

50

- Received 157 of PROSMER.
9-27-16

[Faint handwritten notes at bottom of page]

Wm. P. Jackson
April 17 1714 7 213

John W. Miller
April 6, 1901.

of No. $\frac{1}{4}$ of 4. same type

Map No. 2203-3 Water Division No. 3 Missouri River District 1
(Blanks to be filled by the Engineer for the W. T. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE-Draw a line through items not applicable)

1. Name of Applicant Kenneth W. Thorstensen
Postoffice address RR-#1, Selby, State South Dakota 57421

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor3. Name of division work Kenneth W. Thorstensen #1

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

5. Source of water supply Ground Water6. Location of point of diversion A POINT IN THE NE 1/4 SECTION 33
T126N, R71WCounty McPherson7. Annual period or periods during which water is to be used March - November8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 175

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
SE 1/4 of 33-126-71	155		
NE 1/4 of 4-125-71	20		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 2 years.11. Choice of newspaper for Notice of Intent to Appropriate Water publication McPherson County Herald, Leola, S.D.

12. Principal Features of the Proposed Water Supply System.

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

Pump Bowl

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

Main Line

C. Works proposed to apply water to beneficial use.

Center Pivot

Estimated Total Cost \$ _____

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of McPherson) ss.I, Kenneth W. Thorstensen, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed _____

Subscribed and sworn to before me this _____

Notary Public (or other qualified officer)

COMMISSION EXPIRES
MARCH 2, 1984

WATER RIGHT APPLICATION APPROVAL

11/16/76
 The Water Rights Commission hereby approves Water Right Application No. 2951-3
KENNETH W. THORSTENSEN R.R. #1 - SELBY, S.D.
 (Applicant) 57472 (Post Office Address)
SOUTH DAKOTA 57472 With the following modifications:
 (State)

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application AUGUST 20, 1976
 Date of return to applicant for correction, amendments or changes required ---, 19---
 Date of receipt of corrected application SEPTEMBER 3, 1976
 Approved SEPTEMBER 29, 1976, Recorded in Book 16 Page 66

WATER RIGHT PERMIT NO. 2951-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2951-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is AUGUST 20, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 24, 1979
3. The whole of said work is to be completed on or before SEPTEMBER 29, 1981
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 29, 1983
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 2.5 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before SEPTEMBER 29, 1983, said water to be used during the following described annual period: MARCH - NOVEMBER

Witness my hand this 29TH day of NOVEMBER, 1976

WATER RIGHTS COMMISSION

By:

John H. H. H.
 Chief Engineer, Executive Officer

Certificate of Construction Issued ---, 19---

Water License Issued ---, 19---

Steven Kuchl
FOREMAN

[illegible]

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

D. Well Information or Estimates

(1) Drill Hole, Diameter _____, Depth _____

(2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)

(3) Perforated Screen

Type _____, Diameter _____, Length _____

(4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

(1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout. *Log will be furnished by driller

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

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

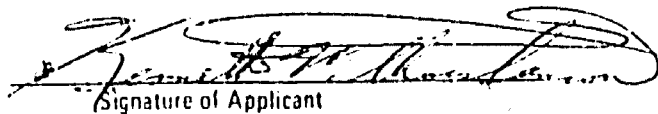
Depth to water (ground surface to water level) _____

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property 120 rds. On property owned by others 240 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

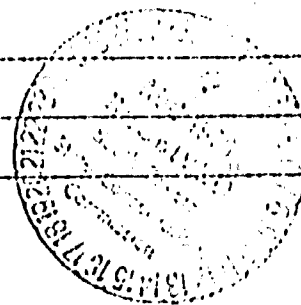

Signature of Applicant

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)

NAME Kenneth W. Thorstensen

ADDRESS RR #1, Selby, So. Dak. 57472

COUNTY McPherson



LEGAL DESCRIPTION

1. WELL LOCATION Center of the SE 1/4 of 33-126-71
2. LOCATION OF AREA TO BE IRRIGATED SE 1/4 of 33-126-71, & NE 1/4 of 4-125-71

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT X GUN _____
4. CROPS TO BE IRRIGATED Corn, Alfalfa, Small Grain

WATER QUALITY

5. SAMPLE NUMBER 76-1038
6. SALINITY (EC X 10⁶) 794 (moderately high)
7. SODIUM (SAR) 1.31 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0.41

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and: the soils information has been acquired from McPherson Conservation District, County Extension office or Soil Conservation Service.

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

[Signature]
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
10 DAY OF August 1976:

[Signature]
(TITLE OR SEAL)

(COUNTY OF EXPIRES)

ON 1, 1988 (SOILS INFORMATION ON REVERSE SIDE)

[Signature]
APPROVED/DISAPPROVED

August 27, 1976



Mr. Kenneth W. Thorstensen
Salby, SD 57472

Dear Mr. Thorstensen:

The enclosed original copy of the report of analysis on your water sample 076-1038 is for your keeping. Please hang onto it. Also enclosed is a copy of AHS publication #13 with the quality of this water for irrigation approximately designated by the red cross on the outside back cover. It is fairly good water, being borderline between medium and high in salinity and low in sodium.

Accordingly, it is well suited to irrigation on most normal well drained soils. I am unable to determine from the map provided which areas are not well drained, but anything that is marked class 6, 7 or 8 is a poor prospect for irrigation. Especially, however, you should avoid the areas marked class 6b because they are marshes and, of course, you are already aware that these are no good for agriculture.

There are no chemical changes in the soil which I can foresee as a result of the use of this water. However, salt rise from salt contained within the soil is possible if you over-irrigate and raise the water table unnecessarily.

A copy of this letter is accompanying your application materials to the State Conservation Commission for their action.

Sincerely yours,

L. O. Finn

L. O. Finn
Water Quality Lab

LOF:ckb
Enclosures
cc: State Conservation Commission
D. Pah
Wayne Salby

P.S. I would suggest that you keep these lands in forage crops.

