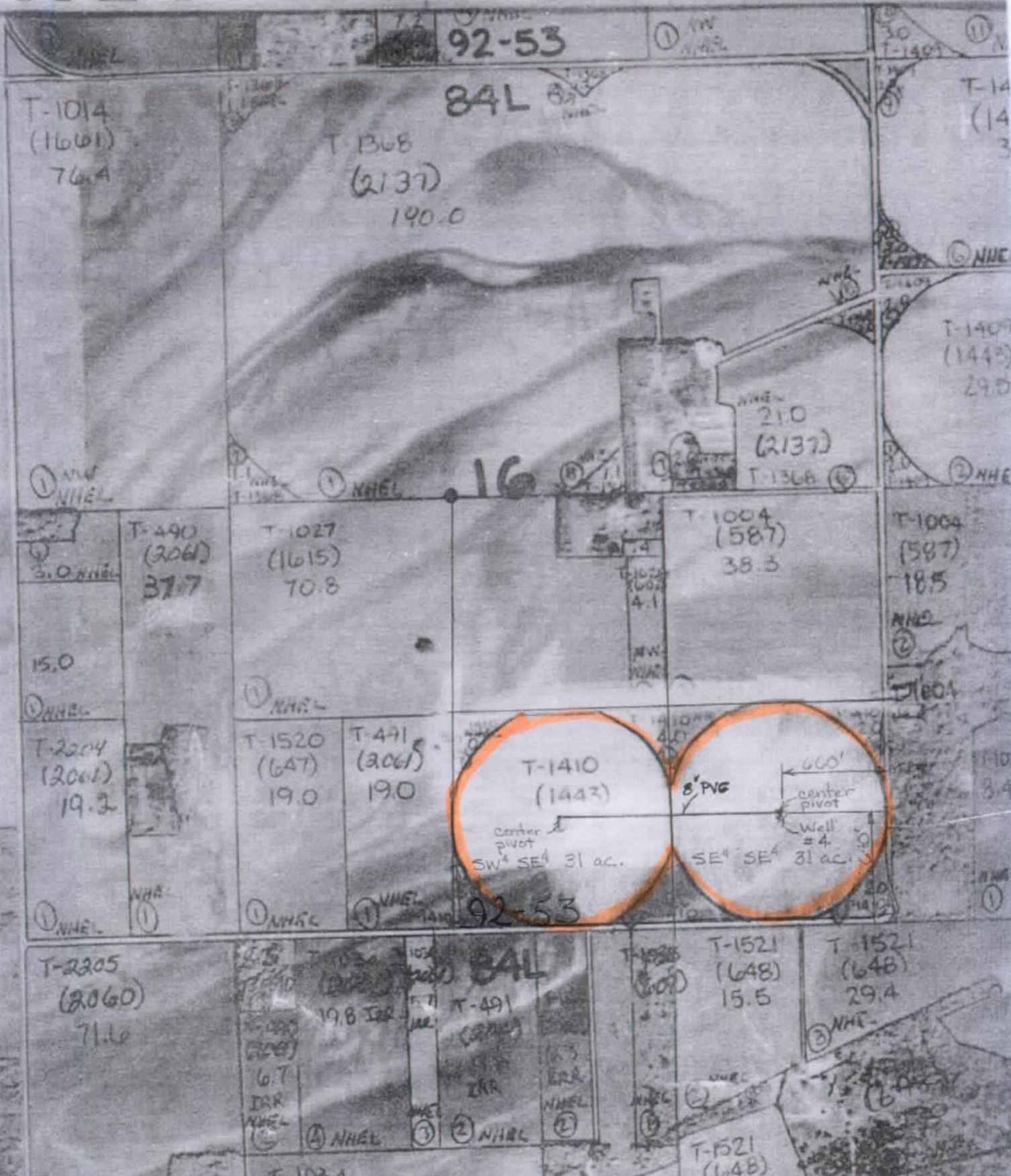

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 27 2010

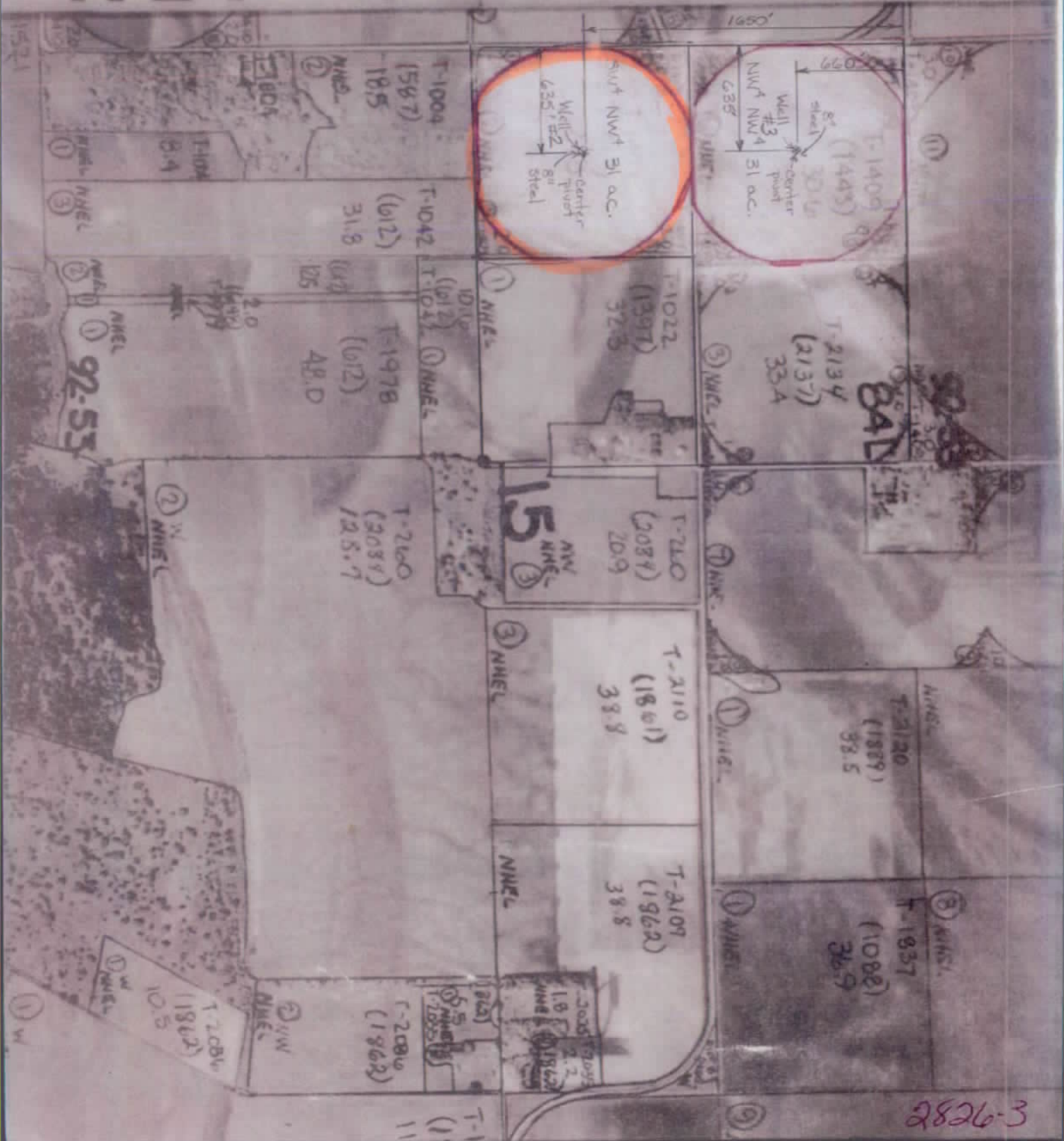
date



NOT TO SCALE



NOT TO SCALE



RECEIVED 2826A-3
NOV 19 2014
WATER RIGHTS
PROGRAM

SD EForm - 0495LD V2 NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2826-3 INTO NOS. 2826A-3 +
Date: 11-17-14 2826B-3

I/We request that Water Right/Permit No. 2826A and B-3 formerly owned by:

Joseph R Edelen and Brook Bye be transferred to:

New Owner Name: Calvin and Mary Hanson

Address: 31524 452nd Ave

City, State, Zip Meckling SD 57069 Telephone No. 605-267-4140 Cell 605-661-6393

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

Section 15, T92N, R53W SW 1/4 NW 1/4 31 Acres
Section 16, T92N, R53W SW 1/4 SE 1/4 31 Acres
SE 1/4 SE 1/4 31 Acres
Cloy County Total 93 Acres

☐ I understand that the validity of Water Right/Permit No. 2826A and B-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

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

Calvin Hanson
(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 11/19, 20 14

RECEIVED OF Calvin Hanson 31524 452nd Ave Meckling SD 57069

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2826A-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06987**

By *Jeanne Goodman*
Chief Engineer



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



November 21, 2014

2826A-3

Calvin & Mary Hanson
31524 452nd Ave
Meckling SD 57069

Dear Mr. & Mrs. Hanson:

I am writing to acknowledge receipt of the transfer of ownership form and filing fee you submitted for changing ownership on Water Right No. 2826A-3.

The ownership change has been completed. The water right formerly held by Joseph Edelen is now listed in your names.

