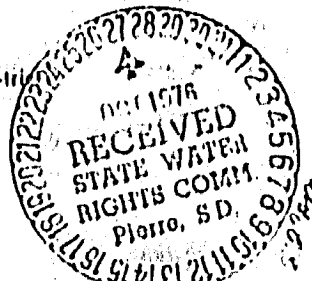


No. 3124-3
 Map No. 2471-3 Water Division No. 3 MISSOURI RIVER District 4
 (Blanks to be filled by the Engineer for the W. H. C.)


APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant George Turner
 Postoffice address Glenham, State South Dakota
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Turner Irrigation Project #4
4. Amount of water claimed (cubic feet per second) 1.92
5. Source of water supply Missouri River
6. Location of point of diversion W 1/2, W 1/2, SE 1/4 Section 6, Township 123
Range 78

- County Walworth
7. Annual period or periods during which water is to be used April 1, through October 15
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 135

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.
NE 1/4 SE 1/4 Section 6	40		
NW 1/4 SE 1/4 Section 6	30		
SW 1/4 SE 1/4 Section 6	26		
SE 1/4 SE 1/4 Section 6	39		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Three years. Additional time required to complete application of water to the proposed beneficial use One years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Mobridge Tribune
12. Principal Features of the Proposed Water Supply System.

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

Electric Powered Pump

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

Aluminum Pipe

C. Works proposed to apply water to beneficial use.

Sprinkler SystemEstimated Total Cost \$ 45,000.00
 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 Walworth
 I, George O. Turner, 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 George O. TurnerSubscribed and sworn to before me this 25th day of April, 19 76
Blair D. Benninger
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3129-3

GEORGE TURNER
(Applicant)

GLENHARR
(Post Office Address)

SOUTH DAKOTA 57631 With the following modifications:
(State)

Date of first receipt of application OCTOBER 27, 19 76
Date of return to applicant for correction, amendments or changes required _____, 19 ____
Date of receipt of corrected application _____, 19 ____
Approved NOVEMBER 17, 19 76, Recorded in Book 16 Page 299

WATER RIGHT PERMIT NO. 3129-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3129-3 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 OCTOBER 27, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 17, 19 78
3. The whole of said work is to be completed on or before NOVEMBER 17, 19 79
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 17, 19 80
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 1.92 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 NOVEMBER 17, 19 80; said water to be used during the following described annual period: APRIL 1 TO OCTOBER 15

Witness my hand this 21ST day of MARCH, 19 77

WATER RIGHTS COMMISSION

By:

John H. Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

Form 6. - Notice Intent to Appropriate Water

No. 3129-3

Publish first publication, on or before

November 4, 1976

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 28, 1976

Notice is hereby given that George Turner

whose post office address is Glenham, 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 1.52 cubic feet of water per second of time from the Missouri River through the Turner # 4, the point of diversion of which is to be located in the SE 1/4, SW 1/4

of Section 6, Twp. 123N, Range 70W. Said water to be used for the purpose of providing irrigation on the following described land:
portions of

SE 1/4, Section 6, T123N, R70W

This application No. 3129-3 will be considered by the Water Rights Commission at the Marvin Hughitt Hotel in Huron, South Dakota upon the 17th day of November, 1976 at 10:00 A.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFJ/bw
cc:

George Turner, Glenham, SD 57631

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF WALWORTH

ss:

Cindi K. Volk

I, being first duly sworn under oath say: The Mobridge Tribune is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Bridge City Publishing Co., in Mobridge, in said county and state, and has been such legal newspaper during the time hereinafter mentioned; that during all of said time as an employee or officer of said newspaper I have had personal knowledge of the facts stated in this affidavit; that the advertisement headed:

Notice of intent to appropriate
water No. 3129-3

George Turner

a printed copy of which is hereto attached, was printed

and published in said newspaper for two

successive weeks upon the following dates, to-wit:

November 4, 1976

November 11, 1976

that the full amount of the fees charged for publishing

the same to-wit: the sum of 12.31
inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Cindi K. Volk

Subscribed and sworn to before me this 4

day of March, 1977

JO HALL

Notary Public, South Dakota

(Seal)

