Water Right Number 3037-3

1. Considered 10-21, 1976

2. Name of Applicant Lyle and Orin Affleck

3. Post Office Address Arkoma

4. Amount of water claimed 1.00

5. Source of water supply 140' deep well

6. Water to be used for irrigation

Acres to be irrigated 68

7. Water to be diverted and used in Clay County

about 3W Miles of Vermillion

8. Proof of Publication

Received 10-20-76

Not received

9. Application

Approved

Subject to

Not approved

Action deferred

10. Remarks:

Form 2 - Application for Permit to Appropriate Water-Original (Includes Approval and Permit)

No. 31237-3

Map No. 2361-3 Water Division No. 3 VERMILLION RIVER District

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

SEP 1976
RECEIVED
STATE WATER
RIGHTS COMM.
Pierre, S.D.

9:15 am

APPLICATION FOR PERMIT

To Appropriate Water Within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Lyal Abild and Grin Abild

Postoffice address RFD Wakonda, State South Dakota

If a corporation show date and place of incorporation NA

2. Method of accomplishing work (contract, employment of others, or by direct labor) contract

3. Name of diversion work NA

4. Amount of water claimed (cubic feet per second) 1.0 CFS

5. Source of water supply ground

6. Location of point of diversion NA

County Clay

7. Annual period or periods during which water is to be used May-Oct

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation

9. For irrigation use, Total number of acres to be irrigated 68

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.
NW¼ SE¼ 16-94-52	34		
NE¼ SE¼ 16-94-52	34		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication Plain Talk

12. Principal Features of the Proposed Water Supply System.

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

well in SW¼ 15-94-52

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

underground pipe from well

C. Works proposed to apply water to beneficial use.

center pivot

Estimated Total Cost $ 18,000

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

STATE OF SOUTH DAKOTA)
County of Clay } ss.

I, Lyal Abild, Grin Abild 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 Lyal Abild Grin Abild

Subscribed and sworn to before me this 16 day of Sept 1976

Gustave R. Peterson
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3037-3

LYAL & ORIN ABILD (Applicant) WAKONDA (Post Office Address)

SOUTH DAKOTA 57073 (State) With the following modifications:

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 SEPTEMBER 27, 19 76

Date of return to applicant for correction, amendments or changes required ——, 19 ——

Date of receipt of corrected application OCTOBER 4, 19 76

Approved OCTOBER 21, 19 76, Recorded in Book 16 Page 140

WATER RIGHT PERMIT NO. 3037-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3037-3 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 SEPTEMBER 27, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before APRIL 21, 19 79
3. The whole of said work is to be completed on or before OCTOBER 21, 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is OCTOBER 21, 19 85
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 1.0 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 OCTOBER 21, 19 85; said water to be used during the following described annual period: MAY - OCTOBER

Witness my hand this 1ST day of DECEMBER, 19 76

WATER RIGHTS COMMISSION

By: John Flaten

Chief Engineer, Executive Officer

Certificate of Construction Issued ——, 19 ——

Water License Issued ——, 19 ——

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well information or Estimates

(1) Drill Hole, Diameter 12, Depth 140

(2) Casing, Type 14 3/8 well (wood, concrete, steel, etc.), Diameter 14, Thickness 3/8

(3) Perforated Screen.

Type Johnson-stainless steel, Diameter 14, Length 25

(4) Gravel Pack. Thickness 9", Length of gravel pack 30

E. Dugout Information or Estimates.

(1) Surface dimensions same, Depth 140

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

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

Character of Water bearing materials water bearing sand White R.

Depth to top of water bearing material 92

Depth to bottom of water bearing material 123

Thickness of water bearing material 31

Depth to water (ground surface to water level) 201

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

On same owner's property 1 mile rds. On property owned by others 100 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. none

CONSERVATION
COMMISSION
FORM W1 #1

no 3A's

OCT 1976
RECEIVED
STATE WATER
RIGHTS COMM.
Pierre, S.D.