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

Submitted by: John L. Thompson
 Address: 1111, 3D 27272
cc: Duron Mining, Inc.
P.O. Box 1422
Duron, SD 57350

Date Rec'd: 7-28-76
 Sample No.: 2-103
 Identification: 1-111
7-28-76

WATER ANALYSIS

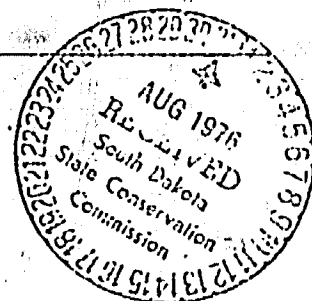
Calcium (Ca)	66	ppm*	1.4	me/l**
Magnesium (Mg)	12	ppm	1.2	me/l
Sodium (Na)	49	ppm	2.3	me/l
Potassium (K)	17	ppm	0.6	me/l
Sulfate (SO ₄)	130	ppm	2.90	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	14	ppm	0.29	me/l
Bicarbonate (HCO ₃)	346	ppm	5.6	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		B.p.g.***
Alkalinity (Methyl Orange)	234	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	794	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.21			
Sodium	27.16	% of cations		
Residual sodium carbonate	0.41	me/l		
pH	7.18			

*ppm=parts per million

**me/l=milliequivalents per liter

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

COMMENTS: total cations 7.84 me/l
total anions 6.77 me/l



By: Shirley L. Linton

Service Performed:

Amount Due

Irrigation analysis

\$3.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 25-1033

Amount Enclosed \$

Signed

No. 2951-3

Publish first publication, on or before September 16, 19 76

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 9, 19 76

Notice is hereby given that Kenneth W. Thorstensen
whose post office address is Selby, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
2.5 cubic feet of water per second of time from the ground water through the
Kenneth W. Thorstensen # 1, the point of diversion of which is to be located in the _____.

NE 1/4 Selby

of Section 33, Twp. 126N, Range 71W. Said water to be used for the purpose
of providing irrigation on ^{portions of} the following described land:

SE 1/4, Section 33, T126N, R71W and NE 1/4

Section 4, T125N, R71W

This application No. 2951-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 29th day of September, 19 76, at 10:00 A.M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Kenneth W. Thorstensen, RR # 1, Selby, S. D. 57472

No. 2951-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County McPherson) ss.

I, Richard L. Morseth hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the McPherson County Herald

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 Leola

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

September 16, 1976

September 23, 1976

Richard L. Morseth
(Signature)

Editor
(Title)

September 23, 1976
(Date Signed)

NOTICE INTENT TO
APPROPRIATE WATER

Pierre, South Dakota 57501
September 9, 1976

Notice is hereby given that
Kenneth W. Thorstensen whose
post office address is Selby,
South Dakota, has made an
application in accordance with
the provisions of the water laws
of South Dakota for a permit to
appropriate for beneficial use 2.5
cubic feet of water per second of
time from the ground water
through the Kenneth W.
Thorstensen No. 1, the point of
diversion of which is to be
located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of
Section 33, Twp. 126N, Range
71W. Said water to be used for
the purpose of providing
irrigation on portions of the
following described land:

SE $\frac{1}{4}$, Section 33, T126N,
R71W and NE $\frac{1}{4}$, Section
4, T125N, R71W

This application No. 2951-3
will be considered by the Water
Rights Commission at their
office at Pierre upon the 29th
day of September, 1976, at 10:00
A. M. All interested persons may
appear and be heard.

WATER RIGHTS COMMISSION
By: BURTON F. JONES
Water Rights Specialist



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6924

PIERRE, May 24, 1975

RECEIVED OF Merle Hieb, Eureka, SD 57437

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)	
Fee for Inspecting Construction, and issuing Cert. of Construction No.	
Fee for Inspecting Beneficial Use, and Issuing Water License No.	
Fee for Issuing Location Certificate-Dry Draw, No.	
Fee for filing transfer of water right No. 2951-2	2 50
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for	
(any other work as provided by law)	
TOTAL	2 50

WATER RIGHTS COMMISSION

By (Signature)
Chief Engineer, Executive Officer
JOHN HATCH 9Y

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, SD 57501

Date: April 11, 1979

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

155 acres in the SE 1/4 of Section 33, T126N, R71W and 20 acres in the NE 1/4 of Section 4, T125N, R71W, total 175 acres.

formerly owned by Kenneth Thorstensen, RR #1, Selby, SD

has been transferred to Merle Hieb, Box 93, Hosmer, SD Box 334, EUREKA, SD.

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 2951-3 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 Office of Water Rights Commission 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.

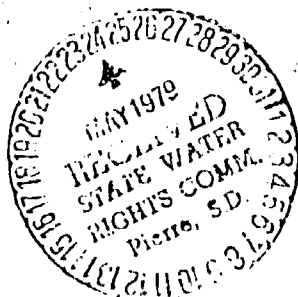
STATE OF SOUTH DAKOTA)
County of McPherson ss.

I, MERLE HIEB, 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.

Merle Hieb
(Signed)

Subscribed and sworn to before me this 11 Day of April, 1979.

G. J. Blain
(Notary Public, State of South Dakota)
My Commission Expires Aug. 29, 1981



No.

2957-3



Post Office

In te

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 2951-3

Water Right Permit No. 2951-3 states that the diversion system is to be constructed by _____, 19____ and that the water is to be put to beneficial use by _____, 19_____.

The diversion system was completed on May 1st, 1977.
Applying the water to beneficial use was completed on May 1st,
1977. and when needed there after.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

(Signature)

South Dakota
Department of
Water & Natural Resources

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

January 29, 1988

MERLE HIER
RR 2, BOX 200
EUREKA, SD 57437

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

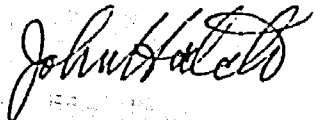
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 2951-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of 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 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

1. Amend Permit No(s). 2951-3 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.



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, your name will be deleted from the agenda for the hearing.

SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3101

March 14, 1988

NOTICE OF AMENDMENT TO WATER PERMIT(S)

TO: MERLE HIEB
RR 2, BOX 200
EUREKA, SD 57437

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

SUBJECT: Amendment to Water Permit No(s). 2951-3

Pursuant to the provisions of the notice dated January 29, 1988 and following the Hearing March 2, 1988, the Water Management Board has amended Water Permit No(s). 2951-3 to add the following qualification to each:

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

The addition of this qualification to your Permit(s) 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.

SOUTH DAKOTA

Department of Water & Natural Resources

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

Attachment to Water Permit No(s). 2951-3

Pursuant to the provisions of the notice dated January 29, 1988 and following the Hearing March 2, 1988, the Water Management Board has amended Water Permit No(s). 2951-3 to add the following qualification to each:

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

SENDER: Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested. 1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Registered Delivery (Extra charge)	
MERLE HIER RR 2, BOX 200 EUREKA, SD 57437	4. Article Number P 501 739 047 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature - Addressee X <i>Merle Hier</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X	
7. Date of Delivery 3-15-88	

PS Form 3811, Mar. 1987

U.S.G.P.O. 1987-178-268

DOMESTIC RETURN RECEIPT

United States
Department of
Agriculture

Farmer's
Home
Administration

P.O. Box E
Leola, SD
57456

2951-3

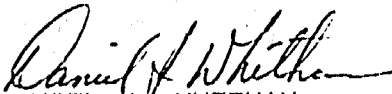
Water Management Board
Water Rights Division
Joe Ross Bldg.
Pierre, SD 57501-2141



3-17-68

Enclosed is the requested questionnaire from Marie Heib. I hope it is completed satisfactorily. Please let me know if anything else is needed.

Sincerely,


DANIEL J. WHITHAM
County Supervisor

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3161

February 8, 1989

EARLE HIEB
RR 2, BOX 200
EUREKA, SD 57437

NOTICE

RE: Violation of Water Permit No(s). 2951-3

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 2951-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 2951-3 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 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

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

1. Suspend Permit No(s). 2951-3 until the 1988 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the March 1st hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

John Hatch

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



SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 24, 1989

2951-3

Merle Hieb
RR #2 Box 200
Eureka, SD 57437

Dear Mr. Hieb:

I am writing to acknowledge receipt of your 1988 irrigation questionnaire for Water Permit No. 2951-3. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaire your name has been deleted from the March Water Management Board meeting agenda.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

**Department of
Water & Natural Resources**

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

February 9, 1990

MERLE HIED
RR 2, BOX 200
EUREKA, SD 57437

NOTICE

RE: Violation of Water Permit No(s). 2951-3

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 2951-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 2951-3 qualification:

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

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

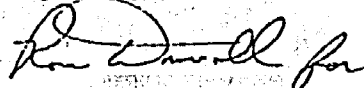
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2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,



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



Department of Water & Natural Resources

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

February 28, 1990

2951-3

Merle Hieb
RR 2, Box 200
Eureka SD 57437

Dear Mr. Hieb:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit No. 2951-3. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

Bon Duvall

BOB DUVALL
Natural Resources Engineer
Water Rights Division



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

MERLE HIEB
311 11TH STREET
EUREKA SD 57437

NOTICE

RE: Violation of Water Permit No(s) 2951-3

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 2951-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 2951-3 qualification:

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

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2951-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 2, 1992

2951-3

Merle Hieb
RR #2 Box 200
Eureka, SD 57437-9802

Dear Mr. Hieb:

I am writing to acknowledge receipt of your 1991 irrigation questionnaire for Water Permit No. 2951-3. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaire was received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division

SENDER:

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

3. Article Addressed to:

MERLE HIEB
311 11TH STREET
EUREKA, SD 57437

5. Signature (Addressee)

Merle Hieb

6. Signature (Agent)

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

1. ☐ Addressee's Address2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

P906 557 792

4b. Service Type

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

7. Date of Delivery

Jan 29 1992

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

2951-3

Received 3-2-97

Att
Ron Duvall
I checked the
envelope I received
your questionnaire
and I mailed
it in Nov. 91
Enclosed is the
information requested
on questionnaire
Thank You
Merle Hieb

Well Depth - 130'
Wellbore - 800 gpm
10 tower pivot
Electric driven Pivot
Orbiting Circle
in 160 A field
approx: 130 A.

Permit No. 2951-3
Water District: Missouri River

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

I have this day made a thorough examination of the water use system constructed by Merle Hieb, 311 11th Street of Eureka SD, 57437 holder of Permit No. 2951-3, bearing the priority of August 20, 1976 authorizing the diversion of 2.5 cu. ft. per second of the waters of groundwater for irrigation purposes, in McPherson County.

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

A. Works used to divert the water:

112'
One well 120' deep equipped with a Byron pump, serial number 771H7215 capable of 860 GPM and a General Electric motor, model 5K6254XM501A, serial number HHJ811348 which is rated at 60 HP.

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

60' of pipe from the well to the pivot.

C. Works used to apply water to beneficial use:

Olson center pivot with 10 towers and an end gun.

The system is in the following condition good.

The point of diversion is located 60' N of the center of the SE1/4, Sec. 33, T126N, R71W.

The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation.

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

All in Sec. 33, T126N, R71W

NW1/4 SE1/4 = 34.5 acres

SW1/4 SE1/4 = 34.5 acres

SE1/4 SE1/4 = 34.5 acres

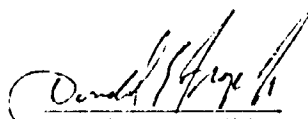
NE1/4 SE1/4 = 34.5 acres

comprising a total of 138 acres of land and the license should be issued for 1.78 cfs.

