

C.
Recorded 10-19-77

2.6.00

20' DEEP 15" PLASTIC CASING

ASPCA 14000 W.P.

750 GPM

Serial # 1771975 PTO

Powered by electric motor 2200

Model 7340

6" Plastic casing pipe in S. PILOT

will 30' E of Pilot
30' 10" distance

Gripwell #360 CP

679110

20' - 14" STEEL CASING - 25' 25' DEEP

31602

NATIONAL PUMP Model 13200

750 GPM
500 GPM

SERIAL # 376714

Powered by 75 HP Electric Motor

will 120' E of Pilot 120' 8" distance

will 210' distance 6" Jaws CP W.P. 120' 8"

6" Model 360L-664-126-2115 - 4" Jaws W.P. 120' 8"

6" BURIED PLASTIC TO 2200 SHOT PILOT FALLS

2050' TO 11 PILOT 1320' 6" S.P. 120' 8"

Water Right Number 3168.3

1. Considered 11-17, 19 76
2. Name of Applicant JENSEN BROS LAND & CATTLE CO & LUCILLE FERRIS
3. Post Office Address VERMILLION
4. Amount of water claimed 2.50
5. Source of water supply 85' DEEP WELL
6. Water to be used for IRRIGATION

Acres to be irrigated 172

7. Water to be diverted and used in CLAY County
about 6N, 3W Miles of VERMILLION

8. Proof of Publication

Received 11-12-76

Not received

9. Application

Approved

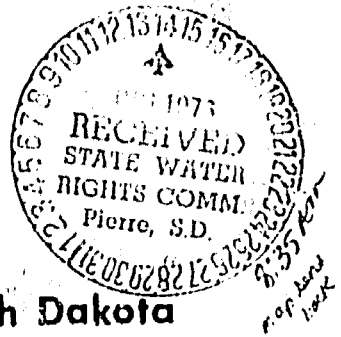
Subject to

Not approved

Action deferred

10. Remarks:

Map No. 2509-3 Water Division No. 3 VERMILLION 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)

SCC
10-29

1. Name of Applicant Jensen Bros. Land & Cattle Company, Incorporated & Lucille Perria
Postoffice address RFD Vermillion, State S. Dak.
If a corporation show date and place of incorporation 1964 Clay County
2. Method of accomplishing work (contract, employment of others, or by direct labor) contract
3. Name of diversion work EA
4. Amount of water claimed (cubic feet per second) 2.5 CFS
5. Source of water supply ground
6. Location of point of diversion EA A POINT IN THE NW¹/4 NE¹/4 SECTION 16, T9.3N, R52W

- County Clay
7. Annual period or periods during which water is to be used May-Oct.
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, EA Total number of acres to be irrigated 172

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
✓ NW ¹ /4 NE ¹ /4 16-93-52	32	NW ¹ /4 NW ¹ /4 16-93-52	32
✓ NE ¹ /4 NW ¹ /4 16-93-52	32	SW ¹ /4 NW ¹ /4 16-93-52	32
SE ¹ /4 SW ¹ /4 9-93-52	18		
SW ¹ /4 SE ¹ /4 9-93-52	21		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Plain Talk Vermillion
12. Principal Features of the Proposed Water Supply System.

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

well

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

well at center of pivot

C. Works proposed to apply water to beneficial use.

center pivot

Estimated Total

40,000

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

map.

STATE OF SOUTH DAKOTA

County of Clay

WE the applicant, certify that I have read the foregoing location and have examined the
attached map and that the matters therein stated are true and that I intend, and am able to complete
primary construction.

Norman Jensen Pres.
Subscribed and sworn to before me this 31 day of June 1976

Signed Norman Jensen
Notary Public (us other qualified persons)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3168-3
JENSEN BROS (LAND & CATTLE CO., INC.) & LUCILLE FERRIS, R.F.D., VERMILION
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57069 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 237

WATER RIGHT PERMIT NO. 3168-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3168-3 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, 1985
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 2.5 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes, said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is

actually and beneficially applied for irrigation on or before NOVEMBER 18, 1985; said water to be used during the following described annual period: MAY - OCTOBER

Witness my hand this 22ND day of DECEMBER, 1976

WATER RIGHTS COMMISSION

By.

John H. Hahn
 Chief Engineer, Executive Officer

Certificate of Construction _____, 19____

Water License Issued _____, 19____

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

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 17 1/2", Depth 85'
- (2) Casing, Type STEEL Diameter 14" Thickness 250
(wood, concrete, steel, etc)
- (3) Perforated Screen.
- (4) Type STAINLESS Diameter 14" Length 25'
- (4) Gravel Pack, Thickness 124" Length of gravel pack 85'

E. Dugout Information or Estimates

- (1) Surface dimensions _____, Depth _____

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

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

Character of Water bearing materials _____

Depth to top of water bearing material 60'

Depth to bottom of water bearing material 85'

Thickness of water bearing material 25'

Depth to water (ground surface to water level) 20'

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

On same owner's property 40 rds. On property owned by others 50 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.