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)

SEP 1976
RECEIVED
South Dakota
State Conservation
Commission

NAME Ivan Abild and Orin Abild

ADDRESS Wakonda, South Dakota

COUNTY Clay

LEGAL DESCRIPTION

1. WELL LOCATION SW¼ 15-94-52 Permit No. 2807-3
2. LOCATION OF AREA TO BE IRRIGATED N½ SE¼ 16-94-52

TYPE OF IRRIGATION

3. GRAVITY ____ TOWLINE ____ CENTER PIVOT X GUN ____
4. CROPS TO BE IRRIGATED corn & beans

WATER QUALITY

5. SAMPLE NUMBER 76-458
6. SALINITY (EC X 10^6) 1177
7. SODIUM (SAR) 0.28
8. RESIDUAL SODIUM CARBONATE (meq/1.) ____

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 [illegible] County Soil 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.

Approval does not imply that this project can be carried out successfully in all circumstances. Individual management will, to a large degree, determine the relative success of this venture.

SUBSCRIBED AND SWORN BEFORE ME THIS
[illegible] DAY OF [illegible] 19 [illegible]

(TITLE OR SEAL)

APPLICANT'S SIGNATURE

[illegible] imply that this project can be carried [illegible] all circumstances. [illegible] large degree, [illegible] success of this venture.

APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)

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

Submitted by: Lyl [illegible]
Address [illegible]akonda, SD 57073

Date Rec'd. May 4, 1976
Sample No. 76-458
Identification [illegible]
[illegible], Sec. 15, T 94N, R 52[illegible]

WATER ANALYSIS

Calcium (Ca)	240	ppm*	12.00	me/l**
Magnesium (Mg)	67	ppm	5.49	me/l
Sodium (Na)	19	ppm	0.84	me/l
Potassium (K)	10	ppm	0.25	me/l
Sulfate (SO_4)	524	ppm	10.90	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	4	ppm	0.10	me/l
Bicarbonate (HCO_3)	293	ppm	4.80	me/l
Carbonate (CO_3)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as $CaCO_3$)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	240	ppm (as $CaCO_3$)		
Alkalinity (Phenolphthalein)	0	ppm (as $CaCO_3$)		
Electrical Conductivity	1177	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.28			
Sodium	4.52% of cations			
Residual sodium carbonate	0.00 me/l			
pH	7.57			
Others:				

*ppm=parts per million
**me/l=millequivalents per liter
***g.p.g.=grains per gallon

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

By: Shirley Mittan

Service Performed	Amount Due
Irrigation analysis	$8.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-458

Amount Enclosed $

Signed

MAY 1976
RECEIVED
South Dakota
State Conservation
Commission

Form 16

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3037-3.

(1) WHEREAS, On the 27th day of September A. D. 19 76

Lyal and Orin Abild

made Water Right Application No. 3037-3 for a permit to use 1.0 cubic feet per second of the waters of ground water

County of Clay, State of South Dakota, for Irrigation

purposes; and

(2) WHEREAS, On the 21st day of October A. D. 19 76

Permit No. 3037-3, with a date of priority of September 27, 1976

was issued to said applicant _____ for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 21st day of October A. D. 19 81 and for the application to beneficial use of said water on or before the 21st day of October A. D. 19 85

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 1.0 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,

to irrigate the following described land, all in Section 16, T94N, R52W

NW¼ SE¼ 34.0 acres

NE¼ SE¼ 34.0 acres

TOTAL 68.0 acres

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

of Wakonda

the holder s and owner s of said permit No. 3037-3 a water right, dating from September 27, 1976

to use of 1.0 cubic feet per second of the waters

of ground water

in the County of Clay and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted xx 1300 feet North and 50 feet East of the SW corner of Section 15, T94N, R52W

and conduct to and upon portions of land in Section 16, T94N, R52W, more fully described on the face of this License.

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 3037-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 26th day of June A. D.

Nineteen Hundred and seventy-eight

WATER RIGHTS COMMISSION

By: John Hatch

Chief Engineer, Executive Officer JOHN HATCH

Form 15.

