

Water Right Number 3164-3

1. Considered 11-17, 19 12
2. Name of Applicant DAYTON KLOSS
3. Post Office Address HITCHCOCK
4. Amount of water claimed 2.00
5. Source of water supply 86' DEEP WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 160
7. Water to be diverted and used in SPINK County
about 4N, 5W Miles of HITCHCOCK
8. Proof of Publication
Received 1st
Not received
9. Application
Approved
Subject to
Not approved
Action deferred
10. Remarks:

No. 3164-3
 Map No. 2505-3 Water Division No. 3 JAMES RIVER District
 (Blanks to be filled by the Engineer for the W. R. 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 Dayton Kloss
 Postoffice address Hitchcock, State South Dakota 57348
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor
 3. Name of diversion work Dayton Kloss - Unit #1
 4. Amount of water claimed (cubic feet per second) 2.66
 5. Source of water supply Ground Water
 6. Location of point of diversion CENTER NW 1/4 SECTION 15, T14N, R26W

 _____ County Spink
 7. Annual period or periods during which water is to be used March - November
 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 160

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.
NW 1/4 of 15-114-64	160		

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 benefit use 2 years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Daily Plainsman, Huron, S.D. 57350
 12. Principal Features of the Proposed Water Supply System.

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

Pump Bowl

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

Main Line

C. Works proposed to apply water to beneficial use.

Center Pivot

Estimated Total Cost \$ _____

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

STATE OF SOUTH DAKOTA)
) ss.
 County of Spink)

I, Dayton Kloss, 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 Dayton KlossSubscribed and sworn to before me this 13 day of October, 19 76

Notary Public (or other qualified officer)

Commission Expires 11-6-76

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3164-3
DAYTON KLOSS HITCHCOCK
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57348 With the following modifications
 (State)

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

Date of first receipt of application OCTOBER 14, 1976
 Date of return to applicant for correction, amendments or changes required _____ 19____
 Date of receipt of corrected application OCTOBER 29, 1976
 Approved NOVEMBER 18, 1976, Recorded in Book 16 Page 235

WATER RIGHT PERMIT NO. 3164-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3164-3 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 14, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 18, 1979
3. The whole of said work is to be completed on or before NOVEMBER 18, 1981
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 18, 1983
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 2.0 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 NOVEMBER 18, 1983; said water to be used during the following described annual period: MARCH - NOVEMBER

Witness my hand this 22ND day of DECEMBER, 1976

WATER RIGHTS COMMISSION

By:

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued January 5, 1979
 Water License Issued January 5, 1979

Lloyd Peterso
FOREMAN

[illegible]

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

NAME Waylon Floss
ADDRESS Hitchcock, South Dakota 57338
COUNTY Spink

LEGAL DESCRIPTION

1. WELL LOCATION Center of the NW 1/4 of 15-114-64
2. LOCATION OF AREA TO BE IRRIGATED NW 1/4 of 15-114-64

TYPE OF IRRIGATION

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

WATER QUALITY

5. SAMPLE NUMBER 76-1604
6. SALINITY (EC X 10⁶) 1220
7. SODIUM (AR) 3.80
8. RESIDUAL SODIUM CARBONATE (meq/l.) 1.19

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 Spink 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.

SUBSCRIBED AND SWORN BEFORE ME THIS
11 DAY OF July 1976.

(TITLE OR SEAL)

APPLICANT'S SIGNATURE

Approved does not imply that this project can be carried
out without some effort on the part of the individual man-
aging the project. To a large degree, determine the relative
success of this endeavor.

APPROVED/REGISTERED

(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: _____

Date Rec'd _____

Address _____

Sample No. _____

City _____

Identification _____

State _____

Zip _____

WATER ANALYSIS

Calcium (Ca)	14.73	ppm*	14.73	me/l**
Magnesium (Mg)	7.23	ppm	7.23	me/l
Sodium (Na)	1.0	ppm	1.0	me/l
Potassium (K)	1.0	ppm	1.0	me/l
Sulfate (SO ₄)	2.0	ppm	2.0	me/l
Nitrate (as N)	0.0	ppm	0.0	me/l
Chloride (Cl)	0.0	ppm	0.0	me/l
Bicarbonate (HCO ₃)	0.0	ppm	0.0	me/l
Carbonate (CO ₃)	0.0	ppm	0.0	me/l
Iron (Fe)	0.0	ppm	0.0	me/l
Fluoride (F)	0.0	ppm	0.0	g.p.g.***
Hardness (EDTA as CaCO ₃)	14.73	ppm (as CaCO ₃)		
Alkalinity (Methyl Orange)	0.0	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	1.0	micromhos per cm at 25° C.		
Electrical Conductivity	0.0			
Sodium Adsorption Ratio	0.0			
Sodium	1.0	% of cations		
Residual sodium carbonate	0.0	me/l		
pH	7.0			
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS:

TOTAL HARDNESS 14.73 me/l
 TOTAL ALKALINITY 1.0 me/l

14.73 me/l
 1.0 me/l

By: _____

Service Performed

Amount Due

Water Quality Laboratory

\$2.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment.