John Bee Norman Jensen
Signature of Applicant

Permit No. 3168-3

Water Diversion No. 3 Vermillion River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Jensen Bros. Land and Cattle Co. and
Lucille Farris
the holder of
Permit No. 3168-3, issued upon Application No. 3168-3, bearing date of priority of October 14,
1976 authorizing the diversion of 2.5 cu. ft. per second of the waters of
groundwater (1 well) County of Clay, State of South Dakota at a
point 159 rods West and 17 rods South of the NE 1/4 Corner, Section 16 -
T95N - R52W
for irrigation
purposes, have complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.77 (750 GPM - Big Pivot and 500 GPM -
small pivot) cu. ft. per second of water.
Date June 16, 1980

John Hatch
JOHN HATCH, Chief Engineer
Water Rights, WHD

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3168-3

(1) WHEREAS, On the 14th day of October A. D. 1976Jensen Bros. Land and Cattle Co. and Lucille Ferrismade Water Right Application No. 3168-3 for a permit to use 2.5 cubic feet per second of the waters of groundwater (one well)County of Clay, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 18th day of November A. D. 1976Permit No. 3168-3, with a date of priority of October 14, 1976was issued to said applicant s 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. 1981 and for theapplication to beneficial use of said water on or before the 18th day of November A. D. 1985

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 2.5 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

to irrigate the following lands all in T93N - R52W

Section 16	Acres	Section 9	Acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$	32	SE $\frac{1}{4}$ SW $\frac{1}{4}$	18
NE $\frac{1}{4}$ NW $\frac{1}{4}$	33	SW $\frac{1}{4}$ SE $\frac{1}{4}$	21
NW $\frac{1}{4}$ NW $\frac{1}{4}$	34	Total Acres	172
SW $\frac{1}{4}$ NW $\frac{1}{4}$	34		

(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 Jensen Bros. Land and Cattle Co. and Lucille Ferris

of Vermillion, SD

the holder s and owner s of said permit No. 3168-3 a water right, dating from October 14, 1976 to use of 2.5 cubic feet per second of the waters of groundwater (one well)

in the County of Clay and State of South Dakota or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 159 rods West and 17 rods South of the NE¹ corner, Section 16 - T93N - R92W

and conducted to and upon portions of land in Sections 16 and 9 - T93N - R52W more fully described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 3168-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 16th day of June A. D.
Nineteen Hundred and Eighty

WATER MANAGEMENT BOARD

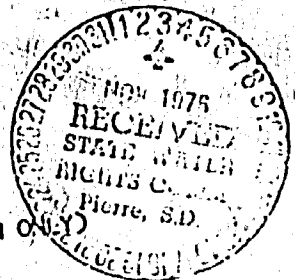
By:

John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

CONSERVATION
COMMISSION
FORM W1 #1

3168-3 *adv*



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 Jensen Bros. Land & Cattle Company Incorporated & Lucille Peris

ADDRESS 1375 Van Allen, South Dakota

COUNTY Clay

LEGAL DESCRIPTION

1. WELL LOCATION NW 1/4 NE 1/4 16-93-52 15 1/2 rods west and 17 rods south of NE corner of Sec 16-93-52
2. LOCATION OF AREA TO BE IRRIGATED NW 1/4 NE 1/4, NE 1/4 NW 1/4 16 & SE 1/4 SW 1/4, SW 1/4 SE 1/4 9-93-52 1/2 NW 1/4 16-93-52

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT _____ GUN _____
4. CROPS TO BE IRRIGATED corn, beans, alfalfa

WATER QUALITY

5. SAMPLE NUMBER 76-1590
6. SALINITY (EC X 10⁶) 2113 (high)
7. SODIUM (SAR) 0.34 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

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 C. G. A. F. C. C. 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.

Norman Jensen Pres.

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

Albert J. L. Smith
APPROVED/DISAPPROVED

SUBSCRIBED AND SWORN BEFORE ME THIS
3/22 DAY OF August 19 76

Sharon E. Poe
(TITLE OR SEAL)
Notary Public

(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: Jensen Bros.
 Address: Rt. 1, Box 107
Vermillion, SD 57069

Date Rec'd: October 14, 1976
 Sample No.: 76-1590
 Identification: Well
IE4, Sec. 16, T 93N, R 52E

WATER ANALYSIS

Calcium (Ca)	361	ppm*	18.05	me/l**
Magnesium (Mg)	98	ppm	8.04	me/l
Sodium (Na)	28	ppm	1.22	me/l
Potassium (K)	13	ppm	0.34	me/l
Sulfate (SO ₄)	1108	ppm	23.05	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	6	ppm	0.18	me/l
Bicarbonate (HCO ₃)	229	ppm	3.76	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)	188	ppm		g.p.g.***
Alkalinity (Methyl Orange)	0	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	21.13	ppm (as CaCO ₃)		
Electrical Conductivity		micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.34			
Sodium	4.41	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.28			
Others:				