Permit No. 3037-3

Water Diversion No. 3 Vermillion River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Lyal and Orin Abild

the holder of

Permit No. 3037-3, issued upon Application No. 3037-3, bearing date of priority of September 27, 1976 authorizing the diversion of 1.0 cu. ft. per second of the waters of ground water County of Clay, State of South Dakota

1300 feet North and 50 feet East of the SW corner of Section 15-T94N, R52W

, for Irrigation

purposes, have 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 1.76 cu. ft. per second of water.

Date June 26, 1978

WATER RIGHTS COMMISSION

By: John Hatch

JOHN HATCH, Chief Engineer

Form 8 - Proof of Pub[illegible]io. Notice of
Intent to Appropriate Water

No. 3037-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Yankton,)

I, Harry T. Speece hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Daily Press & Dakotan

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 Yankton,

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

October 11, 1976

October 18, 1976

(Signature)

Business Manager
(Title)

October 18, 1976
(Date Signed)

19+11&18
NOTICE INTENT TO
APPROPRIATE WATER

Pierre, South Dakota 57501
October 8, 1976

Notice is hereby given that Lyal and Orva Ahlid whose post office address is Wakonda, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.0 cubic feet of water per second of time from ground water through the Ahlid #2, the point of diversion of which is to be located in the NW¼ SW¼ of Section 16, Twp 92N, Range 52W. Said water to be used for the purpose of providing irrigation on portions of the following described land: N½ SE¼, Section 15 T92N, R52W.

This application No. 3037-3 will be considered by the Water Rights Commission at their office at Pierre upon the 21st day of October, 1976, at 1:00 P.M. All interested persons may appear and be heard.

WA[illegible] RIGHTS COMMISSION
By: Ron JONES JONES
Water Rights Specialist

RECEIVED
1976
STATE WATER
RIGHTS COMM
Pierre, SD

Form 6 - Notice of Intent to Appropriate Water

No. 3037-3

Publish first publication, on or before October 12, 19 76

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 5, 1976

Notice is hereby given that Lyal & Orin Abild

whose post office address is Wakonda, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.0 cubic feet of water per second of time from ~~an~~ ground water through the Abild# 2, the point of diversion of which is to be located in the NW¼ SW¼

of Section 16, Twp. 92N, Range 52W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

N½ SE¼, Section 15, T92N, R52W

This application no. 3037-3 will be considered by the Water Rights Commission at their office at Pierre upon the 21st day of October, 19 76, at 1:00 P.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw
cc: Lyal & Orin Abild, Wakonda, S. D. 57073

Form 10. 3037-3

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

Post Office Watertown

Date Dec 8-76

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

Dear Sirs:

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

Water Right Permit No. 3037-3 states that the diversion system is to be constructed by October 31, 1981 and that the water is to be put to beneficial use by October 31, 1985.

The diversion system was completed on Dec 1, 1976. Applying the water to beneficial use was completed on _____, 19_____.

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

Orin + Lyle Albert by OA
(Signature)

DEC 1976
RECEIVED
STATE WATER
RIGHTS COMM
Pierre, SD

30373 [illegible] by [illegible]

[illegible] 28 07-3 [illegible]

[illegible]

Lease CP issued on [illegible]

CP page is a [illegible] in Permit #

28 07-3 [illegible]

Lease well and facility [illegible]

and 28 07-3

Form 12.

Permit No. 3037-3

Water 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 Lyal & Orin Abild of Wakonda, South Dakota 57073 holder of Permit No. 3037-3, bearing date of priority of September 27, 1976 authorizing the diversion of 1.0 cu. ft. per second of the waters of Ground for Irrigation purposes, in Clay County.

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

The Water Use System consists of,

A. Works used to divert the water:
Motor - Westinghouse, Model TUD P, Motor Style 650BE7S627
75 HP
Pump - National, Model M 200, Serial # 576-628
Pumping 800 gpm

B. Works used to transport water to place of use,
2300 ft 8" dia PVC Pipe, underground
2 center pivot pads

C. Works used to apply water to beneficial use.
One Hygromatic Center Pivot, Model 405.

The system is in the following condition: Excellent

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

The works are capable of diverting and conveying to the place of use 1.78 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 Section 16, T94N R52W
NW¼ SE¼ - 34.0 Ac. NE¼ SE¼ - 34.0 Ac.

comprising a total of 68 acres of land.

