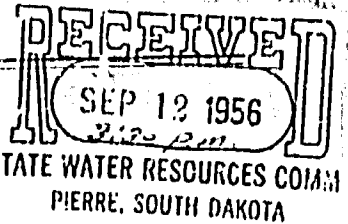


1. Considered Nov 13, 19 56
2. Name of Applicant Kay and Anna M. J. Jeger #291-3
3. Post Office Address Rehoboth, S. Dak.
4. Amount of water claimed 1.14 cfs
5. Source of water supply Ground water
6. Water to be used for Irrigation
- Acres to be irrigated 3201
7. Water to be diverted and used in Turner County about 5.5 miles N S of Rehoboth, S. Dak.
8. Proof of Publication Received ☒ Not Received ☐
9. Application Approved ☐ Subject to ☐ Not Approved ☐ Action deferred ☒
10. Remarks:

Pending Application

No. 291-5Water Division No. 3

(Blanks to be filled by the Engineer for the W. R. C.)

District 1 STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT To appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant Ray ~~Ann~~ Anna M. Flyger
 Postoffice address Hurley, County TURNER, State S. DAK.

I. ~~If a corporation~~

- (a) Name of same _____
 (b) Date and place of incorporation _____
 (c) Amount of capital stock _____
 (d) Amount paid in _____
 (e) Names and addresses of directors _____

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

PRIVATE CONTRACT

- (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Ray ~~Ann~~ Anna M. Flyger Irrigation Project #53. Amount of water claimed 1.14 cubic feet per second

4. Source of water supply _____

5. Location of point of diversion 1/2 mi. S. of Hurleyon bank _____ County.

6. Annual period or periods during which water is to be used _____

7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?
- SPRINKLING

(a) Number of acres to be irrigated 320 9/16 acres.(b) Legal subdivisions to be irrigated W/2 NE 1/4 Sec 28 N-53 E

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) NONE

II. Stockwatering, milling, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use _____

Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

Map No. 214-5

8. Estimated cost of work:

(a) Head Gates, \$-----

(b) Pumping plant, \$ 1000.00

(c) Fluming, \$-----

(d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures 1000.00Total, \$ 1000.00

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

II. Dimensions of works:

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top -----

----- feet; thickness at bottom ----- feet; thickness at top -----

feet; slope at front water face -----; slope at back face -----

material used in construction -----

(b) Reservoir: Capacity when filled ----- acre feet. Surface area at highwater mark ----- acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	ACRE-Feet CAPACITY

(c)* Head gate: Width ----- feet; height ----- feet;

Material -----

(d) Canal. Total length ----- miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work: 3 years.11. Time required for complete application of water to the proposed beneficial use 3 years.12. Choice of newspaper for publication of notice of intention to appropriate NW LHA
PARKER, S. DAK.

STATE OF SOUTH DAKOTA

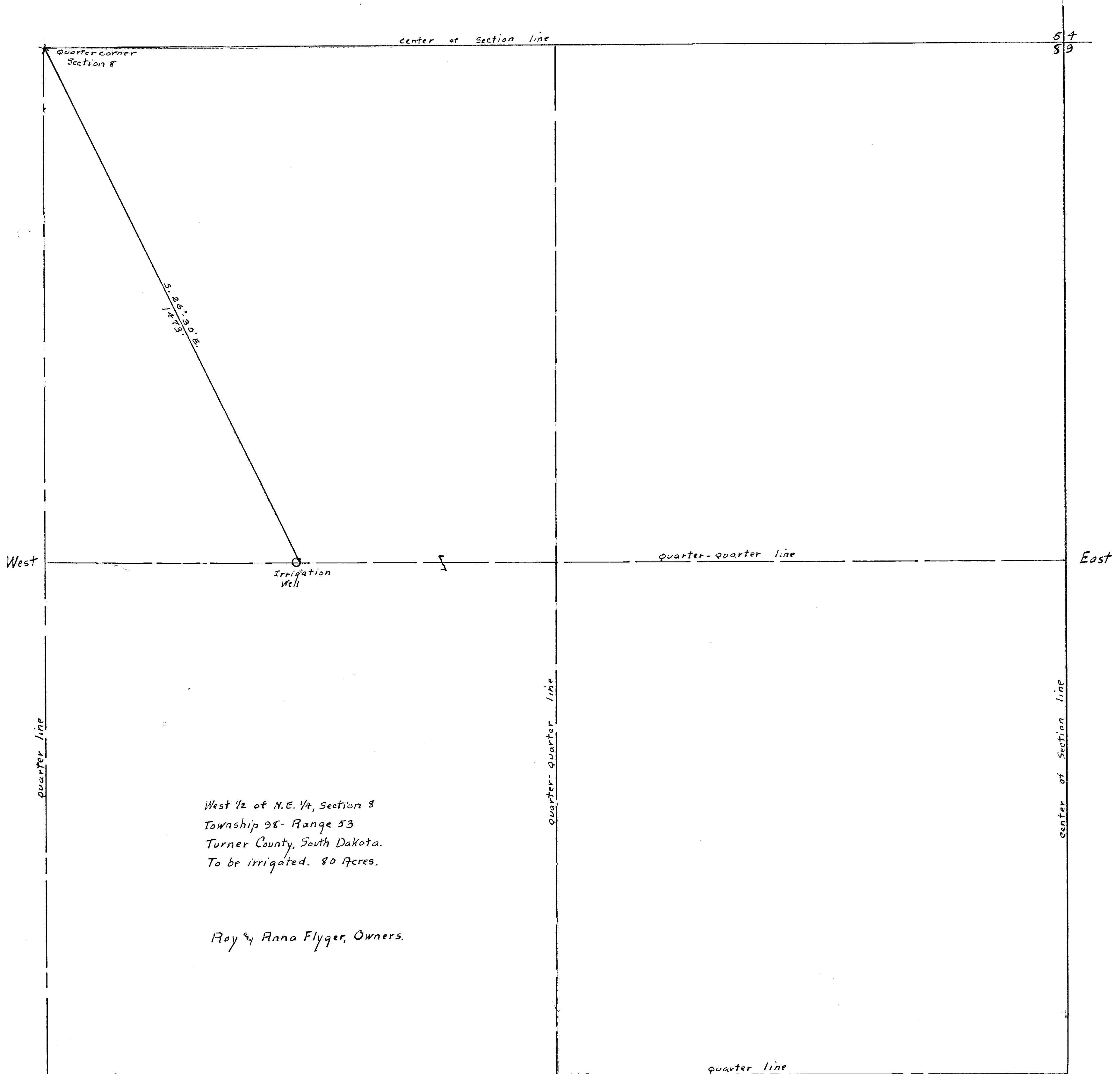
County of ParkerI, Ray H. Hager

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, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Ray F. HagerSubscribed and sworn to before me this 11th day of Sept 1956

Notary Public (or other qualified officer.)

North



Roy & Anna Flyger Irrigation Project # 5
West 1/2 of N.E. 1/4, Section 8, Township 98-Range 53
Turner County, South Dakota.

I, Ellis V. Nelson, a licensed engineer hereby certify
that I have made a survey of the West 1/2 of N.E. 1/4.
Section 8, Township 98- Range 53, Turner County South
Dakota and located a well, for irrigation purposes as
indicated on the above plat.
Dated at Sioux Falls, South Dakota September 13 1956.

Ellis V. Nelson
Licensed Engineer

State of South Dakota } ss
County of Minnehaha

On this 13th day of September, 1956, before me the
undersigned officer personally appeared Ellis V. Nelson
Known to me or satisfactorily proven to be the person
whose name is subscribed to the within certificate and
acknowledged that he executed the same for the purpose
therein contained.

In witness whereof I hereunto set my hand and
official seal.

Joseph M. Leland
Notary Public
My commission expires June 1, 1958.

Ellis V. Nelson, Civil Engineer
Sioux Falls, South Dakota Sept. 1956

Map No 214-3
Pp. No. 281-3

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA

County

Sioux

ss.