George Turner seeks permit for river water

NOTICE OF INTENT TO APPROPRIATE WATER

No. 3129-3

November 4, 1976

Pierre, South Dakota 57501

October 28, 1976

Notice is hereby given that George Turner whose post office address is Glenham, 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 1.92 cubic feet of water per second of time from the Missouri River through the Turner No. 4 the point of diversion of which is to be located in the SE 1/4 SW 1/4 of Section 6, Twp. 123N, Range 78W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE 1/4 Section 6, T123N, R78W, S42E

This application No. 3129-3 will be considered by the Water Rights Commission at the Marilyn Hughitt Hotel in Huron, South Dakota upon the 17th day of November, 1976 at 10:00 A.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By: Burton F. Jones

Water Rights Specialist

-114-1111





3129-3

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3101

January 29, 1988

GEORGE TURNER
HCR 1, BOX 77
GLENHAM, SD 57631

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). 1390-3, 3129-3. 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). 1390-3, 3129-3 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.

3129-3

George Turner
Box 10 Box 77
Glenham, S. Dak.
57631

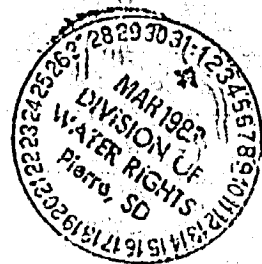
155 No Questionnaire forms available

Permit # 1390-3 - Irrigation information 1989

June	3 days	12 hrs per day	8:00 P.m.	all Corn
July	19 days	"	"	"
August	15 days	"	"	"

135
Permit # 3129-3

July	23 days	24 hrs per day	8:25 P.m.	80% Alfalfa 20% Corn
August	19 days	"	"	80% Alfalfa 20% Corn
September	15 days	"	"	all alfalfa



South Dakota
Department of
Water & Natural Resources

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

March 9, 1988

1390-3
3129-3

George Turner
HCR #10, Box 77
Glenham SD 57631

Dear Mr. Turner:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 1390-3 & 3129-3 and the hearing date before the Water Management Board.

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

Very truly yours,

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

Permit No. 3129-3Missouri River Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by George
Turner of HCR 10, Box 64, Glenham, SD 57631 holder of Permit No. 3129-3, bearing the
priority of October 27, 1976 authorizing the diversion of 1.92 cu. ft. per second of the
waters of Missouri River for irrigation purposes, in Walworth County.

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

A. Works used to divert the water:

General Electric motor model no. 5K4404XA1V12, 75 hp; Cornell pump model no. 4YB75-2, 9
inches, 900 gpm capacity.

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

2000' of 8" aluminum pipe.

C. Works used to apply water to beneficial use:

Pringle center pivot, ^{1197'} 1250' long with 9 towers and an end gun, high pressure system, 875
gpm capacity.

The system is in the following condition good. The point of diversion is located 50' W of
the S1/4 corner of Sec. 6, T123N, R78W. The works are capable of diverting and conveying
to the place of use 1.94 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 the SE1/4 Sec. 6, T123N, R78W:

NW1/4 26 acres, NE1/4 34 acres, SW1/4 22 acres, SE1/4 30 acres.

comprising a total of 112 acres of land and the license should be issued for 1.94 cfs.Application permit qualifications have been complied with Y Yes NoExceptions to compliance are: noneDate 9-22-92

Lynn Beck
Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Division

1.6 cfs
(Lm)

3129-3

REPORT ON INSPECTION OF PERMIT NUMBER 3129-3

DATE 9-22-92

Other permit(s) associated with the project

DIVERSION POINT LEGAL LOCATION: SE1/4 SW1/4 Sec. 6-123-78

- | | | |
|-----------------------------------|---------|----------------------------------|
| a) Motor: | b) Pump | 1) make <u>Cornell</u> |
| 1) make <u>General Electric</u> | | 2) model <u>4YB75-2</u> |
| 2) model No. <u>5K4474XA1V12</u> | | 3) size <u>9</u> inches |
| 3) horsepower rating <u>75</u> hp | | 4) capacity <u>900</u> GPM |
| | | 5) turbine pump - No. of stages |
| | | 6) operating pressure <u>PSI</u> |

DISTRIBUTION LINES OR CANALS:

- | | | |
|-------------------------|-------------------------|----------------------------|
| a) type <u>aluminum</u> | b) size <u>8</u> inches | c) length <u>2000</u> feet |
|-------------------------|-------------------------|----------------------------|