Well data:
Depth 135 ft
Capacity 3500 gpm
Pumping 800 gpm

Date June 7-8, 1977

LeRoy A. Mamaugh
(Signature)

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

№ 4 6465

PIERRE, June 15, 19[illegible]

RECEIVED OF Lyal Ahlld, RR #1, Wakonda, SD 57073

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. (3037-3)	12	00
Fee for inspecting Beneficial Use, and issuing Water License No. (3037-3)		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	12	00

WATER RIGHTS COMMISSION

By John Hatch

Chief Engineer, Executive Officer
John Hatch

gy

Form 17 - Transmittal of Water License No. 3037-3

SOUTH DAKOTA

Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joe Foss Building, Pierre, South Dakota 57501
Phone 605/224-3151

June 26, 1978

Lyal and Orin Abild
Rt #1
Wakonda, SD 57073

Dear Sirs:

Enclosed herewith are, Water License No. 3037-3 and Certificate of Construction.

Water License No. 3037-3 is the final water right document completing your process of obtaining water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
WATER RIGHTS COMMISSION

JH:gy

Enclosures

NOTE: Your pump capacity is 1.78 cfs (800 gpm) and based upon the acreage actually irrigated you are entitled to only divert 1.0 cfs (449. gpm). Any diversion in excess of 1.0 cfs would be a violation of your Water Right.

South Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 15, 1985

Orin & Lyal Abild
Wakonda SD 57073

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s). 2807-3, 3037-3. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

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

1. Amend Permit No(s). 2807-3, 3037-3 to require the Irrigation Water Use Questionnaire to be submitted each year:

2. Postpone any action;

3. Take no action.

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

Sincerely,

John Hatch

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

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

SOUTH DAKOTA Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Lyal or Orin Abild
Wakonda, SD 57073

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

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

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

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

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

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

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

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

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

SOUTH DAKOTA Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 9, 1990

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

NOTICE

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

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 2807-3, 3037-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 2807-3, 3037-3 qualification:

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

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

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

1. Suspend Permit No(s). 2807-3, 3037-3 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

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

Very truly yours,

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

SOUTH DAKOTA Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 28, 1990

2807-3
3037-3

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

Dear Sir:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit Nos. 2807-3 and 3037-3. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

Ron Duvall /KS
RON DUVALL
Natural Resources Engineer
Water Rights Division

3037-3

South Dakota
GREAT FACES. GREAT PLACES.

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

February 1, 1991

LYAL & ORIN ABILD
RR 1 BOX 60
WAKONDA SD 57073

NOTICE

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

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

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

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

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

1. Suspend Permit No(s) 2807-3, 3037-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

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

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. *(Extra charge)*
2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:

LYAL & ORIN ABILD
RR 1 BOX 60
WAKONDA SD 57073

4. Article Number
P 694 057 434

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X Dean Abild

6. Signature — Agent
X

7. Date of Delivery
2-2-91

8. Addressee's Address *(ONLY if requested and fee paid)*

PS Form 3811, Apr. 1989 ★U.S.G.P.O. 1989-238-815 DOMESTIC RETURN RECEIPT

South Dakota
GREAT FACES. GREAT PLACES.

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

3037-3

February 19, 1991

2807-3
(3037-3)

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

Dear Sirs:

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

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

Sincerely,

Ron Duvall

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

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

January 27, 1992

LYAL & ORIN ABILD
RR 1 BOX 60
WAKONDA SD 57073

NOTICE

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

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

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

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

1. Suspend or cancel Permit No(s) 2807-3 & 3037-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

Very truly yours,

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

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

March 3, 1992

2807-3
3037-3

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

Dear Sirs:

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

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

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
Water Rights Division

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

December 10, 1999

3037-3

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

Dear Mr. Abild:

Thank you for taking the time to call me back with reference to your 1999 irrigation questionnaires. Based on our telephone conversation, I completed a questionnaire for you for Water Right No. 3037-3. I made a notation on the form that the land in Section 16 was not irrigated in 1999.