Pierre, South Dakota,

September 25, 1956

This is to certify that the foregoing application was received by the Commission at 3:30 o'clock

p.m. upon the 12 day of September, 1956

State Water Resources Commission

By:

Goodwin

Chief Engineer, Executive Officer

Number of permit 291-3

Date of first receipt of application

September 12, 1956

Date of return to applicant for correction, amendments or changes required as follows:

19

Date of receipt of corrected application

19

Date from which applicant may claim right

September 12, 1956

Approved

February 4, 1957

Recorded in Book

4

Page

195

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

August 4, 1958

2nd. The whole of said work is to be completed on or before

February 4, 1960

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

February 4, 1963

4th. The water appropriated shall be used for the purpose of

irrigation

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 114 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation shall be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time

and beneficially applied for irrigation on or before Febr., 1963; said water to be used during the following described annual period:

April To September inclusive

Witness my hand this

12

day of

January, 1958

State Water Resources Commission

By:

Goodwin

Chief Engineer, Executive Officer

Certificate of Construction Issued

NOVEMBER 24

24

1970

Water License Issued

NOVEMBER 24

24

1970

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30 in, Depth 41 ft

Type of casing Steel
(wood, concrete, steel, etc.)

Size of casing 20 in, Thickness of casing 14 Gauge

Length of casing 42 ft If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen Damper mill

Size of perforated screen 20 in (diameter), 12 ft (length)

Thickness of gravel pack 5 in, length of gravel pack 18 ft

(c) Water Bearing Materials

Distance to water 7 ft, Character of water bearing materials Coarse to very coarse sand & gravel

Thickness of water bearing material 34 ft

(d) Pump and Motor

Type of pump (centrifugal, propeller, mixed flow, etc.)

Name of pump, size

Kind of motor (gasoline, electric, diesel, etc.)

Horsepower, Name of Motor

(e) Complete well

Capacity Note tested at drawdown of, Estimated cost

(f) Owner of land upon which well is located Ray F. Ogden

Harley 3800
Address

(g) Distance to nearest existing wells

On same owner's property 80 rods. On property owned by others 80 rods

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 291-3

(1) WHEREAS, On the 12th day of September A. D. 19 56
Roy Flyger

made Water Right Application No. 291-3 for a permit to use 1.14 cubic feet per second of the waters
of ground water

County of Turner, State of South Dakota, for irrigation

purpose; and

(2) WHEREAS, On the 10th day of January A. D. 19 58
Permit No. 291-3, with a date of priority of September 12, 1956

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 4th day of February A. D. 19 60 and for the
application to beneficial use of said water on or before the 4th day of February A. D. 19 63

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 1.12 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 W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 8, T98N, R53W

(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 Roy Flyger

_____ of Hurley, S.D.
the holder _____ and owner _____ of said permit No. 291-3 a water right, dating from September 12, 1956
_____ to use of 1.12 cubic feet per second of the waters
of ground water
in the County of Turner and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 1473 feet South 26° 30' East of the NE
Corner, Section 8, T98N, R53W

and conduct to and upon the W 1/2 NE 1/4, Section 8, T98N, R53W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 291-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 24th day of November A. D.
Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Form 15.

Permit No. 291-3

Water Diversion No. 3 VERMILION RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Roy Flyger

_____ the holder _____ of
Permit No. 291-3, issued upon Application No. 291-3, bearing date of priority of September 12,
1956 authorizing the diversion of 1.14 cu. ft. per second of the waters of _____
ground water County of Turner, State of South Dakota at _____
a point 1473 feet South 26° 30' East of the NE Corner, Section 8, T98N, R53W
_____, for irrigation

_____, 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 1.12 cu. ft. per second of water.

Date November 24, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

(First Publication before October 11, 1956)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., September 25, 1956

Notice is hereby given that Roy and/or Anna M. Flyger whose postoffice address is Hurley S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.14 cubic feet of water per second of time from the ground water through the Roy and Anna M. Flyger Irrigation Project #5, the point of diversion of which is to be located xxxxx in the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 8 Twp. 98N Range 53W. Said water to be used for the purpose of providing irrigation on the following described land:

W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 8, T 98N, R 53W

~~xxxxx~~ ~~xxxxx~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 13th day of November, 1956, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

J. W. Grimes, Chief Engineer, Executive Officer

cc: E. J. Bormann, Publisher
The New Era
Parker, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County of Turner } ss.

Earl J. Bormann being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

THE NEW ERA a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the

City of Parker County of Turner and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Thursday, October 11, 1956

Thursday, October 18, 1956

Thursday, October 25, 1956

Thursday, November 1, 1956

in each and every issue of the full number thereof, the first publication being made on the 1st day of October 1956 and the last publication on the 1st day of November 1956 upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was the printer and publisher of the said newspaper.

Earl J. Bormann

Subscribed and sworn to before me this 1st day of November A. D. 1956

Notary Public *Turner* County, S. D.

Notice of Intention to Appropriate Water
APPROPRIATION OF WATER
291-3

Office of State Water Resources Commission, Pierre, S. Dak., September 25, 1956.
Notice is hereby given that Roy and/or Anna M. Flyger whose post-office address is Hurley S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.14 cubic feet of water per second of time from ground water through the Roy and Anna M. Flyger Irrigation Project No. 5, the point of diversion of which is to be located in the W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 8, Twp. 38N, Range 53W. Said water to be used for the purpose of providing irrigation on the following described land: W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 8, T. 38 N. R. 53 W. This application will be taken up by the State Water Resources Commission at their offices at Pierre for consideration upon the 13th day of November, at 2:00 P.M. All interested persons may appear and be heard. Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.
State Water Resources Commission
By: J. W. GRIMES, Chief Engineer.
Executive Officer.
(file—Oct. 11, 15, 25, & Nov. 1, 1956)

RECEIVED
NOV 5 1956

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Permit No. 291-3Water Division 3 Vermillion River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Roy Flyger
 of Hurley, South Dakota holder
 of Permit No. 291-3, bearing date of priority of September 12, 1956
 authorizing the diversion of 1.14 cu. ft. per second of the waters of ground water
 for irrigation purposes, in Turner 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:

Well, 52 feet deep. 18 inch steel casing
 Western Land Roller Pump - 6 inch Mod 6M
 G.E. Electrical Motor - 40 H.P. - Type K

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

½ mile of 5 inch aluminum pipe

C. Works used to apply water to beneficial use.

One "Vermeer" portable boom - Mod 140The system is in the following condition: Good

The point of diversion is located 1473 feet S26°30' E of the N ¼ Corner of
Section 8, Township 98N, Range 53W.

The works are capable of diverting and conveying to the place of use 1.12cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows:

W½ NE¼ Section 8, Township 98N Range 53W.comprising a total of 80 acres of land.

License and notification should be for Roy Flyger only.

Date October 28, 1970

Donald Driscoll
 (Signature)

Donald Driscoll
 Deputy Chief Engineer
 Water Resources Commission

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

Phone (605) 773-3352

January 22, 1982

Craig Flyger
Hurley
South Dakota 57036

Dear Mr. Flyger:

Please find enclosed a copy of our Form 20, Notice of Transfer of Water Permit. This must be signed by the owner before a notary public and returned to this office with a fee of Two Dollars and Fifty Cents (\$2.50).

Upon receipt of the Form 20 and the \$2.50 filing fee the permit will be transferred to the proper name.

Please advise this office if you have any questions.

Sincerely,

KAREN SCHLAAK
Administrative Secretary

291-3

WATER RIGHTS DIVISION

(605) 773-3352

May 5, 1982

Craig Flyger
Hurley, South Dakota 57036

SECOND NOTICE
291-3

Dear Mr. Flyger:

On January 22, 1982 notice was sent to you concerning the transfer of Water Permit No. 291-3 in the name of Roy Flyger which covers irrigation of portions of Section 8, T98N, R53W. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed please find an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The permit can then be transferred to your name. If you are not the present owner of the land covered under this Permit, please notify this office. It is very important that ownership records be kept current.

If you have any questions, please contact this office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:9YYms
Enc.