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



COMMENTS: Total cations 27.65 me/l
 Total anions 26.99 me/l

By: Shirley Litten

Service Performed	Amount Due
Irrigation analysis	\$8.00

Make checks payable to: Water Quality Laboratory

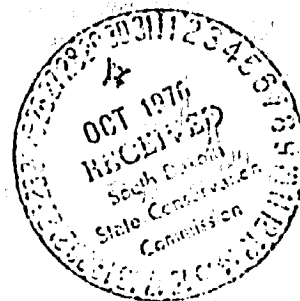
Cut along dotted line and return the lower portion with payment

Sample No. 76-1590

Amount Enclosed \$ _____

Signed _____

October 27, 1976



Jensen Bros. Land & Cattle Co., Inc.
& Lucille Ferris
R.R. #1, Box 107
Vermillion, SD 57069

Dear Sir:

We have received your WI-1 form in connection with your application for an irrigation permit in section 16-93-52. I am enclosing herewith the report of analysis on the water. This is your copy to keep. Also enclosed is AES pamphlet #13 with the quality of this water designated approximately for irrigation use by means of the red cross in the chart on the outside back cover.

The water is a high salt water, carrying about 1.9 tons of salt per acre foot. The soils you propose to irrigate are only moderately well suited for irrigation in the case of the Alcester-Judson silt loam and not well suited at all, in fact, very poorly suited to irrigation, in the case of the Luton-Solomon silty clays. The intake rates of these soils vary by a factor of 10, being about 1 inch per hour in the Alcester-Judson and about .1 of an inch per hour in the Luton-Solomon. The Luton-Solomon clays and silty clays also have very, very slow internal drainage and would result in a rapid rise in water table and accumulation of salts from this water because of the slow drainage.

Therefore, it is recommended that you not consider the Luton-Solomon soils at all. If you can separate out an area of Alcester-Judson soils which can be watered economically, then I would say this is a viable proposition, but not under any circumstances should you use this water on the Luton-Solomon clays without a careful installation of a tile drain system to keep the water table and the salts out of the root zone of crops.

A copy of this letter is accompanying your application materials to the State Conservation Commission. I am sending it on because it is a deadline this week on the receipt of these applications and it is being forwarded in spite of the fact that a map of the soil areas and their distribution does not accompany the WI-1 form.

Sincerely yours,

L. O. Fina
L. O. Fina
Water Quality Lab

LOP:ckb
Enclosures
cc:
State Conservation Commission

No. 3168-3

English first publication, in the

Number er 4, 1976

NOTICE OF INTENT TO APPROPRIATE WATER

Pike, South Dakota 57501

October 29, 1976

Notice is hereby given that Jensen Bros Land & Cattle Co. & Lucille Ferris whose post office address is Vermillion, South Dakota, have made an application in accordance with the provisions of the water law of South Dakota for a permit to appropriate for beneficial use 2.5 cubic feet of water per second of time from MBK ground water through the Jensen Brothers' # 1 the point of diversion of which is to be located in the NW 1/4 NE 1/4

of Section 16, Twp. 93N, Range 52W. Said water to be used for the purpose of providing irrigation on the following described land:

NW 1/4 NE 1/4, NE 1/4 NW 1/4, W 1/2 NW 1/4, Section 16; SE 1/4 SW 1/4, SW 1/4 SE 1/4, Section 9,

T93N, R62 W

This application No. 3168-3 will be considered by the Water Rights Commission at the Marvin Huggitt 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

BFG/bw

cc: Jensen Bros Land & Cattle Co. & Lucille Ferris, R.E. #1, Vermillion, SD 57501

Affidavit of Publication

State of South Dakota, County of Clay, ss.

Harlene Bottelphon

Being first duly sworn, deposes and says: That he is a resident of the County of Clay and State of South Dakota; that

THE VERMILLION PLAIN TALK

is a legal newspaper of general circulation, printed and published in Vermillion, in said County and State, by Plain Talk Publishers, Inc., MaryEtta Brose, president, and is now and has been such newspaper continuously during all the times hereinafter mentioned; that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit; and that the notice and advertisement headed:

Notice of Intent to
Appropriate Water

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in each week

for 2 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said county of Clay for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Vermillion, the said place of publication; that the first publication of said notice in said newspaper as

alforesaid was on Thursday, the 4 day of Nov, 1976, and that the succeeding publications were severally

on Thursday, the 11 day of Nov, 1976

on Thursday, the _____ day of _____, 19____

on Thursday, the _____ day of _____, 19____

on Thursday, the _____ day of _____, 19____

that the fees charged for the printing and publication of the said notice and advertisement in said newspaper as alforesaid were