Sample No. 76-1664

Amount Enclosed \$

Signed _____

October 26, 1976

Mr. Dayton Kloss
Hitchcock, SD 57348

Dear Mr. Kloss:

Your water sample (Lab. No. 76-1694) has been analyzed and the results are reported on the accompanying sheet, which is your copy to keep.

I am also enclosing a copy of AES pamphlet #13 for your use. The quality of your water for irrigation use is plotted approximately by means of the red cross in the chart on the outside back cover.

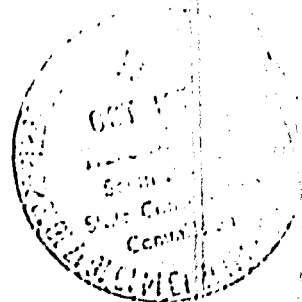
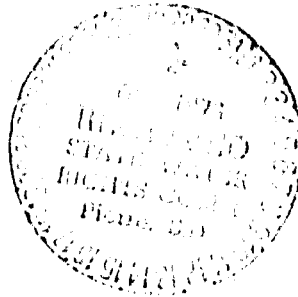
Your water, as indicated by this analysis, is satisfactory for use on the soils you indicate will be irrigated. If a salt problem or a water table problem should develop, contact extension personnel for assistance.

The WI-1, soils information, and a copy of the water analysis are being forwarded to the State Conservation Commission for their action.

Sincerely yours,

L. O. Fille
L. O. Fille
Water Quality Lab

LOF:ckb
Enclosures
cc: State Conservation Commission



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

D. Well Information or Estimates

(1) Drill Hole, Diameter _____, Depth _____

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

(3) Perforated Screen

Type _____, Diameter _____, Length _____

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

E. Dugout Information or Estimates

(1) Surface dimensions _____, Depth _____

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

*Log will be furnished by driller

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

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

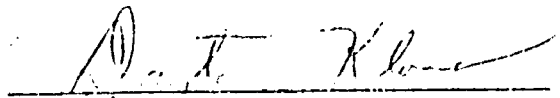
Depth to water (ground surface to water level) _____

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

On same owner's property _____ rds. On property owned by others _____ rds.

G. Water Storage Dams.

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


Signature of Applicant

Form 15.

Permit No. 3164-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Dayton Kloss

Permit No. 3164-3, issued upon Application No. 3164-3, bearing date of priority of October 14,
1976 authorizing the diversion of 2.0 cu. ft. per second of the waters of
groundwater (one well) County of Spink, State of South Dakota ~~XX~~
40 feet SE of the center of the NW 1/4, Section 15, T114N, R64W

, for Irrigation
purposes, has s 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 1.78 cu. ft. per second of water.

Date January 5, 1979

By:

WATER RIGHTS COMMISSION
John Hatch
JOHN HATCH, Chief Engineer

WATER LICENSE NO. 3164-3

(1) WHEREAS, On the 14th day of October A. D. 19 76
Dayton Kloss

made Water Right Application No. 3164-3 for a permit to use 2.0 cubic feet per second of the water
of groundwater (one well)

County of Spink State of South Dakota, for Irrigation

purposes; and
(2) WHEREAS, On the 18th day of November A. D. 19 76
Permit No. 3164-3, with a date of priority of October 14, 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 18th day of November A. D. 19 81 and for the
application to beneficial use of said water on or before the 18th day of November A. D. 19 83

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 1.78 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 a 136 acre circle in the NW¼, Section 15, T114N-R64W

(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 Dayton Gloss

of Hitchcock, South Dakota

the holder _____ and owner _____ of said permit No. 3164-3 a water right, dating from October 14, 1976

to use of 1.78 cubic feet per second of the waters of groundwater (one well)

in the County of Spink and State of South Dakota, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted at 40 feet SE of the center of the NW 1/4, Section 15, T114N-R64W

and conduct to and upon a 136 acre circle in the NW 1/4, Section 15-T114N-R64W

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 3164-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 5th day of January A. D.
Nineteen Hundred and Seventy-nine

WATER RIGHTS COMMISSION

By: John Hatch
Chief Engineer, Executive Officer, JOHN HATCH

No. 3164-3

Publish first publication, on or before

November 9, 1976

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

November 1, 1976

Notice is hereby given that Dayton Kloss

whose post office address is Hitchcock, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for

a permit to appropriate for beneficial use 2.0 cubic feet of water per

second of time from ~~the~~ ground water through the

Dayton Kloss # 1, the point of diversion of which is to

be located in the center of the SW 1/4

of Section 15, Twp. 114N, Range 64W. Said water to be used for the purpose of providing irrigation on the following described land:

SW 1/4, Section 15, T114N, R64W

/portions of

This application No. 3164-3 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:

BURTOK F. JONES, Water Rights Specialist

BFJ/dw

cc: Dayton Kloss, Hitchcock, SD 57348

Form 8 - Proof of Publication Notice of
Intent to Appropriate Water

No. 3164-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Beadle) ss.