Water Rights Division
605 773-3352

December 7, 1982

291-3
THIRD NOTICE

Craig Flyger
Hurley,
South Dakota

Dear Mr. Flyger:

On January 22, 1982 and May 5, 1982 notice was sent to you concerning the transfer of Water Right No. 291-3 in the name of Roy & Anna Flyger which covers irrigation of 80 acres in the W $\frac{1}{2}$, NE $\frac{1}{4}$ Section 8, R98N, R53W. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed please find an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The permit can then be transferred to your name. If you are not the present owner of the land covered under this Permit, please notify this office. It is very important that ownership records be kept current.

Failure to keep records current can mean a delay in receiving a notice or even no receipt of a notice that pertains to the permit. In some cases a notice from this office includes an order which could result in up to one years suspension of a permit or other penalty if not complied with.

The Statutes provide that a permit for irrigation remains appurtenant to the land. If there is an ownership change; however, no such assignment (transfer) shall be binding except upon the parties thereto, unless filed for record in this office.

If you have any questions, please contact this office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:GY:ks

enclosure

P15 4381358

PS Form 3811, Jan. 1979

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
☐ Show to whom and date delivered.....
☐ Show to whom, date and address of delivery.....
☒ **RESTRICTED DELIVERY**
Show to whom and date delivered.....
☐ **RESTRICTED DELIVERY**
Show to whom, date, and address of delivery.....
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Craig Lyggo
Hurley SD 57036

3. ARTICLE DESCRIPTION:
REGISTERED NO. CERTIFIED NO. INSURED NO.
4381358
(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
Craig Lyggo

4. DATE OF DELIVERY
11-12-82

5. ADDRESS (Complete only if return)

6. UNABLE TO DELIVER BECAUSE:
CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

PARCEL
POSTMARK
DEC 1982
P.O. BOX
57036
S.D.
HURLEY

☆GPO : 1979 300-430

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

September 16, 1983

FOURTH NOTICE
Permit No. 291-3

Craig Flyger
Hurley SD 57036

Dear Mr. Flyger:

On January 22, 1982 and May 5, 1982 notice was sent to you concerning the transfer of Water Permit No. 291-3 in the name of Roy Flyger which covers Irrigation of 80 acres in W1 NE1 Section 8, T98N, R53W. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed please find an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The permit can then be transferred to your name. If you are not the present owner of the land covered under this Permit, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 which 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.

Failure to keep records current can mean a delay in receiving a notice or even no receipt of a notice that pertains to the permit. In some cases, a notice from this office includes an order which could result in up to one year suspension of a permit or other penalty if not complied with.

The Statutes provide that a permit for Irrigation remains appurtenant to the land. If there is an ownership change; however, no such assignment (transfer) shall be binding except upon the parties thereto, unless filed for record in this office.

If you have any questions, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

291-3

PS Form 3811, Dec. 1980 ● SENDER: Complete items 1, 2, 3, and 4. Add your address in the "RETURN TO" space on reverse.	
(CONSULT POSTMASTER FOR FEES) 1. The following service is requested (check one): ☒ Show to whom and date delivered ☐ Show to whom, date, and address of delivery 2. ☐ RESTRICTED DELIVERY (The restricted delivery fee is charged in addition to the return receipt fee.) TOTAL \$ 2	
3. ARTICLE ADDRESSED TO: Craig Flyger Hurley SD 57036	
4. TYPE OF SERVICE: ☒ REGISTERED ☐ INSURED ☐ CERTIFIED ☐ COD ☐ EXPRESS MAIL	ARTICLE NUMBER P404 786705
(Always obtain signature of addressee or agent) I have received the article described above. SIGNATURE ☐ Addressee ☐ Authorized agent Cornie Flyger	
DATE OF DELIVERY 9-20-83	POSTMARK PARKER SD SEP 20 1983
6. ADDRESSEE'S ADDRESS (Only if requested)	
7. UNABLE TO DELIVER BECAUSE:	7c. EMPLOYEE'S INITIALS TPM

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

Water Rights Division
605-773-3352

September 21, 1984

291-3

Craig Flyger
Hurley SD 57036

Dear Mr. Flyger:

Enclosed is a partially completed transfer form for transferring Water Right No. 291-3 from Roy and Anna Flyger to you. The Register of Deeds office indicated the land is on a contract for deed to you from Merle Flyger. In a conversation September 19, 1984 with Merle Flyger, Mr. Flyger stated the water right should still be transferred to your name.

Transfer forms were sent to you January 22, 1982, May 5, 1982, December 7, 1982 and September 16, 1983. To date we have not heard from you on this matter.

Our 1984 Irrigation Questionnaire will be mailed out sometime the first part of October. The questionnaire will still be mailed to the previous water right holder unless the transfer is completed before then.

Please check over the transfer form, date and sign before a notary before returning the form to this office with a required filing fee of \$2.50. Upon receipt of the form and filing fee, the water right will be transferred to your name.

If you have any questions, please contact us.

Sincerely,

GENNY HENATH
Natural Resources Analyst

GH:ks

enclosures

Water Rights Division - DWR

File No. 291-3

Conversation or File Documentation

NAME OF PERSON OR FILE:

Flyger

ADDRESS:

COUNTY Turner

DATE:

August 23, 1984

TELEPHONE

RE:

Ownership of Water Right

COMMENTS:

Various notices have been sent to Craig Flyger for transfers - called Registered of Deeds Office to see if Craig Flyger still owned land. Apparently it's on a contract for deed from Merle Flyger to Craig Flyger.

9/21/84

(233-5263)

Spoke w/ Merle Flyger about transfer - land is still to be transferred to Craig - he said he'd get a hold of Craig and tell him to take care of this. Send another form.

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.

4/82

NAME:

Genny McMath

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 10-2-84

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

W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 8, T98N, R53W

formerly owned by Roy & Anna Flyger

has been transferred to Craig Flyger RR 1 - Box 22 Parker SD 57053

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

Water Right Permit No. 291-3 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 Turner) ss.

I, Craig Flyger 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.

Craig Flyger
(Signed)

Subscribed and sworn to before me this 22 Day of Oct, 1984.

Arden E. Gordon
(Notary Public)

WNR-820-9/83

Notice of Transfer of Water Permit



RECEIPT

Division of Water Rights

No 4 9790

South Dakota Department of Water and Natural Resources

Pierre, October 10,

1984

RECEIVED OF Craig Flyger, RR#1, Box 22, Parker SD 57053

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 291-3 _____	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 JOHN HATCH

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

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

Phone (605) 773-3352

October 15, 1984

Craig Flyger
RR#1, Box 22
Parker, South Dakota 57053

Dear Mr. Flyger:

Enclosed is receipt No. 4 9790 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 291-3.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

WNR-821-7/79

Receipt & Notice of filing of Transfer of Water Right

L

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

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

March 31, 1986

Craig Flyger
RR 1, Box 22
Parker, SD 57053

Notice

Re: Violation of Requirement to Submit 1985 Irrigation Questionnaire

Our records indicate that the 1985 Irrigation Questionnaire has not been submitted for Water Permit No(s). 291-3. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 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.

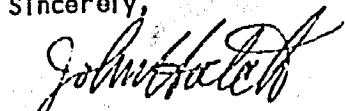
The hearings will be held at 2:00 p.m., May 14, 1986 in Room 216, Joe Foss Building, Pierre, South Dakota.

The hearing(s) 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). 291-3 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
(605) 773-3352

Note: If the questionnaire(s) is received in this office before the May 14 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

May 20, 1986

NOTICE OF AMENDMENT TO WATER PERMIT(s)

To: Craig Flyger
RR 1 Box 22
Parker SD 57053

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

John Hatch

SUBJECT: Amendment to Water Permit No(s). 291-3

Pursuant to the provisions of the notice dated March 31, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No(s). 291-3 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.