SYSTEM TYPE:

- 1) Center pivot:
 - 1) make Pringle
 - 2) overall length 1250 feet
 - 3) number of towers 9
 - 4) distance between towers feet
 - 5) end gun Y (Y/N)
 - 6) high or low pressure high
 - 7) capacity 825 GPM

CHEMIGATION EQUIPMENT:

- | | |
|--|---|
| b) main line check valve (Y/N) | a) does chemigate <u>N</u> (Y/N) |
| d) low pressure drain (Y/N) | c) inspection port/air relief (Y/N) |
| f) interlock type | e) discharge is 20' from source (Y/N) |
| h) injection check valve (Y/N) | g) injection pump type |
| | i) injection line check valve or positive displacement pump (Y/N) |
| j) all chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules (Y/N) | |
| k) comments : | |

3129-3

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A (Y/N)
- b) Special qualifications to permit being abided by Y (Y/N)
- c) All structures, wells and lands on map Y (Y/N)
- d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y (Y/N)



3129-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 26, 1993

3129-3

George Turner
HCR 10, Box 64
Glenham, SD 57631

Dear Mr. Turner:

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. 3129-3, 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,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

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



3129-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 8, 1993

SECOND NOTICE

Permit No: 3129-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

George Turner
HCR 10, Box 64
Glenham, SD 57631

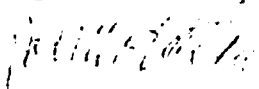
Dear Mr. Turner:

On April 26, 1993, you were notified the final inspection fee of \$50.00 is due before Water License No. 3129-3 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
(605) 773-3352

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Print your name, address and ZIP Code here

DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES
DIVISION OF WATER RIGHTS
523 E. CAPITOL JOE FOSS BLDG.
PIERRE, SOUTH DAKOTA 57501

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.

3. Article Addressed to:

George Turner
HCR 10, Box 64
Glenham, SD 57631

3129-3

4a. Article Number

318 052 534

4b. Service Type

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

7. Date of Delivery

7-9-93

5. Signature (Addressee)

George Turner

6. Signature (Agent)

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

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

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

Consult postmaster for fee.

Thank you for using Return Receipt Service.

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

3129-3
413825

Pierre, July 13, 1995

RECEIVED OF George Turner, HCR 10 Box 77, Glehhar, SD 57631
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. 3129-5	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatchford
Chief Engineer

3129-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3129-3

(1) George Turner, of HCR 10, Box 77, Glenham, SD 57631 made Application No. 3129-3, October 27, 1976 for a water permit to appropriate 1.92 cubic feet of water per second from the Missouri River, Walworth County, South Dakota for irrigation purposes. Permit No. 3129-3, with a priority date of October 27, 1976 was approved November 17, 1976 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 17, 1979 and for the application to beneficial use of said water on or before November 17, 1980.

(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 1.6 cubic feet of water per second for beneficial use. The location of the diversion point is 50 feet W of the S1/4 corner of Section 6 T123N-R78W (SE1/4 SW1/4).

(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:

<u>T123N-R78W</u>	<u>Section 6</u>	<u>NW1/4 SE1/4</u>	<u>26 acres</u>
		<u>NE1/4 SE1/4</u>	<u>34 acres</u>
		<u>SW1/4 SE1/4</u>	<u>22 acres</u>
		<u>SE1/4 SE1/4</u>	<u>30 acres</u>
		<u>Total</u>	<u>112 acres</u>

(4) Pursuant to South Dakota Water Law 46-5-30.1 George Turner of HCR 10, Box 77, Glenham, SD 57631 the holder and/or owner of Water Permit No. 3129-3 is issued a license to appropriate water, the right to use 1.6 cubic feet of water per second from the Missouri River with a priority date of October 27, 1976 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 3129-3 and subject to South Dakota State Law.


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

OCT 15 1993



3129-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

OCT 15 1993

3129-3

George Turner
HCR 10, Box 77
Glenham, SD 57631

Dear Mr. Turner:

Enclosed is Water License No. 3129-3 and Receipt No. 413825 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 3129-3 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

rd
enclosures



3129-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1994

GEORGE TURNER
HCR 10 BOX 77
GLENHAM SE 57631

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 1390-3 & 3129-3. 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 hearing to determine if any Board action is to be taken concerning the violation.