I, Dorothy Murphy hereby

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

Water was taken from the Huron Daily Plainsman

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 Huron

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

November 6, 1976

November 15, 1976

Dorothy Murphy
(Signature)

Bookkeeper
(Title)

November 20, 1976

(Date Signed)

PUBLIC NOTICE

F.P. 11-876 L.P. 11-16-76
NOTICE OF INTENT
TO APPROPRIATE WATER
Pierre, South Dakota
November 1, 1976

Notice is hereby given that Dayton Kloss whose post office address is Hitchcock, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.0 cubic feet of water per second of time from ground water through the Dayton Kloss No. 1, the point of diversion of which is to be located in the center of the NW 1/4 of Section 15, Twp. 114N, Range 54W. Said water to be used for the purpose of providing irrigation on portions of the following described land: NW 1/4, Section 15, T114N, R54W.

This application No. 31543 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
No. 668 (adv.)

Permit No. 3164.3Water Division 3 JAMES RIVER Water DistrictREPORT 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 DAYTON
KLOSS on HITCHCOCK holder
of Permit No. 3164.3, bearing date of priority of OCTOBER 14, 1976
authorizing the diversion of 2.0 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in SPINK 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:

86' DEEP WELL W/16" PLASTIC CASING -
BYRON JACKSON 8" PUMP - SERIAL 771L-0606, POWERED
BY 60 HP GE ELECTRIC MOTOR

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

35' OF 10" ALUMINUM LINE TO PIVOT PAD

C. Works used to apply water to beneficial use

TL CENTER PIVOT SPRINKLER SYSTEM, MODEL #1762, WITH
END GUN

The system is in the following condition: EXCELLENT

The point of diversion is located 40' SE OF THE CENTER OF THE
NW⁴, SECTION 15, T114N, R64W

The works are capable of diverting and conveying to the place of use 1.78 (800 GPM)
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:

FOR IRRIGATING A 136 ACRE CIRCLE IN THE NW⁴, SECTION 15,
T114N, R64W

comprising a total of 136 acres of land.Date OCTOBER 17, 1976

Burton J. Lane
(Signature)
WATER RIGHT SPECIALIST

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

N2 4 6606

PIERRE, December 14, 1978

RECEIVED OF Dayton Kloss, Route 2, Hitchcock, SD 57343

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. (3164-3)	50	10
Fee for Inspecting Beneficial Use, and Issuing Water License No. (3164-3)		
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	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH DY

Conversation or File Documentation

NAME OF PERSON OR FILE: Dayton KlossADDRESS: Hitchcock, SD COUNTY SpinkDATE: February 3, 1986 TELEPHONE 266-2774RE: ownership

COMMENTS:

Dayton Kloss said he applied for the permit as the operator - Harvey Kloss actually owns the land. Mr. Kloss stated he was no longer farming the land - water right should be transferred to Harvey Kloss, RE#1 Box 36, Tulare SD.

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

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

Foss Building
East Capitol
Pierre, South Dakota 57501-3181

Water Rights Division
605 773-3352

February 3, 1986

3164-3

Harvey Kloss
RR 1, Box 36
Tulare SD 57472

Dear Mr. Kloss:

I am contacting you concerning ownership of Water Right No. 3164-3 listed in the name of Dayton Kloss. In a telephone conversation with Mr. Kloss, January 31, 1986, Mr. Kloss indicated he had originally applied for the permit as operator and that you had always owned the land.

Water Right No. 3164-3 authorizes irrigation of 136 acres in the NW¹ of Section 15, T114N, R64W. Since Dayton Kloss no longer farms this land, the water right should be transferred to your name.

Enclosed is a partially completed transfer form. Please check over the form, sign and have it notarized before returning it to this office. A \$2.50 fee is required for filing of a transfer notice. Upon receipt of the notice of transfer and the \$2.50 filing fee, Water Right No. 3164-3 will be transferred to your name.

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

If you have any questions, please advise.

Sincerely,

GENNY MCMAH
Natural Resources Analyst

GM:ks

enclosure

RECEIPT

Division of Water Rights

No 4 10322

South Dakota Department of Water and Natural Resources

Pierre, February 13, 1936

RECEIVED OF Harvey Kloss, RR 1, Box 36, Tulare, SD 57472

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form 3154-3	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)		
Total	2	50

By

Chief Engineer

JOHN HATCHER

SOUTH Dakota Department of
Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

Phone (605) 773-3352

February 13, 1986

Harvey Kloss
RR 1, Box 36
Tulare, SD 57472

Dear Mr. Kloss:

Enclosed is receipt No. 10322 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 3164-3.