Equal Opportunity Employer

South Dakota
Department of
Water & Natural Resources

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

Attachment to Water Permit No. 291-3

Pursuant to the provisions of the notice dated May 20, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No. 291-3 to add the following qualification:

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

Equal Opportunity Employer

REPRODUCTION
REDUCTION 25%
ROLL NO. 112
DATE MICROFILMED 9-10-86
CAMERA OPERATOR

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

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

March 23, 1987

CRAIG FLYGER
RT #1 BOX 22
PARKER, SD 57053

NOTICE

Re: Violation of Water Permit No(s). 291-3

Our records indicate that the 1986 Irrigation Questionnaire has not been received for Permit No(s). 291-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 291-3 qualification:

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

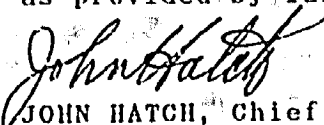
The hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) 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. Suspend Permit No(s). 291-3 until either the 1986 Questionnaire is submitted or for a period of up to one 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.


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

NOTE: If the questionnaire(s) is received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

South Dakota Department of
Water & Natural Resources

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

April 24, 1987

291-3

Craig Flyger
RR #1 Box 22
Parker, SD 57053

Dear Mr. Flyger:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Right No. 291-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



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

291-3

 **Department of
Water & Natural Resources**

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

January 29, 1988

CRAIG FLYGER
RR #1 BOX 22
PARKER, SD 57053

NOTICE

Re: Violation of Water Permit No(s). 291-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 291-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 291-3 qualification:

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

The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) 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. Suspend Permit No(s). 291-3 until either the 1987 Questionnaire is submitted or for a period of up to one 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.


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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

SOUTH DAKOTA

Department of Water & Natural Resources

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

March 9, 1988

291-3

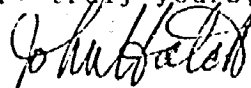
Craig Flyger
RR 1, Box 22
Parker SD 57053

Dear Mr. Flyger:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 291-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name was deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,



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

South Dakota

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

GREAT FACES. GREAT PLACES.

February 12, 1991

156-3, 157-3, 191-3

Craig Flyger
RR 1, Box 22
Parker, SD 57053

Enclosed are the partially completed application forms for obtaining a Water Permit to irrigate the E1/2 NE1/4 Section 8, T98N R53W, Turner County. As I indicated to you over the telephone, a water permit does not exist for these lands. If you wish to continue to irrigate these lands, please fill out the application forms following the instruction sheet and return the application to this office. As required by statute, a \$225 fee must accompany the application.

We also talked about whether the well (Vested Water Right No. 157-3) in the NE1/4 SE1/4 Section 5, T98N R53W has been used to irrigate land in the W1/2 NE1/4 Section 8, T98N R53W. Water Right No. 157-3 does allow irrigation of the E1/2 SE1/4 Section 5 and the W1/2 NE1/4 Section 8, T98N R53W.

Please let me know how long it has been since the W1/2 NE1/4 Section 8 has been irrigated from the well in the NE1/4 SE1/4 Section 5. It is important to know the history of water use because the lands in question may have been forfeited due to nonuse.

Any information you could give me concerning of the irrigation wells located in the SW1/4 Section 4, NE1/4 SE1/4 Section 5, and the W1/2 NE1/4 Section 8, T98N R53W would be appreciated. If you know who drilled the wells, well depth, casing size, screen type and length, or where well logs might be obtained, please forward that information to me. This information would be used while validating your vested water rights and issuing water licenses to you.

If you have any questions, please feel free to give me a call.

Very truly yours,

David S. Brown

David S. Brown
Natural Resource Engineer III
DWNR, Water Rights Division
(605) 773-3352

291-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: CRAIG FLYGER
RR #1 BOX 22
HURLEY SD 57036

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Water Permit No(s) 180-3 & 291-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 180-3 & 291-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 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) 180-3 & 291-3 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, 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) 180-3 & 291-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352, to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

291-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 1, 1993

Craig Flyger
RR #1 Box 22
Hurley, SD 57036

Dear Mr. Flyger:

I am writing to acknowledge receipt your 1992 irrigation questionnaires. You may disregard the January 29, 1993, Notice of Violation of Water Right Nos. 156-3, 157-3, 164-3, 180-3, 291-3 and 1878-3.

The questionnaires were received prior to the Water Management Board meeting, and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352



CRAIG FLYGER
RR #1 BOX 22
PARKER SD 57053

291-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

RE: Violation of Water Permit No(s) 291-3

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 291-3. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 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) 291-3 qualification:

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

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, 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) 291-3 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 April 1, 1994, 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

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: 291-3 CRAIG FLYGER RR #1 BOX 22 PARKER SD 57053		4a. Article Number P837 692 594 4b. Service Type ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise	
5. Signature (Addressee) <i>Craig Flyger</i> 6. Signature (Agent)		7. Date of Delivery 3-01-94 8. Addressee's Address (Only if requested and fee is paid)	

Is your RETURN A

Thank you for using Return Receipt Service



291-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 1994

NOTICE

TO: CRAIG FLYGER
RR #1 BOX 22
PARKER, SD 57053

FROM: Ron Duvall, Natural Resources Engineer IV
For John Hatch, Chief Engineer,
Water Rights Division
(605) 773-3352

SUBJECT: April 6, 1994 Water Management Board Meeting --
Irrigation Questionnaire Violation(s)
RE: 180-3 & 291-3

On February 16, 1994, a notice was sent to you concerning submission of the 1993 irrigation questionnaire(s). The time and location of the April 6th hearing have been changed.

The hearing is now scheduled as follows:

9:30 a.m., April 6, 1994, in the Conference Room of
the Floyd Matthew Training Center, Joe Foss Building,
523 E Capitol, Pierre, SD.

All other provisions of the February 16th notice still apply. If the questionnaire(s) are received in this office prior to April 1, 1994, your name will be deleted from the agenda.

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

CERTIFICATION

I hereby certify that on March 9, 1994, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 9, 1994, regarding April 6, 1994, Water Management Board Meeting -- Irrigation Questionnaire Violation(s) on the following Water Rights/Permits and addresses as stated below:

- 2709-3: Alex A./Ann L. Falk, 1301 N. 4th St., Aberdeen, SD 57401.
- 2763-3 & 4281-3: Alfred LaCroix, Jr., RR 1, Box 350, Jefferson, SD 57038.
- 5238-3 & 2520-3: B. Deloris Jensen, RR 2, Box 107, Beresford, SD 57004-9578.
- 2534-3: Barry Imsland, RR 2, Box 26, Conde, SD 57434.
- 1677A-3: Burnett Quam, RR 1, Box 222, Elk Point, SD 57025.
- 1814-3: Caroline & Garry S. Kerkvliet, RFD 2, Box 145, Castlewood, SD 57223.
- 4773-3 & 1880-3: City of Brookings, Theodore Kryger, F.O., P.O. Box 270, Brookings, SD 57006-0270.
- 180-3 & 291-3: Craig Flyger, RR 1, Box 22, Parker, SD 57053.
- 1076-2, 1236-2 & 2167-2: Dale Heese, HCR 88, Box 36, Millboro, SD 57580-7417.
- 1488-2: Dan Donelan, HCR 33, Box 23, Mission Ridge, SD 57532.
- 417-1A & 417-1B: Darrell C. Anderson, 1700 Kings Rd., Rapid City, SD 57702.
- 540-2: Darrell E. Heldman, Box 402, Edgemont, SD 57735.
- 1503-2: Dave Hemmingson, HCR 3, Box 11, Philip, SD 57567.
- 792-1: David L. & Mary Lou Mollman, HC 63, Box 62, Ludlow, SD 57755.
- 4093-3: Dell Rapids Golf & Rec Assoc, Mike Solem, Box 165, Dell Rapids, SD 57022.
- 2394-3 & 2395-3: Dennis Jones, RR 1, Box 55, Bath, SD 57427.
- 1275-2: Donald Kaiser, HCR 89, Box 303, Hermosa, SD 57744.
- 1556-3: Ed & Dale Fawcett, Inc., Box 3D, Ree Heights, SD 57371.
- 1555-3: Ed & Dale Fawcett, Inc., HCR 64, Box 155, Miller, SD 57362.
- 2622-3: Evelyn Bernard, RR 1, Box 35, Jefferson, SD 57038.
- 526-2: Fred & Dan McFarland, P.O. Box 2110, Rapid City, SD 57709.
- 1390A-1: Fred W. Carlson, 716 10th Ave., Belle Fourche, SD 57717.
- 3026-3: G. Waldner, Hillcrest Colony, Box 17, Garden City, SD 57236.
- 1291-3 & 2474-3: Gary Hanson, Operator, RR 2, Box 224, Elk Point, SD 57025.
- 407-2, 408-2 & 409-2: Gerrit DeJong, HCR 81, Box 50, Kennebec, SD 57544-9503.
- 4209-3: Harold Nelson & Son, RR 2, Box 156, Yankt, SD 57078.
- 5315-3: Hillcrest Golf/Country Club, T. Cihak, Pre ident, 2206 Mulberry, Yankton, SD 57078.
- 2595-3 & 4379-3: James B. Zell, Rt 1, Box 350, Cavour, SD 57324.
- 4687-3A & 4687-3B: James L. Sutton, Box 33, Onida, SD 57564.
- 5203-3: Jeffery O. & Sally J. Nelson, RR 2, Box 2080, Brandon, SD 57005-9606.
- 475-2 & 1114-2: John Pitkin, Rex Ranch, Box 92, Nenzel, SD 69219.
- 961-3, 1050-3, 1120-3 & 1223-3: Kevin Dettler, HC 71, Box 29, Doland, SD 57436.