You inquired during our conversation about any testing that may have been done in your area for salt content in water. Our program doesn't handle that specific kind of information. I called and spoke with Nancy Stuefen at the Water Resources Institute in Brookings. They routinely run chemical analysis of water used for irrigation purposes.

Ms. Stuefen indicated they have the test kits on hand and could send you one whenever you need one. Their lab handles the analysis and gives you a written interpretation based on the soil type and chemical analysis of the water. Please give her a call with any questions you have and to give her your address for mailing the test kit.

You may contact **Nancy Stuefen at (605) 688-4910** or write to her at the following address: **Water Resources Institute, Water Quality Laboratory, SDSU, Box 2120, Brookings, SD 57007**

Orin, I hope I have answered some of your questions. If I can be of further assistance, please give me a call.

Sincerely,

Genny McMath

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

3037-3

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 19, 2001

NOTICE

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

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

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

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

The hearing will be held at 10:00 am, March 7, 2001 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2807-3 & 3037-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 2, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 29, 2001

2807-3
3037-3

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

Dear Mr. Abild:

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

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

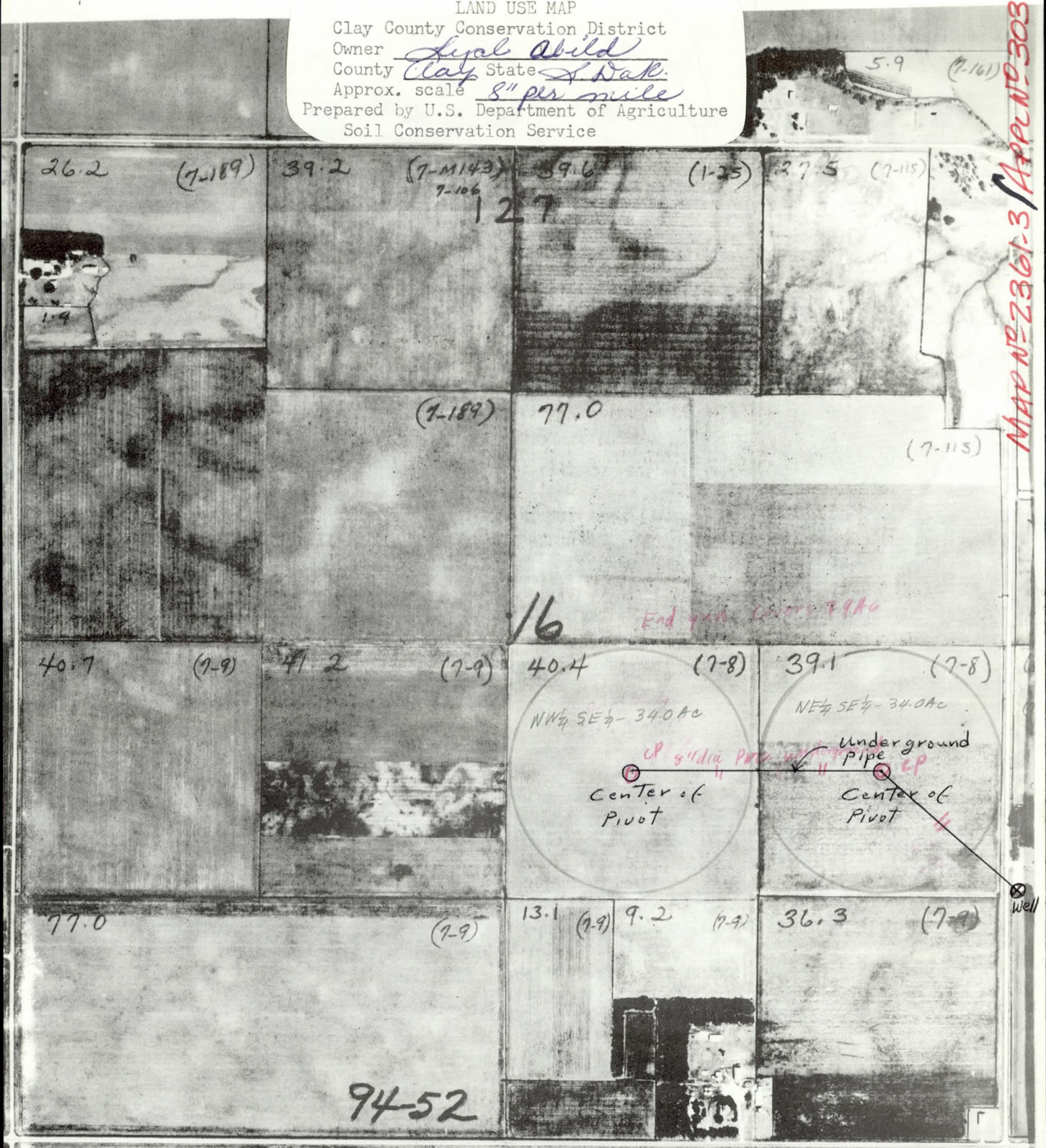
If you have any questions, please contact me.