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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1390-3 & 3129-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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, 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.

3. Article Addressed to:

3129-3
GEORGE TURNER
HCR 10 BOX 77
GLENHAM SD 57631

5. Signature (Addressee)

6. Signature (Agent)

George Turner

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

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

Consult postmaster for fee.

4. Article Number

P 837 692 511

4b. Service Type

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

7. Date of Delivery

Feb 17 1991

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

Thank you for using Return Receipt Service.

3129-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 25, 1994

1390-3
3129-3

George Turner
HCR 10 Box 77
Glenham, SD 57631

Dear Mr. Turner:

I am writing to acknowledge receipt of your 1993 irrigation questionnaires. You may disregard the February 16, 1994, **Notice of Violation of the Requirement to Submit the 1993 Irrigation Questionnaire.**

The questionnaires were 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



3129-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

GEORGE TURNER
HCR 10 BOX 77
GLENHAM SD 57631

NOTICE

RE: Violation of Requirement to Submit 1994 Irrigation Questionnaire

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit Nos. 1390-3 & 3129-3. 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 hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 8, 1995, in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 220 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. Following the hearing, the Water Management Board can:

1. Amend Permit Nos. 1390-3 & 3129-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 questionnaires are received in this office on/or before March 3, 1995 your name will be deleted from the Board agenda.

Very truly yours,

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



3129-3

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

February 28, 1995

1390-3
3129-3

George Turner
HCR 10 Box 77
Glenham, SD 57631

Dear Mr. Turner:

I am writing to acknowledge receipt of your 1994 irrigation questionnaires. You may disregard the February 7, 1995, Notice of Violation of the Requirement to Submit the 1994 Irrigation Questionnaires.

The questionnaires were 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



3129-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 16, 2002

2129-3

Hilton R Walth
11550 Owl Place
Falcon CO 80831

Dear Mr. Walth:

I am writing in follow-up to our phone conversation concerning ownership of land described in Water Right No. 3129-3. Enclosed is a copy of the water right for your records.

My understanding is that you have not yet made a decision as to whether or not you will irrigate the land. Please keep in mind water must be placed to beneficial use at least once every three years in order to maintain a water right. This three-year period may be waived if legal excuse exists for not irrigating. Legal excuse as defined in Water Management Board Rules includes, but is not limited to, the following: 1) unavailability of water to satisfy a permit or right; 2) legal proceedings which prevent the use of water; or 3) water use under existing climatic conditions would result in a waste of water.

I wanted to let you know ahead of time what the criteria are for maintaining a water right. You indicated that if you do decide to irrigate, you may put up a different type of system. As long as you stay within the perimeters of the water right, it is fine to change systems.

I am including a sample copy of the yearly irrigation questionnaire. We have the form for 2002 on file already so the next time you would receive one to complete and send in would be for the crop season 2003. You can let us know through the annual irrigation questionnaire if you decide to irrigate and would like to maintain the water right.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it 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 Rights Program.

If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 27, 2003

RECEIVED OF Hilton Walth, 11550 Owl Place, Falcon CO 80831

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	2	50
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>3129-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

000000

By

J. D. Gable
Chief Engineer

gr

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED
JAN 27 2003
WATER RIGHTS
PROGRAM

No. 3129-3
Date: 1-22-03

I/We request that Water Right No. 3129-3

formerly owned by: George Turner, 13404 SD Hwy 1804, Glenham, SD 57631-5601

be transferred to: (name & address) Hilton R. Walth and/or Charlotte L. Walth
11550 Owl Place
Falcon CO 80831 Telephone No. 719-495-3510

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

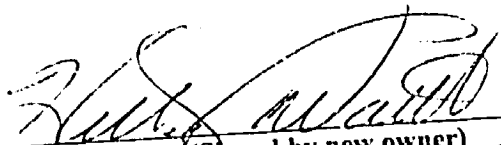
112 acres - SE 1/4 Section 6, T123N, R78W

I/We understand that the validity of Water Right No. 3129-3 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 Hilton R. Walth & Charlotte L. Walth, the new owner, certify that the above information is true and correct.