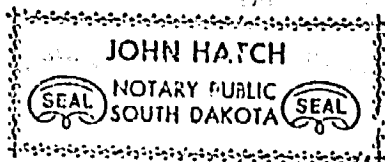
4524-3 & 4524-3A: Leon Lengkeek, 1605 Buffalo TR, Brookings, SD 57006.
 4443-3: Lonnie H. Nelson, RR 2, Box 156, Yankton, SD 57078.
 5010-3: Loren & Joyce Forrest, RR 1, Box 213, Laverne, MN 56156.
 156-3, 157-3, 164-3 & 1878-3: Marene Flyger, Box 362, Hurley, SD 57036.
 2242-3: Mark Quam, RR 2, Box 456, Elk Point, SD 57025.
 1523-2 & 1525-2: May & Sons, Inc., HC 53, Box 21, Interior, SD 57750.
 3550-3: Melvin A. Schmidt, Rt 2, Box 127, Parker, SD 57053.
 1714-2 & 2063-2, 400-2 & 401-2: Melvin E. Brassfield, Box 24, Caputa, SD 57725.
 5353-3: Michael A. Koslowski, RR 1, Box 44, Waubay, SD 57273.
 4910A-3: Michael L. Kreber, RR 1, Box 89, Tabor, SD 57063.
 2120-2: Mick Zink, HC 88, Box 51, Wewela, SD 57578.
 5205-3: Oahe Shores Golf Association, Dennis Moser, P.O. Box 174, Pollock, SD 57648.
 1684-3 & 2742-3: Paul Daly, P.O. Box 379, Ft. Thompson, SE 57339-0379.
 5736-3: Robert Streeter, 2645 Country VW, Monroe, WI 53566.
 235-3: Russell Doolittle, RR 1, Box 53, Wolsey, SD 57384.
 1264-3A: Steffen Brothers, Inc., HCR 37, Box 132, Pierre, SD 57501-9514.
 424-1: Steve Smeenk, Rt 1, Box 134, Newell, SD 57760.
 399-2: Thomas & Robin Jagow, HC 56, Box 39, Buffalo Gap, SD 57722.
 5225-3: Town of Pollock, Lila Renner, P.O., P.O. Box 57, Pollock, SD 57648-0057.
 925-1: Warren N. Gollither, RR 1, Box 237D, Spearfish, SD 57783.
 897-2: Wilbert & Judith Ohlmann, HCR 69, Box 663, Midland, SD 57552.
 1402A-2: William & James O'Kief, HC 68, Box 32, Wood Lake, NE 69221.
 4646A-3: William A. Stoddard, 821 S. Walts Ave., Sioux Falls, SD 57104.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

Sworn to, before me, this 12th day of March, 1994.



John Hatch
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



291-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 24, 1994

Craig Flyger
RR #1 Box 23
Parker, SD 57053

RE: Irrigation Questionnaires - Water Right Nos. 156-3, 157-3, 164-3, 180-3, 291-3 &
1878-3

Dear Mr. Flyger:

I am writing to acknowledge receipt of your 1993 irrigation questionnaires. You may disregard the February 16, 1994, Notice of Violation of Water Permits.

The questionnaires were received in our office prior to the Water Management Board meeting and your name and Marene Flyger have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

Gerry McMath
Environmental Scientist
Water Rights Division
(605) 773-3352

~~VESTED~~-RIGHT No. 291-3Vermillion 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 Craig Flyger of RR1, Box 22, Parker, SD 57053 holder of Permit No. 291-3, bearing the priority of September 12, 1956 authorizing the diversion of 1.12 cu. ft. per second of the waters of Parker Centerville Aquifer for irrigation purposes, in Turner County.

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

A. Works used to divert the water:

Well - 52' deep with 18" steel casing, Western Land Roller Pump, Model No. 6M, 6", 500 GPM
GE Motor, Model No. unknown 40 HP

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

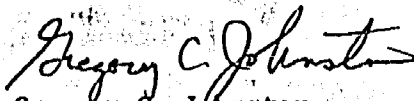
1200' of 5" Aluminum pipe

C. Works used to apply water to beneficial use:

Vermeer Whirly Bird portable boom, 120 feet long

The system is in the following condition fair. The point of diversion is located 660' east and 1130' south of the N1/4 corner of Section 8-T98N-R53W. The works are capable of diverting and conveying to the place of use 1.12 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows: All in Section 8-T98N-R53W:

NW1/4 NE1/4 = 32 acresSW1/4 NE1/4 = 39 acrescomprising a total of 71 acres of land and the license should be issued for 1.01 cfs.Applicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: NoneDate 9/9/92


Gregory C. Johnston
Natural Resources Engineer
DENR, Water Rights Division

REPORT ON INSPECTION OF VESTED RIGHT 291-3

DATE 9/9/92

Other permit(s) associated with the project

DIVERSION POINT LEGAL LOCATION: 660' E and 1130'S of the N1/4 corner of Section 8-T98N-R53W

WELL INFORMATION: Well Drilling Firm Unknown

No. of Wells 1 Depth(s) 52

a) Casing: 1) diameter 18 inches

2) length unknown feet

3) type steel

c) Pump

d) Static Water Level unknown feet

e) Motor:

1) make GE

2) model No. unknown

3) horsepower rating 40 hp

b) Screen: 1) type unknown

2) length unknown feet

1) make Western Land Roller

2) model 6M

3) size 6 inches

4) capacity 500 GPM

5) turbine pump - No. of stages unknown

6) operating pressure unknown PSI

DISTRIBUTION LINES OR CANALS:

a) type Aluminum

b) size 5 inches

c) length 1200 feet

System Type:

a) Portable Boom:

1) make Vermeer Whirly bird

2) nozzle size unknown

3) capacity (GPM) 500

CHEMIGATION EQUIPMENT:

a) does chemigate N (Y/N)

PERMIT QUALIFICATIONS AND REGULATIONS:

a) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A (Y/N)

b) Special qualifications to permit being abided by Y (Y/N)

c) All structures, wells and lands on map Y (Y/N)

d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y (Y/N)

39 acres of land are being irrigated under Water Right No. 291-3. No water permit exists for the E1/2 NE1/4 of Section 8-T98N-R53W. A new water permit application is needed for this land prior to releasing Water License No. 291-3.

An additional inspection conducted by Barry McLavy found the 39 acres listed above no longer being irrigated so additional permit is not required. /K5



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 1994

NOTICE

TO: CRAIG FLYGER
RR #1 BOX 22
PARKER, SD 57053

FROM: Ron Duvall, Natural Resources Engineer IV
For John Hatch, Chief Engineer,
Water Rights Division
(605) 773-3352

SUBJECT: April 6, 1994 Water Management Board Meeting --
Irrigation Questionnaire Violation(s)
RE: 180-3 & 291-3

On February 16, 1994, a notice was sent to you concerning submission of the 1993 irrigation questionnaire(s). The time and location of the April 6th hearing have been changed.