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

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

NO. 3164-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 2-12-86

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

136 acres - NW 15, T114N, R64W

formerly owned by Dayton Kloss

has been transferred to Harvey Kloss, RR 1, Box 36, Tulare SD 57472

(please include complete mailing address)

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

Water Right Permit No. 3164-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

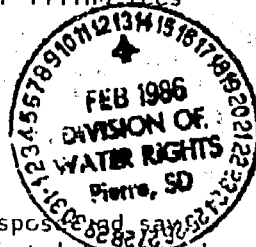
STATE OF SOUTH DAKOTA)
County of Spink) ss.

I, Harvey Kloss being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Harvey Kloss
(Signed)

Subscribed and sworn to before me this 12th Day of Feb, 1986

Charles Dinger
(Notary Public)





**Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 3154-3

March 21, 1986

Stan Foss
First Bank of South Dakota
P.O. Box 620
Redfield, South Dakota 57469

Dear Mr. Foss:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

DWNR-820A-E '83

NO. 3164-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: March 24, 1986

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

136 Acres - NW 1/4 Section 15-T114N-R64W

formerly owned by Harvey Kloss

has been transferred to First Bank of South Dakota (National Association) Box 620, Redfield S.Dak.
(please include complete mailing address)

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

Water Right Permit No. 3164-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50, is hereto attached to cover filing fees as required under SDCL 46-2-13.

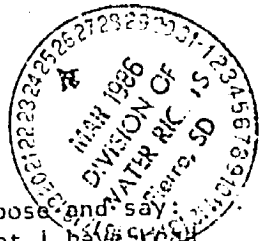
STATE OF SOUTH DAKOTA)
County of Spink) ss.

I, Stanley E. Foss being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Stanley E. Foss
(Signed)

Subscribed and sworn to before me this 24th Day of March, 1986.

Russ L. Main
(Notary Public)
My commission expires 10-1-93



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410800

Pierre, March 25, 1936, 19

RECEIVED OF First Bank of South Dakota(National Association) Box 620 Redfield, SD 57469
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>3164-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	2	50

By John Hatch
Chief Engineer **JOHN HATCH** (ms)



**Department of
Water & Natural Resources**

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division

Phone (605) 773-3352

March 25, 1986

First Bank of South Dakota (National Association)
Box 620
Redfield, South Dakota 57469

Dear Sir:

Enclosed is receipt No. 410380 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 3164-3.

Our records now show ~~you~~ ^{First Bank of South Dakota (National Association)} as the owner of this Water Right.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Ecn.



First Bank Redfield

First Bank of South Dakota, (National Association)
26 East Seventh Avenue
P. O. Box 620
Redfield, South Dakota 57469
605-472-1600

October 30, 1986

South Dakota Department of Water &
Natural Resources
Water Rights Division
Joe Foss Building
Pierre, SD 57501

Attn: Maxine Stirling

Dear Ms. Stirling:

We presently own water right no. 3154-3. Please send us the necessary form to transfer this water right.

Sincerely yours,

Stan Foss
President

SF: ej



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

No. 3164-3

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

November 14, 1986

First Bank of South Dakota
P.O. Box 620
Redfield, South Dakota 57469

ATTENTION: Stan Foss

Dear Mr. Foss:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

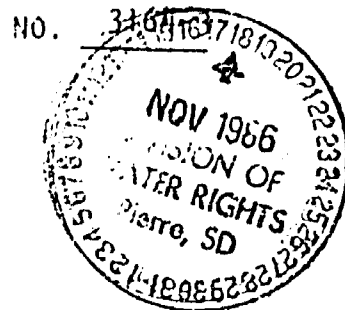
Maxine Stirling
Staff Assistant

ms
Enc.

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 11-17-86



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

136 Acres - NW $\frac{1}{4}$ Section 15-T114N-R64W

formerly owned by First Bank of South Dakota (National Association) Box 620, Redfield SD
57463

has been transferred to DANIEL E. JENSEN, R. Route Redfield S. DAK 57469
(please include complete mailing address)

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

Water Right Permit No. 3164-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Spink) ss.

I, DANIEL E. JENSEN being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

[Signature]
(Signed)

Subscribed and sworn to before me this 17 Day of November, 1986.

Comm Expires. 11-21-91

[Signature]
(Notary Public)

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

410622

Pierre, November 13, 19 86

RECEIVED OF First Bank Redfield for Darrel E Jensen, RR, Redfield SD 57469
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form for Permit No. <u>3164-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)		
Total	2	50

By John Hatch
Chief Engineer

JOHN HATCH

SOUTH Dakota Department of
Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division

Phone (605) 773-3352

November 21, 1986

Darrel E. Jensen
Rural Route
Redfield, South Dakota 57469

Dear Mr. Jensen:

Enclosed is receipt No. 410622 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 3164-3.