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: none

Date Inspected: 7/31/91


DONALD E. FRYE, JR.
Natural Resources Analyst
DERR, Water Rights Division

LICENSE FOR PERMIT NUMBER 2751-3

1. Legal location of wells: NEAR THE CENTER OF SE 1/4, SECTION 33
T126N, R71W
dams & structures: _____

2. Well Information: Well Drilling Firm HYDRON DRILLING, INC

Completion Report Yes ☒ No _____ No. of Wells 1 Depth 120'
Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____
c) type _____ Static Water Level _____
Pump a) make BYRON Motor a) make GENERAL ELECTRIC
b) model SN 771H7215 b) model No. 5K6254XM501A
c) size _____ c) horsepower rating 60
d) capacity 800 gpm d) SN - HMT811348
e) turbine pump - no. of stages _____
f) operating PSI _____

3. Distribution lines or canals N/A
a) size _____
b) type _____
c) length _____

4. Dam Information: N/A
a) height to crest _____ m) Outlet tubes:
b) height to primary spillway _____ 1) diameter _____
c) height to secondary spillway _____ 2) type _____
d) crest width _____ 3) valved (Y/N) _____
e) crest length _____ 4) valve type _____
f) spillway length _____ 5) location on structure _____
g) spillway width _____
h) approx. storage _____ n) Category of Dam _____
i) approx. storage to crest _____
j) date constructed _____
k) inspection sheet completed (Y/N) _____
l) Name of Contractor _____

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) rake _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make OLSON
- 2) number of towers 10
- 3) distance between towers _____
- 4) overall length 1300
- 5) end gun (Y/N)
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) 800

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project NONE

Yes	No	Check Items
☒	☐	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
☐	☒	2. Special qualifications to permit being abided by?
☒	☐	3. All structures, wells and lands on map?
☒	☐	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
☐	☒	5. Is chemigation used?
☐	☒	6. If yes, does equipment comply with chemigation rules?

REMARKS:

Conversation or File Documentation

NAME OF PERSON OR FILE: MERLE HIEB PERMIT # 2751-3
ADDRESS: 311 11th EUREKA SD COUNTY MCPHERSON
DATE: 7/31/91 TELEPHONE 284-2754
RE: INSPECTION OF PERMIT

COMMENTS:

Mr Hieb stated during the inspection of his permit that
he never developed the NE 1/4 of 4-125-71 and the land he
irrigates in the SE 1/4 of 33-126-71 amounts to 138 acres
and his system runs at 800 GPM. He was told his license
would reflect the actual acreage and water use (138 ACRES
at 1.78 CFS)

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

NAME: Don Frip



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 4, 1991

2951-3

Merle Hieb
311 11th Street
Eureka, SD 57437

Dear Mr. Hieb:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 2951-3, has been completed. Your final water right document, the Water License, can now be issued.

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

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

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

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

DOMESTIC RETURN RECEIPT

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

Merle Hieb
311 11th Street
Eureka, SD 57437

2951-3

4a. Article Number

P 757 566 252

4b. Service Type

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

7. Date of Delivery

June 16 1993

5. Signature (Addressee)

Merle Hieb

6. Signature (Agent)

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 15, 1992

SECOND NOTICE

Permit No. 2951-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Merle Hieb
311 11th Street
Eureka, SD 57437

Dear Mr. Hieb:

On October 4, 1991, you were notified the final inspection fee of \$50.00 is due before Water License No. 2951-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

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

Very truly yours,

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, August 23, 1988

RECEIVED OF Merle F Hieb, PO Box 200, Bureka, SD 57477
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. <u>2951-3</u>	50	0
Fee for Filing Transfer Form _____		
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	50 00

By John Hatch
Chief Engineer JOHN HATCH

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2951-3

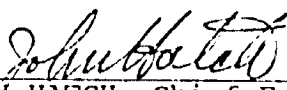
(1) Merle Hieb of RR 1, Box 200, Eureka, SD 57437-9802 made Application No. 2951-3, August 20, 1976 for a water permit to appropriate 2.50 cubic feet of water per second from groundwater (one well), McPherson County, South Dakota for irrigation purposes. Permit No. 2951-3 with a priority date of August 20, 1976 was approved September 29, 1976 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before September 29, 1981 and for the application to beneficial use of said water on or before September 29, 1983 .

(2) It is certified that the applicant 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 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is: 60'N of the center of the SE 1/4 Section 33, T126N, R71W.

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

T126N, R71W Section 33	NW 1/4 SE 1/4	34.5 Acres
	SW 1/4 SE 1/4	34.5 Acres
	SE 1/4 SE 1/4	34.5 Acres
	NE 1/4 SE 1/4	34.5 Acres
	Total-----	138 Acres

(4) Pursuant to Section 46-5-30.1 Merle Hieb of RR 1, Box 200, Eureka, SD 57437-9802 the holder(s) and/or owner(s) of Water Permit No. 2951-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater (one well) with a priority date of August 20, 1976 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 2951-3 and subject to South Dakota State Law.


AUG 7 1992
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 7 1992

2951-3

Merle Hieb
RR 1, Box 200
Eureka, SD 57437-9802

Dear Mr. Hieb:

Enclosed is Water License No. 2951-3. This is the final water right document completing your process of obtaining a water right. Enclosed is Receipt No. 413257 in the amount of \$50.00 which you paid for the inspection and issuance of this water license.

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch", is written over a faint, larger version of the same signature.

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

enclosures

McPherson Co.

WELL REPORT

HURON
DRILLING CO.
Huron, S. D.

2951-3

Kenneth Thorstenson
OWNER

S.E. 33-126-71

August 14, 1976

DESCRIPTION

DATE

Depth 112 ft.

Flows gpm 87

Pumps gpm 20

Head ft. 5

25' screen @ bottom

Perforations

Pressure

3 days

Drilling Time

Rig No. 18

Bernard Schleder

Foreman

CASING LOG

Plastic (.410 wall)
ft. 16" P.V.C. pipe to 87 ft.
ft. 16" Low Carbon 100 slot pipe to 107 ft.
ft. 16" Low Carbon 100 slot pipe to 112 ft.
ft. pipe to ft.