The hearing is now scheduled as follows:

9:30 a.m., April 6, 1994, in the Conference Room of
the Floyd Matthew Training Center, Joe Foss Building,
523 E Capitol, Pierre, SD.

All other provisions of the February 16th notice still apply. If the questionnaire(s) are received in this office prior to April 1, 1994, your name will be deleted from the agenda.

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



291-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

CRAIG FLYGER, ADM
RR 1 BOX 22
PARKER SD 57053

NOTICE

RE: Violation of Water Permit No(s) 180-3 & 291-3.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No(s) 180-3 & 291-3. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 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) 180-3 & 291-3 qualification:

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

The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S 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) 180-3 & 291-3 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 3, 1995, 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

CC: JERRY ADRIAN, RR 3 BOX 106, SIOUX FALLS, SD 57103



October 24, 1995

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Craig Flyger
27964 454th Avenue
Parker, SD 57053

Dear Mr. Flyger:

Enclosed are 1995 irrigation questionnaires pertaining to Water Permits/Rights held under the name of Marene Flyger, Michael Flyger, Merle Flyger and Craig Flyger. You indicated on last year's irrigation questionnaires that you owned the land covered under these water permits or rights. Below is a listing of the water rights and the name we currently have them listed under. If you now own the land, please mark the list accordingly and I will mail you transfer forms to file the ownership changes.

No. 156-3	Marene Flyger	SW 1/4 Section 4, T98N, R53W
No. 157-3	Marene Flyger	E 1/2 SE 1/4 Section 5, T98N, R53W
No. 164-3	Michael Flyger	N 1/2 NW 1/4 Section 9, T98N, R53W
No. 165-3	Merle Flyger	NE 1/4 Section 12, T98N, R53W
No. 180-3	Flyger Life Estate ***	NW 1/4 Section 4, T98N, R53W
No. 291-3	Craig Flyger	W 1/2 NE 1/4 Section 8, T98N, R53W
No. 1584-3	Merle Flyger	NE 1/4 Section 12, T98N, R53W
No. 1878-3	Marene Flyger	S 1/2 Section 4, T98N, R53W

*** No. 180-3 - Flyger Life Estate: Merle notified us this should be transferred to you

If there are water rights listed above that you do not own and should not be receiving an irrigation questionnaire for, please let me know so I can direct the questionnaire accordingly.

Thank you for your assistance and if you have any questions, please contact me.

Sincerely,

Genny McMath

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

enclosures

*Debra Flyger
Hansen*



January 30, 1996

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: CRAIG FLYGER, 27964 454TH AVENUE, PARKER, SD 57053
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 291-3

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 291-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 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) 291-3 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 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) 291-3 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 1, 1996, 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.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

CRAIG FLYGER
27964 454TH AVENUE
PARKER SD 57053

4a. Article Number

2161 984 032

4b. Service Type

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

7. Date of Delivery

2-5-96

5. Received By: (Print Name)

Craig Flyger

6. Signature: (Addressee or Agent)

X

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

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.



March 7, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: CRAIG FLYGER, 27964 454TH AVENUE, PARKER, SD 57053
FROM: JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352 *John Hatch*

SUBJECT: One Year Suspension of Water Permit No. 291-3

Pursuant to the provisions of the notice dated January 30, 1996, and following the hearing of March 6, 1996, the Water Management Board has ordered:

**That Water Permit No. 291-3 be suspended until December 31, 1996.
Suspension of the water permit does not excuse the water right holder from
the requirement to submit the 1995 Irrigation Questionnaire.**

Suspension of a water right or permit means water may not be pumped during the 1996 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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



To: John Hatch, Chief Engineer
Water Rights Program

From: Craig Flyger
27964-454th Ave.
Parker SD 57053

I would like to get Water Permit
No. 291-3, and No. 1878-3
reinstated for the year 1996 so
I can irrigate my crops.
I simply forgot to fill out
and send in the forms.

Sincerely

Craig Flyger



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 28, 1996

NOTICE

TO: Craig Flyger, 27964 454th Ave., Parker, SD 57053

FROM: Ron Duval, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

SUBJECT: Notice of Hearing to Consider Request to Rescind Suspension of Water Right No. 291-3
and Water Permit No. 1878-3

The hearing on your March 14, 1996, request for the Water Management Board to reconsider suspension of Water Right No. 291-3 and Water Permit No. 1878-3 has been scheduled for 9:30 am, May 1, 1996, in Education Center - 3rd Floor, First Dakota National Bank, 225 Cedar Street, Yankton, 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.

After all evidence is taken at the hearing, the Board may issue a decision to rescind the suspension of the water right and water permit, defer action or take no action. The hearing is an adversary proceeding and any party 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 at the hearing. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

Prior to April 26, 1996 contact the Water Rights Program by writing to 523 E Capitol, Pierre, SD 57501-3181 or calling (605) 773-3352 to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

c: Dianne Best, Assistant Attorney General



297-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

March 9, 1994

NOTICE

TO: CRAIG FLYGER
RR #1 BOX 22
PARKER, SD 57053

FROM: Ron Duvall, Natural Resources Engineer IV
For John Hatch, Chief Engineer,
Water Rights Division
(605) 773-3352

SUBJECT: April 6, 1994 Water Management Board Meeting --
Irrigation Questionnaire Violation(s)
RE: 180-3 & 291-3



On February 16, 1994, a notice was sent to you concerning submission of the 1993 irrigation questionnaire(s). The time and location of the April 6th hearing have been changed.

The hearing is now scheduled as follows:

9:30 a.m., April 6, 1994, in the Conference Room of
the Floyd Matthew Training Center, Joe Foss Building,
523 E Capitol, Pierre, SD.

All other provisions of the February 16th notice still apply. If the questionnaire(s) are received in this office prior to April 1, 1994, your name will be deleted from the agenda.

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



291-3

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

February 7, 1995

CRAIG FLYGER, ADM
RR 1 BOX 22
PARKER SD 57053**NOTICE**

RE: Violation of Water Permit No(s) 180-3 & 291-3.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No(s) 180-3 & 291-3. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 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) 180-3 & 291-3 qualification:

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

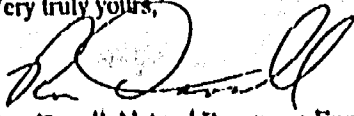
The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-25. According to SDCL 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) 180-3 & 291-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

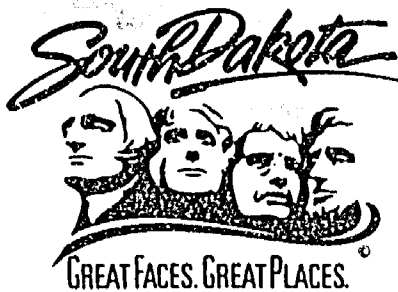
The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by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

If the questionnaire(s) is(are) received in this office on/or before March 3, 1995, 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

CC: JERRY ADRIAN, RR 3 BOX 106, SIOUX FALLS, SD 57103



October 24, 1995

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Craig Flyger
27964 454th Avenue
Parker, SD 57053

Dear Mr. Flyger:

Enclosed are 1995 irrigation questionnaires pertaining to Water Permits/Rights held under the name of Marene Flyger, Michael Flyger, Merle Flyger and Craig Flyger. You indicated on last year's irrigation questionnaires that you owned the land covered under these water permits or rights. Below is a listing of the water rights and the name we currently have them listed under. If you now own the land, please mark the list accordingly and I will mail you transfer forms to file the ownership changes.