(Signed by new owner)
Charlotte L. Walth

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 27, 2003

3129-3

Hilton R & Charlotte L Walth
11550 Owl Place
Falcon CO 80831

Dear Mr. & Mrs. Walth:

I am writing to acknowledge receipt of the transfer of ownership and filing fee you submitted for transferring Water Right No. 3129-3. The transfer has been completed. The water right, formerly held by George Turner is now listed in your names.

Enclosed is your Receipt No. 000582 in the amount of \$2.50. You may keep this for your records.

If I can answer any questions for you, please let me know.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2004

NOTICE

TO: HILTON & CHARLOTTE WALTH, 11550 OWL PLACE, FALCON, CO 80831

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire has not been submitted for Permit No(s) 3129-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 3, 2004, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3129-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 **February 27, 2004**, your name will be deleted from the Board agenda. If you have any questions or need assistance with 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**

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

January 29, 2004

NOTICE

TO: Hilton and Charlotte Walth, 29280 131st St, Glenham SD 57631

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

SUBJECT: Violation of Water Right No. 3129-3

The attached notice was sent with a signature confirmation required. The post office has returned the requested envelope to our office marked "refused". We are returning the "Notice" to you by first class mail.

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

enclosure



3129-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 2004

3129-3

Hilton & Charlotte Walth
29280 131st St
Glenham SD 57631

Dear Mr. & Mrs. Walth:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right No. 3129-3.

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
Environmental Scientist
Water Rights Program
(605) 773-3352

APR 18 1955 APP 123129-3

I, Bruce E. Pier, Registered Land Surveyor
No. 1955 in the State of South Dakota, hereby
certify that I prepared the within map for
George Turner.