Ten dollars and 89 cents

and that said fees for the printing and publishing of said notice and advertisement have been fully paid; that the full amount of the fee charged for the publishing of the said attached an annexed notice and advertisement inures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Harlene Bottelphon

Subscribed and sworn to before me this 11

day of Nov, 1976

MaryEtta Brose
Notary Public

Notice Of Intent To Appropriate Water

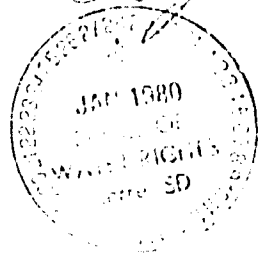
Notice is hereby given that Jensen Bros. Land and Cattle Co., and Lucille Ferris, whose post office address is Vermillion, South Dakota, have made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.5 cubic feet of water per second of time from ground water through the Jensen Brothers No. 1, the point of diversion of which is to be located in the NW1/4 NE1/4 of Section 16, Twp. 93N, Range 62W. Said water to be used for the purpose of providing irrigation on the following described land: NW1/4 NE1/4, NE1/4 NW1/4, W1/2 NW1/4, Section 16, SE1/4 SW1/4, SW1/4 SE1/4, Section 16, Twp. 93N, Range 62W. This application 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
Published Nov. 4, 11, 1976



Form 10.

No. 3168-3



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

Post Office Vermillion

Date 1-14-79

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

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 3168-3

Water Right Permit No. 3168-3 states that the diversion system is to be constructed by 11-18, 1984 and that the water is to be put to beneficial use by 11-18, 1985.

The diversion system was completed on 6-15, 1977.
Applying the water to beneficial use was completed on 6-15, 1977.

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

Jensen Bros Land & Cattle Co.
Rt. 1, Box
Vermillion, SD 57069

Jensen Bros Land & Cattle Co.
(Signature)

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7524

June 6, 1910

PIERRE, _____

RECEIVED OF Jensen Bros. Land & Cattle Co., Meckling, SD 57044
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. _____ 3162-3	-----50	00
Fee for inspecting Beneficial Use, and issuing Water License No. _____ 3162-3		
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 (gy)

Permit No. 3168-3Water Division 3 VERMILLION RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by JENSEN BROS LAND & CATTLE CO & LUCILLE FARRIS of VERMILLION holder _____
 of Permit No. 3168-3, bearing date of priority of OCTOBER 14, 1976
 authorizing the diversion of 2.5 cu. ft. per second of the waters of GROUND WATER
 for IRRIGATION purposes, in CLAY County.

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

The Water Use System consists of,

A. Works used to divert the water:

80' DEEP WELL WITH 14" STEEL CASING - 25' SS SCREEN
 NATIONAL 8" PUMP - MODEL N200 - SERIAL 876214
 POWERED BY 75 HP WESTINGHOUSE ELECTRIC MOTOR

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

120' OF 8" BURIED MAINLINE TO EAST PIVOT
 2050' OF 6" BURIED PLASTIC TO N PIVOT PAD (SHORT PIVOT)
 1320' OF 6" BURIED PLASTIC TO S PIVOT PAD (" ")

C. Works used to apply water to beneficial use.

1. GIFFORD HILL MODEL #360 - 6 TOWER CENTER PIVOT W/ 100 END GUN
 1. GIFFORD HILL MODEL #360L - 4 TOWER CENTER PIVOT W/ 100 END GUN
 #360L-664-126-2113
 (4 TOWER PIVOT SYSTEM IS TOWED BETWEEN TWO WEST PIVOT POINTS)

The system is in the following condition: GOOD

The point of diversion is located 159 RODS W & 17 RODS S OF THE NE
CORNER, SECTION 16, T93N, R52W

The works are capable of diverting and conveying to the place of use 2.77 (750 GPM - BIG PIVOT
 500 GPM - SMALL PIVOT)

cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN T93N, R52W

<u>SECTION 16</u>		<u>SECTION 9</u>	
<u>NW¹NE⁴</u>	<u>32 ACRES</u>	<u>SE⁴SW⁴</u>	<u>18 ACRES</u>
<u>NE⁴NW⁴</u>	<u>33 "</u>	<u>SW⁴SE⁴</u>	<u>21 "</u>
<u>NW⁴NW⁴</u>	<u>34 "</u>		
<u>SW⁴NW⁴</u>	<u>34 "</u>		

comprising a total of 172 acres of land.Date MAY 6, 1980

August J. [Signature]
 (Signature)

3508-3
3168-3

WATER RIGHTS DIVISION
(605) 773-3352

November 6, 1986

Larry Nelson
Woods Law Firm
310 S. 1st Avenue
Sioux Falls, South Dakota 57102

Dear Mr. Nelson:

Enclosed are copies of Water Right Nos. 3508-3 and 3168-3 along with a "Notice of Transfer" for each.