Sincerely,

Genny McMath

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

LAND USE MAP
Clay County Conservation District
Owner Lyal Abild
County Clay State S. Dak.
Approx. scale 8" per mile
Prepared by U.S. Department of Agriculture
Soil Conservation Service



MAP No 2361-3 APPL No 30373

3037-3

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

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

November 19, 2008

2807-3
3037-3

Orin Abild
30574 461st Ave
Wakonda SD 57073

Dear Mr. Abild:

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

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

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

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

Sincerely,

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

enclosures

3037-3

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

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

January 23, 2009

NOTICE

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

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

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

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

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

1 Suspend or cancel Permit No(s) 2807-3 & 3037-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:
https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf

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

3037-3

UNITED STATES POSTAL SERVICE

Home | Help

Track & Confirm

Track & Confirm

Search Results

Label/Receipt Number: **2303 2160 0000 0802 6371**
Status: **Delivered**

Your item was delivered at 12:46 PM on January 26, 2009 in WAKONDA, SD 57073. The item was signed for by O ABILD.

Track & Confirm

Enter Label/Receipt Number.

Additional Details > | Return to USPS.com Home >

Notification Options

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Get current event information or updates for your item sent to you or others by email. Go >

Proof of Delivery

Verify who signed for your item by email, fax, or mail. Go >

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[redacted]

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 6371

ORIN ABILD
30574 461ST AVE
WAKONDA SD 57073 9739

Waiver of Signature ☐YES ☐NO

Postmark Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

[redacted]

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[redacted]

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

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

January 28, 2009

2807-3
3037-3

Orin Abild
30574 461st Ave
Wakonda SD 57073-9739

Dear Mr. Abild:

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

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

If you have any questions, please contact me.

Sincerely,

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

3037-3

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

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

denr.sd.gov

January 10, 2017

2807-3
3037-3
7918-3

Lilli Abild
30574 461st Ave
Wakonda SD 57073 9739

Dear Ms. Abild:

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

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

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

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

Sincerely,

Genny McMath

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

enclosures: irrigation questionnaires, transfer forms, envelope

3037-3

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

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

denr.sd.gov

January 11, 2018

2807-3
3037-3
7918-3

Lillian Abild
30574 461st Ave
Wakonda SD 57073 9739

Dear Ms. Abild:

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

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

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

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

Sincerely,

Genny McMath

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

enclosures

RECEIVED
FEB 01 2018
WATER RIGHTS PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. **3037-3**

Date: _____

I/We request that Water Right No. **3037-3**

formerly owned by: **Orin Abild**

be transferred to: (name & address) Lillian Abild
30579 461 Ave
Wakonda, S.D. 57073-9739 Telephone No. 605-267-2236

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

N ½ SE ¼ Section 16, T94N, R52W

I/We understand that the validity of Water Right No. **3037-3** has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars ($50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Lillian Abild, the new owner, certify that the above information is true and correct.