REMARKS

gravel furnished by customer



2951-3
NO 1

1

Bernie Schleder
FOREMAN

2951-3

Date: Aug. 18, 76

BY: Wayne Pfeifer

AUG 1981
DIVISION OF
WATER RIGHTS
Pleto, SD

29.51-3

Date: 8/18/76

By: Wayne Pfeifer



MERLE HIEB
RR 2 BOX 200
EUREKA SD 57437-9802

2951-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-2181

NOTICE

RE: Violation of Water Permit No(s) 2951-3

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 2951-3. 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) 2951-3 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) 2951-3 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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

**MERLE HIEB
RR 2 BOX 200
EUREKA SD 57437-9802**

2951-3

4a. Article Number

P 837 692 638

4b. Service Type:

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

7. Date of Delivery

2-17-94

5. Signature (Addressee)

6. Signature (Agent)

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

Thank you for using Return Receipt Service.



2951-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 2, 1994

2951-3

Merle Hieb
RR #2 Box 200
Eureka, SD 57437-9802

Dear Mr. Hieb:

I am writing to acknowledge receipt of your 1993 Irrigation questionnaire. You may disregard the February 16, 1994, **Notice of Violation of Water Permit No. 2951-3.**

The questionnaire was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



2951-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 1995

MERLE HIEB
RR 2 BOX 200
EUREKA SD 57437 9802

NOTICE

RE: Violation of Water Permit No 2951-3.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 2951-3. 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 2951-3 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 2951-3 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 is 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

ited on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

2951-3

MERLE HIEB
RR 2 BOX 200
EUREKA, SD 57437 9802

4a. Article Number

P757564375

4b. Service Type

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

7. Date of Delivery

FEB 8 1995

5. Signature (Addressee)

Merle Hieb

6. Signature (Agent)

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

Is your RETURN

PS Form 3811, December 1991

U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



2951-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 13, 1995

2951-3

Merle Hieb
RR #2 Box 200
Eureka, SD 57437-9802

Dear Mr. Hieb:

I am writing to acknowledge receipt of your 1994 irrigation questionnaire. You may disregard the February 7, 1995, **Notice of Violation of Water Permit No. 2951-3.**

The questionnaire was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

[illegible]

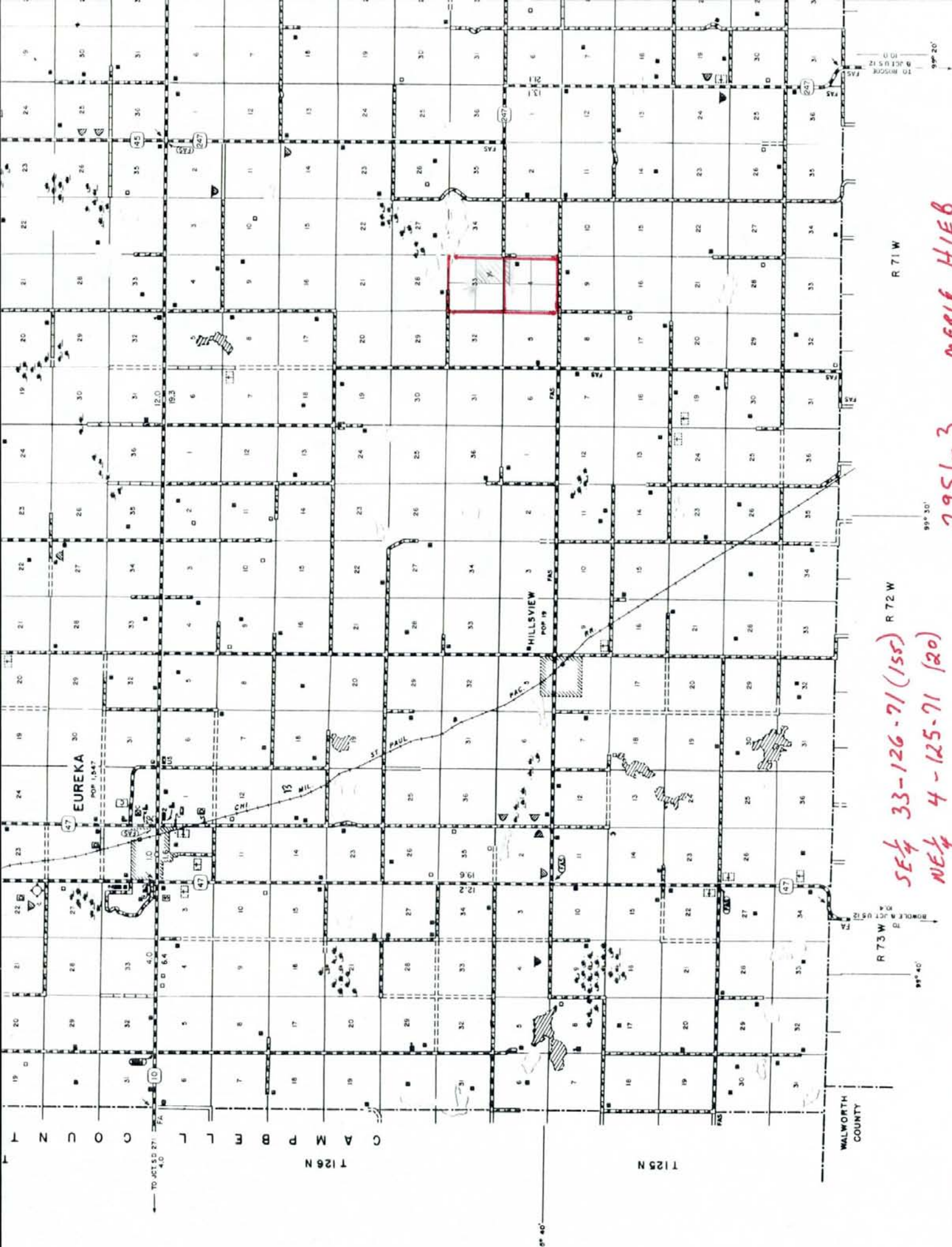
8/1/91

NE $\frac{1}{4}$ SE $\frac{1}{4}$
34.5 ACRES

SW $\frac{1}{4}$ SE $\frac{1}{4}$
34.5 ACRES

SE $\frac{1}{4}$ SE $\frac{1}{4}$
34.5 ACRES

2951-3



SE 1/4 33-126-71 (155)
NE 1/4 4-125-71 (20)