Down	No. 156-3	Marene Flyger	SW 1/4 Section 4, T98N, R53W
156-3	No. 157-3	Marene Flyger	E 1/2 SE 1/4 Section 5, T98N, R53W
157-3	No. 164-3	Michael Flyger	N 1/2 NW 1/4 Section 9, T98N, R53W
180-3	No. 165-3	Merle Flyger	NE 1/4 Section 12, T98N, R53W
291-3	No. 180-3	Flyger Life Estate ***	NW 1/4 Section 4, T98N, R53W
1878-3	No. 291-3	Craig Flyger	W 1/2 NE 1/4 Section 8, T98N, R53W
	No. 1584-3	Merle Flyger	NE 1/4 Section 12, T98N, R53W
	No. 1878-3	Marene Flyger	S 1/2 Section 4, T98N, R53W

Oebra (Flyger)
Hanson

*** No. 180-3 - Flyger Life Estate: Merle notified us this should be transferred to you

If there are water rights listed above that you do not own and should not be receiving an irrigation questionnaire for, please let me know so I can direct the questionnaire accordingly.

Thank you for your assistance and if you have any questions, please contact me.

Sincerely,

Genny McMath

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

enclosures



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

January 30, 1996

NOTICE

TO: CRAIG FLYGER, 27964 454TH AVENUE, PARKER, SD 57053
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 291-3

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 291-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 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) 291-3 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 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) 291-3 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 1, 1996, 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.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

CRAIG FLYGER
27964 454TH AVENUE
PARKER SD 57053

4a. Article Number

2161984032

4b. Service Type

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

7. Date of Delivery

7-5-96

5. Received By: (Print Name)

Craig Flyger

6. Signature: (Addressee or Agent)

X

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

PS Form 3811, December 1994

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

March 7, 1996

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: CRAIG FLYGER, 27964 454TH AVENUE, PARKER, SD 57053

FROM: JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352 *John Hatch*

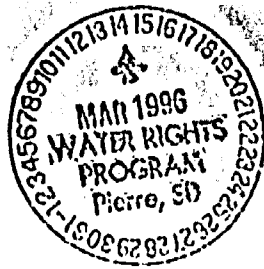
SUBJECT: One Year Suspension of Water Permit No. 291-3

Pursuant to the provisions of the notice dated January 30, 1996, and following the hearing of March 6, 1996, the Water Management Board has ordered:

**That Water Permit No. 291-3 be suspended until December 31, 1996.
Suspension of the water permit does not excuse the water right holder from
the requirement to submit the 1995 Irrigation Questionnaire.**

Suspension of a water right or permit means water may not be pumped during the 1996 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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



To: John Hatch, Chief Engineer
Water Rights Program

From: Craig Flyger
27964-45 4th Ave.
Parker SD 57053

I would like to get Water Permit
No. 291-3, and No. 1878-3
reinstated for the year 1996 so
I can irrigate my crops.
I simply forgot to fill out
and send in the forms.

Sincerely

Craig Flyger



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 28, 1996

NOTICE

TO: Craig Flyger, 27964 454th Ave., Parker, SD 57053

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

SUBJECT: Notice of Hearing to Consider Request to Rescind Suspension of Water Right No. 291-3
and Water Permit No. 1878-3

The hearing on your March 14, 1996, request for the Water Management Board to reconsider suspension of Water Right No. 291-3 and Water Permit No. 1878-3 has been scheduled for 9:30 am, May 1, 1996, in Education Center - 3rd Floor, First Dakota National Bank, 225 Cedar Street, Yankton, 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.

After all evidence is taken at the hearing, the Board may issue a decision to rescind the suspension of the water right and water permit, defer action or take no action. The hearing is an adversary proceeding and any party 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 at the hearing. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

Prior to April 26, 1996 contact the Water Rights Program by writing to 523 E Capitol, Pierre, SD 57501-3181 or calling (605) 773-3352 to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

c: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on March 28, 1996, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 28, 1996, regarding Notice of Hearing to Consider Request to Rescind Suspension of Water Right No. 291-3 and Water Permit No. 1878-3, addressed as stated below:

Craig Flyger, 27964 454th Ave., Parker, SD 57053.

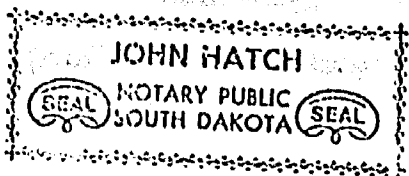
A copy of the above described Notice, and a copy of a letter sent to our office by Mr. Flyger on March 14, 1996, asking for his water right and water permit to be reinstated, were sent inter-office to:

Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F. Frost
Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 1st day of April, 1996



John H. Kelle
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

IRRIGATION QUESTIONNAIRE VIOLATION
WATER RIGHT NO. 291-3 AND WATER PERMIT NO. 1878-3
CRAIG FLYGER
April 16, 1996

BRIEF DESCRIPTION:

Water Right No. 291-3, Craig Flyger, Parker, SD authorizes diversion of 1.12 cubic feet of water per second (cfs) from ground water (one well) to irrigate the W½ NE¼ Section 8, T98N, R53W, in Turner County. Water Right No. 291-3 was amended May 14, 1986, to include the irrigation questionnaire qualification.

Water Permit No. 1878-3, authorizes diversion of 4.00 cfs from ground water (one well) to irrigate 320 acres in the S½ Section 4, T98N, R53W, Turner County. Water Permit No. 1878-3 was amended May 15, 1985, to include the irrigation questionnaire qualification.

SUBMISSION OF PAST IRRIGATION QUESTIONNAIRES:

DATE MAILED	DATE DUE IN OFFICE	DATE RECEIVED	BOARD ACTION
October, 1990	December 14, 1990	January 14, 1991	none
October, 1991	December 20, 1991	January 24, 1992	none
October, 1992	December 18, 1992	February 25, 1993	none
October, 1993	December 17, 1993	March 17, 1994	none
November, 1994	December 16, 1994	March 23, 1995	none
October, 1995	December 15, 1995	March 15, 1996	March 6, 1996

CURRENT STATUS

On March 6, 1996, the Water Management Board suspended Water Right No. 291-3 and Water Permit No. 1878-3 for failure to return the 1995 irrigation questionnaires. The suspension, effective through December 31, 1996, did not excuse the permit holder from the requirement to submit the questionnaires.

Craig Flyger submitted a letter March 14, 1996, requesting the Water Management Board to reconsider the suspension of Nos. 291-3 and 1878-3, and allow him to irrigate during 1996 (copy enclosed).



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 6, 1996

NOTICE

TO: Craig Flyger, 27964 454th Avenue, Parker, SD 57053

FROM: JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

A handwritten signature in dark ink, appearing to read 'John Hatch', is written over the printed name and title.

SUBJECT: Reinstatement of Water Right No. 291-3 and Water Permit No. 1878-3

Pursuant to your letter of March 14, 1996, and following the hearing by the Water Management Board on May 1, 1996, the Board passed the following motion:

Water Right No. 291-3 and Water Permit No. 1878-3 are reinstated effective immediately. Failure to submit the 1996 irrigation questionnaires in a timely manner may cause these water permits/rights to be suspended for two years.

The 1996 irrigation questionnaires will be mailed to you in October, 1996. Your prompt completion and return of the questionnaires will alleviate future Board action.

c: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on May 6, 1996, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 6, 1996, regarding Reinstatement of Water Right No. 291-3 and Water Permit No. 1878-3, addressed as stated below:

Craig Flyger, 27964 454th Avenue, Parker, SD 57053.

A copy of the above described Notice was sent inter-office to:

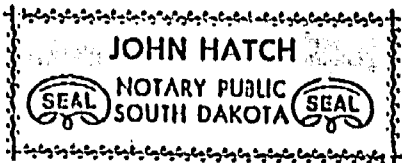
Diane Best, Assistant Attorney General, Capitol Building.

Charles F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 8th day of May, 1996



John H. Hall
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



291-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

DEC 3 1999

Craig Flyger
27964 454th Avenue
Parker SD 57053

Dear Mr. Flyger:

The Water Management Board has validated the enclosed Vested Water Right Nos. 156-3 and 157-3. These validations give legal status to the claims and are the final documents for your vested rights. Also, enclosed is reissued Water License No. 291-3.