Enclosed for your records is Receipt No. 06987 in the amount of \$50 which you paid for filing the ownership change. Also enclosed is a 2014 irrigation questionnaire pertaining to this water right. Please complete the form and return it along with your other questionnaires as soon as possible.

Thank you and if you have any questions, please let me know.

Sincerely,

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

enclosures

ATTACHMENT TO WATER RIGHT NO. 2826A-3

Water Right No. 2826A-3 authorized diversion of 0.94 cfs from two wells (Missouri Elk Point Aquifer) located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, T92N, R53W.

Water from the two wells was used to irrigate 93 acres located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15 and the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 16, T92N, R53W.

On July 9, 2015, a transfer of ownership was filed for a portion of the water right. Based on the ownership change, Water Right No. 2826A-3 was divided and reissued to reflect separate ownership as follows:

- **No. 2826C-3 – Calvin & Mary Hanson, 31524 452nd Ave., Meckling SD 57069:** authorizing diversion of 0.313 cfs from one well located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15 to irrigate 31 acres located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, all in T92N, R53W.
- **No. 2826D-3 – D A Olson & Sons, 31725 455th Ave., Meckling SD 57069-4423:** authorizing diversion of 0.627 cfs from one well located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16 to irrigate 62 acres in the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 16, all in T92N, R53W.