2951-3 MERLE HIEB

R 71 W

R 72 W

R 73 W

WALWORTH
COUNTY

T 126 N

T 125 N

99° 30'

99° 40'

45° 40'

HURON DRILLING INC.
WELL LOCATION MAP

NAME Kenneth W. Thorstensen

DATE August 10 1976

WELL NO. #1

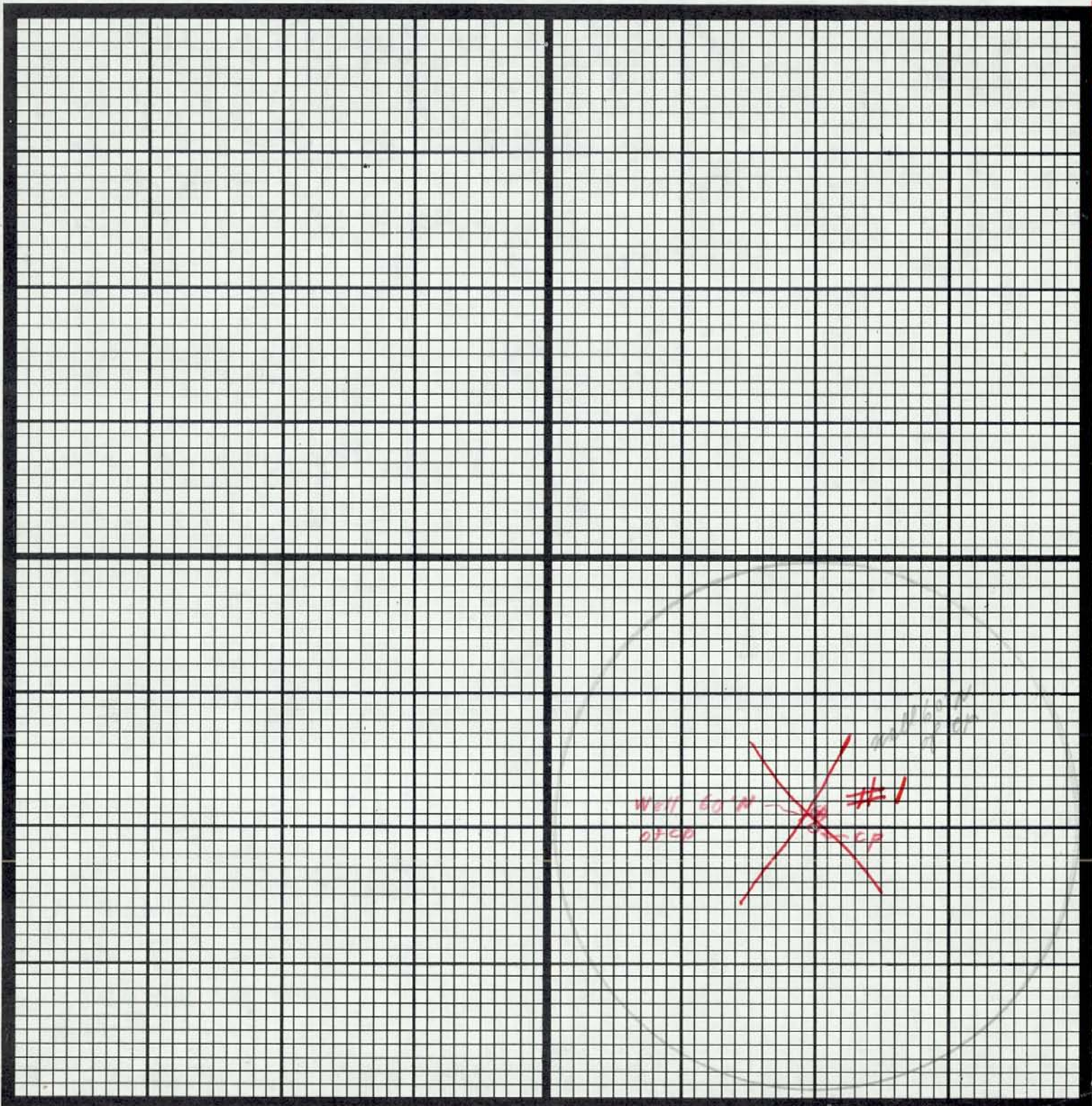
SE

QUARTER, SECTION 33

TWP. 126 RANGE 71

IN McPherson

COUNTY



X — PROPOSED LOCATION

Prepared By

Dick Fadgen

Dick Fadgen

Beadle County Extension Agent



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 6, 2006

2951-3

Merle Hieb
311 11th St
Eureka SD 57437

Dear Mr. Hieb:

I am contacting you in regard to your Water Right No. 2951-3. Enclosed is a copy for your review.

Our records show that the land described in this water right was in CRP until 2006. The purpose of my letter is to find out whether the land comes out of CRP in 2006 or if it is actually 2007 before the land is out. We have held up sending irrigation questionnaires to you for the water right until the land comes out of the program.

Please get in touch with me to discuss the water right and the CRP Program. You can either call me or if it's easier, you can answer the questions (see below) and return the correspondence in the enclosed envelope.

- Will the land come out of CRP and be eligible for irrigation in 2006 or 2007? _____
- Will the land be re-enrolled for another term? _____
If the answer is yes, what year will it come out: _____
- When the land is eligible for irrigation, do you intend to irrigate? _____
- Do you still own the land? _____

Thank you in advance for your help.