Lillian Abild
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 1, 20 18

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

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form 3037-3	50	00
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law) TOTAL	50	00

No. 08562

By Jeanne Goodman
Chief Engineer

JM

3037-3

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

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

February 2, 2018

2807-3
3037-3
7918-3

Lillian Abild
30574 461st Ave
Wakonda SD 57073 9739

Dear Ms. Abild:

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

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

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

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

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

Sincerely,

Genny McMath

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

enclosures

3037-3

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

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

January 25, 2019

NOTICE

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

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

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

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

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

1 Suspend or cancel Permit No(s) 2807-3 & 3037-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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

3037-3

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

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

February 19, 2019

2807-3
3037-3

Lillian Abild
30574 461st Ave
Wakonda SD 57073 9739

Dear Ms. Abild:

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

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

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

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

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

Sincerely,

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

3037-3

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

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

November 6, 2019

2807-3
3037-3

Lillian Abild
30574 461st Ave
Wakonda SD 57073 9739

Dear Ms. Abild:

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

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

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

Sincerely,

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

RECEIVED

MAR 25 2020

WATER RIGHTS PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3037-3

Date: _____

I/We request that Water Right No. 3037-3

formerly owned by: Lillian Abild

be transferred to: (name & address) Abild-Wells Farms Tracey Wells
5354 Amberhill Ct. Fayetteville NC 28311

Telephone No. 910-964-6763

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

N ½ SE ¼ Section 16, T94N, R52W

I/We understand that the validity of Water Right No. 3037-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars ($50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Tracey Wells, the new owner, certify that the above information is true and correct.

Tracey Wells
(Signed by new owner)

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

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.

3037-3

RECEIPT

WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date March 26, 2020

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

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	$
Fee for Application for Permit No. _____ to Appropriate Water for Future use	$
Fee to retain Future Use Permit No. _____ after period of seven years.	$
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	$
Fee for Filing Transfer Form 3037-3	$50.00
Fee for _____	$
Fee for Issuing New Well Driller's License No. _____	$
Fee for Renewal of Well Driller's License No. _____	$
Fee for Issuing Well Pump Installer's License No. _____	$
Fee for Renewal of Well Pump Installer's License No. _____	$
(Any Other Work Provided by Law) TOTAL	$50.00

By Eric Gronlund
Chief Engineer

VM

3037-3

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

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

April 8, 2020

2807-3
3037-3

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

Dear Ms. Wells:

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

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

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

Sincerely,

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

3037-3

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

January 20, 2022

NOTICE

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

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

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

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

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

1 Suspend or cancel Permit No(s) 2807-3 & 3037-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: https://danr.sd.gov/iq using this password: MHALKS**

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

3037-3

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

February 7, 2022

2807-3
3037-3

Tracey Wells
Abild Wells Farms
5354 Amberhill CT
Fayetteville NC 28311

Dear Tracey:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 2807-3 and 3037-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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

November 12, 2024

2807-3
3037-3

Abild-Wells Farms
c/o Tracey Wells
818 Emeline Ave
Fayetteville NC 28303-5420

Dear Ms. Wells:

Enclosed is a "Notice" dated October 23, 2024, concerning the 2024 Irrigation Questionnaire.

The notice was originally mailed to 5354 Amberhill Ct, Fayetteville NC 28311. The post office notified our office that your address has changed, and your records have been updated accordingly.

This is a time sensitive matter. Please complete and return the enclosed questionnaires or submit your reports online at *https://danr.sd.gov/iq/* using this password *XPJYVD*.

If this change of address is in-correct, please contact our office immediately to update your contact information.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures

UNCLAIMED
276 NEE 11414240211/02/24
RETURN TO SENDER
WELLS TRACEY
818 EMELINE AVE
FAYETTEVILLE NC 28303-5420
RETURN TO SENDER