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

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

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

January 29, 1988

DARREL E JENSEN
RR
REDFIELD, SD 57469

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

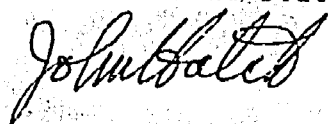
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 3164-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given 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). 3164-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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


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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

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

March 14, 1988

NOTICE OF AMENDMENT TO WATER PERMIT(S)

TO: DARREL E JENSEN
RR
REDFIELD, SD 57469

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

SUBJECT: Amendment to Water Permit No(s). 3164-3

Pursuant to the provisions of the notice dated January 29, 1988 and following the Hearing March 2, 1988, the Water Management Board has amended Water Permit No(s). 3164-3 to add the following qualification to each:

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

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

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

Attachment to Water Permit No(s). 3164-3

Pursuant to the provisions of the notice dated January 29, 1988 and following the Hearing March 2, 1988, the Water Management Board has amended Water Permit No(s). 3164-3 to add the following qualification to each:

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

● **SENDER:** Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
(Extra charge)

DARREL E JENSEN
RR
REDFIELD, SD 57469

4. Article Number

P 501 739 050

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED.**

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

5. Signature - Addressee

X

6. Signature - Agent

X

7. Date of Delivery

3-15-88

PS Form 3811, Mar. 1987

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

DOMESTIC RETURN RECEIPT

Larry

3164-3

Came at time
letter came and
was mislaid



Larry
Robert E. Jensen



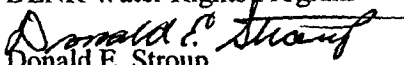
3164-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 13, 2003

TO: Garland Erbele, Chief Engineer
DENR Water Rights Program

FROM: 
Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

SUBJECT: Tulare Aquifer Irrigators

From April 28 through May 1, 2003 I made an on-site examination of the irrigation systems of several Tulare Aquifer Water Right holders. The Water Right holders, my observations, and subsequent actions are noted below:

Water Right No. 1424-3, Rick Boomsma Operator, 19749 Ponderosa Lane, Hitchcock, SD (605)266-2822

Center pivot on-site that appears not used for some time. Irrigation questionnaires show no irrigation from 1992 to present. In mid October I spoke with Rick Boomsma about the non use of the Water Right. Rick Boomsma stated that he had irrigated this summer. Cancellation of this water right will not be scheduled this year, but this site should be re-examined in the summer of 2004.

Water Right No. 3243-3, Rick Boomsma Operator, 19749 Ponderosa Lane, Hitchcock, SD (605)266-2822

No sign of irrigation equipment on-site. Irrigation questionnaires show no irrigation from 1991 to present. In mid October I spoke with Rick Boomsma about the non use of the Water Right. Rick Boomsma stated that he had irrigated this summer. Cancellation of this water right will not be scheduled this year, but this site should be re-examined in the summer of 2004.

Water Right No. 2853-3, Larry Gordon, 38899 SD Hwy 28, Hitchcock, SD (605)266-2718

Trees growing under center pivot, one right in front of wheels. Irrigation questionnaires show no irrigation in 1986, 1991, 1992, 1993 (flooded), 1994 to present (excess moisture 99, too wet 01, & system needs work 02). Spoke with Mr. Gordon and he stated he hadn't needed to irrigate as there was adequate moisture the previous years, but he planned to have the unit ready to use this summer. I re-visited the site in August 2003 and there was a corn crop in the field that had not been irrigated. The pivot was still in the same position and the trees were still standing. Cancellation of this water right will not be scheduled this year, but this site should be re-examined in the summer of 2004.

Water Right No. 2568-3, Leland Kleinsasser, 20166 401st Ave, Huron, SD (605)352-8125

No irrigation equipment on-site or sign of well head. Irrigation questionnaires show no irrigation from 1994 to present. Re-visited site in August 2003 and still no sign of equipment or irrigation. I spoke with Mr. Kleinsasser in mid October about the non use of the Water Right. Mr. Kleinsasser

stated that he no longer used the Water Right and had moved the equipment to another location. He agreed to the cancellation of the Water Right.