Sincerely,

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

enclosures: copy of water right
postage paid envelope



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

October 23, 2007

No. 2951-3

Harlan Aman
33788 121st St
Hosmer SD 57448

Dear Mr. Aman:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 2951-3. The water right is currently listed in the name of Merle Hieb. Also, enclosed is a copy of Water Right No. 2951-3 which authorizes 1.78 cubic feet of water per second (800 gallons per minute) to irrigate 138 acres.

The transfer form should be checked over for accuracy and **signed by the new owner**. Upon completion, return the form to our office with a required filing fee of \$2.50.

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

If you have any questions, please contact me.

Sincerely,

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

enclosure



2951-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

December 20, 2007

No. 2951-3

Harlan Aman
33788 121st St
Hosmer SD 57448

Dear Mr. Aman:

In October, I forwarded you a "Notice of Transfer" form to complete and return to us for filing an ownership change on Water Right No. 2951-3. The water right is currently listed in the name of Merle Hieb. To date, we have not received anything back from you.

Enclosed is another partially completed form. Upon completion, return the form to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Right Program.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

DEC 27 2007

WATER RIGHTS
PROGRAM

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

No. ⁹
~~28~~51-3

Date: Dec-26-07

I/We request that Water Right No. 2951-3

formerly owned by: Merle Hieb

be transferred to: (name & address) X Aman Brothers) Harlan and Lester Aman
33788-121st St
Hosmer, S.D. 57448 Telephone No. X 605-283-2323

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

138 acres located in the SE 1/4 Section 33-T126N-R71W

I/We understand that the validity of Water Right No. 2951-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We X Aman Bros, the new owner, certify that the above information is true and correct.

X Harlan Aman partner
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/27, 2007

RECEIVED OF Aman Brothers 33778 121st St Hosmer SD 57448

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>9</u> <u>2851 3</u>	2	50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

03228

By

Shirley C. C. C.
Chief Engineer

[Signature]



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 31, 2008

2951-3

Harlan Aman
33788 121st St
Hosmer SD 57448

Dear Mr. Aman:

I am writing to acknowledge receipt of the ownership change you submitted for Water Right No. 2951-3. The completed form and filing fee were received December 27, 2007.

The transfer has been completed. The water right, formerly held by Merle Hieb is now listed in the name of "**Aman Brothers**" in care of both you and Lester Aman.

Enclosed is your Receipt No. 3298 in the amount of \$2.50. You may keep this for your records.

Sincerely,

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

enclosure

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2951-3</u> (office use only)
	Hydrologic Unit _____
	Basin _____
	Newspaper _____

RECEIVED

APR 28 2008

WATER RIGHTS
PROGRAM**Application For Permit To Appropriate Water For Irrigation**Type of Application: New Vested Right Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

change diversion point for WR No 2951-3 pursuant to SDCL 46-5-13.1

1. Name of Applicant Aman Brothers Phone 605-283-2323-605-280-468
 (check one) X Owner Tenant/Lessee
 Mailing Address 33778 121st St Hasmer State SD 57448
 (Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed no add CFS or **GPM ***AF Total Acreage no add
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

→ 3. Source of water supply Hillsview Aquifer

→ 4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SE 1/4 SE 1/4 Section 33 T126N R71W
 County McPherson

5. County or counties where water will be used McPherson

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

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
 (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>Section 33 T126N R71W</u>		<u>SE 1/4, SE 1/4</u>	<u>34.5</u>
<u>NW 1/4 - SE 1/4</u>	<u>34.5</u>	<u>Total</u>	<u>138</u>
<u>SW 1/4 - SE 1/4</u>	<u>34.5</u>		
<u>NE 1/4 - SE 1/4</u>	<u>34.5</u>		

8. Give a description of the project. (Attach sheet if more space is needed)

→ Old well was used for about 15 years because previous owner merle Hilde had the land in C.R.P. I had the well pumped by a well driller and he said the screen was poor condition and well was pumping only pumping 480 gal per minute, so he advise to put in a new well at the location we showed. Harlan Aman

STATE OF SOUTH DAKOTA) SS

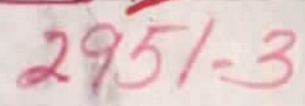
County of _____

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, _____, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Harlan AmanSubscribed and sworn to before me this 25 day of April 20 08

NOT TO SCALE



Approval of a Change of Diversion Point

NAME: Aman Brothers

ADDRESS: 33778 121st Street, Hosmer SD 57448

DATE: May 15, 2008 **COUNTY:** McPherson **TELEPHONE:**

BACKGROUND:

Water Right No. 2951-3 appropriates 1.78 cfs from one well completed into the Hillsvie Aquifer located 60 feet south of the center of the SE ¼ Section 33 to irrigate 138 acres in the SE 1/4 Section 33; all in T126N, R71W. The water right has a priority date of August 20, 1976.

The water right was transferred from Merle Hieb to Aman Brothers on December 27, 2007.

Mr. Aman has filed a request for a replacement well due to the failure of the existing well. This well has not been used for approximately 15 years since the land has been in the Conservation Reserve Program. SDCL 46-5-37.2 provides an exception to forfeiture for nonuse for water rights whose acreage is enrolled in a acreage reserve program. Based on the irrigation questionnaires, this acreage has been in CRP through 2006.

A well driller that assessed the well concluded the screen was in poor condition and that the well is capable of pumping only 1.07 cfs. Further rehabilitation of the well was not advised. Therefore, the driller advised construction of a new well

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The water source authorized by Water Right No. 2951-3 is the Hillsvie Aquifer at a depth of approximately 112 feet. The request indicates the source will continue to be the Hillsvie Aquifer.

No additional appropriation of water is requested. The water right appropriates 1.78 cfs. No additional water will be appropriated by the change in the well location.