Please check over the transfer forms to insure their accuracy. They should be signed by the new owner in the presence of a notary and returned to our office with a \$2.50 filing fee for each, (total of \$5.00).

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

If I can answer any questions for you, please advise.

Sincerely,

Genny McMath
Natural Resources Analyst

GH:ms
Enc.

3168-2

WOODS, FULLER, SHULTZ & SMITH, P.C.

LAWYERS

310 SOUTH FIRST AVENUE

SIOUX FALLS, SOUTH DAKOTA 57102

336-3890

AREA CODE 605

HELVIN T. WOODS (1899-1963)
HOWELL L. FULLER (1909-1981)
JOHN B. SHULTZ (1912-1975)

FRANCIS H. SMITH
MERLE A. JOHNSON
ARLO D. SOMMERVOLD
RICHARD O. GREGERSON
TIMOTHY J. N. HICK
JOHN E. SHRO
WILLIAM G. TAYLOR
WILLIAM P. FULLER
STUART L. TIEDE
GARY P. THOMSEN
BRADLEY C. GROSENBURG
JAMES M. WIEDERICH
COMET H. HARALDSON
RICHARD J. CORCORAN
J.G. SHULTZ
PIERCE H. MCDOWELL III
ROGER W. DAMGAARD
BARBARA ANDERSON LEWIS
FREDERICK M. ENTHWISTLE
VINCENT A. PORTELL

November 13, 1986



Ms. Genny McMath
South Dakota Department of
Water and Natural Resources
Water Rights Division
523 East Capitol
Pierre, South Dakota 57501-3181

Re: Prudential/Jensen Brothers

Dear Genny:

Enclosed please find copies of the following documents:

1. Soil/Water Compatibility Permit Application Form in the name Clark Lewison;
2. Water License No. 3508-3 issued to Jensen Bros. Land and Cattle Co.; and
3. Copy of Title Commitment issued to Prudential Insurance Company of America.

We have spent a great deal of time trying to determine why the Clark Lewison Compatibility Permit Application appears on the title commitment. It is our belief that the legal descriptions on the Application are in error and thus appeared on our commitment. Please check the legal descriptions on Lewison's Water License No. 4644-3 to determine if this assumption is correct. If you have any questions regarding this matter, or if you need further information from us, please let me know.

Sincerely,

WOODS, FULLER, SHULTZ & SMITH P.C.

Larry D. Nelson
Larry D. Nelson

Enclosures



Department of Water & Natural Resources

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

December 5, 1986

Larry D Nelson
Woods, Fuller, Shultz, & Smith
310 S First Avenue
Sioux Falls, SD 57102

Dear Mr. Nelson:

I am writing in response to your letter of November 13, 1986 concerning differences between the legal descriptions on the soil/water compatibility permit for Water Permit No. 4644-3 and those appearing on your title commitment for Jensen Brothers Land and Cattle Company. Enclosed is a copy of Water Permit No. 4644-3 for Clark Lewison.

With your letter, you enclosed a copy of Water Right No. 3508-3, for Jensen Brothers Land and Cattle Company. This water right is separate from, and does not pertain to irrigation of land authorized by Water Permit No. 4644-3, Clark Lewison. While both pertain to lands in Section 8, T93N, R52W, Water Right No. 3508-3 is for land in the west half of the section and Water Right No. 4644-3 is for portions of lands in the east half of the section.

The legal descriptions under Water Right Nos. 3168-3 and 3508-3 for Jensen Brothers Land and Cattle Company and Water Permit No. 4644-3 for Clark Lewison correspond with their respective soil/water compatibility permits. Enclosed is a copy of the Water Right Nos. 3168-3 and 3508-3 and the soil/water compatibility permits for each.

Please let us know if you have any additional questions.

Very truly yours,

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

enclosures

Equal Opportunity Employer

NO. 3168-3

NOTICE OF TRANSFER OF WATER RIGHT PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: November 25, 1986

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

172 Acres - NW1/4NE1/4, N1/2NW1/4 and SW1/4NW1/4 Section 16 and SE1/4SW1/4, SW1/4SE1/4 Section 2,

all in T93N-R52W

formerly owned by Jensen Brothers Land & Cattle Company

has been transferred to The Prudential Insurance Company of America
1431 Opus Place, Suite 665, Downers Grove, Illinois 60515
(please include complete mailing address)

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

Water Right Permit No. 3168-3 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.

ILLINOIS
STATE OF ~~SOUTH DAKOTA~~)
County of DuPage) ss.

I, Bob Stutzman being first duly sworn on my oath despose 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 infor-
mation herein stated is true.