Bruce E. Pier
Bruce E. Pier

6 4 1/2

22.2
21.7

135 ft
124.0

TAKE
LINE

SE 1/4, Sect. 6, T123N, R78W
WALWORTH COUNTY, SOUTH
DAKOTA

OWNER - GEORGE TURNER

PIPELINE

13.4

INTAKE 500'± WEST OF
SOUTH 1/4 CORNER SEC 6 T123N, R78W

13.0 12.0

8.0

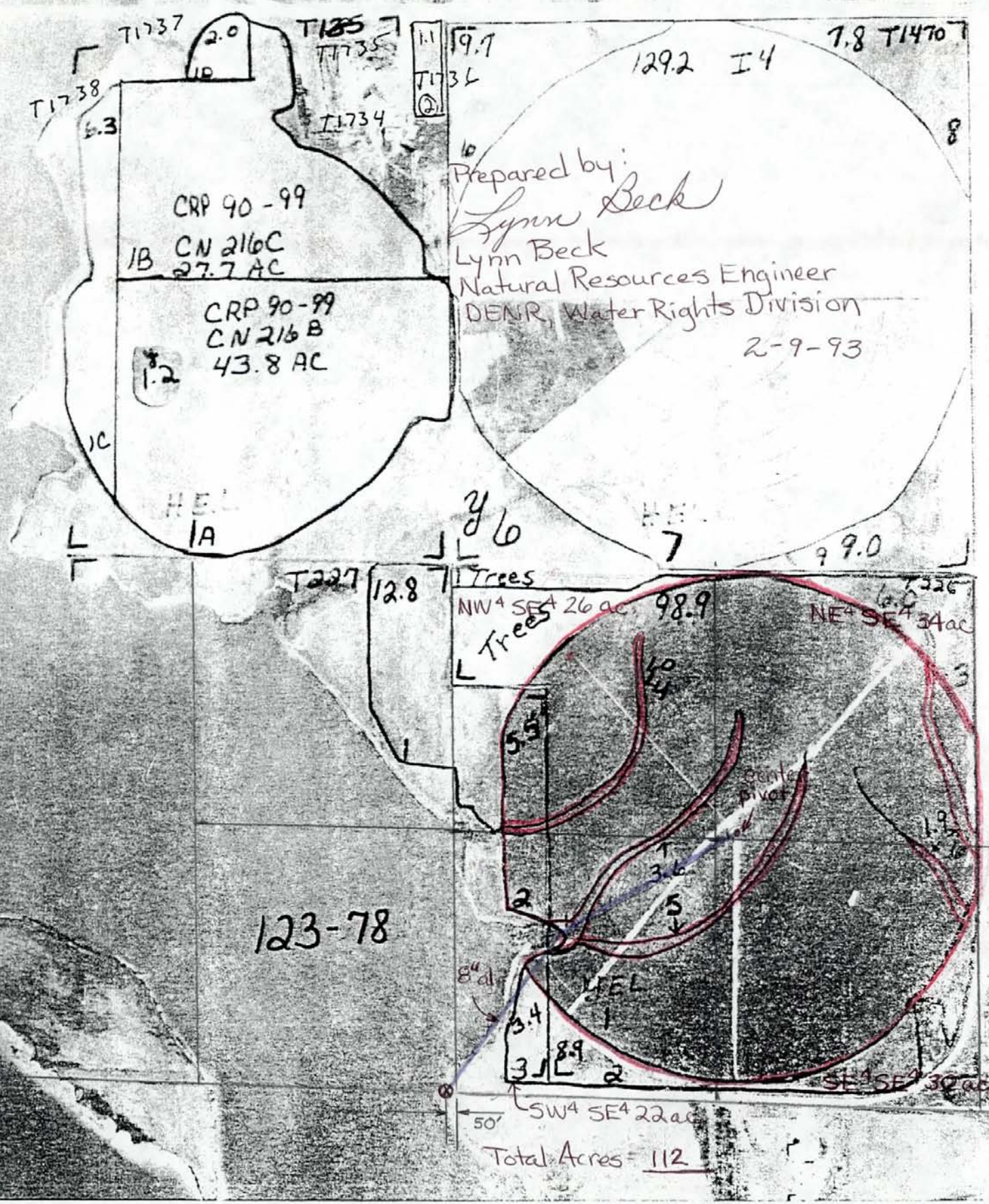
15.0

66.0

2187-3

3129-3

NOT TO SCALE



Prepared by:
Lynn Beck
Lynn Beck
Natural Resources Engineer
DENR, Water Rights Division
2-9-93

123-78

Total Acres = 112



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 29, 2009

3129-3

Hilton & Charlotte Walth
29280 131st St
Glenham SD 57631

Dear Mr. & Mrs. Walth:

I am contacting you in regard to the 2009 irrigation questionnaire you submitted for Water Right No. 3129-3. The water right authorizes irrigation of 112 acres in the SE ¼ Section 6, T123N, R78W.

I noticed on the questionnaire that you reported the use had been abandoned. Typically when a water right holder indicates the use has been abandoned, the water right is scheduled for cancellation consideration before the Water Management Board.

Prior to scheduling the water right for cancellation consideration, I wanted to touch base with you to find out if you have truly discontinued irrigation on the land described in the water right. Please take a few minutes to write or call and let me know what your intent is towards the water right. I have enclosed a postage paid envelope for your reply.

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



**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 5, 2010

3129-3

Hilton & Charlotte Walth
29280 131st St
Glenham SD 57631

Dear Mr. & Mrs. Walth:

Thank you for calling to clarify the information reported on the 2009 irrigation questionnaire for Water Right No. 3129-3.

Enclosed is a copy of the questionnaire as it will go into the file. I typed the information from my phone conversation with Charlotte onto the form to reflect that no irrigation took place due to adequate natural moisture.

If you have any questions, please contact me.

Sincerely,

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 4, 2018

3129-3

Hilton & Charlotte Walth
29280 131st St
Glenham SD 57631

Dear Mr. & Mrs. Walth:

Thank you for submitting the 2018 irrigation questionnaire by the deadline.

It is my understanding from the notation made on your questionnaire that the land has been enrolled in CRP through 2028. Under SDCL 46-5-37.2, no water right or permit may be forfeited for nonuse if land authorized for irrigation by a permit or right is placed under an acreage reserve or production quota program or otherwise withdrawn from use as required for participation in any federal program, if:

- the water source is not fully appropriated
- if the withdrawal from use does not prevent approval of new permits from the same source, and
- if the appropriated water has been applied to beneficial irrigation use prior to participation in a federal program.

The annual irrigation questionnaire for Water Right No. 3129-3 will not be mailed to you until the land comes out of CRP. If the land is sold or other changes occur prior to the land coming out of the program, please notify us so that appropriate changes can be made to the water right.

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