- **Review of Existing Diversions**

A review of domestic wells found a total of seven domestic well in the sections immediately surround Section 33. Two of these wells are actually located in Section 33. One of these was drilled for Aman's and the other well was drilled for Ken Thorstenson in 1976. He is the individual who originally filed Application No. 2951-3. At a recent hearing before the Board a number of domestic well owners filed petitions opposing a new application for irrigation on adjacent property claiming impairment to their domestic well. The petitioners had wells 1 ½ miles or greater to the north of the application. The change in the location of the well for Right No. 2951-3 will move the well farther from these domestic wells. The recent permit application was approved. The Board's decision concluded that interference is not expected to be a concern and drawdown is not expected to be significant.

There is an existing water right for irrigation of the N ½ of Section 33 held by Kirchenmann's. The well for this water right is in the NE ¼ NE ¼ Section 33. The change in the well location will move the production well approximately 1,250 feet farther away from this production well. In addition, Aman Brother's hold Water Right No. 2893-3 to irrigate the SE ¼ and E ½ SW ¼ of Section 34 from one well located in the NW ¼ SE ¼ of Section 34. They also have Application No. 6908-3 to irrigate the W ½ SW ¼ and S ½ NW ¼ of Section 34 from a well to be located in the approximate center of the SW ¼ Section 34. This application was contested by neighboring domestic well owners claiming impairment to their domestic wells located 1 ½ to 2 miles to the north. Findings of fact, conclusions of law and a final decision have been adopted with the time period for appeal currently running. The authorization of this change will not move the well closer to either of these wells.

The issue is that Water Right No. 2951-3 has been dormant for approximately 15 years but is not subject to cancellation due to forfeiture for nonuse since the land has been in a reserve program. The land was purchased by the Aman Brothers who have not re-enrolled the land in CRP and intend to re-establish the irrigation system. Due to the age and condition of the well, it needs to be replaced. Instead of drilling a well at the same location, Aman Brothers have requested to drill the well near the SE corner of the section. This is farther away from the domestic wells of the petitioners to the recent application but still will be a diversion that has not been in place for a considerable amount of time.

CONCLUSION

- The change in the well location does not appropriate additional water.
- The well will still be completed into the Hillview Aquifer.
- Interference is not expected to be a concern.
- Existing domestic wells should not be adversely impacted by authorizing this change in well location.

RECOMMENDED ACTION

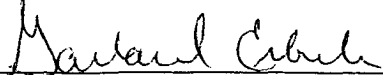
Based on the above criteria, it is recommended that the change of diversion point be authorized under Water Permit No. 2951-3.



Eric Gronlund
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change of diversion point does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

May 23, 2008

Harlan Aman
Aman Brothers
33778 121st Street
Hosmer SD 57448

Dear Mr. Aman:

I am writing in regard to the request filed to authorize changing the location of the well authorized by Water Right No. 2951-3. This water right appropriates 1.78 cfs from one well completed into the Hillview Aquifer located 60 feet south of the center of Section 33 T126N, R71W to irrigate 138 acres in the SE 1/4 Section 33, all in T126N, R71W. The water right has a priority date of August 20, 1976.

The replacement well is to be located in the SE 1/4 SE 1/4 of this section and is to be approximately 1,400 feet southeast of the present well site. Upon review of the request and pursuant to SDCL 46-5-13.1, the change in the well location is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. The existing well that has failed shall be plugged in accordance with the Well Construction Standards.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



2951-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

TO: LESTER & HARLAN AMAN, 33788 121st ST, HOSMER, SD 57448

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaires

Our records indicate your 2015 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2893-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2951-3, 2951A-3, 6908-3 & 6908A-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 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) 2951-3, 2951A-3, 6908-3 & 6908A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2893-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 24, 2016

2951-3
2951A-3
6908-3
6908A-3

Lester & Harlan Aman
33788 121st St
Hosmer SD 57448

Dear Sirs:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right No. 2951-3 and Water Permit Nos. 2951A-3, 6908-3 and 6908A-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



2951-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2018

NOTICE

TO: LESTER & HARLAN AMAN, 33788 121st ST, HOSMER, SD 57448

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaires

Our records indicate your 2017 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2893-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2951-3, 2951A-3, 6908-3 & 6908A-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 7, 2018 at 10:00 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) 2951-3, 2951A-3, 6908-3 & 6908A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2893-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 1, 2018

Harlan or Lester Aman
Aman Brothers
33788 121st St
Hosmer SD 57448

RE: Water Permit/Right Nos. 2893-3, 2951-3, 2951A-3, 6908-3 & 6908A-3

Dear Sirs:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Permit/Right Nos. 2893-3, 2951-3, 2951A-3, 6908-3 & 6908A-3. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: LESTER & HARLAN AMAN, 33788 121st ST, HOSMER, SD 57448

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaires

Our records indicate your 2018 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2893-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2951-3, 2951A-3, 6908-3 & 6908A-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 2951-3, 2951A-3, 6908-3 & 6908A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2893-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 30, 2019

Lester & Harlan Aman
33788 121st St
Hosmer SD 57448

RE: Water Right/Permit Nos. 2893-3, 2951-3, 2951A-3, 6908-3 & 6908A-3

Dear Sirs:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right/Permit Nos. 2893-3, 2951-3, 2951A-3, 6908-3 & 6908A-3. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

2951-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: LESTER & HARLAN AMAN, 33788 121st ST, HOSMER, SD 57448

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaires

Our records indicate your 2020 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2893-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2951-3, 2951A-3, 6908-3 & 6908A-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 3, 2021 at 10:00 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) 2951-3, 2951A-3, 6908-3 & 6908A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2893-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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: QBJDUW**

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.

2951-3



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February 3, 2021

Lester & Harlan Aman
33778 121st St
Hosmer SD 57448

RE: Water Right or Permit Nos. 2951-3, 2951A-3, 2893-3, 6908-3 & 6908A-3

Dear Sirs:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires. Jeff Aman called and completed the forms over the phone with me today.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right or Permit Nos. 2951-3, 2951A-3, 2893-3, 6908-3 & 6908A-3. The information was received in our office prior to the Water Management Board meeting and your names were deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

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