Water Right No. 4545-3, Victor Kleinsasser, 40008 198th St., Huron, SD (605)352-8103

Center pivot on-site that appears not used for some time. Irrigation questionnaires show no irrigation from 1992 to present. Spoke with Mr. Kleinsasser about this water right and other appropriations from the James River. Mr. Kleinsasser stated that all the irrigation equipment is from the 70s and needs rebuilt or repaired which he plans on doing this winter. Mr. Kleinsasser also has a James River Water Right No. 2387-3 showing use from 1999 to the present and three other ones showing non use from 1986 to the present. On 10/28/03 I spoke with Mr. Kleinsasser explaining the non use statute and that we would schedule the rights showing non use for cancellation. I further explained that he could appear before the Water Management Board to appeal the cancellations or write a letter explaining his position on the issue. Mr. Kleinsasser agreed.

Water Right No. 4550-3, Raymond Oil Co., PO Box 142, Huron, SD

Center Pivot on-site that appears well maintained and ready to be used. Irrigation questionnaires show no irrigation 1993, 95, 97 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 4194-3, Verlin Tollefson, 19578 388th Ave., Hitchcock, SD (605)266-2834

Center pivot on-site, appears ready for use. Irrigation questionnaires show no irrigation 1995 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 4146-3, Adele Walters, 440 Jersey Ave. NE#5, Huron, SD (605)352-7505 (Ray Hofer Operator)

No irrigation equipment on-site, pump station & well head present. Irrigation questionnaires show no irrigation 1994 to present. Nos. 4146-3 and 4546-3 use same well. I contacted Mr. Ray Hofer, the renter of the property, and he confirmed that irrigation had not taken place for several years and that the equipment was old and needed to be repaired. He further stated that he did not intend to repair the equipment as he only had a three year lease. I contacted Mrs. Walters, but she is in her 90s and doesn't hear well or understand cancellation of the Water Right. I then contacted Mrs. Walters' lawyer, Reed Hutchinson, and explained the situation of non use of the Water Right and the difficulty of explaining this to Mrs. Walters. Reed Hutchinson stated that if Water Rights sends the cancellation information to him, he will ensure that it gets to Mrs. Walters and he will explain the situation to her.

Water Right No. 4147-3, Adele Walters, 440 Jersey Ave. NE#5, Huron, SD (605)352-7505 (Ray Hofer Operator)

Center pivot on-site, appears not used for some time. Irrigation questionnaires show no irrigation 1996 to present. I contacted Mr. Ray Hofer, the renter of the property, and he confirmed that irrigation had not taken place for several years and that the equipment was old and needed to be repaired. He further stated that he did not intend to repair the equipment as he only had a three year lease. I contacted Mrs. Walters, but she is in her 90s and doesn't hear well or understand cancellation of the Water Right. I then contacted Mrs. Walters' lawyer, Reed Hutchinson, and explained the situation of non use of the Water Right and the difficulty of explaining this to Mrs. Walters. Reed Hutchinson stated that if Water Rights sends the cancellation information to him, he will ensure that it gets to Mrs. Walters and he will explain the situation to her.

Water Right No. 4546, Adele Walters, 440 Jersey Ave. NE#5, Huron, SD (605)352-7505 (Ray Hofer Operator)

No irrigation equipment on-site, pump station & well head present. Irrigation questionnaires show no irrigation 1997 to present. Nos. 4146-3 and 4546-3 use same well. I contacted Mr. Ray Hofer, the

renter of the property, and he confirmed that irrigation had not taken place for several years and that the equipment was old and needed to be repaired. He further stated that he did not intend to repair the equipment as he only had a three year lease. I contacted Mrs. Walters, but she is in her 90s and doesn't hear well or understand cancellation of the Water Right. I then contacted Mrs. Walters' lawyer, Reed Hutchinson, and explained the situation of non use of the Water Right and the difficulty of explaining this to Mrs. Walters. Reed Hutchinson stated that if Water Rights sends the cancellation information to him, he will ensure that it gets to Mrs. Walters and he will explain the situation to her.

Water Right No. 3321-3, Peggy Brooker, 18512 387th Ave., Tulare, SD (605)596-4391

Center pivot on site, appears ready to be used. Irrigation questionnaires show no irrigation 1986, 1993, 1995, and 1996 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 4260-3, Roger Chaplin, 1820 Fulton, Sturgis, SD (605)720-2125 Farm (605)266-2108

No irrigation equipment on-site, no sign of well head or pumping equipment, & no sign of irrigation. Irrigation questionnaires show no irrigation 1987 to present. I spoke with Mr. Chaplin about this Water Right and his other appropriations from the James River. Mr. Chaplin stated that he had pumped some from the river this summer (I re-visited site in August and saw no sign of irrigation). His son is now living on the farm. Mr. Chaplin is having test holes drilled on land better suited for irrigation and was wondering about transferring diversion point, etc. I explained the problem with the fully appropriated aquifer. In mid October I spoke with Mr. Chaplin and told him that the Chief Engineer recommended scheduling this Water Right for cancellation and that the ground water personnel list this well as abandoned. Mr. Chaplin again stated he desired to retain the Water Rights on the James River but did not object to the cancellation of this Water Right. I explained that he could appear before the Water Management Board and state his position on retaining the Water Rights from the James River and that he would get a notification of time and place for the Board meeting. If he didn't want to appear before the Board he could send a letter.