THE PRUDENTIAL INSURANCE COMPANY OF AMERICA

By:

Bob Stutzman (Signed)
Vice President

Subscribed and sworn to before me this 26th Day of November, 1986.

[Signature]
(Notary Public)

My Commission Expires: 04/16/90

RECEIPT

410639

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

Pierre,

December 5

1944

(Woods, Fuller, Shultz & Smith, 310 S. 1st Ave, Sioux Falls SD 57102)
Prudential Ins. Co. of America, 1431 Opus Place, Suite 605, Downers Grove, IL 60515

RECEIVED OF

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. _____		2 50
Fee for Filing Transfer Form <u>3168-3</u>		
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

(195)

3508-3
3168-3

WATER RIGHTS DIVISION
(605) 773-3352

December 18, 1986

Woods, Fuller, Shultz and Smith
310 South First Avenue
Sioux Falls, South Dakota 57102

Dear Sir:

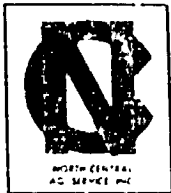
Enclosed are receipt Nos. 410639 and 410640 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 3508-3 and 3168-3.

Our records now show Prudential Insurance Company of America as owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.



REALTORS

NORTH CENTRAL®

AGRICULTURAL SERVICE, INC.

P.O. Box 25 • 815 E. DePue • Olivia, Minnesota 56277 • (612) 523-1951

3168-3

December 1, 1988



Mr. John Hatch, Chief Engineer
Water Rights Division
Joe Foster Building
523 E. Capitol
Pierre, SD 57501-3181

Dear Mr. Hatch:

The enclosed properties are no longer owned by Prudential Insurance Company.

I have indicated the new owner and address of each of the following properties:

No. 4555-3
No. 4661-3
No. 4687-3B
No. 3168-3

If you have any questions, you may call me at 612/523-1951.

Sincerely,

Leon Carlson

Leon Carlson
Farm Manager

LC/nk

Enclosure



SALES • EXCHANGES • MANAGEMENT

Members of the Realtors Land Institute of National Association of Realtors, and
The American Society of Farm Managers and Rural Appraisers





Department of Water & Natural Resources

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

December 6, 1988

3168-3

Mark Ryken
902 Karen Drive
Yankton, SD 57078

Dear Mr. Ryken:

I am contacting you in regard to ownership of land covered under Water Right No. 3168-3 (copy enclosed). The water right is currently listed in the name of Prudential Insurance Company of America. North Central Ag Service has notified our office that you now own the land.

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 3168-3. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50. The water right will then 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.

Also enclosed is the 1988 irrigation questionnaire pertaining to Water Right No. 3168-3. Please complete the questionnaire and return it to our office by December 20, 1988. If you did not acquire the property until after the irrigation season, just check "did not irrigate" and return the form.

If you have any questions, please contact us.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-2352

enclosures



NO. 3168-3

NOTICE OF TRANSFER OF WATER



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: December 15, 1988

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

172 acres - NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16 and SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 9, T53N, R52W

formerly owned by Prudential Insurance Co. of America

has been transferred to Mark Kyken and Marjorie Kyken, 900 K... (please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 3168-3 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 Yankton) ss.

I, Mark Kyken 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.

Mark Kyken
(Signed)

Subscribed and sworn to before me this 15th Day of December, 1988.

Richard L. Hooten
(Notary Public)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

441952

Pierre, December 19, 1980

RECEIVED OF Yankton Livestock Auction Market for Mark & Marjorie Ryken, 202 Karen Dr.
the following amount in fees for services rendered as provided for by law: Yankton SD 57078

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>No. 3168-3</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 KS



Department of Water & Natural Resources

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

January 31, 1989

Mark and Marjorie Ryken
902 Karen Drive
Yankton, SD 57078

Dear Mr. & Mrs. Ryken:

Enclosed is Receipt No. 411552 in the amount of \$ 2.50 which you paid for transfer of Water Right No. 3168-3.

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

Sincerely,

Marie R. Arthur
Water Rights Division
(605) 773-3352



South Dakota



GREAT FACES. GREAT PLACES.

3168-3

DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 1, 1991

MARK/MARJORIE RYKEN
902 KAREN DRIVE
YANKTON SD 57078

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 3168-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of 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 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

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

1. Amend Permit No(s) 3168-3 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.

If the questionnaire(s) is received in this office before the February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,

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

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

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

3. Article Addressed to:

MARK/MARJORIE RYKEN
902 KAREN DRIVE
YANKTON SD 57078

4. Article Number
P674 057.355

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

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X *Marjorie Ryken*

6. Signature Agent
X

7. Date of Delivery
FEB 4 1991

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

PS Form 3871, Apr. 1989

• U.S.G.P.O. 1989-258-815

DOMESTIC RETURN RECEIPT



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

February 15, 1991

3168-3

Mark & Marjorie Ryken
902 Karen Drive
Yankton, SD 57078

Dear Mr. Ryken:

I am writing to acknowledge receipt of your 1990 irrigation questionnaire for Water Right No. 3168-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaire, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

3168-3
MARK/MARJORIE RYKEN
PO BOX 603
YANKTON SD 57072 0603

4a. Article Number

P 378 080 566

4b. Service Type

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

7. Date of Delivery

2-5-97

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

X *Erin Skutt*

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

3168-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: MARK/MARJORIE RYKEN, PO BOX 603, YANKTON, SD 57078 0603

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s). 3168-3

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 3168-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 3168-3 qualification:

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

The hearing will be held at 2:30 p.m., March 5, 1997 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3168-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 13, 1997

3168-3

Mark & Marjorie Ryken
PO Box 603
Wankton, SD 57078-0603

Dear Mr. & Mrs. Ryken:

I am writing to acknowledge receipt of your 1996 irrigation questionnaire. You may disregard the February 4, 1997, Notice of Violation of Water Permit No. 3168-3.

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

If you have any questions, please contact me.

Sincerely,

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



3168-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: MARK/MARJORIE RYKEN, PO BOX 603, YANKTON, SD 57078 0603

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3168-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 3168-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3168-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 25, 2005, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



Track & Confirm

Current Status

You entered 2301 3460 0000 8516 0834

Your item was delivered at 12:51 pm on January 21, 2005 in YANKTON, SD 57078. The item was signed for by J RYKEN.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

[Go >](#)



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Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
4E8D 9T50 0000 8516 0834
2301 3460 0000 8516 0834

Postage and Signature Confirmation fees must be paid before mailing.

Article Sent To: (To be completed by mailer)

mark & marjorie Ryken
(Please Print Clearly)
PO Box 603
Yankton

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

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

CHECK ONE (POSTAL USE ONLY)

☐ Priority Mail®

☐ Package Services

(See Reverse)

PS Form 153, July 2001



**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 7, 2005

3168-3

Larry Ryken
804 James Place
Yankton SD 57078

Dear Mr. Ryken:

I am writing in follow-up to your February 4th telephone conversation with Ron Duvall. Enclosed, as you requested, is a 2004 irrigation questionnaire pertaining to Water Right No. 3168-3.

Also 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.

I would like to take this opportunity to let you know that water use is a requirement for maintaining a water right. Enclosed is a copy of the water right and a brief summary of the water use for the years 1983 through 2003. The report shows that the land has not been irrigated since 1992. Notes on the past three years irrigation questionnaires indicate the system was not in working order.

Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated, at least once every three years unless legal excuse exists for the years of nonuse. Attached is a summary of water laws and Water Management Board rules dealing with these issues.

If legal excuse does not exist for the years of nonuse, the water right may have been lost due to abandonment and/or forfeiture. Please review the enclosed information and let us know if the water right has been maintained.

I have included a postage envelope for your reply. If I can answer any questions, please contact me.

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 February 24, 2005, 20__

RECEIVED OF Larry Ryken, 804 James Place, Yankton SD 57078

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>3166-3</u>	2	50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

By

Garland Erbe

Chief Engineer

001177



NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

FEB 24 2005

WATER RIGHTS
PROGRAM

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

No. 3168-3

Date: _____

I/We request that Water Right No. 3168-3

formerly owned by: Mark or Marjorie Ryken

be transferred to: (name & address) Larry Ryken 804 James Pl
Yankton SD 57078

Telephone No. 605 665 3322

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

172 acres – NW ¼ Section 16 and SE ¼ SW ¼, SW ¼ SE ¼ Section 9, T93N, R52W

I/We understand that the validity of Water Right No. 3168-3 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 _____, the new owner, certify that the above information is true and correct.

Larry Ryken
(Signed by new owner)

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

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



**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 24, 2005

3168-3

Larry Ryken
804 James Place
Yankton SD 57078

Dear Mr. Ryken:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 3168-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Also received with the questionnaire was the "Notice of Transfer of Ownership" form and filing fee for transferring Water Right No. 3168-3. The transfer has been completed and the water right is now listed in your name. Enclosed is Receipt No. 001777 in the amount of \$2.50 which you paid for filing the ownership change. I included your 50 cents in change.

Transferring the water right does not mean that the water right has been maintained. I encourage you to check with the Water Management Board as to the status of your right prior to beginning irrigation on the land. Simply beginning to irrigate does not cure past years of non-use.

If you have any questions, please contact me.