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

Very truly yours,

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

enclosure

REISSUED STATE OF SOUTH DAKOTA

WATER LICENSE NO. 291-3

(1) Roy Flyger, Hurley SD was issued Water License No. 291-3, November 24, 1970 for a water right to appropriate 1.12 cubic feet of water per second from groundwater, Turner County, South Dakota for irrigation purposes. Water License Permit No. 291-3, with a priority date of September 12, 1956 was issued with construction of the described water supply system completed and the application to beneficial use of said water completed.

On October 10, 1984, Water License No. 291-3 was transferred to Craig Flyger.

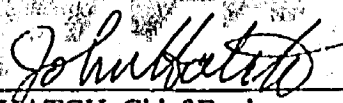
Water License No. 291-3 is being reissued to reduce the amount of water claimed and the number of acres irrigated to the actual amount applied to beneficial use, based on a September 9, 1992 investigation of the system.

(2) It is certified that the permit 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 1.01 cubic feet of water per second for beneficial use. The location of the diversion point is 660 feet east and 1,130 feet south of the north quarter corner of Section 8-T98N-R53W (NW 1/4 NE 1/4).

(3) The permit 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 8-T98N-R53W	NW 1/4 NE 1/4	32 acres
	SW 1/4 NE 1/4	39 acres
Total		71 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Craig Flyger, 27964 454th Ave, Parker SD 57053 the holder and/or owner of Water Right No. 291-3 is reissued a license to appropriate water, the right to use 1.01 cubic feet of water per second from groundwater (one well) with a priority date of September 12, 1956 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 291-3 and subject to South Dakota State Law.

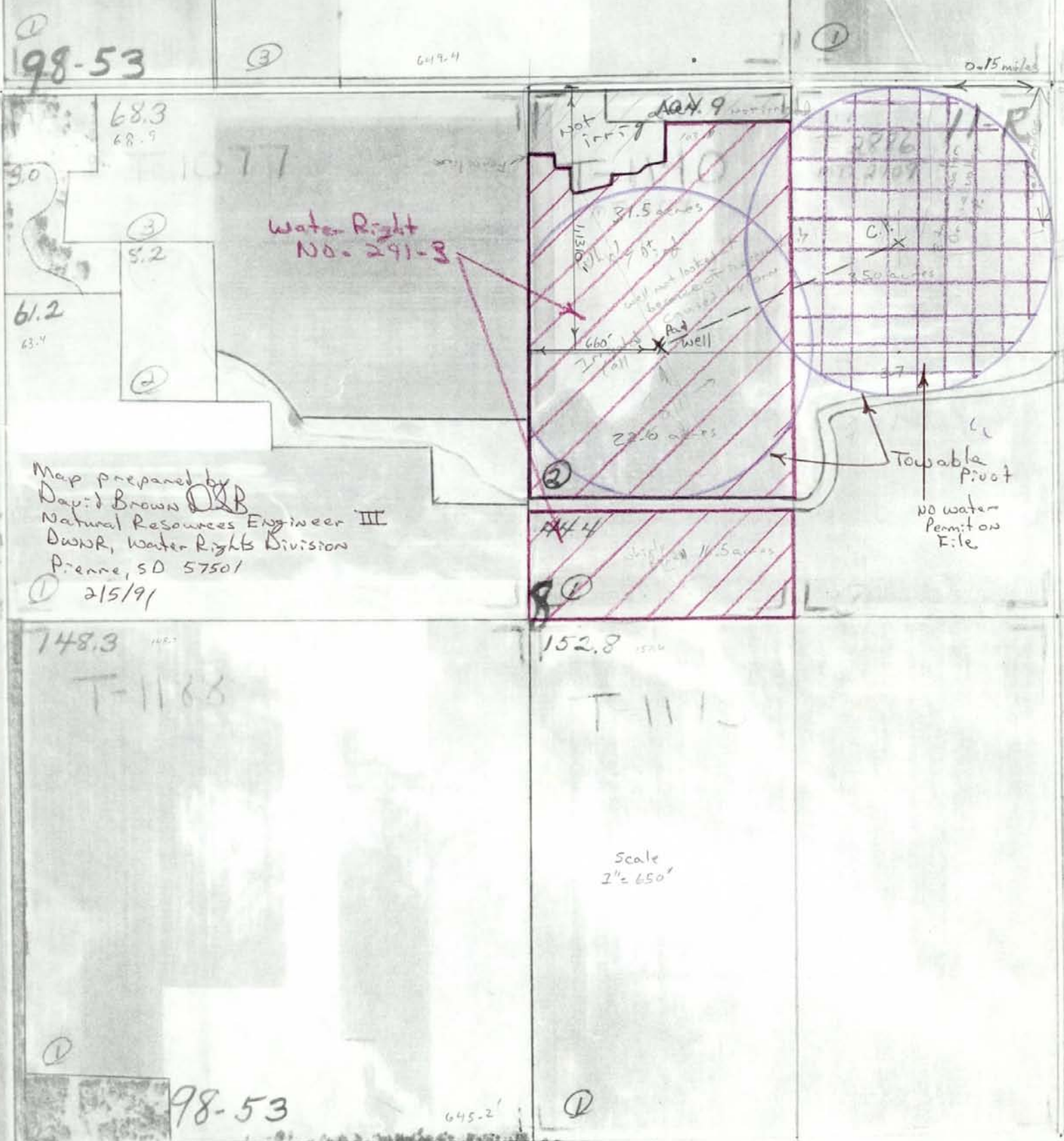

JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 3 1999

date



NOT TO SCALE



Map prepared by
 David Brown DQB
 Natural Resources Engineer III
 DWR, Water Rights Division
 Pierre, SD 57501
 2/5/91

Scale
 2" = 650'

291-3

291-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 25, 2019

Alan Flyger
27964 454th Ave
Parker SD 57043

RE: Water Right Nos. 156-3, 157-3, 180-3 and 291-3

Dear Mr. Flyger:

I am writing in regard to the above listed water rights held by Craig Flyger. Craig indicated that Paul Petersen no longer rents his land and that I should be sending correspondence to you.

For informational purposes, I have included a copy of Water Right Nos. 156-3, 157-3, 180-3 & 291-3 for your records to show you what is covered under each one. Also included are the 2018 irrigation questionnaires for Nos. 180-3 and 291-3 submitted by Mr. Petersen. This will give you an idea of how to fill out the forms and what type of information to keep track of during the irrigation season.

The irrigation questionnaires are typically mailed out in mid to late October and are due back the first week in December. The forms for 2019 will be sent directly to you. If you have any questions when completing them, please do not hesitate to call me.

Sincerely,

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

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

enclosures



291-3
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, 2020

NOTICE

TO: ALAN FLYGER, RENTER, 27964 454TH AVE, PARKER, SD 57053

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 156-3, 157-3, 180-3 & 291-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 156-3, 157-3, 180-3 & 291-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 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) 156-3, 157-3, 180-3 & 291-3 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 **February 26, 2020** 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://denr.sd.gov/iq> using this password: UZLDPN**

c: CRAIG FLYGER, 45357 280TH ST, PARKER, SD 57053

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.



291-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 13, 2020

Nos. 156-3, 157-3, 180-3 & 291-3

ALAN FLYGER, RENTER
27964 454TH AVE
PARKER SD 57053

Dear Mr. Flyger:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Permit Nos. 156-3, 157-3, 180-3 & 291-3. 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
email: genny.mcmath@state.sd.us



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: ALAN FLYGER, RENTER, 27964 454TH AVE, PARKER, SD 57053

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) 156-3, 157-3, 180-3 & 291-3. 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) 156-3, 157-3, 180-3 & 291-3 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) 156-3, 157-3, 180-3 & 291-3 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: EEWYIJ**

c: CRAIG FLYGER, 45357 280TH ST, PARKER, SD 57053

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.

291-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 16, 2022

156-3
157-3
180-3
291-3

Alan Flyger
27964 454th Ave
Parker SD 57053

Dear Mr. Flyger:

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. 156-3, 157-3, 180-3 and 291-3. 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

c: Craig Flyger, 45357 280th St, Parker SD 57053