Water Right No. 3164-3, Darrel Jensen, Box 350, Redfield, SD (605)472-2782

Center pivot on-site, appears ready to be used. Irrigation questionnaires show no irrigation 1993 and 1995 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 3054A-3, Charles Gilbert, 38957 186th St., Hitchcock, SD (605)266-2886

Center pivot on-site with chokecherry bushes and one evergreen tree grown around center as high as the pivot. Mr. Gilbert stated system had not been used for awhile as moisture has been adequate and he plans on refurbishing the system this year. Irrigation questionnaires show no irrigation 1993 to present. Re-visited site in August 2003 and pivot was running and irrigating crop. This Water Right will not be scheduled for cancellation.

Water Right No. 2729-3, Leroy Gross, 39848 185th St., Hitchcock, SD (605)266-2548

No sign of irrigation equipment or irrigation. This Water Right was transferred to Harvey Wollman at the May 2003 Water Management Board meeting.

Water Right No. 5568-3, Richard Jessen, 18250 377th Ave., Tulare, SD (605)472-2408 (Brett Binger Operator)

Center pivot on-site, appears ready for use. Irrigation questionnaires show no irrigation 1992 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 4375-3, Dave Swanson, 39840 168th St., Frankfort, SD (605)472-2573

No irrigation equipment on-site or evidence of irrigation in June 2003. Swanson purchased land about 4 months ago (January 2003) and is in the process of setting up a system on the land. Irrigation questionnaires show no irrigation 1990 to present. I re-visited the site in August and saw no sign of irrigation equipment, but a bean crop appears to have been irrigated as it is a lot greener than the same crops in adjacent fields. Cancellation of this water right will not be scheduled this year, but this site should be re-examined in the summer of 2004.

Water Right No 1504-3, Donald Mendel, 17909 406th Ave., Doland, SD (605)635-6587

No sign of irrigation equipment on-site or evidence of irrigation. Mr. Mendel stated moisture has been adequate and he hasn't needed to irrigate for years. Mr. Mendel also stated that the well is only about 50-feet deep and is not a good producer under drought conditions. He has a stock dam adjacent to the well and if the dam dries up, so does the well. Mr. Mendel is transferring the land to his sons and plans on retiring. Irrigation questionnaires show no irrigation 1987 and 1991 to present. This is the Water Right that Harvey Wollman wants to acquire a portion of. This Water Right should be scheduled for cancellation.

Water Right No. 5234-3, Larry Nielson, 18476 385th Ave., Tulare, SD (605)596-4339

Center pivot on-site, appears ready for use. Irrigation questionnaires show no irrigation 1992, 93, 94, 97, 98, 99, 01, & 02. This Water Right will not be scheduled for cancellation.

Water Right No. 3045-3, Cal Nowell, 1265 3rd Street SW, Huron, SD (Ken Nowell Operator, (605)596-4271)

No irrigation equipment on-site or sign of irrigation. Irrigation questionnaires show irrigation. Appears Mr. Nowell has the locations for Nos. 3045-3 and 3046-3 switched. Re-visited the sites in August 2003, and both are being irrigated. In mid October I spoke with Ken Nowell and he affirmed that he is the operator for this Water Right and that he had irrigated this summer. Ken Nowell also advised that his son, Joshua is the operator for # 3046-3. This Water Right will not be scheduled for cancellation.

Water Right No. 3046-3, Cal Nowell, 1265 3rd Street SW, Huron, SD (Joshua Nowell Operator, (605)596-4271)

Center pivot on-site, appears not used for some time. Irrigation questionnaires show no irrigation 1986 to present. Appears Mr. Nowell has the locations for Nos. 3045-3 and 3046-3 switched. Re-visited sites in August 2003 and both are being irrigated. In mid October I spoke with Ken Nowell and he advised that his son, Joshua is the operator for # 3046-3. This Water Right will not be scheduled for cancellation. It still appears that Ken Nowell has the locations for these two Water Rights switched as he stated that his son had just put a new system on this location when in April I had noted that this site had irrigation equipment on it and the # 3045-3 site did not..

Water Right No. 5231-3, Ken Nowell, 38671 187th St., Hitchcock, SD (605)596-4271

Center pivot on-site, appears not used for some time. Irrigation questionnaires show no irrigation 1993 to present. In mid October I spoke with Ken Nowell and he affirmed that he is the operator for this Water Right and that he had irrigated this summer. This Water Right will not be scheduled for cancellation.