Sincerely,

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

LAND USE MAP
 Clay County Conservation District
 Owner Jensen Brothers Land & Cattle Co.
 County Clay State S.D.
 Approx. scale 8" per mile
 Prepared by U.S. Department of Ag.
 Soil Conservation Service



MAY 15 1950
 35093 APR 10 1950



3168-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2007

NOTICE

TO: LARRY RYKEN, 804 JAMES PLACE, YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3168-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 3168-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3168-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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

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LARRY RYKEN
804 JAMES PLACE
YANKTON SD 57078

Waiver of Signature ☐ YES ☐ NO

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 27, 2006

3168-3

Larry Ryken
804 James Place
Yankton SD 57078

Dear Mr. Ryken:

I am writing to acknowledge receipt of your 2006 irrigation questionnaire. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right No. 3168-3.

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

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 31, 2007

3168-3

Larry Ryken
244 Gavins Pt Rd
Yankton SD 57078

Dear Mr. Ryken:

Enclosed is a "Notice" dated October 19, 2007 concerning the 2007 irrigation questionnaire. The notice was originally mailed to 804 James Place, Yankton SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



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

January 19, 2024

NOTICE

TO: LARRY RYKEN, 244 GAVINS PT RD, YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3168-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 3168-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3168-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: DUQSIT**

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 AGRICULTURE
and NATURAL RESOURCES**

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

February 1, 2024

3168-3

Larry Ryken
244 Gavins Point Rd
Yankton SD 57078

Dear Mr. Ryken:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 3168-3. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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



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

January 14, 2025

NOTICE

TO: LARRY RYKEN, 244 GAVINS PT RD, YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3168-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 3168-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3168-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: KUEFLQ**

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.



3168-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 6, 2025

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER RIGHT

TO: Larry Ryken, 244 Gavins Point Rd, Yankton SD 57078

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*
Water Rights Program

SUBJECT: One Year Suspension of Water Right No. 3168-3

On March 5, 2025, the Water Management Board ordered:

Effective April 4, 2025, Water Right No. 3168-3 be suspended for the 2025 irrigation season for failure to submit the 2024 irrigation questionnaire.

If the 2024 irrigation questionnaire is received prior to April 4, 2025, the suspension will not take effect.

A one-year suspension of Water Right No. 3168-3 means water may not be pumped during the 2025 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2025 unless the 2024 irrigation questionnaire is submitted prior to April 4, 2025.

After April 4, 2025, you may petition the Board to rescind the suspension. You will need to submit, to the Water Rights Program, the 2024 irrigation questionnaire and a letter including your reason for not completing the 2024 irrigation questionnaire within the allotted time and requesting time on the agenda for the next Water Management Board meeting. The next Water Management Board meeting is scheduled for May 7-8, 2025, in Pierre SD.

Decisions made by the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights staff will conduct unscheduled compliance checks of suspended water rights to ensure irrigation is not taking place.

Please contact Amanda Dewell (605) 773-3352 with any questions.

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LARRY RYKEN
224 GAVINS POINT RD
YANKTON SD 57078

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

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CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally mailed a true and correct NOTICE OF AMENDMENT OF WATER RIGHT, NOTICE OF ENTRY OF ORDER (ONE & THREE YEAR SUSPENSION OF WATER RIGHTS) dated March 6, 2025, via certified mail to the following parties.

Walter Heine
PO Box 145
Blunt SD 57522

Larry Ryken
244 Gavins Point Rd
Yankton SD 57078

Albert Hattum
21862 West Bend Rd
Harrold SD 57536

James & Joan McElhany
45840 SD Hwy 22
Castlewood SD 57223

Layna Saathoff
46044 199th St
Bruce SD 57220

Makens Oak Tree LLP
c/o Michael Makens
PO Box 274
Clark SD 57552

John or Byran Uecker
PO Box 573
Wagner SD 57380

Selby Community Golf Course
201 S Railway St
Selby SD 57472

Lane Tekrony
47840 180th St
Clear Lake SD 57226

Charlotte Nichols
c/o Philip Nichols
7497 Rolling Meadow Dr
West Chester OH 45069

Saddle Butte Angus
c/o Larry May
20545 May Rd
Interior SD 57750

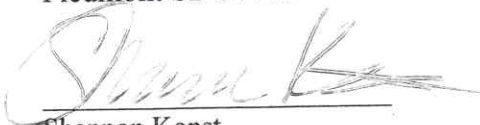
Robert Novotny
10035 County Rd 19
Lidgerwood ND 58503

Stop Drop Lock Inc
c/o Karl Schenk
44352 308th St
Mission Hills SD 57046

Todd Block
PO Box 114
Roslyn SD 57261

Ryan Edwards
25331 Yellow Eagle Rd
White River SD 57579

Robert Phelps Jr
16220 Spring Valley Rd
Piedmont SD 57769


Shannon Konst
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of March, 2025.


Rachel Rodriguez Notary Public
My Commission expires May 16, 2029



3168-3

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature ☒ <i>Larry Ryken</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) C. Date of Delivery <i>Larry Ryken</i> <i>3-13-25</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No																
LARRY RYKEN 224 GAVINS POINT RD YANKTON SD 57078																	
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