Water Right No. 5301-3, Barbara Jo Rogers, 419 S. 10th St., Aberdeen, SD (605)226-0344

Center Pivot on-site being and being used in an alfalfa field. Irrigation questionnaires show no irrigation 1993, 97, 99 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 2514, Willard Wipf, 18371 403rd Ave., Frankfort, SD (605)266-2595

Center pivot on-site. Mr. Wipf stated the system had not been used for several years due to adequate moisture. Wetter years in the 90s had brought up salt from the soil and he had to idle the area. The land should be suitable for irrigation this year if needed. Irrigation questionnaires show no irrigation 1993, 95 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 3467-3, Spink Colony (Paul Wipf), 18206 Spink Lane, Frankfort, SD (605)472-1269

Mr. Wipf was under the impression that this right had been cancelled. The soil and water were incompatible and they had quit irrigating. The soil in the area has been reconditioned and they could possibly irrigate it again at a reduced rate. Also Mr. Wipf brought up transferring the irrigation right to a different quarter if the right is still good. This Water Right was cancelled by the Water Management Board at the October 2003 meeting.

In summary, one (1) Water Right has already been cancelled and seven (7) are being scheduled for cancellation before the Water Management Board. Three (3) sites should be re-visited the summer of 2004.

cc: individual files



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 30, 2024

3164-3

Darrell Jensen
37612 Grandy Pines Rd NE
Stanchfield MN 55080

Dear Mr. Jansen:

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

The notice was originally mailed to 3025 Meadow Dr, Redfield SD 57469. 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 questionnaire or submit your report online at <https://danr.sd.gov/iq/> using this password *QIMYRS*.

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

Sincerely,

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

enclosures

555 WFE 114132410010/26/24
RETURN TO SENDER
JENSEN DARREL PER
37612 GRANDY PINES RD NE
STANCHFIELD MN 55080-7908
RETURN TO SENDER
|||



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 25, 2025

3164-3

Lenny and Karen Peterson
19111 Maple Ave
Hitchcock, SD 57348

Dear Mr. and Mrs. Peterson:

I am writing you in regard to Water Right No. 3164-3, currently held by Darrel Jensen. Water Right No. 3164-3 authorizes the diversion of 1.78 cubic feet of water per second from 1 well (Tulare: Western Spink Hitchcock), located in the NW ¼ NW ¼ Section 15, T114N-R64W, Spink County, to irrigate 136 acres in the NW ¼, Section 15, T114N-R64W.

It is the understanding of the Water Rights Program that you have taken ownership of this property, and that ownership of Water Right No. 3164-3 should be transferred accordingly. For your convenience I have enclosed a partially completed "Transfer of Ownership" form for you to complete and return in the pre-paid envelope, as well as a copy of the original water right.

Please return the form with a check for \$50.00 made payable to "SD Water Rights Program" to cover the transfer fee. If you would prefer to pay by card you may call our Fiscal Office at 605.773.5559. This form will still need to be returned even if you are submitting payment over the phone.

Should you decide you wish to discontinue the use of this well, we would ask that you let us know.

If you have any questions or concerns, please give me a call.

Sincerely,

Miranda Smith
Water Rights Program
605 773-3352
Miranda.Smith@state.sd.us

enclosure

RECEIVED

MAR 03 2025

OFFICE OF
WATER

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

3164-3
PAID

MAR 03 2025

Ck# 4674

Rec't# _____

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

Water Right/Permit No. 3164-3

Date: 2-26-2025

I/We request that Water Right/Permit No. 3164-3 formerly owned by:

Darrel Jensen - Stanchfield, MN be transferred to:

New Owner Name: Lenny and Karen Peterson

Address: 19111 Maple Ave. mobile: 605-354-4602

City, State, Zip Hitchcock, SD 57348 email: kpeterson@venturecomm.net

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

NW 1/4, Section 15, T114N, R64W - 136 acres

☒ I understand that the validity of Water Right/Permit No. 3164-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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

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

I, Lenny Peterson, the new owner, certify that the above information is true and correct.

Lenny Peterson
(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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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.

2021-08

EMAILED SHANNON 3.3.25

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date March 3rd, 2025

RECEIVED OF Lenny and Karen Peterson 19111 Maple Ave Hitchcock SD 57348

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 #3164-3	\$ <u>50.00</u>
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
	\$ <u>50.00</u>

By

Eric Gronlund
Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 5, 2025

No. 3164-3

Lenny and Karen Peterson
19111 Maple Ave
Hitchcock, SD 57348

Dear Mr. and Mrs. Peterson:

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" form and the required fees you submitted for Water Right No. 3164-3. Enclosed is a receipt of payment for your records.

Water Right No. 3164-3 previously held by Darrell Jensen is now listed under yourselves. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Water Right (copy of original enclosed), State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the Water Right will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Miranda Smith
Water Rights Program
605 773-3352
Miranda.Smith@state.sd.us

NOTE: The validity of Water Right No. 3164-3 has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosure